

By: Senator(s) England

To: Elections

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 PROCEDURE 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 THAT 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 article, an individual
52 shall be deemed to seek nomination for election, or election:

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

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

63 (iii) No individual may accept contributions or make
64 expenditures until he or she has filed a declaration of intent to



65 seek office with the appropriate office or officially qualifies
66 for office.

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

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

80 An inaugural committee is not a political committee, and is
81 therefore not required to file campaign finance disclosure
82 reports. An inaugural committee is the legal entity responsible
83 for fundraising for and the planning and coordination of all
84 official events and activities surrounding the inauguration of an
85 elected official.

86 (* * *e) "Affiliated organization" means any organization
87 that is not a political committee, but that directly or indirectly
88 establishes, administers or financially supports a political
89 committee.



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

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

102 (iii) "Contribution to a political party" includes any
103 corporate contribution, coordinated expenditure, coordinated
104 communication, gift, subscription, loan, advance or deposit of
105 money or anything of value made by any person, corporation,
106 political committee * * * or other organization to a political
107 party and to any committee, subcommittee, campaign committee,
108 political committee and other groups of persons and affiliated
109 organizations of the political party; or

110 (iv) "Contribution to a political party" shall not
111 include the value of services provided without compensation by any
112 individual who volunteers on behalf of a political party or a
113 candidate of a political party.



114 (g) "Corporate contribution" shall include any gift,
115 subscription, loan, advance or deposit of money or anything of
116 value made by any corporation, incorporated company or
117 incorporated association, or any servant, agent, employee or
118 officer thereof, using any money, security, funds or property of
119 said corporation, incorporated company or incorporated association
120 for the purpose of aiding any political party or any candidate for
121 any public office, or any candidate for any nomination for any
122 public office of any political party or to give, donate,
123 appropriate or furnish, directly or indirectly, any money,
124 security, funds or property of said corporation to any committee
125 or person as a contribution to the expense of any political party
126 or candidate, representative or committee of any political party or
127 candidate for nomination by any political party, or any committee
128 or other person acting in behalf of such candidate.

129 (h) "Corporation" shall include any incorporated company,
130 incorporated association, by whatever name it may be known,
131 incorporated or organized under the laws of any state or any
132 agent, employee or officer thereof.

133 (* * *i) (i) "Expenditure" shall include any purchase,
134 payment, distribution, loan, advance, deposit, gift of money or
135 anything of value, made by any person, corporation or political
136 committee for the purpose of influencing any balloted measure or
137 election for elective office; and a written contract,
138 promise * * * or agreement to make an expenditure;



139 (ii) "Expenditure" shall not include any news story,
140 commentary or editorial distributed through the facilities of any
141 broadcasting station, newspaper, magazine * * * or other
142 periodical publication, unless the facilities are owned or
143 controlled by any political party, political committee * * * or
144 candidate; * * *

145 (iii) "Expenditure by a political party" includes 1.
146 any purchase, payment, distribution, loan, advance, deposit, gift
147 of money or anything of value, made by any political party and by
148 any contractor, subcontractor, agent * * * and consultant to the
149 political party; and 2. a written contract, promise * * * or
150 agreement to make such an expenditure.

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

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

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

157 (* * *k) The term "political party" shall mean an
158 association, committee or organization which nominates a candidate
159 for election to any elective office whose name appears on the
160 election ballot as the candidate of the association, committee or
161 organization.



162 (* * *l) The term "person" shall mean any individual,
163 family, firm, * * * partnership, association or other legal
164 entity.

165 (* * *m) The term "independent expenditure" shall mean an
166 expenditure by a person or corporation expressly advocating the
167 election or defeat of a clearly identified candidate that is made
168 without cooperation, coordination or consultation with any
169 candidate or any authorized committee or agent of the candidate,
170 and that is not made in concert with or at the request or
171 suggestion of any candidate or any authorized committee or agent
172 of the candidate.

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

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

177 (ii) Is made in cooperation, consultation,
178 understanding, agreement or concert with, or at the request or
179 suggestion of, the candidate or political party that is the
180 beneficiary of the disbursement.

181 Coordinated expenditure includes a disbursement for any
182 communication that republishes or disseminates, in whole or in
183 part, a video, a photograph, audio footage, a written graphic or
184 any other form of campaign material prepared by the candidate or
185 political party that is the beneficiary of the disbursement.



186 Coordinated expenditure does not include a disbursement for any
187 communication that is not a public communication.

188 (o) The term "coordinated communication" shall mean a
189 communication that is coordinated with a candidate, an authorized
190 committee, a political party committee, or any servant, agent,
191 employee or officer of any of the foregoing when the
192 communication:

193 (i) Is paid for, in whole or in part, by a person other
194 than that candidate, authorized committee or political party
195 committee;

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

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

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

201 (i) The name or nickname of the candidate involved
202 appears; or

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

204 or

205 (iii) The identity of the candidate is apparent by
206 unambiguous reference.

207 (q) The term "public communication" means a communication by
208 means of any broadcast, cable, or satellite communication,
209 newspaper, magazine, outdoor advertising facility, mass mailing,
210 or telephone bank to the general public, or any other form of



211 general public political advertising. The term general public
212 political advertising shall not include communications over the
213 internet, except for communications placed for a fee on another
214 person's website, digital device, application or advertising
215 platform.

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

218 23-15-803. (1) Each candidate or political committee shall
219 file a statement of organization which must be received by the
220 Secretary of State * * * prior to the candidate or political
221 committee receiving contributions or making expenditures. All
222 candidates will be required to establish a candidate committee and
223 will report all contributions and expenditures made seeking
224 elective office through the candidate committee. A candidate may
225 be the sole member and treasurer of a candidate committee.

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

229 (b) * * * Political committees which support or oppose
230 county or county district candidates or county ballot measures
231 shall file with the county circuit clerk.

232 (2) The political committee shall notify the Secretary of
233 State by January 31 of each year indicating the reporting schedule
234 as published by the Secretary of State the political committee



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

237 If the political committee decides at any point during the
238 calendar year to support or oppose a candidate for election, the
239 political committee may opt in to filing that particular reporting
240 schedule and must continue filing until the end of the year.

241 (3) The content of the statement of organization of a
242 candidate committee shall include:

243 (a) The name, address, officers and members of the
244 committee;

245 (b) An electronic mail (email) address unique to the
246 candidate committee;

247 (c) The designation of a chair of the organization and
248 a custodian of the financial books, records and accounts of the
249 organization, who shall be designated treasurer; and

250 (d) The name, address, office sought and party
251 affiliation, if any, of the candidate.

