

2024 Regular Session

SENATE BILL NO. 134

BY SENATOR SEABAUGH

VOTERS/VOTING. Provides relative to registration and voting by a person convicted of a felony. (8/1/24)

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AN ACT

To amend and reenact R.S. 18:102(A)(1), 104(C)(1)(b), 171(A), (B), and (C)(1), 171.1(A), 176(A)(2), and 177(A)(1), and to repeal R.S. 18:102(C), relative to registration and voting; to provide relative to registration and voting by a person convicted of a felony; to provide relative to suspension and registration of voting rights of such a person; to provide relative to procedures and requirements for voter registration and voting; to provide for reporting and notification requirements; to provide relative to reinstatement of voter registration; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:102(A)(1), 104(C)(1)(b), 171(A), (B), and (C)(1), 171.1(A), 176(A)(2), and 177(A)(1) are hereby amended and reenacted to read as follows:

§102. Ineligible persons

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

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

~~(b) Except as provided in Subparagraph (c) of this Paragraph, a person who is under an order of imprisonment for conviction of a felony and who has not been~~

1 ~~incarcerated pursuant to the order within the last five years shall not be ineligible to~~
2 ~~register or vote based on the order.~~

3 (c) ~~Notwithstanding any other provision of law, no person shall be permitted~~
4 ~~to register or vote pursuant to this Section if he is convicted of a felony offense of~~
5 ~~election fraud or any other election offense pursuant to R.S. 18:1461.2 and he is~~
6 ~~under an order of imprisonment.~~

7 * * *

8 §104. Application for registration; form

9 * * *

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

13 (a) * * *

14 (b) That the applicant is not currently under an order of imprisonment for
15 conviction of a felony ~~or, if the applicant is under such an order, that the applicant~~
16 ~~has not been incarcerated pursuant to the order within the last five years and he is not~~
17 ~~under an order of imprisonment related to a felony conviction pursuant to election~~
18 ~~fraud or any other election offense pursuant to R.S. 18:1461.2.~~

19 * * *

20 PART IV. REPORTS TO REGISTRARS

21 §171. Report of convictions of felony

22 A. The clerk of a court having jurisdiction over a criminal proceeding shall
23 record in the minute book in his office each conviction of a felony for which there
24 is an order of imprisonment ~~and for which the person is incarcerated pursuant to the~~
25 ~~order~~ and the name, aliases, date of birth, sex, and address of the person subject to
26 the conviction. This recordation shall be made immediately after the judgment is
27 signed.

28 B.(1) If requested, the sheriff and district attorney shall provide information
29 regarding a person convicted of a felony to a registrar of voters, if available,

1 including the convicted felon's date of birth, driver's license number, address,
2 mother's maiden name, and the type of felony offense, ~~and whether the conviction~~
3 ~~resulted in an order of imprisonment pursuant to which the person is incarcerated.~~

4 (2) If requested, the secretary of the Department of Public Safety and
5 Corrections or his authorized representative shall provide information to a registrar
6 of voters regarding a person who is under an order of imprisonment for conviction
7 of a felony, ~~including whether the person is under an order of imprisonment for~~
8 ~~conviction of a felony offense of election fraud or any other election offense~~
9 ~~pursuant to R.S. 18:1461.2 and whether the person has been incarcerated pursuant~~
10 ~~to the order within the last five years.~~

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

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

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

21 * * *

22 §171.1. Conviction of felony in federal court; notification

23 A.(1) Each United States attorney shall give written notice to the secretary
24 of state of any felony conviction of a person in a district court of the United States
25 ~~for which there is an order of imprisonment and for which the person is incarcerated~~
26 ~~pursuant to the order.~~

27 * * *

28 §176. Suspension and cancellation of registration and challenge of unlawful
29 registration on the basis of reports

a felony or, if the applicant is under such an order, that he has not been incarcerated pursuant to the order within the last five years and is not under an order of imprisonment related to a felony conviction pursuant to election fraud or any other election offense.

