

By: Representative Reynolds

To: Apportionment and  
Elections

## HOUSE BILL NO. 955

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 \$1,000.00 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 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 97-13-15, MISSISSIPPI CODE OF 1972, TO INCREASE  
36 TO \$2,000.00 THE AMOUNT THAT CORPORATIONS MAY CONTRIBUTE TO  
37 POLITICAL CAMPAIGNS IN A CALENDAR YEAR AND TO PLACE TRUSTS,  
38 INCORPORATED ASSOCIATIONS, LIMITED PARTNERSHIPS, LIMITED LIABILITY  
39 PARTNERSHIPS OR MANAGER-MANAGED LIMITED LIABILITY COMPANIES UNDER  
40 SUCH RESTRICTION; TO AMEND SECTION 23-15-817, MISSISSIPPI CODE OF  
41 1972, IN CONFORMITY THERETO; TO REPEAL SECTION 23-15-1023,  
42 MISSISSIPPI CODE OF 1972, WHICH PROVIDES THAT JUDICIAL CANDIDATES  
43 SHALL DISCLOSE CERTAIN INFORMATION ABOUT CERTAIN LOANS; TO AMEND  
44 SECTION 97-13-17, MISSISSIPPI CODE OF 1972, TO REVISE PENALTIES  
45 FOR VIOLATIONS OF THE PRECEDING SECTIONS; AND FOR RELATED  
46 PURPOSES.

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

48 **SECTION 1.** The following provision shall be codified as

49 Section 23-15-802, Mississippi Code of 1972:

50       23-15-802. (1) Contributions to a named candidate made to a  
51 political committee authorized by the candidate to accept  
52 contributions on the candidate's behalf, shall be considered to be  
53 contributions made to the candidate.

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

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

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

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

75       23-15-808. (1) Every person who makes a disbursement for  
76 the direct costs of producing and airing electioneering  
77 communications in an aggregate amount in excess of One Thousand  
78 Dollars (\$1,000.00) during any calendar year, shall, within  
79 forty-eight (48) hours of each disclosure date, file with the  
80 appropriate offices as provided for in Section 23-15-805 (such  
81 person shall be considered a political committee for determining

82 the place of filing), a statement made under penalty of  
83 prosecution containing the following:

84 (a) The identity of:

85 (i) The person making the disbursement;

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

89 (iii) The custodian of the books and accounts of  
90 the person making the disbursement;

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

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

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

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

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

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

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

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

119 23-15-801. As used in this article:

120 (a) "Election" means a general, special, primary or  
121 runoff election.

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

127 (i) If such individual has received contributions  
128 aggregating in excess of Two Hundred Dollars (\$200.00) or has made  
129 expenditures aggregating in excess of Two Hundred Dollars  
130 (\$200.00) or for a candidate for the Legislature or any statewide  
131 or state district office, by the qualifying deadlines specified in  
132 Sections 23-15-299 and 23-15-977, whichever occurs first; or

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

140 (c) "Political committee" means: (i) any committee,  
141 party, club, association, political action committee, campaign  
142 committee or other groups of persons or affiliated organizations  
143 which receives contributions aggregating in excess of Two Hundred  
144 Dollars (\$200.00) during a calendar year or which makes  
145 expenditures aggregating in excess of Two Hundred Dollars  
146 (\$200.00) during a calendar year for the purpose of conducting any  
147 of the activities specified in this chapter; or (ii) any

148 segregated fund established, administered and utilized for  
149 political purposes by a corporation, labor organization, political  
150 party registered with the Secretary of State, membership  
151 organization, cooperative or corporation without capital stock.

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

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

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

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

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

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

183                   (ii) "Expenditure" does not include:

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

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

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

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

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

199                   (g) The term "identification" means:

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

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

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

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

212                   (j) \* \* \* "Independent expenditure" means an  
213 expenditure by a person expressly advocating the election or

214 defeat of a clearly identified candidate \* \* \* and which is not  
215 made in concert with or at the request or suggestion of any  
216 candidate, any authorized committee of the candidate or the agent  
217 of the candidate or committee or a political party committee or  
218 its agents.

