

**Adopted  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**Senate Bill No. 2858**

**BY: Committee**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

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

59           23-15-802. (1) Contributions to a named candidate made to a  
60 political committee authorized by the candidate to accept  
61 contributions on the candidate's behalf, shall be considered to be  
62 contributions made to the candidate.

63           (2) Expenditures made by any person, other than the  
64 candidate or his authorized committee or agent, in cooperation,  
65 consultation or concert with, or at the request or suggestion of a  
66 candidate, an authorized committee or agent of such candidate,  
67 shall be considered to be a contribution made to the candidate.

68           (3) The financing of the dissemination, distribution or  
69 republication, in whole or in part, of any broadcast or any  
70 written, graphic or other form of campaign materials prepared by  
71 the candidate, an authorized committee or agent of the candidate,  
72 shall be considered to be an expenditure for, and a contribution  
73 to, the candidate.

74           (4) If any person, other than the candidate or his  
75 authorized committee or agent, makes or contracts to make any

76 disbursement for any electioneering communication, and the  
77 disbursement is coordinated with a candidate or any authorized  
78 committee or agent of the candidate, such disbursement or contract  
79 shall be considered to be a contribution to the candidate  
80 supported by the electioneering communication and as an  
81 expenditure by the candidate.

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

84         23-15-808. (1) Every person who makes a disbursement for  
85 the direct costs of producing and airing electioneering  
86 communications in an aggregate amount in excess of Two Hundred  
87 Dollars (\$200.00) during any calendar year, shall, within  
88 forty-eight (48) hours of each disclosure date, file with the  
89 appropriate offices as provided for in Section 23-15-805 (such  
90 person shall be considered a political committee for determining  
91 the place of filing), a statement made under penalty of perjury  
92 containing the following:

93             (a) The identity of:

94                 (i) The person making the disbursement;

95                 (ii) Any person sharing or exercising discretion or  
96 control over the activities of the person making the disbursement;  
97 and

98                 (iii) The custodian of the books and accounts of  
99 the person making the disbursement;

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

102             (c) The amount of each disbursement of more than Two  
103 Hundred Dollars (\$200.00) made during the period covered by the  
104 statement and the identity of the person to whom the disbursement  
105 was made;

106 (d) The elections to which the electioneering  
107 communication pertains and the names, if known, of the candidates  
108 to whom the communication refers;

109 (e) If the disbursements were paid out of a segregated  
110 bank account, the names and addresses of all contributors who  
111 contributed an aggregate amount in excess of Two Hundred Dollars  
112 (\$200.00) to the account during the period beginning on the first  
113 day of the preceding calendar year and ending on the disclosure  
114 date; and

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

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

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

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

128 23-15-801. As used in this article:

129 (a) "Election" means a general, special, primary or  
130 runoff election.

131 (b) "Candidate" means an individual who seeks  
132 nomination for election, or election, to any elective office other  
133 than a federal elective office and for purposes of this article,  
134 an individual shall be deemed to seek nomination for election, or  
135 election:

136 (i) If such individual has received contributions  
137 aggregating in excess of Two Hundred Dollars (\$200.00) or has made

138 expenditures aggregating in excess of Two Hundred Dollars  
139 (\$200.00) or for a candidate for the Legislature or any statewide  
140 or state district office, by the qualifying deadlines specified in  
141 Sections 23-15-299 and 23-15-977, whichever occurs first; or

142 (ii) If such individual has given his or her  
143 consent to another person to receive contributions or make  
144 expenditures on behalf of such individual and if such person has  
145 received such contributions aggregating in excess of Two Hundred  
146 Dollars (\$200.00) during a calendar year, or has made such  
147 expenditures aggregating in excess of Two Hundred Dollars  
148 (\$200.00) during a calendar year.

