

By: Representative Reynolds

To: Apportionment and
Elections

HOUSE BILL NO. 1102

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 \$500.00 SHALL FILE A STATEMENT REGARDING SUCH
16 DISBURSEMENT WITHIN 48 HOURS OF THE DISCLOSURE DATE AND TO PROVIDE
17 FOR THE INFORMATION THAT MUST BE INCLUDED IN THE STATEMENT; TO
18 AMEND SECTIONS 23-15-801, 23-15-805, 23-15-807, 23-15-809,
19 23-15-811 AND 23-15-813, MISSISSIPPI CODE OF 1972, TO DEFINE THE
20 TERMS "ELECTIONEERING COMMUNICATION" AND "DISCLOSURE DATE" AND
21 REVISE THE DEFINITION OF CERTAIN TERMS IN THE CAMPAIGN FINANCE
22 DISCLOSURE LAWS; TO REQUIRE, FROM AND AFTER JANUARY 1, 2007,
23 CERTAIN CANDIDATES TO FILE THE REPORTS REQUIRED TO BE FILED WITH
24 THE OFFICE OF THE SECRETARY OF STATE BY ELECTRONIC FORMAT; TO
25 CLARIFY THE INFORMATION REQUIRED TO BE INCLUDED IN CERTAIN
26 CAMPAIGN FINANCE REPORTS; TO PROVIDE THAT CAMPAIGN FINANCE REPORTS
27 SHALL INCLUDE CERTAIN INFORMATION REGARDING LOANS OR OTHER
28 EXTENSIONS OF CREDIT MADE TO A CANDIDATE FOR USE IN SUCH
29 CANDIDATE'S CAMPAIGN; TO REQUIRE STATEMENTS REGARDING CERTAIN
30 INDEPENDENT CAMPAIGN EXPENDITURES TO BE FILED WITHIN 48 HOURS AND
31 TO REVISE THE INFORMATION REQUIRED TO BE INCLUDED IN SUCH
32 STATEMENTS; TO REVISE THE ELEMENTS NECESSARY FOR A CONVICTION OF A
33 VIOLATION OF THE CAMPAIGN FINANCE LAWS; TO CLARIFY UPON WHOM
34 ADMINISTRATIVE PENALTIES UNDER THE CAMPAIGN FINANCE LAW MAY APPLY;
35 TO AMEND SECTION 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 MAKE IT UNLAWFUL FOR A LABOR
42 ORGANIZATION TO MAKE EXPENDITURES FOR POLITICAL ACTIVITIES BY
43 USING CONTRIBUTIONS SECURED BY PHYSICAL FORCE OR CERTAIN THREATS
44 OR FROM USING UNION DUES FOR POLITICAL ACTIVITIES; TO REPEAL
45 SECTION 23-15-1023, MISSISSIPPI CODE OF 1972, WHICH PROVIDES THAT
46 JUDICIAL CANDIDATES SHALL DISCLOSE CERTAIN INFORMATION ABOUT
47 CERTAIN LOANS; TO PROHIBIT A POLITICAL COMMITTEE FROM MAKING A
48 CONTRIBUTION TO ANOTHER POLITICAL COMMITTEE WITHIN ANY CALENDAR
49 YEAR IN WHICH THE CONTRIBUTION EXCEEDS \$5,000.00; TO PROVIDE A
50 SEVERABILITY CLAUSE FOR PROVISIONS WHICH MAY BE HELD
51 UNCONSTITUTIONAL; TO AMEND SECTION 97-13-17, MISSISSIPPI CODE OF

52 1972, TO REVISE PENALTIES FOR VIOLATIONS OF THE PRECEDING
53 SECTIONS; AND FOR RELATED PURPOSES.

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

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

57 23-15-802. (1) Contributions to a named candidate made to a
58 political committee authorized by the candidate to accept
59 contributions on the candidate's behalf, shall be considered to be
60 contributions made to the candidate.

