

# Orlando Sentinel

## Mississippi felons push court to restore voting rights

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The man at the center of a Mississippi case aimed at restoring the voting rights of felons said Tuesday that he is fighting on behalf of everyone like him who "made a mistake in life."

Dennis Hopkins spoke after judges at the 5th Circuit Court of Appeals in New Orleans heard arguments in a federal lawsuit brought on behalf of six people including Hopkins who've had their right to vote permanently taken away under Mississippi law for committing certain felonies. The case has been certified as a class action, meaning it could affect thousands of people.

"I am fighting, standing up for the right, for the people in Mississippi, just like me, that made a mistake in life," Hopkins said. Hopkins said he was convicted more than two decades ago of grand larceny but says he's now an active part of his community, serving as a foster parent and a little league coach.

"Now I'm ready ... to vote and restore my rights as a human being, as a man," he said, while surrounded by supporters.

Under the Mississippi Constitution, people convicted of 10 specific felonies — including murder, forgery and bigamy — lose the right to vote. The state's attorney general expanded the list to 22 crimes, including timber larceny and carjacking.

To have their voting rights restored, people convicted of any of the crimes must get a pardon from the governor or persuade lawmakers to pass individual bills just for them with two-thirds approval.

The plaintiffs, represented by the firm Simpson Thacher & Bartlett LLP and the Southern Poverty Law Center, argue the lifetime voting ban is cruel and unusual punishment — a violation of the 8th Amendment. They also argue that the restoration process violates the constitution's Equal Protection Clause because when it was adopted in 1890 it was intended to keep African Americans from voting and still disproportionately affects black people.

After a district court judge ruled mostly — but not entirely — in the state's favor in August, the six felons and the state both appealed.

A lawyer for the plaintiffs, Jonathan K. Youngwood, said in court Tuesday that he was there on behalf of "29,000 Mississippians" who have finished their sentences and their parole and probation. But, he said: "Their punishment continues.

The plaintiffs say anyone who's committed one of these felonies but completed their punishment including parole or probation should automatically have their voting rights restored.

In August, U.S. District Judge Daniel P. Jordan III threw out most of the challenges but left alive one challenge to how Mississippi allows people to regain their voting rights.

On Tuesday, Judge Edith H. Jones peppered Youngwood with questions. In particular she asked whether the Mississippi secretary of state's office was the correct agency to sue.

The state argues that the secretary of state, which oversees elections, doesn't play a role in restoring voting rights and was wrongly sued. Krissy Nobile, a special assistant attorney general, said forcing the secretary of state's office to rectify the voting rights' issue would "for all practical purposes be meaningless."

The state also argues the plaintiffs cannot prove any "present-day discriminatory effects."

"There is no question that the U.S. Constitution expressly approves of the right of a State to disenfranchise felons — including permanently," the state argued in briefs filed ahead of Tuesday's hearing.

A coalition of disparate groups supports reinstating voting rights to felons, including the libertarian Cato Institute, the American Probation and Parole Association, and the ACLU and Mississippi branch of the NAACP.

The Cato Institute argued that Mississippi's disenfranchisement law went far beyond what the Constitution intended when it allowed states to restrict voting rights and decried what it called an arbitrary way of choosing which crimes could result in disenfranchisement.

The APPA argued that voting helps ex-offenders reintegrate into society.

Lawyers for the plaintiffs say Mississippi is one of only three states that permanently bars felons from voting. The others are Kentucky and Iowa.