

By: Senator(s) England

To: Elections

SENATE BILL NO. 2575
(As Passed the Senate)

1 AN ACT TO BRING FORWARD SECTIONS 23-15-801, 23-15-803,
2 23-15-805, 23-15-807, 23-15-809, 23-15-811, 23-15-813, 23-15-815,
3 23-15-817, 23-15-819 AND 23-15-821, MISSISSIPPI CODE OF 1972,
4 WHICH PROVIDE FOR THE DISCLOSURE OF CAMPAIGN FINANCES, FOR THE
5 PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 23-15-801, Mississippi Code of 1972, is
8 brought forward as follows:

9 23-15-801. (a) "Election" means a general, special, primary
10 or runoff election.

11 (b) "Candidate" means an individual who seeks nomination for
12 election, or election, to any elective office other than a federal
13 elective office. For purposes of this article, an individual
14 shall be deemed to seek nomination for election, or election:

15 (i) If the individual has received contributions
16 aggregating in excess of Two Hundred Dollars (\$200.00) or has made
17 expenditures aggregating in excess of Two Hundred Dollars
18 (\$200.00) or for a candidate for the Legislature or any statewide



19 or state district office, by the qualifying deadlines specified in
20 Sections 23-15-299 and 23-15-977, whichever occurs first; or

21 (ii) If the individual has given his or her consent to
22 another person to receive contributions or make expenditures on
23 behalf of the individual and if the other person has received
24 contributions aggregating in excess of Two Hundred Dollars
25 (\$200.00) during a calendar year, or has made expenditures
26 aggregating in excess of Two Hundred Dollars (\$200.00) during a
27 calendar year.

28 (c) "Political committee" means any committee, party, club,
29 association, political action committee, campaign committee or
30 other groups of persons or affiliated organizations that receives
31 contributions aggregating in excess of Two Hundred Dollars
32 (\$200.00) during a calendar year or that makes expenditures
33 aggregating in excess of Two Hundred Dollars (\$200.00) during a
34 calendar year for the purpose of influencing or attempting to
35 influence the action of voters for or against the nomination for
36 election, or election, of one or more candidates, or balloted
37 measures. Political committee shall, in addition, include each
38 political party registered with the Secretary of State.

39 (d) "Affiliated organization" means any organization that is
40 not a political committee, but that directly or indirectly
41 establishes, administers or financially supports a political
42 committee.



43 (e) (i) "Contribution" shall include any gift,
44 subscription, loan, advance or deposit of money or anything of
45 value made by any person or political committee for the purpose of
46 influencing any election for elective office or balloted measure;

47 (ii) "Contribution" shall not include the value of
48 services provided without compensation by any individual who
49 volunteers on behalf of a candidate or political committee; or the
50 cost of any food or beverage for use in any candidate's campaign
51 or for use by or on behalf of any political committee of a
52 political party;

53 (iii) "Contribution to a political party" includes any
54 gift, subscription, loan, advance or deposit of money or anything
55 of value made by any person, political committee, or other
56 organization to a political party and to any committee,
57 subcommittee, campaign committee, political committee and other
58 groups of persons and affiliated organizations of the political
59 party;

60 (iv) "Contribution to a political party" shall not
61 include the value of services provided without compensation by any
62 individual who volunteers on behalf of a political party or a
63 candidate of a political party.

64 (f) (i) "Expenditure" shall include any purchase, payment,
65 distribution, loan, advance, deposit, gift of money or anything of
66 value, made by any person or political committee for the purpose
67 of influencing any balloted measure or election for elective



68 office; and a written contract, promise, or agreement to make an
69 expenditure;

70 (ii) "Expenditure" shall not include any news story,
71 commentary or editorial distributed through the facilities of any
72 broadcasting station, newspaper, magazine, or other periodical
73 publication, unless the facilities are owned or controlled by any
74 political party, political committee, or candidate; or nonpartisan
75 activity designed to encourage individuals to vote or to register
76 to vote;

77 (iii) "Expenditure by a political party" includes 1.
78 any purchase, payment, distribution, loan, advance, deposit, gift
79 of money or anything of value, made by any political party and by
80 any contractor, subcontractor, agent, and consultant to the
81 political party; and 2. a written contract, promise, or agreement
82 to make such an expenditure.