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

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

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

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

82 23-15-808. (1) Every person who makes a disbursement for
83 the direct costs of producing and airing electioneering
84 communications in an aggregate amount in excess of Five Hundred
85 Dollars (\$500.00) during any calendar year, shall, within

86 forty-eight (48) hours of each disclosure date, file with the
87 appropriate offices as provided for in Section 23-15-805 (such
88 person shall be considered a political committee for determining
89 the place of filing), a statement made under penalty of perjury
90 containing the following:

91 (a) The identity of:

92 (i) The person making the disbursement;

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

96 (iii) The custodian of the books and accounts of
97 the person making the disbursement;

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

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

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

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

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

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

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

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

126 23-15-801. As used in this article:

127 (a) "Election" means a general, special, primary or
128 runoff election.

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

134 (i) If such individual has received contributions
135 aggregating in excess of Two Hundred Dollars (\$200.00) or has made
136 expenditures aggregating in excess of Two Hundred Dollars
137 (\$200.00) or for a candidate for the Legislature or any statewide
138 or state district office, by the qualifying deadlines specified in
139 Sections 23-15-299 and 23-15-977, whichever occurs first; or

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

147 (c) "Political committee" means: (i) any committee,
148 party, club, association, political party registered with the
149 Secretary of State, political action committee, campaign committee
150 or other groups of persons or affiliated organizations which
151 receives contributions aggregating in excess of Two Hundred

152 Dollars (\$200.00) during a calendar year or which makes
153 expenditures aggregating in excess of Two Hundred Dollars
154 (\$200.00) during a calendar year for the purpose of conducting any
155 of the activities specified in this chapter; or (ii) any
156 segregated fund established, administered and utilized for
157 political purposes by a corporation, labor organization,
158 membership organization, cooperative or corporation without
159 capital stock.

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

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

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

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

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

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

191 (ii) "Expenditure" does not include:

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

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

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

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

205 2. A written contract, promise, or agreement
206 to make such an expenditure.

207 (g) The term "identification" means:

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

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

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

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

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

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

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

229 (ii) A photograph or drawing of the candidate
230 appears; or

231 (iii) The identity of the candidate is apparent by
232 unambiguous reference.

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

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

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

243 (ii) The term "electioneering communication" does
244 not include:

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

249 2. A communication which constitutes an
250 independent expenditure;

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

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

258 (iii) An electioneering communication is targeted
259 at the relevant electorate if the communication:

260 1. Refers to a clearly identified candidate;
261 and

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

265 (n) "Disclosure date" means:

266 (i) The first date during any calendar year by
267 which a person has made disbursement for the direct costs of
268 producing or airing electioneering communications aggregating in
269 excess of Five Hundred Dollars (\$500.00); and

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

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

277 23-15-805. (1) Candidates for state, state district, and
278 legislative district offices, and every political committee, which
279 makes reportable contributions to or expenditures in support of or
280 in opposition to a candidate for any such office or makes
281 reportable contributions to or expenditures in support of or in

282 opposition to a statewide ballot measure, shall file all reports
283 required under this article with the Office of the Secretary of
284 State.

285 (2) (a) From and after January 1, 2007, all candidates,
286 their authorized committees or agents and other political
287 committees that receive contributions or make expenditures in
288 excess of Seventy-five Thousand Dollars (\$75,000.00) in any
289 calendar year shall file the reports required under this article
290 by electronic format.

291 (b) When aggregate contributions or aggregate
292 disbursements for a calendar year reach in excess of Seventy-five
293 Thousand Dollars (\$75,000.00), the candidate, his or her
294 authorized committee or agent, or political committee must
295 resubmit each previously submitted report for the same calendar
296 year that was not filed electronically by way of electronic format
297 within thirty (30) days of exceeding the threshold of Seventy-five
298 Thousand Dollars (\$75,000.00).

299 (c) The Office of the Secretary of State shall adopt
300 rules and regulations designating the format and software to be
301 used in filing reports by electronic format under this subsection.
302 All candidates and committees required to file reports by
303 electronic format under this subsection shall follow the format
304 and use the software prescribed by the Office of the Secretary of
305 State.

