

By: Senator(s) Chamberlin, Jordan

To: Elections

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2858

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 \$2,000.00 SHALL FILE A STATEMENT REGARDING  
16 SUCH DISBURSEMENT WITHIN 48 HOURS OF THE DISCLOSURE DATE AND TO  
17 PROVIDE FOR THE INFORMATION THAT MUST BE INCLUDED IN THE  
18 STATEMENT; TO AMEND SECTIONS 23-15-801, 23-15-805, 23-15-807,  
19 23-15-809, 23-15-811 AND 23-15-813, MISSISSIPPI CODE OF 1972, TO  
20 DEFINE THE TERMS "ELECTIONEERING COMMUNICATION" AND "DISCLOSURE  
21 DATE" AND REVISE THE DEFINITION OF CERTAIN TERMS IN THE CAMPAIGN  
22 FINANCE DISCLOSURE LAWS; TO REQUIRE, FROM AND AFTER JANUARY 1,  
23 2007, CERTAIN CANDIDATES TO FILE THE REPORTS REQUIRED TO BE FILED  
24 WITH 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 PROVIDE THAT PROSECUTIONS FOR VIOLATIONS  
34 OF THE CAMPAIGN FINANCE LAW MAY BE CONDUCTED BY A DISTRICT  
35 ATTORNEY OR THE ATTORNEY GENERAL; TO PROVIDE THAT THE ATTORNEY  
36 GENERAL SHALL PROSECUTE SUCH VIOLATIONS UPON RECOMMENDATION OF THE  
37 STATE BOARD OF ELECTION COMMISSIONERS; TO CLARIFY UPON WHOM  
38 ADMINISTRATIVE PENALTIES UNDER THE CAMPAIGN FINANCE LAW MAY APPLY;  
39 TO AMEND SECTION 97-13-15, MISSISSIPPI CODE OF 1972, TO INCREASE  
40 TO \$2,000.00 THE AMOUNT THAT CORPORATIONS MAY CONTRIBUTED TO  
41 POLITICAL CAMPAIGNS IN A CALENDAR YEAR AND TO PLACE INCORPORATED  
42 ASSOCIATIONS, LIMITED PARTNERSHIPS, LIMITED LIABILITY PARTNERSHIPS  
43 OR MANAGER-MANAGED LIMITED LIABILITY COMPANIES UNDER SUCH  
44 RESTRICTION; TO AMEND SECTIONS 23-15-817 AND 97-13-17, MISSISSIPPI  
45 CODE OF 1972, IN CONFORMITY THERETO; TO REPEAL SECTION 23-15-1023,  
46 MISSISSIPPI CODE OF 1972, WHICH PROVIDES THAT JUDICIAL CANDIDATES  
47 SHALL DISCLOSE CERTAIN INFORMATION ABOUT CERTAIN LOANS; AND FOR  
48 RELATED PURPOSES.

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

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

52           23-15-802. (1) Contributions to a named candidate made to a  
53 political committee authorized by the candidate to accept  
54 contributions on the candidates behalf, shall be considered to be  
55 contributions made to the candidate.

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

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

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

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

77           23-15-808. (1) Every person who makes a disbursement for  
78 the direct costs of producing and airing electioneering  
79 communications in an aggregate amount in excess of Two Thousand  
80 Dollars (\$2,000.00) during any calendar year, shall, within  
81 forty-eight (48) hours of each disclosure date, file with the  
82 appropriate offices as provided for in Section 23-15-805 (such

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

86 (a) The identity of:

87 (i) The person making the disbursement;

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

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

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

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

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

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

108 (f) If the disbursements were paid out of funds not  
109 covered by paragraph (e) of this subsection, the names and  
110 addresses of all persons who contributed an aggregate amount in  
111 excess of Two Hundred Dollars (\$200.00) to the person making the  
112 disbursement during the period beginning on the first day of the  
113 preceding calendar year and ending on the disclosure date unless  
114 the person making the disbursement is an organization described in  
115 26 USC 501(c) and exempt from taxation under 26 USC 501(a).

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

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

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

123 23-15-801. As used in this article:

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

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

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

137 (ii) If such individual has given his or her  
138 consent to another person to receive contributions or make  
139 expenditures on behalf of such individual and if such person has  
140 received such contributions aggregating in excess of Two Hundred  
141 Dollars (\$200.00) during a calendar year, or has made such  
142 expenditures aggregating in excess of Two Hundred Dollars  
143 (\$200.00) during a calendar year.

