

By: Representatives Reynolds, Cummings, Moss To: Apportionment and
Elections

HOUSE BILL NO. 1244

1 AN ACT TO CREATE NEW SECTION 23-15-802, MISSISSIPPI CODE OF
2 1972, TO PROVIDE THAT CONTRIBUTIONS TO NAMED CANDIDATE MADE TO A
3 POLITICAL COMMITTEE AUTHORIZED BY THE CANDIDATE TO ACCEPT
4 CONTRIBUTIONS SHALL BE CONSIDERED CONTRIBUTIONS TO THE CANDIDATE;
5 TO PROVIDE THAT EXPENDITURES MADE BY ANY PERSON IN CONCERT WITH A
6 CANDIDATE SHALL BE CONSIDERED TO BE A CONTRIBUTION MADE TO THE
7 CANDIDATE; TO PROVIDE THAT THE FINANCE OF THE DISSEMINATION OF
8 CAMPAIGN MATERIALS SHALL BE CONSIDERED TO BE AN EXPENDITURE FOR,
9 AND A CONTRIBUTION TO THE CANDIDATE; TO PROVIDE THAT DISBURSEMENTS
10 FOR ELECTIONEERING COMMUNICATIONS THAT ARE COORDINATED WITH A
11 CANDIDATE SHALL BE CONSIDERED A CONTRIBUTION TO THE CANDIDATE; TO
12 CREATE NEW SECTION 23-15-808, MISSISSIPPI CODE OF 1972, TO PROVIDE
13 THAT PERSONS WHO MAKE DISBURSEMENT FOR THE DIRECT COST OF
14 PRODUCING AND AIRING ELECTIONEERING COMMUNICATIONS IN AN AGGREGATE
15 AMOUNT IN EXCESS OF \$200.00 SHALL FILE A STATEMENT REGARDING SUCH
16 DISBURSEMENT WITHIN 48 HOURS OF THE DISCLOSURE DATE AND TO PROVIDE
17 FOR THE INFORMATION THAT MUST BE INCLUDED IN THE STATEMENT; TO
18 AMEND SECTIONS 23-15-801, 23-15-805, 23-15-807, 23-15-809,
19 23-15-811 AND 23-15-813, MISSISSIPPI CODE OF 1972, TO DEFINE THE
20 TERMS "ELECTIONEERING COMMUNICATION" AND "DISCLOSURE DATE" AND
21 REVISE THE DEFINITION OF CERTAIN TERMS IN THE CAMPAIGN FINANCE
22 DISCLOSURE LAWS; TO REQUIRE, FROM AND AFTER JANUARY 1, 2007,
23 CERTAIN CANDIDATES TO FILE THE REPORTS REQUIRED TO BE FILED WITH
24 THE OFFICE OF THE SECRETARY OF STATE BY ELECTRONIC FORMAT; TO
25 CLARIFY THE INFORMATION REQUIRED TO BE INCLUDED IN CERTAIN
26 CAMPAIGN FINANCE REPORTS; TO PROVIDE THAT CAMPAIGN FINANCE REPORTS
27 SHALL INCLUDE CERTAIN INFORMATION REGARDING LOANS OR OTHER
28 EXTENSIONS OF CREDIT MADE TO A CANDIDATE FOR USE IN HIS CAMPAIGN;
29 TO REQUIRE STATEMENTS REGARDING CERTAIN INDEPENDENT CAMPAIGN
30 EXPENDITURES TO BE FILED WITHIN 48 HOURS AND TO REVISE THE
31 INFORMATION REQUIRED TO BE INCLUDED IN SUCH STATEMENTS; TO REVISE
32 THE ELEMENTS NECESSARY FOR A CONVICTION OF A VIOLATION OF THE
33 CAMPAIGN FINANCE LAWS; TO CLARIFY UPON WHOM ADMINISTRATIVE
34 PENALTIES UNDER THE CAMPAIGN FINANCE LAW MAY APPLY; TO AMEND
35 SECTION 23-15-1021, MISSISSIPPI CODE OF 1972, TO MAKE IT UNLAWFUL
36 FOR ANY FOR-PROFIT BUSINESS ENTITY WHOSE OWNERS DIRECTLY CONTROL
37 THE ENTITY'S ACTIONS TO CONTRIBUTE MONEY TO JUDICIAL CANDIDATES IN
38 EXCESS OF THE AMOUNT THE OWNERS COULD LAWFULLY CONTRIBUTE TO THE
39 CANDIDATES IF EACH GAVE THE MAXIMUM AMOUNT ALLOWED BY LAW; TO
40 AMEND SECTION 97-13-15, MISSISSIPPI CODE OF 1972, TO INCREASE TO
41 \$2,000.00 THE AMOUNT THAT CORPORATIONS MAY CONTRIBUTE TO POLITICAL
42 CAMPAIGNS IN A CALENDAR YEAR AND TO PLACE INCORPORATED
43 ASSOCIATIONS, LIMITED PARTNERSHIPS, LIMITED LIABILITY PARTNERSHIPS
44 OR MANAGER-MANAGED LIMITED LIABILITY COMPANIES UNDER SUCH
45 RESTRICTION; TO AMEND SECTION 23-15-817, MISSISSIPPI CODE OF 1972,
46 IN CONFORMITY THERETO; TO REPEAL SECTION 23-15-1023, MISSISSIPPI
47 CODE OF 1972, WHICH PROVIDES THAT JUDICIAL CANDIDATES SHALL
48 DISCLOSE CERTAIN INFORMATION ABOUT CERTAIN LOANS; AND FOR RELATED
49 PURPOSES.

