

By: Representatives Eubanks, Williamson

To: Apportionment and Elections

HOUSE BILL NO. 1306
(As Sent to Governor)

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 TIME THE CANDIDATE IS APPROVED TO APPEAR ON
8 THE BALLOT FOR THE OFFICE SOUGHT, HE OR SHE HAS FAILED TO FILE ALL
9 REPORTS REQUIRED TO BE FILED WITHIN THE LAST FIVE YEARS; TO AMEND
10 SECTION 23-15-807, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
11 CANDIDATES FOR JUDICIAL OFFICE SHALL NOT BE REQUIRED TO FILE AN
12 ANNUAL REPORT IN AN ELECTION YEAR BUT SHALL FILE ONE IN OTHER
13 YEARS; TO AMEND SECTION 23-15-753, MISSISSIPPI CODE OF 1972, TO
14 PROVIDE A PENALTY FOR ANY PERSON WHO FRAUDULENTLY REQUESTS OR
15 SUBMITS AN ABSENTEE BALLOT APPLICATION FOR ANY VOTER; AND FOR
16 RELATED PURPOSES.

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

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

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

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

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



26 (c) The Attorney General.

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

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

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

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

37 * * *

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

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

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



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

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

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



76 members of the county election commission for attending training
77 on these days a per diem in the amount provided in Section
78 23-15-153.

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

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

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

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

98 (d) No person shall be qualified to appear on the ballot if,
99 by the time the candidate is approved to appear on the ballot for



100 the office sought, he or she has failed to file all reports
101 required to be filed within the last five (5) years.

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

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

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

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

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



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

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

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

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

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

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



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

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

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

161 (ii) The identification of:

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

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



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

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

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

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

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

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



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

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

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

222 1. The name of the receiving candidate;



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

233 (ii) The notification shall be in writing, and may be
234 transmitted by overnight mail, courier service, or other reliable
235 means, including electronic facsimile (FAX), but the candidate or
236 candidate's committee shall ensure that the notification shall in
237 fact be received in the appropriate office designated in Section
238 23-15-805 within forty-eight (48) hours of the contribution.

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

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



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

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



272 **SECTION 5.** This act shall take effect and be in force from
273 and after January 1, 2024.

