

By: Senator(s) England

To: Elections

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2575

1 AN ACT TO AMEND SECTION 23-15-801, MISSISSIPPI CODE OF 1972,
2 TO DEFINE RELEVANT TERMS; TO AMEND SECTION 23-15-803, MISSISSIPPI
3 CODE OF 1972, TO REQUIRE CANDIDATES AND POLITICAL COMMITTEES TO
4 FILE A STATEMENT OF ORGANIZATION PRIOR TO RECEIVING CONTRIBUTIONS
5 AND MAKING EXPENDITURES; TO AMEND SECTION 23-15-805, MISSISSIPPI
6 CODE OF 1972, TO REQUIRE POLITICAL COMMITTEES TO FOLLOW REPORTING
7 REQUIREMENTS FOR EACH ELECTION CYCLE FOR WHICH THEY MAKE
8 EXPENDITURES; TO AMEND SECTION 23-15-807, MISSISSIPPI CODE OF
9 1972, TO REQUIRE CANDIDATE COMMITTEES TO REPORT CONTRIBUTIONS AND
10 DISBURSEMENTS; TO AMEND SECTION 23-15-809, MISSISSIPPI CODE OF
11 1972, TO REQUIRE PERSONS MAKING EXPENDITURES TO ENSURE THE
12 RECEIVING ENTITY RECEIVES AN EXPENDITURE REPORT WITHIN TWO
13 BUSINESS DAYS; TO AMEND SECTION 23-15-811, MISSISSIPPI CODE OF
14 1972, TO ALLOW THE SECRETARY OF STATE AND THE ATTORNEY GENERAL TO
15 ENFORCE SANCTIONS OF THIS SECTION; TO AMEND SECTION 23-15-813,
16 MISSISSIPPI CODE OF 1972, TO PROVIDE FURTHER PROCEDURES FOR
17 ENFORCING THE CIVIL PENALTIES FOR VIOLATIONS OF CAMPAIGN FINANCIAL
18 DISCLOSURE REQUIREMENTS; TO AMEND SECTION 23-15-815, MISSISSIPPI
19 CODE OF 1972, TO REQUIRE THAT THE SECRETARY OF STATE DISSEMINATE
20 REQUIRED CAMPAIGN DISCLOSURES, STATEMENTS AND REPORTS, AND
21 MAINTAIN A RECORD OF SUCH INFORMATION FOR FIVE YEARS; TO AMEND
22 SECTION 23-15-817, MISSISSIPPI CODE OF 1972, TO ALLOW THE ATTORNEY
23 GENERAL, ON BEHALF OF THE SECRETARY OF STATE, TO BRING
24 DISCIPLINARY ACTIONS AGAINST A CANDIDATE FOR STATEWIDE OR STATE
25 DISTRICT OFFICE WHO FAILS TO FILE A TIMELY CAMPAIGN DISCLOSURE
26 REPORT; TO BRING FORWARD SECTION 23-15-819, MISSISSIPPI CODE OF
27 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; TO AMEND SECTION
28 23-15-821, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CANDIDATES
29 WITH AN EXEMPT CAMPAIGN FINANCE FUND WHO ARE NO LONGER IN OFFICE
30 MUST PROPERLY REPORT THIS INFORMATION TO THE SECRETARY OF STATE
31 WITHIN FOUR YEARS AFTER LEAVING OFFICE; TO CREATE NEW SECTION
32 23-15-823, MISSISSIPPI CODE OF 1972, TO PROVIDE PROVISIONS
33 REGARDING IN-KIND CONTRIBUTIONS AND EXPENDITURES; TO CREATE NEW
34 SECTION 23-15-825, MISSISSIPPI CODE OF 1972, TO DEFINE RELEVANT



35 TERMS RELATED TO ELECTIONEERING COMMUNICATION; TO CREATE NEW
36 SECTION 23-15-827, MISSISSIPPI CODE OF 1972, TO ELABORATE ON WHAT
37 CONDUCT CONSTITUTES A CONTRIBUTION OF CAMPAIGN MATERIALS BY A
38 CANDIDATE; TO CREATE NEW SECTION IN TITLE 23, CHAPTER 15,
39 MISSISSIPPI CODE OF 1972, TO REQUIRE CANDIDATES TO DISCLOSE LOANS
40 AND CREDIT EXTENSIONS; TO PROVIDE WHAT ACCOUNTING MUST BE KEPT BY
41 A CANDIDATE OR TREASURER OF A POLITICAL COMMITTEE; TO PROHIBIT
42 POLITICAL CONTRIBUTIONS BY CORPORATIONS AND PROVIDE PENALTIES; AND
43 FOR RELATED PURPOSES.

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

45 **SECTION 1.** Section 23-15-801, Mississippi Code of 1972, is
46 amended as follows:

47 23-15-801. (a) "Election" means a general, special, primary
48 or runoff election.

49 (b) "Candidate" means an individual who seeks nomination for
50 election, or election, to any elective office other than a federal
51 elective office. For purposes of this * * * chapter, an
52 individual shall be deemed to seek nomination for election, or
53 election:

54 (i) * * * If he or she files a statement of
55 organization with the Secretary of State seeking to become a
56 candidate for the Legislature or any statewide or state district
57 office, files a statement of organization with the county circuit
58 clerk if seeking county or county district office, or with the
59 municipal clerk if seeking municipal or municipal district office;
60 or

61 (ii) * * * If he or she officially qualifies for office
62 by filing the appropriate paperwork by the qualifying deadlines
63 specified in Sections 23-15-299, 23-15-309, 23-15-359, 23-15-361
64 and 23-15-977, whichever occurs first; and



65 (iii) No individual, or agent of the individual, as
66 described in paragraph (i) or (ii) of this subsection may accept
67 contributions or make expenditures until he or she has filed a
68 statement of organization to seek office with the appropriate
69 office.

70 (c) "Candidate committee" means a committee established by a
71 candidate for the purpose of receiving contributions and making
72 expenditures to obtain elected office.

73 (* * *d) "Political committee" means any committee, party,
74 club, association, political action committee, campaign committee
75 or other groups of persons or affiliated organizations that
76 receives contributions * * * or that makes expenditures * * * for
77 the purpose of influencing or attempting to influence the action
78 of voters for or against the nomination for election, or election,
79 of one or more candidates, or balloted measures. Political
80 committees shall, in addition, include each political party
81 registered with the Secretary of State.

82 An inaugural committee is not a political committee, and is
83 therefore not required to file campaign finance disclosure
84 reports. An inaugural committee is the legal entity responsible
85 for fundraising for and the planning and coordination of all
86 official events and activities surrounding the inauguration of an
87 elected official. All funds raised and not utilized for the
88 inauguration of an elected official shall be donated to a
89 Mississippi nonprofit of the inauguration committee's choosing.



90 (* * *e) "Affiliated organization" means any organization
91 that is not a political committee, but that directly or indirectly
92 establishes, administers or financially supports a political
93 committee.

94 (* * *f) (i) "Contribution" shall include any corporate
95 contribution, coordinated expenditure, coordinated communication,
96 gift, subscription, loan, advance or deposit of money or anything
97 of value made by any person, corporation or political committee
98 for the purpose of influencing any election for elective office or
99 balloted measure;

100 (ii) "Contribution" shall not include the value of
101 services provided without compensation by any individual who
102 volunteers on behalf of a candidate or political committee; or the
103 cost of any food or beverage for use in any candidate's campaign
104 or for use by or on behalf of any political committee of a
105 political party;

106 (iii) "Contribution to a political party" includes any
107 corporate contribution, coordinated expenditure, coordinated
108 communication, gift, subscription, loan, advance or deposit of
109 money or anything of value made by any person, corporation,
110 political committee, or other organization to a political party
111 and to any committee, subcommittee, campaign committee, political
112 committee and other groups of persons and affiliated organizations
113 of the political party. Political parties shall establish a
114 separate campaign fund for the purpose of supporting or opposing



115 candidates or ballot measures, and any such funds collected for
116 this purpose shall be deposited into such fund. Such fund shall
117 be used to accept contributions and make expenditures for this
118 purpose, and all such funds shall be kept separate and accounted
119 for apart from any other funds of the political party; or

120 (iv) "Contribution to a political party" shall not
121 include the value of services provided without compensation by any
122 individual who volunteers on behalf of a political party or a
123 candidate of a political party. Political parties may establish
124 other funds for the purpose of, but not limited to, the general
125 operation of the party or building funds or any other fund the
126 party deems necessary apart from supporting or opposing candidates
127 or ballot measures, and such funds shall not be considered
128 campaign funds for the purpose of this chapter and therefore
129 corporate contribution limits shall not apply so long as the funds
130 are accounted for separately. Funds established by a political
131 party shall be utilized to support or oppose candidates or ballot
132 measures. Contributions to a political party shall not be applied
133 to the general operating fund of the party if the funds are not
134 used to support or oppose candidates or ballot initiatives.

135 (g) "Corporate contribution" shall include any gift,
136 subscription, loan, advance or deposit of money or anything of
137 value made by any corporation, incorporated company or
138 incorporated association, or any servant, agent, employee or
139 officer thereof, using any money, security, funds or property of



140 said corporation, incorporated company or incorporated association
141 for the purpose of aiding any political party or any candidate for
142 any public office, or any candidate for any nomination for any
143 public office of any political party or to give, donate,
144 appropriate or furnish, directly or indirectly, any money,
145 security, funds or property of said corporation to any committee
146 or person as a contribution to the expense of any political party
147 or candidate, representative or committee of any political party
148 or candidate for nomination by any political party, or any
149 committee or other person acting on behalf of such candidate.