306 (3) Candidates for county or county district office, and
307 every political committee which makes reportable contributions to
308 or expenditures in support of or in opposition to a candidate for
309 such office or makes reportable contributions to or expenditures
310 in support of or in opposition to a countywide ballot measure or a
311 ballot measure affecting part of a county, excepting a municipal
312 ballot measure, shall file all reports required by this section in
313 the office of the circuit clerk of the county in which the

314 election occurs. The circuit clerk shall forward copies of all
315 reports to the Office of the Secretary of State.

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

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

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

339 * * *

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

342 23-15-807. (1) Each candidate or political committee shall
343 file reports of contributions and disbursements in accordance with
344 the provisions of this section. All candidates or political
345 committees required to report may terminate its obligation to
346 report only upon submitting a final report that it will no longer

347 receive any contributions or make any disbursement and that such
348 candidate or committee has no outstanding debts or obligations.
349 The candidate, treasurer or chief executive officer shall sign
350 each such report.

351 (2) Candidates who are seeking election, or nomination for
352 election, and political committees that receive contributions or
353 make expenditures in excess of Two Hundred Dollars (\$200.00) in
354 the aggregate in any calendar year for the purpose of conducting
355 any activities specified in this chapter, shall file the following
356 reports:

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

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

372 (c) In any calendar years except 1987 and except every
373 fourth year thereafter, a report covering the calendar year which
374 shall be filed no later than January 31 of the following calendar
375 year.

376 (3) All candidates for judicial office as defined in Section
377 23-15-975, and political committees that receive contributions or
378 make expenditures in excess of Two Hundred Dollars (\$200.00) in
379 the aggregate in any calendar year for the purpose of conducting

380 any activities specified in this chapter, shall file in the year
381 in which they are to be elected, periodic reports which shall be
382 filed no later than the tenth day after April 30, May 31, June 30,
383 September 30 and December 31. These reports shall include all
384 campaign finance activity for the period beginning after the last
385 appropriately filed annual, periodic or preelection report and
386 extending through the last day of each period.

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

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

396 (b) The identification of:

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

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

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

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

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

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

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

444 (6) (a) If any contribution of more than Two Hundred
445 Dollars (\$200.00) is received by a candidate or candidate's

446 political committee after the tenth day, but more than forty-eight
447 (48) hours before 12:01 a.m. of the day of the election, the
448 candidate or political committee shall file a report with the
449 appropriate office designated in Section 23-15-805, within
450 forty-eight (48) hours of the receipt of any such contribution in
451 excess of Two Hundred Dollars (\$200.00). Multiple contributions
452 may be included in a single report if none of the reported
453 contributions was received more than forty-eight (48) hours before
454 the report is filed. The report shall include:

455 (i) The name of the receiving candidate;

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

458 (iii) The office sought by the candidate;

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

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

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

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

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

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

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

478 (c) The filing of reports required by this subsection
479 does not relieve the candidate of the responsibility of including
480 the contributions contained in the report in the next report
481 required to be filed under subsection (2) of this section.

482 (7) (a) In addition to the information required to be
483 disclosed in subsection (4) of this section, candidates shall
484 disclose:

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

489 (ii) The identity of any individual or entity
490 which assumes, in whole or in part, such loan or other extension
491 of credit;

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

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

499 (v) How such loan or other extension of credit was
500 utilized; and

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

506 (vii) All details concerning repayment of the loan
507 or extension of credit, including, but not limited to, the time of
508 the repayments, the method of repayments, the amount of repayments
509 and sources of repayments and the identity of the individuals
510 involved in the repayment.

511 (b) Candidates shall also file certified copies of all
512 documents related to the loans, extensions of credit, assumptions,
513 assignments or transactions required to be reported or identified
514 by this subsection.

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

517 23-15-809. (1) Every person who makes or contracts to make
518 independent expenditures in an aggregate amount or value in excess
519 of Two Hundred Dollars (\$200.00) during a calendar year shall file
520 a statement within forty-eight (48) hours of making or contracting
521 to make an independent expenditure. The statement shall be filed
522 with the appropriate offices as provided for in Section 23-15-805,
523 and such person shall be considered a political committee for the
524 purpose of determining place of filing.

