

By: Senator(s) Tate

To: Elections

SENATE BILL NO. 2585

1 AN ACT TO AMEND SECTION 23-15-801, MISSISSIPPI CODE OF 1972,
2 TO DEFINE CAMPAIGN COMMITTEE AND INDEPENDENT EXPENDITURE-ONLY
3 COMMITTEE; TO AMEND SECTION 23-15-803, MISSISSIPPI CODE OF 1972,
4 TO REQUIRE CANDIDATES AND POLITICAL COMMITTEES TO FILE A STATEMENT
5 OF ORGANIZATION PRIOR TO RECEIVING CONTRIBUTIONS AND MAKING
6 EXPENDITURES; TO AMEND SECTION 23-15-805, MISSISSIPPI CODE OF
7 1972, TO REQUIRE CANDIDATE COMMITTEES TO FILE REPORTS AND AMEND
8 THE POLITICAL COMMITTEE FILING PROCESS; TO AMEND SECTION
9 23-15-807, MISSISSIPPI CODE OF 1972, TO REQUIRE A CANDIDATE
10 COMMITTEE TO FILE A TERMINATION REPORT TO TERMINATE OBLIGATIONS TO
11 SUBMIT REQUIRED REPORTS; TO AMEND SECTION 23-15-809, MISSISSIPPI
12 CODE OF 1972, TO PENALIZE INDEPENDENT EXPENDITURE-ONLY COMMITTEES
13 WHO RECEIVE PROHIBITED CONTRIBUTIONS; TO AMEND SECTION 23-15-811,
14 MISSISSIPPI CODE OF 1972, TO EXPAND PENALTIES FOR FAILING TO FILE
15 ALL REQUIRED REPORTS WITH THE SECRETARY OF STATE'S OFFICE; TO
16 AMEND SECTION 23-15-813, MISSISSIPPI CODE OF 1972, TO TRANSFER
17 CERTAIN ASSESSMENT RESPONSIBILITIES OF THE MISSISSIPPI ETHICS
18 COMMISSION TO THE SECRETARY OF STATE; TO BRING FORWARD SECTIONS
19 23-15-815, 23-15-817 AND 23-15-819, MISSISSIPPI CODE OF 1972, FOR
20 THE PURPOSE OF POSSIBLE AMENDMENT; TO AMEND SECTION 23-15-821,
21 MISSISSIPPI CODE OF 1972, TO REMOVE CONTRIBUTION EXEMPTION FOR
22 CONTRIBUTIONS MADE PRIOR TO JANUARY 1, 2018; TO CREATE NEW SECTION
23 23-15-821.1, MISSISSIPPI CODE OF 1972, TO CREATE CORPORATION
24 CONTRIBUTION LIMITS; TO CREATE NEW SECTION 23-15-823, MISSISSIPPI
25 CODE OF 1972, TO PROVIDE PROHIBITIONS ON CAMPAIGN FINANCE
26 ACTIVITIES; TO CREATE NEW SECTION 23-15-825, MISSISSIPPI CODE OF
27 1972, TO PROVIDE ADDITIONAL PROCEDURE FOR AUDITING CAMPAIGN
28 FINANCE ACCOUNTS; TO AMEND SECTION 23-15-897, MISSISSIPPI CODE OF
29 1972, TO CREATE A FINE FOR FAILURE TO COMPLY WITH THE CAMPAIGN
30 MATERIALS PROVISIONS OF THIS SECTION; TO CREATE NEW SECTION
31 97-13-47, MISSISSIPPI CODE OF 1972, TO CREATE CRIMINAL PENALTIES
32 FOR THE WRONGFUL DISSEMINATION OF DEEPFAKES; AND FOR RELATED
33 PURPOSES.



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

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

37 23-15-801. (a) "Election" means a general, special, primary
38 or runoff election.

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

43 (i) If the individual has received * * * a contribution
44 or has made * * * an expenditure for the Legislature or any
45 statewide or state district office, by the qualifying deadlines
46 specified in Sections 23-15-299 and 23-15-977, whichever occurs
47 first; or

48 (ii) If the individual has given his or her consent to
49 another person to receive contributions or make expenditures on
50 behalf of the individual and if the other person has
51 received * * * a contribution during a calendar year, or has
52 made * * * an expenditure during a calendar year.

53 (c) "Campaign committee" means a committee established by a
54 candidate for the purpose of receiving contributions and making
55 expenditures to obtain elected office.

56 (* * * d) "Political committee" means any committee, party,
57 club, association, political action committee, * * * independent
58 expenditure-only committee, or other groups of persons or



59 affiliated organizations that * * * receive a contribution during
60 a calendar year or that * * * make an expenditure during a
61 calendar year for the purpose of influencing or attempting to
62 influence the action of voters for or against the nomination for
63 election, or election, of one or more candidates, or balloted
64 measures. Political committees shall, in addition, include each
65 political party registered with the Secretary of State.

66 (e) "Independent expenditure-only committee" means a
67 political committee that certifies in its statement of
68 organization that it will not make any contributions, including
69 in-kind contributions, to any candidate committee.