150 Corporate contribution funds are limited to the election or defeat
151 of candidates. Political parties may establish separate funds,
152 which shall not be used to support or oppose candidates or ballot
153 measures, and the corporate contribution limits shall not apply to
154 such funds kept separate.

155 (h) "Corporation" shall include any incorporated company,
156 incorporated association, by whatever name it may be known,
157 incorporated or organized under the laws of any state or any
158 agent, employee or officer thereof. Corporation shall not include
159 sole proprietorship or solely owned limited liability
160 corporations.

161 (* * *i) (i) "Expenditure" shall include any purchase,
162 payment, distribution, loan, advance, deposit, gift of money or
163 anything of value, made by any person, corporation or political
164 committee for the purpose of influencing any balloted measure or



165 election for elective office; and a written contract,
166 promise * * * or agreement to make an expenditure;

167 (ii) "Expenditure" shall not include any news story,
168 commentary or editorial distributed through the facilities of any
169 broadcasting station, newspaper, magazine * * * or other
170 periodical publication, unless the facilities are owned or
171 controlled by any political party, political committee * * * or
172 candidate; * * *

173 (iii) "Expenditure by a political party" includes 1.
174 any purchase, payment, distribution, loan, advance, deposit, gift
175 of money or anything of value, made by any political party and by
176 any contractor, subcontractor, agent * * * and consultant to the
177 political party; and 2. a written contract, promise * * * or
178 agreement to make such an expenditure.

179 (* * *j) The term "identification" shall mean:

180 (i) In the case of any individual, the name, the
181 mailing address * * * and the occupation of such individual, as
182 well as the name of his or her employer; and

183 (ii) In the case of any other person, the full name and
184 address of the person.

185 (* * *k) The term "political party" shall mean an
186 association, committee or organization which nominates a candidate
187 for election to any elective office whose name appears on the
188 election ballot as the candidate of the association, committee or
189 organization.



190 (* * *l) The term "person" shall mean any individual,
191 family, firm, * * * partnership, association or other legal
192 entity.

193 (* * *m) The term "independent expenditure" shall mean an
194 expenditure by a person or corporation expressly advocating the
195 election or defeat of a clearly identified candidate that is made
196 without cooperation, coordination or consultation with any
197 candidate or any authorized committee or agent of the candidate,
198 and that is not made in concert with or at the request or
199 suggestion of any candidate or any authorized committee or agent
200 of the candidate.

201 (n) The term "coordinated expenditure" shall mean a
202 disbursement or an action to cause a disbursement that:

203 (i) Promotes the success or defeat of a candidate or a
204 political party at an election; and

205 (ii) Is made in cooperation, consultation,
206 understanding, agreement or concert with, or at the request or
207 suggestion of, the candidate or political party that is the
208 beneficiary of the disbursement.

209 Coordinated expenditure includes a disbursement for any
210 communication that republishes or disseminates, in whole or in
211 part, a video, a photograph, audio footage, a written graphic or
212 any other form of campaign material prepared by the candidate or
213 political party that is the beneficiary of the disbursement.



214 Coordinated expenditure does not include a disbursement for any
215 communication that is not a public communication.

216 (o) The term "coordinated communication" shall mean a
217 communication that is coordinated with a candidate, an authorized
218 committee, a political party committee, or any servant, agent,
219 employee or officer of any of the foregoing when the
220 communication:

221 (i) Is paid for, in whole or in part, by a person other
222 than that candidate, authorized committee or political party
223 committee;

224 (ii) Satisfies at least one (1) of the content
225 standards in Section 23-15-823(b); and

226 (iii) Satisfies at least one (1) of the conduct
227 standards in Section 23-15-823(c).

228 (* * *p) The term "clearly identified" shall mean that:

229 (i) The name or nickname of the candidate involved
230 appears; or

231 (ii) A photograph or drawing of the candidate appears;

232 or

233 (iii) The identity of the candidate is apparent by
234 unambiguous reference.

235 (q) The term "public communication" means a communication by
236 means of any broadcast, cable, or satellite communication,
237 newspaper, magazine, outdoor advertising facility, mass mailing,
238 mass emailing, mass text messaging, or telephone bank to the



239 general public, or any other form of general public political
240 advertising. The term general public political advertising shall
241 not include communications over the internet other than the forms
242 of public communication listed in this section, except for
243 communications placed for a fee on another person's website,
244 digital device, application or advertising platform.

245 **SECTION 2.** Section 23-15-803, Mississippi Code of 1972, is
246 amended as follows:

247 23-15-803. (1) Each candidate or political committee shall
248 file a statement of organization which must be received by the
249 Secretary of State * * * prior to the candidate or political
250 committee receiving contributions or making expenditures. All
251 candidates will be required to establish a candidate committee and
252 will report all contributions and expenditures made seeking
253 elective office through the candidate committee. A candidate may
254 be the sole member and treasurer of a candidate committee.

255 (a) * * * Political committees which support or oppose
256 statewide, state district or legislative candidates and statewide
257 ballot measure shall file with the Secretary of State; or

258 (b) * * * Political committees which support or oppose
259 county or county district candidates or county ballot measures
260 shall file with the county circuit clerk.

261 (2) The political committee shall notify the Secretary of
262 State by January 31 of each year indicating the reporting schedule
263 as published by the Secretary of State the political committee



264 intends to follow. If the political committee opts out for the
265 year, an annual report is still due January 31.

266 If the political committee decides at any point during the
267 calendar year to support or oppose a candidate for election, the
268 political committee may opt in to filing that particular reporting
269 schedule by filing an amended statement of organization with the
270 appropriate office and must continue filing until the end of the
271 year.

272 (3) The content of the statement of organization of a
273 candidate committee shall include:

274 (a) The name, address, officers and members of the
275 committee;

276 (b) An electronic mail (email) address unique to the
277 candidate committee;

278 (c) The designation of a chair of the organization and
279 a custodian of the financial books, records and accounts of the
280 organization, who shall be designated treasurer;

281 (d) The name, address, office sought and party
282 affiliation, if any, of the candidate; and

283 (e) The name of the financial institution(s) the
284 candidate committee will have campaign funds located.

285 (* * *4) The content of the statement of organization of a
286 political committee shall include:

287 (a) The name, address, officers * * * and members of
288 the committee;



289 (b) An electronic mail (email) address unique to the
290 political committee;

291 (* * *c) The designation of a chair of the
292 organization and a custodian of the financial books, records and
293 accounts of the organization, who shall be designated treasurer.
294 If the chair or the treasurer of the organization is not a
295 Mississippi resident, the political committee shall designate an
296 individual located in Mississippi capable of receiving service of
297 process for the entity; * * *

298 (* * *d) * * * The election cycles, as set for in
299 Section 23-15-807, in which the political committee will be making
300 expenditures. A political committee may amend its statement of
301 organization to add or remove election cycles in which it will be
302 making expenditures. If a political committee contributes to a
303 candidate not on an identified schedule, that political committee
304 must continue filing all periodic reports of said schedule. A
305 political committee shall file all periodic reports required for
306 the election cycle(s) that it has designated on its statement of
307 organization; and

308 (e) The name of the financial institution(s) the
309 political committee will have campaign funds located.

310 (* * *5) Any change in information previously submitted in
311 a statement of organization shall be reported * * * within thirty
312 (30) days of the change occurring or on an amended statement of
313 organization.



314 (* * *6) In addition to any other penalties provided by
315 law, the * * * Secretary of State shall impose administrative
316 penalties against any political committee that fails to comply
317 with the requirements of this section in * * * the following
318 amounts:

319 (a) For the first offense within a five-year period,
320 One Thousand Dollars (\$1,000.00); or

321 (b) For the second violation within a five-year period,
322 Two Thousand Five Hundred Dollars (\$2,500.00); or

323 (c) For the third violation and any subsequent
324 violations within a five-year period, Five Thousand Dollars
325 (\$5,000.00).

326 The notice, hearing and appeals provisions of Section
327 23-15-813 shall apply to any action taken pursuant to this
328 subsection (* * *6). The * * * Attorney General's Office or
329 district attorney with appropriate jurisdiction shall pursue
330 judicial enforcement of any penalties issued pursuant to this
331 section at the request of the Mississippi Secretary of State.
332 Pursuant to Section 7-5-39, the Attorney General shall authorize
333 the retention of independent counsel from outside his or her
334 office if the Attorney General declines representation when
335 requested. The Attorney General must provide the Office of the
336 Mississippi Secretary of State with a notice declining to provide
337 representation within five business (5) days of receipt of the
338 request.



339 (7) Electronic mail (email) addresses, phone numbers and
340 financial institution information are not public records and,
341 therefore, are not subject to disclosure under any request for
342 information.

343 **SECTION 3.** Section 23-15-805, Mississippi Code of 1972, is
344 amended as follows:

345 23-15-805. (a) * * * Candidate committees for state, state
346 district, and legislative district offices, and every political
347 committee, which makes reportable contributions to or expenditures
348 in support of or in opposition to a candidate for any such office
349 or makes reportable contributions to or expenditures in support of
350 or in opposition to a statewide ballot measure, shall file all
351 reports required under this * * * chapter with the Office of the
352 Secretary of State. Political committees shall file all reports
353 required by this section in accordance with the election cycle the
354 committee provided on their statement of organization. A
355 political committee that begins making expenditures in an election
356 cycle must file all required reports for that election cycle
357 unless a termination report is filed.