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

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

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

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

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

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

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

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

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

186                   (ii) "Expenditure" does not include:

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

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

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

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

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

202                   (g) The term "identification" means:

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

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

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

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

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

222 (k) \* \* \* "Clearly identified" means that:

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

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

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

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

232 1. Sixty (60) days before a general, special  
233 or runoff election for the office sought by the candidate and is  
234 targeted at the relevant electorate; or

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

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

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

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

246 3. A communication which constitutes a  
247 candidate debate or forum or which solely promotes the candidate

248 debate or forum and is made by or on behalf of the person  
249 sponsoring the debate; or

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

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

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

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

260 (n) "Disclosure date" means:

261 (i) The first date during any calendar year by  
262 which a person has made disbursement for the direct costs of  
263 producing or airing electioneering communications aggregating in  
264 excess of Two Thousand Dollars (\$2,000.00); and

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

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

272 23-15-805. (1) Candidates for state, state district, and  
273 legislative district offices, and every political committee, which  
274 makes reportable contributions to or expenditures in support of or  
275 in opposition to a candidate for any such office or makes  
276 reportable contributions to or expenditures in support of or in  
277 opposition to a statewide ballot measure, shall file all reports  
278 required under this article with the Office of the Secretary of  
279 State.



280       (2) (a) From and after January 1, 2007, all candidates,  
281 their authorized committees or agents and other political  
282 committees that receive contributions in excess of One Hundred  
283 Thousand Dollars (\$100,000.00) in any calendar years, shall file  
284 the reports required to be filed under this article with the  
285 Office of the Secretary of State by electronic format.

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

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

303       (4) Candidates for municipal office, and every political  
304 committee which makes reportable contributions to or expenditures  
305 in support of or in opposition to a candidate for such office, or  
306 makes reportable contributions to or expenditures in support of or  
307 in opposition to a municipal ballot measure shall file all reports  
308 required by this article in the office of the municipal clerk of  
309 the municipality in which the election occurs. The municipal  
310 clerk shall forward copies of all reports to the Office of the  
311 Secretary of State.

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

316       (b) No information copied from reports required to be  
317 filed under this article shall be sold or used by any person for  
318 the purpose of soliciting contributions or for commercial purposes  
319 other than using the name and address of any political committee  
320 to solicit contributions from the political committee. A  
321 political committee may submit five (5) pseudonyms on each report  
322 filed in order to protect against the illegal use of names and  
323 addresses of contributors provided the committee attaches a list  
324 of the pseudonyms to the appropriate report. The Secretary of  
325 State shall exclude those lists from the public record.

326       \* \* \*

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

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

338       (2) Candidates who are seeking election, or nomination for  
339 election, and political committees that make expenditures for the  
340 purpose of influencing or attempting to influence the action of  
341 voters for or against the nomination for election, or election, of  
342 one or more candidates or balloted measures at such election,  
343 shall file the following reports:

344           (a) In any calendar year during which there is a  
345 regularly scheduled election, a preelection report, which shall be  
346 filed no later than the seventh day before any election in which  
347 such candidate or political committee has accepted contributions  
348 or made expenditures and which shall include all campaign finance  
349 activity for the period beginning after the last appropriately  
350 filed annual, periodic or preelection report and extending through  
351 the tenth day before such election;

352           (b) In 1987 and every fourth year thereafter, periodic  
353 reports, which shall be filed no later than the tenth day after  
354 April 30, May 31, June 30, September 30 and December 31, and which  
355 shall include all campaign finance activity for the period  
356 beginning after the last appropriately filed annual, periodic or  
357 preelection report and extending through the last day of each  
358 period; and

359           (c) In any calendar years except 1987 and except every  
360 fourth year thereafter, a report covering the calendar year which  
361 shall be filed no later than January 31 of the following calendar  
362 year.

363           (3) All candidates for judicial office as defined in Section  
364 23-15-975, and political committees that make expenditures for the  
365 purpose of influencing or attempting to influence the action of  
366 voters for or against the election of one or more candidates for  
367 judicial office, shall file in the year in which they are to be  
368 elected, periodic reports which shall be filed no later than the  
369 tenth day after April 30, May 31, June 30, September 30 and  
370 December 31. These reports shall include all campaign finance  
371 activity for the period beginning after the last appropriately  
372 filed annual, periodic or preelection report and extending through  
373 the last day of each period.