70 (* * * f) "Affiliated organization" means any organization
71 that is not a political committee, but that directly or indirectly
72 establishes, administers or financially supports a political
73 committee.

74 (* * * g) (i) "Contribution" shall include any gift,
75 subscription, loan, advance or deposit of money or anything of
76 value made by any person or political committee for the purpose of
77 influencing any election for elective office or balloted measure;

78 (ii) "Contribution" shall not include the value of
79 services provided without compensation by any individual who
80 volunteers on behalf of a candidate or political committee; or the
81 cost of any food or beverage for use in any candidate's campaign
82 or for use by or on behalf of any political committee of a
83 political party;



84 (iii) "Contribution to a political party" includes any
85 gift, subscription, loan, advance or deposit of money or anything
86 of value made by any person, political committee, or other
87 organization to a political party and to any committee,
88 subcommittee, campaign committee, political committee and other
89 groups of persons and affiliated organizations of the political
90 party; or

91 (iv) "Contribution to a political party" shall not
92 include the value of services provided without compensation by any
93 individual who volunteers on behalf of a political party or a
94 candidate of a political party.

95 (* * * h) (i) "Expenditure" shall include any purchase,
96 payment, distribution, loan, advance, deposit, gift of money or
97 anything of value, made by any person or political committee for
98 the purpose of influencing any balloted measure or election for
99 elective office; and a written contract, promise * * * or
100 agreement to make an expenditure;

101 (ii) "Expenditure" shall not include any news story,
102 commentary or editorial distributed through the facilities of any
103 broadcasting station, newspaper, magazine * * * or other
104 periodical publication, unless the facilities are owned or
105 controlled by any political party, political committee, or
106 candidate; or nonpartisan activity designed to encourage
107 individuals to vote or to register to vote;



108 (iii) "Expenditure by a political party" includes * * *
109 any purchase, payment, distribution, loan, advance, deposit, gift
110 of money or anything of value, made by any political party and by
111 any contractor, subcontractor, agent * * * and consultant to the
112 political party; and * * * a written contract, promise * * * or
113 agreement to make such an expenditure.

114 (* * * i) The term "identification" shall mean:

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

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

120 (* * * j) The term "political party" shall mean an
121 association, committee or organization which nominates a candidate
122 for election to any elective office whose name appears on the
123 election ballot as the candidate of the association, committee or
124 organization.

125 (* * * k) The term "person" shall mean any individual,
126 family, firm, corporation, partnership, association or other legal
127 entity.

128 (* * * l) The term "independent expenditure" shall mean an
129 expenditure by a person expressly advocating the election or
130 defeat of a clearly identified candidate that is made without
131 cooperation or consultation with any candidate or any authorized
132 committee or agent of the candidate, and that is not made in



133 concert with or at the request or suggestion of any candidate or
134 any authorized committee or agent of the candidate.

135 (* * *m) The term "clearly identified" shall mean that:

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

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

138 or

139 (iii) The identity of the candidate is apparent by
140 unambiguous reference.

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

143 23-15-803. (1) Each candidate or political committee shall
144 file a statement of organization which must be received by the
145 Secretary of State * * * prior to the candidate or political
146 committee receiving contributions or making expenditures. All
147 candidates will be required to establish a candidate committee and
148 will report all contributions and expenditures made seeking
149 elective office through the candidate committee. A candidate may
150 be the sole member and treasurer of a candidate committee.

151 * * *

152 (2) The content of the statement of organization of a
153 candidate committee shall include:

154 (a) The name, address, officers and members of the
155 committee;

156 (b) The designation of a chair of the organization and
157 a custodian of the financial books, records and accounts of the



158 organization, who shall be designated treasurer, which must reside
159 in Mississippi;

160 (c) The name, address, office sought and party
161 affiliation of the candidate; and

162 (d) The name of the FDIC-insured financial
163 institution(s) that the candidate committee will have campaign
164 finance monies located.

165 (* * *3) The content of the statement of organization of a
166 political committee shall include:

167 (a) The name, address, officers * * * and members of
168 the committee;

169 (b) The designation of a chair of the organization and
170 a custodian of the financial books, records and accounts of the
171 organization, who shall be designated treasurer; * * *

172 (c) * * * The name of the FDIC-insured financial
173 institution(s) that the political committee will have campaign
174 finance monies located; and

175 (d) The election cycles, as set forth in Section
176 23-15-807, in which the political committee will be making
177 expenditures. A political committee may amend its statement of
178 organization to add or remove election cycles in which it will be
179 making expenditures. However, a political committee shall not
180 make an expenditure in an election cycle that it has not
181 previously provided for on its statement of organization until an
182 amended statement of organization is filed with the Secretary of



183 State. A political committee shall file all periodic reports
184 required for the election cycle(s) that it has designated on its
185 statement of organization.

186 (* * *4) Any change in information previously submitted in
187 a statement of organization shall be reported * * * within thirty
188 (30) days of the change occurring or on the next regularly
189 scheduled report, whichever is sooner.

