

By: Senator(s) Burton

To: Elections

SENATE BILL NO. 2308

1 AN ACT TO AMEND SECTION 23-15-807, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT CAMPAIGN FINANCE REPORTS SHALL INCLUDE CERTAIN
3 INFORMATION REGARDING LOANS OR OTHER EXTENSIONS OF CREDIT MADE TO
4 A CANDIDATE FOR USE IN SUCH CANDIDATE'S CAMPAIGN; TO REPEAL
5 SECTION 23-15-1023, MISSISSIPPI CODE OF 1972, WHICH PROVIDES THAT
6 JUDICIAL CANDIDATES SHALL DISCLOSE CERTAIN INFORMATION ABOUT
7 CERTAIN LOANS; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 23-15-807, Mississippi Code of 1972, is
10 amended as follows:

11 23-15-807. (1) Each candidate or political committee shall
12 file reports of contributions and disbursements in accordance with
13 the provisions of this section. All candidates or political
14 committees required to report may terminate its obligation to
15 report only upon submitting a final report that it will no longer
16 receive any contributions or make any disbursement and that such
17 candidate or committee has no outstanding debts or obligations.
18 The candidate, treasurer or chief executive officer shall sign
19 each such report.

20 (2) Candidates who are seeking election, or nomination for
21 election, and political committees that make expenditures for the
22 purpose of influencing or attempting to influence the action of
23 voters for or against the nomination for election, or election, of
24 one or more candidates or balloted measures at such election,
25 shall file the following reports:

26 (a) In any calendar year during which there is a
27 regularly scheduled election, a preelection report, which shall be
28 filed no later than the seventh day before any election in which
29 such candidate or political committee has accepted contributions

30 or made expenditures and which shall be complete as of the tenth
31 day before such election;

32 **(b)** In 1987 and every fourth year thereafter, periodic
33 reports, which shall be filed no later than the tenth day after
34 April 30, May 31, June 30, September 30 and December 31, and which
35 shall be complete as of the last day of each period; and

36 **(c)** In any calendar years except 1987 and except every
37 fourth year thereafter, a report covering the calendar year which
38 shall be filed no later than January 31 of the following calendar
39 year.

40 **(3)** All candidates for judicial office as defined in Section
41 23-15-975, or their political committees, shall file in the year
42 in which they are to be elected, periodic reports which shall be
43 filed no later than the tenth day after April 30, May 31, June 30,
44 September 30 and December 31.

45 **(4)** Contents of reports. Each report under this article
46 shall disclose:

47 **(a)** For the reporting period and the calendar year, the
48 total amount of all contributions and the total amount of all
49 expenditures of the candidate or reporting committee which shall
50 include those required to be identified pursuant to paragraph (ii)
51 of this subsection as well as the total of all other contributions
52 and expenditures during the calendar year. Such reports shall be
53 cumulative during the calendar year to which they relate;

54 **(b)** The identification of:

55 **(i)** Each person or political committee who makes a
56 contribution to the reporting candidate or political committee
57 during the reporting period, whose contribution or contributions
58 within the calendar year have an aggregate amount or value in
59 excess of Two Hundred Dollars (\$200.00) together with the date and
60 amount of any such contribution;

61 **(ii)** Each person or organization, candidate or
62 political committee who receives an expenditure, payment or other

63 transfer from the reporting candidate, political committee or its
64 agent, employee, designee, contractor, consultant or other person
65 or persons acting in its behalf during the reporting period when
66 the expenditure, payment or other transfer to such person,
67 organization, candidate or political committee within the calendar
68 year have an aggregate value or amount in excess of Two Hundred
69 Dollars (\$200.00) together with the date and amount of such
70 expenditure;

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

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

76 (i) Each person or political committee who makes a
77 contribution to a political party during the reporting period and
78 whose contribution or contributions to a political party within
79 the calendar year have an aggregate amount or value in excess of
80 Two Hundred Dollars (\$200.00), together with the date and amount
81 of the contribution;

82 (ii) Each person or organization who receives an
83 expenditure by a political party or expenditures by a political
84 party during the reporting period when the expenditure or
85 expenditures to the person or organization within the calendar
86 year have an aggregate value or amount in excess of Two Hundred
87 Dollars (\$200.00), together with the date and amount of the
88 expenditure.

89 (5) The appropriate office specified in Section 23-15-805
90 must be in actual receipt of the reports specified in this article
91 by 5:00 p.m. on the dates specified in subsection (2) of this
92 section. If the date specified in subsection (2) of this section
93 shall fall on a weekend or legal holiday then the report shall be
94 due in the appropriate office at 5:00 p.m. on the first working
95 day before the date specified in subsection (2) of this section.

96 The reporting candidate or reporting political committee shall
97 ensure that the reports are delivered to the appropriate office by
98 the filing deadline. The Secretary of State may approve specific
99 means of electronic transmission of completed campaign finance
100 disclosure reports, which may include, but not be limited to,
101 transmission by electronic facsimile (FAX) devices.

102 (6) (a) If any contribution of more than Two Hundred
103 Dollars (\$200.00) is received by a candidate or candidate's
104 political committee after the tenth day, but more than forty-eight
105 (48) hours before 12:01 a.m. of the day of the election, the
106 candidate or political committee shall notify the appropriate
107 office designated in Section 23-15-805, within forty-eight (48)
108 hours of receipt of the contribution. The notification shall
109 include:

110 (i) The name of the receiving candidate;
111 (ii) The name of the receiving candidate's
112 political committee, if any;
113 (iii) The office sought by the candidate;
114 (iv) The identification of the contributor;
115 (v) The date of receipt;
116 (vi) The amount of the contribution;
117 (vii) If the contribution is in-kind, a
118 description of the in-kind contribution; and
119 (viii) The signature of the candidate or the
120 treasurer or director of the candidate's political committee;

121 (b) The notification shall be in writing, and may be
122 transmitted by overnight mail, courier service, or other reliable
123 means, including electronic facsimile (FAX), but the candidate or
124 candidate's committee shall ensure that the notification shall in
125 fact be received in the appropriate office designated in Section
126 23-15-805 within forty-eight (48) hours of the contribution.

127 (7) (a) In addition to the information required to be
128 disclosed in subsection (4) of this section, candidates shall
129 disclose:

130 (i) The identity of any individual or entity from
131 which the candidate receives a loan or other extension of credit
132 for use in his campaign or in furtherance of any campaign
133 activities;

134 (ii) The identity of any individual or entity
135 which assumes, in whole or in part, such loan or other extension
136 of credit;

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

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

144 (v) How such loan or other extension of credit was
145 utilized; and

146 (vi) All details concerning repayment of the loan
147 or extension of credit, including, but not limited to, the time of
148 the repayments, the method of repayments, the amount of repayments
149 and sources of repayments and the identity of the individuals
150 involved in the repayment.

151 (b) Candidates shall also file certified copies of all
152 documents related to the loans, extensions of credit, assumptions,
153 assignments or transactions required to be reported or identified
154 by this subsection.

155 **SECTION 2.** Section 23-15-1023, Mississippi Code of 1972,
156 which provides that judicial candidates shall disclose information
157 about certain loans, is repealed.

158 **SECTION 3.** The Attorney General of the State of Mississippi
159 shall submit this act, immediately upon approval by the Governor,

160 or upon approval by the Legislature subsequent to a veto, to the
161 Attorney General of the United States or to the United States
162 District Court for the District of Columbia in accordance with the
163 provisions of the Voting Rights Act of 1965, as amended and
164 extended.

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