
DIGEST

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HB 265 Engrossed

2018 Regular Session

Smith

Abstract: Allows a person who is under an order of imprisonment for conviction of a felony to register and vote if the person has not been confined in a correctional facility pursuant to the order within the last five years.

Present constitution (Const. Art. I, §10) provides that every citizen of the state, upon reaching 18 years of age, shall have the right to register and vote, except that this right may be suspended while a person is interdicted and judicially declared mentally incompetent or is under an order of imprisonment for conviction of a felony.

Present law (R.S. 18:102–La. Election Code) prohibits a person who is under an order of imprisonment for conviction of a felony from registering to vote. Present law (R.S. 18:2(8)) provides that this prohibition applies during a sentence of confinement, whether or not suspended, whether or not the subject of the order has been placed on probation, with or without supervision, and whether or not the subject of the order has been paroled.

Proposed law retains present law and provides an exception to allow a person who is under an order of imprisonment for conviction of a felony to register and vote if the person has not been incarcerated pursuant to the order within the last five years.

Present law (R.S. 18:171 and 171.1) provides for recordation and reporting of felony convictions in state and federal courts for which there are orders of imprisonment. The information is ultimately provided to the registrar of voters in each parish.

Present law (R.S. 18:176) provides for suspension of the registration of a person listed on a report received pursuant to present law (R.S. 18:171 and 171.1) and anyone the registrar believes has been convicted of a felony and is under an order of imprisonment. Requires notice and an opportunity to appear before the registrar prior to suspension.

Present law (R.S. 18:177) provides for reinstatement of voter registration. Provides that when the registration of a person is suspended based on a felony conviction, the registration shall be reinstated when the person appears in the office of the registrar and provides documentation from the appropriate correction official showing that such person is no longer under an order of imprisonment. Provides that certain persons may provide the required documentation by mail.

Proposed law retains present law. Additionally provides that a person's registration shall be reinstated when the person provides documentation from the appropriate correction official showing

that the person has not been incarcerated pursuant to an order of imprisonment for conviction of a felony within the last five years.

(Amends R.S. 18:102(A)(1), 104(C), and 177(A)(1))