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

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

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

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

535 (d) * * * A certification, under penalty of perjury, of
536 whether the independent expenditure is made in cooperation,
537 consultation or concert with, or at the request or suggestion of,
538 any candidate or any authorized committee or agent of such
539 candidate.

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

542 (a) The name and address of each person who makes a
543 contribution for the purpose of furthering an independent

544 expenditure to the person filing the statement during the
545 reporting period whose contribution during the calendar year has
546 an aggregate amount or value in excess of Two Hundred Dollars
547 (\$200.00) together with the date and amount of such contribution;

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

552 (c) The date, amount and purpose of any independent
553 expenditure;

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

557 (e) A certification, under penalty of perjury, of
558 whether the independent expenditure is made in cooperation,
559 consultation or concert with, or at the request or suggestion of,
560 any candidate or any authorized committee or agent of such
561 candidate.

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

564 23-15-811. (1) Any candidate or any other person who
565 willfully * * * violates the provisions and prohibitions of this
566 article shall be guilty of a misdemeanor and upon conviction
567 thereof shall be punished by a fine in an amount not to exceed Ten
568 Thousand Dollars (\$10,000.00) or imprisoned for not longer than
569 one (1) year, or by both * * *.

570 (2) In addition to the penalties provided in subsection (1)
571 of this section, any candidate or political committee which is
572 required to file a statement or report which fails to file such
573 statement or report on the date in which it is due may be
574 compelled to file such statement or report by an action in the
575 nature of a mandamus.

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

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

584 (5) In the event that a candidate fails to timely file any
585 report required pursuant to this article but subsequently files a
586 report or reports containing all of the information required to be
587 reported by him as of the date on which the sanctions of
588 subsections (3) and (4) of this section would be applied to him,
589 such candidate shall not be subject to the sanctions of
590 subsections (3) and (4) of this section.

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

593 23-15-813. (1) In addition to any other penalty permitted
594 by law, the Secretary of State shall require any person who fails
595 to file a campaign finance disclosure report as required under
596 Sections 23-15-801 through 23-15-813, or Sections 23-17-47 through
597 23-17-53, or who shall file a report which fails to substantially
598 comply with the requirements of Sections 23-15-801 through
599 23-15-813, or Sections 23-17-47 through 23-17-53, to be assessed a
600 civil penalty as follows:

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

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

623 (c) Filing of the required report and payment of the
624 fine within ten (10) calendar days of notice by the Secretary of
625 State that a required statement has not been filed, constitutes
626 compliance with Sections 23-15-801 through 23-15-813, or Sections
627 23-17-47 through 23-17-53.

628 (d) Payment of the fine without filing the required
629 report does not in any way excuse or exempt any person required to
630 file from the filing requirements of Sections 23-15-801 through
631 23-15-813, and Sections 23-17-47 through 23-17-53.

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

640 General shall file, where necessary, a suit to compel payment of
641 the civil penalty.

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

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

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

668 (d) At the hearing, the hearing officer shall
669 administer oaths as may be necessary for the proper conduct of the
670 hearing. All hearings shall be conducted by the hearing officer,
671 who shall not be bound by strict rules of procedure or by the laws
672 of evidence in the conduct of the proceedings, but the

673 determination shall be based upon sufficient evidence to sustain
674 it. The scope of review at the hearing shall be limited to making
675 a determination of whether failure to file a required report was
676 due to an unforeseeable mitigating circumstance.

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

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

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

705 court. If the decision is reversed by the court, the Secretary of
706 State will pay the costs of the appeal and the action in court.

