

By: Representative Horne

To: Apportionment and Elections

HOUSE BILL NO. 695

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

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

7 **SECTION 1.** No person shall receive, expend, or solicit  
8 campaign contributions with regard to a specific elected office  
9 until he or she has properly qualified as a candidate for such  
10 elected office under Sections 23-15-299 and 23-15-977.

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

13 23-15-801. (a) "Election" shall mean a general, special,  
14 primary or runoff election.

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

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

24 (ii) \* \* \* Has given his or her consent to another  
25 person to receive contributions or make expenditures on behalf of  
26 such individual and if such person has received such contributions  
27 aggregating in excess of Two Hundred Dollars (\$200.00) during a



28 calendar year, or has made such expenditures aggregating in excess  
29 of Two Hundred Dollars (\$200.00) during a calendar year.

30 (c) "Political committee" shall mean any committee, party,  
31 club, association, political action committee, campaign committee  
32 or other groups of persons or affiliated organizations which  
33 receives contributions aggregating in excess of Two Hundred  
34 Dollars (\$200.00) during a calendar year or which makes  
35 expenditures aggregating in excess of Two Hundred Dollars  
36 (\$200.00) during a calendar year for the purpose of influencing or  
37 attempting to influence the action of voters for or against the  
38 nomination for election, or election, of one or more candidates,  
39 or balloted measures and shall, in addition, include each  
40 political party registered with the Secretary of State.

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

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

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

55 (iii) "Contribution to a political party" includes any  
56 gift, subscription, loan, advance or deposit of money or anything  
57 of value made by any person, political committee, or other  
58 organization to a political party and to any committee,  
59 subcommittee, campaign committee, political committee and other



60 groups of persons and affiliated organizations of the political  
61 party;

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

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

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

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

85 (g) The term "identification" shall mean:

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

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

91 (h) The term "political party" shall mean an association,  
92 committee or organization which nominates a candidate for election



93 to any elective office whose name appears on the election ballot  
94 as the candidate of such association, committee or organization.

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

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

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

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

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

107 or

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

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

112 23-15-811. (a) Any candidate or any other person who shall  
113 wilfully and deliberately and substantially violate the provisions  
114 and prohibitions of this article shall be guilty of a misdemeanor  
115 and upon conviction thereof shall be punished by a fine in a sum  
116 not to exceed Three Thousand Dollars (\$3,000.00) or imprisoned for  
117 not longer than six (6) months or by both fine and imprisonment.

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

123 (b) In addition to the penalties provided in paragraph (a)  
124 of this section, any candidate or political committee which is  
125 required to file a statement or report which fails to file such



126 statement or report on the date in which it is due may be  
127 compelled to file such statement or report by an action in the  
128 nature of a mandamus.

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

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

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

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

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

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