149 (c) "Political committee" means any committee, party,  
150 club, association, political action committee, campaign committee  
151 or other groups of persons or affiliated organizations which  
152 receives contributions aggregating in excess of Two Hundred  
153 Dollars (\$200.00) during a calendar year or which makes  
154 expenditures aggregating in excess of Two Hundred Dollars  
155 (\$200.00) during a calendar year for the purpose of influencing or  
156 attempting to influence the action of voters for or against the  
157 nomination for election, or election, of one or more candidates,  
158 or balloted measures and shall, in addition, include each  
159 political party registered with the Secretary of State.

160 (d) "Affiliated organization" means any organization  
161 which is not a political committee, but which directly or  
162 indirectly establishes, administers or financially supports a  
163 political committee.

164 (e) (i) "Contribution" includes any gift,  
165 subscription, loan, advance or deposit of money or anything of  
166 value made by any person or political committee for the purpose of  
167 influencing any election for elective office or balloted measure;  
168 however, the term "contribution" does not include the value of  
169 services provided without compensation by any individual who

170 volunteers on behalf of a candidate or political committee; or the  
171 cost of any food or beverage for use in any candidate's campaign  
172 or for use by or on behalf of any political committee of a  
173 political party; and

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

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

185 1. Any purchase, payment, distribution, loan,  
186 advance, deposit, gift of money or anything of value, made by any  
187 person or political committee for the purpose of influencing any  
188 balloted measure or election for elective office;

189 2. A written contract, promise, or agreement  
190 to make an expenditure; and

191 3. A written contract, promise or agreement  
192 to make an expenditure.

193 (ii) "Expenditure" does not include:

194 1. Any news story, commentary or editorial  
195 distributed through the facilities of any broadcasting station,  
196 newspaper, magazine, or other periodical publication, unless such  
197 facilities are owned or controlled by any political party,  
198 political committee, or candidate; or

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

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

203 1. Any purchase, payment, distribution, loan,  
204 advance, deposit, gift of money or anything of value, made by any  
205 political party and by any contractor, subcontractor, agent, and  
206 consultant to the political party; and

207 2. A written contract, promise, or agreement  
208 to make such an expenditure.

209 (g) The term "identification" means:

210 (i) In the case of any individual, the name, the  
211 mailing address, and the occupation of such individual, as well as  
212 the name of his or her employer; and

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

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

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

222 (j) \* \* \* "Independent expenditure" means an  
223 expenditure by a person expressly advocating the election or  
224 defeat of a clearly identified candidate \* \* \* and which is not  
225 made in concert with or at the request or suggestion of any  
226 candidate, any authorized committee of the candidate or the agent  
227 of the candidate or committee or a political party committee or  
228 its agents.

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

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

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

233 (iii) The identity of the candidate is apparent by  
234 unambiguous reference.

235 (m) (i) "Electioneering communication" means any  
236 broadcast, cable or satellite communication which refers to a  
237 clearly identified candidate for state or local office and is  
238 made:

239 1. Within sixty (60) days before a general,  
240 special or runoff election for the office sought by the candidate;  
241 or

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

245 (ii) The term "electioneering communication" does  
246 not include:

247 1. A communication appearing in a news story,  
248 commentary or editorial distributed through the facilities of any  
249 broadcasting station, unless such facilities are owned or  
250 controlled by any political committee or candidate;

251 2. A communication which constitutes an  
252 independent expenditure;

253 3. A communication which constitutes a  
254 candidate debate or forum or which solely promotes the candidate  
255 debate or forum and is made by or on behalf of the person  
256 sponsoring the debate; or

257 4. Nonpartisan activity designed to encourage  
258 individuals to vote or register to vote and does not refer to a  
259 clearly identified candidate for state or local office.

260 (iii) An electioneering communication is targeted  
261 at the relevant electorate if the communication:

262 1. Refers to a clearly identified candidate;  
263 and

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

267 (n) "Disclosure date" means:

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

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

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

279 23-15-805. (1) Candidates for state, state district, and  
280 legislative district offices, and every political committee, which  
281 makes reportable contributions to or expenditures in support of or  
282 in opposition to a candidate for any such office or makes  
283 reportable contributions to or expenditures in support of or in  
284 opposition to a statewide ballot measure, shall file all reports  
285 required under this article with the Office of the Secretary of  
286 State.