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

51 **SECTION 1.** The following provision shall be codified as
52 Section 23-15-802, Mississippi Code of 1972:

53 23-15-802. (1) Contributions to a named candidate made to a
54 political committee authorized by the candidate to accept
55 contributions on the candidate's behalf, shall be considered to be
56 contributions made to the candidate.

57 (2) Expenditures made by any person, other than the
58 candidate or his authorized committee or agent, in cooperation,
59 consultation or concert with, or at the request or suggestion of a
60 candidate, an authorized committee or agent of such candidate,
61 shall be considered to be a contribution made to the candidate.

62 (3) The financing of the dissemination, distribution or
63 republication, in whole or in part, of any broadcast or any
64 written, graphic or other form of campaign materials prepared by
65 the candidate, an authorized committee or agent of the candidate,
66 shall be considered to be an expenditure for, and a contribution
67 to, the candidate.

68 (4) If any person, other than the candidate or his
69 authorized committee or agent, makes or contracts to make any
70 disbursement for any electioneering communication, and the
71 disbursement is coordinated with a candidate or any authorized
72 committee or agent of the candidate, such disbursement or contract
73 shall be considered to be a contribution to the candidate
74 supported by the electioneering communication and as an
75 expenditure by the candidate.

76 **SECTION 2.** The following provision shall be codified as
77 Section 23-15-808, Mississippi Code of 1972:

78 23-15-808. (1) Every person who makes a disbursement for
79 the direct costs of producing and airing electioneering
80 communications in an aggregate amount in excess of Two Hundred
81 Dollars (\$200.00) during any calendar year, shall, within
82 forty-eight (48) hours of each disclosure date, file with the
83 appropriate offices as provided for in Section 23-15-805 (such

84 person shall be considered a political committee for determining
85 the place of filing), a statement made under penalty of perjury
86 containing the following:

87 (a) The identity of:

88 (i) The person making the disbursement;

89 (ii) Any person sharing or exercising discretion or
90 control over the activities of the person making the disbursement;
91 and

92 (iii) The custodian of the books and accounts of
93 the person making the disbursement;

94 (b) The principal place of business of the person
95 making the disbursement if the person is not an individual;

96 (c) The amount of each disbursement of more than Two
97 Hundred Dollars (\$200.00) made during the period covered by the
98 statement and the identity of the person to whom the disbursement
99 was made;

100 (d) The elections to which the electioneering
101 communication pertains and the names, if known, of the candidates
102 to whom the communication refers;

103 (e) If the disbursements were paid out of a segregated
104 bank account, the names and addresses of all contributors who
105 contributed an aggregate amount in excess of Two Hundred Dollars
106 (\$200.00) to the account during the period beginning on the first
107 day of the preceding calendar year and ending on the disclosure
108 date; and

109 (f) If the disbursements were paid out of funds not
110 covered by paragraph (e) of this subsection, the names and
111 addresses of all persons who contributed an aggregate amount in
112 excess of Two Hundred Dollars (\$200.00) to the person making the
113 disbursement during the period beginning on the first day of the
114 preceding calendar year and ending on the disclosure date.

115 (2) For purposes of this section, a person shall be treated
116 as having made a disbursement if the person has executed a
117 contract to make the disbursement.

118 (3) The reporting requirements of this subsection shall be
119 in addition to any other reporting requirement under this article.

120 **SECTION 3.** Section 23-15-801, Mississippi Code of 1972, is
121 amended as follows:

122 23-15-801. As used in this article:

123 (a) "Election" means a general, special, primary or
124 runoff election.

125 (b) "Candidate" means an individual who seeks
126 nomination for election, or election, to any elective office other
127 than a federal elective office and for purposes of this article,
128 an individual shall be deemed to seek nomination for election, or
129 election:

130 (i) If such individual has received contributions
131 aggregating in excess of Two Hundred Dollars (\$200.00) or has made
132 expenditures aggregating in excess of Two Hundred Dollars
133 (\$200.00) or for a candidate for the Legislature or any statewide
134 or state district office, by the qualifying deadlines specified in
135 Sections 23-15-299 and 23-15-977, whichever occurs first; or

136 (ii) If such individual has given his or her
137 consent to another person to receive contributions or make
138 expenditures on behalf of such individual and if such person has
139 received such contributions aggregating in excess of Two Hundred
140 Dollars (\$200.00) during a calendar year, or has made such
141 expenditures aggregating in excess of Two Hundred Dollars
142 (\$200.00) during a calendar year.

