

By: Representative Bain

To: Judiciary B

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 630

1 AN ACT TO AMEND SECTION 99-19-71, MISSISSIPPI CODE OF 1972,  
2 TO CLARIFY THE EFFECT OF EXPUNGEMENT PROCEDURES IN RELATION TO  
3 QUALIFIED ELECTORS; TO AMEND SECTION 23-15-11, MISSISSIPPI CODE OF  
4 1972, TO PROVIDE THAT ANY PERSON WHO HAS HAD A DISENFRANCHISING  
5 CRIME CONVICTION EXPUNGED, WHO HAS NOT BEEN CONVICTED OF ANY OTHER  
6 DISENFRANCHISING CRIME AND WHO MEETS ALL OTHER REQUIREMENTS TO  
7 BECOME A QUALIFIED ELECTOR SHALL BE ALLOWED TO REGISTER TO VOTE AS  
8 A QUALIFIED ELECTOR; TO ADD ALL CRIMES THAT ARE IN-ELIGIBLE FOR  
9 EXPUNGEMENT UNDER 99-19-71 TO THE LIST OF DISENFRANCHISING CRIMES;  
10 TO AMEND SECTIONS 23-15-151 AND 23-15-19, MISSISSIPPI CODE OF  
11 1972, TO REQUIRE THE COUNTY REGISTRAR OR ELECTION COMMISSIONER TO  
12 PLACE THE NAME OF ANY PERSON WHOSE DISENFRANCHISING CRIME WAS  
13 EXPUNGED, WHO HAS NOT BEEN CONVICTED OF ANOTHER DISENFRANCHISING  
14 CRIME AND IS OTHERWISE AN ELIGIBLE VOTER TO BE PLACED INTO THE  
15 STATEWIDE ELECTION MANAGEMENT SYSTEM AT THE REQUEST OF THE PERSON;  
16 TO AMEND SECTIONS 23-15-125, 23-15-153, 23-15-165 AND 99-19-37,  
17 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; TO  
18 AMEND SECTION 97-39-3, MISSISSIPPI CODE OF 1972, TO REVISE THE  
19 PENALTIES FOR DUELING; AND FOR RELATED PURPOSES.

20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

21 **SECTION 1.** Section 99-19-71, Mississippi Code of 1972, is  
22 amended as follows:

23 99-19-71. (1) Any person who has been convicted of a  
24 misdemeanor that is not a traffic violation, and who is a first  
25 offender, may petition the justice, county, circuit or municipal



26 court in which the conviction was had for an order to expunge any  
27 such conviction from all public records.

28 (2) (a) Except as otherwise provided in this subsection, a  
29 person who has been convicted of a felony and who has paid all  
30 criminal fines and costs of court imposed in the sentence of  
31 conviction may petition the court in which the conviction was had  
32 for an order to expunge one (1) conviction from all public records  
33 five (5) years after the successful completion of all terms and  
34 conditions of the sentence for the conviction upon a hearing as  
35 determined in the discretion of the court; however, a person is  
36 not eligible to expunge a felony classified as:

37 (i) A crime of violence as provided in Section  
38 97-3-2;

39 (ii) Arson, first degree as provided in Sections  
40 97-17-1 and 97-17-3;

41 (iii) Trafficking in controlled substances as  
42 provided in Section 41-29-139;

43 (iv) A third, fourth or subsequent offense DUI as  
44 provided in Section 63-11-30(2)(c) and (2)(d);

45 (v) Felon in possession of a firearm as provided  
46 in Section 97-37-5;

47 (vi) Failure to register as a sex offender as  
48 provided in Section 45-33-33;

49 (vii) Voyeurism as provided in Section 97-29-61;



50 (viii) Witness intimidation as provided in Section  
51 97-9-113;

52 (ix) Abuse, neglect or exploitation of a  
53 vulnerable person as provided in Section 43-47-19; or

54 (x) Embezzlement as provided in Sections 97-11-25  
55 and 97-23-19.

56 A person is eligible for only one (1) felony expunction under  
57 this paragraph. For the purposes of this section, the terms "one  
58 (1) conviction" and "one (1) felony expunction" mean and include  
59 all convictions that arose from a common nucleus of operative  
60 facts as determined in the discretion of the court.