190 (5) Both candidate committees and political committees must
191 keep detailed accounts of any funds received or expended by the
192 committee. These records may be reviewed before, during or after
193 the election when:

194 (a) A sworn complaint, under penalty of perjury, of
195 violations of campaign finance requirements that sets forth with
196 specificity any violations is submitted to the Mississippi Ethics
197 Commission and the Mississippi Ethics Commission finds that the
198 detailed accounts should be reviewed based on the sworn complaint;
199 or

200 (b) In reviewing any campaign finance filings, the
201 Secretary of State discovers substantial discrepancies in reported
202 amounts. The Secretary of State shall submit any discovered
203 substantial discrepancies to the Mississippi Ethics Commission,
204 which shall determine whether the detailed accounts should be
205 reviewed based on the submitted substantial discrepancies.

206 If the Mississippi Ethics Commission determines that a review
207 of the detailed accounts is warranted, then the Mississippi Ethics



208 Commission shall inform the State Auditor, who shall then perform
209 a review, unless the candidate in question is the State Auditor or
210 an opponent of the State Auditor, in which case the Mississippi
211 Ethics Commission shall appoint a certified accountant in good
212 standing with the Mississippi State Board of Public Accountancy.

213 (* * *6) In addition to any other penalties provided by
214 law, the * * * Secretary of State shall impose administrative
215 penalties of One Thousand Dollars (\$1,000.00) against any
216 political committee that fails to * * * file a statement of
217 organization. The Secretary of State shall impose administrative
218 penalties of Five Hundred Dollars (\$500.00) against any candidate
219 committee that fails to file a statement of organization.

220 (7) The notice, hearing and appeals provisions of Section
221 23-15-813 shall apply to any action taken pursuant to this
222 subsection (4). The * * * Secretary of State may pursue judicial
223 enforcement of any penalties issued pursuant to this section.

224 (8) The contact information provided on the statement of
225 organization shall not be subject to public disclosure.

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

228 23-15-805. (a) * * * Candidate committees shall file all
229 reports required under this article with the Office of the
230 Secretary of State through an electronic campaign finance filing
231 system. Political committees shall file all reports required by
232 this section in accordance with the election cycle they provided



233 on their statement of organization. A political committee that
234 begins making expenditures in an election cycle must file all
235 required reports for that election cycle unless they file a
236 termination report.

237 (b) * * * The Secretary of State * * * shall make all
238 reports received under this subsection available for public
239 inspection and copying and shall preserve the reports for a period
240 of five (5) years.

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

243 **[Until January 1, 2027, this section shall read as follows:]**

244 23-15-807. (a) Each candidate committee or political
245 committee shall file reports of contributions and disbursements in
246 accordance with the provisions of this section. All candidates or
247 political committees required to report such contributions and
248 disbursements may terminate the obligation to report only upon
249 submitting a * * * termination report that * * * the committee has
250 no outstanding debts or obligations, has disbursed all remaining
251 funds in accordance with Section 23-15-821(4), and will cease to
252 receive contributions or make disbursements. The candidate,
253 treasurer or chief executive officer shall sign the report.

254 (b) * * * Candidate committees and candidates seeking
255 election, or nomination for election, and political
256 committees * * * shall file the following reports:



257 (i) In any calendar year during which there is a
258 regularly scheduled election, a pre-election report shall be filed
259 no later than the seventh day before any election in which the
260 candidate or political committee has accepted contributions or
261 made expenditures and shall be completed as of the tenth day
262 before the election;

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

269 (iii) * * * A report covering the calendar year shall
270 be filed no later than January 31 of the following calendar year,
271 except no committee shall be required to file an annual report for
272 a calendar year in which they were required to file periodic
273 reports; and

274 (iv) Except as otherwise provided in the requirements
275 of paragraph (i) of this subsection (b), unopposed candidates are
276 not required to file pre-election reports but must file all other
277 reports required by paragraphs (ii) and (iii) of this subsection
278 (b).

279 (c) All candidates for judicial office as defined in Section
280 23-15-975 * * * shall file periodic reports in the year in which
281 they are to be elected, which shall be designated as the judicial



282 election cycle on the statement of organization required by
283 23-15-803, no later than the tenth day after April 30, May 31,
284 June 30, September 30 and December 31. * * * All candidate
285 committees for judicial candidates shall file an annual report in
286 accordance with subsection (b)(iii) of this section.

287 (d) All candidate committees for candidates for municipal
288 office in 2025 and every fourth year thereafter, which shall be
289 designated as the municipal election cycle on the statement of
290 organization required by Section 23-15-805, shall file periodic
291 reports. Periodic reports shall be filed no later than the tenth
292 day after February 28, April 30, and December 31, and shall be
293 completed as of the last day of each period. All candidate
294 committees for municipal candidates shall file an annual report in
295 accordance with subsection (b)(iii) of this section.

