

STATE OF MISSISSIPPI
Office of the Governor



April 21, 2022

TO THE MISSISSIPPI SENATE:

GOVERNOR'S VETO MESSAGE FOR SENATE BILL 2536

I am returning Senate Bill 2536: "AN ACT TO CREATE A PUBLIC REGISTRY OF OFFENDERS WHOSE CRIMES INVOLVED THE EMBEZZLEMENT OR MISAPPROPRIATION OF PUBLIC FUNDS; TO DEFINE TERMS; TO DIRECT THE DEPARTMENT OF PUBLIC SAFETY TO CREATE A REGISTRY OF OFFENDERS; TO REQUIRE RESPONSIBLE AGENCIES TO FORWARD CERTAIN INFORMATION TO THE DEPARTMENT; TO REQUIRE OFFENDERS TO REPORT TO THE DEPARTMENT WITHIN A PRESCRIBED TIMEFRAME; TO AUTHORIZE THE DEPARTMENT TO PROMULGATE RULES FOR THE IMPLEMENTATION OF THE ACT; TO AMEND SECTION 25-1-113, MISSISSIPPI CODE OF 1972, TO PROHIBIT LOCAL GOVERNMENTS FROM HIRING PERSONS ON THE REGISTRY FOR CERTAIN POSITIONS; AN ACT TO AMEND SECTION 99-19-71, MISSISSIPPI CODE OF 1972, TO CLARIFY THE EFFECT OF EXPUNGEMENT PROCEDURES IN RELATION TO QUALIFIED ELECTORS; AND FOR RELATED PURPOSES."

As introduced, Senate Bill 2536 sought to create the "Mississippi Public Funds Offender Registry Act." The purpose of the bill was to create a publicly available online registry of offenders convicted of any felony in which public funds were unlawfully taken, obtained or misappropriated in the abuse or misuse of the person's office in order to enable state, county, municipal or other political subdivision to comply with Miss. Code Ann. § 25-1-113's prohibition on employing such offenders. Importantly, the bill sought to adopt a definition for "registrable offense" to enumerate the criminal offenses that are subject to registration and the disqualifying provisions of Miss. Code Ann. § 25-1-113. Following passage by the Senate, the House passed an amended version of Senate Bill 2536 and placed a revers repealer into the bill to ensure it would go to conference.

On March 28, 2022, the Conference Report was filed for Senate Bill 2536. In addition to creating the much-needed Public Funds Offender Registry and clarifying the related law, the final section of the conference report added a completely unrelated code section and proposed a significant change to Mississippi's voting laws--a change that is unsupported by and arguably

inconsistent with express provisions of the Mississippi Constitution. Specifically, the conference report added Miss. Code Ann. § 99-19-71 and proposed “clarifying” amendments to this statute to automatically return voting rights to persons convicted of a disenfranchising crime (as defined by Section 241 of the Mississippi Constitution) upon the expungement of the conviction for such crime. Notably, such amendments to Miss. Code Ann. § 99-19-71 (and other statutes precluding such convicted felons from registering to vote) were proposed this Legislative session in House Bill 630 but died in a Senate Committee.

Felony disenfranchisement is an animating principle of the social contract at the heart of every great republic dating back to the founding of ancient Greece and Rome. In America, such laws date back to the colonies and the eventual founding of our Republic. Since statehood, in one form or another, Mississippi law has recognized felony disenfranchisement, both before and after the United States Constitution expressly authorized the practice. Section 241 of the Mississippi Constitution enumerates a series of disenfranchising crimes, including murder, rape, bribery, theft, arson and embezzlement.

The Mississippi Constitution provides two separate mechanisms for a person convicted of a disenfranchising crime to regain voting rights. First, Section 124 empowers the Governor to grant a pardon to a person convicted of a disenfranchising crime which relieves the person pardoned from the legal consequences of the crime. Second, Section 253 empowers the Legislature to return the right of suffrage to any disqualified person upon a two-thirds vote by both houses and approval by the Governor. No provision of the Mississippi Constitution authorizes a person convicted of a disenfranchising crime to regain the right to vote upon expungement of the conviction for such crime.

In recent years, attempts have been made to amend the Mississippi Constitution to add additional avenues to return suffrage to persons convicted of disenfranchising crimes. Each of these prior attempts to amend the Mississippi Constitution has failed. For example, this past session House Concurrent Resolution Number 20 was offered to amend Section 253 of the Mississippi Constitution to automatically restore suffrage to persons convicted of nonviolent disenfranchising crimes five year after completion of their sentence. In 2013, House Concurrent Resolution Number 32 proposed to amend Section 253 of the Mississippi Constitution to automatically restore suffrage to all first-time offenders convicted of any disenfranchising crime upon completion of their sentence, and to amend Section 241 to conform.

If the Mississippi Legislature wishes to create an additional avenue to return suffrage to persons convicted of disenfranchising crimes, the appropriate mechanism to do so is by constitutional amendment pursuant to Section 273 of the Mississippi Constitution. Such a constitutional amendment would require approval by 2/3 of the members of each house and a majority vote of the people. I do not believe it is prudent or appropriate to utilize a general law, that may be passed by a bare majority of the members of each house and signed by the governor, to supplement the procedures established by the Mississippi Constitution for persons convicted of a disenfranchising crime to regain voting rights. Such a significant change in Mississippi’s voting laws should require the approval of both a super majority of the members of the Legislature and a majority vote of the people.

With all due respect, Senate Bill 2536 is not an attempt to “clarify” existing law, but rather an attempt to affect a significant and unwise change to Mississippi’s voting laws. Thus, I am compelled to veto Senate Bill 2536.

Respectfully submitted,



TATE REEVES
GOVERNOR

April 21, 2022

1:12 p.m.