

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 265

2018 Regular Session

Smith

VOTING/REGISTRATION: Provides relative to registration and voting by a person convicted of a felony

Synopsis of Senate Amendments

1. Adds provisions prohibiting a person from registering or voting if he has been convicted of a felony offense of election fraud or any other election offense pursuant to present law (R.S. 18:1461.2) and is under an order of imprisonment.
2. Adds to the voter registration form a requirement that an applicant who is under an order of imprisonment for conviction of a felony attest that he is not under an order of imprisonment related to a felony offense of election fraud or any other election offense pursuant to present law (R.S. 18:1461.2).
3. Provides that a person who seeks to have his voter registration reinstated must additionally provide documentation that he is not under an order of imprisonment related to a felony offense of election fraud or any other election offense pursuant to present law (R.S. 18:1461.2).

Digest of Bill as Finally Passed by Senate

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 and the person submits documentation to the registrar of voters from the appropriate correction official showing that the person has not been incarcerated pursuant to the order within the last five years. However, provides that a person may not register or vote if he has been convicted of a felony offense of election fraud or any other election offense pursuant to present law (R.S. 18:1461.2) and is under an order of imprisonment.

Present law (R.S. 18:104) provides for the contents of the form that is used uniformly by each registrar and persons authorized to accept voter registration applications in registering qualified citizens to vote. Requires the form to include an affidavit to be subscribed, through a handwritten signature, attesting that the applicant is a U.S. citizen, is not currently under an order of imprisonment for conviction of a felony, is not currently under a judgment of full interdiction for mental incompetence, or a limited interdiction in which the right to register to vote has specifically been suspended and that the facts given by him on the application are true to the best of his knowledge and belief.

Proposed law retains present law. Additionally provides that if the applicant is under an order of imprisonment for conviction of a felony, the applicant must attest that he has not been incarcerated pursuant to the order within the last five years and he is not under an order

of imprisonment related to a felony offense of election fraud or any other election offense pursuant to present law (R.S. 18:1461.2).

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 the 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 and he is not under an order of imprisonment related to a felony conviction pursuant to election fraud or any other election offense pursuant to present law (R.S. 18:1461.2).

Proposed law requires the secretary of state to work with the Dept. of Public Safety and Corrections to develop a form or forms to allow a person who is or was under an order of imprisonment for conviction of a felony to meet the requirements of present law and proposed law provisions relative to voter registration and reinstatement of registration.

Present law (R.S. 18:1461.2) provides that no person shall knowingly, willfully, or intentionally:

- (1) Vote or attempt to vote more than once at an election.
- (2) Vote or attempt to vote, knowing that he is not qualified, or influence or attempt to influence another to vote, knowing such voter to be unqualified or the vote to be fraudulent.
- (3) Register, vote, or attempt to register or vote in the name of another or in an assumed or fictitious name.
- (4) Forge the name of another or use a fictitious name on an affidavit or document.
- (5) Procure or submit voter registration applications that are known by the person to be materially false, fictitious, or fraudulent.
- (6) Forge, alter, add to, deface, take, destroy, or remove from proper custodial care any book, card, record, voter registration application, election return, nomination papers, withdrawals of candidacy, election supplies, election paraphernalia, or any affidavit or other document.
- (7) Have in his possession an official ballot in violation of present law.
- (8) Have in his possession the registration certificate of another with intent to violate present law.
- (9) For purposes other than fulfilling the person's duties relative to registration of voters as provided by law, copy or reproduce a voter registration application that has been submitted by an applicant.

Effective March 1, 2019.

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