

By: Representative Eubanks

To: Apportionment and
Elections

HOUSE BILL NO. 372

1 AN ACT TO AMEND SECTION 23-15-807, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE A CANDIDATE TO REPORT THE NAME AND ADDRESS OF ANY
3 INDIVIDUAL EMPLOYED BY THE CANDIDATE OR THE POLITICAL COMMITTEE OF
4 THE CANDIDATE; TO REQUIRE THE INDIVIDUAL EMPLOYED BY THE CANDIDATE
5 OR THE POLITICAL COMMITTEE OF THE CANDIDATE TO SUBMIT THE
6 APPROPRIATE 1099 FORM; TO AMEND SECTION 23-15-805, MISSISSIPPI
7 CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; TO BRING
8 FORWARD SECTIONS 23-15-801 AND 23-15-809, MISSISSIPPI CODE OF
9 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED
10 PURPOSES.

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

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

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



23 (b) Candidates who are seeking election, or nomination for
24 election, and political committees that make expenditures for the
25 purpose of influencing or attempting to influence the action of
26 voters for or against the nomination for election, or election, of
27 one or more candidates or balloted measures at * * * an election,
28 shall file the following reports:

29 (i) In any calendar year during which there is a
30 regularly scheduled election, a preelection report, which shall be
31 filed no later than the seventh day before any election in
32 which * * * the candidate or political committee has accepted
33 contributions or made expenditures and which shall be complete as
34 of the tenth day before * * * the election;

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

39 (iii) In any calendar years except 1987 and except
40 every fourth year thereafter, a report covering the calendar year
41 which shall be filed no later than January 31 of the following
42 calendar year.

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



(d) * * * Each report under this * * * section shall
disclose:

(i) For the reporting period and the calendar year, the
total amount of all contributions and the total amount of all
expenditures of the candidate or reporting committee which shall
include those required to be identified pursuant to * * *
paragraph (ii) of this * * * subsection as well as the total of
all other contributions and expenditures during the calendar year.

* * * The reports shall be cumulative during the calendar year to
which they relate;

(ii) The identification of:

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

2. Each person or organization, candidate or
political committee who receives an expenditure, payment or other
transfer from the reporting candidate, political committee or its
agent, employee, designee, contractor, consultant or other person
or persons acting in its behalf during the reporting period when
the expenditure, payment or other transfer to such person,
organization, candidate or political committee within the calendar
year have an aggregate value or amount in excess of Two Hundred



Dollars (\$200.00) together with the date and amount of * * * the
expenditure * * *;

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

(iv) In addition to the contents of reports specified
in * * * paragraphs (i), (ii) and (iii) of this * * * subsection,
each political party shall disclose:

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

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

(v) The name and address of any individual, whether
employed full-time, part-time or contractually, who receives any
compensation or payment from a candidate or the political
committee of a candidate, regardless of the amount of the
compensation or payment, for the purpose of influencing or



108 attempting to influence the action of voters for or against the
109 nomination for election, or election, of the candidate. These
110 individuals shall report this income by submitting the appropriate
111 1099 form as required by the Internal Revenue Service and the
112 Mississippi Department of Revenue. The report shall be filed in
113 every calendar year, beginning in 2018, by no later than January
114 31 of that calendar year and re-filed if any changes are made to
115 the individuals who are employed by the candidate or the political
116 committee of a candidate.

117 (e) The appropriate office specified in Section 23-15-805
118 must be in actual receipt of the reports specified in this * * *
119 section by 5:00 p.m. on the dates specified in * * * subsection
120 (b) of this section. If the date specified in * * * subsection
121 (b) of this section shall fall on a weekend or legal holiday then
122 the report shall be due in the appropriate office at 5:00 p.m. on
the first working day before the date specified in * * *
subsection (b) of this section. The reporting candidate or
reporting political committee shall ensure that the reports are
delivered to the appropriate office by the filing deadline. The
Secretary of State may approve specific means of electronic
transmission of completed campaign finance disclosure reports,
which may include, but not be limited to, transmission by
electronic facsimile (FAX) devices.

(f) (i) If any contribution of more than Two Hundred
Dollars (\$200.00) is received by a candidate or candidate's



political committee after the tenth day, but more than forty-eight (48) hours before 12:01 a.m. of the day of the election, the candidate or political committee shall notify the appropriate office designated in Section 23-15-805, within forty-eight (48) hours of receipt of the contribution. The notification shall include:

1. The name of the receiving candidate;
2. The name of the receiving candidate's political committee, if any;
3. The office sought by the candidate;
4. The identification of the contributor;
5. The date of receipt;
6. The amount of the contribution;
7. If the contribution is in kind, a description of the in-kind contribution; and
8. The signature of the candidate or the treasurer or director of the candidate's political committee.

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

SECTION 2. Section 23-15-805, Mississippi Code of 1972, is amended as follows:



23-15-805. (a) Candidates for state, state district, and legislative district offices, and every political committee, which makes reportable contributions to or expenditures in support of or in opposition to a candidate for any such office or makes reportable contributions to or expenditures in support of or in opposition to a statewide ballot measure, shall file all reports required * * * by this article with the Office of the Secretary of State.

