

By: Representatives Clarke (By Request),
Dickson, Evans, Fleming, Green, Huddleston,
Myers, Thomas, Wallace, West, Whittington

To: Apportionment and
Elections

HOUSE BILL NO. 1016

1 AN ACT TO REQUIRE ELECTED OFFICIALS WHO CHANGE POLITICAL
2 PARTY AFFILIATION TO RETURN ALL CONTRIBUTIONS, GIVEN TO OR MADE ON
3 BEHALF OF THE ELECTED OFFICIAL BY A POLITICAL PARTY, TO THE
4 POLITICAL PARTY THE ELECTED OFFICIAL LEAVES; TO REQUIRE THE
5 SECRETARY OF STATE TO DETERMINE THE TOTAL AMOUNT OF CONTRIBUTIONS
6 OWED TO A POLITICAL PARTY; TO PROVIDE PENALTIES FOR AN ELECTED
7 OFFICIAL WHO FAILS TO BEGIN SUCH PAYMENTS TIMELY; AND FOR RELATED
8 PURPOSES.

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

10 **SECTION 1.** (1) Any elected official who changes his or her
11 political party affiliation shall return to the political party
12 that he or she is leaving all contributions given to the elected
13 official by the political party and all expenditures made by the
14 political party on behalf of the elected official. A "change in
15 political party affiliation" occurs when:

16 (a) Any elected official publicly declares that he or
17 she is leaving the political party with which he or she was
18 affiliated when he or she was elected to office;

19 (b) Any elected official publicly declares that he or
20 she is becoming a member of a political party which is different
21 from the political party with which he or she was affiliated at
22 the time of election; or

23 (c) Any elected official affiliates himself or herself,
24 in the written statement required under Section 23-15-299(4)(a),
25 with a political party that is different from the political party
26 affiliation in the written statement provided on the qualifying
27 deadline for the office that he or she holds at the time he or she
28 qualifies.

29 (2) The Office of the Secretary of State shall determine
30 the total amount of contributions and expenditures that must be



31 returned to the political party, create a plan for repayment of
32 the contributions and expenditures to the political party and
33 designate the date an elected official is to begin payment to the
34 political party.

35 The Secretary of State shall compute the total amount of
36 contributions and expenditures owed to a political party by using
37 the report filed by a political party required under subsection
38 (3) of this section, and the reports required under Section
39 23-15-807(b). The reports required under Section 23-15-807(b)
40 shall cover the following periods:

41 (a) Preelection reports covering the period from the
42 qualifying deadline date of the office the elected official holds
43 to the date the elected official changed political party
44 affiliation.

45 (b) Periodic reports covering the period from the
46 qualifying deadline date of the office the elected official holds
47 to the date the elected official changed political party
48 affiliation.

49 (c) Calendar year reports covering the period from the
50 qualifying deadline date of the office the elected official holds
51 to the date the elected official changed political party
52 affiliation.

53 (3) (a) The political party to which the contributions and
54 expenditures are to be returned shall file a report with the
55 Office of the Secretary of State showing the total amount of
56 contributions given to or expenditures made on behalf of the
57 elected official. The report shall cover the period from the
58 qualifying deadline date of the office the elected official holds
59 to the date the elected official changed political party
60 affiliation.

61 (b) The report must be filed within thirty (30) days
62 after the date the elected official publicly declares that he or
63 she is leaving a political party or within thirty (30) days after



64 the qualifying deadline for the office for which the candidate is
65 qualifying.

66 (4) (a) The elected official shall begin payment of the
67 amount of contributions and expenditures owed to a political party
68 within thirty (30) days of the date designated by the Secretary of
69 State to begin payment to the political party. The elected
70 official shall provide payment on any dates provided in the
71 Secretary of State's repayment plan on the dates designated.

72 (b) If the official fails to begin timely payment as
73 required under paragraph (a) of this subsection, he or she shall
74 be subject to a civil penalty of One Hundred Dollars (\$100.00) per
75 day until payment is made.

76 (c) The Attorney General shall collect the civil
77 penalties and may institute suit to collect the penalties. All
78 civil penalties must be deposited into the State General Fund.

79 **SECTION 2.** The Attorney General of the State of Mississippi
80 shall submit this act, immediately upon approval by the Governor,
81 or upon approval by the Legislature subsequent to a veto, to the
82 Attorney General of the United States or to the United States
83 District Court for the District of Columbia in accordance with the
84 provisions of the Voting Rights Act of 1965, as amended and
85 extended.

86 **SECTION 3.** This act shall take effect and be in force from
87 and after July 1, 2003, if it is effectuated on or before that
88 date under Section 5 of the Voting Rights Act of 1965, as amended
89 and extended. If it is effectuated under Section 5 of the Voting
90 Rights Act of 1965, as amended and extended, after July 1, 2003,
91 this act shall take effect and be in force from and after the date
92 it is effectuated under Section 5 of the Voting Rights Act of
93 1965, as amended and extended.

