

By: Representatives Reynolds, Clarke

To: Apportionment and
Elections

HOUSE BILL NO. 400

1 AN ACT TO CREATE NEW SECTION 23-15-802, MISSISSIPPI CODE OF
2 1972, TO PROVIDE THAT CONTRIBUTIONS TO NAMED CANDIDATE MADE TO A
3 POLITICAL COMMITTEE AUTHORIZED BY THE CANDIDATE TO ACCEPT
4 CONTRIBUTIONS SHALL BE CONSIDERED CONTRIBUTIONS TO THE CANDIDATE;
5 TO PROVIDE THAT EXPENDITURES MADE BY ANY PERSON IN CONCERT WITH A
6 CANDIDATE SHALL BE CONSIDERED TO BE A CONTRIBUTION MADE TO THE
7 CANDIDATE; TO PROVIDE THAT THE FINANCE OF THE DISSEMINATION OF
8 CAMPAIGN MATERIALS SHALL BE CONSIDERED TO BE AN EXPENDITURE FOR,
9 AND A CONTRIBUTION TO THE CANDIDATE; TO PROVIDE THAT DISBURSEMENTS
10 FOR ELECTIONEERING COMMUNICATIONS THAT ARE COORDINATED WITH A
11 CANDIDATE SHALL BE CONSIDERED A CONTRIBUTION TO THE CANDIDATE; TO
12 CREATE NEW SECTION 23-15-808, MISSISSIPPI CODE OF 1972, TO PROVIDE
13 THAT PERSONS WHO MAKE DISBURSEMENT FOR THE DIRECT COST OF
14 PRODUCING AND AIRING ELECTIONEERING COMMUNICATIONS IN AN AGGREGATE
15 AMOUNT IN EXCESS OF \$1,000.00 SHALL FILE A STATEMENT REGARDING
16 SUCH DISBURSEMENT WITHIN 48 HOURS OF THE DISCLOSURE DATE AND TO
17 PROVIDE FOR THE INFORMATION THAT MUST BE INCLUDED IN THE
18 STATEMENT; TO AMEND SECTIONS 23-15-801, 23-15-805, 23-15-807,
19 23-15-809, 23-15-811 AND 23-15-813, MISSISSIPPI CODE OF 1972, TO
20 DEFINE THE TERMS "ELECTIONEERING COMMUNICATION" AND "DISCLOSURE
21 DATE" AND REVISE THE DEFINITION OF CERTAIN TERMS IN THE CAMPAIGN
22 FINANCE DISCLOSURE LAWS; TO REQUIRE, FROM AND AFTER JANUARY 1,
23 2007, CERTAIN CANDIDATES TO FILE THE REPORTS REQUIRED TO BE FILED
24 WITH THE OFFICE OF THE SECRETARY OF STATE BY ELECTRONIC FORMAT; TO
25 CLARIFY THE INFORMATION REQUIRED TO BE INCLUDED IN CERTAIN
26 CAMPAIGN FINANCE REPORTS; TO PROVIDE THAT CAMPAIGN FINANCE REPORTS
27 SHALL INCLUDE CERTAIN INFORMATION REGARDING LOANS OR OTHER
28 EXTENSIONS OF CREDIT MADE TO A CANDIDATE FOR USE IN SUCH
29 CANDIDATE'S CAMPAIGN; TO REQUIRE STATEMENTS REGARDING CERTAIN
30 INDEPENDENT CAMPAIGN EXPENDITURES TO BE FILED WITHIN 48 HOURS AND
31 TO REVISE THE INFORMATION REQUIRED TO BE INCLUDED IN SUCH
32 STATEMENTS; TO REVISE THE ELEMENTS NECESSARY FOR A CONVICTION OF A
33 VIOLATION OF THE CAMPAIGN FINANCE LAWS; TO CLARIFY UPON WHOM
34 ADMINISTRATIVE PENALTIES UNDER THE CAMPAIGN FINANCE LAW MAY APPLY;
35 TO AMEND SECTION 97-13-15, MISSISSIPPI CODE OF 1972, TO INCREASE
36 TO \$2,000.00 THE AMOUNT THAT CORPORATIONS MAY CONTRIBUTE TO
37 POLITICAL CAMPAIGNS IN A CALENDAR YEAR AND TO PLACE TRUSTS,
38 INCORPORATED ASSOCIATIONS, LIMITED PARTNERSHIPS, LIMITED LIABILITY
39 PARTNERSHIPS OR MANAGER-MANAGED LIMITED LIABILITY COMPANIES UNDER
40 SUCH RESTRICTION; TO AMEND SECTION 23-15-817, MISSISSIPPI CODE OF
41 1972, IN CONFORMITY THERETO; TO REPEAL SECTION 23-15-1023,
42 MISSISSIPPI CODE OF 1972, WHICH PROVIDES THAT JUDICIAL CANDIDATES
43 SHALL DISCLOSE CERTAIN INFORMATION ABOUT CERTAIN LOANS; TO AMEND
44 SECTION 97-13-17, MISSISSIPPI CODE OF 1972, TO REVISE PENALTIES
45 FOR VIOLATIONS OF THE PRECEDING SECTIONS; AND FOR RELATED
46 PURPOSES.

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

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

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

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

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

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

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

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

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

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

84 (a) The identity of:

85 (i) The person making the disbursement;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

156 (e) (i) "Contribution" includes any gift,
157 subscription, loan, advance or deposit of money or anything of
158 value made by any person or political committee for the purpose of
159 influencing any election for 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, 2008, 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 prosecution, of
576 whether the independent expenditure is made in cooperation,
577 consultation or concert with, or at the request or suggestion of,
578 any candidate or any authorized committee or agent of such
579 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.