61 (b) The petitioner shall give ten (10) days' written  
62 notice to the district attorney before any hearing on the  
63 petition. In all cases, the court wherein the petition is filed  
64 may grant the petition if the court determines, on the record or  
65 in writing, that the applicant is rehabilitated from the offense  
66 which is the subject of the petition. In those cases where the  
67 court denies the petition, the findings of the court in this  
68 respect shall be identified specifically and not generally.

69 (3) Upon entering an order of expunction under this section,  
70 a nonpublic record thereof shall be retained by the Mississippi  
71 Criminal Information Center solely for the purpose of determining  
72 whether, in subsequent proceedings, the person is a first  
73 offender. The order of expunction shall not preclude a district  
74 attorney's office from retaining a nonpublic record thereof for



75 law enforcement purposes only. The existence of an order of  
76 expunction shall not preclude an employer from asking a  
77 prospective employee if the employee has had an order of  
78 expunction entered on his behalf. The effect of the expunction  
79 order shall be to restore the person, in the contemplation of the  
80 law including those laws regulating qualified electors, to the  
81 status he occupied before any arrest or indictment for which  
82 convicted. No person as to whom an expunction order has been  
83 entered shall be held thereafter under any provision of law to be  
84 guilty of perjury or to have otherwise given a false statement by  
85 reason of his failure to recite or acknowledge such arrest,  
86 indictment or conviction in response to any inquiry made of him  
87 for any purpose other than the purpose of determining, in any  
88 subsequent proceedings under this section, whether the person is a  
89 first offender. A person as to whom an order has been entered,  
90 upon request, shall be required to advise the court, in camera, of  
91 the previous conviction and expunction in any legal proceeding  
92 wherein the person has been called as a prospective juror. The  
93 court shall thereafter and before the selection of the jury advise  
94 the attorneys representing the parties of the previous conviction  
95 and expunction.

96 (4) Upon petition therefor, a justice, county, circuit or  
97 municipal court shall expunge the record of any case in which an  
98 arrest was made, the person arrested was released and the case was



99 dismissed or the charges were dropped or there was no disposition  
100 of such case, or the person was found not guilty at trial.

101 (5) No public official is eligible for expunction under this  
102 section for any conviction related to his official duties.

103 **SECTION 2.** Section 23-15-11, Mississippi Code of 1972, is  
104 amended as follows:

105 23-15-11. Every inhabitant of this state, except persons  
106 adjudicated to be non compos mentis, who is a citizen of the  
107 United States of America, eighteen (18) years old and upwards, who  
108 has resided in this state for thirty (30) days and for thirty (30)  
109 days in the county in which he or she seeks to vote, and for  
110 thirty (30) days in the incorporated municipality in which he or  
111 she seeks to vote, and who has been duly registered as an elector  
112 under Section 23-15-33, and who has \* \* \* not been convicted of  
113 vote fraud or of any crime listed in Section 241, Mississippi  
114 Constitution of 1890, shall be a qualified elector in and for the  
115 county, municipality and voting precinct of his or her residence,  
116 and shall be entitled to vote at any election upon compliance with  
117 Section 23-15-563. Any person whose conviction for a  
118 disenfranchising crime has been expunged, who has not been  
119 convicted of any other disenfranchising crime and who meets all  
120 other requirements to become a qualified elector in this section  
121 shall be a qualified elector in and for the county, municipality  
122 and voting precinct of his or her residence, and shall be entitled  
123 to vote at any election upon compliance with Section 23-15-563.



124 If the thirtieth day to register before an election falls on a  
125 Sunday or legal holiday, the registration applications submitted  
126 on the business day immediately following the Sunday or legal  
127 holiday shall be accepted and entered in the Statewide Elections  
128 Management System for the purpose of enabling voters to vote in  
129 the next election. Any person who will be eighteen (18) years of  
130 age or older on or before the date of the general election and who  
131 is duly registered to vote not less than thirty (30) days before  
132 the primary election associated with the general election, may  
133 vote in the primary election even though the person has not  
134 reached his or her eighteenth birthday at the time that the person  
135 seeks to vote at the primary election. No others than those  
136 specified in this section shall be entitled, or shall be allowed,  
137 to vote at any election.

