
DIGEST

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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))