

By: Representative Myers

To: Judiciary B

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1440

1 AN ACT TO CREATE THE RESTORATION OF VOTING RIGHTS ACT; TO
2 PROVIDE THAT A PERSON WHO WAS DISQUALIFIED AS AN ELECTOR FOR
3 COMMISSION OF CERTAIN CRIMES SHALL HAVE THE RIGHT TO VOTE RESTORED
4 AUTOMATICALLY; TO PROVIDE THAT NOTICE SHALL BE GIVEN BEFORE A PLEA
5 OF GUILTY OR NOLO CONTENDERE IS ACCEPTED IN A COURT OF LAW; TO
6 REQUIRE THE SECRETARY OF STATE TO IMPLEMENT CERTAIN EDUCATION
7 PROGRAMS FOR STATE AGENCIES AND JUDGES; AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** This act shall be known as the "Restoration of
10 Voting Rights Act."

11 **SECTION 2.** (1) The Mississippi State Legislature finds
12 that:

13 (a) Voting is a fundamental right and a civic duty;

14 (b) Restoring the right to vote strengthens our
15 democracy by increasing voter participation and helps people who
16 have completed their sentences to reintegrate into society;

17 (c) Voting is an essential part of reassuming the
18 duties of full citizenship;

19 (d) An estimated one hundred forty-six thousand one
20 hundred fifty-five (146,155) people with felony convictions are
21 barred from voting in Mississippi;

22 (e) Mississippi is one (1) of only eleven (11) states
23 to indefinitely deny the vote to certain persons with felony
24 convictions;

25 (f) One (1) in every fifteen (15) Mississippi voters is
26 disfranchised; at a rate that is nearly three (3) times the
27 national average;

28 (g) Mississippi has the nation's fourth highest
29 disfranchisement rate at six and eighty-nine one-hundredths
30 percent (6.89%);

31 (h) Eighty-three percent (83%) of Mississippi's
32 disfranchised population is not in prison or jail but living in
33 the community;

34 (i) Seven percent (7%) of those disfranchised have
35 fully completed their sentences;

36 (j) Restricting voting rights does not prevent crime,
37 nor does it provide compensation to victims;

38 (k) Disenfranchising persons after release from prison
39 is in fact antithetical to the reentry process and harmful to
40 long-term prospects for sustainable reintegration of ex-offenders
41 into society;

42 (l) Recent research has revealed a link between voting
43 participation and reported that people who voted after release
44 from supervision were half as likely to be re-arrested as those
45 who did not vote;

46 (m) Criminal disenfranchisement in Mississippi has a
47 disproportionate impact on minority communities which results in
48 the disbarment of one (1) in every eight (8) African-American
49 adults from voting statewide, resulting in the tenth highest rate
50 of African-American disfranchisement in the country;

51 (n) Mississippi's current procedures to restore a
52 person's voting rights are onerous and are used so infrequently
53 that very few people have their right to vote restored;

54 (o) Under current law, a person may regain the right to
55 vote by applying for a pardon from the Governor, or applying for
56 an Executive Order Restoring Civil Rights from the Governor, or
57 seeking to have the Legislature pass a bill of suffrage by a
58 two-thirds (2/3) vote on their behalf, these processes that
59 involve multiple branches of government in the restoration process
60 complicate the process;

61 (p) Mississippi restored the right to vote to only one
62 hundred seven (107) Mississippians in the twelve (12) years
63 between 1992 and 2004.

64 (q) Extending disfranchisement beyond a person's
65 sentence complicates the process of restoring the right to vote.

66 (r) Passage of the "Restoration of Voting Rights Act"
67 would simplify restoration by making all those disfranchised
68 eligible to vote once they have fully completed their sentences,
69 including any terms of prison, parole, probation or community
70 corrections;

71 (s) A streamlined restoration process conserves
72 government resources and saves taxpayer dollars.

73 (2) The purposes of this act are to strengthen democratic
74 institutions by increasing participation in the voting process, to
75 help people who have fully completed their sentences to become
76 productive members of society, and to streamline procedures for
77 restoring their right to vote.

78 **SECTION 3.** (1) Except as provided by Section 99-19-37, any
79 person who has lost the right of suffrage pursuant to Section 241
80 of the Mississippi Constitution of 1890, shall have their suffrage
81 restored automatically only when that person has fully completed
82 all terms of prison, parole, probation, payment of restitution or
83 community corrections and has remained crime and arrest free in
84 the two-year period following his or her full completion of
85 sentence, any term of prison, parole, probation or community
86 corrections. At such time, the person's right to vote shall be
87 restored by operation of law.

88 (2) If a person whose suffrage has been restored under this
89 act shall appear in the registrar's office to register as a
90 qualified elector, the person's name shall be entered on the
91 pollbooks, if the person is otherwise a qualified elector.

92 **SECTION 4.** (1) Before accepting a plea of guilty or nolo
93 contendere to a felony, and before imposing a felony sentence

94 after trial, a court shall notify the defendant that conviction
95 will result in loss of the right to vote until the full completion
96 of sentence, including any terms of prison, parole, probation or
97 community corrections, and that voting rights are automatically
98 restored two (2) years after the person remains crime and arrest
99 free in the two-year period following his or her full completion
100 of sentence.

101 (2) As part of the process leading to the completion of a
102 disenfranchised person's sentence, the Department of Corrections
103 shall notify the person in writing that suffrage will be restored
104 if the requirements of this act are met.

105 **SECTION 5.** The Secretary of State shall ensure that all
106 persons who are eligible to vote face no continued barriers to
107 registration or voting resulting from their felony convictions by
108 developing and implementing a program to educate attorneys,
109 judges, election officials, corrections officials, including
110 parole and probation officers, and members of the public as
111 required by this act, in the following manner:

112 (a) Judges are informed of their obligation to notify
113 criminal defendants of the potential loss or retention of their
114 voting rights, in accordance with this act.

115 (b) The language on voter registration forms makes
116 clear that only people convicted of crimes listed in Section 241,
117 Mississippi Constitution of 1890, are disqualified from voting and
118 that all others retain the right to vote.

119 (c) Probation and parole officers are informed of which
120 convicted individuals lose their voting rights and which convicted
121 individuals retain their voting rights and are prepared to notify
122 probationers and parolees of their rights.

123 (d) Accurate and complete information about the voting
124 rights of people who have been charged with or convicted of
125 crimes, whether disfranchising or not, is made available through a
126 single publication to government officials and the public.

127 (e) The Department of Corrections is prepared to assist
128 people with registration to vote in anticipation of their
129 completion of all terms and conditions of their sentence,
130 including forwarding their completed voter registration forms to
131 the county circuit clerk.

132 (f) Probation and parole officers are informed of the
133 change in the law and are prepared to notify probationers and
134 parolees how their right to vote is restored.

135 **SECTION 6.** The Attorney General of the State of Mississippi
136 shall submit this act, immediately upon approval by the Governor,
137 or upon approval by the Legislature subsequent to a veto, to the
138 Attorney General of the United States or to the United States
139 District Court for the District of Columbia in accordance with the
140 provisions of the Voting Rights Act of 1965, as amended and
141 extended.

142 **SECTION 7.** This act shall take effect and be in force from
143 and after the date it is effectuated under Section 5 of the Voting
144 Rights Act of 1965, as amended and extended.