138       **SECTION 3.** Section 23-15-151, Mississippi Code of 1972, is  
139 amended as follows:

140       23-15-151. The circuit clerk of each county is authorized  
141 and directed to prepare and keep in his or her office a full and  
142 complete list, in alphabetical order, of persons convicted of  
143 voter fraud or of any crime listed in Section 241, Mississippi  
144 Constitution of 1890. A certified copy of any enrollment by one  
145 clerk to another will be sufficient authority for the enrollment  
146 of the name, or names, in another county. A list of such persons  
147 convicted of voter fraud, any crime listed in Section 241,  
148 Mississippi Constitution of 1890, or any crime interpreted as



149 disenfranchising in later Attorney General opinions, shall also be  
150 entered into the Statewide Elections Management System on a  
151 quarterly basis. Voters who have been convicted in a Mississippi  
152 state court of any disenfranchising crime are not qualified  
153 electors as defined by Section 23-15-11 and shall be purged or  
154 otherwise removed by the county registrar or county election  
155 commissioners from the Statewide Elections Management System. Any  
156 person whose conviction for a disenfranchising crime has been  
157 expunged, who has not been convicted of any other disenfranchising  
158 crime and who meets all other requirements in Section 23-15-11 as  
159 a qualified elector shall be considered a qualified elector. Upon  
160 the request of such person and proof of expungement, the county  
161 registrar or county election commissioner shall enter the person's  
162 name into the Statewide Elections Management System.

163       **SECTION 4.** Section 23-15-19, Mississippi Code of 1972, is  
164 amended as follows:

165       23-15-19. (1) Any person who has been convicted of vote  
166 fraud or any crime listed in Section 241, Mississippi Constitution  
167 of 1890, such crimes defined as "disenfranchising," shall not be  
168 registered, or if registered the name of the person shall be  
169 removed from the Statewide Elections Management System by the  
170 registrar or the election commissioners of the county of his or  
171 her residence. Whenever any person shall be convicted in the  
172 circuit court of his or her county of a disenfranchising crime,  
173 the county registrar shall thereupon remove his or her name from



174 the Statewide Elections Management System; and whenever any person  
175 shall be convicted of a disenfranchising crime in any other court  
176 of any county, the presiding judge of the court shall, on demand,  
177 certify the fact in writing to the registrar of the county in  
178 which the voter resides, who shall thereupon remove the name of  
179 the person from the Statewide Elections Management System and  
180 retain the certificate as a record of his or her office.

181 (2) Any person whose conviction for a disenfranchising crime  
182 has been expunged, who has not been convicted of any other  
183 disenfranchising crime and who meets all other requirements in  
184 Section 23-15-11 as a qualified elector shall be considered a  
185 qualified elector. Upon the request of such person and proof of  
186 expungement, the county registrar or county election commissioner  
187 shall enter the person's name into the Statewide Elections  
188 Management System.

189 **SECTION 5.** Section 23-15-125, Mississippi Code of 1972, is  
190 amended as follows:

191 23-15-125. The pollbook of each voting precinct shall  
192 designate the voting precinct for which it is to be used, and  
193 shall be ruled in appropriate columns, with printed or written  
194 headings, as follows: date of registration; voter registration  
195 number; name of electors; date of birth; and a number of blank  
196 columns for the dates of elections. All qualified applicants who  
197 register with the registrar shall be entered in the Statewide  
198 Elections Management System. Only the names of those qualified





199 applicants who register within thirty (30) days before an election  
200 shall appear on the pollbooks of the election; however, if the  
201 thirtieth day to register before an election falls on a Sunday or  
202 legal holiday, the registration applications submitted on the  
203 business day immediately following the legal holiday shall be  
204 accepted and entered in the Statewide Elections Management System  
205 for the purpose of enabling voters to vote in the next election.  
206 When county election commissioners determine that any elector is  
207 disqualified from voting, by reason of death, conviction of a  
208 disenfranchising crime, removal from the jurisdiction, or other  
209 legal cause, that fact shall be noted in the Statewide Elections  
210 Management System and the voter's name shall be removed from the  
211 Statewide Elections Management System, the state's voter roll and  
212 the county's pollbooks. Upon the request of any person whose  
213 conviction for a disenfranchising crime has been expunged, who has  
214 not been convicted of any other disenfranchising crime and who  
215 meets all other requirements to become a qualified elector in  
216 Section 23-15-11, the county registrar or county election  
217 commissioner shall enter the person's name in the Statewide  
218 Elections Management System, the state's voter roll and the  
219 county's pollbooks. Nothing in this section shall preclude the  
220 use of electronic pollbooks.