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

254 (a) The name, address, officers * * * and members of
255 the committee;

256 (b) An electronic mail (email) address unique to the
257 political committee;

258 (* * *c) The designation of a chair of the
259 organization and a custodian of the financial books, records and



260 accounts of the organization, who shall be designated treasurer.
261 If the chair or the treasurer of the organization is not a
262 Mississippi resident, the political committee shall designate an
263 individual located in Mississippi capable of receiving service of
264 process for the entity; and

265 (* * *d) * * * The election cycles, as set for in
266 Section 23-15-807, in which the political committee will be making
267 expenditures. A political committee may amend its statement of
268 organization to add or remove election cycles in which it will be
269 making expenditures. If a political committee contributes to a
270 candidate not on an identified schedule, that political committee
271 must continue filing all periodic reports of said schedule. A
272 political committee shall file all periodic reports required for
273 the election cycle(s) that it has designated on its statement of
274 organization.

275 (* * *5) Any change in information previously submitted in
276 a statement of organization shall be reported * * * within thirty
277 (30) days of the change occurring or on an amended statement of
278 organization.

279 (* * *6) In addition to any other penalties provided by
280 law, the * * * Secretary of State may impose administrative
281 penalties against any political committee that fails to comply
282 with the requirements of this section in an amount not to exceed
283 Five Thousand Dollars (\$5,000.00) per violation. The Secretary of
284 State shall impose administrative penalties of Five Hundred



285 Dollars (\$500.00) against any candidate committee that fails to
286 file a statement of organization. The notice, hearing and appeals
287 provisions of Section 23-15-813 shall apply to any action taken
288 pursuant to this subsection (* * * 6). The * * * Attorney
289 General's Office or district attorney with appropriate
290 jurisdiction shall pursue judicial enforcement of any penalties
291 issued pursuant to this section at the request of the Mississippi
292 Secretary of State. Pursuant to Section 7-5-39, the Attorney
293 General shall authorize the retention of independent counsel from
294 outside his or her office if the Attorney General declines
295 representation when requested.

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

298 23-15-805. (a) * * * Candidate committees for state, state
299 district, and legislative district offices, and every political
300 committee, which makes reportable contributions to or expenditures
301 in support of or in opposition to a candidate for any such office
302 or makes reportable contributions to or expenditures in support of
303 or in opposition to a statewide ballot measure, shall file all
304 reports required under this article with the Office of the
305 Secretary of State. Political committees shall file all reports
306 required by this section in accordance with the election cycle the
307 committee provided on their statement of organization. A
308 political committee that begins making expenditures in an election



309 cycle must file all required reports for that election cycle
310 unless a termination report is filed.

311 (i) The Secretary of State shall maintain a central
312 site on the internet to make accessible to the public and
313 searchable all publicly available election-related reports and
314 information. Reports shall be searchable by the identifiable
315 variables on the report, including, but not limited to, candidate,
316 office sought, itemized contribution, itemized expenditure, amount
317 of contribution and amount of expenditure. In this section, the
318 term "election-related report" means any report, designation or
319 statement required to be filed under this chapter.

320 (ii) Candidates and political committees required to
321 file with the Secretary of State's Office shall be required to use
322 the online filing system for filing campaign finance reports by
323 January 1, 2027.

324 (b) Candidates for county or county district office, and
325 every political committee which makes reportable contributions to
326 or expenditures in support of or in opposition to a candidate for
327 such office or makes reportable contributions to or expenditures
328 in support of or in opposition to a countywide ballot measure or a
329 ballot measure affecting part of a county, excepting a municipal
330 ballot measure, shall file all reports required by this section in
331 the office of the circuit clerk of the county in which the
332 election occurs, * * * via the electronic delivery portal,
333 facsimile, electronic mail, postal mail or hand delivery. The



334 circuit clerk shall forward copies of all reports to the Office of
335 the Secretary of State within ten (10) days of receipt of the
336 reports.

337 (c) Candidates for municipal office, and every political
338 committee which makes reportable contributions to or expenditures
339 in support of or in opposition to a candidate for such office, or
340 makes reportable contributions to or expenditures in support of or
341 in opposition to a municipal ballot measure shall file all reports
342 required by this article in the office of the municipal clerk of
343 the municipality in which the election occurs, * * * via the
344 electronic delivery portal, facsimile, electronic mail, postal
345 mail or hand delivery. The municipal clerk shall forward copies
346 of all reports to the Office of the Secretary of State within ten
347 (10) days of receipt of the reports.

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

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

354 23-15-807. (a) Each candidate committee or political
355 committee shall file reports of contributions and disbursements in
356 accordance with the provisions of this section. All * * *
357 candidate committees or political committees required to report
358 such contributions and disbursements may terminate the obligation



359 to report only upon submitting a final report that contributions
360 will no longer be received or disbursements made, the committee
361 does not carry a cash-on-hand balance, and that the * * *
362 committee has no outstanding debts or obligations. The candidate,
363 treasurer or chief executive officer shall sign the report.

364 (b) Candidate committees for candidates seeking election, or
365 nomination for election, and political committees making
366 expenditures to influence or attempt to influence voters for or
367 against the nomination for election of one or more candidates or
368 balloted measures at such election, shall file the following
369 reports:

370 (i) In any calendar year during which there is a
371 regularly scheduled primary election, general election or special
372 election, a pre-election report shall be filed no later than the
373 seventh day before any election in which the candidate or
374 political committee has accepted contributions or made
375 expenditures and shall be completed as of the tenth day before the
376 election;

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



383 (iii) In any * * * year in which there is no regularly
384 scheduled election and the committee did not file periodic
385 reports, a report covering the calendar year shall be filed no
386 later than January 31 of the following calendar year; and

387 (iv) Except as otherwise provided in the requirements
388 of paragraph (i) of this subsection (b), unopposed candidates are
389 not required to file pre-election reports but must file all other
390 reports required by paragraphs (ii) and (iii) of this subsection
391 (b).

392 (c) All * * * candidate committees for judicial office, as
393 defined in Section 23-15-975, * * * shall file periodic reports in
394 the year in which they are to be elected, which shall be
395 designated as the judicial election cycle on the statement of
396 organization required by 23-15-803, no later than the tenth day
397 after April 30, May 31, June 30, July 31, August 31, September 30
398 and December 31. * * * All candidate committees for judicial
399 candidates shall file an annual report in accordance with
400 subsection (b)(iii) of this section.