296 (* * *e) Each report under this article shall disclose:

297 (i) For the reporting period and the calendar year, the
298 total amount of all contributions and the total amount of all
299 expenditures of the candidate or reporting committee, including
300 those required to be identified pursuant to paragraph (ii) of this
301 subsection (* * *e) as well as the total of all other
302 contributions and expenditures during the calendar year. The
303 reports shall be cumulative during the calendar year to which they
304 relate;

305 (ii) The identification of:



306 1. Each person, candidate committee or political
307 committee who makes a contribution to the reporting candidate
308 committee or political committee during the reporting period,
309 whose contribution or contributions within the calendar year have
310 an aggregate amount or value in excess of Two Hundred Dollars
311 (\$200.00) together with the date and amount of any such
312 contribution;

313 2. Each person * * *, candidate committee,
314 organization, candidate or political committee who receives an
315 expenditure, payment or other transfer from the reporting
316 candidate committee, political committee or its agent, employee,
317 designee, contractor, consultant or other person or persons
318 acting * * * on its behalf during the reporting period when the
319 expenditure, payment or other transfer to the person,
320 organization, candidate or political committee within the calendar
321 year have an aggregate value or amount in excess of Two Hundred
322 Dollars (\$200.00) together with the date, purpose and amount of
323 the expenditure;

324 3. If the candidate committee or political
325 committee has received any service, performance or anything of
326 value during a reporting period but has yet to make payment or
327 other transfer, the service, performance or anything of value
328 received in exchange for a future payment or other transfer shall
329 be reported during the reporting period it was received with a



330 designation that a payment or other transfer is to be made at a
331 later date;

332 (iii) Any interest, dividends or income earned by
333 investment of monies held by a campaign committee or political
334 committee shall not be reported as a contribution but shall be
335 reported as a separate category;

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

338 (* * *y) In addition to the contents of reports
339 specified in paragraphs (i), (ii) * * *, (iii) and (iv) of this
340 subsection (* * *e), each political party shall disclose:

341 1. Each person, candidate committee or political
342 committee who makes a contribution to a political party during the
343 reporting period and whose contribution or contributions to a
344 political party within the calendar year have an aggregate amount
345 or value in excess of Two Hundred Dollars (\$200.00), together with
346 the date and amount of the contribution;

347 2. Each person, candidate committee or
348 organization who receives an expenditure or expenditures * * * to
349 the person or organization within the calendar year have an
350 aggregate value or amount in excess of Two Hundred Dollars
351 (\$200.00), together with the date and amount of the expenditure;

352 (* * *vi) Disclosure required under this section of an
353 expenditure to a credit card issuer, financial institution or
354 business allowing payments and money transfers to be made over the



355 Internet must include, by way of detail or separate entry, the
356 amount of funds passing to each person, business entity or
357 organization receiving funds from the expenditure.

358 (* * *f) The appropriate office specified in Section
359 23-15-805 must be in actual receipt of the reports specified in
360 this article by 5:00 p.m., or 11:59 p.m. if electronically
361 submitted, on the dates specified in subsection (b) of this
362 section. If the date specified in subsection (b) of this section
363 shall fall on a weekend or legal holiday then the report shall be
364 due in the appropriate office at 5:00 p.m. on the first working
365 day before the date specified in subsection (b) of this section.
366 The reporting candidate or reporting political committee shall
367 ensure that the reports are delivered to the appropriate office by
368 the filing deadline. The Secretary of State may approve specific
369 means of electronic transmission of completed campaign finance
370 disclosure reports, which may include, but not be limited to,
371 transmission by electronic facsimile (FAX) devices.

372 (* * *g) (i) If any contribution of more than Two Hundred
373 Dollars (\$200.00) is received by a candidate or candidate's
374 political committee after the tenth day, but more than forty-eight
375 (48) hours before 12:01 a.m. of the day of the election, the
376 candidate or political committee shall notify the appropriate
377 office designated in Section 23-15-805, within forty-eight (48)
378 hours of receipt of the contribution. The notification shall
379 include:



- 380 1. The name of the receiving candidate;
381 2. The name of the receiving candidate's political
382 committee, if any;
383 3. The office sought by the candidate;
384 4. The identification of the contributor;
385 5. The date of receipt;
386 6. The amount of the contribution;
387 7. If the contribution is in-kind, a description
388 of the in-kind contribution; and
389 8. The signature of the candidate or the treasurer
390 or chair of the candidate's political organization.

391 (ii) The notification shall be in writing, and may be
392 transmitted by overnight mail, courier service, or other reliable
393 means, including electronic facsimile (FAX), but the candidate or
394 candidate's committee shall ensure that the notification shall in
395 fact be received in the appropriate office designated in Section
396 23-15-805 within forty-eight (48) hours of the contribution.

397 **[From and after January 1, 2027, this section shall read as**
398 **follows:]**

399 The notification shall be in writing, and may be transmitted
400 through the electronic campaign finance filing system unless the
401 Secretary of State has approved other means, but the candidate or
402 candidate's committee shall ensure that the notification shall in
403 fact be received in the appropriate office designated in Section
404 23-15-805 within forty-eight (48) hours of the contribution.



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

407 23-15-809. (a) Every person who makes independent
408 expenditures in an aggregate amount or value in excess of Two
409 Hundred Dollars (\$200.00) during a calendar year shall file a
410 statement containing the information required under Section
411 23-15-807. Such statement shall be filed with the appropriate
412 offices as provided for in Section 23-15-805, and such person
413 shall be considered a political committee for the purpose of
414 determining place of filing.