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

375           (a) For the reporting period and the calendar year, the  
376 total amount of all contributions and the total amount of all

377 expenditures of the candidate or reporting committee which shall  
378 include those required to be identified pursuant to paragraph (b)  
379 of this subsection (4) as well as the total of all other  
380 contributions and expenditures during the calendar year. Such  
381 reports shall be cumulative during the calendar year to which they  
382 relate;

383 (b) The identification of:

384 (i) Each person or political committee who makes a  
385 contribution to the reporting candidate or political committee  
386 during the reporting period, whose contribution or contributions  
387 within the calendar year have an aggregate amount or value in  
388 excess of Two Hundred Dollars (\$200.00) together with the date and  
389 amount of any such contribution;

390 (ii) Each person or organization, candidate or  
391 political committee who receives an expenditure, payment or other  
392 transfer from the reporting candidate, political committee or its  
393 agent, employee, designee, contractor, consultant or other person  
394 or persons acting in its behalf during the reporting period when  
395 the expenditure, payment or other transfer to such person,  
396 organization, candidate or political committee within the calendar  
397 year have an aggregate value or amount in excess of Two Hundred  
398 Dollars (\$200.00) together with the date and amount of such  
399 expenditure;

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

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

405 (i) Each person or political committee who makes a  
406 contribution to a political party during the reporting period and  
407 whose contribution or contributions to a political party within  
408 the calendar year have an aggregate amount or value in excess of

409 Two Hundred Dollars (\$200.00), together with the date and amount  
410 of the contribution;

411 (ii) Each person or organization who receives an  
412 expenditure by a political party or expenditures by a political  
413 party during the reporting period when the expenditure or  
414 expenditures to the person or organization within the calendar  
415 year have an aggregate value or amount in excess of Two Hundred  
416 Dollars (\$200.00), together with the date and amount of the  
417 expenditure.

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

431 (6) (a) If any contribution of more than Two Hundred  
432 Dollars (\$200.00) is received by a candidate or candidate's  
433 political committee after the tenth day, but more than forty-eight  
434 (48) hours before 12:01 a.m. of the day of the election, the  
435 candidate or political committee shall file a report with the  
436 appropriate office designated in Section 23-15-805, within  
437 forty-eight (48) hours of the receipt of any such contribution in  
438 excess of Two Hundred Dollars (\$200.00). Multiple contributions  
439 may be included in a single report if none of the reported  
440 contributions was received more than forty-eight (48) hours before  
441 the report is filed. The report shall include:

442                   (i) The name of the receiving candidate;  
443                   (ii) The name of the receiving candidate's  
444 political committee, if any;  
445                   (iii) The office sought by the candidate;  
446                   (iv) The identification of each person who made a  
447 contribution required to be reported under this subsection;  
448                   (v) The date of receipt of each contribution  
449 required to be reported under this subsection;  
450                   (vi) The amount of each contribution required to  
451 be reported under this subsection;  
452                   (vii) If a contribution is in-kind, a description  
453 of the in-kind contribution; \* \* \*  
454                   (viii) The signature of the candidate or the  
455 treasurer or director of the candidate's political committee; and  
456                   (xi) The total amount of all contributions  
457 required to be reported under this subsection.  
458                   (b) The report required by this subsection shall be in  
459 writing, and may be transmitted by overnight mail, courier  
460 service, or other reliable means, including electronic facsimile  
461 (FAX), but the candidate or candidate's committee shall ensure  
462 that the report shall in fact be received in the appropriate  
463 office designated in Section 23-15-805 within forty-eight (48)  
464 hours of the contribution.  
465                   (c) The filing of reports required by this subsection  
466 does not relieve the candidate of the responsibility of including  
467 the contributions contained in the report in the next report  
468 required to be filed under subsection (2) of this section.  
469                   (7) (a) In addition to the information required to be  
470 disclosed in subsection (4) of this section, candidates shall  
471 disclose:  
472                   (i) The identity of any individual or entity from  
473 which the candidate receives a loan or other extension of credit

474 for use in his campaign or in furtherance of any campaign  
475 activities;

476 (ii) The identity of any individual or entity  
477 which assumes, in whole or in part, such loan or other extension  
478 of credit;

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

483 (iv) The identity of all creditors, cosigners,  
484 guarantors, assignees or other parties to such loan, extension of  
485 credit, assumption, assignment or related transaction; and

486 (v) All details concerning repayment of the loan  
487 or extension of credit including, but not limited to, the time of  
488 the repayments, the method of repayments, the amount of repayments  
489 and sources of repayments and the identity of the individuals  
490 involved in the repayment.

