

2017 Regular Session

HOUSE BILL NO. 229

BY REPRESENTATIVE SMITH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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

1 AN ACT

2 To amend and reenact R.S. 18:102(A)(1), 104(A)(5), and 177(A)(1), relative to registration
3 and voting; to provide relative to registration and voting by a person convicted of a
4 felony; to provide relative to suspension of registration and voting rights of such a
5 person; to provide relative to procedures and requirements for voter registration and
6 voting; to provide relative to reinstatement of voter registration; and to provide for
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 18:102(A)(1), 104(A)(5), and 177(A)(1) are hereby amended and
10 reenacted to read as follows:

11 §102. Ineligible persons

12 A. No person shall be permitted to register or vote who is:

13 (1)(a) Under an order of imprisonment, as defined in R.S. 18:2(8), for
14 conviction of a felony;~~or, except as provided in Subparagraph (b) of this Paragraph.~~

15 (b) Such person who has not been incarcerated pursuant to the order within
16 the last five years shall not be ineligible to register or vote based on the order.

17 * * *

18 §104. Application for registration; form

19 A. The secretary of state, subject to approval by the attorney general as to
20 content, shall prescribe the form that shall be used uniformly by each registrar in the

1 state and any person authorized to accept voter registration applications in registering
2 qualified citizens to vote. The form shall contain spaces for at least the following
3 information with respect to the applicant:

4 * * *

5 (5) Whether the applicant is currently under an order of imprisonment for
6 conviction of a felony and if so, whether the applicant has been incarcerated pursuant
7 to the order within the last five years.

8 * * *

9 §177. Reinstatement of registration after suspension

10 A.(1) The registration of a person whose registration has been suspended by
11 the registrar of voters pursuant to R.S. ~~18:176 for conviction of a felony~~ 18:176(A)
12 shall be reinstated when the person appears in the office of the registrar and provides
13 documentation from the appropriate correction official showing that such person is
14 no longer under an order of imprisonment or has not been incarcerated pursuant to
15 such an order within the last five years.

16 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 229 Original

2017 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. Reporting is ultimately 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(A)(5), and 177(A)(1))