

2020 Regular Session

HOUSE BILL NO. 454

BY REPRESENTATIVE JENKINS

VOTERS/VOTING: 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)(b), 171(A), (B), and (C), 171.1(A)(1), and
3 176(A)(1), (2) and (3)(b) and to enact R.S. 18:102(C), relative to registration and
4 voting; to provide relative to registration and voting by a person convicted of a
5 felony; to provide relative to suspension of registration and voting rights of such a
6 person; to provide relative to reports to election officials concerning such persons;
7 to provide relative to the duties of registrars of voters and officials in the Department
8 of State and the Department of Public Safety and Corrections relative to such reports;
9 to provide for the information required to be reported; and to provide for related
10 matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 18:102(A)(1)(b), 171(A), (B), and (C), 171.1(A)(1), and 176(A)(1),
13 (2) and (3)(b) are hereby amended and reenacted and R.S. 18:102(C) is hereby enacted to
14 read as follows:

15 §102. Ineligible persons

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

17 * * *

18 (1)

19 * * *

1 of a felony, including whether the person is under an order of imprisonment for
2 conviction of a felony offense of election fraud or any other election offense
3 pursuant to R.S. 18:1461.2 and whether the person has been incarcerated pursuant
4 to the order within the last five years.

5 C.(1) The secretary of the Department of Public Safety and Corrections shall
6 send to the Department of State a report, certified as correct over his signature or the
7 signature of his authorized representative, containing the name, date of birth, sex,
8 and address as such information exists in the database of any person ~~who has a~~
9 ~~felony conviction and who is~~ currently under the custody or supervision of the
10 Department of Public Safety and Corrections who meets either of the following:

11 (a) The person is under an order of imprisonment for conviction of a felony
12 and has been incarcerated pursuant to the order within the last five years.

13 (b) The person is under an order of imprisonment for conviction of a felony
14 offense of election fraud or any other election offense pursuant to R.S. 18:1461.2.

15 (2) The secretary of the Department of Public Safety and Corrections shall
16 send to the Department of State supplemental reports, certified as correct over his
17 signature or the signature of his authorized representative, containing the ~~name, date~~
18 ~~of birth, sex, and address as such information exists in the database of any person~~
19 ~~who has a felony conviction, who is currently under the custody or supervision of the~~
20 ~~Department of Public Safety and Corrections, and whose name was not on~~ required
21 information for persons described in Paragraph (1) of this Subsection who were not
22 included in the report sent pursuant to Paragraph (1) of this Subsection or on in any
23 subsequent supplemental report. ~~The secretary shall also indicate in the~~
24 supplemental reports each person who has a felony conviction and who has been
25 released from the custody or supervision of the Department of Public Safety and
26 Corrections and whether the individual has been granted or is eligible to be granted
27 a first offender pardon. ~~Such supplemental reports shall be sent to the Department~~
28 of State on no less than a quarterly basis.

1 within twenty-one days after the date on which the notice was mailed to show cause why his
2 registration should not be suspended.

3 * * *

4 (3)

5 * * *

6 (b) If the registrant fails to appear within the required twenty-one days, the
7 registrar shall suspend the registration in the state voter registration computer system
8 and, if necessary, by drawing in red ink a line through the registrant's name on the
9 precinct register and the duplicate precinct register. Such line shall be initialed by
10 the registrar or employee of the registrar. The registrar shall note in the registrant's
11 information on the state voter registration computer system and, if the original
12 application is available in hard copy in the registrar's office, on the original
13 application for registration that the registrar has been notified of an order of
14 imprisonment for conviction of a felony for which there is an order of imprisonment
15 which makes the registrant ineligible to register or vote pursuant to R.S.
16 18:102(A)(1), and he shall note also the date of the suspension and the date of the
17 report, when applicable. If the original application is available in hard copy in the
18 registrar's office, the registrar shall remove the original application from his file of
19 eligible voters and shall place it in his suspension file. In addition, each person
20 whose registration is suspended under this Subsection shall immediately be notified
21 of the suspension and the reason therefor.

22 * * *

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 454 Original 2020 Regular Session Jenkins

Abstract: Provides relative to registration and voting by a person convicted of a felony.

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. 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.

Present law provides that except for those convicted of certain election-related offenses, a person who is under an order of imprisonment for conviction of a felony and who has not been incarcerated pursuant to the order within the last five years shall not be ineligible to vote based on the order if 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.

Proposed law removes the requirement of submission of documentation to the registrar of voters.

