HOUSE BILL NO. 1016

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

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

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

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

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

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

(2) The Office of the Secretary of State shall determine
the total amount of contributions and expenditures that must be
returned to the political party, create a plan for repayment of
the contributions and expenditures to the political party and
designate the date an elected official is to begin payment to the
political party.

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

(a) Pre-election reports covering the period from the
qualifying deadline date of the office the elected official holds
to the date the elected official changed political party
affiliation.

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

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

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

(b) The report must be filed within thirty (30) days
after the date the elected official publicly declares that he or
she is leaving a political party or within thirty (30) days after
the qualifying deadline for the office for which the candidate is qualifying.

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

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

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

SECTION 2. 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 3. This act shall take effect and be in force from and after July 1, 2003, if it is effectuated on or before that date under Section 5 of the Voting Rights Act of 1965, as amended and extended. If it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended, after July 1, 2003, 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.