415 (b) Statements required to be filed by this subsection shall
416 include:

417 (i) Information indicating whether the independent
418 expenditure is in support of, or in opposition to, the candidate
419 involved;

420 (ii) Under penalty of perjury, a certification of
421 whether or not such independent expenditure is made in
422 cooperation, consultation or concert with, or at the request or
423 suggestion of, any candidate or any authorized committee or agent
424 of such candidate; and

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



429 (c) Any candidate, or their representative, who cooperates,
430 consults with, acts in concert with, or requests or suggests, an
431 independent expenditure-only committee, that has received
432 contributions from an entity covered under Section 23-15-821.1,
433 makes an expenditure that seeks to influence the election in which
434 the candidate is on the ballot, will be subject to the penalties
435 section of Section 23-15-821.1.

436 (d) Any independent expenditure-only committee, that has
437 received contributions from an entity covered under Section
438 23-15-821.1, that makes an independent expenditure in cooperation,
439 consultation or concert with, or at the request or suggestion of,
440 any candidate or any authorized candidate committee or agent of
441 such candidate shall be subject to the penalties of Section
442 23-15-821.1(b)(1).

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

445 23-15-811. (a) Any candidate or any other person who
446 willfully violates the provisions and prohibitions of this article
447 shall be guilty of a misdemeanor and upon conviction shall be
448 punished by a fine in a sum not to exceed Three Thousand Dollars
449 (\$3,000.00) or imprisoned for not longer than six (6) months or by
450 both fine and imprisonment.

451 (b) In addition to the penalties provided in subsection (a)
452 of this section and Chapter 13, Title 97, Mississippi Code of
453 1972, any candidate or political committee which is required to



454 file a statement or report and fails to file the statement or
455 report on the date it is due may be compelled to file the
456 statement or report by an action in the nature of a mandamus
457 brought by the Mississippi Ethics Commission.

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

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

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

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

475 (g) Any person or entity that is required to file a campaign
476 finance report and is more than twenty (20) days delinquent may
477 not receive any contributions or make any expenditures until the
478 person or entity has filed the required report.



479 (h) The Secretary of State shall send notice to the person
480 or entity by certified mail and electronically once the person or
481 entity becomes more than twenty (20) days delinquent in the filing
482 of any report. The notice shall inform the person or entity that
483 it shall be prohibited from receiving any further contributions or
484 making any further expenditures until it has filed all reports.

485 (i) Any person or entity that is more than twenty (20) days
486 delinquent and receives or makes a contribution or disbursement
487 while delinquent shall be assessed an administrative penalty by
488 the Secretary of State as follows:

489 (i) For the first offense, Five Hundred Dollars
490 (\$500.00) or five percent (5%) of the total contributions and
491 expenditures while delinquent, whichever is greater.

492 (ii) For the second offense, One Thousand Dollars
493 (\$1,000.00) or ten percent (10%) of the total contributions and
494 expenditures while delinquent, whichever is greater.

495 (iii) For the third offense, One Thousand Five Hundred
496 Dollars (\$1,500.00) or fifteen percent (15%) of the total
497 contributions and expenditures while delinquent, whichever is
498 greater.

499 (iv) Any administrative fines received by the Secretary
500 of State under this section shall be deposited into the Election
501 Support Fund.

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



504 23-15-813. (a) In addition to any other penalty permitted
505 by law, the * * * Secretary of State shall require any candidate
506 committee or political committee, as identified in Section
507 23-15-805(a), and any other political committee registered with
508 the Secretary of State, who fails to file a campaign finance
509 disclosure report as required under Sections 23-15-801 through
510 23-15-813, or Sections 23-17-47 through 23-17-53, or who shall
511 file a report that fails to substantially comply with the
512 requirements of Sections 23-15-801 through 23-15-813, or Sections
513 23-17-47 through 23-17-53, to be assessed a civil penalty as
514 follows:

515 (i) Within * * * two (2) calendar days after any
516 deadline for filing a report pursuant to Sections 23-15-801
517 through 23-15-813, or Sections 23-17-47 through 23-17-53, the
518 Secretary of State shall compile a list of those * * * candidate
519 committees and political committees who have failed to file a
520 report. * * * The Secretary of State shall provide each candidate
521 or political committee, who has failed to file a report, notice of
522 the failure by first-class mail and through electronic
523 communications if sufficient contact information has been
524 previously provided.

525 (ii) Beginning with the * * * fifth calendar day after
526 which any report is due, or the day following the day after
527 preelection reports are due, the * * * Secretary of State shall
528 assess the delinquent candidate and political committee a civil



529 penalty of Fifty Dollars (\$50.00) for each day or part of any day
530 until a valid report is delivered to the Secretary of State, up to
531 a maximum of ten (10) days. However, the civil penalty shall
532 increase to One Hundred Dollars (\$100.00) per day if the candidate
533 committee or political committee has been previously fined within
534 the last four (4) years. The civil penalty shall increase to Two
535 Hundred Dollars (\$200.00) per day if the candidate committee or
536 political committee has been fined twice within the last four (4)
537 years. In the discretion of the * * * Secretary of State, the
538 assessing of the fine may be waived, in whole or in part, if
539 the * * * Secretary of State determines that unforeseeable
540 mitigating circumstances, such as the health of the candidate,
541 interfered with the timely filing of a report. Failure of a
542 candidate or political committee to receive notice of failure to
543 file a report from the Secretary of State is not an unforeseeable
544 mitigating circumstance, and failure to receive the notice shall
545 not result in removal or reduction of any assessed civil penalty.