401 (i) In any calendar year during which there is a
402 regularly scheduled election or special election, a pre-election
403 report shall be filed no later than the seventh day before any
404 election in which the candidate committee or political committee
405 has accepted contributions or made expenditures and shall be
406 completed as of the tenth day before the election;



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

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

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

415 (i) For the reporting period and the calendar year, the
416 total amount of all contributions and the total amount of all
417 expenditures of the candidate committee or reporting committee,
418 including those required to be identified pursuant to paragraph
419 (ii) of this subsection (d) as well as the total of all other
420 contributions and expenditures during the calendar year. The
421 reports shall be cumulative during the calendar year to which they
422 relate;

423 (ii) The identification of:

424 1. Each person, candidate committee or political
425 committee who makes a contribution to the reporting candidate
426 committee or political committee during the reporting period,
427 whose contribution or contributions within the calendar year have
428 an aggregate amount or value in excess of Two Hundred Dollars
429 (\$200.00) together with the date and amount of any such
430 contribution * * *.



431 When making solicitations, committees and their treasurers
432 shall obtain and report the name, address, occupation and employer
433 of each contributor who gives more than Two Hundred Dollars
434 (\$200.00) in an election cycle. For each contribution received
435 aggregating in excess of Two Hundred Dollars (\$200.00) per
436 calendar year lacking required contributor information, such as
437 the contributor's full name, mailing address, occupation or name
438 of employer, the treasurer shall after the receipt of the
439 contribution obtain the missing information. If the missing or
440 incomplete information is not received by the next reporting
441 deadline, the contribution shall be returned to the contributor or
442 remitted to the Secretary of State's Office to be deposited into
443 the general fund; and

444 2. Each person * * *, candidate committee,
445 organization, candidate or political committee who receives an
446 expenditure, payment or other transfer from the reporting
447 candidate committee, political committee or its agent, employee,
448 designee, contractor, consultant or other person or persons
449 acting * * * on its behalf during the reporting period when the
450 expenditure, payment or other transfer to the person,
451 organization, candidate or political committee within the calendar
452 year have an aggregate value or amount in excess of Two Hundred
453 Dollars (\$200.00) together with the date, purpose and amount of
454 the expenditure * * *.



455 If the candidate committee or political committee has
456 received any service, performance or anything of value during a
457 reporting period but has yet to make payment or other transfer,
458 the service, performance or anything of value received in exchange
459 for a future payment or other transfer shall be reported during
460 the reporting period it was received with a designation that a
461 payment or other transfer is to be made at a later date;

462 (iii) Any interest, dividends or income earned by
463 investment of monies held by a campaign committee or political
464 committee shall not be reported as a contribution but shall be
465 reported as a separate category;

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

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

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

477 2. Each person, candidate committee or
478 organization who receives an expenditure or expenditures * * * to
479 the person or organization within the calendar year have an



480 aggregate value or amount in excess of Two Hundred Dollars
481 (\$200.00), together with the date, purpose and amount of the
482 expenditure;

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

489 (vii) Disclosure required under this section of a
490 contribution to a financial institution or business allowing
491 payments and money transfers to be made over the internet must
492 include, by way of detail or separate entry, the amount of funds
493 passing from each person, business entity or organization
494 contributing funds;

495 (viii) Anonymous contributions shall not be accepted.
496 Any anonymous contributions shall be returned to the donor if
497 possible. If not possible, such funds shall be remitted to the
498 Secretary of State within five (5) days of receipt to be deposited
499 into the general fund.

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



505 (* * *f) The appropriate office specified in Section
506 23-15-805 must be in actual receipt of the reports specified in
507 this article by 5:00 p.m., or 11:59 p.m. if electronically
508 submitted, on the dates specified in subsection (b) of this
509 section. If the date specified in subsection (b) of this section
510 shall fall on a weekend or legal holiday then the report shall be
511 due in the appropriate office at 5:00 p.m., or 11:59 p.m. if
512 electronically submitted, on the first working day before the date
513 specified in subsection (b) of this section. The reporting
514 candidate committee or reporting political committee shall ensure
515 that the reports are delivered to the appropriate office by the
516 filing deadline. The Secretary of State may approve specific
517 means of electronic transmission of completed campaign finance
518 disclosure reports, which may include, but not be limited to,
519 transmission by electronic facsimile (FAX) devices.

520 (* * *g) (i) If any contribution of more than Two Hundred
521 Dollars (\$200.00) is received by a candidate or candidate * * *
522 committee after the tenth day and is not reported on the
523 pre-election report, but more than forty-eight (48) hours before
524 12:01 a.m. of the day of the election, the candidate committee or
525 political committee shall notify the appropriate office designated
526 in Section 23-15-805, within forty-eight (48) hours of receipt of
527 the contribution. The notification shall include:

528 1. The name of the receiving candidate;



- 529 2. The name of the receiving candidate * * *
530 committee, if any;
- 531 3. The office sought by the candidate;
- 532 4. The identification of the contributor;
- 533 5. The date of receipt;
- 534 6. The amount of the contribution;
- 535 7. If the contribution is in-kind, a description
536 of the in-kind contribution; and
- 537 8. The signature of the candidate or the treasurer
538 or chair of the candidate * * * committee.

539 (ii) The notification shall be in writing, and may be
540 transmitted electronically by overnight mail, courier service, or
541 other reliable means, including electronic facsimile (FAX), but
542 the candidate or candidate's committee shall ensure that the
543 notification shall in fact be received in the appropriate office
544 designated in Section 23-15-805 within forty-eight (48) hours of
545 the contribution.

546 (h) (i) If any expenditure of more than Two Hundred Dollars
547 (\$200.00) is made by a candidate committee after the tenth day and
548 is not reported on the pre-election report, but more than
549 forty-eight (48) hours before 12:01 a.m. of the day of the
550 election, the candidate committee or political committee shall
551 notify the appropriate office designated in Section 23-15-805,
552 within forty-eight (48) hours making the expenditure. The
553 notification shall include:



- 554 1. The name of the candidate committee making the
555 expenditure;
- 556 2. The office sought by the candidate;
- 557 3. The identification of the entity receiving the
558 expenditure;
- 559 4. The date of expenditure;
- 560 5. The purpose of the expenditure;
- 561 6. The amount of the expenditure;
- 562 7. The signature of the candidate or the treasurer
563 or chair of the candidate committee.

564 (ii) The notification shall be in writing, and may be
565 transmitted electronically, by overnight mail, courier service, or
566 other reliable means, including electronic facsimile (FAX), but
567 the candidate committee shall ensure that the notification shall
568 in fact be received in the appropriate office designated in
569 Section 23-15-805 within forty-eight (48) hours of the
570 expenditure.

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

573 23-15-809. (a) Every person who makes independent
574 expenditures in an aggregate amount or value in excess of Two
575 Hundred Dollars (\$200.00) during a calendar year shall file a
576 statement containing the information required under Section
577 23-15-807. Such statement shall be filed with the appropriate
578 offices as provided for in Section 23-15-805, and such person



579 shall be considered a political committee for the purpose of
580 determining place of filing.

