

By: Representatives Denny, Baker (8th),
Beckett, Bounds, Ellington, Formby, Mims,
Moore, Turner

To: Constitution;
Apportionment and Elections

HOUSE CONCURRENT RESOLUTION NO. 51

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION
2 241, MISSISSIPPI CONSTITUTION OF 1890, TO DELETE THE ENUMERATION
3 OF SPECIFIC OFFENSES, CONVICTION OF WHICH WILL PRECLUDE A PERSON
4 FROM BEING DECLARED A QUALIFIED ELECTOR; TO PROVIDE THAT A PERSON
5 SHALL BE DISQUALIFIED AS AN ELECTOR UPON CONVICTION OF A FELONY IN
6 THIS STATE OR ANOTHER JURISDICTION; TO PROVIDE THAT A PERSON WHO
7 WAS DISQUALIFIED AS AN ELECTOR UPON CONVICTION OF A FELONY SHALL
8 HAVE HIS RIGHT TO VOTE RESTORED UPON COMPLETION OF HIS SENTENCE,
9 PROBATION, PAROLE, ANY COURT-ORDERED RESTITUTION AND ALL OTHER
10 PENALTIES AND CONDITIONS IMPOSED UPON HIM OR HER FOR THE
11 CONVICTION; TO REPEAL SECTION 253, MISSISSIPPI CONSTITUTION OF
12 1890, THAT AUTHORIZES THE LEGISLATURE TO RESTORE SUFFRAGE; AND FOR
13 RELATED PURPOSES.

14 I.

15 Amend Section 241, Mississippi Constitution of 1890, to read
16 as follows:

17 "Section 241. (1) Every inhabitant of this state, except
18 idiots and insane persons, who is a citizen of the United States
19 of America, eighteen (18) years old and upward, who has been a
20 resident of this state for one (1) year, and for one (1) year in
21 the county in which he offers to vote, and for six (6) months in
22 the election precinct or in the incorporated city or town in which
23 he offers to vote, and who is duly registered as provided in this
24 article, and who has never been convicted in a court of this state
25 or any other state or in any federal court of any offense which is
26 a felony under the laws of the jurisdiction in which the
27 conviction occurred, is declared to be a qualified elector, except
28 that he shall be qualified to vote for President and Vice
29 President of the United States if he meets the requirements
30 established by Congress therefor and is otherwise a qualified
31 elector. However, a person disqualified as an elector by reason
32 of a conviction of any offense either before or after the

33 amendment to this section by House Concurrent Resolution No. 51,
34 2005 Session becomes effective, shall be declared a qualified
35 elector upon completion of his sentence, probation, parole, any
36 court-ordered restitution and all other penalties and conditions
37 imposed for the conviction, if the person is otherwise a qualified
38 elector under this section.

39 (2) The provisions of this section do not disqualify a
40 person as an elector if the person was convicted before
41 ratification of House Concurrent Resolution No. 51, 2005 Regular
42 Session, of an offense that did not disqualify a person as an
43 elector under the provisions of this Constitution in effect
44 immediately before the ratification of House Concurrent Resolution
45 No. 51, 2005 Regular Session."

46 II.

47 Section 253, Mississippi Constitution of 1890, which reads as
48 follows:

49 "Section 253. The Legislature may, by a two-thirds vote of
50 both houses, of all members elected, restore the right of suffrage
51 to any person disqualified by reason of crime; but the reasons
52 therefor shall be spread upon the journals, and the vote shall be
53 by yeas and nays." is repealed.

54 BE IT FURTHER RESOLVED, That these proposed amendments shall
55 be submitted by the Secretary of State to the qualified electors
56 at an election to be held on the first Tuesday after the first
57 Monday of November 2005, as provided by Section 273 of the
58 Constitution and by general law, with the amendments in this
59 resolution being voted on as one (1) amendment since the proposed
60 amendments pertain to one (1) subject.

61 BE IT FURTHER RESOLVED, That the explanation of this proposed
62 amendment for the ballot shall read as follows: "This proposed
63 constitutional amendment deletes specific offenses, conviction of
64 which will preclude a person from being declared a qualified
65 elector and provides that such person shall be disqualified as an

66 elector upon conviction of a felony. The amendment also restores
67 the right to vote to the disqualified person upon completion of
68 his sentence and any other conditions of the conviction and
69 deletes the authority of the Legislature to restore a disqualified
70 elector's right to vote."

71 BE IT FURTHER RESOLVED, That the Attorney General of the
72 State of Mississippi shall submit this resolution, immediately
73 upon adoption by the Legislature of the State of Mississippi, to
74 the Attorney General of the United States or to the United States
75 District Court for the District of Columbia in accordance with the
76 provisions of the Voting Rights Act of 1965, as amended and
77 extended.