

By: Representatives Eubanks, Williamson

To: Apportionment and Elections

HOUSE BILL NO. 1306

1 AN ACT TO AMEND SECTION 23-15-211, MISSISSIPPI CODE OF 1972,
 2 TO REVISE THE DUTIES OF THE STATE BOARD OF ELECTION COMMISSIONERS
 3 TO REMOVE THE DUTY OF THE BOARD TO REMOVE THE NAMES OF CANDIDATES
 4 FROM THE BALLOT FOR FAILURE TO COMPLY WITH CAMPAIGN FINANCE FILING
 5 REQUIREMENTS; TO AMEND SECTION 23-15-811, MISSISSIPPI CODE OF
 6 1972, TO PROVIDE THAT NO PERSON SHALL BE QUALIFIED TO APPEAR ON
 7 THE BALLOT IF, BY THE QUALIFYING DEADLINE FOR THE OFFICE SOUGHT,
 8 HE OR SHE HAS FAILED TO FILE ALL REPORTS REQUIRED TO BE FILED
 9 WITHIN THE LAST FIVE YEARS; TO AMEND SECTION 23-15-807,
 10 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CANDIDATES FOR JUDICIAL
 11 OFFICE SHALL NOT BE REQUIRED TO FILE AN ANNUAL REPORT IN AN
 12 ELECTION YEAR BUT SHALL FILE ONE IN OTHER YEARS; TO AMEND SECTION
 13 23-15-753, MISSISSIPPI CODE OF 1972, TO PROVIDE A PENALTY FOR ANY
 14 PERSON WHO FRAUDULENTLY REQUESTS OR SUBMITS AN ABSENTEE BALLOT
 15 APPLICATION FOR ANY VOTER; AND FOR RELATED PURPOSES.

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

17 **SECTION 1.** Section 23-15-211, Mississippi Code of 1972, is
 18 amended as follows:

19 23-15-211. (1) There shall be a State Board of Election
 20 Commissioners to consist of the following members:

21 (a) The Governor, who shall serve as chair;

22 (b) The Secretary of State, who shall serve as
 23 secretary, maintain minutes of all meetings and accept service of
 24 process on behalf of the board; and



25 (c) The Attorney General.

26 Any two (2) of the members of the State Board of Election
27 Commissioners may perform the duties required of the board.

28 (2) The duties of the board shall include, but not be
29 limited to, the following:

30 (a) Ruling on a candidate's qualifications to run for
31 statewide, Supreme Court, Court of Appeals, congressional
32 district, circuit and chancery court district, and other state
33 district offices;

34 (b) Approving the state ballot for the offices stated
35 in paragraph (a) of this subsection (2); and

36 * * *

37 (* * * c) Adopting any administrative rules and
38 regulations as are necessary to carry out the statutory duties of
39 the board.

40 (3) The board of supervisors of each county shall pay
41 members of the county election commission for attending training
42 events a per diem in the amount provided in Section 23-15-153;
43 however, except as otherwise provided in this section, the per
44 diem shall not be paid to an election commissioner for more than
45 twelve (12) days of training per year and shall only be paid to
46 election commissioners who actually attend and complete a training
47 event and obtain a training certificate.

48 (4) Included in this twelve (12) days shall be an elections
49 seminar, conducted and sponsored by the Secretary of State.



50 Election commissioners and chairpersons of each political party
51 executive committee, or their designee, shall be required to
52 attend. An election commissioner shall be certified by the
53 Secretary of State only after attending the annual elections
54 seminar and satisfactorily completing the skills assessment
55 provided for in Section 23-15-213. Such skills assessment shall
56 only be required once every four (4) years.

57 (5) Each participant shall receive a certificate from the
58 Secretary of State indicating that the named participant has
59 received the elections training seminar instruction and
60 satisfactorily completed the skills assessment provided for in
61 Section 23-15-213. Election commissioners shall annually file the
62 certificate with the chancery clerk. If any election commissioner
63 shall fail to file the certificate by April 30 of each year, his
64 or her office shall be vacated, absent exigent circumstances as
65 determined by the board of supervisors and consistent with the
66 facts. The vacancy shall be declared by the board of supervisors
67 and the vacancy shall be filled in the manner described by law.
68 Before declaring the office vacant, the board of supervisors shall
69 give the election commissioner notice and the opportunity for a
70 hearing.

71 (6) The Secretary of State, upon approval of the board of
72 supervisors, may authorize not more than eight (8) additional
73 training days per year for election commissioners in one or more
74 counties. The board of supervisors of each county shall pay



75 members of the county election commission for attending training
76 on these days a per diem in the amount provided in Section
77 23-15-153.

