



LOUISIANA

State excerpt from

Dēmos

Protecting Voter Registration

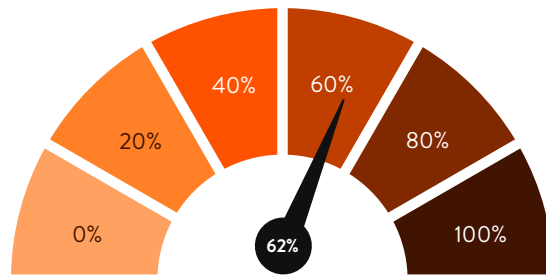
An Assessment of Voter
Purge Policies in Ten States

Louisiana

Removal Practices

FIGURE 21

Louisiana Removal Practices



Louisiana scored 62% for removal practices. On the positive side, Louisiana does not have a “use it or lose it” policy of initiating a removal process based on a voter’s non-participation in one or more elections, though there is legislation currently moving that could change that,¹²⁶ and state law does not expressly authorize third parties to challenge the validity of other voters’ registrations.¹²⁷ Notice is required when parish registrars cancel voters’ registrations due to disenfranchising convictions¹²⁸ or adjudication of mental incapacity,¹²⁹ or under their catch-all removal authority (which would include cancellations for non-citizenship).¹³⁰ For disenfranchising convictions¹³¹ and the death of a voter,¹³² state law identifies data points that must be transferred to election officials to compare voting records and facilitate proper removal, although the data points are significantly more detailed for deaths than for felony convictions.¹³³

¹²⁶ Grounds for removal are set forth in La. Rev. Stat. §§ 18:176, 18:192, 18:193, and do not include a non-voting trigger. On May 16, 2023, the Louisiana House passed HB 646, a “use it or lose it” policy, by a two-thirds majority. If enacted, the bill would become effective on March 31, 2024. See House Bill 646 of the 2023 Regular Session, available at <https://www.legis.la.gov/legis/BillInfo.aspx?s=23rs&b=HB646&sbi=y>.

¹²⁷ Under La. Rev. Stat § 18:193, the authority to challenge a voter’s registration prior to an election is limited to parish registrars. Louisiana does, however, allow private citizens to challenge another voter’s eligibility at the polling place. La. Rev. Stat. § 18:565.

¹²⁸ La. Rev. Stat. § 18:176(A).

¹²⁹ La. Rev. Stat. § 18:176(B).

¹³⁰ La. Rev. Stat. § 18:193(G).

¹³¹ La. Rev. Stat. §§ 18:171(B), (C); 18:171.1

¹³² La. Rev. Stat. §§ 18:173(C)(1).

¹³³ Compare La. Rev. Stat. § 18:173(C)(1) (covering removals for death) with La. Rev. Stat. § 18: 171(A), 171.1(A)(2) (covering removals for felony conviction).

However, voters whose registrations have been canceled or suspended due to felony convictions¹³⁴ or a judgment of mental incapacity¹³⁵ are not statutorily entitled to notice when their eligibility to register and vote has been restored, nor are election officials notified regarding such voters' renewed eligibility. Voters whose registrations are canceled based on a perceived match with a death record are not guaranteed notice of the cancellation,¹³⁶ and state law does not specify any identifying criteria that must match to justify removals based on a finding of mental incapacity or citizenship status.¹³⁷ Louisiana's removal procedures do not include a process for voters who were improperly removed due to purported death or alleged mental incapacity to contest their removals.¹³⁸ Parish registrars also have catch-all authority to cancel voters' registrations if they have "reason to believe" that a registration record does not belong to a qualified voter.¹³⁹

Table 21: Removal Practices

Reason for Removal	Felony Conviction	Death	Citizenship Status ¹⁴⁰	Adjudication of Mental Incapacity	Other Reasons for Removal
Matching Criteria	2	2	0	0	Inactivity 20
Notice of Removal	4	0	4	2	Catch-all Removal Authority 0
Procedures to Contest	4	0	4	0	Caging / Mass Challenges 20
Notice of Restoration to Voter	0	n/a	n/a	0	Total 62/100 = 62%
Notice of Restoration to Elec. Official	0	n/a	n/a	0	

¹³⁴ See La. Rev. Stat. §§ 18:171(B), (C); 18:171.1; 18:176(A).

