

LOUISIANA

Voter Right Restoration Fact Sheet

WHO LOST THE RIGHT TO VOTE?¹

- ➔ A person who is incarcerated for a felony (in prison for a felony conviction) (La. Stat. § 18:102)
- ➔ A person who is incarcerated for any election offense, including a felony offense of election fraud (La. Stat. § 18:102)

WHO CAN REGAIN THE RIGHT TO VOTE?

- ➔ A person who is: (La. Stat. § 18:101; <https://www.sos.la.gov/ElectionsAndVoting/RegisterToVote/Pages/default.aspx>)
 - A citizen of the United States and Louisiana,
 - A resident of Louisiana, and the parish, municipality, if any, and precinct in which they register as a voter,
 - Will be at least eighteen years old on or before the next election, and
 - Has not been declared mentally incompetent (“insane”) (La. Stat. § 18:102)
- ➔ A person with a felony conviction must: (<https://www.sos.la.gov/ElectionsAndVoting/RegisterToVote/FrequentlyAskedQuestions/Pages/default.aspx?OwnershipName=RegisterToVote&faqid=0>)
 - Complete probation or parole; or
 - If still on probation or parole, not have been incarcerated in the last five years, including confinement after conviction but prior to sentencing or confinement as a result of their probation or parole being revoked (La. Stat. § 18:102)
- ➔ A person with a non-felony election offense must no longer be incarcerated (La. Stat. § 18:102)

BY WHAT PROCESS CAN A PERSON REGAIN THE RIGHT TO VOTE?

- ➔ The person must request a letter that indicates the following (a “Voter Rights Certificate”) from the Division of Probation & Parole: (<https://doc.louisiana.gov/imprisoned-person-programs-resources/probation-community-corrections/>)
 - If they were convicted of a felony, that they:
 - Have completed their probation and/or parole; or
 - Have not been incarcerated within the last five years.
 - If they were convicted of an election offense, that they:
 - Are no longer incarcerated.
 - There is no indication why the state of Louisiana cannot provide this information directly to the Registrar of Voters when a returning citizen qualifies to register to vote
 - For instance, the Registrar of Voters is informed when people have been convicted of felonies, so it would seem that the reverse would also be feasible (<http://www.leaac.com/faq-resources/voting-rights-after-a-louisiana-felony-conviction/>)
 - The person must complete a paper Voter Registration Application
 - A copy of the application can be found online at <https://www.sos.la.gov/ElectionsAndVoting/PublishedDocuments/ApplicationToRegisterToVote.pdf>

¹ Contributed by Joel D. Couenhoven, an associate at [Fish & Richardson](#).

- The person can likely complete the application at their Registrar of Voters Office (see below) but completion beforehand is recommended so that the person has all of the necessary information
- The person must bring their Voter Rights Certificate and completed paper Voter Registration Application to their Registrar of Voters Office along with the necessary form of identification
 - The address for their local Registrar of Voters Office can be found at <https://voterportal.sos.la.gov/registrar>
- There is no indication why a returning citizen must appear at the Registrar of Voters Office in person and cannot submit this information online or by mail, especially during a pandemic
 - Non-returning citizens have different ways in which they can register to vote other than in person (e.g., by mail and online)
 - This requirement to appear in person does not appear to be a statutory requirement but rather is mentioned in passing on the FAQ for Louisiana’s voter registration website (<https://www.sos.la.gov/ElectionsAndVoting/RegisterToVote/FrequentlyAskedQuestions/Pages/default.aspx?OwnershipName=RegisterToVote&faqid=0>)
- The person must bring their current Louisiana driver’s license, if they have one, or their social security card, birth certificate or other documentation, which reasonably and sufficiently establishes their identity, age and residency.
 - If the person doesn’t have a driver’s license, special Louisiana ID or social security number, they may provide a picture ID, a utility bill, bank statement, payroll check or government document that includes their name and address. (<https://www.sos.la.gov/ElectionsAndVoting/RegisterToVote/FrequentlyAskedQuestions/Pages/default.aspx?OwnershipName=RegisterToVote&faqid=0>)
 - Many returning citizens likely do not have any of these forms of identification as they are likely to have difficulty getting utilities in their name, and getting a job to receive a payroll check
 - The website for the Registrar of Voters Office (<https://voterportal.sos.la.gov/registrar>) does not indicate the hours of any of the offices
 - Some Registrar’s websites indicate that they are open only during the day, when many people are working (<http://www.33jdc.com/> - presumably open weekdays from 8am to 4:30pm since the only hours are listed for the courthouse; <https://acadiaparishclerk.com/registrar-of-voters/> - open weekdays from 8:30am to 4:30pm; <https://www.calcasieuparish.gov/i-want-to/vote/registrar-of-voters> - open from 8:30am to 6pm – no indication whether this is weekdays or any day, though these hours would seem odd on a Sunday so it is likely only weekdays; <https://wbrparish.org/203/Registrar-of-Voters> - no hours listed but they are open from 8am to 5pm, presumably weekdays)
- If the person has sufficient evidence to prove they are disabled and homebound, they may submit their Voter Rights Certificate by mail, facsimile, commercial carrier or hand delivery. To satisfy this requirement, the person must: (La. Stat. § 18:177; <https://www.sos.la.gov/ElectionsAndVoting/RegisterToVote/Pages/default.aspx>)
 - Have been approved by the parish board of election supervisors as being eligible to participate in the Special Program for Handicapped Voters as such program existed prior to January 1, 2010 (this program appears to no longer exist); or
 - Submit to the registrar current proof of disability from a physician along with a certification from the physician indicating that by reason of the person’s disability the person is unable to appear in person to vote either during early voting or at the polling place on election day.
 - The cost for seeing a physician to get this proof of disability is likely prohibitive for most returning citizens who are homebound (and likely cannot get a job because of their disability, let alone their former conviction)
 - People who are not returning citizens have more options for absentee voting eligibility, which are likely less cost prohibitive, e.g., they can provide: (<https://www.sos.la.gov/ElectionsAndVoting/Pages/DisabledElderlyCitizens.aspx>)
 - a copy of a current mobility impaired identification card issued by the Office of Motor Vehicles; or
 - a copy of a current documentation showing eligibility for disability benefits from either social security, veterans, paratransit services, Office for Citizens with Developmental Disabilities or benefits from Louisiana Rehabilitation Services.
 - There is no indication why a disabled returning citizen who is homebound cannot use either of these two forms of evidence to indicate that they are homebound

- Anyone who is disabled and homebound should submit a Voter Registration Application, their Voter Rights Certificate, and their proof of disability
 - They can download the voter registration application from <https://www.sos.la.gov/ElectionsAndVoting/PublishedDocuments/ApplicationToRegisterToVote.pdf>
 - After filling out the Voter Registration Application, and getting a Voter Rights Certificate and proof of disability, the person should mail the application, the certificate, and the proof of disability to the person's local Registrar of Voters Office, which address can be found on the voter registration application form (link above) and <https://voterportal.sos.la.gov/registrar>
- After the person provides the above identification, the person can register to vote
 - Voter fraud (e.g., voting when you know you are unqualified) can be a felony, depending on the sentence, which is likely a deterrent for a returning citizen who likely does not know the nuances of whether they are qualified to vote (La. Stat. § 18:1461.2, 14:2)