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

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

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

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

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

229 1. Within sixty (60) days before a general,  
230 special or runoff election for the office sought by the candidate;  
231 or

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

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

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

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

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

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

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

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

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

257 (n) "Disclosure date" means:

258 (i) The first date during any calendar year by  
259 which a person has made disbursement for the direct costs of  
260 producing or airing electioneering communications aggregating in  
261 excess of One Thousand Dollars (\$1,000.00); and

262 (ii) Any subsequent date during the calendar year  
263 by which a person has made disbursement for the direct costs of  
264 producing or airing electioneering communications aggregating in  
265 excess of Five Hundred Dollars (\$500.00) since the most recent  
266 disclosure date for such calendar year.

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

269 23-15-805. (1) Candidates for state, state district, and  
270 legislative district offices, and every political committee, which  
271 makes reportable contributions to or expenditures in support of or  
272 in opposition to a candidate for any such office or makes  
273 reportable contributions to or expenditures in support of or in  
274 opposition to a statewide ballot measure, shall file all reports  
275 required under this article with the Office of the Secretary of  
276 State.

277 (2) (a) From and after January 1, 2007, all candidates,  
278 their authorized committees or agents and other political  
279 committees that receive contributions or make expenditures in



280 excess of Seventy-five Thousand Dollars (\$75,000.00) in any  
281 calendar year shall file the reports required under this article  
282 by electronic format.

283 (b) When aggregate contributions or aggregate  
284 disbursements for a calendar year reach in excess of Seventy-five  
285 Thousand Dollars (\$75,000.00), the candidate, his or her  
286 authorized committee or agent, or political committee must  
287 resubmit each previously submitted report for the same calendar  
288 year that was not filed electronically by way of electronic format  
289 within thirty (30) days of exceeding the threshold of Seventy-five  
290 Thousand Dollars (\$75,000.00).

291 (c) The Office of the Secretary of State shall adopt  
292 rules and regulations designating the format and software to be  
293 used in filing reports by electronic format under this subsection.  
294 All candidates and committees required to file reports by  
295 electronic format under this subsection shall follow the format  
296 and use the software prescribed by the Office of the Secretary of  
297 State.

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

308 (4) Candidates for municipal office, and every political  
309 committee which makes reportable contributions to or expenditures  
310 in support of or in opposition to a candidate for such office, or  
311 makes reportable contributions to or expenditures in support of or  
312 in opposition to a municipal ballot measure shall file all reports

313 required by this article in the office of the municipal clerk of  
314 the municipality in which the election occurs. The municipal  
315 clerk shall forward copies of all reports to the Office of the  
316 Secretary of State.

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

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

331 \* \* \*

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

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

343 (2) Candidates who are seeking election, or nomination for  
344 election, and political committees that receive contributions or  
345 make expenditures in excess of Two Hundred Dollars (\$200.00) in

346 the aggregate in any calendar year for the purpose of influencing  
347 or attempting to influence the action of voters for or against the  
348 nomination for election, or election, of one or more candidates or  
349 balloted measures of such election or conducting any activities  
350 specified in this chapter, shall file the following reports:

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

359       (b) In 1987 and every fourth year thereafter, periodic  
360 reports, which shall be filed no later than the tenth day after  
361 April 30, May 31, June 30, September 30 and December 31, and which  
362 shall include all campaign finance activity for the period  
363 beginning after the last appropriately filed annual, periodic or  
364 preelection report and extending through the last day of each  
365 period; and

366       (c) In any calendar years except 1987 and except every  
367 fourth year thereafter, a report covering the calendar year which  
368 shall be filed no later than January 31 of the following calendar  
369 year.

370       (3) All candidates for judicial office as defined in Section  
371 23-15-975, and political committees that receive contributions or  
372 make expenditures in excess of Two Hundred Dollars (\$200.00) in  
373 the aggregate in any calendar year for the purpose of influencing  
374 or attempting to influence the action of voters for or against the  
375 nomination for election, or election, of one or more candidates or  
376 balloted measures of such election or conducting any activities  
377 specified in this chapter, shall file in the year in which they  
378 are to be elected, periodic reports which shall be filed no later

379 than the tenth day after April 30, May 31, June 30, September 30  
380 and December 31. These reports shall include all campaign finance  
381 activity for the period beginning after the last appropriately  
382 filed annual, periodic or preelection report and extending through  
383 the last day of each period.