546 (iii) Filing of the required report and payment of the
547 fine within ten (10) calendar days of notice by the Secretary of
548 State that a required statement has not been filed constitutes
549 compliance with Sections 23-15-801 through 23-15-813, or Sections
550 23-17-47 through 23-17-53.

551 (iv) Payment of the fine without filing the required
552 report does not excuse or exempt any person from the filing



553 requirements of Sections 23-15-801 through 23-15-813, and Sections
554 23-17-47 through 23-17-53.

555 (v) If any candidate committee or political committee
556 is assessed a civil penalty, and the penalty is not subsequently
557 waived by the * * * Secretary of State after request by the
558 candidate committee or political committee, the candidate or
559 political committee shall pay the fine to the * * * Secretary of
560 State within ninety (90) days of the date of the assessment of the
561 fine. If, after one hundred twenty (120) days of the assessment
562 of the fine the payment for the entire amount of the assessed fine
563 has not been received by the * * * Secretary of State, the * * *
564 Secretary of State shall notify the Attorney General of the
565 delinquency, and the Attorney General shall file, where necessary,
566 a suit to compel payment of the civil penalty.

567 (b) (i) Upon the sworn application, made within sixty (60)
568 calendar days of the date upon which the required report is due,
569 of a candidate committee or political committee against whom a
570 civil penalty has been assessed pursuant to subsection (a) of this
571 section, the Secretary of State shall forward the application to
572 the * * * Mississippi Ethics Commission. The * * * Mississippi
573 Ethics Commission shall appoint one or more hearing officers who
574 shall be former chancellors, circuit court judges, judges of the
575 Court of Appeals or justices of the Supreme Court, to conduct
576 hearings held pursuant to this article. The hearing officer shall
577 fix a time and place for a hearing and shall cause a written



578 notice specifying the civil penalties that have been assessed
579 against the candidate committee or political committee and notice
580 of the time and place of the hearing to be served upon the
581 candidate committee or political committee at least twenty (20)
582 calendar days before the hearing date. The notice may be served
583 by mailing a copy of the notice by certified mail, postage
584 prepaid, to the last-known business address of the candidate or
585 political committee.

586 (ii) The hearing officer may issue subpoenas for the
587 attendance of witnesses and the production of documents at the
588 hearing. Process issued by the hearing officer shall extend to
589 all parts of the state and shall be served by any person
590 designated by the hearing officer for the service.

591 (iii) The candidate committee or political committee
592 has the right to appear either personally, by counsel or both, to
593 produce witnesses or evidence in his or her behalf, to
594 cross-examine witnesses and to have subpoenas issued by the
595 hearing officer.

596 (iv) At the hearing, the hearing officer shall
597 administer oaths as may be necessary for the proper conduct of the
598 hearing. All hearings shall be conducted by the hearing officer,
599 who shall not be bound by strict rules of procedure or by the laws
600 of evidence, but the determination shall be based upon sufficient
601 evidence to sustain it. The scope of review at the hearing shall
602 be limited to making a determination of whether failure to file a



603 required report was due to an unforeseeable mitigating
604 circumstance.

605 (v) In any proceeding before the hearing officer, if
606 any witness fails or refuses to attend upon a subpoena issued by
607 the commission, refuses to testify, or refuses to produce any
608 documents called for by a subpoena, the attendance of the witness,
609 the giving of his or her testimony or the production of the
610 documents shall be enforced by a court of competent jurisdiction
611 of this state in the manner provided for the enforcement of
612 attendance and testimony of witnesses in civil cases in the courts
613 of this state.

614 (vi) Within fifteen (15) calendar days after the
615 conclusion of the hearing, the hearing officer shall reduce his or
616 her decision to writing and forward an attested true copy of the
617 decision to the last-known business address of the candidate or
618 political committee by way of United States first-class, certified
619 mail, postage prepaid.

620 (c) (i) The right to appeal * * * the decision of the
621 hearing officer in an administrative hearing concerning the
622 assessment of civil penalties authorized pursuant to this section
623 is granted. The appeal shall be to the Circuit Court of Hinds
624 County and shall include a verbatim transcript of the testimony at
625 the hearing. The appeal shall be taken within thirty (30)
626 calendar days after notice of the decision of the commission
627 following an administrative hearing. The appeal shall be



628 perfected upon filing notice of the appeal and the prepayment of
629 all costs, including the cost of preparing the record of the
630 proceedings by the hearing officer, and filing a bond in the sum
631 of Two Hundred Dollars (\$200.00), conditioned that if the decision
632 of the hearing officer is affirmed by the court, the candidate or
633 political committee will pay the costs of the appeal and the
634 action in court. If the decision is reversed by the court, the
635 Mississippi Ethics Commission will pay the costs of the appeal and
636 the action in court.