221       **SECTION 6.** Section 23-15-153, Mississippi Code of 1972, is  
222 amended as follows:



223           23-15-153. (1) At least during the following times, the  
224 election commissioners shall meet at the office of the registrar  
225 or the office of the election commissioners to carefully revise  
226 the county voter roll as electronically maintained by the  
227 Statewide Elections Management System and remove from the roll the  
228 names of all voters who have requested to be purged from the voter  
229 roll, died, received an adjudication of non compos mentis, been  
230 convicted of a disenfranchising crime and had his or her right to  
231 vote suspended, or otherwise become disqualified as electors for  
232 any cause, and shall register the names of all persons who have  
233 duly applied to be registered but have been illegally denied  
234 registration:

235           (a) On the Tuesday after the second Monday in January  
236 1987 and every following year;

237           (b) On the first Tuesday in the month immediately  
238 preceding the first primary election for members of Congress in  
239 the years when members of Congress are elected;

240           (c) On the first Monday in the month immediately  
241 preceding the first primary election for state, state district  
242 legislative, county and county district offices in the years in  
243 which those offices are elected; and

244           (d) On the second Monday of September preceding the  
245 general election or regular special election day in years in which  
246 a general election is not conducted.



247           Except for the names of those voters who are duly qualified  
248 to vote in the election, no name shall be permitted to remain in  
249 the Statewide Elections Management System; however, no name shall  
250 be purged from the Statewide Elections Management System based on  
251 a change in the residence of an elector except in accordance with  
252 procedures provided for by the National Voter Registration Act of  
253 1993. Except as otherwise provided by Section 23-15-573, no  
254 person shall vote at any election whose name is not in the county  
255 voter roll electronically maintained by the Statewide Elections  
256 Management System.

257           (2) Except as provided in this section, and subject to the  
258 following annual limitations, the election commissioners shall be  
259 entitled to receive a per diem in the amount of One Hundred  
260 Dollars (\$100.00), to be paid from the county general fund, for  
261 every day or period of no less than five (5) hours accumulated  
262 over two (2) or more days actually employed in the performance of  
263 their duties in the conduct of an election or actually employed in  
264 the performance of their duties for the necessary time spent in  
265 the revision of the county voter roll as electronically maintained  
266 by the Statewide Elections Management System as required in  
267 subsection (1) of this section:

268           (a) In counties having less than fifteen thousand  
269 (15,000) residents according to the latest federal decennial  
270 census, not more than fifty (50) days per year, with no more than



271 fifteen (15) additional days allowed for the conduct of each  
272 election in excess of one (1) occurring in any calendar year;

273 (b) In counties having fifteen thousand (15,000)  
274 residents according to the latest federal decennial census but  
275 less than thirty thousand (30,000) residents according to the  
276 latest federal decennial census, not more than seventy-five (75)  
277 days per year, with no more than twenty-five (25) additional days  
278 allowed for the conduct of each election in excess of one (1)  
279 occurring in any calendar year;

280 (c) In counties having thirty thousand (30,000)  
281 residents according to the latest federal decennial census but  
282 less than seventy thousand (70,000) residents according to the  
283 latest federal decennial census, not more than one hundred (100)  
284 days per year, with no more than thirty-five (35) additional days  
285 allowed for the conduct of each election in excess of one (1)  
286 occurring in any calendar year;

287 (d) In counties having seventy thousand (70,000)  
288 residents according to the latest federal decennial census but  
289 less than ninety thousand (90,000) residents according to the  
290 latest federal decennial census, not more than one hundred  
291 twenty-five (125) days per year, with no more than forty-five (45)  
292 additional days allowed for the conduct of each election in excess  
293 of one (1) occurring in any calendar year;

294 (e) In counties having ninety thousand (90,000)  
295 residents according to the latest federal decennial census but



296 less than one hundred seventy thousand (170,000) residents  
297 according to the latest federal decennial census, not more than  
298 one hundred fifty (150) days per year, with no more than  
299 fifty-five (55) additional days allowed for the conduct of each  
300 election in excess of one (1) occurring in any calendar year;

