

## House Amendments to Senate Bill No. 2308

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

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

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 an elective office or balloted  
160 measure, or promise or guarantee of a subscription, loan, advance  
161 or deposit of money or anything of value that was made by any  
162 person, political committee or political party for the purpose of  
163 influencing any election for an elective office or balloted  
164 measure that would cause a candidate, political committee,  
165 political party or affiliated organization to act for purposes of  
166 influencing any election for an elective office or balloted  
167 measure on reliance of such promise or guarantee in making an  
168 expenditure as defined in this section; however, the term  
169 "contribution" does not include the value of services provided  
170 without compensation by any individual who volunteers on behalf of  
171 a candidate or political committee; or the cost of any food or  
172 beverage for use in any candidate's campaign or for use by or on  
173 behalf of any political committee of a 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 One Thousand Dollars (\$1,000.00); 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 influencing  
355 or attempting to influence the action of voters for or against the  
356 nomination for election, or election, of one or more candidates or  
357 balloted measures at such election or conducting any activities  
358 specified in this chapter, shall file the following reports:

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

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

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

378       (3) All candidates for judicial office as defined in Section  
379 23-15-975, and political committees that receive contributions or  
380 make expenditures in excess of Two Hundred Dollars (\$200.00) in  
381 the aggregate in any calendar year for the purpose of influencing  
382 or attempting to influence the action of voters for or against the  
383 nomination for election, or election, of one or more candidates or  
384 balloted measures of such election or conducting any activities  
385 specified in this chapter, shall file in the year in which they

386 are to be elected, periodic reports which shall be filed no later  
387 than the tenth day after April 30, May 31, June 30, September 30  
388 and December 31. These reports shall include all campaign finance  
389 activity for the period beginning after the last appropriately  
390 filed annual, periodic or preelection report and extending through  
391 the last day of each period.

392 (4) Each report under this article shall disclose:

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

401 (b) The identification of:

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

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

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

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

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

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

436           (e) In addition to the contents of the reports  
437 specified in paragraphs (a), (b), (c) and (d) of this subsection  
438 (4), each political committee required to be registered with the  
439 Secretary of State that expends funds in excess of Ten Thousand  
440 Dollars (\$10,000.00) in conducting any activities specified in  
441 this chapter, shall disclose:

442           (i) For each political committee, whether or not  
443 it is required to be registered in Mississippi, that makes a  
444 contribution, which is required to be disclosed pursuant to  
445 subsection (4) of this section, the name and address of each  
446 contributor to such political committee that contributed in excess  
447 of Two Hundred Dollars (\$200.00) in the aggregate, in the calendar  
448 year, to the reporting political committee; and

449           (ii) If a contributor required to be disclosed in  
450 (4)(e)(i) of this section is a political committee, whether or not  
451 it is required to be registered in Mississippi, the name and  
452 address of all contributors to such political committee that  
453 contributed in excess of Two Hundred Dollars (\$200.00) in the

454 aggregate, in the calendar year to the political committee as a  
455 contributor to the reporting committee.

456 The requirement of subparagraphs (i) and (ii) of this  
457 subsection shall apply to all political committees who are  
458 contributors to political committees required to be disclosed  
459 pursuant to (4)(e) of this section. In addition, no political  
460 committee shall accept any contribution from a political committee  
461 whether or not it is required to be registered in Mississippi, for  
462 the purpose of making contributions, expenditures, independent  
463 expenditures or electioneering communication disbursements unless  
464 it can obtain the information required to be disclosed by this  
465 section.

466 (iii) The provisions of this subparagraph (e)  
467 shall not apply to contributions from a political committee made  
468 to or received from a political committee of a political party  
469 registered with the Secretary of State and political committees  
470 authorized to accept contributions on a candidate's behalf.