637 (ii) If there is an appeal, the appeal shall act as a
638 supersedeas. The court shall dispose of the appeal and enter its
639 decision promptly. The hearing on the appeal may be tried in
640 vacation, in the court's discretion. The scope of review of the
641 court shall be limited to a review of the record made before the
642 hearing officer to determine if the action of the hearing officer
643 is unlawful for the reason that it was 1. not supported by
644 substantial evidence, 2. arbitrary or capricious, 3. beyond the
645 power of the hearing officer to make, or 4. in violation of some
646 statutory or constitutional right of the appellant. The decision
647 of the court may be appealed to the Supreme Court in the manner
648 provided by law.

649 (d) If, after forty-five (45) calendar days of the date of
650 the administrative hearing procedure set forth in subsection (b),
651 the candidate committee or political committee identified in
652 subsection (a) of this section fails to pay the monetary civil



653 penalty imposed by the hearing officer, the Secretary of State
654 shall notify the Attorney General of the delinquency. The
655 Attorney General shall investigate the offense in accordance with
656 the provisions of this chapter, and where necessary, file suit to
657 compel payment of the unpaid civil penalty.

658 (e) If, after twenty (20) calendar days of the date upon
659 which a campaign finance disclosure report is due, a candidate or
660 political committee identified in subsection (a) of this section
661 shall not have filed a valid report with the Secretary of State,
662 the Secretary of State shall notify the Attorney General of those
663 candidates and political committees who have not filed a valid
664 report, and the Attorney General shall prosecute the
665 delinquent * * * candidate committee and political committees.

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

668 23-15-815. (a) The Secretary of State shall prescribe and
669 make available forms and promulgate rules and regulations
670 necessary to implement this article.

671 (b) The Secretary of State, circuit clerks and municipal
672 clerks shall, within forty-eight (48) hours after the time of the
673 receipt by the appropriate office of reports and statements filed
674 with it, make them available for public inspection, and copying at
675 the expense of the person requesting such copying, and keep such
676 designations, reports and statements for a period of three (3)
677 years from the date of receipt.



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

680 23-15-817. The Secretary of State shall compile a list of
681 all candidates for the Legislature or any statewide office who
682 fail to file a campaign disclosure report by the dates specified
683 in Section 23-15-807(b). The list shall be provided to the
684 Mississippi Ethics Commission so that the Commission may bring a
685 mandamus as provided in Section 23-15-811 or take any other
686 disciplinary action as provided in this chapter. The list shall
687 also be disseminated to the members of the Mississippi Press
688 Association within two (2) working days after such reports are due
689 and made available to the public.

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

692 23-15-819. (1) It shall be unlawful for a foreign national,
693 directly or through any other person, to make any contribution or
694 any expenditure of money or other thing of value, or to promise
695 expressly or impliedly to make any such contribution or
696 expenditure, in connection with an election to any political
697 office or in connection with any primary election, convention or
698 caucus held to select candidates for any political office.

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

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



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

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

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

709 23-15-821. (1) The personal use of campaign contributions
710 by any elected public officeholder or by any candidate for public
711 office is prohibited.

712 (a) For the purposes of this section, "personal use" is
713 defined as any use, other than expenditures related to gaining or
714 holding public office, or performing the functions and duties of
715 public office, for which the candidate for public office or
716 elected public official would be required to treat the amount of
717 the expenditure as gross income under Section 61 of the Internal
718 Revenue Code of 1986, 26 USC Section 61, or any subsequent
719 corresponding Internal Revenue Code of the United States, as from
720 time to time amended. "Personal use" shall not include donations
721 to a political organization, or to a political action committee,
722 or to another candidate.

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



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

730 (2) The following personal use expenditures are specifically
731 prohibited under this section:

732 (a) Any residential or household items, supplies or
733 expenditures, including mortgage, rent or utility payments for any
734 part of any personal residence where a homestead exemption is
735 claimed of a candidate or officeholder or a member of the
736 candidate's or officeholder's family;

737 (b) Mortgage, rent or utility payments for any part of
738 any nonresidential property that is owned by a candidate or
739 officeholder or a member of a candidate's or officeholder's family
740 and used for campaign purposes, to the extent the payments exceed
741 the fair market value of the property usage;

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

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

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



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

753 (g) Salary payments to a member of a candidate's
754 family, unless the family member is providing bona fide services
755 to the campaign. If a family member provides bona fide services
756 to a campaign, any salary payments in excess of the fair market
757 value of the services provided is personal use;

758 (h) Nondocumented loans of any type, including loans to
759 candidates;

760 (i) Travel expenses except for travel expenses of a
761 candidate, officeholder or staff member of the officeholder for
762 travel undertaken as an ordinary and necessary expense of gaining
763 or holding public office, or performing the functions and duties
764 of public office or for attending meetings or conferences of
765 officials similar to the office held or sought, or for an issue
766 the legislative body is or will consider, or attending a state or
767 national convention of any party. If a candidate or officeholder
768 uses campaign contributions to pay expenses associated with travel
769 that involves both personal activities and activities related to
770 gaining or holding public office or performing the functions and
771 duties of public office, the incremental expenses that result from
772 the personal activities are personal use, unless the person(s)
773 benefiting from this use reimburse(s) the campaign account within
774 thirty (30) days for the amount of the incremental expenses; and