143 (c) "Political committee" means any committee, party,
144 club, association, political action committee, campaign committee
145 or other groups of persons or affiliated organizations which
146 receives contributions aggregating in excess of Two Hundred
147 Dollars (\$200.00) during a calendar year or which makes

148 expenditures aggregating in excess of Two Hundred Dollars
149 (\$200.00) during a calendar year for the purpose of influencing or
150 attempting to influence the action of voters for or against the
151 nomination for election, or election, of one or more candidates,
152 or balloted measures and shall, in addition, include each
153 political party registered with the Secretary of State.

154 (d) "Affiliated organization" means any organization
155 which is not a political committee, but which directly or
156 indirectly establishes, administers or financially supports a
157 political committee.

158 (e) (i) "Contribution" includes any gift,
159 subscription, loan, advance or deposit of money or anything of
160 value made by any person or political committee for the purpose of
161 influencing any election for elective office or balloted measure;
162 however, the term "contribution" does not include the value of
163 services provided without compensation by any individual who
164 volunteers on behalf of a candidate or political committee; or the
165 cost of any food or beverage for use in any candidate's campaign
166 or for use by or on behalf of any political committee of a
167 political party; and

168 (ii) A contribution to a political party includes
169 any gift, subscription, loan, advance or deposit of money or
170 anything of value made by any person, political committee, or
171 other organization to a political party and to any committee,
172 subcommittee, campaign committee, political committee and other
173 groups of persons and affiliated organizations of the political
174 party; however, a contribution to a political party does not
175 include the value of services provided without compensation by any
176 individual who volunteers on behalf of a political party or a
177 candidate of a political party.

178 (f) (i) "Expenditure" includes:

179 1. Any purchase, payment, distribution, loan,
180 advance, deposit, gift of money or anything of value, made by any

181 person or political committee for the purpose of influencing any
182 balloted measure or election for elective office;

183 2. A written contract, promise, or agreement
184 to make an expenditure; and

185 3. A written contract, promise or agreement
186 to make an expenditure.

187 (ii) "Expenditure" does not include:

188 1. Any news story, commentary or editorial
189 distributed through the facilities of any broadcasting station,
190 newspaper, magazine, or other periodical publication, unless such
191 facilities are owned or controlled by any political party,
192 political committee, or candidate; or

193 2. Nonpartisan activity designed to encourage
194 individuals to vote or to register to vote and does not refer to a
195 clearly identified candidate for state or local office;

196 (iii) "Expenditure by a political party" includes:

197 1. Any purchase, payment, distribution, loan,
198 advance, deposit, gift of money or anything of value, made by any
199 political party and by any contractor, subcontractor, agent, and
200 consultant to the political party; and

201 2. A written contract, promise, or agreement
202 to make such an expenditure.

203 (g) The term "identification" means:

204 (i) In the case of any individual, the name, the
205 mailing address, and the occupation of such individual, as well as
206 the name of his or her employer; and

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

209 (h) * * * "Political party" means an association,
210 committee or organization which nominates a candidate for election
211 to any elective office whose name appears on the election ballot
212 as the candidate of such association, committee or organization.

213 (i) * * * "Person" shall mean any individual, family,
214 firm, committee, corporation, partnership, association, political
215 committee or other legal entity.

216 (j) * * * "Independent expenditure" means an
217 expenditure by a person expressly advocating the election or
218 defeat of a clearly identified candidate * * * and which is not
219 made in concert with or at the request or suggestion of any
220 candidate, any authorized committee of the candidate or the agent
221 of the candidate or committee or a political party committee or
222 its agents.

223 (k) * * * "Clearly identified" means that:

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

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

227 (iii) The identity of the candidate is apparent by
228 unambiguous reference.

229 (m) (i) "Electioneering communication" means any
230 broadcast, cable or satellite communication which refers to a
231 clearly identified candidate for state or local office and is
232 made:

233 1. Within sixty (60) days before a general,
234 special or runoff election for the office sought by the candidate;
235 or

236 2. Thirty (30) days before a primary election
237 for the office sought by the candidate; and is targeted at the
238 relevant electorate.

239 (ii) The term "electioneering communication" does
240 not include:

241 1. A communication appearing in a news story,
242 commentary or editorial distributed through the facilities of any
243 broadcasting station, unless such facilities are owned or
244 controlled by any political committee or candidate;

245 2. A communication which constitutes an
246 independent expenditure;

247 3. A communication which constitutes a
248 candidate debate or forum or which solely promotes the candidate
249 debate or forum and is made by or on behalf of the person
250 sponsoring the debate; or

251 4. Nonpartisan activity designed to encourage
252 individuals to vote or register to vote and does not refer to a
253 clearly identified candidate for state or local office.

254 (iii) An electioneering communication is targeted
255 at the relevant electorate if the communication:

256 1. Refers to a clearly identified candidate;
257 and

258 2. Can be received by five thousand (5,000)
259 or more persons in the jurisdiction in which the candidate seeks
260 to represent.