581 (b) Statements required to be filed by this subsection shall
582 include:

583 (i) Information indicating whether the independent
584 expenditure is in support of, or in opposition to, the candidate
585 involved;

586 (ii) Under penalty of perjury, a certification of
587 whether or not such independent expenditure is made in
588 cooperation, consultation or concert with, or at the request or
589 suggestion of, any candidate or any authorized committee or agent
590 of such candidate; and

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

595 (c) Persons making such expenditures must ensure that the
596 receiving entity receives the report or statement by close of
597 business on the second business day following the date on which
598 the expenditure is made, or the communication is publicly
599 distributed or otherwise publicly disseminated, whichever occurs
600 first.

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



603 23-15-811. (a) Any candidate, an authorized representative
604 of a candidate committee or any other person who willfully
605 violates the provisions and prohibitions of this article shall be
606 guilty of a misdemeanor and upon conviction shall be punished by a
607 fine in a sum not to exceed * * * Five Thousand Dollars
608 (\$5,000.00) or imprisoned for not longer than * * * one (1) year,
609 or by both fine and imprisonment.

610 (b) In addition to the penalties provided in subsection (a)
611 of this section and Chapter 13, Title 97, Mississippi Code of
612 1972, any candidate committee or political committee which is
613 required to file a statement or report and fails to file the
614 statement or report on the date it is due may be compelled to file
615 the statement or report by an action in the nature of a mandamus
616 brought by the * * * Mississippi Attorney General's Office at the
617 request of the Secretary of State's Office. Pursuant to Section
618 7-5-39, the Attorney General shall authorize the retention of
619 independent counsel from outside his or her office if the Attorney
620 General declines representation when requested.

621 (c) No candidate shall be certified as nominated for
622 election or as elected to office until * * * his or her candidate
623 committee files all reports required by this article that are due
624 as of the date of certification.

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



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

629 (e) No candidate who is elected to office shall receive any
630 salary or other remuneration for the office until * * * his or her
631 candidate committee files all reports required by this article
632 that are due as of the date the salary or remuneration is payable.

633 (f) In the event that a candidate committee fails to timely
634 file any report required pursuant to this article but subsequently
635 files a report or reports containing all of the information
636 required to be reported and pays any assessed fines, the candidate
637 shall not be subject to the sanctions of subsections (c) and (d)
638 of this section.

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

641 23-15-813. (a) In addition to any other penalty permitted
642 by law, the * * * Secretary of State shall require any candidate
643 committee or political committee, as identified in Section
644 23-15-805(a), and any other political committee registered with
645 the Secretary of State, who fails to file a campaign finance
646 disclosure report as required under Sections 23-15-801 through
647 23-15-813, or Sections 23-17-47 through 23-17-53, or who shall
648 file a report that fails to substantially comply with the
649 requirements of Sections 23-15-801 through 23-15-813, or Sections
650 23-17-47 through 23-17-53, to be assessed a civil penalty as
651 follows:



652 (i) Within * * * two (2) calendar days after any
653 deadline for filing a report pursuant to Sections 23-15-801
654 through 23-15-813, except Section 23-15-807(b) (i) or Sections
655 23-17-47 through 23-17-53, the Secretary of State shall compile a
656 list of those * * * candidate committees and political committees
657 who have failed to file a report. * * * The Secretary of State
658 shall provide each candidate committee or political committee, who
659 has failed to file a report, notice of the failure by electronic
660 mail, and if electronic mail is not available, by first-class
661 mail.

662 (ii) Beginning with the * * * fifth calendar day after
663 which any periodic or annual report is due, the Mississippi * * *
664 Secretary of State shall assess the delinquent candidate committee
665 and political committee a civil penalty * * * for each day or part
666 of any day until a valid report is delivered to the Secretary of
667 State, up to a maximum of ten (10) days. * * * If the fifth
668 calendar day falls on a weekend or holiday, fine assessment shall
669 begin the next business day. The Secretary of State shall accept
670 reports on weekends and holidays if filed electronically with a
671 timestamp.

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



675 2. Candidate committees for state district office
676 shall be assessed a civil penalty of Five Hundred Dollars
677 (\$500.00) for each day.

678 3. Candidate committees for legislative office
679 shall be assessed a civil penalty of Two Hundred Fifty Dollars
680 (\$250.00) for each day.

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

683 (b) (i) Within two (2) calendar days after any deadline for
684 filing a pre-election report pursuant to Sections 23-15-807(b)(i),
685 the Secretary of State shall compile a list of those candidates
686 and political committees who have failed to file a report. The
687 Secretary of State shall provide each candidate or political
688 committee, who has failed to file a report, notice of the failure
689 by electronic mail, if electronic mail is not available, by
690 first-class mail.

691 (ii) Beginning with the third calendar day after which
692 any pre-election report is due, the Mississippi Secretary of State
693 shall assess the delinquent candidate committee and political
694 committee a civil penalty for each day or part of any day until a
695 valid report is delivered to the Secretary of State, up to a
696 maximum of ten (10) days. The Secretary of State shall accept
697 reports on weekends and holidays if filed electronically with a
698 timestamp.



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

702 2. Candidate committees for state district office
703 shall be assessed a civil penalty of Five Hundred Dollars
704 (\$500.00) for each day.

705 3. Candidate committees for legislative office
706 shall be assessed a civil penalty of Two Hundred Fifty Dollars
707 (\$250.00) for each day.

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

710 (* * * c) Filing of the required report and payment of the
711 fine within ten (10) calendar days of notice by the Secretary of
712 State that a required statement has not been filed constitutes
713 compliance with Sections 23-15-801 through 23-15-813, or Sections
714 23-17-47 through 23-17-53.

715 (* * * d) Payment of the fine without filing the required
716 report does not excuse or exempt any person from the filing
717 requirements of Sections 23-15-801 through 23-15-813, and Sections
718 23-17-47 through 23-17-53.

719 (* * * e) If any candidate committee or political committee
720 is assessed a civil penalty, and the penalty is not
721 subsequently * * * appealed, the candidate committee or political
722 committee shall pay the fine to the * * * Secretary of State
723 within * * * sixty (60) days of the date of the assessment of the



724 fine. The fine shall be deposited into the State's General Fund.
725 If, after * * * ninety (90) days of the assessment of the fine the
726 payment for the entire amount of the assessed fine has not been
727 received by the * * * Secretary of State, the * * * Secretary of
728 State shall notify the Attorney General of the delinquency, and
729 the Attorney General shall file, where necessary, a suit to compel
730 payment of the civil penalty. Pursuant to Section 7-5-39, the
731 Attorney General shall authorize retention of independent counsel
732 from outside his or her office if the Attorney General declines
733 representation when requested.