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

385 (a) For the reporting period and the calendar year, the  
386 total amount of all contributions and the total amount of all  
387 expenditures of the candidate or reporting committee which shall  
388 include those required to be identified pursuant to paragraph (b)  
389 of this subsection (4) as well as the total of all other  
390 contributions and expenditures during the calendar year. Such  
391 reports shall be cumulative during the calendar year to which they  
392 relate;

393 (b) The identification of:

394 (i) Each person or political committee who makes a  
395 contribution to the reporting candidate or political committee  
396 during the reporting period, whose contribution or contributions  
397 within the calendar year have an aggregate amount or value in  
398 excess of Two Hundred Dollars (\$200.00) together with the date and  
399 amount of any such contribution;

400 (ii) Each person or organization, candidate or  
401 political committee who receives an expenditure, payment or other  
402 transfer from the reporting candidate, political committee or its  
403 agent, employee, designee, contractor, consultant or other person  
404 or persons acting in its behalf during the reporting period when  
405 the expenditure, payment or other transfer to such person,  
406 organization, candidate or political committee within the calendar  
407 year have an aggregate value or amount in excess of Two Hundred  
408 Dollars (\$200.00) together with the date and amount of such  
409 expenditure;

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

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

415           (i) Each person or political committee who makes a  
416 contribution to a political party during the reporting period and  
417 whose contribution or contributions to a political party within  
418 the calendar year have an aggregate amount or value in excess of  
419 Two Hundred Dollars (\$200.00), together with the date and amount  
420 of the contribution;

421           (ii) Each person or organization who receives an  
422 expenditure by a political party or expenditures by a political  
423 party during the reporting period when the expenditure or  
424 expenditures to the person or organization within the calendar  
425 year have an aggregate value or amount in excess of Two Hundred  
426 Dollars (\$200.00), together with the date and amount of the  
427 expenditure.

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

441           (6) (a) If any contribution of more than Two Hundred  
442 Dollars (\$200.00) is received by a candidate or candidate's  
443 political committee after the tenth day, but more than forty-eight  
444 (48) hours before 12:01 a.m. of the day of the election, the

445 candidate or political committee shall file a report with the  
446 appropriate office designated in Section 23-15-805, within  
447 forty-eight (48) hours of the receipt of any such contribution in  
448 excess of Two Hundred Dollars (\$200.00). Multiple contributions  
449 may be included in a single report if none of the reported  
450 contributions was received more than forty-eight (48) hours before  
451 the report is filed. The report shall include:

452 (i) The name of the receiving candidate;

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

455 (iii) The office sought by the candidate;

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

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

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

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

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

466 (ix) The total amount of all contributions  
467 required to be reported under this subsection.

468 (b) The report required by this subsection shall be in  
469 writing, and may be transmitted by overnight mail, courier  
470 service, or other reliable means, including electronic facsimile  
471 (FAX), but the candidate or candidate's committee shall ensure  
472 that the report shall in fact be received in the appropriate  
473 office designated in Section 23-15-805 within forty-eight (48)  
474 hours of the contribution.

475 (c) The filing of reports required by this subsection  
476 does not relieve the candidate of the responsibility of including

477 the contributions contained in the report in the next report  
478 required to be filed under subsection (2) of this section.

479 (7) (a) In addition to the information required to be  
480 disclosed in subsection (4) of this section, candidates shall  
481 disclose:

482 (i) The identity of any individual or entity from  
483 which the candidate receives a loan or other extension of credit  
484 for use in his campaign or in furtherance of any campaign  
485 activities;

486 (ii) The identity of any individual or entity  
487 which assumes, in whole or in part, such loan or other extension  
488 of credit;

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

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

496 (v) How such loan or other extension of credit was  
497 utilized; and

498 (vi) All details concerning repayment of the loan  
499 or extension of credit, including, but not limited to, the time of  
500 the repayments, the method of repayments, the amount of repayments  
501 and sources of repayments and the identity of the individuals  
502 involved in the repayment.

503 (b) Candidates shall also file certified copies of all  
504 documents related to the loans, extensions of credit, assumptions,  
505 assignments or transactions required to be reported or identified  
506 by this subsection.

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

509           23-15-809. (1) Every person who makes or contracts to make  
510 independent expenditures in an aggregate amount or value in excess  
511 of Two Hundred Dollars (\$200.00) during a calendar year shall file  
512 a statement within forty-eight (48) hours of making or contracting  
513 to make an independent expenditure. The statement shall be filed  
514 with the appropriate offices as provided for in Section 23-15-805,  
515 and such person shall be considered a political committee for the  
516 purpose of determining place of filing.

