AN ACT TO PROHIBIT ANY PERSON FROM RECEIVING, EXPENDING OR
SOLICITING CAMPAIGN CONTRIBUTIONS BEFORE HE OR SHE HAS QUALIFIED
AS A CANDIDATE; TO AMEND SECTIONS 23-15-801 AND 23-15-811,
MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED
PURPOSES.

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

SECTION 1. No person shall receive, expend, or solicit
campaign contributions with regard to a specific elected office
until he or she has properly qualified as a candidate for such

SECTION 2. Section 23-15-801, Mississippi Code of 1972, is
amended as follows:

23-15-801. (a) "Election" shall mean a general, special,
primary or runoff election.

(b) "Candidate" shall mean an individual who seeks
nomination for election, or election, to any elective office other
than a federal elective office and for purposes of this article,
an individual shall be deemed to seek nomination for election, or
election, if such individual has properly qualified as a candidate
under Sections 23-15-299 and 23-15-977; and

(i) Has received contributions aggregating in
excess of Two Hundred Dollars ($200.00) or has made expenditures
aggregating in excess of Two Hundred Dollars ($200.00); or

(ii) Has given his or her consent to another
person to receive contributions or make expenditures on behalf of
such individual and if such person has received such contributions
aggregating in excess of Two Hundred Dollars ($200.00) during a
calendar year, or has made such expenditures aggregating in excess
of Two Hundred Dollars ($200.00) during a calendar year.

(c) "Political committee" shall mean any committee, party,
club, association, political action committee, campaign committee
or other groups of persons or affiliated organizations which
receives contributions aggregating in excess of Two Hundred
Dollars ($200.00) during a calendar year or which makes
expenditures aggregating in excess of Two Hundred Dollars
($200.00) during a calendar year for the purpose of influencing or
attempting to influence the action of voters for or against the
nomination for election, or election, of one or more candidates,
or balloted measures and shall, in addition, include each
political party registered with the Secretary of State.

(d) "Affiliated organization" shall mean any organization
which is not a political committee, but which directly or
indirectly establishes, administers or financially supports a
political committee.

(e) (i) "Contribution" shall include any gift,
subscription, loan, advance or deposit of money or anything of
value made by any person or political committee for the purpose of
influencing any election for elective office or balloted measure;

(ii) "Contribution" shall not include the value of
services provided without compensation by any individual who
volunteers on behalf of a candidate or political committee; or the
cost of any food or beverage for use in any candidate's campaign
or for use by or on behalf of any political committee of a
political party;

(iii) "Contribution to a political party" includes any
gift, subscription, loan, advance or deposit of money or anything
of value made by any person, political committee, or other
organization to a political party and to any committee,
subcommittee, campaign committee, political committee and other
groups of persons and affiliated organizations of the political party;

(iv) "Contribution to a political party" shall not include the value of services provided without compensation by any individual who volunteers on behalf of a political party or a candidate of a political party.

(f) (i) "Expenditure" shall include any purchase, payment, distribution, loan, advance, deposit, gift of money or anything of value, made by any person or political committee for the purpose of influencing any balloted measure or election for elective office; and a written contract, promise, or agreement to make an expenditure;

(ii) "Expenditure" shall not include any news story, commentary or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate; or nonpartisan activity designed to encourage individuals to vote or to register to vote;

(iii) "Expenditure by a political party" includes 1. any purchase, payment, distribution, loan, advance, deposit, gift of money or anything of value, made by any political party and by any contractor, subcontractor, agent, and consultant to the political party; and 2. a written contract, promise, or agreement to make such an expenditure.

(g) The term "identification" shall mean:

(i) In the case of any individual, the name, the mailing address, and the occupation of such individual, as well as the name of his or her employer; and

(ii) In the case of any other person, the full name and address of such person.

(h) The term "political party" shall mean an association, committee or organization which nominates a candidate for election.
to any elective office whose name appears on the election ballot
as the candidate of such association, committee or organization.

(i) The term "person" shall mean any individual, family,
firm, corporation, partnership, association or other legal entity.

(j) The term "independent expenditure" shall mean an
expenditure by a person expressly advocating the election or
defeat of a clearly identified candidate which is made without
cooperation or consultation with any candidate or any authorized
committee or agent of such candidate, and which is not made in
concert with or at the request or suggestion of any candidate or
any authorized committee or agent of such candidate.

(k) The term "clearly identified" shall mean that:

(i) The name of the candidate involved appears; or

(ii) A photograph or drawing of the candidate appears;

or

(iii) The identity of the candidate is apparent by
unambiguous reference.

SECTION 3. Section 23-15-811, Mississippi Code of 1972, is
amended as follows:

23-15-811. (a) Any candidate or any other person who shall
wilfully and deliberately and substantially violate the provisions
and prohibitions of this article shall be guilty of a misdemeanor
and upon conviction thereof shall be punished by a fine in a sum
not to exceed Three Thousand Dollars ($3,000.00) or imprisoned for
not longer than six (6) months or by both fine and imprisonment.

In addition to the penalty prescribed in this paragraph, any
person who shall violate Section 1 of this act shall be required
to pay any campaign contributions or other monies unlawfully
received to the State Treasurer for immediate deposit in the State
General Fund.

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

(c) No candidate shall be certified as nominated for
election or as elected to office unless and until he files all
reports required by this article due as of the date of
certification.

(d) No candidate who is elected to office shall receive any
salary or other remuneration for the office unless and until he
files all reports required by this article due as of the date such
salary or remuneration is payable.

(e) In the event that a candidate fails to timely file any
report required pursuant to this article but subsequently files a
report or reports containing all of the information required to be
reported by him as of the date on which the sanctions of
paragraphs (c) and (d) of this section would be applied to him,
such candidate shall not be subject to the sanctions of said
paragraphs (c) and (d).

SECTION 4. Section 1 of this act shall be codified in
Article 23, Chapter 15, Title 23, Mississippi Code of 1972.

SECTION 5. The Attorney General of the State of Mississippi
shall submit this act, immediately upon approval by the Governor,
or upon approval by the Legislature subsequent to a veto, to the
Attorney General of the United States or to the United States
District Court for the District of Columbia in accordance with the
provisions of the Voting Rights Act of 1965, as amended and
extended.

SECTION 6. This act shall take effect and be in force from
and after the date it is effectuated under Section 5 of the Voting
Rights Act of 1965, as amended and extended.