471 (5) The appropriate office specified in Section 23-15-805  
472 must be in actual receipt of the reports specified in this article  
473 by 5:00 p.m. on the dates specified in subsection (2) of this  
474 section. If the date specified in subsection (2) of this section  
475 shall fall on a weekend or legal holiday then the report shall be  
476 due in the appropriate office at 5:00 p.m. on the first working  
477 day before the date specified in subsection (2) of this section.  
478 The reporting candidate or reporting political committee shall  
479 ensure that the reports are delivered to the appropriate office by  
480 the filing deadline. The Secretary of State may approve specific  
481 means of electronic transmission of completed campaign finance  
482 disclosure reports, which may include, but not be limited to,  
483 transmission by electronic facsimile (FAX) devices.

484 (6) (a) If any contribution or expenditure of more than Two  
485 Hundred Dollars (\$200.00) is received or made by a candidate or  
486 candidate's political committee after the tenth day, but more than  
487 forty-eight (48) hours before 12:01 a.m. of the day of the  
488 election, the candidate or political committee shall notify by

489 filing a report with the appropriate office designated in Section  
490 23-15-805, within forty-eight (48) hours of the expenditure or  
491 receipt of the contribution in excess of Two Hundred Dollars  
492 (\$200.00). Multiple contributions may be included in a single  
493 report if none of the reported contributions was received more  
494 than forty-eight (48) hours before the report is filed. The  
495 report shall include:

496 (i) The name of the receiving or expending  
497 candidate;

498 (ii) The name of the expending or receiving  
499 candidate's political committee, if any;

500 (iii) The office sought by the candidate;

501 (iv) The identification of each person who made a  
502 contribution or of the entity receiving the expenditure required  
503 to be reported under this subsection;

504 (v) The date of receipt of each contribution or  
505 the date of expenditure required to be reported under this  
506 subsection;

507 (vi) The amount of each contribution or  
508 expenditure required to be reported under this subsection;

509 (vii) If a contribution is in-kind, a description  
510 of the in-kind contribution, or if the expenditure is a thing of  
511 value, a description of the thing of value; \* \* \*

512 (viii) The signature of the candidate or the  
513 treasurer or director of the candidate's political committee;

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

516 (b) The report required by this subsection shall be in  
517 writing, and may be transmitted by overnight mail, courier  
518 service, or other reliable means, including electronic facsimile  
519 (FAX), but the candidate or candidate's committee shall ensure  
520 that the notification shall in fact be received in the appropriate  
521 office designated in Section 23-15-805 within forty-eight (48)  
522 hours of the contribution or expenditure.

523 (c) The filing of reports required by this subsection  
524 does not relieve the candidate of the responsibility of including  
525 the contributions contained in the report in the next report  
526 required to be filed under subsection (2) of this section.

527 (7) (a) In addition to the information required to be  
528 disclosed in subsection (4) of this section, candidates shall  
529 disclose:

530 (i) The identity of any individual or entity from  
531 which the candidate receives a loan or other extension of credit  
532 for use in his campaign or in furtherance of any campaign  
533 activities;

534 (ii) The identity of any individual or entity  
535 which assumes, in whole or in part, such loan or other extension  
536 of credit;

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

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

544 (v) How such loan or other extension of credit was  
545 utilized; and

546 (vi) All details concerning repayment of the loan  
547 or extension of credit, including, but not limited to, the time of  
548 the repayments, the method of repayments, the amount of repayments  
549 and sources of repayments and the identity of the individuals  
550 involved in the repayment.

551 (b) Candidates shall also file certified copies of all  
552 documents related to the loans, extensions of credit, assumptions,  
553 assignments or transactions required to be reported or identified  
554 by this subsection.

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

557           23-15-809. (1) Every person who makes or contracts to make  
558 independent expenditures in an aggregate amount or value in excess  
559 of Two Hundred Dollars (\$200.00) during a calendar year shall file  
560 a statement within forty-eight (48) hours of making or contracting  
561 to make an independent expenditure. The statement shall be filed  
562 with the appropriate offices as provided for in Section 23-15-805,  
563 and such person shall be considered a political committee for the  
564 purpose of determining place of filing.

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

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

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

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

575                   (d) \* \* \* A certification, under penalty of  
576 prosecution, of whether \* \* \* the independent expenditure is made  
577 in cooperation, consultation or concert with, or at the request or  
578 suggestion of, any candidate or any authorized committee or agent  
579 of such candidate.

