

By: Representatives Lott, Staples

To: Apportionment and
Elections

HOUSE BILL NO. 946

1 AN ACT TO PROHIBIT A CANDIDATE FROM ACCEPTING ANY
2 CONTRIBUTION, MAKING ANY EXPENDITURE OR AUTHORIZING ANY
3 EXPENDITURE ON SUCH CANDIDATE'S BEHALF FROM ANY PERSON WHO OWNS OR
4 IS EMPLOYED BY AN INDUSTRY OR PROFESSION THAT IS REGULATED,
5 MONITORED OR OVERSEEN BY THE ELECTED OFFICE THAT THE CANDIDATE
6 SEEKS; TO PROVIDE THAT ANY CANDIDATE THAT VIOLATES SUCH
7 PROHIBITION SHALL BE DISQUALIFIED AS A CANDIDATE; TO AMEND SECTION
8 23-15-801, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING
9 SECTION; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** It shall be unlawful for any candidate to accept
12 any contribution or make any expenditure or authorize an
13 expenditure on such candidate's behalf from any person who owns or
14 is employed by an industry or profession that is regulated,
15 monitored or overseen by the elected office that the candidate
16 seeks. Any candidate who violates the provisions of this section
17 shall be disqualified as a candidate.

18 **SECTION 2.** Section 23-15-801, Mississippi Code of 1972, is
19 amended as follows:

20 23-15-801. (a) "Election" * * * means a general, special,
21 primary or runoff election.

22 (b) "Candidate" * * * means an individual who seeks
23 nomination for election, or election, to any elective office other
24 than a federal elective office and for purposes of this article,
25 an individual shall be deemed to seek nomination for election, or
26 election:

27 (i) If such individual has received contributions
28 aggregating in excess of Two Hundred Dollars (\$200.00) or has made
29 expenditures aggregating in excess of Two Hundred Dollars
30 (\$200.00) or for a candidate for the Legislature or any statewide

31 or state district office, by the qualifying deadlines specified in
32 Sections 23-15-299 and 23-15-977, whichever occurs first; or

33 (ii) If such individual has given his or her consent to
34 another person to receive contributions or make expenditures on
35 behalf of such individual and if such person has received such
36 contributions aggregating in excess of Two Hundred Dollars
37 (\$200.00) during a calendar year, or has made such expenditures
38 aggregating in excess of Two Hundred Dollars (\$200.00) during a
39 calendar year.

40 (c) "Political committee" * * * means any committee, party,
41 club, association, political action committee, campaign committee
42 or other groups of persons or affiliated organizations which
43 receives contributions aggregating in excess of Two Hundred
44 Dollars (\$200.00) during a calendar year or which makes
45 expenditures aggregating in excess of Two Hundred Dollars
46 (\$200.00) during a calendar year for the purpose of influencing or
47 attempting to influence the action of voters for or against the
48 nomination for election, or election, of one or more candidates,
49 or balloted measures and shall, in addition, include each
50 political party registered with the Secretary of State.

51 (d) "Affiliated organization" * * * means any organization
52 which is not a political committee, but which directly or
53 indirectly establishes, administers or financially supports a
54 political committee.

55 (e) (i) "Contribution" * * * includes any gift,
56 subscription, loan, advance or deposit of money or anything of
57 value made by any person or political committee for the purpose of
58 influencing any election for elective office or balloted measure,
59 or promise or guarantee of a subscription, loan, advance or
60 deposit of money or anything of value that was made by any person,
61 political committee or political party for the purpose of
62 influencing any election for an elective office or balloted
63 measure that would cause a candidate, political committee,

64 political party or affiliated organization to act for purposes of
65 influencing any election for an elective office or balloted
66 measure on reliance of such promise or guarantee in making an
67 expenditure as defined in this section;

68 (ii) "Contribution" does not include the value of
69 services provided without compensation by any individual who
70 volunteers on behalf of a candidate or political committee; or the
71 cost of any food or beverage for use in any candidate's campaign
72 or for use by or on behalf of any political committee of a
73 political party;

74 (iii) "Contribution to a political party" includes any
75 gift, subscription, loan, advance or deposit of money or anything
76 of value made by any person, political committee, or other
77 organization to a political party and to any committee,
78 subcommittee, campaign committee, political committee and other
79 groups of persons and affiliated organizations of the political
80 party;

81 (iv) "Contribution to a political party" does not
82 include the value of services provided without compensation by any
83 individual who volunteers on behalf of a political party or a
84 candidate of a political party.

85 (f) (i) "Expenditure" * * * includes any purchase, payment,
86 distribution, loan, advance, deposit, gift of money or anything of
87 value, made by any person or political committee for the purpose
88 of influencing any balloted measure or election for elective
89 office; and a written contract, promise, or agreement to make an
90 expenditure;

91 (ii) "Expenditure" does not include any news story,
92 commentary or editorial distributed through the facilities of any
93 broadcasting station, newspaper, magazine, or other periodical
94 publication, unless such facilities are owned or controlled by any
95 political party, political committee, or candidate; or nonpartisan

96 activity designed to encourage individuals to vote or to register
97 to vote;

98 (iii) "Expenditure by a political party" includes 1.
99 any purchase, payment, distribution, loan, advance, deposit, gift
100 of money or anything of value, made by any political party and by
101 any contractor, subcontractor, agent, and consultant to the
102 political party; and 2. a written contract, promise, or agreement
103 to make such an expenditure.

104 (g) The term "identification" * * * means:

105 (i) In the case of any individual, the name, the
106 mailing address, and the occupation of such individual, as well as
107 the name of his or her employer; and

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

110 (h) The term "political party" * * * means an association,
111 committee or organization which nominates a candidate for election
112 to any elective office whose name appears on the election ballot
113 as the candidate of such association, committee or organization.

114 (i) The term "person" * * * means any individual, family,
115 firm, corporation, partnership, association or other legal entity.

116 (j) The term "independent expenditure" * * * means an
117 expenditure by a person expressly advocating the election or
118 defeat of a clearly identified candidate which is made without
119 cooperation or consultation with any candidate or any authorized
120 committee or agent of such candidate, and which is not made in
121 concert with or at the request or suggestion of any candidate or
122 any authorized committee or agent of such candidate.

123 (k) The term "clearly identified" * * * means that:

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

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

126 or

127 (iii) The identity of the candidate is apparent by
128 unambiguous reference.

129 **SECTION 3.** The Attorney General of the State of Mississippi
130 shall submit this act, immediately upon approval by the Governor,
131 or upon approval by the Legislature subsequent to a veto, to the
132 Attorney General of the United States or to the United States
133 District Court for the District of Columbia in accordance with the
134 provisions of the Voting Rights Act of 1965, as amended and
135 extended.

136 **SECTION 4.** This act shall take effect and be in force from
137 and after the date it is effectuated under Section 5 of the Voting
138 Rights Act of 1965, as amended and extended.