734 * * *

735 (* * * f) (i) * * * In the event the candidate committee or
736 political committee appeals, the appeal shall be to the Circuit
737 Court of Hinds, Madison or Rankin County * * *. The appeal shall
738 be taken within thirty (30) calendar days after notice of
739 the * * * fine by the Secretary of State. The appeal shall be
740 perfected upon filing notice of the appeal and the prepayment of
741 all costs, * * * and filing a bond in the sum of Two Hundred
742 Dollars (\$200.00), conditioned that if the decision of the * * *
743 Secretary of State is affirmed by the court, the candidate or
744 political committee will pay the costs of the appeal and the
745 action in court. * * *

746 (ii) If there is an appeal, the appeal shall act as a
747 supersedeas. The court shall dispose of the appeal and enter its
748 decision promptly. The hearing on the appeal may be tried in



749 vacation, in the court's discretion. * * * The decision of the
750 court may be appealed to the Supreme Court in the manner provided
751 by law.

752 * * *

753 (* * *g) If, after twenty (20) calendar days of the date
754 upon which a campaign finance disclosure report is due, a
755 candidate or political committee identified in subsection (a) or
756 (b) of this section shall not have filed a valid report with the
757 Secretary of State, the Secretary of State shall notify the
758 Attorney General of those candidates and political committees who
759 have not filed a valid report, and the Attorney General shall
760 prosecute the delinquent candidates and political committees.
761 Pursuant to Section 7-5-39, the Attorney General shall authorize
762 the retention of independent counsel from outside his or her
763 office if the Attorney General declines representation when
764 requested.

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

767 23-15-815. * * * (1) It shall be the duty and power of the
768 Secretary of State:

769 (a) To prescribe forms of statements and other
770 information required to be filed by this chapter, to furnish such
771 forms to the county circuit clerks and municipal clerks and
772 individuals, or others required to file such statements and
773 information, and to prepare, publish and distribute or cause to be



774 distributed to all candidates at the time they file notices of
775 candidacy a manual setting forth the provisions of this article
776 and a prescribed uniform system for accounts required to file
777 statements by this chapter.

778 (b) The Secretary of State, circuit clerks and
779 municipal clerks shall, within forty-eight (48) hours after the
780 time of the receipt by the appropriate office of reports and
781 statements filed with it, make them available for public
782 inspection, and copying at the expense of the person requesting
783 such copying, and keep such designations, reports and statements
784 for a period of five (5) years from the date of receipt.

785 (c) To accept and file any information voluntarily
786 supplied that exceeds the requirements of this chapter, subject to
787 redaction of non-public information.

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

792 (2) The Secretary of State shall inspect or cause to be
793 inspected each statement filed with the Secretary of State under
794 this chapter within ten (10) days after the date it is filed. The
795 Secretary of State shall notify, no more than ten (10) days and at
796 least five (5) days before each report is due, each candidate or
797 treasurer whose organizational report has been filed, of the
798 specific date each report is due. He or she shall immediately



799 notify any individual, candidate, treasurer, political committee,
800 referendum committee or other entity that may be required to file
801 a statement under this chapter if:

802 (a) It appears that the individual, candidate,
803 treasurer, political committee, referendum committee or other
804 entity has failed to file a statement or report as required by law
805 or that a statement or report filed does not conform to this
806 chapter; or

807 (b) A written complaint is filed under oath with the
808 Secretary of State by any registered candidate or authorized
809 representative of a candidate or political party of this State
810 alleging that a statement or report filed with the Secretary of
811 State does not conform to this chapter or to the truth, or that an
812 individual, candidate, treasurer, political committee, referendum
813 committee or other entity has failed to file a statement required
814 by this chapter. The entity that is the subject of the complaint
815 will be given an opportunity to respond to the complaint within
816 five (5) business days before any action is taken requiring
817 compliance.

818 (3) To make investigations to the extent the Secretary of
819 State deems necessary with respect to statements and reports filed
820 under the provisions of this chapter and with respect to alleged
821 failures to file any statement or reports required under the
822 provisions of this chapter and, upon complaint, signed and sworn
823 under oath or affirmation, by any registered candidate or



824 authorized representative of a candidate or political party, with
825 respect to alleged violations of any part of this chapter. All
826 investigations shall be confidential, and no investigation shall
827 be initiated more than four (4) years from the earliest of the
828 following dates:

829 (a) The facts constituting the violation are known to
830 the Secretary of State;

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

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

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

837 23-15-817. The Secretary of State shall compile a list of
838 all candidates for the Legislature or any statewide or state
839 district office who fail to file a campaign disclosure report by
840 the dates specified in Section 23-15-807(b). The * * * Attorney
841 General, on behalf of the Secretary of State, may bring a mandamus
842 as provided in Section 23-15-811 or take any other disciplinary
843 action as provided in this chapter. The list shall also be
844 disseminated to the members of the Mississippi Press Association
845 within two (2) working days after such reports are due and made
846 available to the public.

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



849 23-15-819. (1) It shall be unlawful for a foreign national,
850 directly or through any other person, to make any contribution or
851 any expenditure of money or other thing of value, or to promise
852 expressly or impliedly to make any such contribution or
853 expenditure, in connection with an election to any political
854 office or in connection with any primary election, convention or
855 caucus held to select candidates for any political office.

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

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

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

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

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

866 23-15-821. (1) The personal use of campaign contributions
867 by any elected public officeholder or by any candidate for public
868 office is prohibited.

869 (a) For the purposes of this section, "personal use" is
870 defined as any use, other than expenditures related to gaining or
871 holding public office, or performing the functions and duties of
872 public office, for which the candidate for public office or
873 elected public official would be required to treat the amount of



874 the expenditure as gross income under Section 61 of the Internal
875 Revenue Code of 1986, 26 USC Section 61, or any subsequent
876 corresponding Internal Revenue Code of the United States, as from
877 time to time amended. "Personal use" shall not include donations
878 to a political organization, or to a political action committee,
879 or to another candidate.