83 (g) The term "identification" shall mean:

84 (i) In the case of any individual, the name, the
85 mailing address, and the occupation of such individual, as well as
86 the name of his or her employer; and

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

89 (h) The term "political party" shall mean an association,
90 committee or organization which nominates a candidate for election
91 to any elective office whose name appears on the election ballot
92 as the candidate of the association, committee or organization.



93 (i) The term "person" shall mean any individual, family,
94 firm, corporation, partnership, association or other legal entity.

95 (j) The term "independent expenditure" shall mean an
96 expenditure by a person expressly advocating the election or
97 defeat of a clearly identified candidate that is made without
98 cooperation or consultation with any candidate or any authorized
99 committee or agent of the candidate, and that is not made in
100 concert with or at the request or suggestion of any candidate or
101 any authorized committee or agent of the candidate.

102 (k) The term "clearly identified" shall mean that:

103 (i) The name of the candidate involved appears; or

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

106 (iii) The identity of the candidate is apparent by
107 unambiguous reference.

108 **SECTION 2.** Section 23-15-803, Mississippi Code of 1972, is
109 brought forward as follows:

110 23-15-803. (1) Each political committee shall file a
111 statement of organization which must be received by the Secretary
112 of State no later than forty-eight (48) hours after:

113 (a) Receipt of contributions aggregating in excess of
114 Two Hundred Dollars (\$200.00), or

115 (b) Having made expenditures aggregating in excess of
116 Two Hundred Dollars (\$200.00).



117 (2) The content of the statement of organization of a
118 political committee shall include:

119 (a) The name, address, officers, and members of the
120 committee;

121 (b) The designation of a chair of the organization and
122 a custodian of the financial books, records and accounts of the
123 organization, who shall be designated treasurer; and

124 (c) If the committee is authorized by a candidate, then
125 the name, address, office sought and party affiliation of the
126 candidate.

127 (3) Any change in information previously submitted in a
128 statement of organization shall be reported and noted on the next
129 regularly scheduled report.

130 (4) In addition to any other penalties provided by law, the
131 Mississippi Ethics Commission may impose administrative penalties
132 against any political committee that fails to comply with the
133 requirements of this section in an amount not to exceed Five
134 Thousand Dollars (\$5,000.00) per violation. The notice, hearing
135 and appeals provisions of Section 23-15-813 shall apply to any
136 action taken pursuant to this subsection (4). The Mississippi
137 Ethics Commission may pursue judicial enforcement of any penalties
138 issued pursuant to this section.

139 **SECTION 3.** Section 23-15-805, Mississippi Code of 1972, is
140 brought forward as follows:



141 23-15-805. (a) Candidates for state, state district, and
142 legislative district offices, and every political committee, which
143 makes reportable contributions to or expenditures in support of or
144 in opposition to a candidate for any such office or makes
145 reportable contributions to or expenditures in support of or in
146 opposition to a statewide ballot measure, shall file all reports
147 required under this article with the Office of the Secretary of
148 State.

149 (b) Candidates for county or county district office, and
150 every political committee which makes reportable contributions to
151 or expenditures in support of or in opposition to a candidate for
152 such office or makes reportable contributions to or expenditures
153 in support of or in opposition to a countywide ballot measure or a
154 ballot measure affecting part of a county, excepting a municipal
155 ballot measure, shall file all reports required by this section in
156 the office of the circuit clerk of the county in which the
157 election occurs, or directly to the Office of the Secretary of
158 State via facsimile, electronic mail, postal mail or hand
159 delivery. The circuit clerk shall forward copies of all reports
160 to the Office of the Secretary of State.

161 (c) Candidates for municipal office, and every political
162 committee which makes reportable contributions to or expenditures
163 in support of or in opposition to a candidate for such office, or
164 makes reportable contributions to or expenditures in support of or
165 in opposition to a municipal ballot measure shall file all reports



166 required by this article in the office of the municipal clerk of
167 the municipality in which the election occurs, or directly to the
168 Office of the Secretary of State via facsimile, electronic mail,
169 postal mail or hand delivery. The municipal clerk shall forward
170 copies of all reports to the Office of the Secretary of State.

