

By: Representative Howell

To: Apportionment and
Elections

HOUSE BILL NO. 134

1 AN ACT TO AMEND SECTION 23-15-807, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE DISCLOSURE OF THE NAME OF THE POLITICAL CANDIDATE
3 RECEIVING IN-KIND CONTRIBUTIONS; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 23-15-807, Mississippi Code of 1972, is
6 amended as follows:

7 23-15-807. (a) Each candidate or political committee shall
8 file reports of contributions and disbursements in accordance with
9 the provisions of this section. All candidates or political
10 committees required to report may terminate its obligation to
11 report only upon submitting a final report that it will no longer
12 receive any contributions or make any disbursement and that such
13 candidate or committee has no outstanding debts or obligations.
14 The candidate, treasurer or chief executive officer shall sign
15 each such report.

16 (b) Candidates who are seeking election, or nomination for
17 election, and political committees that make expenditures for the
18 purpose of influencing or attempting to influence the action of
19 voters for or against the nomination for election, or election, of
20 one or more candidates or balloted measures at such election,
21 shall file the following reports:

22 (i) In any calendar year during which there is a
23 regularly scheduled election, a preelection report, which shall be
24 filed no later than the seventh day before any election in which
25 such candidate or political committee has accepted contributions
26 or made expenditures and which shall be complete as of the tenth
27 day before such election;



28 (ii) In 1987 and every fourth year thereafter, periodic
29 reports, which shall be filed no later than the tenth day after
30 April 30, May 31, June 30, September 30 and December 31, and which
31 shall be complete as of the last day of each period; and

32 (iii) In any calendar years except 1987 and except
33 every fourth year thereafter, a report covering the calendar year
34 which shall be filed no later than January 31 of the following
35 calendar year.

36 (c) All candidates for judicial office as defined in Section
37 23-15-975, or their political committees, shall file in the year
38 in which they are to be elected, periodic reports which shall be
39 filed no later than the tenth day after April 30, May 31, June 30,
40 September 30 and December 31.

41 (d) Contents of reports. Each report under this article
42 shall disclose:

43 (i) For the reporting period and the calendar year, the
44 total amount of all contributions and the total amount of all
45 expenditures of the candidate or reporting committee which shall
46 include those required to be identified pursuant to item (ii) of
47 this paragraph as well as the total of all other contributions and
48 expenditures during the calendar year. Such reports shall be
49 cumulative during the calendar year to which they relate;

50 (ii) The identification of:

51 1. Each person or political committee who makes a
52 contribution to the reporting candidate or political committee
53 during the reporting period, whose contribution or contributions
54 within the calendar year have an aggregate amount or value in
55 excess of Two Hundred Dollars (\$200.00) together with the date and
56 amount of any such contribution and the name of the candidate;

57 2. Each person or organization, candidate or
58 political committee who receives an expenditure, payment or other
59 transfer from the reporting candidate, political committee, or its
60 agent, employee, designee, contractor, consultant or other person



61 or persons acting in its behalf, or any person acting to benefit a
62 candidate but who is not an agent of the entity receiving the
63 expenditure, payment or other transfer, during the reporting
64 period when the expenditure, payment or other transfer to such
65 person, organization, candidate or political committee within the
66 calendar year have an aggregate value or amount in excess of Two
67 Hundred Dollars (\$200.00) together with the date and amount of
68 such expenditure, in the case of a candidate, or any person acting
69 on behalf of or for the benefit of the candidate, and the name of
70 the candidate;

71 (iii) The total amount of cash on hand of each
72 reporting candidate and reporting political committee;

73 (iv) In addition to the contents of reports specified
74 in items (i), (ii) and (iii) of this paragraph, each political
75 party shall disclose:

76 1. Each person or political committee who makes a
77 contribution to a political party during the reporting period and
78 whose contribution or contributions to a political party within
79 the calendar year have an aggregate amount or value in excess of
80 Two Hundred Dollars (\$200.00), together with the date and amount
81 of the contribution;

82 2. Each person or organization who receives an
83 expenditure by a political party or expenditures by a political
84 party during the reporting period when the expenditure or
85 expenditures to the person or organization within the calendar
86 year have an aggregate value or amount in excess of Two Hundred
87 Dollars (\$200.00), together with the date and amount of the
88 expenditure.

89 (e) The appropriate office specified in Section 23-15-805
90 must be in actual receipt of the reports specified in this article
91 by 5:00 p.m. on the dates specified in paragraph (b) of this
92 section. If the date specified in paragraph (b) of this section
93 shall fall on a weekend or legal holiday then the report shall be



94 due in the appropriate office at 5:00 p.m. on the first working
95 day before the date specified in paragraph (b) of this section.
96 The reporting candidate or reporting political committee shall
97 ensure that the reports are delivered to the appropriate office by
98 the filing deadline. The Secretary of State may approve specific
99 means of electronic transmission of completed campaign finance
100 disclosure reports, which may include, but not be limited to,
101 transmission by electronic facsimile (FAX) devices.

102 (f) (i) If any contribution of more than Two Hundred
103 Dollars (\$200.00) is received by a candidate or candidate's
104 political committee after the tenth day, but more than forty-eight
105 (48) hours before 12:01 a.m. of the day of the election, the
106 candidate or political committee shall notify the appropriate
107 office designated in Section 23-15-805, within forty-eight (48)
108 hours of receipt of the contribution. The notification shall
109 include:

- 110 1. The name of the receiving candidate;
- 111 2. The name of the receiving candidate's political
112 committee, if any;
- 113 3. The office sought by the candidate;
- 114 4. The identification of the contributor;
- 115 5. The date of receipt;
- 116 6. The amount of the contribution;
- 117 7. If the contribution is in-kind, a description
118 of the in-kind contribution; and
- 119 8. The signature of the candidate or the treasurer
120 or director of the candidate's political committee;

121 (ii) The notification shall be in writing, and may be
122 transmitted by overnight mail, courier service, or other reliable
123 means, including electronic facsimile (FAX), but the candidate or
124 candidate's committee shall ensure that the notification shall in
125 fact be received in the appropriate office designated in Section
126 23-15-805 within forty-eight (48) hours of the contribution.



127 **SECTION 2.** The Attorney General of the State of Mississippi
128 shall submit this act, immediately upon approval by the Governor,
129 or upon approval by the Legislature subsequent to a veto, to the
130 Attorney General of the United States or to the United States
131 District Court for the District of Columbia in accordance with the
132 provisions of the Voting Rights Act of 1965, as amended and
133 extended.

134 **SECTION 3.** This act shall take effect and be in force from
135 and after the date it is effectuated under Section 5 of the Voting
136 Rights Act of 1965, as amended and extended.

