

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 1244

BY: Committee

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

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

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

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

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

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

69 disbursement for any electioneering communication, and the
70 disbursement is coordinated with a candidate or any authorized
71 committee or agent of the candidate, such disbursement or contract
72 shall be considered to be a contribution to the candidate
73 supported by the electioneering communication and as an
74 expenditure by the candidate.

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

77 23-15-808. (1) Every person who makes a disbursement for
78 the direct costs of producing and airing electioneering
79 communications in an aggregate amount in excess of Two Thousand
80 Dollars (\$2,000.00) during any calendar year, shall, within
81 forty-eight (48) hours of each disclosure date, file with the
82 appropriate offices as provided for in Section 23-15-805 (such
83 person shall be considered a political committee for determining
84 the place of filing), a statement made under penalty of
85 prosecution containing the following:

86 (a) The identity of:

87 (i) The person making the disbursement;

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

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

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

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

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

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

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

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

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

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

121 23-15-801. As used in this article:

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

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

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

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

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

142 (c) "Political committee" means any committee, party,
143 club, association, political action committee, campaign committee
144 or other groups of persons or affiliated organizations which
145 receives contributions aggregating in excess of Two Hundred
146 Dollars (\$200.00) during a calendar year or which makes
147 expenditures aggregating in excess of Two Hundred Dollars
148 (\$200.00) during a calendar year for the purpose of influencing or
149 attempting to influence the action of voters for or against the
150 nomination for election, or election, of one or more candidates,
151 or balloted measures and shall, in addition, include each
152 political party registered with the Secretary of State.

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

157 (e) (i) "Contribution" includes any gift,
158 subscription, loan, advance or deposit of money or anything of
159 value made by any person or political committee for the purpose of
160 influencing any election for elective office or balloted
161 measure; * * * however, the term "contribution" does not include
162 the value of services provided without compensation by any

163 individual who volunteers on behalf of a candidate or political
164 committee; or the cost of any food or beverage for use in any
165 candidate's campaign or for use by or on behalf of any political
166 committee of a political party; and

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

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

178 1. Any purchase, payment, distribution, loan,
179 advance, deposit, gift of money or anything of value, made by any
180 person or political committee for the purpose of influencing any
181 balloted measure or election for elective office; and

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

184 (ii) "Expenditure" does not include:

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

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

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

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

198 2. A written contract, promise, or agreement
199 to make such an expenditure.

200 (g) The term "identification" means:

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

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

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

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

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

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

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

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

224 (iii) The identity of the candidate is apparent by
225 unambiguous reference.

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

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

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

236 (ii) The term "electioneering communication" does
237 not include:

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

242 2. A communication which constitutes an
243 independent expenditure;

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

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

251 (iii) An electioneering communication is targeted
252 at the relevant electorate if the communication:

253 1. Refers to a clearly identified candidate;
254 and

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

258 (n) "Disclosure date" means:

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

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

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

270 23-15-805. (1) Candidates for state, state district, and
271 legislative district offices, and every political committee, which
272 makes reportable contributions to or expenditures in support of or
273 in opposition to a candidate for any such office or makes
274 reportable contributions to or expenditures in support of or in
275 opposition to a statewide ballot measure, shall file all reports
276 required under this article with the Office of the Secretary of
277 State.

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

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

289 and use the software prescribed by the Office of the Secretary of
290 State.

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

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

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

314 (b) No information copied from reports required to be
315 filed under this article shall be sold or used by any person for
316 the purpose of soliciting contributions or for commercial purposes
317 other than using the name and address of any political committee
318 to solicit contributions from the political committee. A
319 political committee may submit five (5) pseudonyms on each report
320 filed in order to protect against the illegal use of names and

321 addresses of contributors provided the committee attaches a list
322 of the pseudonyms to the appropriate report. The Secretary of
323 State shall exclude those lists from the public record.

324 * * *

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

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

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

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

350 (b) In 1987 and every fourth year thereafter, periodic
351 reports, which shall be filed no later than the tenth day after
352 April 30, May 31, June 30, September 30 and December 31, and which

353 shall include all campaign finance activity for the period
354 beginning after the last appropriately filed annual, periodic or
355 preelection report and extending through the last day of each
356 period; and

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

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

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

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

381 (b) The identification of:

382 (i) Each person or political committee who makes a
383 contribution to the reporting candidate or political committee
384 during the reporting period, whose contribution or contributions

385 within the calendar year have an aggregate amount or value in
386 excess of Two Hundred Dollars (\$200.00) together with the date and
387 amount of any such contribution;

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

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

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

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

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

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

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

- 440 (i) The name of the receiving candidate;
441 (ii) The name of the receiving candidate's
442 political committee, if any;
443 (iii) The office sought by the candidate;
444 (iv) The identification of each person who made a
445 contribution required to be reported under this subsection;
446 (v) The date of receipt of each contribution
447 required to be reported under this subsection;

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

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

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

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

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

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

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

470 (i) The identity of any individual or entity from
471 which the candidate receives a loan or other extension of credit
472 for use in his campaign or in furtherance of any campaign
473 activities;

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

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

479 otherwise transferred, in whole or in part, by contract, purchase,
480 operation of law or otherwise;

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

484 (v) How such loan or other extension of credit was
485 utilized; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

668 the manner provided for the enforcement of attendance and
669 testimony of witnesses in civil cases in the courts of this state.

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

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

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

700 some statutory or constitutional right of the appellant. The
701 decision of the court may be appealed to the Supreme Court in the
702 manner provided by law.

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

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

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

721 97-13-15. It shall be unlawful for any corporation,
722 incorporated company, incorporated association, limited
723 partnership, limited liability partnership or manager-managed
724 limited liability company, by whatever name it may be known,
725 incorporated or organized under the laws of this state, or doing
726 or conducting business in this state, or for any servant, agent,
727 employee or officer thereof, to give, donate, appropriate or
728 furnish directly or indirectly, any money, security, funds or
729 property of such a corporation, incorporated company, incorporated
730 association, limited partnership, limited liability partnership or
731 manager-managed limited liability company, in excess of Two

732 Thousand Dollars (\$2,000.00) per calendar year for the purpose of
733 aiding any political party or any candidate for any public office,
734 or any candidate for any nomination for any public office, * * *
735 or any representative or committee of any political party or
736 candidate for nomination by any political party, or any committee
737 or other person acting on behalf of such candidate. * * *

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

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

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

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

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

759 **SECTION 13.** The Attorney General of the State of Mississippi
760 shall submit this act, immediately upon approval by the Governor,
761 or upon approval by the Legislature subsequent to a veto, to the
762 Attorney General of the United States or to the United States
763 District Court for the District of Columbia in accordance with the

764 provisions of the Voting Rights Act of 1965, as amended and
765 extended.

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

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