

**MISSISSIPPI**

# Voter Right Restoration Fact Sheet

**WHO CAN LOSE THE RIGHT TO VOTE? <sup>1</sup>**

➡ A person who is convicted of any of the following Mississippi state crimes: (Attorney General Jim Hood’s letter to The Honorable Wallace Heggie 2009 WL 2517257 (Miss. A.G. July 9, 2009); Miss. Code §§ 23-15-11, 19, 151)

1) Arson	2) Armed Robbery	3) Bigamy
4) Bribery	5) Embezzlement	6) Extortion
7) Felony Bad Check	8) Felony Shoplifting	9) Forgery
10) Larceny	11) Murder	12) Obtaining money or goods under False Pretense
13) Perjury	14) Rape	15) Receiving Stolen Property
16) Robbery	17) Theft	18) Timber Larceny
19) Unlawful Taking of Motor Vehicle	20) Statutory Rape	21) Carjacking
22) Larceny Under Lease or Rental Agreement	23) Vote Fraud	

Although Timber Larceny is a disenfranchising crime, setting fire to woods, marsh or meadow is not, even though the latter appears to potentially have more negative effects

- This is likely a result of MS Const. Art. 12, § 241 which defines the voter disenfranchising crimes which includes theft, and arson, among others
- However, the explicit reference to Timber Larceny is odd given that Timber Larceny (Theft of timber Miss. Code. Ann. § 97-17-59 (West)) is one specific instance of theft and there are other specific types of theft that are not included, such as: Theft from tenant in common Miss. Code. Ann. § 97-17-63 (West); Theft of dog Miss. Code. Ann. § 97-17-51 (West); Theft of livestock Miss. Code. Ann. § 97-17-53 (West); Theft from coin operated devices Miss. Code. Ann. § 97-17-68 (West); Theft or destruction: vegetation Miss. Code. Ann. § 97-17-89 (West)

**WHO DOES NOT LOSE THE RIGHT TO VOTE?**

➡ Someone convicted of a crime in state other than Mississippi or of a federal crime, or of a crime in Mississippi that is not on the above list.

**WHO CAN REGAIN THE RIGHT TO VOTE?**

➡ Anyone who lost the right to vote and is: (Miss. Code § 23-15-11; <https://www.sos.ms.gov/voter-id/register>)

- A US citizen;
- A resident of Mississippi and the county, city, or town for 30 days;
- 18 years of age or older;
- Not declared mentally incompetent by a court; and
- Has completed their sentence including probation, parole, and any other supervision

<sup>1</sup> Contributed by Joel D. Couenhoven, an associate at [Fish & Richardson](#).

- A person who either receives a pardon from the governor, receives an executive order giving them the right to vote, or obtains a Bill of Suffrage from the legislature to regain their voting rights
- To qualify to regain their voting rights through the legislature (the third option), the person must pay all legal financial obligations (<https://advancementproject.org/wp-content/uploads/2021/03/MS-Reentry-Report24.pdf>).
- “The Legislature normally approves individual bills to restore voting rights one person at a time. Normally less than five people have their rights restored each year. In the 2021 session, the rights of just two people were restored.” These two Bills of Suffrage that were granted were out of 21 applicants (so a 9.5% voter restoration rate). (<https://www.sunherald.com/news/politics-government/article256103452.html>; <https://mississippitoday.org/2021/04/21/house-efforts-to-restore-voting-rights-stymied-by-senate/>; see also <https://www.sentencingproject.org/publications/felony-disenfranchisement-mississippi/>)
- As of April 21, 2021 around 10.55% of Mississippi’s voting age population lost the right to vote (<https://mississippitoday.org/2021/04/21/house-efforts-to-restore-voting-rights-stymied-by-senate/> citing <https://www.sentencingproject.org/wp-content/uploads/2020/10/Locked-Out-2020.pdf>). The percentage of black citizens who lost the right to vote is much higher – 15.96%.

### **BY WHAT PROCESS CAN A PERSON REGAIN THE RIGHT TO VOTE?**

➡ Although there are allegedly three ways to regain the right to vote in Mississippi, our calls to the Governor’s office for both the pardon and executive order for more information were directed to the Judiciary Assistant Kathy who is part of the legislative department (601-359-1541) and didn’t answer the phone and the calls did not go to voicemail.