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

175 **SECTION 4.** Section 23-15-807, Mississippi Code of 1972, is
176 brought forward as follows:

177 23-15-807. (a) Each candidate or political committee shall
178 file reports of contributions and disbursements in accordance with
179 the provisions of this section. All candidates or political
180 committees required to report such contributions and disbursements
181 may terminate the obligation to report only upon submitting a
182 final report that contributions will no longer be received or
183 disbursements made and that the candidate or committee has no
184 outstanding debts or obligations. The candidate, treasurer or
185 chief executive officer shall sign the report.

186 (b) Candidates seeking election, or nomination for election,
187 and political committees making expenditures to influence or
188 attempt to influence voters for or against the nomination for
189 election of one or more candidates or balloted measures at such
190 election, shall file the following reports:



191 (i) In any calendar year during which there is a
192 regularly scheduled election, a pre-election report shall be filed
193 no later than the seventh day before any election in which the
194 candidate or political committee has accepted contributions or
195 made expenditures and shall be completed as of the tenth day
196 before the election;

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

201 (iii) In any calendar years except 1987 and except
202 every fourth year thereafter, a report covering the calendar year
203 shall be filed no later than January 31 of the following calendar
204 year; and

205 (iv) Except as otherwise provided in the requirements
206 of paragraph (i) of this subsection (b), unopposed candidates are
207 not required to file pre-election reports but must file all other
208 reports required by paragraphs (ii) and (iii) of this subsection
209 (b).

210 (c) All candidates for judicial office as defined in Section
211 23-15-975, or their political committees, shall file periodic
212 reports in the year in which they are to be elected no later than
213 the tenth day after April 30, May 31, June 30, September 30 and
214 December 31. Candidates for judicial office shall not be required



215 to file an annual report during an election year, but shall file
216 an annual report in all other years.

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

218 (i) For the reporting period and the calendar year, the
219 total amount of all contributions and the total amount of all
220 expenditures of the candidate or reporting committee, including
221 those required to be identified pursuant to paragraph (ii) of this
222 subsection (d) as well as the total of all other contributions and
223 expenditures during the calendar year. The reports shall be
224 cumulative during the calendar year to which they relate;

225 (ii) The identification of:

226 1. Each person or political committee who makes a
227 contribution to the reporting candidate or political committee
228 during the reporting period, whose contribution or contributions
229 within the calendar year have an aggregate amount or value in
230 excess of Two Hundred Dollars (\$200.00) together with the date and
231 amount of any such contribution;

232 2. Each person or organization, candidate or
233 political committee who receives an expenditure, payment or other
234 transfer from the reporting candidate, political committee or its
235 agent, employee, designee, contractor, consultant or other person
236 or persons acting in its behalf during the reporting period when
237 the expenditure, payment or other transfer to the person,
238 organization, candidate or political committee within the calendar
239 year have an aggregate value or amount in excess of Two Hundred



240 Dollars (\$200.00) together with the date and amount of the
241 expenditure;

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

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

247 1. Each person or political committee who makes a
248 contribution to a political party during the reporting period and
249 whose contribution or contributions to a political party within
250 the calendar year have an aggregate amount or value in excess of
251 Two Hundred Dollars (\$200.00), together with the date and amount
252 of the contribution;

253 2. Each person or organization who receives an
254 expenditure or expenditures by a political party during the
255 reporting period when the expenditure or expenditures to the
256 person or organization within the calendar year have an aggregate
257 value or amount in excess of Two Hundred Dollars (\$200.00),
258 together with the date and amount of the expenditure;

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



265 (e) The appropriate office specified in Section 23-15-805
266 must be in actual receipt of the reports specified in this article
267 by 5:00 p.m. on the dates specified in subsection (b) of this
268 section. If the date specified in subsection (b) of this section
269 shall fall on a weekend or legal holiday then the report shall be
270 due in the appropriate office at 5:00 p.m. on the first working
271 day before the date specified in subsection (b) of this section.
272 The reporting candidate or reporting political committee shall
273 ensure that the reports are delivered to the appropriate office by
274 the filing deadline. The Secretary of State may approve specific
275 means of electronic transmission of completed campaign finance
276 disclosure reports, which may include, but not be limited to,
277 transmission by electronic facsimile (FAX) devices.

