

By: Senator(s) Chamberlin, Jordan

To: Elections

## 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 \$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 1872, 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 CONTRIBUTED TO  
42 POLITICAL 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 SECTIONS 23-15-817 AND 97-13-17, MISSISSIPPI  
46 CODE OF 1972, IN CONFORMITY THERETO; TO REPEAL SECTION 23-15-1023,  
47 MISSISSIPPI CODE OF 1972, WHICH PROVIDES THAT JUDICIAL CANDIDATES  
48 SHALL DISCLOSE CERTAIN INFORMATION ABOUT CERTAIN LOANS; AND FOR  
49 RELATED 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 candidates 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  
162 measure; \* \* \* however, the term "contribution" does not include  
163 the value of services provided without compensation by any  
164 individual who volunteers on behalf of a candidate or political  
165 committee; or the cost of any food or beverage for use in any  
166 candidate's campaign or for use by or on behalf of any political  
167 committee of a 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  
184 agreement 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 made  
232 within:

233 1. Sixty (60) days before a general, special  
234 or runoff election for the office sought by the candidate and is  
235 targeted at the relevant electorate; 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 re-file 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 use 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, and political committees that make expenditures for the  
358 purpose of influencing or attempting to influence the action of  
359 voters for or against the election of one or more candidates for  
360 judicial office, shall file in the year in which they are to be  
361 elected, periodic reports which shall be filed no later than the  
362 tenth day after April 30, May 31, June 30, September 30 and  
363 December 31. These reports shall include all campaign finance  
364 activity for the period beginning after the last appropriately  
365 filed annual, periodic or preelection report and extending through  
366 the last day of each period.

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

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

376           (b) The identification of:

377                   (i) Each person or political committee who makes a  
378 contribution to the reporting candidate or political committee  
379 during the reporting period, whose contribution or contributions  
380 within the calendar year have an aggregate amount or value in  
381 excess of Two Hundred Dollars (\$200.00) together with the date and  
382 amount of any such contribution;

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

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

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

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

404                   (ii) Each person or organization who receives an  
405 expenditure by a political party or expenditures by a political  
406 party during the reporting period when the expenditure or  
407 expenditures to the person or organization within the calendar  
408 year have an aggregate value or amount in excess of Two Hundred

409 Dollars (\$200.00), together with the date and amount of the  
410 expenditure.

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

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

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

441                   (v) The date of receipt of each contribution  
442 required to be reported under this subsection;

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

445                   (vii) If a contribution is in-kind, a description  
446 of the in-kind contribution; \* \* \*

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

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

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

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

462                   (7) (a) In addition to the information required to be  
463 disclosed in subsection (4) of this section, candidates shall  
464 disclose:

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

469                   (ii) The identity of any individual or entity  
470 which assumes, in whole or in part, such loan or other extension  
471 of credit;

472                   (iii) The identity of any individual or entity to  
473 which such loan or other extension of credit has been assigned or

474 otherwise transferred, in whole or in part, by contract, purchase,  
475 operation of law or otherwise;

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

479 (v) How such loan or other extension of credit was  
480 utilized; and

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

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

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

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

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

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

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

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

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

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

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

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

527           (c) The date, amount and purpose of any independent  
528 expenditure;

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

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

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

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

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

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

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

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

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

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

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

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

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

598         (c) Filing of the required report and payment of the  
599 fine within ten (10) calendar days of notice by the Secretary of  
600 State that a required statement has not been filed, constitutes  
601 compliance with Sections 23-15-801 through 23-15-813, or Sections  
602 23-17-47 through 23-17-53.

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

605 file from the filing requirements of Sections 23-15-801 through  
606 23-15-813, and Sections 23-17-47 through 23-17-53.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

735 the owners could lawfully contribute to the candidates if each  
736 gave the maximum amount allowed by law.

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

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

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

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

765 **SECTION 12.** Section 97-13-17, Mississippi Code of 1972, is  
766 amended as follows:

767 97-13-17. Any corporation, incorporated company or  
768 incorporated association, limited partnership, limited liability  
769 partnership or manager-managed limited liability company or agent,  
770 officer or employee violating any of the provisions of Section  
771 97-13-15 shall, upon conviction, be fined not less than One  
772 Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars  
773 (\$5,000.00).

774 **SECTION 13.** Section 23-15-1023, Mississippi Code of 1972,  
775 which provides that judicial candidates shall disclose information  
776 about certain loans, is repealed.

777 **SECTION 14.** The Attorney General of the State of Mississippi  
778 shall submit this act, immediately upon approval by the Governor,  
779 or upon approval by the Legislature subsequent to a veto, to the  
780 Attorney General of the United States or to the United States  
781 District Court for the District of Columbia in accordance with the  
782 provisions of the Voting Rights Act of 1965, as amended and  
783 extended.

784 **SECTION 15.** This act shall take effect and be in force from  
785 and after the date it is effectuated under Section 5 of the Voting  
786 Rights Act of 1965, as amended and extended.