301 (f) In counties having one hundred seventy thousand  
302 (170,000) residents according to the latest federal decennial  
303 census but less than two hundred thousand (200,000) residents  
304 according to the latest federal decennial census, not more than  
305 one hundred seventy-five (175) days per year, with no more than  
306 sixty-five (65) additional days allowed for the conduct of each  
307 election in excess of one (1) occurring in any calendar year;

308 (g) In counties having two hundred thousand (200,000)  
309 residents according to the latest federal decennial census but  
310 less than two hundred twenty-five thousand (225,000) residents  
311 according to the latest federal decennial census, not more than  
312 one hundred ninety (190) days per year, with no more than  
313 seventy-five (75) additional days allowed for the conduct of each  
314 election in excess of one (1) occurring in any calendar year;

315 (h) In counties having two hundred twenty-five thousand  
316 (225,000) residents according to the latest federal decennial  
317 census but less than two hundred fifty thousand (250,000)  
318 residents according to the latest federal decennial census, not  
319 more than two hundred fifteen (215) days per year, with no more



320 than eighty-five (85) additional days allowed for the conduct of  
321 each election in excess of one (1) occurring in any calendar year;

322 (i) In counties having two hundred fifty thousand  
323 (250,000) residents according to the latest federal decennial  
324 census but less than two hundred seventy-five thousand (275,000)  
325 residents according to the latest federal decennial census, not  
326 more than two hundred thirty (230) days per year, with no more  
327 than ninety-five (95) additional days allowed for the conduct of  
328 each election in excess of one (1) occurring in any calendar year;

329 (j) In counties having two hundred seventy-five  
330 thousand (275,000) residents according to the latest federal  
331 decennial census or more, not more than two hundred forty (240)  
332 days per year, with no more than one hundred five (105) additional  
333 days allowed for the conduct of each election in excess of one (1)  
334 occurring in any calendar year.

335 (3) In addition to the number of days authorized in  
336 subsection (2) of this section, the board of supervisors of a  
337 county may authorize, in its discretion, the election  
338 commissioners to receive a per diem in the amount provided for in  
339 subsection (2) of this section, to be paid from the county general  
340 fund, for every day or period of no less than five (5) hours  
341 accumulated over two (2) or more days actually employed in the  
342 performance of their duties in the conduct of an election or  
343 actually employed in the performance of their duties for the  
344 necessary time spent in the revision of the county voter roll as



345 electronically maintained by the Statewide Elections Management  
346 System as required in subsection (1) of this section, not to  
347 exceed five (5) days.

348 (4) (a) The election commissioners shall be entitled to  
349 receive a per diem in the amount of One Hundred Dollars (\$100.00),  
350 to be paid from the county general fund, not to exceed ten (10)  
351 days for every day or period of no less than five (5) hours  
352 accumulated over two (2) or more days actually employed in the  
353 performance of their duties for the necessary time spent in the  
354 revision of the county voter roll as electronically maintained by  
355 the Statewide Elections Management System before any special  
356 election. For purposes of this paragraph, the regular special  
357 election day shall not be considered a special election. The  
358 annual limitations set forth in subsection (2) of this section  
359 shall not apply to this paragraph.

360 (b) The election commissioners shall be entitled to  
361 receive a per diem in the amount of One Hundred Fifty Dollars  
362 (\$150.00), to be paid from the county general fund, for the  
363 performance of their duties on the day of any primary, runoff,  
364 general or special election. The annual limitations set forth in  
365 subsection (2) of this section shall apply to this paragraph.

366 (c) The board of supervisors may, in its discretion,  
367 pay the election commissioners an additional amount not to exceed  
368 Fifty Dollars (\$50.00) for the performance of their duties at any  
369 election occurring from July 1, 2020, through December 31, 2020,



370 which shall be considered additional pandemic pay. Such  
371 compensation shall be payable out of the county general fund, and  
372 may be payable from federal funds available for such purpose, or a  
373 combination of both funding sources.

374 (5) The election commissioners shall be entitled to receive  
375 a per diem in the amount of One Hundred Dollars (\$100.00), to be  
376 paid from the county general fund, not to exceed fourteen (14)  
377 days for every day or period of no less than five (5) hours  
378 accumulated over two (2) or more days actually employed in the  
379 performance of their duties for the necessary time spent in the  
380 revision of the county voter roll as electronically maintained by  
381 the Statewide Elections Management System and in the conduct of a  
382 runoff election following either a general or special election.