278 (f) (i) If any contribution of more than Two Hundred
279 Dollars (\$200.00) is received by a candidate or candidate's
280 political committee after the tenth day, but more than forty-eight
281 (48) hours before 12:01 a.m. of the day of the election, the
282 candidate or political committee shall notify the appropriate
283 office designated in Section 23-15-805, within forty-eight (48)
284 hours of receipt of the contribution. The notification shall
285 include:

- 286 1. The name of the receiving candidate;
- 287 2. The name of the receiving candidate's political
288 committee, if any;
- 289 3. The office sought by the candidate;



- 290 4. The identification of the contributor;
291 5. The date of receipt;
292 6. The amount of the contribution;
293 7. If the contribution is in-kind, a description
294 of the in-kind contribution; and
295 8. The signature of the candidate or the treasurer
296 or chair of the candidate's political organization.

297 (ii) The notification shall be in writing, and may be
298 transmitted by overnight mail, courier service, or other reliable
299 means, including electronic facsimile (FAX), but the candidate or
300 candidate's committee shall ensure that the notification shall in
301 fact be received in the appropriate office designated in Section
302 23-15-805 within forty-eight (48) hours of the contribution.

303 **SECTION 5.** Section 23-15-809, Mississippi Code of 1972, is
304 brought forward as follows:

305 23-15-809. (a) Every person who makes independent
306 expenditures in an aggregate amount or value in excess of Two
307 Hundred Dollars (\$200.00) during a calendar year shall file a
308 statement containing the information required under Section
309 23-15-807. Such statement shall be filed with the appropriate
310 offices as provided for in Section 23-15-805, and such person
311 shall be considered a political committee for the purpose of
312 determining place of filing.

313 (b) Statements required to be filed by this subsection shall
314 include:



315 (i) Information indicating whether the independent
316 expenditure is in support of, or in opposition to, the candidate
317 involved;

318 (ii) Under penalty of perjury, a certification of
319 whether or not such independent expenditure is made in
320 cooperation, consultation or concert with, or at the request or
321 suggestion of, any candidate or any authorized committee or agent
322 of such candidate; and

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

327 **SECTION 6.** Section 23-15-811, Mississippi Code of 1972, is
328 brought forward as follows:

329 23-15-811. (a) Any candidate or any other person who
330 willfully violates the provisions and prohibitions of this article
331 shall be guilty of a misdemeanor and upon conviction shall be
332 punished by a fine in a sum not to exceed Three Thousand Dollars
333 (\$3,000.00) or imprisoned for not longer than six (6) months or by
334 both fine and imprisonment.

335 (b) In addition to the penalties provided in subsection (a)
336 of this section and Chapter 13, Title 97, Mississippi Code of
337 1972, any candidate or political committee which is required to
338 file a statement or report and fails to file the statement or
339 report on the date it is due may be compelled to file the



340 statement or report by an action in the nature of a mandamus
341 brought by the Mississippi Ethics Commission.

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

346 (d) No person shall be qualified to appear on the ballot if,
347 by the time the candidate is approved to appear on the ballot for
348 the office sought, he or she has failed to file all reports
349 required to be filed within the last five (5) years.

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

354 (f) In the event that a candidate fails to timely file any
355 report required pursuant to this article but subsequently files a
356 report or reports containing all of the information required to be
357 reported, the candidate shall not be subject to the sanctions of
358 subsections (c) and (d) of this section.

