

By: Senator(s) Tate

To: Elections

SENATE BILL NO. 2306
(As Passed the Senate)

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 FOR AN APPEAL PROCEDURE FOR
8 THOSE CANDIDATES WHO ARE ASSESSED A CIVIL PENALTY BY THE SECRETARY
9 OF STATE; TO AMEND SECTION 23-15-807, MISSISSIPPI CODE OF 1972, TO
10 PROVIDE THAT FOR REPORTS THAT WOULD OTHERWISE BE DUE ON A WEEKEND
11 OR LEGAL HOLIDAY SHALL BE DUE ON THE NEXT WORKING DAY AFTER THE
12 DUE DATE; AND FOR RELATED PURPOSES.

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

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

16 23-15-813. (a) In addition to any other penalty permitted
17 by law, the * * * Secretary of State shall * * * assess a civil
18 penalty against any candidate or political committee, as
19 identified in Section 23-15-805(a), and any other political
20 committee registered with the Secretary of State, who fails to
21 file a campaign finance disclosure report as required under
22 Sections 23-15-801 through 23-15-813, or Sections 23-17-47 through
23 23-17-53, or who shall file a report that fails to substantially



24 comply with the requirements of Sections 23-15-801 through
25 23-15-813, or Sections 23-17-47 through 23-17-53, * * * as
26 follows:

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

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



48 notice shall not result in removal or reduction of any assessed
49 civil penalty.

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

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

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

70 (b) * * * Within thirty (30) calendar days of the assessment
71 of a fine by the Secretary of State, the candidate or political
72 committee against whom the fine was assessed may appeal the



73 decision of the Secretary of State to the Circuit Court for the
74 First Judicial District of Hinds County in accordance with the
75 applicable rules of the court.

76 * * *

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

79 23-15-807. (a) Each candidate or political committee shall
80 file reports of contributions and disbursements in accordance with
81 the provisions of this section. All candidates or political
82 committees required to report such contributions and disbursements
83 may terminate the obligation to report only upon submitting a
84 final report that contributions will no longer be received or
85 disbursements made and that the candidate or committee has no
86 outstanding debts or obligations. The candidate, treasurer or
87 chief executive officer shall sign the report.

88 (b) Candidates seeking election, or nomination for election,
89 and political committees making expenditures to influence or
90 attempt to influence voters for or against the nomination for
91 election of one or more candidates or balloted measures at such
92 election, shall file the following reports:

93 (i) In any calendar year during which there is a
94 regularly scheduled election, a pre-election report shall be filed
95 no later than the seventh day before any election in which the
96 candidate or political committee has accepted contributions or



97 made expenditures and shall be completed as of the tenth day
98 before the election;

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

103 (iii) In any calendar years except 1987 and except
104 every fourth year thereafter, a report covering the calendar year
105 shall be filed no later than January 31 of the following calendar
106 year; and

107 (iv) Except as otherwise provided in the requirements
108 of paragraph (i) of this subsection (b), unopposed candidates are
109 not required to file pre-election reports but must file all other
110 reports required by paragraphs (ii) and (iii) of this subsection
111 (b).

112 (c) All candidates for judicial office as defined in Section
113 23-15-975, or their political committees, shall file periodic
114 reports in the year in which they are to be elected no later than
115 the tenth day after April 30, May 31, June 30, September 30 and
116 December 31.

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

118 (i) For the reporting period and the calendar year, the
119 total amount of all contributions and the total amount of all
120 expenditures of the candidate or reporting committee, including
121 those required to be identified pursuant to paragraph (ii) of this



122 subsection (d) as well as the total of all other contributions and
123 expenditures during the calendar year. The reports shall be
124 cumulative during the calendar year to which they relate;

125 (ii) The identification of:

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

132 2. Each person or organization, candidate or
133 political committee who receives an expenditure, payment or other
134 transfer from the reporting candidate, political committee or its
135 agent, employee, designee, contractor, consultant or other person
136 or persons acting in its behalf during the reporting period when
137 the expenditure, payment or other transfer to the person,
138 organization, candidate or political committee within the calendar
139 year have an aggregate value or amount in excess of Two Hundred
140 Dollars (\$200.00) together with the date and amount of the
141 expenditure;

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

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



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

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

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

165 (e) The appropriate office specified in Section 23-15-805
166 must be in actual receipt of the reports specified in this article
167 by 5:00 p.m. on the dates specified in subsection (b) of this
168 section. If the date specified in subsection (b) of this section
169 shall fall on a weekend or legal holiday then the report shall be
170 due in the appropriate office at 5:00 p.m. on the * * * next
171 working day * * * after the date specified in subsection (b) of



172 this section. The reporting candidate or reporting political
173 committee shall ensure that the reports are delivered to the
174 appropriate office by the filing deadline. The Secretary of State
175 may approve specific means of electronic transmission of completed
176 campaign finance disclosure reports, which may include, but not be
177 limited to, transmission by electronic facsimile (FAX) devices.

178 (f) (i) If any contribution of more than Two Hundred
179 Dollars (\$200.00) is received by a candidate or candidate's
180 political committee after the tenth day, but more than forty-eight
181 (48) hours before 12:01 a.m. of the day of the election, the
182 candidate or political committee shall notify the appropriate
183 office designated in Section 23-15-805, within forty-eight (48)
184 hours of receipt of the contribution. The notification shall
185 include:

- 186 1. The name of the receiving candidate;
- 187 2. The name of the receiving candidate's political
188 committee, if any;
- 189 3. The office sought by the candidate;
- 190 4. The identification of the contributor;
- 191 5. The date of receipt;
- 192 6. The amount of the contribution;
- 193 7. If the contribution is in-kind, a description
194 of the in-kind contribution; and
- 195 8. The signature of the candidate or the treasurer
196 or chair of the candidate's political organization.



197 (ii) The notification shall be in writing, and may be
198 transmitted by overnight mail, courier service, or other reliable
199 means, including electronic facsimile (FAX), but the candidate or
200 candidate's committee shall ensure that the notification shall in
201 fact be received in the appropriate office designated in Section
202 23-15-805 within forty-eight (48) hours of the contribution.

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