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

582                   (a) The name and address of each person who makes a  
583 contribution for the purpose of furthering an independent  
584 expenditure to the person filing the statement during the  
585 reporting period whose contribution during the calendar year has  
586 an aggregate amount or value in excess of Two Hundred Dollars  
587 (\$200.00) together with the date and amount of such contribution;

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



592           (c) The date, amount and purpose of any independent  
593 expenditure;

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

597           (e) A certification, under penalty of prosecution, of  
598 whether the independent expenditure is made in cooperation,  
599 consultation or concert with, or at the request or suggestion of,  
600 any candidate or any authorized committee or agent of such  
601 candidate.

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

604           23-15-811. (1) Any candidate or any other person who  
605 willfully \* \* \* violates the provisions and prohibitions of this  
606 article shall be guilty of a felony and upon conviction thereof  
607 shall be punished by a fine in an amount not to exceed Ten  
608 Thousand Dollars (\$10,000.00) or imprisoned for not longer than  
609 one (1) year, or by both \* \* \*.

610           (2) In addition to the penalties provided in subsection (1)  
611 of this section, any candidate or political committee which is  
612 required to file a statement or report which fails to file such  
613 statement or report on the date in which it is due may be  
614 compelled to file such statement or report by an action in the  
615 nature of a mandamus.

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

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

624           (5) In the event that a candidate fails to timely file any  
625 report required pursuant to this article but subsequently files a  
626 report or reports containing all of the information required to be

627 reported by him as of the date on which the sanctions of  
628 subsections (3) and (4) of this section would be applied to him,  
629 such candidate shall not be subject to the sanctions of  
630 subsections (3) and (4) of this section.

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

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

638 23-15-813. (1) In addition to any other penalty permitted  
639 by law, the Secretary of State shall require any person who fails  
640 to file a campaign finance disclosure report as required under  
641 Sections 23-15-801 through 23-15-813, or Sections 23-17-47 through  
642 23-17-53, or who shall file a report which fails to substantially  
643 comply with the requirements of Sections 23-15-801 through  
644 23-15-813, or Sections 23-17-47 through 23-17-53, to be assessed a  
645 civil penalty as follows:

646 (a) Within five (5) calendar days after any deadline  
647 for filing a report pursuant to Sections 23-15-801 through  
648 23-15-813, or Sections 23-17-47 through 23-17-53, the Secretary of  
649 State shall compile a list of those persons who have failed to  
650 file a report. The Secretary of State shall provide each person,  
651 who has failed to file a report, notice of the failure by  
652 first-class mail.

653 (b) Beginning with the tenth calendar day after which  
654 any report shall be due, the Secretary of State shall assess the  
655 delinquent person a civil penalty of Fifty Dollars (\$50.00) for  
656 each day or part of any day until a valid report is delivered to  
657 the Secretary of State, up to a maximum of ten (10) days.  
658 However, in the discretion of the Secretary of State, the  
659 assessing of the fine may be waived in whole or in part if the  
660 Secretary of State determines that unforeseeable mitigating  
661 circumstances, such as the health of a candidate or other

662 individual required to file a report, interfered with timely  
663 filing of a report. Failure of a person to receive notice of  
664 failure to file a report from the Secretary of State is not an  
665 unforeseeable mitigating circumstance, and failure to receive the  
666 notice shall not result in removal or reduction of any assessed  
667 civil penalty.

668 (c) Filing of the required report and payment of the  
669 fine within ten (10) calendar days of notice by the Secretary of  
670 State that a required statement has not been filed, constitutes  
671 compliance with Sections 23-15-801 through 23-15-813, or Sections  
672 23-17-47 through 23-17-53.

673 (d) Payment of the fine without filing the required  
674 report does not in any way excuse or exempt any person required to  
675 file from the filing requirements of Sections 23-15-801 through  
676 23-15-813, and Sections 23-17-47 through 23-17-53.