359 **SECTION 7.** Section 23-15-813, Mississippi Code of 1972, is
360 brought forward as follows:

361 23-15-813. (a) In addition to any other penalty permitted
362 by law, the Mississippi Ethics Commission shall require any
363 candidate or political committee, as identified in Section
364 23-15-805(a), and any other political committee registered with



365 the Secretary of State, who fails to file a campaign finance
366 disclosure report as required under Sections 23-15-801 through
367 23-15-813, or Sections 23-17-47 through 23-17-53, or who shall
368 file a report that fails to substantially comply with the
369 requirements of Sections 23-15-801 through 23-15-813, or Sections
370 23-17-47 through 23-17-53, to be assessed a civil penalty as
371 follows:

372 (i) Within five (5) calendar days after any deadline
373 for filing a report pursuant to Sections 23-15-801 through
374 23-15-813, or Sections 23-17-47 through 23-17-53, the Secretary of
375 State shall compile a list of those candidates and political
376 committees who have failed to file a report. The list shall be
377 provided to the Mississippi Ethics Commission. The Secretary of
378 State shall provide each candidate or political committee, who has
379 failed to file a report, notice of the failure by first-class
380 mail.

381 (ii) Beginning with the tenth calendar day after which
382 any report is due, the Mississippi Ethics Commission shall assess
383 the delinquent candidate and political committee a civil penalty
384 of Fifty Dollars (\$50.00) for each day or part of any day until a
385 valid report is delivered to the Secretary of State, up to a
386 maximum of ten (10) days. In the discretion of the Mississippi
387 Ethics Commission, the assessing of the fine may be waived, in
388 whole or in part, if the Commission determines that unforeseeable
389 mitigating circumstances, such as the health of the candidate,



390 interfered with the timely filing of a report. Failure of a
391 candidate or political committee to receive notice of failure to
392 file a report from the Secretary of State is not an unforeseeable
393 mitigating circumstance, and failure to receive the notice shall
394 not result in removal or reduction of any assessed civil penalty.

395 (iii) Filing of the required report and payment of the
396 fine within ten (10) calendar days of notice by the Secretary of
397 State that a required statement has not been filed constitutes
398 compliance with Sections 23-15-801 through 23-15-813, or Sections
399 23-17-47 through 23-17-53.

400 (iv) Payment of the fine without filing the required
401 report does not excuse or exempt any person from the filing
402 requirements of Sections 23-15-801 through 23-15-813, and Sections
403 23-17-47 through 23-17-53.

404 (v) If any candidate or political committee is assessed
405 a civil penalty, and the penalty is not subsequently waived by the
406 Mississippi Ethics Commission, the candidate or political
407 committee shall pay the fine to the Commission within ninety (90)
408 days of the date of the assessment of the fine. If, after one
409 hundred twenty (120) days of the assessment of the fine the
410 payment for the entire amount of the assessed fine has not been
411 received by the Commission, the Commission shall notify the
412 Attorney General of the delinquency, and the Attorney General
413 shall file, where necessary, a suit to compel payment of the civil
414 penalty.



415 (b) (i) Upon the sworn application, made within sixty (60)
416 calendar days of the date upon which the required report is due,
417 of a candidate or political committee against whom a civil penalty
418 has been assessed pursuant to subsection (a) of this section, the
419 Secretary of State shall forward the application to the State
420 Board of Election Commissioners. The State Board of Election
421 Commissioners shall appoint one or more hearing officers who shall
422 be former chancellors, circuit court judges, judges of the Court
423 of Appeals or justices of the Supreme Court, to conduct hearings
424 held pursuant to this article. The hearing officer shall fix a
425 time and place for a hearing and shall cause a written notice
426 specifying the civil penalties that have been assessed against the
427 candidate or political committee and notice of the time and place
428 of the hearing to be served upon the candidate or political
429 committee at least twenty (20) calendar days before the hearing
430 date. The notice may be served by mailing a copy of the notice by
431 certified mail, postage prepaid, to the last-known business
432 address of the candidate or political committee.

433 (ii) The hearing officer may issue subpoenas for the
434 attendance of witnesses and the production of documents at the
435 hearing. Process issued by the hearing officer shall extend to
436 all parts of the state and shall be served by any person
437 designated by the hearing officer for the service.

438 (iii) The candidate or political committee has the
439 right to appear either personally, by counsel or both, to produce



440 witnesses or evidence in his or her behalf, to cross-examine
441 witnesses and to have subpoenas issued by the hearing officer.

