

By: Representative Myers

To: Judiciary B

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 DEPARTMENT OF CORRECTIONS TO PROVIDE A VOTER  
 7 REGISTRATION FORM TO CERTAIN PERSONS UPON RELEASE FROM A  
 8 CORRECTIONAL FACILITY; TO REQUIRE THE SECRETARY OF STATE TO  
 9 IMPLEMENT CERTAIN EDUCATION PROGRAMS FOR STATE AGENCIES AND  
 10 JUDGES; AND FOR RELATED PURPOSES.

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

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

14 **SECTION 2.** (1) The Mississippi State Legislature finds  
 15 that:

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

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

20 (c) Voting is an essential part of reassuming the  
 21 duties of full citizenship;

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

25 (e) Mississippi is one (1) of only eleven (11) states  
 26 to indefinitely deny the vote to certain persons with felony  
 27 convictions;

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

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

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

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

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

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

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

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

54 (p) Mississippi's current procedures to restore a  
55 person's voting rights are onerous and are used so infrequently  
56 that very few people have their right to vote restored;

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

64 (r) Mississippi restored the right to vote to only one  
65 hundred seven (107) Mississippians in the twelve (12) years  
66 between 1992 and 2004.

67 (s) Extending disfranchisement beyond a person's  
68 sentence complicates the process of restoring the right to vote.

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

74 (u) A streamlined restoration process conserves  
75 government resources and saves taxpayer dollars.

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

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

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

95 **SECTION 4. NOTICE.** (1) Before accepting a plea of guilty  
96 or nolo contendere to a felony, and before imposing a felony

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

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

108 **SECTION 5. VOTER REGISTRATION.** Notwithstanding any other  
109 provision of law, the Department of Corrections shall notify any  
110 person convicted of a crime listed in Section 241, Mississippi  
111 Constitution of 1890, in writing and as a part of the release  
112 process from a correctional facility, that such person's suffrage  
113 has been restored. After notification of restoration, the  
114 department shall provide the person with a voter registration  
115 form. If the person declines to accept the voter registration  
116 form, the department must have such person sign a form noting that  
117 the registration form was offered and declined. If the person  
118 completes the voter registration form, the Department of  
119 Corrections shall transmit the completed voter registration form  
120 to the circuit clerk of the county where the registrant will  
121 reside.

122 **SECTION 6. EDUCATION.** The Secretary of State shall ensure  
123 that all persons who are eligible to vote face no continued  
124 barriers to registration or voting resulting from their felony  
125 convictions by developing and implementing a program to educate  
126 attorneys, judges, election officials, corrections officials,  
127 including parole and probation officers, and members of the public  
128 as required by this act, in the following manner:

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

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

136           (c) Probation and parole officers are informed of which  
137 convicted individuals lose their voting rights and which convicted  
138 individuals retain their voting rights and are prepared to notify  
139 probationers and parolees of their rights.

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

144           (e) The Department of Corrections is prepared to assist  
145 people with registration to vote in anticipation of their  
146 discharge from incarceration, including by forwarding their  
147 completed voter registration forms to the county circuit clerk.

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

151           **SECTION 7.** The Attorney General of the State of Mississippi  
152 shall submit this act, immediately upon approval by the Governor,  
153 or upon approval by the Legislature subsequent to a veto, to the  
154 Attorney General of the United States or to the United States  
155 District Court for the District of Columbia in accordance with the  
156 provisions of the Voting Rights Act of 1965, as amended and  
157 extended.

158           **SECTION 8.** This act shall take effect and be in force from  
159 and after the date it is effectuated under Section 5 of the Voting  
160 Rights Act of 1965, as amended and extended.