

By: Representative Moak

To: Apportionment and Elections

HOUSE BILL NO. 212

1 AN ACT TO AMEND SECTION 23-15-811, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT A CANDIDATE OR OTHER PERSON WHO IS REQUIRED TO
3 FILE ANY CAMPAIGN FINANCE DISCLOSURE REPORT AND WHO FAILS TO FILE
4 THE REPORT TIMELY SHALL BE GUILTY OF A MISDEMEANOR; TO PRESCRIBE
5 PENALTIES FOR THE VIOLATION; AND FOR RELATED PURPOSES.

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

7 SECTION 1. Section 23-15-811, Mississippi Code of 1972, is
8 amended as follows:

9 23-15-811. (a) Except as otherwise provided in paragraph
10 (c) of this section, any candidate or any other person who
11 wilfully and deliberately violates any of the provisions * * * of
12 this article is guilty of a misdemeanor and, upon
13 conviction, * * * shall be punished by a fine in a sum not to
14 exceed Three Thousand Dollars (\$3,000.00).

15 (b) In addition to the penalties provided in paragraph
16 (a) of this section, any candidate or political committee that is
17 required to file a statement or report which fails to file the
18 statement or report on the date on which it is due may be
19 compelled to file the statement or report by an action in the
20 nature of a mandamus.

21 (c) Any candidate or any other person who fails to file
22 timely any report required under this article is guilty, upon
23 conviction, of a misdemeanor and shall be punished for each
24 violation by a fine of not more than Five Hundred Dollars
25 (\$500.00), by imprisonment for not more than six (6) months, or by
26 both fine and imprisonment.

27 (d) No candidate may be certified as nominated for

28 election or as elected to office * * * until he files all reports
29 required by this article due as of the date of certification.

30 (e) No candidate who is elected to office may receive
31 any salary or other remuneration for the office * * * until he
32 files all reports required by this article due as of the date such
33 salary or remuneration is payable.

34 (f) If a candidate fails to file timely any report
35 required pursuant to this article but subsequently files a report
36 or reports containing all of the information required to be
37 reported by him as of the date on which the sanctions of
38 paragraphs (d) and (e) of this section would be applied to him,
39 the candidate is not subject to the sanctions of * * * paragraphs
40 (d) and (e) of this section.

41 SECTION 2. The Attorney General of the State of Mississippi
42 shall submit this act, immediately upon approval by the Governor,
43 or upon approval by the Legislature subsequent to a veto, to the
44 Attorney General of the United States or to the United States
45 District Court for the District of Columbia in accordance with the
46 provisions of the Voting Rights Act of 1965, as amended and
47 extended.

48 SECTION 3. This act shall take effect and be in force from
49 and after the date it is effectuated under Section 5 of the Voting
50 Rights Act of 1965, as amended and extended, or from and after
51 July 1, 1999, whichever date is later.