358 (i) The Secretary of State shall maintain a central
359 site on the internet to make accessible to the public and
360 searchable all publicly available election-related reports and
361 information. Reports shall be searchable by the identifiable
362 variables on the report, including, but not limited to, candidate,
363 office sought, itemized contribution, itemized expenditure, amount



364 of contribution and amount of expenditure. In this section, the
365 term "election-related report" means any report, designation or
366 statement required to be filed under this chapter.

367 (ii) Candidates and political committees required to
368 file with the Secretary of State's Office shall not be required to
369 use the online filing system for filing campaign finance reports
370 by January 1, 2027.

371 (b) Candidates for county or county district office, and
372 every political committee which makes reportable contributions to
373 or expenditures in support of or in opposition to a candidate for
374 such office or makes reportable contributions to or expenditures
375 in support of or in opposition to a countywide ballot measure or a
376 ballot measure affecting part of a county, * * * except a
377 municipal ballot measure, shall file all reports required by this
378 section in the office of the circuit clerk of the county in which
379 the election occurs, or directly to the Office of the Secretary of
380 State via electronic delivery portal, facsimile, electronic mail,
381 postal mail or hand delivery. The circuit clerk shall forward
382 copies of all reports to the Office of the Secretary of State
383 within ten (10) days of receipt of the reports.

384 (c) Candidates for municipal office, and every political
385 committee which makes reportable contributions to or expenditures
386 in support of or in opposition to a candidate for such office, or
387 makes reportable contributions to or expenditures in support of or
388 in opposition to a municipal ballot measure shall file all reports



389 required by this * * * chapter in the office of the municipal
390 clerk of the municipality in which the election occurs, or
391 directly to the Office of the Secretary of State via electronic
392 delivery portal, facsimile, electronic mail, postal mail or hand
393 delivery. The municipal clerk shall forward copies of all reports
394 to the Office of the Secretary of State within ten (10) days of
395 receipt of the reports.

396 (d) The Secretary of State, the circuit clerks and the
397 municipal clerks shall make all reports received under this
398 subsection available for public inspection and copying and shall
399 preserve the reports for a period of five (5) years.

400 **SECTION 4.** Section 23-15-807, Mississippi Code of 1972, is
401 amended as follows:

402 23-15-807. (a) Each candidate committee or political
403 committee shall file reports of contributions and disbursements in
404 accordance with the provisions of this section. All * * *
405 candidate committees or political committees required to report
406 such contributions and disbursements may terminate the obligation
407 to report only upon submitting a final report that contributions
408 will no longer be received or disbursements made, the committee
409 does not carry a cash-on-hand balance, and that the * * *
410 committee has no outstanding debts or obligations. The candidate,
411 treasurer or chief executive officer shall sign the report.

412 (b) Candidate committees for candidates seeking election, or
413 nomination for election, and political committees making



414 expenditures to influence or attempt to influence voters for or
415 against the nomination for election of one or more candidates or
416 balloted measures at such election, shall file the following
417 reports:

418 (i) In any calendar year during which there is a
419 regularly scheduled primary election, general election or special
420 election, a pre-election report shall be filed no later than the
421 seventh day before any election in which the candidate or
422 political committee has accepted contributions or made
423 expenditures and shall be completed as of the tenth day before the
424 election;

425 (ii) In * * * the year in which the Governor is
426 elected, which shall be designated as the gubernatorial election
427 cycle on the statement of organization as required by 23-15-803,
428 periodic reports shall be filed no later than the tenth day after
429 April 30, May 31, June 30, September 30 and December 31, and shall
430 be completed as of the last day of each period;

431 (iii) In any * * * calendar year in which the candidate
432 is not running for office, a report covering the calendar year
433 shall be filed no later than January 31 of the following calendar
434 year; and

435 (iv) Except as otherwise provided in the requirements
436 of paragraph (i) of this subsection (b), unopposed candidates are
437 not required to file pre-election reports but must file all other



438 reports required by paragraphs (ii) and (iii) of this subsection
439 (b).

440 (c) All * * * candidate committees for judicial office, as
441 defined in Section 23-15-975, * * * shall file periodic reports in
442 the year in which they are to be elected, which shall be
443 designated as the judicial election cycle on the statement of
444 organization required by 23-15-803, no later than the tenth day
445 after April 30, May 31, June 30, July 31, August 31, September 30
446 and December 31. * * * All candidate committees for judicial
447 candidates shall file an annual report in accordance with
448 subsection (b)(iii) of this section.

449 (i) In any calendar year during which there is a
450 regularly scheduled election or special election, a pre-election
451 report shall be filed no later than the seventh day before any
452 election in which the candidate committee or political committee
453 has accepted contributions or made expenditures and shall be
454 completed as of the tenth day before the election;

455 (ii) In any calendar year in which the candidate is not
456 running for office, a report covering the calendar year shall be
457 filed no later than January 31 of the following calendar year; and

458 (iii) Except as otherwise provided in the requirements
459 of paragraph (i) of this subsection, unopposed candidates are not
460 required to file pre-election reports but must file all other
461 reports required by subsection (b)(ii) and (iii) of this section.

462 (d) Each report under this * * * chapter shall disclose:



463 (i) For the reporting period and the calendar year, the
464 total amount of all contributions and the total amount of all
465 expenditures of the candidate committee or reporting committee,
466 including those required to be identified pursuant to paragraph
467 (ii) of this subsection (d) as well as the total of all other
468 contributions and expenditures during the calendar year. The
469 reports shall be cumulative during the calendar year to which they
470 relate;

471 (ii) The identification of:

472 1. Each person, candidate committee or political
473 committee who makes a contribution to the reporting candidate
474 committee or political committee during the reporting period,
475 whose contribution or contributions within the calendar year have
476 an aggregate amount or value in excess of Two Hundred Dollars
477 (\$200.00) together with the date and amount of any such
478 contribution * * *.

479 When making solicitations, committees and their treasurers
480 shall obtain and report the name, address, occupation or employer
481 of each contributor who gives more than Two Hundred Dollars
482 (\$200.00) in an election cycle. For each contribution received
483 aggregating in excess of Two Hundred Dollars (\$200.00) per
484 calendar year lacking required contributor information, such as
485 the contributor's full name, mailing address, occupation or name
486 of employer, the treasurer shall after the receipt of the
487 contribution obtain the missing information. If the missing or



488 incomplete information is not received by the next reporting
489 deadline, the contribution shall be returned to the contributor or
490 remitted to the Secretary of State's Office to be deposited into
491 the General Fund. If the missing or incomplete information is
492 filed on an annual report, and the next report required is an
493 annual report, then the missing or incomplete information must be
494 submitted within thirty (30) days of the reporting deadline of the
495 report that that missing or incomplete information was filed on.
496 If the missing or incomplete information is not corrected, then
497 the contribution shall be returned to the contributor or remitted
498 to the Secretary of State's Office to be deposited into the
499 General Fund; and

500 2. Each person * * *, candidate committee,
501 organization, candidate or political committee who receives an
502 expenditure, payment or other transfer from the reporting
503 candidate committee, political committee or its agent, employee,
504 designee, contractor, consultant or other person or persons
505 acting * * * on its behalf during the reporting period when the
506 expenditure, payment or other transfer to the person,
507 organization, candidate or political committee within the calendar
508 year have an aggregate value or amount in excess of Two Hundred
509 Dollars (\$200.00) together with the date, purpose and amount of
510 the expenditure * * *.

511 If the candidate committee or political committee has
512 received any service, performance or anything of value during a



513 reporting period but has yet to make payment or other transfer,
514 the service, performance or anything of value received in exchange
515 for a future payment or other transfer shall be reported during
516 the reporting period it was received with a designation that a
517 payment or other transfer is to be made at a later date;

518 (iii) Any interest, dividends or income earned by
519 investment of monies held by a campaign committee or political
520 committee shall not be reported as a contribution but shall be
521 reported as a separate category;

522 (* * *iv) The total amount of cash on hand of each
523 reporting candidate and reporting political committee;

524 (* * *y) In addition to the contents of reports
525 specified in paragraphs (i), (ii) * * *, (iii) and (iv) of this
526 subsection (d), each political party shall disclose:

527 1. Each person, candidate committee or political
528 committee who makes a contribution to a political party during the
529 reporting period and whose contribution or contributions to a
530 political party within the calendar year have an aggregate amount
531 or value in excess of Two Hundred Dollars (\$200.00), together with
532 the date and amount of the contribution;

533 2. Each person, candidate committee or
534 organization who receives an expenditure or expenditures * * * to
535 the person or organization within the calendar year have an
536 aggregate value or amount in excess of Two Hundred Dollars



537 (\$200.00), together with the date, purpose and amount of the
538 expenditure;

539 (* * * vi) Disclosure required under this section of an
540 expenditure to a credit card issuer, financial institution or
541 business allowing payments and money transfers to be made over the
542 Internet must include, by way of detail or separate entry, the
543 amount of funds passing to each person, business entity or
544 organization receiving funds from the expenditure * * *;

545 (vii) Disclosure required under this section of a
546 contribution to a financial institution or business allowing
547 payments and money transfers to be made over the internet must
548 include, by way of detail or separate entry, the amount of funds
549 passing from each person, business entity or organization
550 contributing funds;

551 (viii) Anonymous contributions shall not be accepted.
552 Any anonymous contributions shall be returned to the donor if
553 possible. If not possible, such funds shall be remitted to the
554 Secretary of State within five (5) days of receipt to be deposited
555 into the General Fund.