442 (iv) At the hearing, the hearing officer shall
443 administer oaths as may be necessary for the proper conduct of the
444 hearing. All hearings shall be conducted by the hearing officer,
445 who shall not be bound by strict rules of procedure or by the laws
446 of evidence, but the determination shall be based upon sufficient
447 evidence to sustain it. The scope of review at the hearing shall
448 be limited to making a determination of whether failure to file a
449 required report was due to an unforeseeable mitigating
450 circumstance.

451 (v) In any proceeding before the hearing officer, if
452 any witness fails or refuses to attend upon a subpoena issued by
453 the commission, refuses to testify, or refuses to produce any
454 documents called for by a subpoena, the attendance of the witness,
455 the giving of his or her testimony or the production of the
456 documents shall be enforced by a court of competent jurisdiction
457 of this state in the manner provided for the enforcement of
458 attendance and testimony of witnesses in civil cases in the courts
459 of this state.

460 (vi) Within fifteen (15) calendar days after conclusion
461 of the hearing, the hearing officer shall reduce his or her
462 decision to writing and forward an attested true copy of the
463 decision to the last-known business address of the candidate or



464 political committee by way of United States first-class, certified
465 mail, postage prepaid.

466 (c) (i) The right to appeal from the decision of the
467 hearing officer in an administrative hearing concerning the
468 assessment of civil penalties authorized pursuant to this section
469 is granted. The appeal shall be to the Circuit Court of Hinds
470 County and shall include a verbatim transcript of the testimony at
471 the hearing. The appeal shall be taken within thirty (30)
472 calendar days after notice of the decision of the commission
473 following an administrative hearing. The appeal shall be
474 perfected upon filing notice of the appeal and the prepayment of
475 all costs, including the cost of preparing the record of the
476 proceedings by the hearing officer, and filing a bond in the sum
477 of Two Hundred Dollars (\$200.00), conditioned that if the decision
478 of the hearing officer is affirmed by the court, the candidate or
479 political committee will pay the costs of the appeal and the
480 action in court. If the decision is reversed by the court, the
481 Mississippi Ethics Commission will pay the costs of the appeal and
482 the action in court.

483 (ii) If there is an appeal, the appeal shall act as a
484 supersedeas. The court shall dispose of the appeal and enter its
485 decision promptly. The hearing on the appeal may be tried in
486 vacation, in the court's discretion. The scope of review of the
487 court shall be limited to a review of the record made before the
488 hearing officer to determine if the action of the hearing officer



489 is unlawful for the reason that it was 1. not supported by
490 substantial evidence, 2. arbitrary or capricious, 3. beyond the
491 power of the hearing officer to make, or 4. in violation of some
492 statutory or constitutional right of the appellant. The decision
493 of the court may be appealed to the Supreme Court in the manner
494 provided by law.

495 (d) If, after forty-five (45) calendar days of the date of
496 the administrative hearing procedure set forth in subsection (b),
497 the candidate or political committee identified in subsection (a)
498 of this section fails to pay the monetary civil penalty imposed by
499 the hearing officer, the Secretary of State shall notify the
500 Attorney General of the delinquency. The Attorney General shall
501 investigate the offense in accordance with the provisions of this
502 chapter, and where necessary, file suit to compel payment of the
503 unpaid civil penalty.

504 (e) If, after twenty (20) calendar days of the date upon
505 which a campaign finance disclosure report is due, a candidate or
506 political committee identified in subsection (a) of this section
507 shall not have filed a valid report with the Secretary of State,
508 the Secretary of State shall notify the Attorney General of those
509 candidates and political committees who have not filed a valid
510 report, and the Attorney General shall prosecute the delinquent
511 candidates and political committees.

512 **SECTION 8.** Section 23-15-815, Mississippi Code of 1972, is
513 brought forward as follows:



514 23-15-815. (a) The Secretary of State shall prescribe and
515 make available forms and promulgate rules and regulations
516 necessary to implement this article.

