

2019 Regular Session

HOUSE BILL NO. 527

BY REPRESENTATIVE COUSSAN

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

VOTERS/VOTING: Prohibits persons convicted of certain crimes from registering or voting while under an order of imprisonment for conviction of a felony

1 AN ACT

2 To amend and reenact R.S. 18:102(A)(1)(c), 104(C)(1)(b), and 177(A)(1), relative to
3 registration and voting; to provide relative to registration and voting by a person
4 convicted of a felony; to provide relative to suspension of registration and voting
5 rights of such a person; to provide relative to procedures and requirements for voter
6 registration and voting; to provide relative to reinstatement of voter registration; to
7 prohibit a person convicted of certain crimes from registering or voting while under
8 an order of imprisonment; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

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

12 §102. Ineligible persons

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

14 (1)

15 * * *

16 (c) Notwithstanding any other provision of law, no person shall be permitted
17 to register or vote pursuant to this Section if he is ~~convicted~~ under an order of
18 imprisonment for conviction of a felony ~~offense of~~ if the conviction is for election
19 fraud or any other election offense pursuant to R.S. 18:1461.2 ~~and he is under an~~
20 order of imprisonment or for an offense that is considered "a criminal offense against

1 a victim who is a minor" for purposes of the definition of "child predator" provided
2 in R.S. 15:541.

3 * * *

4 §104. Application for registration; form

5 * * *

6 C.(1) The form shall inform the applicant of the penalty for violation of
7 applicable laws relating to registration of voters and shall contain an affidavit to be
8 subscribed, through a handwritten signature, attesting to each of the following:

9 * * *

10 (b) That the applicant is not currently under an order of imprisonment for
11 conviction of a felony or, if the applicant is under such an order, that the applicant
12 has not been incarcerated pursuant to the order within the last five years and he is not
13 under an order of imprisonment ~~related to~~ for a felony conviction ~~pursuant to~~ of
14 election fraud or any other election offense pursuant to R.S. 18:1461.2 or of an
15 offense that is considered "a criminal offense against a victim who is a minor" for
16 purposes of the definition of "child predator" provided in R.S. 15:541.

17 * * *

18 §177. Reinstatement of registration after suspension

19 A.(1) The registration of a person whose registration has been suspended by
20 the registrar of voters pursuant to R.S. 18:176(A) shall be reinstated when the person
21 appears in the office of the registrar and provides documentation from the
22 appropriate correction official showing that such person is no longer under an order
23 of imprisonment or, if the person is under such an order, that the person has not been
24 incarcerated pursuant to the order within the last five years and the person is not
25 under an order of imprisonment ~~related to~~ for a felony conviction ~~pursuant to~~ of
26 election fraud or any other election offense pursuant to R.S. 18:1461.2 or of an
27 offense that is considered "a criminal offense against a victim who is a minor" for
28 purposes of the definition of "child predator" provided in R.S. 15:541.

29 * * *

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 527 Original

2019 Regular Session

Coussan

Abstract: Prohibits a person who is convicted of certain felonies from registering or voting while under an order of imprisonment for the conviction.

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.

Present law 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.

Proposed law retains present law. Additionally provides that a person who is under an order of imprisonment for conviction of a felony may not register or vote if the conviction is for an offense that is considered "a criminal offense against a victim who is a minor" for purposes of the definition of "child predator" provided in present law (R.S. 15:541).

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.

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).

Proposed law retains present law. Additionally requires an applicant who is under an order of imprisonment for conviction of a felony to attest that the conviction is not for an offense that is considered "a criminal offense against a victim who is a minor" for purposes of the definition of "child predator" provided in present law (R.S. 15:541).

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.

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 retains present law. Additionally requires a person who is under an order of imprisonment for conviction of a felony to provide documentation from the appropriate correction official showing that the conviction is not for an offense that is considered "a criminal offense against a victim who is a minor" for purposes of the definition of "child predator" provided in present law (R.S. 15:541).

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