556 (e) Each report required under this section shall include a
557 penalty of perjury certification, signed by the candidate or the
558 chair or treasurer of the political committee, that the
559 information included in the report is true, accurate, and complete
560 to the best of the signer's knowledge.



561 (* * * f) The appropriate office specified in Section
562 23-15-805 must be in actual receipt of the reports specified in
563 this * * * chapter by 5:00 p.m. on the dates specified in
564 subsection (b) of this section. If the date specified in
565 subsection (b) of this section shall fall on a weekend or legal
566 holiday then the report shall be due in the appropriate office at
567 5:00 p.m. on the first working day before the date specified in
568 subsection (b) of this section. The reporting candidate committee
569 or reporting political committee shall ensure that the reports are
570 delivered to the appropriate office by the filing deadline. The
571 Secretary of State may approve specific means of electronic
572 transmission of completed campaign finance disclosure reports,
573 which may include, but not be limited to, transmission by
574 electronic facsimile (FAX) devices.

575 (* * * g) (i) If any contribution of more than Two Hundred
576 Dollars (\$200.00) is received by a candidate or candidate * * *
577 committee after the tenth day and is not reported on the
578 pre-election report, but more than forty-eight (48) hours before
579 12:01 a.m. of the day of the election, the candidate committee or
580 political committee shall notify the appropriate office designated
581 in Section 23-15-805, within forty-eight (48) hours of receipt of
582 the contribution. The notification shall include:

583 * * * 1. The name of the receiving candidate * * *
584 committee, if any;

585 * * * 2. The name of the receiving candidate;



- 586 3. The office sought by the candidate;
587 4. The identification of the contributor;
588 5. The date of receipt;
589 6. The amount of the contribution;
590 7. If the contribution is in-kind, a description
591 of the in-kind contribution; and
592 8. The signature of the candidate or the treasurer
593 or chair of the candidate * * * committee.

594 (ii) The notification shall be in writing, and may be
595 transmitted electronically by overnight mail, courier service, or
596 other reliable means, including electronic facsimile (FAX), but
597 the candidate or candidate's committee shall ensure that the
598 notification shall in fact be received in the appropriate office
599 designated in Section 23-15-805 within forty-eight (48) hours of
600 the contribution. On January 1, 2027, this paragraph (ii) shall
601 read: (ii) The notification shall be in writing, and * * * be
602 transmitted * * * to the appropriate office under Section
603 23-15-805 via the Secretary of State's online filing system. The
604 candidate or candidate's committee shall ensure that the
605 notification shall in fact be received in the appropriate office
606 designated in Section 23-15-805 within forty-eight (48) hours of
607 the contribution.

608 (h) (i) If any expenditure of more than Two Hundred Dollars
609 (\$200.00) is made by a candidate committee after the tenth day and
610 is not reported on the pre-election report, but more than



611 forty-eight (48) hours before 12:01 a.m. of the day of the
612 election, the candidate committee or political committee shall
613 notify the appropriate office designated in Section 23-15-805,
614 within forty-eight (48) hours making the expenditure. The
615 notification shall include:

- 616 1. The name of the candidate committee making the
617 expenditure;
- 618 2. Name of the candidate;
- 619 3. The office sought by the candidate;
- 620 4. The identification of the entity receiving the
621 expenditure;
- 622 5. The date of expenditure;
- 623 6. The purpose of the expenditure;
- 624 7. The amount of the expenditure; and
- 625 8. The signature of the candidate or the treasurer
626 or chair of the candidate committee.

627 (ii) The notification shall be in writing, and may be
628 transmitted electronically, by overnight mail, courier service, or
629 other reliable means, including electronic facsimile (FAX), but
630 the candidate committee shall ensure that the notification shall
631 in fact be received in the appropriate office designated in
632 Section 23-15-805 within forty-eight (48) hours of the
633 expenditure. On January 1, 2027, this paragraph (ii) shall read:
634 (ii) The notification shall be in writing and be transmitted to
635 the appropriate office under Section 23-15-805 via the Secretary



636 of State's online filing system. The candidate or candidate's
637 committee shall ensure that the notification shall in fact be
638 received by in the appropriate office designated in Section
639 23-15-805 within forty-eight (48) hours of the contribution.

640 **SECTION 5.** Section 23-15-809, Mississippi Code of 1972, is
641 amended as follows:

642 23-15-809. (a) Every person who makes independent
643 expenditures in an aggregate amount or value in excess of Two
644 Hundred Dollars (\$200.00) during a calendar year shall file a
645 statement containing the information required under Section
646 23-15-807. Such statement shall be filed with the appropriate
647 offices as provided for in Section 23-15-805, and such person
648 shall be considered a political committee for the purpose of
649 determining place of filing.

650 (b) Statements required to be filed by this subsection shall
651 include:

652 (i) Information indicating whether the independent
653 expenditure is in support of, or in opposition to, the candidate
654 involved;

655 (ii) Under penalty of perjury, a certification of
656 whether or not such independent expenditure is made in
657 cooperation, consultation or concert with, or at the request or
658 suggestion of, any candidate or any authorized committee or agent
659 of such candidate; and



660 (iii) The identification of each person who made a
661 contribution in excess of Two Hundred Dollars (\$200.00) to the
662 person filing such statement which was made for the purpose of
663 furthering an independent expenditure.

664 (c) Persons making such expenditures must ensure that the
665 receiving entity receives the report or statement by close of
666 business on the second business day following the date on which
667 the expenditure is made, or the communication is publicly
668 distributed or otherwise publicly disseminated, whichever occurs
669 first.

670 **SECTION 6.** Section 23-15-811, Mississippi Code of 1972, is
671 amended as follows:

672 23-15-811. (a) Any candidate, an authorized representative
673 of a candidate committee or any other person who willfully
674 violates the provisions and prohibitions of this * * * chapter
675 shall be guilty of a misdemeanor and upon conviction shall be
676 punished by a fine in a sum not to exceed * * * Five Thousand
677 Dollars (\$5,000.00) or imprisoned for not longer than * * * one
678 (1) year, or by both fine and imprisonment.

679 (b) In addition to the penalties provided in subsection (a)
680 of this section and Chapter 13, Title 97, Mississippi Code of
681 1972, any candidate committee or political committee which is
682 required to file a statement or report and fails to file the
683 statement or report on the date it is due may be compelled to file
684 the statement or report by an action in the nature of a mandamus



685 brought by the * * * Mississippi Attorney General's Office at the
686 request of the Secretary of State's Office. The mandamus shall be
687 filed within three (3) business days. Pursuant to Section 7-5-39,
688 if the Attorney General does not file the mandamus within three
689 (3) business days, the Secretary of State shall retain independent
690 counsel outside of the Attorney General's Office, or use counsel
691 within his or her office, to enforce the penalties provided in
692 this section.

693 (c) No candidate shall be certified as nominated for
694 election or as elected to office until * * * his or her candidate
695 committee files all reports required by this * * * chapter that
696 are due as of the date of certification.

697 (d) No person shall be qualified to appear on the ballot if,
698 by the time the candidate is approved to appear on the ballot for
699 the office sought, * * * his or her candidate committee has failed
700 to file all reports required to be filed within the last five (5)
701 years.

702 (e) No candidate who is elected to office shall receive any
703 salary or other remuneration for the office until * * * his or her
704 candidate committee files all reports required by this * * *
705 chapter that are due as of the date the salary or remuneration is
706 payable.

707 (f) In the event that a candidate committee fails to timely
708 file any report required pursuant to this * * * chapter but
709 subsequently files a report or reports containing all of the



710 information required to be reported and pays any assessed fines,
711 the candidate shall not be subject to the sanctions of subsections
712 (c) and (d) of this section.

713 **SECTION 7.** Section 23-15-813, Mississippi Code of 1972, is
714 amended as follows:

715 23-15-813. (a) In addition to any other penalty permitted
716 by law, the * * * Secretary of State shall require any candidate
717 committee or political committee, as identified in Section
718 23-15-805(a), and any other political committee registered with
719 the Secretary of State, who fails to file a campaign finance
720 disclosure report as required under Sections 23-15-801 through
721 23-15-813, or Sections 23-17-47 through 23-17-53, or who shall
722 file a report that fails to substantially comply with the
723 requirements of Sections 23-15-801 through 23-15-813, or Sections
724 23-17-47 through 23-17-53, to be assessed a civil penalty as
725 follows:

726 (i) Within * * * two (2) calendar days after any
727 deadline for filing a report pursuant to Sections 23-15-801
728 through 23-15-813, except Section 23-15-807(b) (i) or Sections
729 23-17-47 through 23-17-53, the Secretary of State shall compile a
730 list of those * * * candidate committees and political committees
731 who have failed to file a report. * * * The Secretary of State
732 shall provide each candidate committee or political committee, who
733 has failed to file a report, notice of the failure by electronic



734 mail, and if electronic mail is not available, by first-class
735 mail.

