

By: Representative Horne

To: Apportionment and Elections

HOUSE BILL NO. 61

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.

