

By: Representative Karriem

To: Constitution; Judiciary
B

HOUSE BILL NO. 57

1 AN ACT TO AMEND SECTION 23-15-19, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY THAT ONLY THOSE SPECIFIC CRIMES LISTED IN SECTION 241,
3 MISSISSIPPI CONSTITUTION OF 1890, SHALL BE DISENFRANCHISING; TO
4 PROHIBIT THE ATTORNEY GENERAL FROM INTERPRETING, THROUGH OPINION
5 OR OTHERWISE, ANY CRIME OTHER THAN THOSE LISTED IN SECTION 241,
6 MISSISSIPPI CONSTITUTION OF 1890, AS DISENFRANCHISING; TO PROVIDE
7 THAT NO PERSON WHO LOST THE RIGHT TO VOTE BECAUSE HE OR SHE WAS
8 CONVICTED OF ANY CRIME INTERPRETED AS DISENFRANCHISING IN AN
9 ATTORNEY GENERAL OPINION SHALL CONTINUE TO BE DISENFRANCHISED; TO
10 AMEND SECTIONS 23-15-11 AND 23-15-151, MISSISSIPPI CODE OF 1972,
11 TO CONFORM TO THE PRECEDING SECTION; TO BRING FORWARD SECTION
12 97-39-3, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE
13 AMENDMENT; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** Section 23-15-19, Mississippi Code of 1972, is
16 amended as follows:

17 23-15-19. Any person who has been convicted of * * * any
18 crime listed in Section 241, Mississippi Constitution of 1890,
19 such crimes defined as "disenfranchising," shall not be
20 registered, or if registered the name of the person shall be
21 removed from the Statewide Elections Management System by the
22 registrar or the election commissioners of the county of his or
23 her residence. Notwithstanding any other provision of law to the



24 contrary, only those specific crimes listed in Section 241,
25 Mississippi Constitution of 1890, shall be disenfranchising, and
26 the Attorney General is not authorized to interpret, through
27 opinion or otherwise, any other crime as disenfranchising. From
28 and after the passage of this act, no person who lost the right to
29 vote because he or she was convicted of any crime interpreted as
30 disenfranchising in an Attorney General opinion shall continue to
31 be disenfranchised. Whenever any person shall be convicted in the
32 circuit court of his or her county of a disenfranchising crime,
33 the county registrar shall thereupon remove his or her name from
34 the Statewide Elections Management System; and whenever any person
35 shall be convicted of a disenfranchising crime in any other court
36 of any county, the presiding judge of the court shall, on demand,
37 certify the fact in writing to the registrar of the county in
38 which the voter resides, who shall thereupon remove the name of
39 the person from the Statewide Elections Management System and
40 retain the certificate as a record of his or her office.

41 **SECTION 2.** Section 23-15-11, Mississippi Code of 1972, is
42 amended as follows:

43 23-15-11. (1) Every inhabitant of this state, except
44 persons adjudicated to be non compos mentis, shall be a qualified
45 elector in and for the county, municipality and voting precinct of
46 his or her residence and shall be entitled to vote at any election
47 upon compliance with Section 23-15-563, if he or she:



48 (a) * * * Is a citizen of the United States of
49 America * * *;
50 (b) Is eighteen (18) years old and upwards * * *;
51 (c) Has resided in this state for thirty (30) days and
52 for thirty (30) days in the county in which he or she seeks to
53 vote, and for thirty (30) days in the incorporated municipality in
54 which he or she seeks to vote * * *;
55 (d) Has been duly registered as an elector under
56 Section 23-15-33 * * *; and
57 (e) * * * Has never been convicted of * * * any crime
58 listed in Section 241, Mississippi Constitution of 1890 * * *.
59 (2) If the thirtieth day to register before an election
60 falls on a Sunday or legal holiday, the registration applications
61 submitted on the business day immediately following the Sunday or
62 legal holiday shall be accepted and entered in the Statewide
63 Elections Management System for the purpose of enabling voters to
64 vote in the next election.
65 (3) Any person who will be eighteen (18) years of age or
66 older on or before the date of the general election and who is
67 duly registered to vote not less than thirty (30) days before the
68 primary election associated with the general election, may vote in
69 the primary election even though the person has not reached his or
70 her eighteenth birthday at the time that the person seeks to vote
71 at the primary election.



72 (4) No others than those specified in this section shall be
73 entitled, or shall be allowed, to vote at any election.

74 **SECTION 3.** Section 23-15-151, Mississippi Code of 1972, is
75 amended as follows:

76 23-15-151. The circuit clerk of each county is authorized
77 and directed to prepare and keep in his or her office a full and
78 complete list, in alphabetical order, of persons convicted * * *
79 of any crime listed in Section 241, Mississippi Constitution of
80 1890. A certified copy of any enrollment by one clerk to another
81 will be sufficient authority for the enrollment of the name, or
82 names, in another county. A list of persons convicted of * * *
83 any crime listed in Section 241, Mississippi Constitution of
84 1890, * * * shall also be entered into the Statewide Elections
85 Management System on a quarterly basis. Voters who have been
86 convicted in a Mississippi state court of any disenfranchising
87 crime are not qualified electors as defined by Section 23-15-11
88 and shall be purged or otherwise removed by the county registrar
89 or county election commissioners from the Statewide Elections
90 Management System.

91 **SECTION 4.** Section 97-39-3, Mississippi Code of 1972, is
92 brought forward as follows:

93 97-39-3. If any person shall fight a duel, or give or accept
94 a challenge to fight a duel, or knowingly carry or deliver such
95 challenge or the acceptance thereof, or be second to either party
96 to any duel, whether such act be done in the state or out of it,



97 or who shall go out of the state to fight a duel, or to assist in
98 the same as second, or to send, accept, or carry a challenge,
99 shall be disqualified from holding any office, be disenfranchised,
100 and incapable of holding or being elected to any post of honor,
101 profit or emolument, civil or military, under the constitution and
102 laws of this state; and the appointment of any such person to
103 office, as also all votes given to any such person, are illegal,
104 and none of the votes given to such person for any office shall be
105 taken or counted.

106 **SECTION 5.** This act shall take effect and be in force from
107 and after its passage.