736 (ii) Beginning with the * * * fifth calendar day after
737 which any periodic or annual report is due, the Mississippi * * *
738 Secretary of State shall assess the delinquent candidate committee
739 and political committee a civil penalty * * * for each day or part
740 of any day until a valid report is delivered to the Secretary of
741 State, up to a maximum of ten (10) days. * * * If the fifth
742 calendar day falls on a weekend or holiday, fine assessment shall
743 begin the next business day. The Secretary of State shall accept
744 reports on weekends and holidays if filed electronically with a
745 timestamp.

746 1. Candidate committees for statewide office shall
747 be assessed a civil penalty of One Thousand Dollars (\$1,000.00)
748 for each day.

749 2. Candidate committees for state district office
750 shall be assessed a civil penalty of Five Hundred Dollars
751 (\$500.00) for each day.

752 3. Candidate committees for legislative office
753 shall be assessed a civil penalty of Two Hundred Fifty Dollars
754 (\$250.00) for each day.

755 4. Political committees shall be assessed a civil
756 penalty of One Thousand Dollars (\$1,000.00) for each day.

757 (b) (i) Within two (2) calendar days after any deadline for
758 filing a pre-election report pursuant to Sections 23-15-807(b)(i),



759 the Secretary of State shall compile a list of those candidates
760 and political committees who have failed to file a report. The
761 Secretary of State shall provide each candidate or political
762 committee, who has failed to file a report, notice of the failure
763 by electronic mail, if electronic mail is not available, by
764 first-class mail.

765 (ii) Beginning with the third calendar day after which
766 any pre-election report is due, the Mississippi Secretary of State
767 shall assess the delinquent candidate committee and political
768 committee a civil penalty for each day or part of any day until a
769 valid report is delivered to the Secretary of State, up to a
770 maximum of ten (10) days. The Secretary of State shall accept
771 reports on weekends and holidays if filed electronically with a
772 timestamp.

773 1. Candidate committees for statewide office shall
774 be assessed a civil penalty of One Thousand Dollars (\$1,000.00)
775 for each day.

776 2. Candidate committees for state district office
777 shall be assessed a civil penalty of Five Hundred Dollars
778 (\$500.00) for each day.

779 3. Candidate committees for legislative office
780 shall be assessed a civil penalty of Two Hundred Fifty Dollars
781 (\$250.00) for each day.

782 4. Political committees shall be assessed a civil
783 penalty of One Thousand Dollars (\$1,000.00) for each day.



784 5. If any candidate that is required to file a
785 report to the Secretary of State has not filed a pre-election
786 report by 5:00 p.m., the Secretary of State shall compile a list
787 of those candidates and disseminate it to the members of the
788 Mississippi Press Association.

789 (* * *c) Filing of the required report and payment of the
790 fine within ten (10) calendar days of notice by the Secretary of
791 State that a required statement has not been filed constitutes
792 compliance with Sections 23-15-801 through 23-15-813, or Sections
793 23-17-47 through 23-17-53.

794 (* * *d) Payment of the fine without filing the required
795 report does not excuse or exempt any person from the filing
796 requirements of Sections 23-15-801 through 23-15-813, and Sections
797 23-17-47 through 23-17-53.

798 (* * *e) If any candidate committee or political committee
799 is assessed a civil penalty, and the penalty is not
800 subsequently * * * appealed, the candidate committee or political
801 committee shall pay the fine to the * * * Secretary of State
802 within * * * sixty (60) days of the date of the assessment of the
803 fine. The fine shall be deposited into the State's General Fund.
804 If, after * * * ninety (90) days of the assessment of the fine the
805 payment for the entire amount of the assessed fine has not been
806 received by the * * * Secretary of State, the * * * Secretary of
807 State shall notify the Attorney General of the delinquency, and
808 the Attorney General shall file, where necessary, a suit to compel



809 payment of the civil penalty. Pursuant to Section 7-5-39, the
810 Attorney General shall authorize retention of independent counsel
811 from outside his or her office if the Attorney General declines
812 representation when requested. Additionally, the Secretary of
813 State shall publish and update a report of who has not filed every
814 forty-eight (48) hours after the reports are first due.

815 * * *

816 (* * *f) (i) * * * In the event the candidate committee or
817 political committee appeals, the appeal shall be to the Circuit
818 Court of Hinds, Madison or Rankin County * * *. The appeal shall
819 be taken within thirty (30) calendar days after notice of
820 the * * * fine by the Secretary of State. The appeal shall be
821 perfected upon filing notice of the appeal and the prepayment of
822 all costs, * * * and filing a bond in the sum of Two Hundred
823 Dollars (\$200.00), conditioned that if the decision of the * * *
824 Secretary of State is affirmed by the court, the candidate or
825 political committee will pay the costs of the appeal and the
826 action in court. * * *

827 (ii) If there is an appeal, the appeal shall act as a
828 supersedeas. The court shall dispose of the appeal and enter its
829 decision promptly. The hearing on the appeal may be tried in
830 vacation, in the court's discretion. * * * The decision of the
831 court may be appealed to the Supreme Court in the manner provided
832 by law.

833 * * *



834 (* * *g) If, after twenty (20) calendar days of the date
835 upon which a campaign finance disclosure report is due, a
836 candidate committee or political committee identified in
837 subsection (a) or (b) of this section shall not have filed a valid
838 report with the Secretary of State, the Secretary of State shall
839 notify the Attorney General of those candidates and political
840 committees who have not filed a valid report, and the Attorney
841 General shall prosecute the delinquent candidates and political
842 committees. Pursuant to Section 7-5-39, the Attorney General
843 shall authorize the retention of independent counsel from outside
844 his or her office if the Attorney General declines representation
845 when requested. The Attorney General shall provide notice
846 declining to provide representation within five (5) business days
847 of receipt of the request.

848 **SECTION 8.** Section 23-15-815, Mississippi Code of 1972, is
849 amended as follows:

850 23-15-815. * * * (1) It shall be the duty and power of the
851 Secretary of State:

852 (a) To prescribe forms of statements and other
853 information required to be filed by this chapter, to furnish such
854 forms to the county circuit clerks and municipal clerks and
855 individuals, or others required to file such statements and
856 information, and to prepare and publish on the Secretary of
857 State's website a manual setting forth the provisions of this
858 chapter.



859 (b) The Secretary of State, circuit clerks and
860 municipal clerks shall, within forty-eight (48) hours after the
861 time of the receipt by the appropriate office of reports and
862 statements filed with it, make them available for public
863 inspection, and copying at the expense of the person requesting
864 such copying, and keep such designations, reports and statements
865 for a period of five (5) years from the date of receipt.

866 (c) To accept and file any information voluntarily
867 supplied that exceeds the requirements of this chapter, subject to
868 redaction of nonpublic information.

869 (d) To publish an annual report detailing the year's
870 campaign finance activity, including, but not limited to, the
871 number of reports filed, fines assessed, fines collected and a
872 summary of any issues reported and investigated.

873 (e) The Secretary of State shall inspect or cause to be
874 inspected each statement of organization or report filed with the
875 Secretary of State under this chapter within ten (10) days after
876 the date it is filed. The Secretary of State shall notify, no
877 more than ten (10) days and at least five (5) days before each
878 report is due, each candidate or treasurer whose statement of
879 organization has been filed, of the specific date each report is
880 due. He or she shall immediately notify any individual,
881 candidate, treasurer, political committee, referendum committee or
882 other entity that may be required to file a statement under this
883 chapter if:



884 (i) It appears that the individual, candidate,
885 treasurer, political committee, referendum committee or other
886 entity has failed to file a statement or report as required by law
887 or that a statement or report filed does not conform to this
888 chapter; or

889 (ii) A written complaint is filed under oath with
890 the Secretary of State by any registered candidate or authorized
891 representative of a candidate or political party of this State
892 alleging that a statement or report filed with the Secretary of
893 State does not conform to this chapter or to the truth, or that an
894 individual, candidate, treasurer, political committee, referendum
895 committee or other entity has failed to file a statement required
896 by this chapter. The entity that is the subject of the complaint
897 will be given an opportunity to respond to the complaint within
898 five (5) business days before any action is taken requiring
899 compliance.

900 (f) The Secretary of State shall promulgate rules and
901 regulations to effectuate a written complaint and response process
902 as outlined in paragraph (e) of this subsection.

903 (2) To make investigations to the extent the Secretary of
904 State deems necessary with respect to statements and reports filed
905 under the provisions of this chapter and with respect to alleged
906 failures to file any statement or reports required under the
907 provisions of this chapter and, upon complaint, signed and sworn
908 under oath or affirmation, by any registered candidate or



909 authorized representative of a candidate or political party, with
910 respect to alleged violations of any part of this chapter. The
911 Secretary of State may also make investigations into the failure
912 to report by any candidate committee or political committee that
913 is required to file with the Secretary of State and has not done
914 so by the end of the fine period set forth in Section 23-15-807.
915 All investigations shall be confidential, and no investigation
916 shall be initiated more than four (4) years from the earliest of
917 the following dates:

918 (a) The facts constituting the violation are known to
919 the Secretary of State;

920 (b) The facts constituting the violation can be
921 determined from the public record; or

922 (c) The complainant knew or should have known of the
923 conduct upon which the complaint is based.