- Since we don’t have ready access to a probation officer, we contacted the Governor’s office for both the pardon and executive order
- Our calls to the legislature (specifically the Legislative Reference Bureau office, the Legislative services office, and the Capitol Switchboard) regarding a Bill of Suffrage were similarly fruitless and we didn’t get any information about any forms that need to be filled out or that a returning citizen would need to provide to their representative for a Bill of Suffrage

1. Governor pardon (except for treason and impeachment) (Miss. Const., § 124; Miss. Code § 47-7-31; Jones v. Bd. of Registrars of Alcorn Cty., 56 Miss. 766 (1879); [https://www.pardon411.com/wiki/Mississippi\\_Pardon\\_Information](https://www.pardon411.com/wiki/Mississippi_Pardon_Information))

- To get a Mississippi pardon application, contact the:
  - Governor’s office (<https://www.usa.gov/state-government/mississippi>)  
Office of the Governor  
Attn: Legal Division  
P.O. Box 139  
Jackson, MS 39205-0139  
Phone: (601) 359-3150
  - Or State of Mississippi Parole Board (<https://www.mdoc.ms.gov/Community-Corrections/Pages/Parole-Board-Contact.aspx>)  
660 North Street  
Suite 100A  
Jackson, MS 39202  
Phone: (601) 576-3520
- Although we found a copy of an application online from a non-Mississippi website (<http://www.recordclearing.org/wp-content/forms/Mississippi-Pardon-Application.pdf>) we are unsure whether the application is current and, as indicated above, were unable to track down anyone who could give us a copy of the application
  - The application form requires detailed information about former charges and convictions, which information a returning citizen might not know (e.g., prosecutor, charge and conviction received, sentence)
- Once the application is completed for a person:
  - In the county where the crime was committed and for at least 30 days, the person must publish information about the application and an explanation why the person deserves a pardon (Miss. Const., § 124)
  - Send the application to the Governor’s office at the above address

2. Executive order (Miss. Code § 47-7-41)

- Discuss this option with the person's probation field supervisor
- Includes submitting a written request to person's probation field supervisor

3. By a two-thirds vote of both houses, of all elected members (Miss. Const., § 253; <https://advancementproject.org/wp-content/uploads/2021/03/MS-Reentry-Report24.pdf>)

- Contact the person's legislator about getting a Bill of Suffrage to restore the person's voting rights
  - For someone who has spent time in the prison system, this would likely be a very intimidating process
- The legislator should be able to provide the person with a form that the person will fill out with information including details about the person's conviction and date of arrest
- Register to vote by mail or in person (<https://www.sos.ms.gov/elections-voting/faqs#ar01>)
  - The voter registration form clearly indicates that a person cannot register to vote if they have been convicted of one of the above listed crimes
    - Although the form later indicates that a person can vote if they have had their voting rights restored, the prior section indicating loss of voting rights might deter people from even filling out the form (they likely won't read far enough to realize that there is a process by which they can regain the right to vote)
- Providing false information on the voter registration form (whether intentional or not) is a felony punishable by up to 5 years in prison, \$5,000, or both, which is likely a deterrent for a returning citizen who likely does not know the nuances of whether they are qualified to vote
- This felony of voter fraud is also a felony for which a person loses the right to vote
- In person at: Circuit Clerk's office, Municipal Clerk's office, or when a person gets their driver's license at the Department of Public Safety
- Or by mailing the application to the person's Circuit Clerk
  - In contrast to mail in forms from other states, Mississippi requires that a returning citizen place a stamp on the mail in form, which could be considered a form of voter tax
- A person can determine the address of their Circuit Clerk at <https://www.sos.ms.gov/elections-voting/county-election-information>
- There are two different voter registration forms which will likely lead to confusion about which is the correct form:
  - [https://www.sos.ms.gov/MSCountyElectionInfo/Voter\\_Registration2.pdf](https://www.sos.ms.gov/MSCountyElectionInfo/Voter_Registration2.pdf) linked at <https://www.sos.ms.gov/elections-voting/county-election-information>
  - This is a 2009 version and appears to be the older of the two forms
  - [https://www.sos.ms.gov/sites/default/files/election\\_and\\_voting/Voter\\_Registration.pdf](https://www.sos.ms.gov/sites/default/files/election_and_voting/Voter_Registration.pdf) linked at <https://www.sos.ms.gov/elections-voting/faqs#ar01>