383 (6) The election commissioners shall be entitled to receive  
384 only one (1) per diem payment for those days when the election  
385 commissioners discharge more than one (1) duty or responsibility  
386 on the same day.

387 (7) In preparation for a municipal primary, runoff, general  
388 or special election, the county registrar shall generate and  
389 distribute the master voter roll and pollbooks from the Statewide  
390 Elections Management System for the municipality located within  
391 the county. The municipality shall pay the county registrar for  
392 the actual cost of preparing and printing the municipal master  
393 voter roll pollbooks. A municipality may secure "read only"





394 access to the Statewide Elections Management System and print its  
395 own pollbooks using this information.

396 (8) County election commissioners who perform the duties of  
397 an executive committee with regard to the conduct of a primary  
398 election under a written agreement authorized by law to be entered  
399 into with an executive committee shall receive per diem as  
400 provided for in subsection (2) of this section. The days that  
401 county election commissioners are employed in the conduct of a  
402 primary election shall be treated the same as days county election  
403 commissioners are employed in the conduct of other elections.

404 (9) In addition to any per diem authorized by this section,  
405 any election commissioner shall be entitled to the mileage  
406 reimbursement rate allowable to federal employees for the use of a  
407 privately owned vehicle while on official travel on election day.

408 (10) Every election commissioner shall sign personally a  
409 certification setting forth the number of hours actually worked in  
410 the performance of the commissioner's official duties and for  
411 which the commissioner seeks compensation. The certification must  
412 be on a form as prescribed in this subsection. The commissioner's  
413 signature is, as a matter of law, made under the commissioner's  
414 oath of office and under penalties of perjury.

415 The certification form shall be as follows:

416 **COUNTY ELECTION COMMISSIONER**

417 **PER DIEM CLAIM FORM**

418 NAME: \_\_\_\_\_ COUNTY: \_\_\_\_\_



419 ADDRESS: \_\_\_\_\_ DISTRICT: \_\_\_\_\_

420 CITY: \_\_\_\_\_ ZIP: \_\_\_\_\_

421 PURPOSE APPLICABLE ACTUAL PER DIEM

422 DATE BEGINNING ENDING OF MS CODE HOURS DAYS

423 WORKED TIME TIME WORK SECTION WORKED EARNED

424 \_\_\_\_\_

425 \_\_\_\_\_

426 \_\_\_\_\_

427 TOTAL NUMBER OF PER DIEM DAYS EARNED

428 EXCLUDING ELECTION DAYS \_\_\_\_\_

429 PER DIEM RATE PER DAY EARNED X \$100.00

430 TOTAL NUMBER PER DIEM DAYS EARNED

431 FOR ELECTION DAYS \_\_\_\_\_

432 PER DIEM RATE PER DAY EARNED X \$150.00

433 TOTAL AMOUNT OF PER DIEM CLAIMED \$ \_\_\_\_\_

434 I understand that I am signing this document under my oath as  
435 an election commissioner and under penalties of perjury.

436 I understand that I am requesting payment from taxpayer funds  
437 and that I have an obligation to be specific and truthful as to  
438 the amount of hours worked and the compensation I am requesting.

439 Signed this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

440 \_\_\_\_\_

441 Commissioner's Signature

442 When properly completed and signed, the certification must be  
443 filed with the clerk of the county board of supervisors before any



444 payment may be made. The certification will be a public record  
445 available for inspection and reproduction immediately upon the  
446 oral or written request of any person.

447 Any person may contest the accuracy of the certification in  
448 any respect by notifying the chair of the commission, any member  
449 of the board of supervisors or the clerk of the board of  
450 supervisors of the contest at any time before or after payment is  
451 made. If the contest is made before payment is made, no payment  
452 shall be made as to the contested certificate until the contest is  
453 finally disposed of. The person filing the contest shall be  
454 entitled to a full hearing, and the clerk of the board of  
455 supervisors shall issue subpoenas upon request of the contestor  
456 compelling the attendance of witnesses and production of documents  
457 and things. The contestor shall have the right to appeal de novo  
458 to the circuit court of the involved county, which appeal must be  
459 perfected within thirty (30) days from a final decision of the  
460 commission, the clerk of the board of supervisors or the board of  
461 supervisors, as the case may be.