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

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

887 (2) The following personal use expenditures are specifically
888 prohibited under this section:

889 (a) Any residential or household items, supplies or
890 expenditures, including mortgage, rent or utility payments for any
891 part of any personal residence where a homestead exemption is
892 claimed of a candidate or officeholder or a member of the
893 candidate's or officeholder's family;

894 (b) Mortgage, rent or utility payments for any part of
895 any nonresidential property that is owned by a candidate or
896 officeholder or a member of a candidate's or officeholder's family
897 and used for campaign purposes, to the extent the payments exceed
898 the fair market value of the property usage;



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

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

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

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

910 (g) Salary payments to a member of a candidate's
911 family, unless the family member is providing bona fide services
912 to the campaign. If a family member provides bona fide services
913 to a campaign, any salary payments in excess of the fair market
914 value of the services provided is personal use;

915 (h) Nondocumented loans of any type, including loans to
916 candidates;

917 (i) Travel expenses except for travel expenses of a
918 candidate, officeholder or staff member of the officeholder for
919 travel undertaken as an ordinary and necessary expense of gaining
920 or holding public office, or performing the functions and duties
921 of public office or for attending meetings or conferences of
922 officials similar to the office held or sought, or for an issue
923 the legislative body is or will consider, or attending a state or



924 national convention of any party. If a candidate or officeholder
925 uses campaign contributions to pay expenses associated with travel
926 that involves both personal activities and activities related to
927 gaining or holding public office or performing the functions and
928 duties of public office, the incremental expenses that result from
929 the personal activities are personal use, unless the person(s)
930 benefiting from this use reimburse(s) the campaign account within
931 thirty (30) days for the amount of the incremental expenses; and

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

934 (3) Any expense that reasonably relates to gaining or
935 holding public office, or performing the functions and duties of
936 public office, is a specifically permitted use of campaign
937 contributions. Such expenditures are not considered personal use
938 expenditures and may include, but are not limited to, the
939 following expenditures:

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

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

946 (c) Donations to charitable organizations,
947 not-for-profit organizations or for sponsorships, provided the
948 candidate or officeholder does not receive monetary compensation,



949 other than reimbursements of expenses, from the recipient
950 organization;

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

955 (e) Meal and beverage expenses which are incurred as
956 part of a campaign activity or as a part of a function that is
957 related to the candidate's or officeholder's responsibilities,
958 including meals between and among candidates and/or officeholders
959 that are incurred as an ordinary and necessary expense of seeking,
960 holding or maintaining public office, or seeking, holding or
961 maintaining a position within the Legislature or other publicly
962 elected body;

963 (f) Reasonable rental or accommodation expenses
964 incurred by an officeholder during a legislative session or a day
965 or days in which the officeholder is required by his or her duties
966 to be at the Capitol or another location outside the
967 officeholder's county of residence. Such rental or accommodation
968 expenses shall not exceed Fifty Dollars (\$50.00) per day, if the
969 officeholder receives per diem, or One Hundred Ninety Dollars
970 (\$190.00) per day, if the officeholder receives no per diem. Any
971 expenses incurred under this paragraph (f) must be reported as an
972 expenditure pursuant to this section;



973 (g) Communication access expenses, including mobile
974 devices and Internet access costs. Examples of communication
975 access expenses include, but are not limited to, the following:
976 captioning on television advertisements; video clips; sign
977 language interpreters; computer-aided real-time (CART) services;
978 and assistive listening devices;

979 (h) Costs associated with memberships to chambers of
980 commerce and civic organizations;

981 (i) Legal fees and costs associated with any civil
982 action, criminal prosecution or investigation related to conduct
983 reasonably related to the candidacy or performing the duties of
984 the office held.

985 (4) Upon filing the termination report required under
986 Section 23-15-807, any campaign contributions not used to pay for
987 the expenses of gaining or holding public office or performing the
988 functions and duties of public office shall:

989 * * *

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

992 (* * * b) Be transferred, in whole or in part, into a
993 newly established political action committee or ballot question
994 advocate;

995 (* * * c) Be donated to a tax-exempt charitable
996 organization as that term is used in Section 501(c)(3) of the
997 Internal Revenue Code of 1986, 26 USC Section 501, or any



998 subsequent corresponding Internal Revenue Code of the United
999 States, as from time to time amended;

1000 (* * *d) Be donated to the State of Mississippi; or

1001 (* * *e) Be returned to a donor or donors.

1002 (5) Any candidate for public office or any elected official
1003 who willfully violates this section shall be guilty of a
1004 misdemeanor and punished by a fine of One Thousand Dollars
1005 (\$1,000.00) and by a state assessment equal to the amount of
1006 misappropriated campaign contributions. The state assessment
1007 shall be deposited into the Public Employees' Retirement System.
1008 No fine or assessment imposed under this section shall be paid by
1009 a third party.

1010 (6) (a) Any contributions accruing to a candidate's or
1011 officeholder's campaign account before January 1, 2018, shall be
1012 exempt and not subject to the provisions of this section. All
1013 exempt contributions must be designated as exempt on all reports
1014 filed with the Secretary of State pursuant to the provisions of
1015 this chapter.

1016 (b) Should a candidate with exempt campaign finance
1017 funds no longer hold office, the funds shall be dispensed with and
1018 properly reported to the Secretary of State's Office within four
1019 (4) years after leaving office.

1020 (7) The Mississippi Ethics Commission shall issue advisory
1021 opinions regarding any of the requirements set forth in this
1022 section. When any officeholder or candidate requests an advisory



1023 opinion, in writing, and has stated all of the facts to govern the
1024 opinion, and the Ethics Commission has prepared and delivered the
1025 opinion with references to the request, there shall be no civil or
1026 criminal liability accruing to or against any officeholder or
1027 candidate who, in good faith, follows the direction of the opinion
1028 and acts in accordance with the opinion, unless a court of
1029 competent jurisdiction, after a full hearing, judicially declares
1030 that the opinion is manifestly wrong and without any substantial
1031 support. No opinion shall be given or considered if the opinion
1032 would be given after judicial proceedings have commenced.

1033 All advisory opinions issued pursuant to the provisions of
1034 this subsection (7) shall be made public and shall be issued
1035 within ninety (90) days of a written request. The request for an
1036 advisory opinion shall be confidential as to the identity of the
1037 individual making the request. The Ethics Commission shall, so
1038 far as practicable and before making public * * * an advisory
1039 opinion issued under the provisions of * * * this subsection (7),
1040 make such deletions and changes thereto as may be necessary to
1041 ensure the anonymity of the public official and any other person
1042 named in the opinion.

1043 **SECTION 12.** The following shall be codified as Section
1044 23-15-823, Mississippi Code of 1972:

1045 23-15-823. (1) The following shall be treatment as an
1046 in-kind contribution and expenditure:



1047 (a) A payment for a coordinated communication is made
1048 for the purpose of influencing an election and is an in-kind
1049 contribution to the candidate, authorized committee or political
1050 party committee with whom or which it is coordinated and must be
1051 reported as an expenditure made by that candidate, authorized
1052 committee, or political party committee; or

1053 (b) In-kind contributions resulting from conduct
1054 described in this section, notwithstanding paragraph (a) of this
1055 subsection, the candidate, authorized committee or political party
1056 committee with whom or which a communication is coordinated does
1057 not receive or accept an in-kind contribution, and is not required
1058 to report an expenditure that results from conduct described in
1059 this section, unless the candidate, authorized committee or
1060 political party committee engages in conduct described in this
1061 section.