677 (e) If any person is assessed a civil penalty, and the  
678 penalty is not subsequently waived by the Secretary of State, the  
679 person shall pay the fine to the Secretary of State within ninety  
680 (90) days of the date of the assessment of the fine. If, after  
681 one hundred twenty (120) days of the assessment of the fine the  
682 payment for the entire amount of the assessed fine has not been  
683 received by the Secretary of State, the Secretary of State shall  
684 notify the Attorney General of the delinquency, and the Attorney  
685 General shall file, where necessary, a suit to compel payment of  
686 the civil penalty.

687 (2) (a) Upon the sworn application, made within sixty (60)  
688 calendar days of the date upon which the required report is due,  
689 of a person identified in subsection (1) of this section against  
690 whom a civil penalty has been assessed pursuant to subsection (1)  
691 of this section, the Secretary of State shall forward the  
692 application to the State Board of Election Commissioners. The  
693 State Board of Election Commissioners shall appoint one or more  
694 hearing officers who shall be former chancellors, circuit court  
695 judges, judges of the Court of Appeals or justices of the Supreme  
696 Court, and who shall conduct hearings held pursuant to this

697 article. The hearing officer shall fix a time and place for a  
698 hearing and shall cause a written notice specifying the civil  
699 penalties that have been assessed against the person and notice of  
700 the time and place of the hearing to be served upon the person at  
701 least twenty (20) calendar days before the hearing date. The  
702 notice may be served by mailing a copy thereof by certified mail,  
703 postage prepaid, to the last known business address of the person.

704 (b) The hearing officer may issue subpoenas for the  
705 attendance of witnesses and the production of books and papers at  
706 the hearing. Process issued by the hearing officer shall extend  
707 to all parts of the state and shall be served by any person  
708 designated by the hearing officer for the service.

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

713 (d) At the hearing, the hearing officer shall  
714 administer oaths as may be necessary for the proper conduct of the  
715 hearing. All hearings shall be conducted by the hearing officer,  
716 who shall not be bound by strict rules of procedure or by the laws  
717 of evidence in the conduct of the proceedings, but the  
718 determination shall be based upon sufficient evidence to sustain  
719 it. The scope of review at the hearing shall be limited to making  
720 a determination of whether failure to file a required report was  
721 due to an unforeseeable mitigating circumstance.

722 (e) Where, in any proceeding before the hearing  
723 officer, any witness fails or refuses to attend upon a subpoena  
724 issued by the commission, refuses to testify, or refuses to  
725 produce any books and papers the production of which is called for  
726 by a subpoena, the attendance of the witness, the giving of his  
727 testimony or the production of the books and papers shall be  
728 enforced by any court of competent jurisdiction of this state in  
729 the manner provided for the enforcement of attendance and  
730 testimony of witnesses in civil cases in the courts of this state.

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

736           (3) (a) The right to appeal from the decision of the  
737 hearing officer in an administrative hearing concerning the  
738 assessment of civil penalties authorized pursuant to this section  
739 is granted. The appeal shall be to the Circuit Court of Hinds  
740 County and shall include a verbatim transcript of the testimony at  
741 the hearing. The appeal shall be taken within thirty (30)  
742 calendar days after notice of the decision of the commission  
743 following an administrative hearing. The appeal shall be  
744 perfected upon filing notice of the appeal and by the prepayment  
745 of all costs, including the cost of the preparation of the record  
746 of the proceedings by the hearing officer, and the filing of a  
747 bond in the sum of Two Hundred Dollars (\$200.00), conditioned that  
748 if the decision of the hearing officer be affirmed by the court,  
749 the person will pay the costs of the appeal and the action in  
750 court. If the decision is reversed by the court, the Secretary of  
751 State will pay the costs of the appeal and the action in court.