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



295           (b) The Office of the Secretary of State shall adopt  
296 rules and regulations designating the format and software to be  
297 used in filing reports by electronic format under this subsection.  
298 All candidates and committees required to file reports by  
299 electronic format under this subsection shall follow the format  
300 and use the software prescribed by the Office of the Secretary of  
301 State.

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

312           (4) Candidates for municipal office, and every political  
313 committee which makes reportable contributions to or expenditures  
314 in support of or in opposition to a candidate for such office, or  
315 makes reportable contributions to or expenditures in support of or  
316 in opposition to a municipal ballot measure shall file all reports  
317 required by this article in the office of the municipal clerk of  
318 the municipality in which the election occurs. The municipal  
319 clerk shall forward copies of all reports to the Office of the  
320 Secretary of State.

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

325           \* \* \*

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

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

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

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

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

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

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

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

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

379           (b) The identification of:

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

386           (ii) Each person or organization, candidate or  
387 political committee who receives an expenditure, payment or other  
388 transfer from the reporting candidate, political committee or its  
389 agent, employee, designee, contractor, consultant or other person

390 or persons acting in its behalf during the reporting period when  
391 the expenditure, payment or other transfer to such person,  
392 organization, candidate or political committee within the calendar  
393 year have an aggregate value or amount in excess of Two Hundred  
394 Dollars (\$200.00) together with the date and amount of such  
395 expenditure;

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

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

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

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

414 (5) The appropriate office specified in Section 23-15-805  
415 must be in actual receipt of the reports specified in this article  
416 by 5:00 p.m. on the dates specified in subsection (2) of this  
417 section. If the date specified in subsection (2) of this section  
418 shall fall on a weekend or legal holiday then the report shall be  
419 due in the appropriate office at 5:00 p.m. on the first working  
420 day before the date specified in subsection (2) of this section.  
421 The reporting candidate or reporting political committee shall

422 ensure that the reports are delivered to the appropriate office by  
423 the filing deadline. The Secretary of State may approve specific  
424 means of electronic transmission of completed campaign finance  
425 disclosure reports, which may include, but not be limited to,  
426 transmission by electronic facsimile (FAX) devices.

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

438 (i) The name of the receiving candidate;

439 (ii) The name of the receiving candidate's  
440 political committee, if any;

441 (iii) The office sought by the candidate;

442 (iv) The identification of each person who made a  
443 contribution required to be reported under this subsection;

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

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

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

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

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

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

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

465           (7) (a) In addition to the information required to be  
466 disclosed in subsection (4) of this section, candidates shall  
467 disclose:

468                   (i) The identity of any individual or entity from  
469 which the candidate receives a loan or other extension of credit  
470 for use in such candidate's campaign or in furtherance of any  
471 campaign activities;

472                   (ii) The identity of any individual or entity  
473 which assumes, in whole or in part, such loan or other extension  
474 of credit;

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

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

482                   (v) The identity of a person who guarantees a  
483 personal loan to a candidate when any proceeds from such personal  
484 loan are used by the candidate in such candidate's campaign or in  
485 furtherance of such candidate's campaign activities;

486                   (vi) How such loan or other extension of credit  
487 was utilized; and

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

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

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

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

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

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

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

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

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

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

524           (a) The name and address of each person who makes a  
525 contribution for the purpose of furthering an independent  
526 expenditure to the person filing the statement during the  
527 reporting period whose contribution during the calendar year has  
528 an aggregate amount or value in excess of Two Hundred Dollars  
529 (\$200.00) together with the date and amount of such contribution;

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

534           (c) The date, amount and purpose of any independent  
535 expenditure;

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

539           (e) A certification, under penalty of perjury, of  
540 whether the independent expenditure is made in cooperation,  
541 consultation or concert with, or at the request or suggestion of,  
542 any candidate or any authorized committee or agent of such  
543 candidate.