517 (b) The Secretary of State, circuit clerks and municipal
518 clerks shall, within forty-eight (48) hours after the time of the
519 receipt by the appropriate office of reports and statements filed
520 with it, make them available for public inspection, and copying at
521 the expense of the person requesting such copying, and keep such
522 designations, reports and statements for a period of three (3)
523 years from the date of receipt.

524 **SECTION 9.** Section 23-15-817, Mississippi Code of 1972, is
525 brought forward as follows:

526 23-15-817. The Secretary of State shall compile a list of
527 all candidates for the Legislature or any statewide office who
528 fail to file a campaign disclosure report by the dates specified
529 in Section 23-15-807(b). The list shall be provided to the
530 Mississippi Ethics Commission so that the Commission may bring a
531 mandamus as provided in Section 23-15-811 or take any other
532 disciplinary action as provided in this chapter. The list shall
533 also be disseminated to the members of the Mississippi Press
534 Association within two (2) working days after such reports are due
535 and made available to the public.

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



538 23-15-819. (1) It shall be unlawful for a foreign national,
539 directly or through any other person, to make any contribution or
540 any expenditure of money or other thing of value, or to promise
541 expressly or impliedly to make any such contribution or
542 expenditure, in connection with an election to any political
543 office or in connection with any primary election, convention or
544 caucus held to select candidates for any political office.

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

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

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

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

553 **SECTION 11.** Section 23-15-821, Mississippi Code of 1972, is
554 brought forward as follows:

555 23-15-821. (1) The personal use of campaign contributions
556 by any elected public officeholder or by any candidate for public
557 office is prohibited.

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



563 the expenditure as gross income under Section 61 of the Internal
564 Revenue Code of 1986, 26 USC Section 61, or any subsequent
565 corresponding Internal Revenue Code of the United States, as from
566 time to time amended. "Personal use" shall not include donations
567 to a political organization, or to a political action committee,
568 or to another candidate.

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

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

576 (2) The following personal use expenditures are specifically
577 prohibited under this section:

578 (a) Any residential or household items, supplies or
579 expenditures, including mortgage, rent or utility payments for any
580 part of any personal residence where a homestead exemption is
581 claimed of a candidate or officeholder or a member of the
582 candidate's or officeholder's family;

583 (b) Mortgage, rent or utility payments for any part of
584 any nonresidential property that is owned by a candidate or
585 officeholder or a member of a candidate's or officeholder's family
586 and used for campaign purposes, to the extent the payments exceed
587 the fair market value of the property usage;



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

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

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

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

599 (g) Salary payments to a member of a candidate's
600 family, unless the family member is providing bona fide services
601 to the campaign. If a family member provides bona fide services
602 to a campaign, any salary payments in excess of the fair market
603 value of the services provided is personal use;

604 (h) Nondocumented loans of any type, including loans to
605 candidates;

606 (i) Travel expenses except for travel expenses of a
607 candidate, officeholder or staff member of the officeholder for
608 travel undertaken as an ordinary and necessary expense of gaining
609 or holding public office, or performing the functions and duties
610 of public office or for attending meetings or conferences of
611 officials similar to the office held or sought, or for an issue
612 the legislative body is or will consider, or attending a state or



613 national convention of any party. If a candidate or officeholder
614 uses campaign contributions to pay expenses associated with travel
615 that involves both personal activities and activities related to
616 gaining or holding public office or performing the functions and
617 duties of public office, the incremental expenses that result from
618 the personal activities are personal use, unless the person(s)
619 benefiting from this use reimburse(s) the campaign account within
620 thirty (30) days for the amount of the incremental expenses; and

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

623 (3) Any expense that reasonably relates to gaining or
624 holding public office, or performing the functions and duties of
625 public office, is a specifically permitted use of campaign
626 contributions. Such expenditures are not considered personal use
627 expenditures and may include, but are not limited to, the
628 following expenditures:

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

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

635 (c) Donations to charitable organizations,
636 not-for-profit organizations or for sponsorships, provided the
637 candidate or officeholder does not receive monetary compensation,



638 other than reimbursements of expenses, from the recipient
639 organization;