491 (b) Candidates shall also file certified copies of all  
492 documents related to the loans, extensions of credit, assumptions,  
493 assignments or transactions required to be reported or identified  
494 by this subsection.

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

497 23-15-809. (1) Every person who makes or contracts to make  
498 independent expenditures in an aggregate amount or value in excess  
499 of Two Hundred Dollars (\$200.00) during a calendar year shall file  
500 a statement within forty-eight (48) hours of making or contracting  
501 to make an independent expenditure. The statement shall be filed  
502 with the appropriate offices as provided for in Section 23-15-805,  
503 and such person shall be considered a political committee for the  
504 purpose of determining place of filing.

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

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

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

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

515           (d) \* \* \* A certification, under penalty of  
516 prosecution, of whether \* \* \* the independent expenditure is made  
517 in cooperation, consultation or concert with, or at the request or  
518 suggestion of, any candidate or any authorized committee or agent  
519 of such candidate.

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

522           (a) The name and address of each person who makes a  
523 contribution for the purpose of furthering an independent  
524 expenditure to the person filing the statement during the  
525 reporting period whose contribution during the calendar year has  
526 an aggregate amount or value in excess of Two Hundred Dollars  
527 (\$200.00) together with the date and amount of such contribution;

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

532           (c) The date, amount and purpose of any independent  
533 expenditure;

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

537           (e) A certification, under penalty of prosecution, of  
538 whether the independent expenditure is made in cooperation,  
539 consultation or concert with, or at the request or suggestion of,



540 any candidate or any authorized committee or agent of such  
541 candidate.

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

544 23-15-811. (1) Any candidate or any other person who \* \* \*  
545 willfully \* \* \* and substantially violates the provisions and  
546 prohibitions of this article shall be guilty of a misdemeanor and  
547 upon conviction thereof shall be punished by a fine in an amount  
548 not to exceed Three Thousand Dollars (\$3,000.00) or imprisoned for  
549 not longer than six (6) months, or by both \* \* \*.

550 (2) In addition to the penalties provided in subsection (1)  
551 of this section, any candidate or political committee which is  
552 required to file a statement or report which fails to file such  
553 statement or report on the date in which it is due may be  
554 compelled to file such statement or report by an action in the  
555 nature of a mandamus.

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

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

564 (5) In the event that a candidate fails to timely file any  
565 report required pursuant to this article but subsequently files a  
566 report or reports containing all of the information required to be  
567 reported by him as of the date on which the sanctions of  
568 subsections (3) and (4) of this section would be applied to him,  
569 such candidate shall not be subject to the sanctions of  
570 subsections (3) and (4) of this section.

571 (6) Prosecutions under this section may be commenced by a  
572 district attorney or the Attorney General; however, the Attorney

573 General shall prosecute violations of this article upon  
574 recommendation of the State Board of Election Commissioners.

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

577 23-15-813. (1) In addition to any other penalty permitted  
578 by law, the Secretary of State shall require any person \* \* \* who  
579 fails to file a campaign finance disclosure report as required  
580 under Sections 23-15-801 through 23-15-813, or Sections 23-17-47  
581 through 23-17-53, or who shall file a report which fails to  
582 substantially comply with the requirements of Sections 23-15-801  
583 through 23-15-813, or Sections 23-17-47 through 23-17-53, to be  
584 assessed a civil penalty as follows:

585 (a) Within five (5) calendar days after any deadline  
586 for filing a report pursuant to Sections 23-15-801 through  
587 23-15-813, or Sections 23-17-47 through 23-17-53, the Secretary of  
588 State shall compile a list of those persons who have failed to  
589 file a report. The Secretary of State shall provide each person,  
590 who has failed to file a report, notice of the failure by  
591 first-class mail.