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

546           23-15-811. (1) Any candidate or any other person who  
547 willfully \* \* \* violates the provisions and prohibitions of this  
548 article shall be guilty of a misdemeanor and upon conviction



549 thereof shall be punished by a fine in an amount not to exceed Ten  
550 Thousand Dollars (\$10,000.00) or imprisoned for not longer than  
551 one (1) year, or by both \* \* \*.

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

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

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

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

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

575       23-15-813. (1) In addition to any other penalty permitted  
576 by law, the Secretary of State shall require any person who fails  
577 to file a campaign finance disclosure report as required under  
578 Sections 23-15-801 through 23-15-813, or Sections 23-17-47 through  
579 23-17-53, or who shall file a report which fails to substantially  
580 comply with the requirements of Sections 23-15-801 through

581 23-15-813, or Sections 23-17-47 through 23-17-53, to be assessed a  
582 civil penalty as follows:

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

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

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

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

612 file from the filing requirements of Sections 23-15-801 through  
613 23-15-813, and Sections 23-17-47 through 23-17-53.

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

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

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

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

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

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

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

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

673         (3) (a) The right to appeal from the decision of the  
674 hearing officer in an administrative hearing concerning the  
675 assessment of civil penalties authorized pursuant to this section

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

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

701 (4) If, after forty-five (45) calendar days of the date of  
702 the administrative hearing procedure set forth in subsection (2)  
703 of this section, the person identified in subsection (1) of this  
704 section fails to pay the monetary civil penalty imposed by the  
705 hearing officer, the Secretary of State shall notify the Attorney  
706 General of the delinquency. The Attorney General shall  
707 investigate the offense in accordance with the provisions of this

708 chapter, and where necessary, file suit to compel payment of the  
709 unpaid civil penalty.

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

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

719 23-15-1021. (1) It shall be unlawful for any individual or  
720 political action committee not affiliated with a political party  
721 to give, donate, appropriate or furnish directly or indirectly,  
722 any money, security, funds or property in excess of Two Thousand  
723 Five Hundred Dollars (\$2,500.00) for the purpose of aiding any  
724 candidate or candidate's political committee for judge of a  
725 county, circuit or chancery court or in excess of Five Thousand  
726 Dollars (\$5,000.00) for the purpose of aiding any candidate or  
727 candidate's political committee for judge of the Court of Appeals  
728 or justice of the Supreme Court, or to give, donate, appropriate  
729 or furnish directly or indirectly, any money, security, funds or  
730 property in excess of Two Thousand Five Hundred Dollars  
731 (\$2,500.00) to any candidate or the candidate's political  
732 committee for judge of a county, circuit or chancery court or in  
733 excess of Five Thousand Dollars (\$5,000.00) for the purpose of  
734 aiding any candidate or candidate's political committee for judge  
735 of the Court of Appeals or justice of the Supreme Court, as a  
736 contribution to the expense of a candidate for judicial office.

737 (2) It shall be unlawful for any for-profit business entity,  
738 whose owners directly control the entity's actions, and such an  
739 entity's members, to give, donate, appropriate or furnish directly

740 or indirectly any money, security, funds or property to judicial  
741 candidates in an aggregate amount in excess of the amount which  
742 the owners could lawfully contribute to the persons if each gave  
743 the maximum amount allowed by law.

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

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

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

765 23-15-817. The Secretary of State shall compile a list of  
766 all candidates for the Legislature or any statewide office who  
767 fail to file a campaign disclosure report by the dates specified  
768 in Section 23-15-807(2); the list shall be disseminated to the  
769 members of the Mississippi Press Association within two (2)  
770 working days after such reports are due and made available to the  
771 public.

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

775           **SECTION 13.** No political committee shall make contributions  
776 to any other political committee, other than a political committee  
777 authorized to accept contributions on a candidate's behalf, in any  
778 calendar year which, in the aggregate, exceeds Five Thousand  
779 Dollars (\$5,000.00).

780           **SECTION 14.** The provisions of Sections 23-15-801 through  
781 23-15-817 are severable, and, if any of its provisions shall be  
782 held unconstitutional by any court of competent jurisdiction, the  
783 decision of such court shall not affect, impair or abrogate any of  
784 the remaining provisions, but the remaining provisions thereof  
785 shall be and remain in full force and effect without regard to  
786 that phrase, clause or portion invalidated.

