

By: Representative Reynolds

To: Apportionment and
Elections

HOUSE BILL NO. 999

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. It shall be unlawful for a candidate to use any
14 campaign contribution received by such candidate from any source
15 for any personal purpose or for any reason unrelated to the
16 candidate's campaign to seek election or reelection to an office.
17 A candidate who uses campaign contributions to fulfill any
18 commitment, obligation or expense that would exist regardless of
19 the candidate's campaign shall be deemed to have taken campaign
20 contributions for a personal purpose. For purposes of this
21 section, "surplus contributions" means any campaign contributions
22 remaining after 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) Any person found guilty of violating the provisions
34 of this subsection shall immediately forfeit his or her office or
35 position and shall be fined not less than Five Thousand Dollars
36 (\$5,000.00) per day of violation over the time period provided in
37 subparagraph (a), imprisoned in the State Penitentiary for not
38 less than one (1) year, or both.

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

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