752           (b) If there is an appeal, the appeal shall act as a  
753 supersedeas. The court shall dispose of the appeal and enter its  
754 decision promptly. The hearing on the appeal may be tried in  
755 vacation, in the court's discretion. The scope of review of the  
756 court shall be limited to a review of the record made before the  
757 hearing officer to determine if the action of the hearing officer  
758 is unlawful for the reason that it was (i) not supported by  
759 substantial evidence, (ii) arbitrary or capricious, (iii) beyond  
760 the power of the hearing officer to make, or (iv) in violation of  
761 some statutory or constitutional right of the appellant. The  
762 decision of the court may be appealed to the Supreme Court in the  
763 manner provided by law.

764           (4) If, after forty-five (45) calendar days of the date of  
765 the administrative hearing procedure set forth in subsection (2)

766 of this section, the person identified in subsection (1) of this  
767 section fails to pay the monetary civil penalty imposed by the  
768 hearing officer, the Secretary of State shall notify the Attorney  
769 General of the delinquency. The Attorney General shall  
770 investigate the offense in accordance with the provisions of this  
771 chapter, and where necessary, file suit to compel payment of the  
772 unpaid civil penalty.

773 (5) If, after twenty (20) calendar days of the date upon  
774 which a campaign finance disclosure report is due, a person  
775 identified in subsection (1) of this section shall not have filed  
776 a valid report with the Secretary of State, the Secretary of State  
777 shall notify the Attorney General of those persons who have not  
778 filed a valid report, and the Attorney General shall thereupon  
779 prosecute the delinquent candidates and political committees.

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

782 97-13-15. (1) It shall be unlawful for any corporation,  
783 trust, incorporated company or incorporated association, limited  
784 partnership, limited liability partnership or manager-managed  
785 limited liability company, by whatever name it may be known,  
786 incorporated or organized under the laws of this state, or doing  
787 or conducting business in this state, or for any servant, agent,  
788 employee or officer thereof, to give, donate, appropriate or  
789 furnish directly or indirectly, any money, security, funds or  
790 property of such a corporation, trust, incorporated company,  
791 incorporated association, limited partnership, limited liability  
792 partnership or manager-managed limited liability company, in  
793 excess of Two Thousand Dollars (\$2,000.00) per calendar year for  
794 the purpose of aiding any political party, candidate for any  
795 public office, or \* \* \* candidate for \* \* \* nomination for any  
796 public office or any representative or committee of such political  
797 party for candidate.

798 (2) It shall be unlawful for any corporation, trust,  
799 incorporated company, incorporated association, limited  
800 partnership, limited liability partnership or manager-managed

801 limited liability company, by whatever name it may be known,  
802 incorporated or organized under the laws of this state, or doing  
803 or conducting business in this state, or for any servant, agent,  
804 employee or officer thereof, to give, donate, appropriate or  
805 furnish directly or indirectly, any money, security, funds or  
806 property of such a corporation, trust, incorporated company,  
807 incorporated association, limited partnership, limited liability  
808 partnership or manager-managed limited liability company, in  
809 excess of Five Thousand Dollars (\$5,000.00) per calendar year for  
810 the purpose of aiding any political committee which is registered  
811 or required to be registered in this state.

812 (3) It shall be unlawful for any political committee or  
813 political action committee registered or required to be registered  
814 in this state, or which is registered or required to be registered  
815 with another state or with the Federal Election Commission, to  
816 give, donate, appropriate or furnish directly or indirectly any  
817 money, security, funds or property of such political committee or  
818 political action committee in excess of Five Thousand Dollars  
819 (\$5,000.00) per calendar year to any other political committee  
820 which is registered or required to be registered in this state.

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

823 23-15-817. The Secretary of State shall compile a list of  
824 all candidates for the Legislature or any statewide office who  
825 fail to file a campaign disclosure report by the dates specified  
826 in Section 23-15-807(2); the list shall be disseminated to the  
827 members of the Mississippi Press Association within two (2)  
828 working days after such reports are due and made available to the  
829 public.

