

By: Representatives Sanford, Turner, Miles,
Hughes

To: Accountability,
Efficiency, Transparency

HOUSE BILL NO. 396

1 AN ACT TO PROHIBIT ELECTED STATE OFFICIALS AND STATE DISTRICT
2 OFFICIALS FROM VISUALLY OR AUDIBLY PARTICIPATING IN PUBLIC
3 ADVERTISING THAT HAS BEEN FUNDED, IN WHOLE OR IN PART, WITH
4 LEGISLATIVE APPROPRIATIONS OR FEES, FINES OR PENALTIES RECEIVED BY
5 THE OFFICE; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** (1) Except as otherwise provided under this
8 section, a person elected to any state office or state district
9 office may not visually or audibly participate in the making of
10 any public advertisement, regardless of the purpose or intended
11 audience of the advertisement, if any funds appropriated by the
12 Legislature or any funds derived from fees, fines or penalties
13 received by the office are used to defray the expenses, in whole
14 or in part, of the advertisement.

15 (2) Participation in the making of a public advertisement
16 prohibited under subsection (1) includes the following:

17 (a) The use of any still or motion visual images in
18 which the elected state official or state district official may be
19 seen; and



20 (b) The use of any advertising medium that allows the
21 voice of the elected state official or state district official to
22 be heard, regardless of whether or not a still or motion image of
23 the state official or state district official may be seen.

24 (3) For purposes of this section, the term "advertisement"
25 includes any form of communication publicly promoting a product or
26 service or intending to persuade or inform an audience, including,
27 but not necessarily limited to, television, radio, Internet, film,
28 newspaper, periodical, direct mail or outdoor advertising.

29 (4) This section may not be construed to prohibit any
30 elected state official or state district official from
31 participating in the development, planning and implementation of
32 any advertisement that has been funded, in whole or in part, by
33 legislative appropriations if neither the image nor the voice of
34 the state official or state district official is included in the
35 advertisement as it is presented to the public.

36 **SECTION 2.** Section 1 of this act shall be codified as a new
37 section in Chapter 1, Title 25, Mississippi Code of 1972.

38 **SECTION 3.** This act shall take effect and be in force from
39 and after July 1, 2017.

