

By: Representatives Zuber, Stringer

To: Apportionment and
Elections

HOUSE BILL NO. 404

1 AN ACT TO PROHIBIT A CANDIDATE FROM USING ANY CAMPAIGN
2 CONTRIBUTION RECEIVED BY SUCH CANDIDATE FROM ANY SOURCE FOR ANY
3 PERSONAL PURPOSE OR FOR ANY REASON UNRELATED TO THE CANDIDATE'S
4 CAMPAIGN TO SEEK ELECTION OR REELECTION TO AN OFFICE; TO REQUIRE
5 THAT A CANDIDATE THAT IS NOT DECLARED DULY ELECTED SHALL TURN OVER
6 SURPLUS CAMPAIGN FUNDS; TO REQUIRE A CANDIDATE THAT IS DECLARED
7 DULY ELECTED FOR THE OFFICE FOR WHICH THE CANDIDATE WAS ON THE
8 BALLOT SHALL DEPOSIT ALL SURPLUS CONTRIBUTIONS IN AN ACCOUNT
9 SEPARATE FROM ANY PERSONAL ACCOUNTS; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** The following shall be codified as Section
12 23-15-802, Mississippi Code of 1972:

13 23-15-802. No candidate may use any campaign contribution
14 received by such candidate from any source for any personal
15 purpose or for any reason unrelated to the candidate's campaign to
16 seek election or reelection to an office. A candidate who uses
17 campaign contributions to fulfill any commitment, obligation or
18 expense that would exist regardless of the candidate's campaign
19 shall be deemed to have taken campaign contributions for a
20 personal purpose. For purposes of this section, "surplus
21 contributions" means any campaign contributions remaining after
22 payment of all campaign expenditures.

23 (a) Within thirty (30) days following the end of the
24 month in which an election is held, a candidate that is not
25 declared duly elected shall turn over surplus campaign funds to
26 either: (i) campaign contributors on a prorated basis, (ii) a
27 nonprofit organization which is exempt from taxation under Section
28 501(c)(3) of the Internal Revenue Code, or (iii) an organized
29 political party of the candidate's choice. However, no candidate
30 is required to distribute to a campaign contributor an amount that

31 exceeds the amount of the contribution made by such contributor to
32 the candidate.

33 (b) A candidate that is declared duly elected for the
34 office for which the candidate was on the ballot shall deposit all
35 surplus contributions in an account separate from any personal
36 accounts. The surplus contributions shall only be used by such
37 candidate to seek reelection or election to another office.

38 **SECTION 2.** The Attorney General of the State of Mississippi
39 shall submit this act, immediately upon approval by the Governor,
40 or upon approval by the Legislature subsequent to a veto, to the
41 Attorney General of the United States or to the United States
42 District Court for the District of Columbia in accordance with the
43 provisions of the Voting Rights Act of 1965, as amended and
44 extended.

45 **SECTION 3.** This act shall take effect and be in force from
46 and after the date it is effectuated under Section 5 of the Voting
47 Rights Act of 1965, as amended and extended.