

By: Senator(s) Tate

To: Elections

SENATE BILL NO. 2306

1 AN ACT TO AMEND SECTION 23-15-813, MISSISSIPPI CODE OF 1972,  
 2 TO TRANSFER THE AUTHORITY OF THE MISSISSIPPI ETHICS COMMISSION TO  
 3 ASSESS A CIVIL PENALTY AGAINST ANY CANDIDATE OR POLITICAL  
 4 COMMITTEE FOR FAILURE TO FILE A REPORT TO THE SECRETARY OF STATE;  
 5 TO DELETE THE PROVISIONS THAT PROVIDES FOR A HEARING FOR A  
 6 CANDIDATE OR POLITICAL COMMITTEE BEFORE THE STATE BOARD OF  
 7 ELECTION COMMISSIONERS; TO PROVIDE AN APPEAL BEFORE THE  
 8 MISSISSIPPI ETHICS COMMISSION FOR THOSE CANDIDATES WHO ARE  
 9 ASSESSED A CIVIL PENALTY BY THE SECRETARY OF STATE; TO AUTHORIZE  
 10 JUDICIAL REVIEW OF THE DECISION OF THE MISSISSIPPI ETHICS  
 11 COMMISSION; TO AMEND SECTION 23-15-807, MISSISSIPPI CODE OF 1972,  
 12 TO PROVIDE THAT FOR REPORTS THAT WOULD OTHERWISE BE DUE ON A  
 13 WEEKEND OR LEGAL HOLIDAY SHALL BE DUE ON THE NEXT WORKING DAY  
 14 AFTER THE DUE DATE; AND FOR RELATED PURPOSES.

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

16 **SECTION 1.** Section 23-15-813, Mississippi Code of 1972, is  
 17 amended as follows:

18 23-15-813. (a) In addition to any other penalty permitted  
 19 by law, the \* \* \* Secretary of State shall \* \* \* assess a civil  
 20 penalty against any candidate or political committee, as  
 21 identified in Section 23-15-805(a), and any other political  
 22 committee registered with the Secretary of State, who fails to  
 23 file a campaign finance disclosure report as required under  
 24 Sections 23-15-801 through 23-15-813, or Sections 23-17-47 through



25 23-17-53, or who shall file a report that fails to substantially  
26 comply with the requirements of Sections 23-15-801 through  
27 23-15-813, or Sections 23-17-47 through 23-17-53, \* \* \* as  
28 follows:

29 (i) Within five (5) calendar days after any deadline  
30 for filing a report pursuant to Sections 23-15-801 through  
31 23-15-813, or Sections 23-17-47 through 23-17-53, the Secretary of  
32 State shall compile a list of those candidates and political  
33 committees who have failed to file a report. \* \* \* The Secretary  
34 of State shall provide each candidate or political committee, who  
35 has failed to file a report, notice of the failure by first-class  
36 mail.

37 (ii) Beginning with the tenth calendar day after which  
38 any report is due, the \* \* \* Secretary of State shall assess the  
39 delinquent candidate and political committee a civil penalty of  
40 Fifty Dollars (\$50.00) for each day or part of any day until a  
41 valid report is delivered to the Secretary of State, up to a  
42 maximum of ten (10) days. In the discretion of the \* \* \*  
43 Secretary of State, the assessing of the fine may be waived, in  
44 whole or in part, if the \* \* \* Secretary of State determines that  
45 unforeseeable mitigating circumstances, such as the health of the  
46 candidate, interfered with the timely filing of a report. Failure  
47 of a candidate or political committee to receive notice of failure  
48 to file a report from the Secretary of State is not an  
49 unforeseeable mitigating circumstance, and failure to receive the



50 notice shall not result in removal or reduction of any assessed  
51 civil penalty.

52 (iii) Filing of the required report and payment of the  
53 fine within ten (10) calendar days of notice by the Secretary of  
54 State that a required statement has not been filed constitutes  
55 compliance with Sections 23-15-801 through 23-15-813, or Sections  
56 23-17-47 through 23-17-53.

57 (iv) Payment of the fine without filing the required  
58 report does not excuse or exempt any person from the filing  
59 requirements of Sections 23-15-801 through 23-15-813, and Sections  
60 23-17-47 through 23-17-53.

61 (v) If any candidate or political committee is assessed  
62 a civil penalty, and the penalty is not subsequently waived by  
63 the \* \* \* Secretary of State, the candidate or political committee  
64 shall pay the fine to the \* \* \* Secretary of State within ninety  
65 (90) days of the date of the assessment of the fine. If, after  
66 one hundred twenty (120) days of the assessment of the fine the  
67 payment for the entire amount of the assessed fine has not been  
68 received by the \* \* \* Secretary of State, the \* \* \* Secretary of  
69 State shall notify the Attorney General of the delinquency, and  
70 the Attorney General shall file, where necessary, a suit to compel  
71 payment of the civil penalty.

72 (b) (i) \* \* \* Within thirty (30) calendar days of the  
73 assessment of a fine by the Secretary of State, the candidate or  
74 political committee against whom the fine was assessed may file a



75 notice of appeal with the Mississippi Ethics Commission. The  
76 commission shall consider the appeal in accordance with the rules  
77 to be adopted and published by the commission pursuant to Title  
78 25, Chapter 43, Mississippi Code of 1972.

