

By: Representative Eubanks

To: Apportionment and
Elections

HOUSE BILL NO. 9

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 BRING FORWARD SECTION 23-15-801,
7 MISSISSIPPI CODE OF 1972, WHICH PROVIDES CERTAIN DEFINITIONS, FOR
8 THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

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

12 23-15-807. (a) Each candidate or political committee shall
13 file reports of contributions and disbursements in accordance with
14 the provisions of this section. All candidates or political
15 committees required to report such contributions and disbursements
16 may terminate the obligation to report only upon submitting a
17 final report that contributions will no longer be received or
18 disbursements made and that the candidate or committee has no
19 outstanding debts or obligations. The candidate, treasurer or
20 chief executive officer shall sign the report.



21 (b) Candidates seeking election, or nomination for election,
22 and political committees making expenditures to influence or
23 attempt to influence voters for or against the nomination for
24 election of one or more candidates or balloted measures at such
25 election, shall file the following reports:

26 (i) In any calendar year during which there is a
27 regularly scheduled election, a pre-election report shall be filed
28 no later than the seventh day before any election in which the
29 candidate or political committee has accepted contributions or
30 made expenditures and shall be completed as of the tenth day
31 before the election;

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

36 (iii) In any calendar years except 1987 and except
37 every fourth year thereafter, a report covering the calendar year
38 shall be filed no later than January 31 of the following calendar
39 year; and

40 (iv) Except as otherwise provided in the requirements
41 of paragraph (i) of this subsection (b), unopposed candidates are
42 not required to file pre-election reports but must file all other
43 reports required by paragraphs (ii) and (iii) of this subsection
44 (b).



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

50 (d) Each report under this article shall disclose:

51 (i) For the reporting period and the calendar year, the
52 total amount of all contributions and the total amount of all
53 expenditures of the candidate or reporting committee, including
54 those required to be identified pursuant to paragraph (ii) of this
55 subsection (d) as well as the total of all other contributions and
56 expenditures during the calendar year. The reports shall be
57 cumulative during the calendar year to which they relate;

58 (ii) The identification of:

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

65 2. Each person or organization, candidate or
66 political committee who receives an expenditure, payment or other
67 transfer from the reporting candidate, political committee or its
68 agent, employee, designee, contractor, consultant or other person
69 or persons acting in its behalf during the reporting period when



70 the expenditure, payment or other transfer to the person,
71 organization, candidate or political committee within the calendar
72 year have an aggregate value or amount in excess of Two Hundred
73 Dollars (\$200.00) together with the date and amount of the
74 expenditure;

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

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

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

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

92 (v) Disclosure required under this section of an
93 expenditure to a credit card issuer, financial institution or
94 business allowing payments and money transfers to be made over the



95 Internet must include, by way of detail or separate entry, the
96 amount of funds passing to each person, business entity or
97 organization receiving funds from the expenditure * * *;

98 (vi) The name and address of any individual, whether
99 employed full time, part time or contractually, who receives any
100 compensation or payment from a candidate or the political
101 committee of a candidate, regardless of the amount of the
102 compensation or payment, for the purpose of influencing or
103 attempting to influence the action of voters for or against the
104 nomination for election, or election, of the candidate. These
105 individuals shall report this income by submitting the appropriate
106 1099 form as required by the Internal Revenue Service and the
107 Mississippi Department of Revenue. The report shall be filed in
108 every calendar year, beginning in 2019, by no later than January
109 31 of that calendar year and re-filed if any changes are made to
110 the individuals who are employed by the candidate or the political
111 committee of a candidate.

112 (e) The appropriate office specified in Section 23-15-805
113 must be in actual receipt of the reports specified in this article
114 by 5:00 p.m. on the dates specified in subsection (b) of this
115 section. If the date specified in subsection (b) of this section
116 shall fall on a weekend or legal holiday then the report shall be
117 due in the appropriate office at 5:00 p.m. on the first working
118 day before the date specified in subsection (b) of this section.
119 The reporting candidate or reporting political committee shall



120 ensure that the reports are delivered to the appropriate office by
121 the filing deadline. The Secretary of State may approve specific
122 means of electronic transmission of completed campaign finance
123 disclosure reports, which may include, but not be limited to,
124 transmission by electronic facsimile (FAX) devices.