¹³⁵ See La. Rev. Stat. §§ 18:176(B); La. Civ. Code art. 397.

¹³⁶ See La. Rev. Stat. §§ 18:173; 18:176(C).

¹³⁷ La. Rev. Stat. Ann. § 18:172, 18:176(B)

¹³⁸ See id. and §§ 18:176(B); La. Civ. Code art. 397.

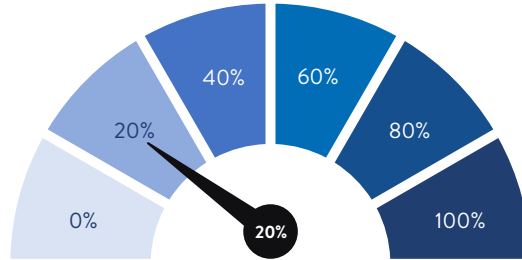
¹³⁹ La. Rev. Stat. §§ 18:176(A), 193(A). "Reason to believe" is not specifically defined.

¹⁴⁰ In 2016, the Louisiana legislature made a positive, long-overdue step in repealing a 142-year-old law that required naturalized citizens to show documentary proof of citizenship before they could register to vote, a step not required of any other potential registrants. Although not directly related to voter purges, this shows that there are a variety of steps states can and should take to make registering and voting more accessible to all their eligible citizens, in addition to protecting against improper purges. Frances Kai-Hwa Wang, "Louisiana Repeals 142-Year-Old Law, Makes Voting Easier for Naturalized Citizens," NBC News, June 2, 2016, <https://www.nbcnews.com/news/asian-america/louisiana-repeals-142-year-old-law-makes-voting-easier-naturalized-n585001>.

Safeguards Against Erroneous Removal

FIGURE 22

Louisiana Safeguards from Removal



Louisiana scored 20% for its safeguards to protect voters who only learn that their registrations have been canceled or marked inactive once they attempt to vote in an election. The state allows voters who have been marked inactive based on a suspected change of address to cast a regular ballot by affirming that they continue to reside at the same address.¹⁴¹ Critically, though, the state does not offer same-day registration during early voting or on Election Day, which would allow an eligible voter whose registration was erroneously canceled to re-register and vote on-site.¹⁴²

Table 22: Safeguards Against Erroneous Removal

Safeguard	
Scope of Same-Day Registration (SDR)	0
SDR Identification Requirements	0
Regular or Provisional Ballot for SDR Voter	0
Regular or Provisional Ballot for Correcting Inactive Status	20
Total	20/100 = 20%

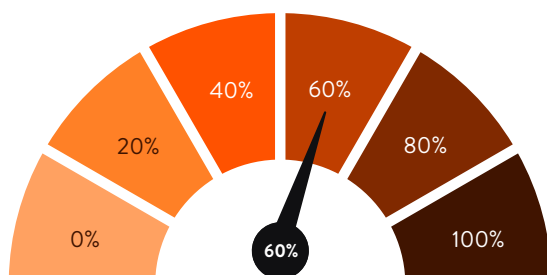
¹⁴¹ La. Rev. Stat. § 18:196(B)(1).

¹⁴² La. Rev. Stat. § 18:135 (providing that registration closes 30 days before an election).