924 (3) In conducting an investigation, the Secretary of State
925 may:

926 (a) (i) Conduct public or private investigations
927 within or outside of this state which the administrator considers
928 necessary or appropriate to determine whether a person has
929 violated, is violating, or is about to violate this chapter or a
930 rule adopted, or order issued under this chapter, or to aid in the
931 enforcement of this chapter or in the adoption of rules and forms
932 under this chapter; or



933 (ii) Require or permit a person to testify, file a
934 statement or produce a record, under oath or otherwise as the
935 administrator determines, as to all the facts and circumstances
936 concerning a matter to be investigated or about which an action or
937 proceeding is to be instituted; or

938 (iii) Administer oaths and affirmations, subpoena
939 witnesses, seek compulsion of attendance, take evidence, require
940 the filing of statements, and require the production of any
941 records that the administrator considers relevant or material to
942 the investigation.

943 (b) Apply to the Circuit Court of Hinds County, Madison
944 County and Rankin County, or a court of another state to enforce
945 compliance if a person does not appear or refuses to testify, file
946 a statement, produce records, or otherwise does not obey a
947 subpoena as required by the administrator under this chapter. The
948 court may:

949 (i) Hold the person in contempt;

950 (ii) Order the person to appear before the
951 administrator;

952 (iii) Order the person to testify about the matter
953 under investigation or in question;

954 (iv) Order the production of records;

955 (v) Grant injunctive relief, including restricting
956 or prohibiting the offer or sale of securities or the providing of
957 investment advice; and



958 (vi) Grant any other necessary or appropriate
959 relief.

960 (4) To request and receive confidential recommendations from
961 the Attorney General's Office regarding the appropriateness of a
962 criminal referral of campaign finance violations. In the event
963 the referral of campaign finance violations may be regarding the
964 Attorney General or their opponent, the Secretary of State may
965 request and receive confidential recommendations from the proper
966 district attorney.

967 (5) After investigation and receipt of the confidential
968 recommendations from the Attorney General regarding the
969 appropriateness of a criminal referral for campaign finance
970 violations, to report apparent violations by candidates, political
971 committees, referendum committees, individuals or persons to the
972 proper district attorney or the Attorney General's Office.

973 (6) To prescribe and furnish forms of reports and other
974 material to the county circuit clerk for distribution to
975 candidates and committees required to be filed with the county.

976 (7) To prescribe and furnish forms of reports and other
977 material to the municipal clerk for distribution to candidates and
978 committees required to be filed with the municipality.

979 (8) To instruct the county and municipal election officials
980 as to their respective duties and responsibilities relative to the
981 administration of this chapter.



982 (9) To establish a process for determination as to whether
983 communication is an expenditure, independent expenditure or
984 electioneering communication prior to the airing or distribution
985 of that communication when so requested to an individual or person
986 producing a communication.

987 (10) To publish guidelines for filing of the required
988 statements and report, auditing procedures, and an annual training
989 video.

990 (11) When the Secretary of State is a candidate for office,
991 the Mississippi Ethics Commission shall have the same duties and
992 protections under this section in regard to all candidates seeking
993 the same office as the Secretary of State.

994 **SECTION 9.** Section 23-15-817, Mississippi Code of 1972, is
995 amended forward as follows:

996 23-15-817. The Secretary of State shall compile a list of
997 all candidates for the Legislature or any statewide or state
998 district office who fail to file a campaign disclosure report by
999 the dates specified in Section 23-15-807(b). The * * * Attorney
1000 General, on behalf of the Secretary of State, shall bring a
1001 mandamus as provided in Section 23-15-811 or take any other
1002 disciplinary action as provided in this chapter. The list shall
1003 also be disseminated to the members of the Mississippi Press
1004 Association within two (2) working days after such periodic
1005 reports are due and made available to the public. List for



1006 pre-election shall be made available by 7:00 p.m. on the due date
1007 indicating those who have not filed.

1008 **SECTION 10.** Section 23-15-819, Mississippi Code of 1972, is
1009 brought forward as follows:

1010 23-15-819. (1) It shall be unlawful for a foreign national,
1011 directly or through any other person, to make any contribution or
1012 any expenditure of money or other thing of value, or to promise
1013 expressly or impliedly to make any such contribution or
1014 expenditure, in connection with an election to any political
1015 office or in connection with any primary election, convention or
1016 caucus held to select candidates for any political office.

1017 (2) No person shall solicit, accept or receive any such
1018 contribution from a foreign national.

1019 (3) The term "foreign national" means:

1020 (a) A foreign national as defined in 22 USCS 611(b),
1021 except that the terms "foreign national" does not include any
1022 individual who is a citizen of the United States; or

1023 (b) An individual who is not a citizen of the United
1024 States and who is not lawfully admitted for permanent residence.

1025 **SECTION 11.** Section 23-15-821, Mississippi Code of 1972, is
1026 amended as follows:

1027 23-15-821. (1) The personal use of campaign contributions
1028 by any elected public officeholder or by any candidate for public
1029 office is prohibited.



1030 (a) For the purposes of this section, "personal use" is
1031 defined as any use, other than expenditures related to gaining or
1032 holding public office, or performing the functions and duties of
1033 public office, for which the candidate for public office or
1034 elected public official would be required to treat the amount of
1035 the expenditure as gross income under Section 61 of the Internal
1036 Revenue Code of 1986, 26 USC Section 61, or any subsequent
1037 corresponding Internal Revenue Code of the United States, as from
1038 time to time amended. "Personal use" shall not include donations
1039 to a political organization, or to a political action committee,
1040 or to another candidate.

1041 (b) "Candidate" shall mean any individual described in
1042 Section 23-15-801(b), and shall include any person having been a
1043 candidate until such time that the person takes office or files a
1044 termination report as provided in this section.

1045 (c) "Officeholder" shall mean any elected or appointed
1046 official from the beginning of his or her term of office until
1047 that person no longer holds office.

1048 (2) The following personal use expenditures are specifically
1049 prohibited under this section:

1050 (a) Any residential or household items, supplies or
1051 expenditures, including mortgage, rent or utility payments for any
1052 part of any personal residence where a homestead exemption is
1053 claimed of a candidate or officeholder or a member of the
1054 candidate's or officeholder's family;



1055 (b) Mortgage, rent or utility payments for any part of
1056 any nonresidential property that is owned by a candidate or
1057 officeholder or a member of a candidate's or officeholder's family
1058 and used for campaign purposes, to the extent the payments exceed
1059 the fair market value of the property usage;

1060 (c) Funeral, cremation or burial expenses within a
1061 candidate's or officeholder's family;

1062 (d) Clothing, other than items of de minimis value that
1063 are used for gaining or holding public office or performing the
1064 functions and duties of public office;

1065 (e) Automobiles, except for automobile rental expenses
1066 and other automobile expenses related to gaining or holding public
1067 office or performing the functions and duties of public office;

1068 (f) Tuition payments within a candidate's or
1069 officeholder's family other than those associated with training
1070 campaign staff or associated with an officeholder's duties;

1071 (g) Salary payments to a member of a candidate's
1072 family, unless the family member is providing bona fide services
1073 to the campaign. If a family member provides bona fide services
1074 to a campaign, any salary payments in excess of the fair market
1075 value of the services provided is personal use;

1076 (h) Nondocumented loans of any type, including loans to
1077 candidates;

1078 (i) Travel expenses except for travel expenses of a
1079 candidate, officeholder or staff member of the officeholder for



1080 travel undertaken as an ordinary and necessary expense of gaining
1081 or holding public office, or performing the functions and duties
1082 of public office or for attending meetings or conferences of
1083 officials similar to the office held or sought, or for an issue
1084 the legislative body is or will consider, or attending a state or
1085 national convention of any party. If a candidate or officeholder
1086 uses campaign contributions to pay expenses associated with travel
1087 that involves both personal activities and activities related to
1088 gaining or holding public office or performing the functions and
1089 duties of public office, the incremental expenses that result from
1090 the personal activities are personal use, unless the person(s)
1091 benefiting from this use reimburse(s) the campaign account within
1092 thirty (30) days for the amount of the incremental expenses; and

1093 (j) Payment of any fines, fees or penalties assessed
1094 pursuant to Mississippi law.

1095 (3) Any expense that reasonably relates to gaining or
1096 holding public office, or performing the functions and duties of
1097 public office, is a specifically permitted use of campaign
1098 contributions. Such expenditures are not considered personal use
1099 expenditures and may include, but are not limited to, the
1100 following expenditures:

1101 (a) The defrayal of ordinary and necessary expenses of
1102 a candidate or officeholder, including expenses reasonably related
1103 to performing the duties of the office held or sought to be held;



1104 (b) Campaign office or officeholder office expenses and
1105 equipment, provided the expenditures and the use of the equipment
1106 can be directly attributable to the campaign or office held;

1107 (c) Donations to charitable organizations,
1108 not-for-profit organizations or for sponsorships, provided the
1109 candidate or officeholder does not receive monetary compensation,
1110 other than reimbursements of expenses, from the recipient
1111 organization;

1112 (d) Gifts of nominal value and donations of a nominal
1113 amount made on a special occasion such as a holiday, graduation,
1114 marriage, retirement or death, unless made to a member of the
1115 candidate's or officeholder's family;

1116 (e) Meal and beverage expenses which are incurred as
1117 part of a campaign activity or as a part of a function that is
1118 related to the candidate's or officeholder's responsibilities,
1119 including meals between and among candidates and/or officeholders
1120 that are incurred as an ordinary and necessary expense of seeking,
1121 holding or maintaining public office, or seeking, holding or
1122 maintaining a position within the Legislature or other publicly
1123 elected body;

1124 (f) Reasonable rental or accommodation expenses
1125 incurred by an officeholder during a legislative session or a day
1126 or days in which the officeholder is required by his or her duties
1127 to be at the Capitol or another location outside the
1128 officeholder's county of residence. Such rental or accommodation



1129 expenses shall not exceed Fifty Dollars (\$50.00) per day, if the
1130 officeholder receives per diem, or One Hundred Ninety Dollars
1131 (\$190.00) per day, if the officeholder receives no per diem. Any
1132 expenses incurred under this paragraph (f) must be reported as an
1133 expenditure pursuant to this section;

1134 (g) Communication access expenses, including mobile
1135 devices and Internet access costs. Examples of communication
1136 access expenses include, but are not limited to, the following:
1137 captioning on television advertisements; video clips; sign
1138 language interpreters; computer-aided real-time (CART) services;
1139 and assistive listening devices;

1140 (h) Costs associated with memberships to chambers of
1141 commerce and civic organizations;

1142 (i) Legal fees and costs associated with any civil
1143 action, criminal prosecution or investigation related to conduct
1144 reasonably related to the candidacy or performing the duties of
1145 the office held.