1062 (2) A political committee, other than a political party
1063 committee, that makes a coordinated communication must report the
1064 payment for the communication as a contribution made to the
1065 candidate or political party committee with whom or which it was
1066 coordinated and as an expenditure. A candidate, authorized
1067 committee, or political party committee with whom or which a
1068 communication paid for by another person is coordinated must
1069 report the usual and normal value of the communication as an
1070 in-kind contribution.



1071 (3) Each of the types of content described in paragraphs (a)
1072 through (c) of this subsection satisfies the content standards of
1073 this section:

1074 (a) A communication that is an electioneering
1075 communication pursuant to Section 23-15-825;

1076 (b) A public communication that disseminates,
1077 distributes or republishes, in whole or in part, campaign
1078 materials prepared by a candidate or the candidate's authorized
1079 committee, unless the dissemination, distribution or republication
1080 is excepted by Section 23-15-827(2); or

1081 (c) A public communication that expressly advocates for
1082 the election or defeat of a clearly identified candidate for
1083 elected office in the State.

1084 (4) The public communication refers to a political party,
1085 and does not refer to a clearly identified state candidate and is
1086 publicly distributed or otherwise publicly disseminated in a
1087 jurisdiction in which one or more candidates of that political
1088 party will appear on the ballot. To satisfy this specific
1089 standard, the communication must be coordinated with a candidate
1090 or political party committee and be publicly distributed or
1091 otherwise publicly disseminated in that candidate's jurisdiction
1092 ninety (90) days or fewer before the clearly identified
1093 candidate's general, special, runoff or primary election.

1094 (5) For purposes of this section, a communication is the
1095 functional equivalent to express advocacy if it is susceptible of



1096 no reasonable interpretation other than as an appeal to vote for
1097 or against a clearly identified state candidate.

1098 (6) Any of the following types of conduct satisfies the
1099 conduct standard of this section whether or not there is agreement
1100 or formal collaboration:

1101 (a) Request or suggestion;

1102 (b) The communication is created, produced or
1103 distributed at the request or suggestion of a candidate,
1104 authorized committee or political party committee; or

1105 (c) the communication is created, produced or
1106 distributed at the suggestion of a person paying for the
1107 communication and the candidate, authorized committee or political
1108 party committee assents to the suggestion.

1109 (7) Subsection (6)(c) of this section is not satisfied if
1110 the information material to the creation, production or
1111 distribution of the communication was obtained from a publicly
1112 available source. A candidate, authorized committee or political
1113 party committee is materially involved in decisions regarding:

1114 (a) The content of the communication;

1115 (b) The intended audience for the communication;

1116 (c) The means or mode of the communication;

1117 (d) The specific media outlet used for the
1118 communication;

1119 (e) The timing or frequency of the communication; or



1120 (f) The size or prominence of a printed communication,
1121 or duration of a communication by means of broadcast, cable or
1122 satellite.

1123 (8) Subsection (6)(c) of this section is not satisfied if
1124 the information material to the creation, production or
1125 distribution of the communication was obtained from a publicly
1126 available source. The communication is created, produced or
1127 distributed after one or more substantial discussions about the
1128 communication between the person paying for the communication, or
1129 the employees or agents of the person paying for the
1130 communication, and the candidate who is clearly identified in the
1131 communication, or the candidate's authorized committee, the
1132 candidate's opponent, the opponent's authorized committee or a
1133 political party committee. A discussion is substantial within the
1134 meaning of this paragraph if information about the candidate's or
1135 political party committee's campaign plans, projects or
1136 activities, or needs is conveyed to a person paying for the
1137 communication, and that information is material to the creation,
1138 production or distribution of the communication.

1139 **SECTION 13.** The following shall be codified as Section
1140 23-15-825, Mississippi Code of 1972:

1141 23-15-825. (1) Electioneering communication means any
1142 broadcast, cable, or satellite communication that:

1143 (a) Refers to a clearly identified candidate for
1144 elected office; and



1145 (b) Is publicly distributed within sixty (60) days
1146 before a general election for the office sought by the candidate
1147 or within thirty (30) days before a primary election.

1148 (2) For purposes of this section:

1149 (a) "Broadcast, cable or satellite communication" means
1150 a communication that is publicly distributed by a television
1151 station, radio station, cable television system or satellite
1152 system.

1153 (b) "Refers to a clearly identified candidate" means
1154 that the candidate's name, nickname, photograph or drawing
1155 appears, or the identity of the candidate is otherwise apparent
1156 through an unambiguous reference such as "the Governor," "your
1157 representative," or "the incumbent" or through an unambiguous
1158 references to his or her status as a candidate such as the
1159 "Republican Governor nominee" or the "Republican candidate for
1160 State Senate in District 1."

1161 (c) "Publicly distributed" means aired, broadcast,
1162 cablecast or otherwise disseminated through the facilities of a
1163 television station, radio station, cable television system, or
1164 satellite system.

1165 (3) The following communications are exempt from the
1166 definition of electioneering communication. Any communication
1167 that:

1168 (a) Is publicly disseminated through a means of
1169 communication other than a broadcast, cable, satellite television



1170 or radio station. For example, electioneering communication does
1171 not include communications appearing in print media, including a
1172 newspaper, a magazine, a handbill, brochure, bumper sticker, yard
1173 sign, poster, billboard and other written materials including
1174 mailings, communications over the internet, including electronic
1175 mail or telephone communications;

1176 (b) Appears in a news story, commentary or editorial
1177 distributed through the facilities of any broadcast, cable,
1178 satellite television or radio station, unless such facilities are
1179 owned or controlled by any political party, political committee or
1180 candidate. A news story distributed through a broadcast, cable,
1181 or satellite television or radio station owned or controlled by
1182 any political party, political committee, or candidate is
1183 nevertheless exempt if the news story meets the requirements of
1184 the following:

1185 (i) Represents a bona fide news account
1186 communicated in a publication of general circulation or on a
1187 licensed broadcasting facility;

1188 (ii) Is part of a general pattern of
1189 campaign-related news accounts that give reasonably equal coverage
1190 to all opposing candidates in the circulation or listening area;

1191 (iii) Constitutes an expenditure or independent
1192 expenditure provided that the expenditure or independent
1193 expenditure is required to be reported;



1194 (iv) Constitutes a candidate debate or forum or
1195 that solely promotes such a debate or forum and is made by or on
1196 behalf of the person sponsoring the debate or forum;

1197 (v) Is paid for by a candidate for elected office
1198 in connection to an elected office in the state, provided that the
1199 communication does not promote, support, attack or oppose any
1200 federal candidate.