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

832 97-13-17. (a) Any corporation, trust, incorporated company  
833 or incorporated association, limited partnership, limited  
834 liability partnership or manager-managed limited liability  
835 company, political committee or political action committee or

836 agent, officer or employee violating any of the provisions of  
837 Section 97-13-15 shall, upon conviction, be fined not less than  
838 One Thousand Dollars (\$1,000.00) nor more than Five Thousand  
839 Dollars (\$5,000.00), except that where the amount or value of  
840 money, security, funds or property unlawfully given, donated,  
841 appropriated or furnished, directly or indirectly, shall exceed  
842 Five Thousand Dollars (\$5,000.00), the corporation, trust,  
843 incorporated company or incorporated association, limited  
844 partnership, limited liability partnership or manager-managed  
845 limited liability company, political committee or political action  
846 committee or agent, officer or employee violating any of the  
847 provisions of Section 97-13-15 shall, upon conviction, be fined  
848 not less than Five Thousand Dollars (\$5,000.00) nor more than  
849 three (3) times the amount or value of money, security, funds or  
850 property unlawfully given, donated, appropriated or furnished,  
851 directly or indirectly.

852 (b) Any agent, officer or employee of a corporation,  
853 trust, incorporated company or incorporated association, limited  
854 partnership, limited liability partnership or manager-managed  
855 limited liability company, political committee or political action  
856 committee, or any other person violating any of the provisions of  
857 Section 97-13-15 shall, upon conviction, be guilty of a felony and  
858 fined not less than One Thousand Dollars (\$1,000.00) nor more than  
859 Five Thousand Dollars (\$5,000.00), or imprisoned for not longer  
860 than one (1) year, or both.

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

864 **SECTION 13.** Section 23-15-1023, Mississippi Code of 1972,  
865 which provides that judicial candidates shall disclose information  
866 about certain loans, is repealed.

867 **SECTION 14.** The provisions of Sections 23-15-801 through  
868 23-15-817 are severable, and, if any of its provisions shall be  
869 held unconstitutional by any court of competent jurisdiction, the  
870 decision of such court shall not affect, impair or abrogate any of



871 the remaining provisions, but the remaining provisions thereof  
872 shall be and remain in full force and effect without regard to  
873 that phrase, clause or portion invalidated.

874 **SECTION 15.** The Attorney General of the State of Mississippi  
875 shall submit this act, immediately upon approval by the Governor,  
876 or upon approval by the Legislature subsequent to a veto, to the  
877 Attorney General of the United States or to the United States  
878 District Court for the District of Columbia in accordance with the  
879 provisions of the Voting Rights Act of 1965, as amended and  
880 extended.

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

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO CREATE NEW SECTION 23-15-802, MISSISSIPPI CODE OF  
2 1972, TO PROVIDE THAT CONTRIBUTIONS TO NAMED CANDIDATE MADE TO A  
3 POLITICAL COMMITTEE AUTHORIZED BY THE CANDIDATE TO ACCEPT  
4 CONTRIBUTIONS SHALL BE CONSIDERED CONTRIBUTIONS TO THE CANDIDATE;  
5 TO PROVIDE THAT EXPENDITURES MADE BY ANY PERSON IN CONCERT WITH A  
6 CANDIDATE SHALL BE CONSIDERED TO BE A CONTRIBUTION MADE TO THE  
7 CANDIDATE; TO PROVIDE THAT THE FINANCE OF THE DISSEMINATION OF  
8 CAMPAIGN MATERIALS SHALL BE CONSIDERED TO BE AN EXPENDITURE FOR,  
9 AND A CONTRIBUTION TO THE CANDIDATE; TO PROVIDE THAT DISBURSEMENTS  
10 FOR ELECTIONEERING COMMUNICATIONS THAT ARE COORDINATED WITH A  
11 CANDIDATE SHALL BE CONSIDERED A CONTRIBUTION TO THE CANDIDATE; TO  
12 CREATE NEW SECTION 23-15-808, MISSISSIPPI CODE OF 1972, TO PROVIDE  
13 THAT PERSONS WHO MAKE DISBURSEMENT FOR THE DIRECT COST OF  
14 PRODUCING AND AIRING ELECTIONEERING COMMUNICATIONS IN AN AGGREGATE  
15 AMOUNT IN EXCESS OF \$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.

HR03\SB2308A.J

Don Richardson  
Clerk of the House of Representatives