Data Accessibility

FIGURE 23

Louisiana Data Accessibility



Louisiana scored 60% for data accessibility. Louisiana allows a member of the public to inspect the voter file for free at the registrar's office,¹⁴³ but an electronic download can cost up to \$5,000.¹⁴⁴ The file can be purchased by anyone,¹⁴⁵ is downloadable immediately once purchased, and can be converted to excel or other electronic formats.¹⁴⁶

Table 23: Data Accessibility

Indicator of Accessibility	
Complete File Available	0
Who Can Request File	20
Cost	0
Timeline	20
Format	20
Total	60/100 = 60%

¹⁴³ La. Rev. Stat. § 18:154.

¹⁴⁴ Louisiana Secretary of State "Voter List Charges and Other Information" available at <https://www.sos.la.gov/ElectionsAndVoting/PublishedDocuments/VoterListChargesAndInfo.pdf>

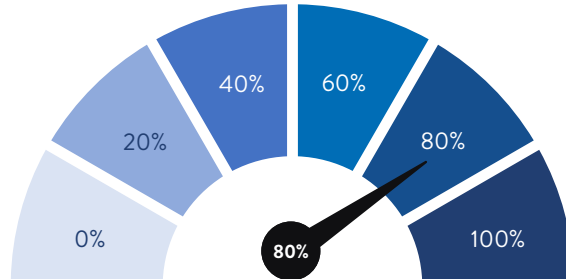
¹⁴⁵ There does not appear to be any state statute addressing who can request the voter file. The Secretary of State's website includes information on purchasing the voter file under the tab for candidates and for "researchers." See Louisiana Secretary of State, Browse by Audience, available at <https://www.sos.la.gov/ElectionsAndVoting/BrowseByAudience/Pages/default.aspx>.

¹⁴⁶ Conversation between Demos and Louisiana Secretary of State's office, April 3, 2023. See also Louisiana Secretary of State, Commercial Requests Record Format For Text File Voter Lists, available at <https://www.sos.la.gov/ElectionsAndVoting/PublishedDocuments/RecordFormatSheet.pdf>.

Data Transparency

FIGURE 24

Louisiana Data Transparency



Louisiana scored 80% for data transparency. The file includes race, voter ID number (called registration number in the Louisiana file), voter status, and voting history, but it does not include voter status reason codes.¹⁴⁷

Table 24: Data Transparency

Indicator of Transparency	
Race	20
Voter ID Number	20
Voter Status	20
Status Reason Code	0
Date Last Voted	20
Total	80/100 = 80%

Current Political Context

For the past two legislative sessions, the Louisiana legislature has approved bills to adopt a new “use it lose it” list maintenance practice, which would require the Department of State to initiate a removal process for registered voters who have not voted or engaged in other voting-related activities during a specified period. As explained above, under existing state law, failure to vote alone currently does not trigger a registration confirmation process that can lead to removal. Governor John Bel Edwards, a democrat,

¹⁴⁷ Louisiana Secretary of State “Commercial Requests Record Format for Text File Voter Lists” available at <https://www.sos.la.gov/ElectionsAndVoting/PublishedDocuments/RecordFormatSheet.pdf>

vetoed the “use it or lose it” bills.¹⁴⁸ On May 16, 2023, the Louisiana House passed a similar “use it or lose it” bill by a two-thirds vote. If enacted, the bill would become effective on March 31, 2024.

Additionally, in 2023, Louisiana will hold elections for the state legislature and statewide offices such as governor. Governor Edwards is term limited and cannot run for re-election. A shift in the governorship coupled with a veto-proof Republican in the state legislature could lead to this or other forms of vote suppression becoming law in Louisiana.¹⁴⁹

¹⁴⁸ See Veto of House Bill 35 of the 2022 Regular Session, June 17, 2022, available at <https://legis.la.gov/archive/22RS/veto/hb35v.pdf>.

¹⁴⁹ Geoffrey Skelley, Yes, 2023 is an Election Year. Here are the races to watch, 538, January 25, 2023, available at <https://fivethirtyeight.com/features/yes-2023-is-an-election-year-here-are-the-races-to-watch/>

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