

By: Senator(s) Williamson

To: Elections

SENATE BILL NO. 2542

1 AN ACT TO AMEND SECTION 23-15-801, MISSISSIPPI CODE OF 1972,  
2 TO CLARIFY THE DEFINITION OF "CANDIDATE" IN THE CAMPAIGN  
3 CONTRIBUTIONS LAW; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 23-15-801, Mississippi Code of 1972, is  
6 amended as follows:

7 23-15-801. (a) "Election" shall mean a general, special,  
8 primary or runoff election.

9 (b) "Candidate" shall mean an individual who seeks  
10 nomination for election, or election, to any elective office other  
11 than a federal elective office and for purposes of this article,  
12 an individual shall be deemed to seek nomination for election, or  
13 election:

14 (i) If such individual has received contributions  
15 aggregating in excess of Two Hundred Dollars (\$200.00) or has made  
16 expenditures aggregating in excess of Two Hundred Dollars  
17 (\$200.00) or for a candidate for the Legislature or any statewide  
18 or state district office, by the qualifying deadlines specified in  
19 Sections 23-15-299 and 23-15-977, whichever occurs first; or

20 (ii) If such individual has given his or her consent to  
21 another person to receive contributions or make expenditures on  
22 behalf of such individual and if such person has received such  
23 contributions aggregating in excess of Two Hundred Dollars  
24 (\$200.00) during a calendar year, or has made such expenditures  
25 aggregating in excess of Two Hundred Dollars (\$200.00) during a  
26 calendar year.

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

39           (d) "Affiliated organization" shall mean any organization  
40 which is not a political committee, but which directly or  
41 indirectly establishes, administers or financially supports a  
42 political committee or clearly identified candidate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

106 or

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

109 **SECTION 2.** This act shall take effect and be in force from  
110 and after July 1, 2004.