1146 (4) Upon filing the termination report required under
1147 Section 23-15-807 showing a zero (0) dollar cash on hand balance,
1148 any campaign contributions not used to pay for the expenses of
1149 gaining or holding public office or performing the functions and
1150 duties of public office shall:

1151 * * *

1152 (* * *a) Be donated to a political organization, or to
1153 a political action committee, or to another candidate;



1154 (* * *b) Be transferred, in whole or in part, into a
1155 newly established political action committee or ballot question
1156 advocate;

1157 (* * *c) Be donated to a tax-exempt charitable
1158 organization as that term is used in Section 501(c)(3) of the
1159 Internal Revenue Code of 1986, 26 USC Section 501, or any
1160 subsequent corresponding Internal Revenue Code of the United
1161 States, as from time to time amended;

1162 (* * *d) Be donated to the State of Mississippi; or

1163 (* * *e) Be returned to a donor or donors.

1164 (5) Any candidate for public office or any elected official
1165 who willfully violates this section shall be guilty of a
1166 misdemeanor and punished by a fine of One Thousand Dollars
1167 (\$1,000.00) and by a state assessment equal to the amount of
1168 misappropriated campaign contributions. The state assessment
1169 shall be deposited into the Public Employees' Retirement System.
1170 No fine or assessment imposed under this section shall be paid by
1171 a third party.

1172 (6) (a) Any contributions accruing to a candidate's or
1173 officeholder's campaign account before January 1, 2018, shall be
1174 exempt and not subject to the provisions of this section. All
1175 exempt contributions must be designated as exempt on all reports
1176 filed with the Secretary of State pursuant to the provisions of
1177 this chapter.



1178 (b) Should a candidate with exempt campaign finance
1179 funds no longer hold office, the funds shall be dispensed with and
1180 properly reported to the Secretary of State's Office within four
1181 (4) years after leaving office.

1182 (7) The Mississippi Ethics Commission shall issue advisory
1183 opinions regarding any of the requirements set forth in this
1184 section. When any officeholder or candidate requests an advisory
1185 opinion, in writing, and has stated all of the facts to govern the
1186 opinion, and the Ethics Commission has prepared and delivered the
1187 opinion with references to the request, there shall be no civil or
1188 criminal liability accruing to or against any officeholder or
1189 candidate who, in good faith, follows the direction of the opinion
1190 and acts in accordance with the opinion, unless a court of
1191 competent jurisdiction, after a full hearing, judicially declares
1192 that the opinion is manifestly wrong and without any substantial
1193 support. No opinion shall be given or considered if the opinion
1194 would be given after judicial proceedings have commenced.

1195 All advisory opinions issued pursuant to the provisions of
1196 this subsection (7) shall be made public and shall be issued
1197 within ninety (90) days of a written request. The request for an
1198 advisory opinion shall be confidential as to the identity of the
1199 individual making the request. The Ethics Commission shall, so
1200 far as practicable and before making public * * * an advisory
1201 opinion issued under the provisions of * * * this subsection (7),
1202 make such deletions and changes thereto as may be necessary to



1203 ensure the anonymity of the public official and any other person
1204 named in the opinion.

1205 **SECTION 12.** The following shall be codified as Section
1206 23-15-823, Mississippi Code of 1972:

1207 23-15-823. (1) The following shall be treatment as an
1208 in-kind contribution and expenditure:

1209 (a) For the purposes of this section, a political party
1210 committee is a political committee under Section 23-15-801(d) that
1211 was formed by a duly registered political party under the laws of
1212 this state.

1213 (b) A payment for a coordinated communication is made
1214 for the purpose of influencing an election and is an in-kind
1215 contribution to the candidate, candidate committee or political
1216 party committee with whom or which it is coordinated and must be
1217 reported as an expenditure made by that candidate, candidate
1218 committee, or political party committee; or

1219 (c) In-kind contributions resulting from conduct
1220 described in this section, notwithstanding paragraph (a) of this
1221 subsection, the candidate, candidate committee or political party
1222 committee with whom or which a communication is coordinated does
1223 not receive or accept an in-kind contribution, and is not required
1224 to report an expenditure that results from conduct described in
1225 this section, unless the candidate, candidate committee or
1226 political party committee engages in conduct described in this
1227 section.



1228 (2) A political committee, other than a political party
1229 committee, that makes a coordinated communication must report the
1230 payment for the communication as a contribution made to the
1231 candidate or political party committee with whom or which it was
1232 coordinated and as an expenditure. A candidate, candidate
1233 committee, or political party committee with whom or which a
1234 communication paid for by another person is coordinated must
1235 report the usual and normal value of the communication as an
1236 in-kind contribution.

1237 (3) Each of the types of content described in paragraphs (a)
1238 through (c) of this subsection satisfies the content standards of
1239 this section:

1240 (a) A communication that is an electioneering
1241 communication pursuant to Section 23-15-825;

1242 (b) A public communication that disseminates,
1243 distributes or republishes, in whole or in part, campaign
1244 materials prepared by a candidate or the candidate committee,
1245 unless the dissemination, distribution or republication is
1246 excepted by Section 23-15-827(2); or

1247 (c) A public communication that expressly advocates for
1248 the election or defeat of a clearly identified candidate for
1249 elected office in the state.

1250 (4) The public communication refers to a political party,
1251 and does not refer to a clearly identified state candidate and is
1252 publicly distributed or otherwise publicly disseminated in a



1253 jurisdiction in which one or more candidates of that political
1254 party will appear on the ballot. To satisfy this specific
1255 standard, the communication must be coordinated with a candidate
1256 or political party committee and be publicly distributed or
1257 otherwise publicly disseminated in that candidate's jurisdiction
1258 ninety (90) days or fewer before the clearly identified
1259 candidate's general, special, runoff or primary election. For the
1260 purpose of this section, a political party committee is a
1261 committee organized under Section 23-15-801(d) which was formed by
1262 a duly registered political party.

1263 (5) For purposes of this section, a communication is the
1264 functional equivalent to express advocacy if it is susceptible of
1265 no reasonable interpretation other than as an appeal to vote for
1266 or against a clearly identified state candidate.

1267 (6) Any of the following types of conduct satisfies the
1268 conduct standard of this section whether or not there is agreement
1269 or formal collaboration:

1270 (a) Request or suggestion;

1271 (b) The communication is created, produced or
1272 distributed at the request or suggestion of a candidate, candidate
1273 committee or political party committee; or

1274 (c) the communication is created, produced or
1275 distributed at the suggestion of a person paying for the
1276 communication and the candidate, candidate committee or political
1277 party committee assents to the suggestion.



1278 (7) Subsection (6)(c) of this section is not satisfied if
1279 the information material to the creation, production or
1280 distribution of the communication was obtained from a publicly
1281 available source. A candidate, candidate committee or political
1282 party committee is materially involved in decisions regarding:

1283 (a) The content of the communication;

1284 (b) The intended audience for the communication;

1285 (c) The means or mode of the communication;

1286 (d) The specific media outlet used for the
1287 communication;

1288 (e) The timing or frequency of the communication; or

1289 (f) The size or prominence of a printed communication,
1290 or duration of a communication by means of broadcast, cable or
1291 satellite.

1292 (8) Subsection (6)(c) of this section is not satisfied if
1293 the information material to the creation, production or
1294 distribution of the communication was obtained from a publicly
1295 available source. The communication is created, produced or
1296 distributed after one or more substantial discussions about the
1297 communication between the person paying for the communication, or
1298 the employees or agents of the person paying for the
1299 communication, and the candidate who is clearly identified in the
1300 communication, or the candidate committee, the candidate's
1301 opponent, the opponent's candidate committee or a political party
1302 committee. A discussion is substantial within the meaning of this



1303 paragraph if information about the candidate's or political party
1304 committee's campaign plans, projects or activities, or needs is
1305 conveyed to a person paying for the communication, and that
1306 information is material to the creation, production or
1307 distribution of the communication.

1308 **SECTION 13.** The following shall be codified as Section
1309 23-15-825, Mississippi Code of 1972:

1310 23-15-825. (1) Electioneering communication means any
1311 broadcast, cable, or satellite communication that:

1312 (a) Refers to a clearly identified candidate for
1313 elected office; and

1314 (b) Is publicly distributed within sixty (60) days
1315 before a general election for the office sought by the candidate
1316 or within thirty (30) days before a primary election.