462 Any contestor who successfully contests any certification  
463 will be awarded all expenses incident to his or her contest,  
464 together with reasonable attorney's fees, which will be awarded  
465 upon petition to the chancery court of the involved county upon  
466 final disposition of the contest before the election commission,  
467 board of supervisors, clerk of the board of supervisors, or, in  
468 case of an appeal, final disposition by the court. The



469 commissioner against whom the contest is decided shall be liable  
470 for the payment of the expenses and attorney's fees, and the  
471 county shall be jointly and severally liable for same.

472 (11) Any election commissioner who has not received a  
473 certificate issued by the Secretary of State pursuant to Section  
474 23-15-211 indicating that the election commissioner has received  
475 the required elections seminar instruction and that the election  
476 commissioner is fully qualified to conduct an election, shall not  
477 receive any compensation authorized by this section or Section  
478 23-15-239.

479 **SECTION 7.** Section 23-15-165, Mississippi Code of 1972, is  
480 amended as follows:

481 23-15-165. (1) The Office of the Secretary of State, in  
482 cooperation with the county registrars and election commissioners,  
483 shall procure, implement and maintain an electronic information  
484 processing system and programs capable of maintaining a  
485 centralized database of all registered voters in the state. The  
486 system shall encompass software and hardware, at both the state  
487 and county level, software development training, conversion and  
488 support and maintenance for the system. This system shall be  
489 known as the "Statewide Elections Management System" and shall  
490 constitute the official record of registered voters in every  
491 county of the state.



492 (2) The Office of the Secretary of State shall develop and  
493 implement the Statewide Elections Management System so that the  
494 registrar and election commissioners of each county shall:

495 (a) Verify that an applicant that is registering to  
496 vote in that county is not registered to vote in another county;

497 (b) Be notified automatically that a registered voter  
498 in its county has registered to vote in another county;

499 (c) Receive regular reports of death, changes of  
500 address and convictions for disenfranchising crimes, which cause a  
501 voter to have his or her right to vote suspended, that apply to  
502 voters registered in the county; \* \* \*

503 (d) Retain all present functionality related to, but  
504 not limited to, the use of voter roll data and to implement such  
505 other functionality as the law requires to enhance the maintenance  
506 of accurate county voter records and related jury selection and  
507 redistricting programs \* \* \*; and

508 (e) Receive regular reports of voters who have  
509 satisfied all of the sentencing requirements of his or her  
510 conviction and automatically restore the voter's name into the  
511 Statewide Elections Management System, the state's voter roll and  
512 the county's pollbooks.

513 (3) As a part of the procurement and implementation of the  
514 system, the Office of the Secretary of State shall, with the  
515 assistance of the advisory committee, procure services necessary  
516 to convert current voter registration records in the counties into



517 a standard, industry accepted file format that can be used on the  
518 Statewide Elections Management System. Thereafter, all official  
519 voter information shall be maintained on the Statewide Elections  
520 Management System. The standard industry accepted format of data  
521 was reviewed and approved by a majority of the advisory committee  
522 created in subsection (5) of this section after consultation with  
523 the Circuit Clerks Association and the format may not be changed  
524 without consulting the Circuit Clerks Association.

525 (4) The Secretary of State may, with the assistance of the  
526 advisory committee, adopt rules and regulations necessary to  
527 administer the Statewide Elections Management System. The rules  
528 and regulations shall at least:

529 (a) Provide for the establishment and maintenance of a  
530 centralized database for all voter registration information in the  
531 state;

532 (b) Provide procedures for integrating data into the  
533 centralized database;

534 (c) Provide security to ensure that only the registrar,  
535 or his or her designee or other appropriate official, as the law  
536 may require, can add information to, delete information from and  
537 modify information in the system;

538 (d) Provide the registrar or his or her designee or  
539 other appropriate official, as the law may require, access to the  
540 system at all times, including the ability to download copies of  
541 the industry standard file, for all purposes related to their



542 official duties, including, but not limited to, exclusive access  
543 for the purpose of printing all local pollbooks;

544 (e) Provide security and protection of all information  
545 in the system and monitor the system to ensure that unauthorized  
546 access is not allowed;

547 (f) Provide a procedure that will allow the registrar,  
548 or his or her designee or other appropriate official, as the law  
549 may require, to identify the precinct to which a voter should be  
550 assigned; and

551 (g) Provide a procedure for phasing in or converting  
552 existing manual and computerized voter registration systems in  
553 counties to the Statewide Elections Management System.