(b) Candidates for county or county district office, and every political committee which makes reportable contributions to or expenditures in support of or in opposition to a candidate for such office or makes reportable contributions to or expenditures in support of or in opposition to a countywide ballot measure or a ballot measure affecting part of a county, excepting a municipal ballot measure, shall file all reports required by this * * * article in the office of the circuit clerk of the county in which the election occurs. The circuit clerk shall forward copies of all reports to the Office of the Secretary of State.

(c) Candidates for municipal office, and every political committee which makes reportable contributions to or expenditures in support of or in opposition to a candidate for such office, or makes reportable contributions to or expenditures in support of or in opposition to a municipal ballot measure shall file all reports required by this article in the office of the municipal clerk of the municipality in which the election occurs. The municipal



clerk shall forward copies of all reports to the Office of the Secretary of State.

(d) The Secretary of State, the circuit clerks and the municipal clerks shall make all reports received under this subsection available for public inspection and copying and shall preserve * * * the reports for a period of five (5) years.

* * *

SECTION 3. Section 23-15-801, Mississippi Code of 1972, is brought forward as follows:

23-15-801. (a) "Election" shall mean a general, special, primary or runoff election.

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

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

(ii) If such individual has given his or her consent to another person to receive contributions or make expenditures on behalf of such individual and if such person has received such



contributions aggregating in excess of Two Hundred Dollars (\$200.00) during a calendar year, or has made such expenditures aggregating in excess of Two Hundred Dollars (\$200.00) during a calendar year.

(c) "Political committee" shall mean any committee, party, club, association, political action committee, campaign committee or other groups of persons or affiliated organizations which receives contributions aggregating in excess of Two Hundred Dollars (\$200.00) during a calendar year or which makes expenditures aggregating in excess of Two Hundred Dollars (\$200.00) during a calendar year for the purpose of influencing or attempting to influence the action of voters for or against the nomination for election, or election, of one or more candidates, or balloted measures and shall, in addition, include each political party registered with the Secretary of State.

(d) "Affiliated organization" shall mean any organization which is not a political committee, but which directly or indirectly establishes, administers or financially supports a political committee.

(e) (i) "Contribution" shall include any gift, subscription, loan, advance or deposit of money or anything of value made by any person or political committee for the purpose of influencing any election for elective office or balloted measure;

(ii) "Contribution" shall not include the value of services provided without compensation by any individual who



volunteers on behalf of a candidate or political committee; or the cost of any food or beverage for use in any candidate's campaign or for use by or on behalf of any political committee of a political party;

(iii) "Contribution to a political party" includes any gift, subscription, loan, advance or deposit of money or anything of value made by any person, political committee, or other organization to a political party and to any committee, subcommittee, campaign committee, political committee and other groups of persons and affiliated organizations of the political party.

(iv) "Contribution to a political party" shall not include the value of services provided without compensation by any individual who volunteers on behalf of a political party or a candidate of a political party.

(f) (i) "Expenditure" shall include any purchase, payment, distribution, loan, advance, deposit, gift of money or anything of value, made by any person or political committee for the purpose of influencing any balloted measure or election for elective office; and a written contract, promise, or agreement to make an expenditure;

(ii) "Expenditure" shall not include any news story, commentary or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any



political party, political committee, or candidate; or nonpartisan activity designed to encourage individuals to vote or to register to vote;

(iii) "Expenditure by a political party" includes 1. any purchase, payment, distribution, loan, advance, deposit, gift of money or anything of value, made by any political party and by any contractor, subcontractor, agent, and consultant to the political party; and 2. a written contract, promise, or agreement to make such an expenditure.

(g) The term "identification" shall mean:

(i) In the case of any individual, the name, the mailing address, and the occupation of such individual, as well as the name of his or her employer; and

(ii) In the case of any other person, the full name and address of such person.

(h) The term "political party" shall mean an association, committee or organization which nominates a candidate for election to any elective office whose name appears on the election ballot as the candidate of such association, committee or organization.

(i) The term "person" shall mean any individual, family, firm, corporation, partnership, association or other legal entity.

(j) The term "independent expenditure" shall mean an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate or any authorized



committee or agent of such candidate, and which is not made in concert with or at the request or suggestion of any candidate or any authorized committee or agent of such candidate.

(k) The term "clearly identified" shall mean that:

(i) The name of the candidate involved appears; or

(ii) A photograph or drawing of the candidate appears;

or

(iii) The identity of the candidate is apparent by unambiguous reference.

SECTION 4. Section 23-15-809, Mississippi Code of 1972, is brought forward as follows:

23-15-809. (a) Every person who makes independent expenditures in an aggregate amount or value in excess of Two Hundred Dollars (\$200.00) during a calendar year shall file a statement containing the information required under Section 23-15-807. Such statement shall be filed with the appropriate offices as provided for in Section 23-15-805, and such person shall be considered a political committee for the purpose of determining place of filing.

(b) Statements required to be filed by this subsection shall include:

(i) Information indicating whether the independent expenditure is in support of, or in opposition to, the candidate involved;



297 (ii) Under penalty of perjury, a certification of
298 whether or not such independent expenditure is made in
299 cooperation, consultation or concert with, or at the request or
300 suggestion of, any candidate or any authorized committee or agent
301 of such candidate; and

302 (iii) The identification of each person who made a
303 contribution in excess of Two Hundred Dollars (\$200.00) to the
304 person filing such statement which was made for the purpose of
305 furthering an independent expenditure.

306 **SECTION 5.** This act shall take effect and be in force from
307 and after July 1, 2017.

