

By: Representative Bailey

To: Corrections;
Apportionment and Elections

HOUSE BILL NO. 1197

1 AN ACT TO CREATE THE "CRIMINAL DEFENDANTS' VOTING RIGHTS
2 NOTIFICATION ACT"; TO REQUIRE COURTS TO NOTIFY CRIMINAL DEFENDANTS
3 OF THEIR VOTING RIGHTS; TO REQUIRE THE DEPARTMENT OF CORRECTIONS
4 TO NOTIFY INDIVIDUALS OF THEIR VOTING RIGHTS UPON RELEASE FROM
5 INCARCERATION AND TO PROVIDE VOTER REGISTRATION FORMS AND
6 ASSISTANCE IN COMPLETING VOTER REGISTRATION FORMS; TO REQUIRE THE
7 SECRETARY OF STATE TO PUT IN PLACE TRAINING AND EDUCATION
8 COMPONENTS REGARDING THE VOTING RIGHTS OF CONVICTED INDIVIDUALS;
9 AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** This act shall be known and may be cited as the
12 "Criminal Defendants' Voting Rights Notification Act."

13 **SECTION 2.** (1) A court shall notify a defendant that a
14 conviction will result in the loss of the right to vote before
15 such defendant accepts a plea of guilty or nolo contendere to a
16 crime listed in Section 241, Mississippi Constitution of 1890, and
17 before the sentence for such a crime is imposed.

18 (2) A court shall notify a defendant that a conviction will
19 not result in the loss of the right to vote before such defendant
20 accepts a plea of guilty or nolo contendere to a crime that is not
21 listed in Section 241, Mississippi Constitution of 1890, and
22 before the sentence for such a crime is imposed.

23 **SECTION 3.** Notwithstanding any other provision of law, the
24 Department of Corrections shall notify any person convicted of a
25 crime not listed in Section 241, Mississippi Constitution of 1890,
26 in writing and as a part of the release process from a
27 correctional facility that such person retained the right to vote
28 during incarceration, and provide the person with a voter
29 registration form. If any person declines to accept the voter
30 registration form, the department must have such person sign a

31 form noting that the registration form was offered to and declined
32 by such person.

33 **SECTION 4.** The Secretary of State shall ensure that all
34 persons who are eligible to vote face no continued barriers to
35 registration or voting resulting from their felony convictions by
36 developing and implementing a program to educate attorneys,
37 judges, election officials, corrections officials, including
38 parole and probation officers, and members of the public as
39 required by this act, in the following manner:

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

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

47 (c) Probation and parole officers are informed of which
48 convicted individuals lose their voting rights and which convicted
49 individuals retain their voting rights and are prepared to notify
50 probationers and parolees of their rights.

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

55 **SECTION 5.** The Attorney General of the State of Mississippi
56 shall submit this act, immediately upon approval by the Governor,
57 or upon approval by the Legislature subsequent to a veto, to the
58 Attorney General of the United States or to the United States
59 District Court for the District of Columbia in accordance with the
60 provisions of the Voting Rights Act of 1965, as amended and
61 extended.

62 **SECTION 6.** This act shall take effect and be in force from
63 and after the date it is effectuated under Section 5 of the Voting
64 Rights Act of 1965, as amended and extended.