

By: Representative Paden

To: Apportionment and
Elections

HOUSE BILL NO. 1265

1 AN ACT TO AMEND SECTION 23-15-11, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT A PERSON DISQUALIFIED AS AN ELECTOR BY REASON OF
3 CONVICTION OF AN OFFENSE UNDER SECTION 241, MISSISSIPPI
4 CONSTITUTION OF 1890, SHALL HAVE HIS RIGHT TO VOTE RESTORED UPON
5 COMPLETION OF CERTAIN PRESCRIBED CONDITIONS; AND FOR RELATED
6 PURPOSES.

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

8 **SECTION 1.** Section 23-15-11, Mississippi Code of 1972, is
9 amended as follows:

10 23-15-11. (1) Every inhabitant of this state, except
11 persons adjudicated to be non compos mentis, who is a citizen of
12 the United States of America, eighteen (18) years old and upwards,
13 who has resided in this state for thirty (30) days and for thirty
14 (30) days in the county in which he seeks to vote, and for thirty
15 (30) days in the incorporated municipality in which he seeks to
16 vote, and who has been duly registered as an elector under Section
17 23-15-33, and who has never been convicted of vote fraud or of any
18 crime listed in Section 241, Mississippi Constitution of 1890,
19 shall be a qualified elector in and for the county, municipality
20 and voting precinct of his residence, and shall be entitled to



21 vote at any election upon compliance with Section 23-15-563. Any
22 person who will be eighteen (18) years of age or older on or
23 before the date of the general election and who is duly registered
24 to vote not less than thirty (30) days before the primary election
25 associated with the general election, may vote in the primary
26 election even though the person has not reached his or her
27 eighteenth birthday at the time that the person seeks to vote at
28 the primary election. No others than those specified in this
29 section shall be entitled, or shall be allowed, to vote at any
30 election.

31 (2) (a) Any person convicted of an offense described in
32 Section 241, Mississippi Constitution of 1890, shall have his or
33 her suffrage restored when all of the following conditions are
34 met:

35 (i) The person has completed all terms and
36 conditions imposed by the sentencing court, including the service
37 of any period of incarceration, post-release supervision,
38 probation or parole;

39 (ii) A period of three (3) years has elapsed since
40 the completion of the terms and conditions described in this
41 paragraph (a), without the person having been convicted
42 subsequently of a felony under the laws of this state, any other
43 state or under federal law;

44 (iii) The person has submitted a sworn petition to
45 the sentencing court for a certificate of restoration of suffrage,



46 indicating that the conditions imposed in paragraphs (a) (i) and
47 (a) (ii) of this subsection have been met and the person has never
48 been convicted of a felony other than that found within the
49 present cause of action subject to the petition; and

50 (iv) A certificate of restoration of suffrage may
51 not be issued until the clerk of the sentencing court verifies
52 that the petitioner has not been convicted of a felony other than
53 the one (1) subject to the sworn petition.

54 (b) If a certificate of restoration of suffrage is
55 issued by the sentencing court to the person, the certificate
56 shall be forwarded by the clerk of the court to the registrar in
57 the county in which the person resides and desires to be a
58 qualified elector. A person who presents a certificate of
59 restoration may not be denied the right to register to vote or to
60 cast a ballot based upon a prior felony conviction.

61 **SECTION 2.** This act shall take effect and be in force from
62 and after July 1, 2018.