125 (f) (i) If any contribution of more than Two Hundred
126 Dollars (\$200.00) is received by a candidate or candidate's
127 political committee after the tenth day, but more than forty-eight
128 (48) hours before 12:01 a.m. of the day of the election, the
129 candidate or political committee shall notify the appropriate
130 office designated in Section 23-15-805, within forty-eight (48)
131 hours of receipt of the contribution. The notification shall
132 include:

- 133 1. The name of the receiving candidate;
- 134 2. The name of the receiving candidate's political
135 committee, if any;
- 136 3. The office sought by the candidate;
- 137 4. The identification of the contributor;
- 138 5. The date of receipt;
- 139 6. The amount of the contribution;
- 140 7. If the contribution is in-kind, a description
141 of the in-kind contribution; and
- 142 8. The signature of the candidate or the treasurer
143 or chair of the candidate's political organization.



144 (ii) The notification shall be in writing, and may be
145 transmitted by overnight mail, courier service, or other reliable
146 means, including electronic facsimile (FAX), but the candidate or
147 candidate's committee shall ensure that the notification shall in
148 fact be received in the appropriate office designated in Section
149 23-15-805 within forty-eight (48) hours of the contribution.

150 **SECTION 2.** Section 23-15-801, Mississippi Code of 1972, is
151 brought forward as follows:

152 23-15-801. (a) "Election" means a general, special, primary
153 or runoff election.

154 (b) "Candidate" means an individual who seeks nomination for
155 election, or election, to any elective office other than a federal
156 elective office. For purposes of this article, an individual
157 shall be deemed to seek nomination for election, or election:

158 (i) If the individual has received contributions
159 aggregating in excess of Two Hundred Dollars (\$200.00) or has made
160 expenditures aggregating in excess of Two Hundred Dollars
161 (\$200.00) or for a candidate for the Legislature or any statewide
162 or state district office, by the qualifying deadlines specified in
163 Sections 23-15-299 and 23-15-977, whichever occurs first; or

164 (ii) If the individual has given his or her consent to
165 another person to receive contributions or make expenditures on
166 behalf of the individual and if the other person has received
167 contributions aggregating in excess of Two Hundred Dollars
168 (\$200.00) during a calendar year, or has made expenditures



169 aggregating in excess of Two Hundred Dollars (\$200.00) during a
170 calendar year.

171 (c) "Political committee" means any committee, party, club,
172 association, political action committee, campaign committee or
173 other groups of persons or affiliated organizations that receives
174 contributions aggregating in excess of Two Hundred Dollars
175 (\$200.00) during a calendar year or that makes expenditures
176 aggregating in excess of Two Hundred Dollars (\$200.00) during a
177 calendar year for the purpose of influencing or attempting to
178 influence the action of voters for or against the nomination for
179 election, or election, of one or more candidates, or balloted
180 measures. Political committee shall, in addition, include each
181 political party registered with the Secretary of State.

182 (d) "Affiliated organization" means any organization that is
183 not a political committee, but that directly or indirectly
184 establishes, administers or financially supports a political
185 committee.

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

190 (ii) "Contribution" shall not include the value of
191 services provided without compensation by any individual who
192 volunteers on behalf of a candidate or political committee; or the
193 cost of any food or beverage for use in any candidate's campaign



194 or for use by or on behalf of any political committee of a
195 political party;

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

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

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

213 (ii) "Expenditure" shall not include any news story,
214 commentary or editorial distributed through the facilities of any
215 broadcasting station, newspaper, magazine, or other periodical
216 publication, unless the facilities are owned or controlled by any
217 political party, political committee, or candidate; or nonpartisan



218 activity designed to encourage individuals to vote or to register
219 to vote;

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

226 (g) The term "identification" shall mean:

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

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

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

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

238 (j) The term "independent expenditure" shall mean an
239 expenditure by a person expressly advocating the election or
240 defeat of a clearly identified candidate that is made without
241 cooperation or consultation with any candidate or any authorized
242 committee or agent of the candidate, and that is not made in



243 concert with or at the request or suggestion of any candidate or
244 any authorized committee or agent of the candidate.

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

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

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

248 or

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

251 **SECTION 3.** This act shall take effect and be in force from
252 and after July 1, 2018.