79 (ii) \* \* \* Any candidate or political committee who is  
80 a party to the case or the Secretary of State may appeal a  
81 decision of the Mississippi Ethics Commission made under this  
82 section to the Circuit Court for the First Judicial District of  
83 Hinds County in accordance with the applicable rules of court.

84 \* \* \*

85 **SECTION 2.** Section 23-15-807, Mississippi Code of 1972, is  
86 amended as follows:

87 23-15-807. (a) Each candidate or political committee shall  
88 file reports of contributions and disbursements in accordance with  
89 the provisions of this section. All candidates or political  
90 committees required to report such contributions and disbursements  
91 may terminate the obligation to report only upon submitting a  
92 final report that contributions will no longer be received or  
93 disbursements made and that the candidate or committee has no  
94 outstanding debts or obligations. The candidate, treasurer or  
95 chief executive officer shall sign the report.

96 (b) Candidates seeking election, or nomination for election,  
97 and political committees making expenditures to influence or  
98 attempt to influence voters for or against the nomination for



99 election of one or more candidates or balloted measures at such  
100 election, shall file the following reports:

101 (i) In any calendar year during which there is a  
102 regularly scheduled election, a pre-election report shall be filed  
103 no later than the seventh day before any election in which the  
104 candidate or political committee has accepted contributions or  
105 made expenditures and shall be completed as of the tenth day  
106 before the election;

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

111 (iii) In any calendar years except 1987 and except  
112 every fourth year thereafter, a report covering the calendar year  
113 shall be filed no later than January 31 of the following calendar  
114 year; and

115 (iv) Except as otherwise provided in the requirements  
116 of paragraph (i) of this subsection (b), unopposed candidates are  
117 not required to file pre-election reports but must file all other  
118 reports required by paragraphs (ii) and (iii) of this subsection  
119 (b).

120 (c) All candidates for judicial office as defined in Section  
121 23-15-975, or their political committees, shall file periodic  
122 reports in the year in which they are to be elected no later than



123 the tenth day after April 30, May 31, June 30, September 30 and  
124 December 31.

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

126 (i) For the reporting period and the calendar year, the  
127 total amount of all contributions and the total amount of all  
128 expenditures of the candidate or reporting committee, including  
129 those required to be identified pursuant to paragraph (ii) of this  
130 subsection (d) as well as the total of all other contributions and  
131 expenditures during the calendar year. The reports shall be  
132 cumulative during the calendar year to which they relate;

133 (ii) The identification of:

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

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



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

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

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

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

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

167 (v) Disclosure required under this section of an  
168 expenditure to a credit card issuer, financial institution or  
169 business allowing payments and money transfers to be made over the  
170 Internet must include, by way of detail or separate entry, the  
171 amount of funds passing to each person, business entity or  
172 organization receiving funds from the expenditure.



173 (e) The appropriate office specified in Section 23-15-805  
174 must be in actual receipt of the reports specified in this article  
175 by 5:00 p.m. on the dates specified in subsection (b) of this  
176 section. If the date specified in subsection (b) of this section  
177 shall fall on a weekend or legal holiday then the report shall be  
178 due in the appropriate office at 5:00 p.m. on the \* \* \* next  
179 working day \* \* \* after the date specified in subsection (b) of  
180 this section. The reporting candidate or reporting political  
181 committee shall ensure that the reports are delivered to the  
182 appropriate office by the filing deadline. The Secretary of State  
183 may approve specific means of electronic transmission of completed  
184 campaign finance disclosure reports, which may include, but not be  
185 limited to, transmission by electronic facsimile (FAX) devices.

186 (f) (i) If any contribution of more than Two Hundred  
187 Dollars (\$200.00) is received by a candidate or candidate's  
188 political committee after the tenth day, but more than forty-eight  
189 (48) hours before 12:01 a.m. of the day of the election, the  
190 candidate or political committee shall notify the appropriate  
191 office designated in Section 23-15-805, within forty-eight (48)  
192 hours of receipt of the contribution. The notification shall  
193 include:

- 194 1. The name of the receiving candidate;
- 195 2. The name of the receiving candidate's political  
196 committee, if any;
- 197 3. The office sought by the candidate;





- 198                   4. The identification of the contributor;  
199                   5. The date of receipt;  
200                   6. The amount of the contribution;  
201                   7. If the contribution is in-kind, a description  
202 of the in-kind contribution; and  
203                   8. The signature of the candidate or the treasurer  
204 or chair of the candidate's political organization.

205                   (ii) The notification shall be in writing, and may be  
206 transmitted by overnight mail, courier service, or other reliable  
207 means, including electronic facsimile (FAX), but the candidate or  
208 candidate's committee shall ensure that the notification shall in  
209 fact be received in the appropriate office designated in Section  
210 23-15-805 within forty-eight (48) hours of the contribution.

211                   **SECTION 3.** This act shall take effect and be in force from  
212 and after July 1, 2022.