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

80 23-15-811. (a) Any candidate or any other person who
81 willfully violates the provisions and prohibitions of this article
82 shall be guilty of a misdemeanor and upon conviction shall be
83 punished by a fine in a sum not to exceed Three Thousand Dollars
84 (\$3,000.00) or imprisoned for not longer than six (6) months or by
85 both fine and imprisonment.

86 (b) In addition to the penalties provided in subsection (a)
87 of this section and Chapter 13, Title 97, Mississippi Code of
88 1972, any candidate or political committee which is required to
89 file a statement or report and fails to file the statement or
90 report on the date it is due may be compelled to file the
91 statement or report by an action in the nature of a mandamus
92 brought by the Mississippi Ethics Commission.

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

97 (d) No person shall be qualified to appear on the ballot if,
98 by the qualifying deadline for the office sought, he or she has



99 failed to file all reports required to be filed within the last
100 five (5) years.

101 (* * *e) No candidate who is elected to office shall
102 receive any salary or other remuneration for the office until he
103 or she files all reports required by this article that are due as
104 of the date the salary or remuneration is payable.

105 (* * *f) In the event that a candidate fails to timely file
106 any report required pursuant to this article but subsequently
107 files a report or reports containing all of the information
108 required to be reported, the candidate shall not be subject to the
109 sanctions of subsections (c) and (d) of this section.

110 **SECTION 3.** Section 23-15-807, Mississippi Code of 1972, is
111 amended as follows:

112 23-15-807. (a) Each candidate or political committee shall
113 file reports of contributions and disbursements in accordance with
114 the provisions of this section. All candidates or political
115 committees required to report such contributions and disbursements
116 may terminate the obligation to report only upon submitting a
117 final report that contributions will no longer be received or
118 disbursements made and that the candidate or committee has no
119 outstanding debts or obligations. The candidate, treasurer or
120 chief executive officer shall sign the report.

121 (b) Candidates seeking election, or nomination for election,
122 and political committees making expenditures to influence or
123 attempt to influence voters for or against the nomination for



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

126 (i) In any calendar year during which there is a
127 regularly scheduled election, a pre-election report shall be filed
128 no later than the seventh day before any election in which the
129 candidate or political committee has accepted contributions or
130 made expenditures and shall be completed as of the tenth day
131 before the election;

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

136 (iii) In any calendar years except 1987 and except
137 every fourth year thereafter, a report covering the calendar year
138 shall be filed no later than January 31 of the following calendar
139 year; and

140 (iv) Except as otherwise provided in the requirements
141 of paragraph (i) of this subsection (b), unopposed candidates are
142 not required to file pre-election reports but must file all other
143 reports required by paragraphs (ii) and (iii) of this subsection
144 (b).

145 (c) All candidates for judicial office as defined in Section
146 23-15-975, or their political committees, shall file periodic
147 reports in the year in which they are to be elected no later than
148 the tenth day after April 30, May 31, June 30, September 30 and



149 December 31. Candidates for judicial office shall not be required
150 to file an annual report during an election year, but shall file
151 an annual report in all other years.

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

153 (i) For the reporting period and the calendar year, the
154 total amount of all contributions and the total amount of all
155 expenditures of the candidate or reporting committee, including
156 those required to be identified pursuant to paragraph (ii) of this
157 subsection (d) as well as the total of all other contributions and
158 expenditures during the calendar year. The reports shall be
159 cumulative during the calendar year to which they relate;

160 (ii) The identification of:

161 1. Each person or political committee who makes a
162 contribution to the reporting candidate or political committee
163 during the reporting period, whose contribution or contributions
164 within the calendar year have an aggregate amount or value in
165 excess of Two Hundred Dollars (\$200.00) together with the date and
166 amount of any such contribution;

167 2. Each person or organization, candidate or
168 political committee who receives an expenditure, payment or other
169 transfer from the reporting candidate, political committee or its
170 agent, employee, designee, contractor, consultant or other person
171 or persons acting in its behalf during the reporting period when
172 the expenditure, payment or other transfer to the person,
173 organization, candidate or political committee within the calendar



174 year have an aggregate value or amount in excess of Two Hundred
175 Dollars (\$200.00) together with the date and amount of the
176 expenditure;

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

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

182 1. Each person or political committee who makes a
183 contribution to a political party during the reporting period and
184 whose contribution or contributions to a political party within
185 the calendar year have an aggregate amount or value in excess of
186 Two Hundred Dollars (\$200.00), together with the date and amount
187 of the contribution;

188 2. Each person or organization who receives an
189 expenditure or expenditures by a political party during the
190 reporting period when the expenditure or expenditures to the
191 person or organization within the calendar year have an aggregate
192 value or amount in excess of Two Hundred Dollars (\$200.00),
193 together with the date and amount of the expenditure;

194 (v) Disclosure required under this section of an
195 expenditure to a credit card issuer, financial institution or
196 business allowing payments and money transfers to be made over the
197 Internet must include, by way of detail or separate entry, the



198 amount of funds passing to each person, business entity or
199 organization receiving funds from the expenditure.