261 (n) "Disclosure date" means:

262 (i) The first date during any calendar year by
263 which a person has made disbursement for the direct costs of
264 producing or airing electioneering communications aggregating in
265 excess of Two Hundred Dollars (\$200.00); and

266 (ii) Any subsequent date during the calendar year
267 by which a person has made disbursement for the direct costs of
268 producing or airing electioneering communications aggregating in
269 excess of Two Hundred Dollars (\$200.00) since the most recent
270 disclosure date for such calendar year.

271 **SECTION 4.** Section 23-15-805, Mississippi Code of 1972, is
272 amended as follows:

273 23-15-805. (1) Candidates for state, state district, and
274 legislative district offices, and every political committee, which
275 makes reportable contributions to or expenditures in support of or
276 in opposition to a candidate for any such office or makes
277 reportable contributions to or expenditures in support of or in

278 opposition to a statewide ballot measure, shall file all reports
279 required under this article with the Office of the Secretary of
280 State.

281 (2) (a) From and after January 1, 2007, all candidates,
282 their authorized committees or agents and other political
283 committees that receive contributions in excess of Fifty Thousand
284 Dollars (\$50,000.00) in any calendar years, shall file the reports
285 required to be filed under this article with the Office of the
286 Secretary of State by electronic format and shall refile all
287 previously filed reports required to be filed under this article
288 with the Secretary of State by electronic format.

289 (b) The Office of the Secretary of State shall adopt
290 rules and regulations designating the format and software to be
291 used in filing reports by electronic format under this subsection.
292 All candidates and committees required to file reports by
293 electronic format under this subsection shall follow the format
294 and use the software prescribed by the Office of the Secretary of
295 State.

296 (3) Candidates for county or county district office, and
297 every political committee which makes reportable contributions to
298 or expenditures in support of or in opposition to a candidate for
299 such office or makes reportable contributions to or expenditures
300 in support of or in opposition to a countywide ballot measure or a
301 ballot measure affecting part of a county, excepting a municipal
302 ballot measure, shall file all reports required by this section in
303 the office of the circuit clerk of the county in which the
304 election occurs. The circuit clerk shall forward copies of all
305 reports to the Office of the Secretary of State.

306 (4) Candidates for municipal office, and every political
307 committee which makes reportable contributions to or expenditures
308 in support of or in opposition to a candidate for such office, or
309 makes reportable contributions to or expenditures in support of or
310 in opposition to a municipal ballot measure shall file all reports

311 required by this article in the office of the municipal clerk of
312 the municipality in which the election occurs. The municipal
313 clerk shall forward copies of all reports to the Office of the
314 Secretary of State.

315 (5) The Secretary of State, the circuit clerks and the
316 municipal clerks shall make all reports received under this
317 subsection available for public inspection and copying and shall
318 preserve such reports for a period of five (5) years.

319 * * *

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

322 23-15-807. (1) Each candidate or political committee shall
323 file reports of contributions and disbursements in accordance with
324 the provisions of this section. All candidates or political
325 committees required to report may terminate its obligation to
326 report only upon submitting a final report that it will no longer
327 receive any contributions or make any disbursement and that such
328 candidate or committee has no outstanding debts or obligations.
329 The candidate, treasurer or chief executive officer shall sign
330 each such report.

331 (2) Candidates who are seeking election, or nomination for
332 election, and political committees that make expenditures for the
333 purpose of influencing or attempting to influence the action of
334 voters for or against the nomination for election, or election, of
335 one or more candidates or balloted measures at such election,
336 shall file the following reports:

337 (a) In any calendar year during which there is a
338 regularly scheduled election, a preelection report, which shall be
339 filed no later than the seventh day before any election in which
340 such candidate or political committee has accepted contributions
341 or made expenditures and which shall include all campaign finance
342 activity for the period beginning after the last appropriately

343 filed annual, periodic or preelection report and extending through
344 the tenth day before such election;

345 (b) In 1987 and every fourth year thereafter, periodic
346 reports, which shall be filed no later than the tenth day after
347 April 30, May 31, June 30, September 30 and December 31, and which
348 shall include all campaign finance activity for the period
349 beginning after the last appropriately filed annual, periodic or
350 preelection report and extending through the last day of each
351 period; and

352 (c) In any calendar years except 1987 and except every
353 fourth year thereafter, a report covering the calendar year which
354 shall be filed no later than January 31 of the following calendar
355 year.

356 (3) All candidates for judicial office as defined in Section
357 23-15-975, or their political committees, shall file in the year
358 in which they are to be elected, periodic reports which shall be
359 filed no later than the tenth day after April 30, May 31, June 30,
360 September 30 and December 31. These reports shall include all
361 campaign finance activity for the period beginning after the last
362 appropriately filed annual, periodic or preelection report and
363 extending through the last day of each period.

