

By: Senator(s) Tate

To: Elections

SENATE BILL NO. 2577

1 AN ACT TO AMEND SECTION 23-15-807, MISSISSIPPI CODE OF 1972,
 2 TO ADJUST THE AMOUNT OF REPORTS A CANDIDATE FOR JUDICIAL OFFICE IS
 3 REQUIRED TO FILE; TO REQUIRE ALL POLITICAL CANDIDATES TO DISCLOSE
 4 ALL CAMPAIGN CONTRIBUTIONS AND EXPENSES; TO REQUIRE CANDIDATES FOR
 5 JUDICIAL OFFICE TO MAKE CERTAIN ADDITIONAL DISCLOSURES; TO AMEND
 6 SECTION 23-15-811, MISSISSIPPI CODE OF 1972, TO REQUIRE THE
 7 ATTORNEY GENERAL TO ENFORCE VIOLATIONS OF THE ARTICLE THAT GOVERNS
 8 THE DISCLOSURE OF CAMPAIGN CONTRIBUTIONS; AND FOR RELATED
 9 PURPOSES.

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

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

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



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

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

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

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

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



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

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

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

59 (ii) The identification of:

60 1. Each person or political committee who makes a
61 contribution to the reporting candidate or political committee
62 during the reporting period * * * together with the date and
63 amount of any such contribution;

64 2. Each person or organization, candidate or
65 political committee who receives an expenditure, payment or other
66 transfer from the reporting candidate, political committee or its
67 agent, employee, designee, contractor, consultant or other person
68 or persons acting in its behalf during the reporting period * * *
69 together with the date and amount of the expenditure;



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

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

75 1. Each person or political committee who makes a
76 contribution to a political party during the reporting
77 period * * * together with the date and amount of the
78 contribution;

79 2. Each person or organization who receives an
80 expenditure or expenditures by a political party during the
81 reporting period when the expenditure or expenditures to the
82 person or organization * * * together with the date and amount of
83 the expenditure; and

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

90 (e) In addition to the disclosures required by subsection
91 (d), all candidates for judicial office as defined in Section
92 23-15-975, or their political committees, shall disclose:

93 (i) Copies of all invoices for goods and services;



94 (ii) Copies of all bank statements used for depositing
95 campaign funds; and

96 (iii) Copies of contracts entered, including employment
97 agreements, consulting agreements and rental agreement.

98 (* * *f) The appropriate office specified in Section
99 23-15-805 must be in actual receipt of the reports specified in
100 this article by 5:00 p.m. on the dates specified in subsection (b)
101 of this section. If the date specified in subsection (b) of this
102 section shall fall on a weekend or legal holiday then the report
103 shall be due in the appropriate office at 5:00 p.m. on the * * *
104 next working day * * * after the date specified in subsection (b)
105 of this section. The reporting candidate or reporting political
106 committee shall ensure that the reports are delivered to the
107 appropriate office by the filing deadline. The Secretary of State
108 may approve specific means of electronic transmission of completed
109 campaign finance disclosure reports, which may include, but not be
110 limited to, transmission by electronic facsimile (FAX) devices.

111 (* * *g) (i) If any contribution of more than Two Hundred
112 Dollars (\$200.00) is received by a candidate or candidate's
113 political committee after the tenth day, but more than forty-eight
114 (48) hours before 12:01 a.m. of the day of the election, the
115 candidate or political committee shall notify the appropriate
116 office designated in Section 23-15-805, within forty-eight (48)
117 hours of receipt of the contribution. The notification shall
118 include:



- 119 1. The name of the receiving candidate;
- 120 2. The name of the receiving candidate's political
121 committee, if any;
- 122 3. The office sought by the candidate;
- 123 4. The identification of the contributor;
- 124 5. The date of receipt;
- 125 6. The amount of the contribution;
- 126 7. If the contribution is in-kind, a description
127 of the in-kind contribution; and
- 128 8. The signature of the candidate or the treasurer
129 or chair of the candidate's political organization.

130 (ii) The notification shall be in writing, and may be
131 transmitted by overnight mail, courier service, or other reliable
132 means, including electronic facsimile (FAX), but the candidate or
133 candidate's committee shall ensure that the notification shall in
134 fact be received in the appropriate office designated in Section
135 23-15-805 within forty-eight (48) hours of the contribution.

136 **SECTION 2.** Section 23-15-811, Mississippi Code of 1972, is
137 amended as follows:

138 23-15-811. (a) Any candidate or any other person who
139 willfully violates the provisions and prohibitions of this article
140 shall be guilty of a misdemeanor and upon conviction shall be
141 punished by a fine in a sum not to exceed Three Thousand Dollars
142 (\$3,000.00) or imprisoned for not longer than six (6) months or by
143 both fine and imprisonment.



144 (b) In addition to the penalties provided in subsection (a)
145 of this section and Chapter 13, Title 97, Mississippi Code of
146 1972, any candidate or political committee which is required to
147 file a statement or report and fails to file the statement or
148 report on the date it is due may be compelled to file the
149 statement or report by an action in the nature of a mandamus
150 brought by the Mississippi Ethics Commission.

151 (c) No candidate shall be certified as nominated for
152 election or as elected to office until he or she files all reports
153 required by this article that are due as of the date of
154 certification.

155 (d) No candidate who is elected to office shall receive any
156 salary or other remuneration for the office until he or she files
157 all reports required by this article that are due as of the date
158 the salary or remuneration is payable.

159 (e) In the event that a candidate fails to timely file any
160 report required pursuant to this article but subsequently files a
161 report or reports containing all of the information required to be
162 reported, the candidate shall not be subject to the sanctions of
163 subsections (c) and (d) of this section.

164 (f) The Attorney General shall:

165 (i) Conduct audits and investigations of the
166 disclosures of candidates, political committees and affiliated
167 organizations under this article.



168 (ii) Provide an online forum for public complaints
169 concerning violations of this article;

170 (iii) Prosecute violations of this article under
171 subsection (e) of this section.

172 (iv) Promulgate rules and regulations to administer
173 this subsection.

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

