

RIGHTS RESTORATION IN MISSISSIPPI

I. DISENFRANCHISEMENT AND RESTORATION PROCESSES

Who does Mississippi disenfranchise?

Mississippi **permanently** disenfranchises people convicted of 22 crimes designated by the state constitution and attorney general.⁸⁵ Those disqualifying crimes include murder, rape, bribery, theft, arson, obtaining money or goods under false pretense, perjury, forgery, embezzlement or bigamy.⁸⁶

People convicted of other offenses, whether in prison or in the community, have the right to [vote](#).

What is Mississippi's restoration process for people with felony convictions?⁸⁷

There are three ways that people with disqualifying lifetime convictions can regain the right to vote:

- Apply and get a pardon from the Governor
- Apply and get an Executive Order Restoring Civil Rights from the Governor
- Successfully have the Mississippi State Legislature pass a Bill of Suffrage on their behalf, which must pass with a two-thirds majority.

The voter must have finished all probation, parole, or other supervision as well as paid all legal financial obligations to submit a form to their legislator. There is no waiting period required after completing all terms of the sentence before seeking rights restoration.

These restoration processes do not work for the vast majority of people. Only 335 of 166,494 persons who completed their sentence had their rights restored from 2000 to 2015, 30% of those who attempted rights restoration.

What is the voter registration and verification process for voters with convictions?

People incarcerated for non-disqualifying offenses must request an absentee ballot from the local circuit clerk of the county where they lived before entering prison.⁸⁸

People who have won back their right to vote or who have served their prison term for non-disqualifying offenses can register through the standard offices and by mail in Mississippi.⁸⁹

II. IMPACT

How many people are directly impacted by disenfranchisement and mass incarceration?

Mississippi disenfranchised an estimated 218,181 people as of 2016, about 9% of the state’s population. Ninety-three percent (93%) of disenfranchised people live in the community (whether on probation or parole or after their criminal sentence); only 7% are incarcerated.⁹⁰

Mississippi has the third highest state incarceration rate in the country, with 1,039 per 100,000 people incarcerated in 2018.⁹¹

As of December 2019, there were 19,074 people in prison and 34,004 people on parole and probation.

Who are the impacted people?

127,130 African American residents were disenfranchised in Mississippi in 2016—nearly 16% of the Black electorate.⁹²

Black men make up 65% of the prison population despite comprising only 38% of the state’s population.⁹³

III. STRATEGIES TO EXPAND RIGHTS RESTORATION

What are key legal and policy rights restoration strategies tried as of February 2020?

	Legislation	Litigation	Executive Order	Ballot Initiative	Administrative Advocacy
Interventions Attempted in the State	✗	✗			

Legislation

2019 — House Bill 637 (Did not pass): This bill would have created a committee to study re-enfranchisement for people with nonviolent felonies.

2006 — Unknown number (Did not pass): The Brennan Center reports drafting two pieces of legislation.⁹⁴ The first would have required courts to notify people at sentencing how conviction would affect their right to vote, and the second would have restored the right to vote to any disenfranchised people who have been honorably discharged from the military. Neither was successful in the state House or Senate.

Litigation

Hopkins v. Hosemann,⁹⁵

Challenge to language permanently disenfranchising those convicted of certain crimes and legislative rights restoration process of restoring rights.

The court dismissed the claim regarding disenfranchisement. Plaintiffs appealed this claim to the Fifth Circuit Court of Appeals.

The district court is still considering the constitutionality of the legislative process for restoring rights to those not convicted of disqualifying felonies.

What is the process for bringing forward a ballot initiative in Mississippi?

There are two ways to get a measure on the ballot.⁹⁶

Citizen: Citizens collect signatures for a measure (12% of the total number of votes cast for governor in the last gubernatorial general election) and submit it to the legislature. The proposed amendment proceeds to the ballot regardless of whether the legislature approves or rejects it. The legislature may choose to approve an amended version of the measure, which also appears on the ballot.

Legislature: The legislature may also place measures on the ballot with a two-thirds vote in each chamber.

IV. KEY ISSUES/WHERE THE FIGHT IS

Mississippi is one of the few states with a lifetime voting ban on people with certain felony convictions. After the Civil War, Mississippi was one of the southern states in which white political leaders set voting restrictions based on their perceptions of which offenses would disenfranchise Black voters.⁹⁷ Following Florida's passage of Amendment 4, criminal justice news outlet *The Appeal* put Mississippi in the spotlight for its restrictive laws and speculated about the prospects of a constitutional amendment campaign.