364 (4) * * * Each report under this article shall disclose:

365 (a) For the reporting period and the calendar year, the
366 total amount of all contributions and the total amount of all
367 expenditures of the candidate or reporting committee which shall
368 include those required to be identified pursuant to paragraph (b)
369 of this subsection (4) as well as the total of all other
370 contributions and expenditures during the calendar year. Such
371 reports shall be cumulative during the calendar year to which they
372 relate;

373 (b) The identification of:

374 (i) Each person or political committee who makes a
375 contribution to the reporting candidate or political committee

376 during the reporting period, whose contribution or contributions
377 within the calendar year have an aggregate amount or value in
378 excess of Two Hundred Dollars (\$200.00) together with the date and
379 amount of any such contribution;

380 (ii) Each person or organization, candidate or
381 political committee who receives an expenditure, payment or other
382 transfer from the reporting candidate, political committee or its
383 agent, employee, designee, contractor, consultant or other person
384 or persons acting in its behalf during the reporting period when
385 the expenditure, payment or other transfer to such person,
386 organization, candidate or political committee within the calendar
387 year have an aggregate value or amount in excess of Two Hundred
388 Dollars (\$200.00) together with the date and amount of such
389 expenditure;

390 (c) The total amount of cash on hand of each reporting
391 candidate and reporting political committee;

392 (d) In addition to the contents of reports specified in
393 paragraphs (a), (b) and (c) of this subsection (4), each political
394 party shall disclose:

395 (i) Each person or political committee who makes a
396 contribution to a political party during the reporting period and
397 whose contribution or contributions to a political party within
398 the calendar year have an aggregate amount or value in excess of
399 Two Hundred Dollars (\$200.00), together with the date and amount
400 of the contribution;

401 (ii) Each person or organization who receives an
402 expenditure by a political party or expenditures by a political
403 party during the reporting period when the expenditure or
404 expenditures to the person or organization within the calendar
405 year have an aggregate value or amount in excess of Two Hundred
406 Dollars (\$200.00), together with the date and amount of the
407 expenditure.

408 (5) The appropriate office specified in Section 23-15-805
409 must be in actual receipt of the reports specified in this article
410 by 5:00 p.m. on the dates specified in subsection (2) of this
411 section. If the date specified in subsection (2) of this section
412 shall fall on a weekend or legal holiday then the report shall be
413 due in the appropriate office at 5:00 p.m. on the first working
414 day before the date specified in subsection (2) of this section.
415 The reporting candidate or reporting political committee shall
416 ensure that the reports are delivered to the appropriate office by
417 the filing deadline. The Secretary of State may approve specific
418 means of electronic transmission of completed campaign finance
419 disclosure reports, which may include, but not be limited to,
420 transmission by electronic facsimile (FAX) devices.

421 (6) (a) If any contribution of more than Two Hundred
422 Dollars (\$200.00) is received by a candidate or candidate's
423 political committee after the tenth day, but more than forty-eight
424 (48) hours before 12:01 a.m. of the day of the election, the
425 candidate or political committee shall file a report with the
426 appropriate office designated in Section 23-15-805, within
427 forty-eight (48) hours of the receipt of any such contribution in
428 excess of Two Hundred Dollars (\$200.00). Multiple contributions
429 may be included in a single report if none of the reported
430 contributions was received more than forty-eight (48) hours before
431 the report is filed. The report shall include:

- 432 (i) The name of the receiving candidate;
433 (ii) The name of the receiving candidate's
434 political committee, if any;
435 (iii) The office sought by the candidate;
436 (iv) The identification of each person who made a
437 contribution required to be reported under this subsection;
438 (v) The date of receipt of each contribution
439 required to be reported under this subsection;

440 (vi) The amount of each contribution required to
441 be reported under this subsection;

442 (vii) If a contribution is in-kind, a description
443 of the in-kind contribution; * * *

444 (viii) The signature of the candidate or the
445 treasurer or director of the candidate's political committee; and

446 (xi) The total amount of all contributions
447 required to be reported under this subsection.

448 (b) The report required by this subsection shall be in
449 writing, and may be transmitted by overnight mail, courier
450 service, or other reliable means, including electronic facsimile
451 (FAX), but the candidate or candidate's committee shall ensure
452 that the report shall in fact be received in the appropriate
453 office designated in Section 23-15-805 within forty-eight (48)
454 hours of the contribution.

455 (c) The filing of reports required by this subsection
456 does not relieve the candidate of the responsibility of including
457 the contributions contained in the report in the next report
458 required to be filed under subsection (2) of this section.

459 (7) (a) In addition to the information required to be
460 disclosed in subsection (4) of this section, candidates shall
461 disclose:

462 (i) The identity of any individual or entity from
463 which the candidate receives a loan or other extension of credit
464 for use in his campaign or in furtherance of any campaign
465 activities;

466 (ii) The identity of any individual or entity
467 which assumes, in whole or in part, such loan or other extension
468 of credit;

469 (iii) The identity of any individual or entity to
470 which such loan or other extension of credit has been assigned or
471 otherwise transferred, in whole or in part, by contract, purchase,
472 operation of law or otherwise;

473 (iv) The identity of all creditors, cosigners,
474 guarantors, assignees or other parties to such loan, extension of
475 credit, assumption, assignment or related transaction;

476 (v) How such loan or other extension of credit was
477 utilized; and

478 (vi) All details concerning repayment of the loan
479 or extension of credit, including, but not limited to, the time of
480 the repayments, the method of repayments, the amount of repayments
481 and sources of repayments and the identity of the individuals
482 involved in the repayment.

