

RÉSUMÉ DIGEST

ACT 636 (HB 265)

2018 Regular Session

Smith

Existing 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.

Existing law (R.S. 18:102–La. Election Code) generally prohibits a person who is under an order of imprisonment for conviction of a felony from registering to vote. Existing 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.

New 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 existing law (R.S. 18:1461.2) and is under an order of imprisonment.

Existing law (R.S. 18:104) provides for the contents of the form that is used 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 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.

Prior law required the applicant to attest that the applicant was not under an order of imprisonment for conviction of a felony.

New law instead requires the applicant to attest that the applicant is not under or an order of imprisonment for conviction of a felony or, if the applicant is under an order of imprisonment for conviction of a felony, that he has not been incarcerated pursuant to the order within the last five years and that he is not under an order of imprisonment related to a felony offense of election fraud or any other election offense pursuant to existing law (R.S. 18:1461.2).

Existing 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.

New 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 existing law (R.S. 18:1461.2).

New 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 existing law and new law provisions relative to voter registration and reinstatement of registration.

Effective March 1, 2019.

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