592 (b) Beginning with the tenth calendar day after which  
593 any report shall be due, the Secretary of State shall assess the  
594 delinquent person a civil penalty of Fifty Dollars (\$50.00) for  
595 each day or part of any day until a valid report is delivered to  
596 the Secretary of State, up to a maximum of ten (10) days.  
597 However, in the discretion of the Secretary of State, the  
598 assessing of the fine may be waived in whole or in part if the  
599 Secretary of State determines that unforeseeable mitigating  
600 circumstances, such as the health of a candidate or other  
601 individual required to file a report, interfered with timely  
602 filing of a report. Failure of a person to receive notice of  
603 failure to file a report from the Secretary of State is not an  
604 unforeseeable mitigating circumstance, and failure to receive the

605 notice shall not result in removal or reduction of any assessed  
606 civil penalty.

607           (c) Filing of the required report and payment of the  
608 fine within ten (10) calendar days of notice by the Secretary of  
609 State that a required statement has not been filed, constitutes  
610 compliance with Sections 23-15-801 through 23-15-813, or Sections  
611 23-17-47 through 23-17-53.

612           (d) Payment of the fine without filing the required  
613 report does not in any way excuse or exempt any person required to  
614 file from the filing requirements of Sections 23-15-801 through  
615 23-15-813, and Sections 23-17-47 through 23-17-53.

616           (e) If any person is assessed a civil penalty, and the  
617 penalty is not subsequently waived by the Secretary of State, the  
618 person shall pay the fine to the Secretary of State within ninety  
619 (90) days of the date of the assessment of the fine. If, after  
620 one hundred twenty (120) days of the assessment of the fine the  
621 payment for the entire amount of the assessed fine has not been  
622 received by the Secretary of State, the Secretary of State shall  
623 notify the Attorney General of the delinquency, and the Attorney  
624 General shall file, where necessary, a suit to compel payment of  
625 the civil penalty.

626           (2) (a) Upon the sworn application, made within sixty (60)  
627 calendar days of the date upon which the required report is due,  
628 of a person identified in subsection (1) of this section against  
629 whom a civil penalty has been assessed pursuant to subsection (1)  
630 of this section, the Secretary of State shall forward the  
631 application to the State Board of Election Commissioners. The  
632 State Board of Election Commissioners shall appoint one or more  
633 hearing officers who shall be former chancellors, circuit court  
634 judges, judges of the Court of Appeals or justices of the Supreme  
635 Court, and who shall conduct hearings held pursuant to this  
636 article. The hearing officer shall fix a time and place for a  
637 hearing and shall cause a written notice specifying the civil

638 penalties that have been assessed against the person and notice of  
639 the time and place of the hearing to be served upon the person at  
640 least twenty (20) calendar days before the hearing date. The  
641 notice may be served by mailing a copy thereof by certified mail,  
642 postage prepaid, to the last known \* \* \* address of the person.

643         (b) The hearing officer may issue subpoenas for the  
644 attendance of witnesses and the production of books and papers at  
645 the hearing. Process issued by the hearing officer shall extend  
646 to all parts of the state and shall be served by any person  
647 designated by the hearing officer for the service.

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

652         (d) At the hearing, the hearing officer shall  
653 administer oaths as may be necessary for the proper conduct of the  
654 hearing. All hearings shall be conducted by the hearing officer,  
655 who shall not be bound by strict rules of procedure or by the laws  
656 of evidence in the conduct of the proceedings, but the  
657 determination shall be based upon sufficient evidence to sustain  
658 it. The scope of review at the hearing shall be limited to making  
659 a determination of whether failure to file a required report was  
660 due to an unforeseeable mitigating circumstance.

661         (e) Where, in any proceeding before the hearing  
662 officer, any witness fails or refuses to attend upon a subpoena  
663 issued by the commission, refuses to testify, or refuses to  
664 produce any books and papers the production of which is called for  
665 by a subpoena, the attendance of the witness, the giving of his  
666 testimony or the production of the books and papers shall be  
667 enforced by any court of competent jurisdiction of this state in  
668 the manner provided for the enforcement of attendance and  
669 testimony of witnesses in civil cases in the courts of this state.

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

675           (3) (a) The right to appeal from the decision of the  
676 hearing officer in an administrative hearing concerning the  
677 assessment of civil penalties authorized pursuant to this section  
678 is granted. The appeal shall be to the Circuit Court of Hinds  
679 County and shall include a verbatim transcript of the testimony at  
680 the hearing. The appeal shall be taken within thirty (30)  
681 calendar days after notice of the decision of the commission  
682 following an administrative hearing. The appeal shall be  
683 perfected upon filing notice of the appeal and by the prepayment  
684 of all costs, including the cost of the preparation of the record  
685 of the proceedings by the hearing officer, and the filing of a  
686 bond in the sum of Two Hundred Dollars (\$200.00), conditioned that  
687 if the decision of the hearing officer be affirmed by the court,  
688 the person will pay the costs of the appeal and the action in  
689 court. If the decision is reversed by the court, the Secretary of  
690 State will pay the costs of the appeal and the action in court.