1317 (2) For purposes of this section:

1318 (a) "Broadcast, cable or satellite communication" means
1319 a communication that is publicly distributed by a television
1320 station, radio station, cable television system or satellite
1321 system.

1322 (b) "Refers to a clearly identified candidate" means
1323 that the candidate's name, nickname, photograph or drawing
1324 appears, or the identity of the candidate is otherwise apparent
1325 through an unambiguous reference such as "the Governor," "your
1326 representative," or "the incumbent" or through an unambiguous
1327 references to his or her status as a candidate such as the



1328 "Republican Governor nominee" or the "Republican candidate for
1329 State Senate in District 1."

1330 (c) "Publicly distributed" means aired, broadcast,
1331 cablecast or otherwise disseminated through the facilities of a
1332 television station, radio station, cable television system, or
1333 satellite system.

1334 (3) The following communications are exempt from the
1335 definition of electioneering communication. Any communication
1336 that:

1337 (a) Is publicly disseminated through a means of
1338 communication other than a broadcast, cable, satellite television
1339 or radio station. For example, electioneering communication does
1340 not include communications appearing in print media, including a
1341 newspaper, a magazine, a handbill, brochure, bumper sticker, yard
1342 sign, poster, billboard and other written materials including
1343 mailings, communications over the internet, including electronic
1344 mail or telephone communications;

1345 (b) Appears in a news story, commentary or editorial
1346 distributed through the facilities of any broadcast, cable,
1347 satellite television or radio station, unless such facilities are
1348 owned or controlled by any political party, political committee or
1349 candidate. A news story distributed through a broadcast, cable,
1350 or satellite television or radio station owned or controlled by
1351 any political party, political committee, or candidate is



1352 nevertheless exempt if the news story meets the requirements of
1353 the following:

1354 (i) Represents a bona fide news account
1355 communicated in a publication of general circulation or on a
1356 licensed broadcasting facility;

1357 (ii) Is part of a general pattern of
1358 campaign-related news accounts that give reasonably equal coverage
1359 to all opposing candidates in the circulation or listening area;

1360 (iii) Constitutes an expenditure or independent
1361 expenditure provided that the expenditure or independent
1362 expenditure is required to be reported;

1363 (iv) Constitutes a candidate debate or forum or
1364 that solely promotes such a debate or forum and is made by or on
1365 behalf of the person sponsoring the debate or forum;

1366 (v) Is paid for by a candidate for elected office
1367 in connection to an elected office in the state, provided that the
1368 communication does not promote, support, attack or oppose any
1369 candidate.

1370 **SECTION 14.** The following shall be codified as Section
1371 23-15-827, Mississippi Code of 1972:

1372 23-15-827. (1) The financing of the dissemination,
1373 distribution, or republication, in whole or in part, of any
1374 broadcast, or any written, graphic or other form of campaign
1375 materials prepared by the candidate committee or an agent of
1376 either of the foregoing, shall be considered a contribution for



1377 the purposes of contribution limitations and reporting
1378 responsibilities of the person making the expenditure. The
1379 candidate committee who prepared the campaign material does not
1380 receive or accept an in-kind contribution, and is not required to
1381 report an expenditure, unless the dissemination, distribution or
1382 republication of campaign material is a coordinated communication.

1383 (2) The following uses of campaign materials do not
1384 constitute a contribution to the candidate committee who
1385 originally prepared the materials:

1386 (a) The campaign material is disseminated, distributed
1387 or republished by the candidate committee who prepared the
1388 material;

1389 (b) The campaign material is incorporated into a
1390 communication that advocates the defeat of the candidate or party
1391 that prepared the material;

1392 (c) The campaign material is disseminated, distributed
1393 or republished in a news story, commentary or editorial exempted
1394 under Section 23-15-829; or

1395 (d) The campaign material used consists of a brief
1396 quote of materials that demonstrates a candidate's position as
1397 part of a person's expression of its own views.

1398 **SECTION 15.** Candidates shall disclose the identity of any
1399 individual or entity from which the candidate or the candidate's
1400 committee receives a loan or other extension of credit for use in
1401 his or her campaign and any cosigners for a loan or extension of



1402 credit. The candidate or the candidate's committee shall disclose
1403 how the loan or other extension of credit was used, and how and
1404 when the loan or other extension of credit is to be repaid and the
1405 method of repayment. The candidate or the candidate's committee
1406 shall disclose all loan documents related to such loans or
1407 extensions of credit.

1408 **SECTION 16.** (1) The candidate or treasurer of each
1409 political committee shall keep detailed accounts, current within
1410 not more than five (5) business days after the date of receiving a
1411 contribution or making an expenditure, of all contributions
1412 received and all expenditures made by or on behalf of the
1413 candidate or committee. The candidate or treasurer shall also
1414 keep detailed accounts of all deposits and of all withdrawals made
1415 to the separate campaign depository account and of all interest
1416 earned on any such deposits.

1417 (2) Accounts kept by the candidate or treasurer of a
1418 political committee pursuant to this section may be inspected
1419 under reasonable circumstances before, during or after the
1420 election to which the accounts refer by any authorized
1421 representative of the Secretary of State. The right of inspection
1422 may be enforced by appropriate writ issued by any court of
1423 competent jurisdiction.

1424 (3) Records of such accounts shall be preserved for four (4)
1425 years from the date of the contribution, expenditure, gift,



1426 investment or loan. If there are judicial proceedings, the record
1427 shall be retained as directed by the court.

1428 SECTION 17. (1) It shall be unlawful for any corporation,
1429 incorporated company or incorporated association, by whatever name
1430 it may be known, incorporated or organized under the laws of any
1431 state, or for any servant, agent, employee or officer thereof, to
1432 give, donate, appropriate or furnish directly or indirectly, any
1433 money, security, funds or property of said corporation,
1434 incorporated company or incorporated association, in excess of One
1435 Thousand Dollars (\$1,000.00) per calendar year for the purpose of
1436 aiding any political party or any candidate for any public office,
1437 or any candidate for any nomination for any public office of any
1438 political party, or to give, donate, appropriate or furnish,
1439 directly or indirectly, any money, security, funds or property of
1440 said corporation, incorporated company or association in excess of
1441 One Thousand Dollars (\$1,000.00) to any committee or person as a
1442 contribution to the expense of any political party or any
1443 candidate, representative or committee of any political party or
1444 candidate for nomination by any political party, or any committee
1445 or other person acting in behalf of such candidate. The limit of
1446 One Thousand Dollars (\$1,000.00) for contributions to political
1447 parties, candidates and committees or other persons acting in
1448 behalf of such candidates shall be an annual limitation applicable
1449 to each calendar year.



1450 (2) Any candidate committee, or political party which
1451 accepts contributions from any corporation, incorporated company
1452 or incorporated association, or agent, officer or employee
1453 violating any of the provisions of this section, shall be assessed
1454 a civil penalty for each day or part of any day beginning with the
1455 sixth calendar day until the unlawful contribution is returned, up
1456 to a maximum of ten (10) days:

1457 (a) Candidates for statewide office shall be assessed a
1458 civil penalty of Five Hundred Dollars (\$500.00) for each day.

1459 (b) Candidates for state district office shall be
1460 assessed a civil penalty of Two Hundred Fifty Dollars (\$250.00)
1461 for each day.

1462 (c) Candidates for legislative office shall be assessed
1463 a civil penalty of One Hundred Dollars (\$100.00) for each day.

1464 (d) Political parties shall be assessed a civil penalty
1465 of One Hundred Dollars (\$100.00) for each day.

1466 (3) The candidate committee or political party shall not be
1467 assessed a fine if the receiving entity returns the unlawful
1468 donation within five (5) business days of receipt. Return date
1469 shall be the date of mailing or electronic transfer of funds.

1470 (4) The candidate shall be personally liable for the payment
1471 of the civil penalty assessment for non-judicial candidates. The
1472 treasurer of any judicial candidate's authorized political
1473 committee shall be liable, and the chairman and treasurer of a



1474 political party shall be jointly liable for any unlawful
1475 contributions.

1476 (5) The candidate committee or political party shall not
1477 expend any contribution in excess of One Thousand Dollars
1478 (\$1,000.00) if received in violation of this section. Any
1479 candidate or any other person who willfully violates the
1480 provisions and prohibitions of this chapter shall be guilty of a
1481 misdemeanor and upon conviction shall be punished by a fine in a
1482 sum not to exceed Five Thousand Dollars (\$5,000.00) or imprisoned
1483 for not longer than six (6) months, or by both fine and
1484 imprisonment.

1485 (6) The Attorney General shall bring such action at the
1486 request of the Secretary of State, and shall also take legal
1487 action as necessary for the collection of any levied assessments.
1488 Pursuant to Section 7-5-39, the Attorney General shall authorize
1489 retention of independent counsel from outside his or her office if
1490 the Attorney General declines representation. The Attorney
1491 General shall provide notice declining to provide representation
1492 within five (5) business days of receipt of the request.

1493 **SECTION 18.** Sections 97-13-15 and 97-13-17, Mississippi Code
1494 of 1972, which prohibited political contributions by corporations
1495 and penalized illegal corporate contributions, are repealed.

1496 **SECTION 19.** Sections 15 through 17 shall be codified in
1497 Title 23, Chapter 15, Mississippi Code of 1972.



1498 **SECTION 20.** This act shall take effect and be in force from
1499 and after July 1, 2024, and shall stand repealed on June 30, 2024.

