



Who has the right to vote?

Louisiana Restores Voting Rights to 43,000 people on March 1st, 2019

Whose voting rights can Louisiana suspend? 110,000 people.

The 1974 Louisiana constitution guarantees all resident citizens, over 18, the right to vote. However, it carves out the option to suspend the right while someone is under an order of imprisonment for a felony conviction. The phrase “under order of imprisonment,” was first defined in 1976, and expanded in 1977.¹ The state may suspend the rights of people in prison, on parole, or on probation for a felony.

Whose voting rights will not be suspended after a criminal conviction?

- All people convicted of crimes, *not* in prison, on probation or parole can vote. After a sentence is over, the state has no option to suspend voting rights. According to the Bureau of Justice Statistics, 1.7 million people are in the LA criminal records database.²
- All people serving a misdemeanor sentence, even if incarcerated, can vote. The constitution only allows the option for felony convictions.
- All people who fall under HB 265.

Whose rights did HB 265 restore?

The operative part of the new law carves out a group of people who will not be impacted by the state’s choice to suspend voting rights. This group is anyone, under order of imprisonment:

“who has not been incarcerated pursuant to the order within the last five years.”

The incarceration must be “pursuant” (or after) the order of imprisonment, parole, or probation.

At any given time, roughly 40,000 Louisiana citizens are on probation. All of them left the courthouse, and went home, following judicial order. None of their voting rights will be suspended until after they are incarcerated, if ever. While many finish their probation terms with no incident, others do not. Upon violation, and sentence to incarceration, they will have their voting rights suspended. Because probation terms are under 5 years, such person will not have that right restored until they complete probation (which is likely to be under 5 years), and are no longer “under an order.” At that point, all past incarcerations become irrelevant.

People on parole who have been out for five years will be able to vote. **The DOC estimates about 3,000 of the roughly 30,000 people currently on parole would have their right un-suspended.** The majority of people finish parole in less than five years, thus HB 265 would not apply to them. Nearly half of people on parole return to prison for a violation. This almost always happens within all the first year of release, due to the pressure of finding food, clothing, shelter, a job, and happiness.

¹ That definition is on appeal to the LA Supreme Court, in *VOTE v. Louisiana*, 2017-CA-1141 (La. App. 1 Cir.).

² B.R. GOGGINS & D.A. DEBACCO, BUREAU OF JUSTICE STATISTICS, U.S. DEP’T OF JUSTICE, SURVEY OF STATE CRIMINAL HISTORY INFORMATION SYSTEMS, 2016: A CRIMINAL JUSTICE INFORMATION POLICY REPORT, table 1 (Feb. 12, 2018), <https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf>.