691           (b) If there is an appeal, the appeal shall act as a  
692 supersedeas. The court shall dispose of the appeal and enter its  
693 decision promptly. The hearing on the appeal may be tried in  
694 vacation, in the court's discretion. The scope of review of the  
695 court shall be limited to a review of the record made before the  
696 hearing officer to determine if the action of the hearing officer  
697 is unlawful for the reason that it was (i) not supported by  
698 substantial evidence, (ii) arbitrary or capricious, (iii) beyond  
699 the power of the hearing officer to make, or (iv) in violation of  
700 some statutory or constitutional right of the appellant. The  
701 decision of the court may be appealed to the Supreme Court in the  
702 manner provided by law.

703       (4) If, after forty-five (45) calendar days of the date of  
704 the administrative hearing procedure set forth in subsection (2)  
705 of this section, the person identified in subsection (1) of this  
706 section fails to pay the monetary civil penalty imposed by the  
707 hearing officer, the Secretary of State shall notify the Attorney  
708 General of the delinquency. The Attorney General shall  
709 investigate the offense in accordance with the provisions of this  
710 chapter, and where necessary, file suit to compel payment of the  
711 unpaid civil penalty.

712       (5) If, after twenty (20) calendar days of the date upon  
713 which a campaign finance disclosure report is due, a person  
714 identified in subsection (1) of this section shall not have filed  
715 a valid report with the Secretary of State, the Secretary of State  
716 shall notify the Attorney General of those persons who have not  
717 filed a valid report, and the Attorney General shall thereupon  
718 prosecute the delinquent candidates and political committees.

719       **SECTION 9.** Section 97-13-15, Mississippi Code of 1972, is  
720 amended as follows:

721       97-13-15. It shall be unlawful for any corporation,  
722 incorporated company, incorporated association, limited  
723 partnership, limited liability partnership or manager-managed  
724 limited liability company, by whatever name it may be known,  
725 incorporated or organized under the laws of this state, or doing  
726 or conducting business in this state, or for any servant, agent,  
727 employee or officer thereof, to give, donate, appropriate or  
728 furnish directly or indirectly, any money, security, funds or  
729 property of such a corporation, incorporated company, incorporated  
730 association, limited partnership, limited liability partnership or  
731 manager-managed limited liability company, in excess of Two  
732 Thousand Dollars (\$2,000.00) per calendar year for the purpose of  
733 aiding any political party or any candidate for any public office,  
734 or any candidate for any nomination for any public office, \* \* \*  
735 or any representative or committee of any political party or

736 candidate for nomination by any political party, or any committee  
737 or other person acting on behalf of such candidate. \* \* \*

738 **SECTION 10.** Section 23-15-817, Mississippi Code of 1972, is  
739 amended as follows:

740 23-15-817. The Secretary of State shall compile a list of  
741 all candidates for the Legislature or any statewide office who  
742 fail to file a campaign disclosure report by the dates specified  
743 in Section 23-15-807(2); the list shall be disseminated to the  
744 members of the Mississippi Press Association within two (2)  
745 working days after such reports are due and made available to the  
746 public.

747 **SECTION 11.** Section 97-13-17, Mississippi Code of 1972, is  
748 amended as follows:

749 97-13-17. Any corporation, incorporated company or  
750 incorporated association, limited partnership, limited liability  
751 partnership or manager-managed limited liability company or agent,  
752 officer or employee violating any of the provisions of Section  
753 97-13-15 shall, upon conviction, be fined not less than One  
754 Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars  
755 (\$5,000.00).

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

759 **SECTION 13.** The Attorney General of the State of Mississippi  
760 shall submit this act, immediately upon approval by the Governor,  
761 or upon approval by the Legislature subsequent to a veto, to the  
762 Attorney General of the United States or to the United States  
763 District Court for the District of Columbia in accordance with the  
764 provisions of the Voting Rights Act of 1965, as amended and  
765 extended.

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