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

644 (e) Meal and beverage expenses which are incurred as
645 part of a campaign activity or as a part of a function that is
646 related to the candidate's or officeholder's responsibilities,
647 including meals between and among candidates and/or officeholders
648 that are incurred as an ordinary and necessary expense of seeking,
649 holding or maintaining public office, or seeking, holding or
650 maintaining a position within the Legislature or other publicly
651 elected body;

652 (f) Reasonable rental or accommodation expenses
653 incurred by an officeholder during a legislative session or a day
654 or days in which the officeholder is required by his or her duties
655 to be at the Capitol or another location outside the
656 officeholder's county of residence. Such rental or accommodation
657 expenses shall not exceed Fifty Dollars (\$50.00) per day, if the
658 officeholder receives per diem, or One Hundred Ninety Dollars
659 (\$190.00) per day, if the officeholder receives no per diem. Any
660 expenses incurred under this paragraph (f) must be reported as an
661 expenditure pursuant to this section;



662 (g) Communication access expenses, including mobile
663 devices and Internet access costs. Examples of communication
664 access expenses include, but are not limited to, the following:
665 captioning on television advertisements; video clips; sign
666 language interpreters; computer-aided real-time (CART) services;
667 and assistive listening devices;

668 (h) Costs associated with memberships to chambers of
669 commerce and civic organizations;

670 (i) Legal fees and costs associated with any civil
671 action, criminal prosecution or investigation related to conduct
672 reasonably related to the candidacy or performing the duties of
673 the office held.

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

678 (a) Be maintained in a campaign account(s);

679 (b) Be donated to a political organization, or to a
680 political action committee, or to another candidate;

681 (c) Be transferred, in whole or in part, into a newly
682 established political action committee or ballot question
683 advocate;

684 (d) Be donated to a tax-exempt charitable organization
685 as that term is used in Section 501(c)(3) of the Internal Revenue
686 Code of 1986, 26 USC Section 501, or any subsequent corresponding



687 Internal Revenue Code of the United States, as from time to time
688 amended;

689 (e) Be donated to the State of Mississippi; or

690 (f) Be returned to a donor or donors.

691 (5) Any candidate for public office or any elected official
692 who willfully violates this section shall be guilty of a
693 misdemeanor and punished by a fine of One Thousand Dollars
694 (\$1,000.00) and by a state assessment equal to the amount of
695 misappropriated campaign contributions. The state assessment
696 shall be deposited into the Public Employees' Retirement System.
697 No fine or assessment imposed under this section shall be paid by
698 a third party.

699 (6) Any contributions accruing to a candidate's or
700 officeholder's campaign account before January 1, 2018, shall be
701 exempt and not subject to the provisions of this section. All
702 exempt contributions must be designated as exempt on all reports
703 filed with the Secretary of State pursuant to the provisions of
704 this chapter.

705 (7) The Mississippi Ethics Commission shall issue advisory
706 opinions regarding any of the requirements set forth in this
707 section. When any officeholder or candidate requests an advisory
708 opinion, in writing, and has stated all of the facts to govern the
709 opinion, and the Ethics Commission has prepared and delivered the
710 opinion with references to the request, there shall be no civil or
711 criminal liability accruing to or against any officeholder or



712 candidate who, in good faith, follows the direction of the opinion
713 and acts in accordance with the opinion, unless a court of
714 competent jurisdiction, after a full hearing, judicially declares
715 that the opinion is manifestly wrong and without any substantial
716 support. No opinion shall be given or considered if the opinion
717 would be given after judicial proceedings have commenced.

718 All advisory opinions issued pursuant to the provisions of
719 this subsection (7) shall be made public and shall be issued
720 within ninety (90) days of written request. The request for an
721 advisory opinion shall be confidential as to the identity of the
722 individual making the request. The Ethics Commission shall, so
723 far as practicable and before making public * * * an advisory
724 opinion issued under the provisions of on this subsection (7),
725 make such deletions and changes thereto as may be necessary to
726 ensure the anonymity of the public official and any other person
727 named in the opinion.

728 **SECTION 12.** This act shall take effect and be in force from
729 and after July 1, 2024, and shall stand repealed on June 30, 2024.