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

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

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

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

527                   (d) \* \* \* A certification, under penalty of  
528 prosecution, of whether \* \* \* the independent expenditure is made  
529 in cooperation, consultation or concert with, or at the request or  
530 suggestion of, any candidate or any authorized committee or agent  
531 of such candidate.

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

534                   (a) The name and address of each person who makes a  
535 contribution for the purpose of furthering an independent  
536 expenditure to the person filing the statement during the  
537 reporting period whose contribution during the calendar year has  
538 an aggregate amount or value in excess of Two Hundred Dollars  
539 (\$200.00) together with the date and amount of such contribution;

540                   (b) The name and address of each person who receives  
541 any disbursement during the reporting period in an aggregate



542 amount or value in excess of Two Hundred Dollars (\$200.00) within  
543 the calendar year;

544 (c) The date, amount and purpose of any independent  
545 expenditure;

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

549 (e) A certification, under penalty of prosecution, of  
550 whether the independent expenditure is made in cooperation,  
551 consultation or concert with, or at the request or suggestion of,  
552 any candidate or any authorized committee or agent of such  
553 candidate.

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

556 23-15-811. (1) Any candidate or any other person who  
557 willfully \* \* \* violates the provisions and prohibitions of this  
558 article shall be guilty of a misdemeanor and upon conviction  
559 thereof shall be punished by a fine in an amount not to exceed Ten  
560 Thousand Dollars (\$10,000.00) or imprisoned for not longer than  
561 six (6) months, or by both \* \* \*.

562 (2) In addition to the penalties provided in subsection (1)  
563 of this section, any candidate or political committee which is  
564 required to file a statement or report which fails to file such  
565 statement or report on the date in which it is due may be  
566 compelled to file such statement or report by an action in the  
567 nature of a mandamus.

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

572 (4) No candidate who is elected to office shall receive any  
573 salary or other remuneration for the office unless and until he

574 files all reports required by this article that are due as of the  
575 date such salary or remuneration is payable.

576 (5) In the event that a candidate fails to timely file any  
577 report required pursuant to this article but subsequently files a  
578 report or reports containing all of the information required to be  
579 reported by him as of the date on which the sanctions of  
580 subsections (3) and (4) of this section would be applied to him,  
581 such candidate shall not be subject to the sanctions of  
582 subsections (3) and (4) of this section.

583 (6) Prosecutions under this section may be commenced by a  
584 district attorney, county prosecuting attorney, or the Attorney  
585 General; however, the Attorney General shall prosecute violations,  
586 if he deems a violation has occurred, of this article upon  
587 recommendation of the State Board of Election Commissioners.

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

590 23-15-813. (1) In addition to any other penalty permitted  
591 by law, the Secretary of State shall require any person who fails  
592 to file a campaign finance disclosure report as required under  
593 Sections 23-15-801 through 23-15-813, or Sections 23-17-47 through  
594 23-17-53, or who shall file a report which fails to substantially  
595 comply with the requirements of Sections 23-15-801 through  
596 23-15-813, or Sections 23-17-47 through 23-17-53, to be assessed a  
597 civil penalty as follows:

598 (a) Within five (5) calendar days after any deadline  
599 for filing a report pursuant to Sections 23-15-801 through  
600 23-15-813, or Sections 23-17-47 through 23-17-53, the Secretary of  
601 State shall compile a list of those persons who have failed to  
602 file a report. The Secretary of State shall provide each person,  
603 who has failed to file a report, notice of the failure by  
604 first-class mail.

605 (b) Beginning with the tenth calendar day after which  
606 any report shall be due, the Secretary of State shall assess the

607 delinquent person a civil penalty of Fifty Dollars (\$50.00) for  
608 each day or part of any day until a valid report is delivered to  
609 the Secretary of State, up to a maximum of ten (10) days.  
610 However, in the discretion of the Secretary of State, the  
611 assessing of the fine may be waived in whole or in part if the  
612 Secretary of State determines that unforeseeable mitigating  
613 circumstances, such as the health of a candidate or other  
614 individual required to file a report, interfered with timely  
615 filing of a report. Failure of a person to receive notice of  
616 failure to file a report from the Secretary of State is not an  
617 unforeseeable mitigating circumstance, and failure to receive the  
618 notice shall not result in removal or reduction of any assessed  
619 civil penalty.

