

By: Representative Baker

To: Accountability,
Efficiency, Transparency

HOUSE BILL NO. 288

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

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

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

17 (2) Participation in the making of an advertisement
18 prohibited under subsection (1) includes the following:



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

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

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

31 (4) This section may not be construed to prohibit any
32 elected state official or state district official from
33 participating in the development, planning and implementation of
34 any advertisement that has been funded, in whole or in part, by
35 funds appropriated by the Legislature, any funds received from the
36 federal government, or any funds derived from fees, fines or
37 penalties received by the office if neither the image nor the
38 voice of the state official or state district official is included
39 in the advertisement as it is presented to the public.

40 (5) This section may not be construed to prohibit any
41 elected state official or state district official from visually or
42 audibly participating in any advertisement if the advertisement



43 directly relates to the occurrence of an emergency or disaster as
44 those terms are defined in Section 33-15-5.

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

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