483 (b) Candidates shall also file certified copies of all
484 documents related to the loans, extensions of credit, assumptions,
485 assignments or transactions required to be reported or identified
486 by this subsection.

487 **SECTION 6.** Section 23-15-809, Mississippi Code of 1972, is
488 amended as follows:

489 23-15-809. (1) Every person who makes or contracts to make
490 independent expenditures in an aggregate amount or value in excess
491 of Two Hundred Dollars (\$200.00) during a calendar year shall file
492 a statement within forty-eight (48) hours of making or contracting
493 to make an independent expenditure. The statement shall be filed
494 with the appropriate offices as provided for in Section 23-15-805,
495 and such person shall be considered a political committee for the
496 purpose of determining place of filing.

497 (2) Statements required to be filed under this subsection by
498 a political committee shall include:

499 (a) The name and address of each person who receives
500 any disbursement during the reporting period in an aggregate
501 amount or value in excess of Two Hundred Dollars (\$200.00) within
502 the calendar year;

503 (b) The date, amount and purpose of the expenditure;

504 (c) A statement indicating whether the independent
505 expenditure is in support of, or in opposition to, a candidate,
506 and the office sought by the candidate; and

507 (d) * * * A certification, under penalty of perjury, of
508 whether * * * the independent expenditure is made in cooperation,
509 consultation or concert with, or at the request or suggestion of,
510 any candidate or any authorized committee or agent of such
511 candidate.

512 (3) Statements required to be filed under this subsection by
513 persons other than a political committee shall include:

514 (a) The name and address of each person who makes a
515 contribution for the purpose of furthering an independent
516 expenditure to the person filing the statement during the
517 reporting period whose contribution during the calendar year has
518 an aggregate amount or value in excess of Two Hundred Dollars
519 (\$200.00) together with the date and amount of such contribution;

520 (b) The name and address of each person who receives
521 any disbursement during the reporting period in an aggregate
522 amount or value in excess of Two Hundred Dollars (\$200.00) within
523 the calendar year;

524 (c) The date, amount and purpose of any independent
525 expenditure;

526 (d) A statement indicating whether the independent
527 expenditure is in support of, or in opposition to, a candidate,
528 and the office sought by the candidate; and

529 (e) A certification, under penalty of perjury, of
530 whether the independent expenditure is made in cooperation,
531 consultation or concert with, or at the request or suggestion of,
532 any candidate or any authorized committee or agent of such
533 candidate.

534 **SECTION 7.** Section 23-15-811, Mississippi Code of 1972, is
535 amended as follows:

536 23-15-811. (1) Any candidate or any other person who
537 willfully * * * violates the provisions and prohibitions of this
538 article shall be guilty of a misdemeanor and upon conviction
539 thereof shall be punished by a fine in an amount not to exceed
540 Three Thousand Dollars (\$3,000.00) or imprisoned for not longer
541 than six (6) months, or by both * * *.

542 (2) In addition to the penalties provided in subsection (1)
543 of this section, any candidate or political committee which is
544 required to file a statement or report which fails to file such
545 statement or report on the date in which it is due may be
546 compelled to file such statement or report by an action in the
547 nature of a mandamus.

548 (3) No candidate shall be certified as nominated for
549 election or as elected to office unless and until he files all
550 reports required by this article that are due as of the date of
551 certification.

552 (4) No candidate who is elected to office shall receive any
553 salary or other remuneration for the office unless and until he
554 files all reports required by this article that are due as of the
555 date such salary or remuneration is payable.

556 (5) In the event that a candidate fails to timely file any
557 report required pursuant to this article but subsequently files a
558 report or reports containing all of the information required to be
559 reported by him as of the date on which the sanctions of
560 subsections (3) and (4) of this section would be applied to him,
561 such candidate shall not be subject to the sanctions of
562 subsections (3) and (4) of this section.

563 **SECTION 8.** Section 23-15-813, Mississippi Code of 1972, is
564 amended as follows:

565 23-15-813. (1) In addition to any other penalty permitted
566 by law, the Secretary of State shall require any person who fails
567 to file a campaign finance disclosure report as required under
568 Sections 23-15-801 through 23-15-813, or Sections 23-17-47 through

569 23-17-53, or who shall file a report which fails to substantially
570 comply with the requirements of Sections 23-15-801 through
571 23-15-813, or Sections 23-17-47 through 23-17-53, to be assessed a
572 civil penalty as follows:

573 (a) Within five (5) calendar days after any deadline
574 for filing a report pursuant to Sections 23-15-801 through
575 23-15-813, or Sections 23-17-47 through 23-17-53, the Secretary of
576 State shall compile a list of those persons who have failed to
577 file a report. The Secretary of State shall provide each person,
578 who has failed to file a report, notice of the failure by
579 first-class mail.