Proposed law additionally provides that "incarcerated pursuant to the order" means actual confinement in a correctional facility pursuant to the order of imprisonment, including confinement after conviction but prior to sentencing for which the person is given credit in the order and confinement following revocation of probation or parole. Provides that "incarcerated pursuant to the order" shall not include confinement pursuant to a violation of a condition of probation or parole that does not result in revocation.

Present law (R.S. 18:171) requires the clerk of a court having jurisdiction over a criminal proceeding to record in the minute book in his office certain convictions of a felony and the name, aliases, date of birth, sex, and address of the person subject to the conviction. Requires this recordation to be made immediately after the judgment is signed. Proposed law retains present law.

Present law provides that the required information must be recorded for each conviction of a felony for which there is an order of imprisonment. Proposed law provides instead that the required information must be recorded for each conviction of a felony for which the person is incarcerated pursuant to the order.

Present law requires the sheriff and district attorney to provide specified information, if available, regarding persons convicted of a felony to a registrar of voters, if requested. Proposed law adds that the information include the type of felony offense and whether the conviction resulted in an order of imprisonment for which the person is incarcerated pursuant to the order.

Proposed law further requires the secretary of the Dept. of Public Safety and Corrections or his authorized representative (DPSC), if requested, to provide information to a registrar of voters regarding a person who is under an order of imprisonment for conviction of a felony, including whether the person is under an order of imprisonment for conviction of a felony offense of election fraud or any other election offense pursuant to present law (R.S. 18:1461.2) and whether the person has been incarcerated pursuant to the order within the last five years.

Present law requires the secretary of DPSC to send to the Dept. of State a report containing the name, date of birth, sex, and address for certain persons. Requires DPSC to supplement this report on no less than a quarterly basis. Requires the Dept. of State to confirm that the information has been entered into the department's databases and provide for correction if necessary. Proposed law retains present law.

Present law requires the reports from DPSC to contain the specified information for each person who has a felony conviction and who is under the custody or supervision of DPSC.

Proposed law provides that the reports only contain the information regarding those persons who are ineligible to register or vote pursuant to the provisions of present law (R.S. 18:102(A)(1)).

Present law additionally requires the secretary of DPSC to indicate in the supplemental reports each person who has a felony conviction and who has been released from the custody or supervision of DPSC and whether the individual has been granted or is eligible to be granted a first offender pardon. Proposed law removes present law.

Present law (R.S. 18:171.1) provides for reporting concerning federal convictions. Requires each U.S. attorney to notify the secretary of state of certain felony convictions in a U.S. district court. Proposed law retains present law.

Present law requires reporting for any felony conviction of a person for which there is an order of imprisonment. Proposed law instead requires reporting for any felony conviction of a person for which there is an order of imprisonment pursuant to which the person is incarcerated.

Present law (R.S. 18:176(A)) provides for suspension of voter registration based on a felony conviction. Requires the registrar to send a notice to certain persons. Provides that the notice shall inform the person that he must appear in person at the office of the registrar of voters within 21 days after the date on which the notice was mailed to show cause why his registration should not be suspended. Provides that if the registrant appears and shows cause within the 21 days, the registrar shall not suspend the registration. Provides if the registrant fails to appear, the registrar shall suspend the registration and note specified information regarding the suspension in the registrant's registration information. Proposed law retains present law.

Present law requires the registrar to send a notice to each person listed on a report received pursuant to present law (R.S. 18:171 or 171.1) and to any person the registrar has reason to believe has been convicted of a felony and is under an order of imprisonment.

Proposed law additionally requires that the registrar must believe the person is ineligible to register or vote pursuant to present law (R.S. 18:102(A)(1)) to send a notice and makes similar changes to the requirement to note information regarding a suspension in the registration information.

Present law (R.S. 18:177) provides for reinstatement of registration after suspension. Provides that the registration of a person whose registration has been suspended by the registrar of voters pursuant to present law (R.S. 18:176(A)) shall be reinstated when the person appears and provides documentation from the appropriate correction official showing that such person is no longer under an order of imprisonment or, if the person is under such an order, that the person has not been incarcerated pursuant to the order within the last five years and the person 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). Provides that certain specified persons may instead provide the required documentation by mail, facsimile, commercial carrier, or hand delivery. Proposed law retains present law.

(Amends R.S. 18:102(A)(1)(b), 171(A), (B), and (C), 171.1(A)(1), and 176(A)(1), (2) and (3)(b); Adds R.S. 18:102(C))