620           (c) Filing of the required report and payment of the  
621 fine within ten (10) calendar days of notice by the Secretary of  
622 State that a required statement has not been filed, constitutes  
623 compliance with Sections 23-15-801 through 23-15-813, or Sections  
624 23-17-47 through 23-17-53.

625           (d) Payment of the fine without filing the required  
626 report does not in any way excuse or exempt any person required to  
627 file from the filing requirements of Sections 23-15-801 through  
628 23-15-813, and Sections 23-17-47 through 23-17-53.

629           (e) If any person is assessed a civil penalty, and the  
630 penalty is not subsequently waived by the Secretary of State, the  
631 person shall pay the fine to the Secretary of State within ninety  
632 (90) days of the date of the assessment of the fine. If, after  
633 one hundred twenty (120) days of the assessment of the fine the  
634 payment for the entire amount of the assessed fine has not been  
635 received by the Secretary of State, the Secretary of State shall  
636 notify the Attorney General of the delinquency, and the Attorney  
637 General shall file, where necessary, a suit to compel payment of  
638 the civil penalty.

639           (2) (a) Upon the sworn application, made within sixty (60)  
640 calendar days of the date upon which the required report is due,  
641 of a person identified in subsection (1) of this section against  
642 whom a civil penalty has been assessed pursuant to subsection (1)  
643 of this section, the Secretary of State shall forward the  
644 application to the State Board of Election Commissioners. The  
645 State Board of Election Commissioners shall appoint one or more  
646 hearing officers who shall be former chancellors, circuit court  
647 judges, judges of the Court of Appeals or justices of the Supreme  
648 Court, and who shall conduct hearings held pursuant to this  
649 article. The hearing officer shall fix a time and place for a  
650 hearing and shall cause a written notice specifying the civil  
651 penalties that have been assessed against the person and notice of  
652 the time and place of the hearing to be served upon the person at  
653 least twenty (20) calendar days before the hearing date. The  
654 notice may be served by mailing a copy thereof by certified mail,  
655 postage prepaid, to the last known business address of the person.

656           (b) The hearing officer may issue subpoenas for the  
657 attendance of witnesses and the production of books and papers at  
658 the hearing. Process issued by the hearing officer shall extend  
659 to all parts of the state and shall be served by any person  
660 designated by the hearing officer for the service.

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

665           (d) At the hearing, the hearing officer shall  
666 administer oaths as may be necessary for the proper conduct of the  
667 hearing. All hearings shall be conducted by the hearing officer,  
668 who shall not be bound by strict rules of procedure or by the laws  
669 of evidence in the conduct of the proceedings, but the  
670 determination shall be based upon sufficient evidence to sustain  
671 it. The scope of review at the hearing shall be limited to making

672 a determination of whether failure to file a required report was  
673 due to an unforeseeable mitigating circumstance.

674           (e) Where, in any proceeding before the hearing  
675 officer, any witness fails or refuses to attend upon a subpoena  
676 issued by the commission, refuses to testify, or refuses to  
677 produce any books and papers the production of which is called for  
678 by a subpoena, the attendance of the witness, the giving of his  
679 testimony or the production of the books and papers shall be  
680 enforced by any court of competent jurisdiction of this state in  
681 the manner provided for the enforcement of attendance and  
682 testimony of witnesses in civil cases in the courts of this state.

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

688           (3) (a) The right to appeal from the decision of the  
689 hearing officer in an administrative hearing concerning the  
690 assessment of civil penalties authorized pursuant to this section  
691 is granted. The appeal shall be to the Circuit Court of Hinds  
692 County and shall include a verbatim transcript of the testimony at  
693 the hearing. The appeal shall be taken within thirty (30)  
694 calendar days after notice of the decision of the commission  
695 following an administrative hearing. The appeal shall be  
696 perfected upon filing notice of the appeal and by the prepayment  
697 of all costs, including the cost of the preparation of the record  
698 of the proceedings by the hearing officer, and the filing of a  
699 bond in the sum of Two Hundred Dollars (\$200.00), conditioned that  
700 if the decision of the hearing officer be affirmed by the court,  
701 the person will pay the costs of the appeal and the action in  
702 court. If the decision is reversed by the court, the Secretary of  
703 State will pay the costs of the appeal and the action in court.