580 (b) Beginning with the tenth calendar day after which
581 any report shall be due, the Secretary of State shall assess the
582 delinquent person a civil penalty of Fifty Dollars (\$50.00) for
583 each day or part of any day until a valid report is delivered to
584 the Secretary of State, up to a maximum of ten (10) days.
585 However, in the discretion of the Secretary of State, the
586 assessing of the fine may be waived in whole or in part if the
587 Secretary of State determines that unforeseeable mitigating
588 circumstances, such as the health of a candidate or other
589 individual required to file a report, interfered with timely
590 filing of a report. Failure of a person to receive notice of
591 failure to file a report from the Secretary of State is not an
592 unforeseeable mitigating circumstance, and failure to receive the
593 notice shall not result in removal or reduction of any assessed
594 civil penalty.

595 (c) Filing of the required report and payment of the
596 fine within ten (10) calendar days of notice by the Secretary of
597 State that a required statement has not been filed, constitutes
598 compliance with Sections 23-15-801 through 23-15-813, or Sections
599 23-17-47 through 23-17-53.

600 (d) Payment of the fine without filing the required
601 report does not in any way excuse or exempt any person required to

602 file from the filing requirements of Sections 23-15-801 through
603 23-15-813, and Sections 23-17-47 through 23-17-53.

604 (e) If any person is assessed a civil penalty, and the
605 penalty is not subsequently waived by the Secretary of State, the
606 person shall pay the fine to the Secretary of State within ninety
607 (90) days of the date of the assessment of the fine. If, after
608 one hundred twenty (120) days of the assessment of the fine the
609 payment for the entire amount of the assessed fine has not been
610 received by the Secretary of State, the Secretary of State shall
611 notify the Attorney General of the delinquency, and the Attorney
612 General shall file, where necessary, a suit to compel payment of
613 the civil penalty.

614 (2) (a) Upon the sworn application, made within sixty (60)
615 calendar days of the date upon which the required report is due,
616 of a person identified in subsection (1) of this section against
617 whom a civil penalty has been assessed pursuant to subsection (1)
618 of this section, the Secretary of State shall forward the
619 application to the State Board of Election Commissioners. The
620 State Board of Election Commissioners shall appoint one or more
621 hearing officers who shall be former chancellors, circuit court
622 judges, judges of the Court of Appeals or justices of the Supreme
623 Court, and who shall conduct hearings held pursuant to this
624 article. The hearing officer shall fix a time and place for a
625 hearing and shall cause a written notice specifying the civil
626 penalties that have been assessed against the person and notice of
627 the time and place of the hearing to be served upon the person at
628 least twenty (20) calendar days before the hearing date. The
629 notice may be served by mailing a copy thereof by certified mail,
630 postage prepaid, to the last known business address of the person.

631 (b) The hearing officer may issue subpoenas for the
632 attendance of witnesses and the production of books and papers at
633 the hearing. Process issued by the hearing officer shall extend

634 to all parts of the state and shall be served by any person
635 designated by the hearing officer for the service.

636 (c) The person has the right to appear either
637 personally, by counsel or both, to produce witnesses or evidence
638 in his behalf, to cross-examine witnesses and to have subpoenas
639 issued by the hearing officer.

640 (d) At the hearing, the hearing officer shall
641 administer oaths as may be necessary for the proper conduct of the
642 hearing. All hearings shall be conducted by the hearing officer,
643 who shall not be bound by strict rules of procedure or by the laws
644 of evidence in the conduct of the proceedings, but the
645 determination shall be based upon sufficient evidence to sustain
646 it. The scope of review at the hearing shall be limited to making
647 a determination of whether failure to file a required report was
648 due to an unforeseeable mitigating circumstance.

649 (e) Where, in any proceeding before the hearing
650 officer, any witness fails or refuses to attend upon a subpoena
651 issued by the commission, refuses to testify, or refuses to
652 produce any books and papers the production of which is called for
653 by a subpoena, the attendance of the witness, the giving of his
654 testimony or the production of the books and papers shall be
655 enforced by any court of competent jurisdiction of this state in
656 the manner provided for the enforcement of attendance and
657 testimony of witnesses in civil cases in the courts of this state.

658 (f) Within fifteen (15) calendar days after conclusion
659 of the hearing, the hearing officer shall reduce his or her
660 decision to writing and forward an attested true copy of the
661 decision to the last known business address of the person by way
662 of United States first-class, certified mail, postage prepaid.

663 (3) (a) The right to appeal from the decision of the
664 hearing officer in an administrative hearing concerning the
665 assessment of civil penalties authorized pursuant to this section
666 is granted. The appeal shall be to the Circuit Court of Hinds

667 County and shall include a verbatim transcript of the testimony at
668 the hearing. The appeal shall be taken within thirty (30)
669 calendar days after notice of the decision of the commission
670 following an administrative hearing. The appeal shall be
671 perfected upon filing notice of the appeal and by the prepayment
672 of all costs, including the cost of the preparation of the record
673 of the proceedings by the hearing officer, and the filing of a
674 bond in the sum of Two Hundred Dollars (\$200.00), conditioned that
675 if the decision of the hearing officer be affirmed by the court,
676 the person will pay the costs of the appeal and the action in
677 court. If the decision is reversed by the court, the Secretary of
678 State will pay the costs of the appeal and the action in court.