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

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

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

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

737 97-13-15. It shall be unlawful for any corporation, trust,
738 incorporated company, incorporated association, limited
739 partnership, limited liability partnership or manager-managed
740 limited liability company, by whatever name it may be known,
741 incorporated or organized under the laws of this state, or doing
742 or conducting business in this state, or for any servant, agent,
743 employee or officer thereof, to give, donate, appropriate or
744 furnish directly or indirectly, any money, security, funds or
745 property of such a corporation, trust, incorporated company,
746 incorporated association, limited partnership, limited liability
747 partnership or manager-managed limited liability company, in
748 excess of Two Thousand Dollars (\$2,000.00) per calendar year for
749 the purpose of conducting any of the activities specified in this
750 chapter to any political party, candidate for any public office or
751 candidate for nomination for any public office or political
752 committee, or any representative or committee of such political
753 party, candidate or political committee.

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

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

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

765 97-13-17. Any corporation, trust, incorporated company or
766 incorporated association, limited partnership, limited liability
767 partnership or manager-managed limited liability company or agent,
768 officer or employee violating any of the provisions of Section
769 97-13-15 shall, upon conviction, be fined not less than One

770 Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars
771 (\$5,000.00).

772 **SECTION 12.** As used in Sections 13 and 14 of this act:

773 (a) "Labor organization" means any organization of any
774 kind, or any agency or employee representation committee or plan,
775 in which employees participate and which exists for the purposes,
776 in whole or in part, of dealing with employers concerning
777 grievances, labor disputes, wages, rates of pay, hours of
778 employment or conditions of work.

779 (b) "Corporation" means any business entity formed
780 under any state or federal law authorizing the creation of any
781 corporate entity.

782 **SECTION 13.** It shall be unlawful for any corporation or
783 labor organization, or a segregated fund of a corporation or labor
784 organization, to make a contribution or expenditure for the
785 purpose of conducting any of the activities specified in this
786 chapter by utilizing money or anything of value secured by
787 physical force, job discrimination, financial reprisals, or the
788 threat of force, job discrimination, or financial reprisal, or by
789 dues, fees or other monies required as a condition of employment.

790 **SECTION 14.** In any case in which a corporation and any of
791 its subsidiaries, branches, divisions, departments, or local
792 units, or a labor organization and any of its subsidiaries,
793 branches, divisions, departments, or local units establish or
794 finance or maintain or control more than one (1) separate
795 segregated fund, all such separate segregated funds shall be
796 treated as a single separate segregated fund for purposes of the
797 limitations provided by Section 9 of this act.

798 **SECTION 15.** The Secretary of State shall promulgate rules
799 and regulations in accordance with state law necessary to
800 effectuate the provisions of this act.

801 **SECTION 16.** Section 23-15-1023, Mississippi Code of 1972,
802 which provides that judicial candidates shall disclose information
803 about certain loans, is repealed.

804 **SECTION 17.** No political committee, except political
805 committees of political parties registered with the Secretary of
806 State and political committees authorized to accept contributions
807 on a candidate's behalf, shall make contributions to any other
808 political committee, in any calendar year which, in the aggregate,
809 exceeds Five Thousand Dollars (\$5,000.00).

810 The provisions of this section shall not apply to
811 contributions from a political committee made to a political
812 committee of a political party registered with the Secretary of
813 State and political committees authorized to accept contributions
814 on a candidate's behalf.

815 **SECTION 18.** The provisions of Sections 23-15-801 through
816 23-15-817 are severable, and, if any of its provisions shall be
817 held unconstitutional by any court of competent jurisdiction, the
818 decision of such court shall not affect, impair or abrogate any of
819 the remaining provisions, but the remaining provisions thereof
820 shall be and remain in full force and effect without regard to
821 that phrase, clause or portion invalidated.

822 **SECTION 19.** The Attorney General of the State of Mississippi
823 shall submit this act, immediately upon approval by the Governor,
824 or upon approval by the Legislature subsequent to a veto, to the
825 Attorney General of the United States or to the United States
826 District Court for the District of Columbia in accordance with the
827 provisions of the Voting Rights Act of 1965, as amended and
828 extended.

829 **SECTION 20.** This act shall take effect and be in force from
830 and after the date it is effectuated under Section 5 of the Voting
831 Rights Act of 1965, as amended and extended.