200 (e) The appropriate office specified in Section 23-15-805
201 must be in actual receipt of the reports specified in this article
202 by 5:00 p.m. on the dates specified in subsection (b) of this
203 section. If the date specified in subsection (b) of this section
204 shall fall on a weekend or legal holiday then the report shall be
205 due in the appropriate office at 5:00 p.m. on the first working
206 day before the date specified in subsection (b) of this section.
207 The reporting candidate or reporting political committee shall
208 ensure that the reports are delivered to the appropriate office by
209 the filing deadline. The Secretary of State may approve specific
210 means of electronic transmission of completed campaign finance
211 disclosure reports, which may include, but not be limited to,
212 transmission by electronic facsimile (FAX) devices.

213 (f) (i) If any contribution of more than Two Hundred
214 Dollars (\$200.00) is received by a candidate or candidate's
215 political committee after the tenth day, but more than forty-eight
216 (48) hours before 12:01 a.m. of the day of the election, the
217 candidate or political committee shall notify the appropriate
218 office designated in Section 23-15-805, within forty-eight (48)
219 hours of receipt of the contribution. The notification shall
220 include:

221 1. The name of the receiving candidate;



- 222 2. The name of the receiving candidate's political
223 committee, if any;
- 224 3. The office sought by the candidate;
- 225 4. The identification of the contributor;
- 226 5. The date of receipt;
- 227 6. The amount of the contribution;
- 228 7. If the contribution is in-kind, a description
229 of the in-kind contribution; and
- 230 8. The signature of the candidate or the treasurer
231 or chair of the candidate's political organization.

232 (ii) The notification shall be in writing, and may be
233 transmitted by overnight mail, courier service, or other reliable
234 means, including electronic facsimile (FAX), but the candidate or
235 candidate's committee shall ensure that the notification shall in
236 fact be received in the appropriate office designated in Section
237 23-15-805 within forty-eight (48) hours of the contribution.

238 **SECTION 4.** Section 23-15-753, Mississippi Code of 1972, is
239 amended as follows:

240 23-15-753. (1) Any person who willfully, unlawfully and
241 feloniously procures, seeks to procure, or seeks to influence the
242 vote of any person voting by absentee ballot, by the payment of
243 money, the promise of payment of money, or by the delivery of any
244 other item of value or promise to give the voter any item of
245 value, or by promising or giving the voter any favor or reward in
246 an effort to influence his vote, or any person who aids, abets,



247 assists, encourages, helps, or causes any person voting an
248 absentee ballot to violate any provision of law pertaining to
249 absentee voting, or any person who sells his vote for money,
250 favor, or reward, has been paid or promised money, a reward, a
251 favor or favors, or any other item of value, or any person who
252 fraudulently requests or submits an absentee ballot application
253 for any voter, or any person who shall willfully swear falsely to
254 any affidavit provided for in Sections 23-15-621 through
255 23-15-735, shall be guilty of the crime of "vote fraud" and, upon
256 conviction, shall be sentenced to pay a fine of not less than Five
257 Hundred Dollars (\$500.00) nor more than Five Thousand Dollars
258 (\$5,000.00), or by imprisonment in the county jail for no more
259 than one (1) year, or by both fine and imprisonment, or by being
260 sentenced to the State Penitentiary for not less than one (1) year
261 nor more than five (5) years.

262 (2) It shall be unlawful for any person who pays or
263 compensates another person for assisting voters in marking their
264 absentee ballots to base the pay or compensation on the number of
265 absentee voters assisted or the number of absentee ballots cast by
266 persons who have received the assistance. Any person who violates
267 this section, upon conviction, shall * * * be fined not less than
268 One Thousand Dollars (\$1,000.00) nor more than Five Thousand
269 Dollars (\$5,000.00), or imprisoned in the Penitentiary not less
270 than one (1) year nor more than five (5) years, or both.



271 **SECTION 5.** This act shall take effect and be in force from
272 and after July 1, 2023.