Proposed law requires the form used to apply to register to vote to include an affidavit for the applicant to attest that he is not currently under an order of imprisonment for conviction of a felony.

Present law requires the clerk of court having jurisdiction over a criminal proceeding to record in the minute book of his office each conviction of a felony for which there is an order of imprisonment and for which the person is incarcerated pursuant to the order and the name, aliases, date of birth, sex, and address of the person subject to the conviction.

Proposed law requires the clerk of court having jurisdiction over a criminal proceeding to record in the minute book of his office each conviction of a felony for which there is an order of imprisonment and the name, aliases, date of birth, sex, and address of the person subject to the conviction.

Present law requires, upon request, the sheriff and district attorney to provide information regarding a person convicted of a felony to a registrar of voters, if available, including the convicted felon's date of birth, driver's license number, address, mother's maiden name, the type of felony offense, and whether the conviction resulted in an order of imprisonment pursuant to which the person is incarcerated.

Proposed law requires, upon request, the sheriff and district attorney to provide information regarding a person convicted of a felony to a registrar of voters, if available, including the convicted felon's date of birth, driver's license number, address, mother's maiden name, and the type of felony offense.

Present law requires, upon request, the secretary of the Department of Public Safety and Corrections or his authorized representative 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 and whether the person has been incarcerated pursuant to the order within the last five years.

Proposed law requires, upon request, the secretary of the Department of Public Safety and Corrections or his authorized representative to provide information to a registrar of voters regarding a person who is under an order of imprisonment for conviction of a felony.

Present law requires the secretary of the Department of Public Safety and Corrections to send to the Department of State a report, certified as correct over his signature or the signature or his authorized representative, containing the name, date of birth, sex, and address as such information exists in the database of any person currently under the custody or supervision of the Department of Public Safety and Corrections who is either under an order of imprisonment for conviction of a felony and has been incarcerated pursuant to the order within the last five years or under an order of imprisonment for conviction of a felony offense of election fraud or any other election offense.

Proposed law requires the secretary of the Department of Public Safety and Corrections to send to the Department of State a report, certified as correct over his signature or the signature of his authorized representative, containing the name, date of birth, sex, and address as such information exists in the database of any person currently under the custody or supervision of the Department of Public Safety and Corrections who has a felony conviction.

Present law requires each United States attorney to give written notice to the secretary of state of any felony conviction of a person in a district court of the United States for which

there is an order of imprisonment and for which the person is incarcerated pursuant to the order.

Proposed law requires each United States attorney to give written notice to the secretary of state of any felony conviction of a person in a district court of the United States for which there is an order of imprisonment.

Present law requires the notice sent by the registrar of voters to each person listed as ineligible to vote by virtue of felony conviction to state that the registrar has information that the registrant is under an order of imprisonment for conviction of a felony and that the conviction is for an election offense or that the registrant has been incarcerated pursuant to the order within the last five years.

Proposed law requires the notice sent by the registrar of voters to each person listed as ineligible to vote by virtue of felony conviction to state that the registrar has information that the registrant is under an order of imprisonment for conviction of a felony.

Present law provides that the voter registration of a person whose registration has been suspended by the registrar of voters by virtue of felony conviction must be reinstated when the person provides proper documentation showing he is either no longer under an order of imprisonment or has not been incarcerated pursuant to the order within the last five years and is not under an order of imprisonment for a felony conviction pursuant to election fraud or any other election offense.

Proposed law provides that the voter registration of a person whose registration has been suspended by the registrar of voters by virtue of felony conviction must be reinstated when the person provides proper documentation showing he is either no longer under an order of imprisonment.

Present law defines "incarcerated pursuant to the order" as 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 the revocation of probation or parole. Further defines that it does not include confinement pursuant to a violation of a condition of probation or parole that does not result in revocation.

Proposed law repeals present law.

Effective August 1, 2024.

(Amends R.S. 18:102(A)(1), 104(C)(1)(b), 171(A), (B), and (C)(1), 171.1(A), 176(A)(2), and 177(A)(1); repeals R.S. 18:102(C))