554 (5) The Secretary of State established an advisory committee  
555 to assist in developing system specifications, procurement,  
556 implementation and maintenance of the Statewide Elections  
557 Management System. The committee included two (2) representatives  
558 from the Circuit Clerks Association, appointed by the association;  
559 two (2) representatives from the Election Commissioners  
560 Association of Mississippi, appointed by the association; one (1)  
561 member of the Mississippi Association of Supervisors, or its  
562 staff, appointed by the association; the Director of the Stennis  
563 Institute of Government at Mississippi State University, or his or  
564 her designee; the Executive Director of the Department of  
565 Information Technology Services, or his or her designee; two (2)  
566 persons knowledgeable about elections and information technology



567 appointed by the Secretary of State; and the Secretary of State,  
568 who shall serve as the chair of the advisory committee.

569 (6) (a) Social security numbers, telephone numbers and date  
570 of birth and age information in statewide, district, county and  
571 municipal voter registration files shall be exempt from and shall  
572 not be subject to inspection, examination, copying or reproduction  
573 under the Mississippi Public Records Act of 1983.

574 (b) Copies of statewide, district, county or municipal  
575 voter registration files, excluding social security numbers,  
576 telephone numbers and date of birth and age information, shall be  
577 provided to any person in accordance with the Mississippi Public  
578 Records Act of 1983 at a cost not to exceed the actual cost of  
579 production.

580 **SECTION 8.** Section 99-19-37, Mississippi Code of 1972, is  
581 amended as follows:

582 99-19-37. (1) Any person who has lost the right of suffrage  
583 by reason of conviction of crime, has not had such conviction  
584 expunged and has not been pardoned therefrom, who thereafter  
585 served honorably in any branch of the Armed Forces of the United  
586 States during the periods of World War I or World War II as  
587 hereinafter defined and shall have received an honorable  
588 discharge, or release therefrom, shall by reason of such honorable  
589 service, have the full right of suffrage restored, provided,  
590 however, this does not apply to any one having an unfinished or  
591 suspended sentence.





592 (2) For the purposes of this section the period of World War  
593 I shall be from April 6, 1917 to December 1, 1918, and the period  
594 of World War II shall be from December 7, 1941 to December 31,  
595 1946.

596 (3) In order to have restored, and to exercise, the right of  
597 franchise under the provisions of this section a person affected  
598 hereby shall have his or her discharge, or release, from the Armed  
599 Forces of the United States recorded in the office of the chancery  
600 clerk of the county in which such person desires to exercise the  
601 right of franchise and if such discharge, or release, appears to  
602 be an honorable discharge, or release, and shows such person to  
603 have served honorably during either of the periods stated in  
604 subsection (2) of this section such person shall have the full  
605 right of suffrage restored as though an act had been passed by the  
606 Legislature in accordance with Section 253 of the Constitution of  
607 the State of Mississippi restoring the right of suffrage to such  
608 person.

609 **SECTION 9.** Section 97-39-3, Mississippi Code of 1972, is  
610 amended as follows:

611 97-39-3. If any person shall fight a duel, or give or accept  
612 a challenge to fight a duel, or knowingly carry or deliver such  
613 challenge or the acceptance thereof, or be second to either party  
614 to any duel, whether such act be done in the state or out of it,  
615 or who shall go out of the state to fight a duel, or to assist in  
616 the same as second, or to send, accept, or carry a challenge,



617 shall be disqualified from holding any office, \* \* \* and incapable  
618 of holding or being elected to any post of honor, profit or  
619 emolument, civil or military, under the constitution and laws of  
620 this state; and the appointment of any such person to office, as  
621 also all votes given to any such person, are illegal, and none of  
622 the votes given to such person for any office shall be taken or  
623 counted.

624           **SECTION 10.** This act shall take effect and be in force from  
625 and after July 1, 2022.

