



DISENFRANCHISING CRIMES

Disenfranchising crimes are felony convictions for which a person would lose the right to vote. The disenfranchising crimes in the State of Mississippi are listed in *Miss. Constitution*, Art. 12, §241, and more specifically set out in the case of *Cotton v. Fordice*, 157 F.3d 388 (5th Cir. 1998); and an Attorney General Opinion, *In re Heggie*, 2009 WL 2517257. *Miss. Code Ann.* §23-15-11 specifically prohibits anyone convicted of voter fraud or of any disenfranchising crime from being a registered voter in the State of Mississippi. The list of disenfranchising crimes, including vote fraud, are as follows:

- Arson
- Bribery
- Extortion
- Larceny
- Perjury
- Robbery
- Theft
- Carjacking
- Larceny Under Lease
- Armed Robbery
- Felony Bad Check
- Felony Shoplifting
- Statutory Rape
- Timber Larceny
- Unlawful Taking of a Motor Vehicle
- Receiving Stolen Property
- Obtaining Money or Goods Under False Pretense
- Armed Robbery
- Felony Bad Check
- Felony Shoplifting
- Statutory Rape
- Timber Larceny
- Unlawful Taking of a Motor Vehicle
- Receiving Stolen Property
- Obtaining Money or Goods Under False Pretense
- Bigamy
- Embezzlement
- Forgery
- Murder
- Rape
- Voter Fraud



Restoration of Right to Vote

The most common way to have suffrage restored in the State of Mississippi is by an act of the Mississippi Legislature. A person denied the right to vote due to a past conviction for a disenfranchising crime may contact that person's state senator or representative and request that a suffrage bill be introduced at the next legislative session. Specifically, the *Miss. Constitution*, Art. 12, §253 provides that the legislature may, by a two-thirds vote of both houses, of all members elected, restore the right of suffrage to any person disqualified by reason of crime; but the reasons shall be spread upon the journals, and the vote shall be by yeas and nays. A person can find out who their elected officials are by visiting [My Election Day](#) on the Mississippi Secretary of State's website. After putting in your address, you can view the representatives for your area and their contact information by following the links at the top of the page.

In addition, if a person has been discharged from probation by a court of original jurisdiction, then there is the option to request a restoration of the right of suffrage through the person's field officer. *See Miss. Code Ann. §47-7-41*. The field supervisor, upon receiving a written request from the person previously on probation for restoration of suffrage rights, shall forward a written report of your record of probation to the Division of Community Corrections, which shall present a copy of the report to the Governor. The Governor may, in his discretion, restore suffrage by executive order. (AG Op., *Exum-Petty*, August 25, 2000)

Miss. Constitution, Art. 5, §124, also allows the Governor to issue pardons in certain circumstances. Specifically, any petitioner for a pardon shall publish the request for a pardon in a newspaper in the county where the crime was committed for thirty days, or if no newspaper in that county, then in a newspaper in an adjoining county for thirty days, setting forth the reasons why such pardon should be granted. The petition to the Governor must provide proof of this publication.