704           **(b)** If there is an appeal, the appeal shall act as a  
705 supersedeas. The court shall dispose of the appeal and enter its  
706 decision promptly. The hearing on the appeal may be tried in  
707 vacation, in the court's discretion. The scope of review of the  
708 court shall be limited to a review of the record made before the  
709 hearing officer to determine if the action of the hearing officer  
710 is unlawful for the reason that it was (i) not supported by  
711 substantial evidence, (ii) arbitrary or capricious, (iii) beyond  
712 the power of the hearing officer to make, or (iv) in violation of  
713 some statutory or constitutional right of the appellant. The  
714 decision of the court may be appealed to the Supreme Court in the  
715 manner provided by law.

716           **(4)** If, after forty-five (45) calendar days of the date of  
717 the administrative hearing procedure set forth in subsection (2)  
718 of this section, the person identified in subsection (1) of this  
719 section fails to pay the monetary civil penalty imposed by the  
720 hearing officer, the Secretary of State shall notify the Attorney  
721 General of the delinquency. The Attorney General shall  
722 investigate the offense in accordance with the provisions of this  
723 chapter, and where necessary, file suit to compel payment of the  
724 unpaid civil penalty.

725           **(5)** If, after twenty (20) calendar days of the date upon  
726 which a campaign finance disclosure report is due, a person  
727 identified in subsection (1) of this section shall not have filed  
728 a valid report with the Secretary of State, the Secretary of State  
729 shall notify the Attorney General of those persons who have not  
730 filed a valid report, and the Attorney General shall thereupon  
731 prosecute the delinquent candidates and political committees.

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

734           97-13-15. It shall be unlawful for any corporation, trust,  
735 incorporated company, incorporated association, limited  
736 partnership, limited liability partnership or manager-managed

737 limited liability company, by whatever name it may be known,  
738 incorporated or organized under the laws of this state, or doing  
739 or conducting business in this state, or for any servant, agent,  
740 employee or officer thereof, to give, donate, appropriate or  
741 furnish directly or indirectly, any money, security, funds or  
742 property of such a corporation, trust, incorporated company,  
743 incorporated association, limited partnership, limited liability  
744 partnership or manager-managed limited liability company, in  
745 excess of Two Thousand Dollars (\$2,000.00) per calendar year for  
746 the purpose of conducting any of the activities specified in this  
747 chapter to any political party, candidate for any public office or  
748 candidate for nomination for any public office or political  
749 committee, or any representative or committee of such political  
750 party, candidate or political committee.

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

753       23-15-817. The Secretary of State shall compile a list of  
754 all candidates for the Legislature or any statewide office who  
755 fail to file a campaign disclosure report by the dates specified  
756 in Section 23-15-807(2); the list shall be disseminated to the  
757 members of the Mississippi Press Association within two (2)  
758 working days after such reports are due and made available to the  
759 public.

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

762       97-13-17. Any corporation, trust, incorporated company or  
763 incorporated association, limited partnership, limited liability  
764 partnership or manager-managed limited liability company or agent,  
765 officer or employee violating any of the provisions of Section  
766 97-13-15 shall, upon conviction, be fined not less than One  
767 Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars  
768 (\$5,000.00).

769           **SECTION 12.** The Secretary of State shall promulgate rules  
770 and regulations in accordance with state law necessary to  
771 effectuate the provisions of this act.

772           **SECTION 13.** 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 14.** The provisions of Sections 23-15-801 through  
776 23-15-817 are severable, and, if any of its provisions shall be  
777 held unconstitutional by any court of competent jurisdiction, the  
778 decision of such court shall not affect, impair or abrogate any of  
779 the remaining provisions, but the remaining provisions thereof  
780 shall be and remain in full force and effect without regard to  
781 that phrase, clause or portion invalidated.

782           **SECTION 15.** The Attorney General of the State of Mississippi  
783 shall submit this act, immediately upon approval by the Governor,  
784 or upon approval by the Legislature subsequent to a veto, to the  
785 Attorney General of the United States or to the United States  
786 District Court for the District of Columbia in accordance with the  
787 provisions of the Voting Rights Act of 1965, as amended and  
788 extended.

789           **SECTION 16.** This act shall take effect and be in force from  
790 and after the date it is effectuated under Section 5 of the Voting  
791 Rights Act of 1965, as amended and extended.