1201 **SECTION 14.** The following shall be codified as Section
1202 23-15-827, Mississippi Code of 1972:

1203 23-15-827. (1) The financing of the dissemination,
1204 distribution, or republication, in whole or in part, of any
1205 broadcast, or any written, graphic or other form of campaign
1206 materials prepared by the candidate, the candidate's authorized
1207 committee or an agent of either of the foregoing, shall be
1208 considered a contribution for the purposes of contribution
1209 limitations and reporting responsibilities of the person making
1210 the expenditure. The candidate who prepared the campaign material
1211 does not receive or accept an in-kind contribution, and is not
1212 required to report an expenditure, unless the dissemination,
1213 distribution or republication of campaign material is a
1214 coordinated communication.

1215 (2) The following uses of campaign materials do not
1216 constitute a contribution to the candidate who originally prepared
1217 the materials:



1218 (a) The campaign material is disseminated, distributed
1219 or republished by the candidate or the candidate's authorized
1220 committee who prepared the material;

1221 (b) The campaign material is incorporated into a
1222 communication that advocates the defeat of the candidate or party
1223 that prepared the material;

1224 (c) The campaign material is disseminated, distributed
1225 or republished in a news story, commentary or editorial exempted
1226 under Section 23-15-829; or

1227 (d) The campaign material used consists of a brief
1228 quote of materials that demonstrates a candidate's position as
1229 part of a person's expression of its own views.

1230 **SECTION 15.** Candidates shall disclose the identity of any
1231 individual or entity from which the candidate or the candidate's
1232 committee receives a loan or other extension of credit for use in
1233 his or her campaign and any cosigners for a loan or extension of
1234 credit. The candidate or the candidate's committee shall disclose
1235 how the loan or other extension of credit was used, and how and
1236 when the loan or other extension of credit is to be repaid and the
1237 method of repayment. The candidate or the candidate's committee
1238 shall disclose all loan documents related to such loans or
1239 extensions of credit.

1240 **SECTION 16.** (1) The candidate or treasurer of each
1241 political committee shall keep detailed accounts, current within
1242 not more than five (5) business days after the date of receiving a



1243 contribution or making an expenditure, of all contributions
1244 received and all expenditures made by or on behalf of the
1245 candidate or committee. The candidate or treasurer shall also keep
1246 detailed accounts of all deposits and of all withdrawals made to
1247 the separate campaign depository account and of all interest
1248 earned on any such deposits.

1249 (2) Accounts kept by the candidate or treasurer of a
1250 political committee pursuant to this section may be inspected
1251 under reasonable circumstances before, during or after the
1252 election to which the accounts refer by any authorized
1253 representative of the Secretary of State. The right of inspection
1254 may be enforced by appropriate writ issued by any court of
1255 competent jurisdiction.

1256 (3) Records of such accounts shall be preserved for three
1257 (3) years from the date of the contribution, expenditure, gift,
1258 investment or loan.

1259 **SECTION 17.** (1) It shall be unlawful for any corporation,
1260 incorporated company or incorporated association, by whatever name
1261 it may be known, incorporated or organized under the laws of this
1262 state or any state, or for any servant, agent, employee or officer
1263 thereof, to give, donate, appropriate or furnish directly or
1264 indirectly, any money, security, funds or property of said
1265 corporation, incorporated company or incorporated association, in
1266 excess of One Thousand Dollars (\$1,000.00) per calendar year for
1267 the purpose of aiding any political party or any candidate for any



1268 public office, or any candidate for any nomination for any public
1269 office of any political party, or to give, donate, appropriate or
1270 furnish, directly or indirectly, any money, security, funds or
1271 property of said corporation, incorporated company or association
1272 in excess of One Thousand Dollars (\$1,000.00) to any committee or
1273 person as a contribution to the expense of any political party or
1274 any candidate, representative or committee of any political party
1275 or candidate for nomination by any political party, or any
1276 committee or other person acting in behalf of such candidate. The
1277 limit of One Thousand Dollars (\$1,000.00) for contributions to
1278 political parties, candidates and committees or other persons
1279 acting in behalf of such candidates shall be an annual limitation
1280 applicable to each calendar year.

1281 (2) Any candidate committee, or political party which
1282 accepts contributions from any corporation, incorporated company
1283 or incorporated association, or agent, officer or employee
1284 violating any of the provisions of this section, shall be assessed
1285 a civil penalty for each day or part of any day beginning with the
1286 sixth calendar day until the unlawful contribution is returned, up
1287 to a maximum of ten (10) days in the amount of the contribution in
1288 excess of One Thousand Dollars (\$1,000.00) and up:

1289 (a) Candidates for statewide office shall be assessed a
1290 civil penalty of Five Hundred Dollars (\$500.00) for each day.



1291 (b) Candidates for state district office shall be
1292 assessed a civil penalty of Two Hundred Fifty Dollars (\$250.00)
1293 for each day.

1294 (c) Candidates for legislative office shall be assessed
1295 a civil penalty of One Hundred Dollars (\$100.00) for each day.

1296 (d) Political committees shall be assessed a civil
1297 penalty of One Hundred Dollars (\$100.00) for each day.

1298 (3) The candidate committee or political party shall not be
1299 assessed a fine if the receiving entity returns the unlawful
1300 donation within five (5) business days of receipt. Return date
1301 shall be the date of mailing or electronic transfer of funds.

1302 (4) The candidate shall be personally liable for the payment
1303 of the civil penalty assessment for non-judicial candidates. The
1304 treasurer of any judicial candidate's authorized political
1305 committee shall be liable, and the chairman and treasurer of a
1306 political committee shall be jointly liable for any unlawful
1307 contributions.

1308 (5) The candidate, candidate committee or political party
1309 shall not expend any contribution in excess of One Thousand
1310 Dollars (\$1,000.00) if received in violation of this section. Any
1311 candidate or any other person who willfully violates the
1312 provisions and prohibitions of this article shall be guilty of a
1313 misdemeanor and upon conviction shall be punished by a fine in a
1314 sum not to exceed Five Thousand Dollars (\$5,000.00) or imprisoned



1315 for not longer than six (6) months, or by both fine and
1316 imprisonment.

1317 (6) The Attorney General shall bring such action at the
1318 request of the Secretary of State, and shall also take legal
1319 action as necessary for the collection of any levied assessments.

1320 **SECTION 18.** Sections 15 through 17 shall be codified in
1321 Title 23, Chapter 15, Mississippi Code of 1972.

1322 **SECTION 19.** This act shall take effect and be in force from
1323 and after July 1, 2024.