679 **(b)** If there is an appeal, the appeal shall act as a
680 supersedeas. The court shall dispose of the appeal and enter its
681 decision promptly. The hearing on the appeal may be tried in
682 vacation, in the court's discretion. The scope of review of the
683 court shall be limited to a review of the record made before the
684 hearing officer to determine if the action of the hearing officer
685 is unlawful for the reason that it was (i) not supported by
686 substantial evidence, (ii) arbitrary or capricious, (iii) beyond
687 the power of the hearing officer to make, or (iv) in violation of
688 some statutory or constitutional right of the appellant. The
689 decision of the court may be appealed to the Supreme Court in the
690 manner provided by law.

691 **(4)** If, after forty-five (45) calendar days of the date of
692 the administrative hearing procedure set forth in subsection (2)
693 of this section, the person identified in subsection (1) of this
694 section fails to pay the monetary civil penalty imposed by the
695 hearing officer, the Secretary of State shall notify the Attorney
696 General of the delinquency. The Attorney General shall
697 investigate the offense in accordance with the provisions of this
698 chapter, and where necessary, file suit to compel payment of the
699 unpaid civil penalty.

700 (5) If, after twenty (20) calendar days of the date upon
701 which a campaign finance disclosure report is due, a person
702 identified in subsection (1) of this section shall not have filed
703 a valid report with the Secretary of State, the Secretary of State
704 shall notify the Attorney General of those persons who have not
705 filed a valid report, and the Attorney General shall thereupon
706 prosecute the delinquent candidates and political committees.

707 **SECTION 9.** Section 23-15-1021, Mississippi Code of 1972, is
708 amended as follows:

709 23-15-1021. (1) It shall be unlawful for any individual or
710 political action committee not affiliated with a political party
711 to give, donate, appropriate or furnish directly or indirectly,
712 any money, security, funds or property in excess of Two Thousand
713 Five Hundred Dollars (\$2,500.00) for the purpose of aiding any
714 candidate or candidate's political committee for judge of a
715 county, circuit or chancery court or in excess of Five Thousand
716 Dollars (\$5,000.00) for the purpose of aiding any candidate or
717 candidate's political committee for judge of the Court of Appeals
718 or justice of the Supreme Court, or to give, donate, appropriate
719 or furnish directly or indirectly, any money, security, funds or
720 property in excess of Two Thousand Five Hundred Dollars
721 (\$2,500.00) to any candidate or the candidate's political
722 committee for judge of a county, circuit or chancery court or in
723 excess of Five Thousand Dollars (\$5,000.00) for the purpose of
724 aiding any candidate or candidate's political committee for judge
725 of the Court of Appeals or justice of the Supreme Court, as a
726 contribution to the expense of a candidate for judicial office.

727 (2) It shall be unlawful for any for-profit business entity,
728 whose owners directly control the entity's actions, and such an
729 entity's members, to give, donate, appropriate or furnish directly
730 or indirectly any money, security, funds or property to judicial
731 candidates in an aggregate amount in excess of the amount which

732 the owners could lawfully contribute to the persons if each gave
733 the maximum amount allowed by law.

734 **SECTION 10.** Section 97-13-15, Mississippi Code of 1972, is
735 amended as follows:

736 97-13-15. It shall be unlawful for any corporation,
737 incorporated company, incorporated association, limited
738 partnership, limited liability partnership or manager-managed
739 limited liability company, by whatever name it may be known,
740 incorporated or organized under the laws of this state, or doing
741 or conducting business in this state, or for any servant, agent,
742 employee or officer thereof, to give, donate, appropriate or
743 furnish directly or indirectly, any money, security, funds or
744 property of such a corporation, incorporated company, incorporated
745 association, limited partnership, limited liability partnership or
746 manager-managed limited liability company, in excess of Two
747 Thousand Dollars (\$2,000.00) per calendar year for the purpose of
748 aiding any political party or any candidate for any public office,
749 or any person for any nomination for any public office, or any
750 representative or committee of any political party or person for
751 nomination by any political party, or any committee or other
752 person acting on behalf of such candidate. * * *

753 **SECTION 11.** Section 23-15-817, Mississippi Code of 1972, is
754 amended as follows:

755 23-15-817. The Secretary of State shall compile a list of
756 all candidates for the Legislature or any statewide office who
757 fail to file a campaign disclosure report by the dates specified
758 in Section 23-15-807(2); the list shall be disseminated to the
759 members of the Mississippi Press Association within two (2)
760 working days after such reports are due and made available to the
761 public.

762 **SECTION 12.** Section 23-15-1023, Mississippi Code of 1972,
763 which provides that judicial candidates shall disclose information
764 about certain loans, is repealed.

765 **SECTION 13.** The Attorney General of the State of Mississippi
766 shall submit this act, immediately upon approval by the Governor,
767 or upon approval by the Legislature subsequent to a veto, to the
768 Attorney General of the United States or to the United States
769 District Court for the District of Columbia in accordance with the
770 provisions of the Voting Rights Act of 1965, as amended and
771 extended.

772 **SECTION 14.** This act shall take effect and be in force from
773 and after the date it is effectuated under Section 5 of the Voting
774 Rights Act of 1965, as amended and extended.