787           **SECTION 15.** Section 97-13-17, Mississippi Code of 1972, is  
788 amended as follows:

789           97-13-17. Any corporation, trust, incorporated company or  
790 incorporated association, limited partnership, limited liability  
791 partnership or manager or manager-managed limited liability  
792 company, or agent, officer or employee violating any of the  
793 provisions of Section 97-13-15 shall, upon conviction, be fined  
794 not less than One Thousand Dollars (\$1,000.00) nor more than Five  
795 Thousand Dollars (\$5,000.00).

796           **SECTION 16.** The Attorney General of the State of Mississippi  
797 shall submit this act, immediately upon approval by the Governor,  
798 or upon approval by the Legislature subsequent to a veto, to the  
799 Attorney General of the United States or to the United States  
800 District Court for the District of Columbia in accordance with the  
801 provisions of the Voting Rights Act of 1965, as amended and  
802 extended.



803           **SECTION 17.** This act shall take effect and be in force from  
804 and after the date it is effectuated under Section 5 of the Voting  
805 Rights Act of 1965, as amended and extended.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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 SUCH  
29 CANDIDATE'S CAMPAIGN; TO REQUIRE STATEMENTS REGARDING CERTAIN  
30 INDEPENDENT CAMPAIGN EXPENDITURES TO BE FILED WITHIN 48 HOURS AND  
31 TO REVISE THE INFORMATION REQUIRED TO BE INCLUDED IN SUCH  
32 STATEMENTS; TO REVISE THE ELEMENTS NECESSARY FOR A CONVICTION OF A  
33 VIOLATION OF THE CAMPAIGN FINANCE LAWS; TO CLARIFY UPON WHOM  
34 ADMINISTRATIVE PENALTIES UNDER THE CAMPAIGN FINANCE LAW MAY APPLY;  
35 TO AMEND SECTION 23-15-1021, MISSISSIPPI CODE OF 1972, TO MAKE IT  
36 UNLAWFUL FOR ANY FOR-PROFIT BUSINESS ENTITY WHOSE OWNERS DIRECTLY  
37 CONTROL THE ENTITY'S ACTIONS TO CONTRIBUTE MONEY TO JUDICIAL  
38 CANDIDATES IN EXCESS OF THE AMOUNT THE OWNERS COULD LAWFULLY  
39 CONTRIBUTE TO THE CANDIDATES IF EACH GAVE THE MAXIMUM AMOUNT  
40 ALLOWED BY LAW; TO AMEND SECTION 97-13-15, MISSISSIPPI CODE OF  
41 1972, TO INCREASE TO \$2,000.00 THE AMOUNT THAT CORPORATIONS MAY  
42 CONTRIBUTE TO POLITICAL CAMPAIGNS IN A CALENDAR YEAR AND TO PLACE  
43 INCORPORATED ASSOCIATIONS, LIMITED PARTNERSHIPS, LIMITED LIABILITY  
44 PARTNERSHIPS OR MANAGER-MANAGED LIMITED LIABILITY COMPANIES UNDER  
45 SUCH RESTRICTION; TO AMEND SECTION 23-15-817, MISSISSIPPI CODE OF  
46 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; TO  
49 PROHIBIT A POLITICAL COMMITTEE FROM MAKING A CONTRIBUTION TO  
50 ANOTHER POLITICAL COMMITTEE WITHIN ANY CALENDAR YEAR IN WHICH THE  
51 CONTRIBUTION EXCEEDS \$5,000.00; TO PROVIDE A SEVERABILITY CLAUSE  
52 FOR PROVISIONS WHICH MAY BE HELD UNCONSTITUTIONAL; TO AMEND  
53 SECTION 97-13-17, MISSISSIPPI CODE OF 1972, TO REVISE PENALTIES

54 FOR VIOLATIONS OF THE PRECEDING SECTIONS; AND FOR RELATED  
55 PURPOSES.