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

777 (3) Any expense that reasonably relates to gaining or
778 holding public office, or performing the functions and duties of
779 public office, is a specifically permitted use of campaign
780 contributions. Such expenditures are not considered personal use
781 expenditures and may include, but are not limited to, the
782 following expenditures:

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

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

789 (c) Donations to charitable organizations,
790 not-for-profit organizations or for sponsorships, provided the
791 candidate or officeholder does not receive monetary compensation,
792 other than reimbursements of expenses, from the recipient
793 organization;

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

798 (e) Meal and beverage expenses which are incurred as
799 part of a campaign activity or as a part of a function that is



800 related to the candidate's or officeholder's responsibilities,
801 including meals between and among candidates and/or officeholders
802 that are incurred as an ordinary and necessary expense of seeking,
803 holding or maintaining public office, or seeking, holding or
804 maintaining a position within the Legislature or other publicly
805 elected body;

806 (f) Reasonable rental or accommodation expenses
807 incurred by an officeholder during a legislative session or a day
808 or days in which the officeholder is required by his or her duties
809 to be at the Capitol or another location outside the
810 officeholder's county of residence. Such rental or accommodation
811 expenses shall not exceed Fifty Dollars (\$50.00) per day, if the
812 officeholder receives per diem, or One Hundred Ninety Dollars
813 (\$190.00) per day, if the officeholder receives no per diem. Any
814 expenses incurred under this paragraph (f) must be reported as an
815 expenditure pursuant to this section;

816 (g) Communication access expenses, including mobile
817 devices and Internet access costs. Examples of communication
818 access expenses include, but are not limited to, the following:
819 captioning on television advertisements; video clips; sign
820 language interpreters; computer-aided real-time (CART) services;
821 and assistive listening devices;

822 (h) Costs associated with memberships to chambers of
823 commerce and civic organizations;



824 (i) Legal fees and costs associated with any civil
825 action, criminal prosecution or investigation related to conduct
826 reasonably related to the candidacy or performing the duties of
827 the office held.

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

832 * * *

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

835 (* * *b) Be transferred, in whole or in part, into a
836 newly established political action committee or ballot question
837 advocate;

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

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

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

845 (5) Any candidate for public office or any elected official
846 who willfully violates this section shall be guilty of a
847 misdemeanor and punished by a fine of One Thousand Dollars
848 (\$1,000.00) and by a state assessment equal to the amount of



849 misappropriated campaign contributions. The state assessment
850 shall be deposited into the Public Employees' Retirement System.
851 No fine or assessment imposed under this section shall be paid by
852 a third party.

853 * * *

854 (* * *6) The Mississippi Ethics Commission shall issue
855 advisory opinions regarding any of the requirements set forth in
856 this section. When any officeholder or candidate requests an
857 advisory opinion, in writing, and has stated all of the facts to
858 govern the opinion, and the Ethics Commission has prepared and
859 delivered the opinion with references to the request, there shall
860 be no civil or criminal liability accruing to or against any
861 officeholder or candidate who, in good faith, follows the
862 direction of the opinion and acts in accordance with the opinion,
863 unless a court of competent jurisdiction, after a full hearing,
864 judicially declares that the opinion is manifestly wrong and
865 without any substantial support. No opinion shall be given or
866 considered if the opinion would be given after judicial
867 proceedings have commenced.

868 All advisory opinions issued pursuant to the provisions of
869 this subsection (* * *6) shall be made public and shall be issued
870 within ninety (90) days of a written request. The request for an
871 advisory opinion shall be confidential as to the identity of the
872 individual making the request. The Ethics Commission shall, so
873 far as practicable and before making public * * * an advisory



874 opinion issued under the provisions of * * * this subsection
875 (* * *6), make such deletions and changes thereto as may be
876 necessary to ensure the anonymity of the public official and any
877 other person named in the opinion.

878 **SECTION 12.** The following shall be codified as Section
879 23-15-821.1, Mississippi Code of 1972:

880 23-15-821.1. (1) It shall be unlawful for any corporation,
881 incorporated company or incorporated association, by whatever name
882 it may be known, incorporated or organized under the laws of this
883 state, or doing business in this state, or for any servant, agent,
884 employee or officer thereof, to give, donate, appropriate or
885 furnish directly or indirectly, any money, security, funds or
886 property of said corporation, incorporated company or incorporated
887 association, in excess of One Thousand Dollars (\$1,000.00) per
888 calendar year for the purpose of aiding any political party or any
889 candidate for any public office, or any candidate for any
890 nomination for any public office of any political party, or to
891 give, donate, appropriate or furnish, directly or indirectly, any
892 money, security, funds or property of said corporation,
893 incorporated company or association in excess of One Thousand
894 Dollars (\$1,000.00) to any committee or person as a contribution
895 to the expense of any political party or any candidate,
896 representative or committee of any political party or candidate
897 for nomination by any political party, or any committee or other
898 person acting in behalf of such candidate. The limit of One



899 Thousand Dollars (\$1,000.00) for contributions to political
900 parties, candidates and committees or other persons acting on
901 behalf of such candidates, or any political committee that is not
902 an independent expenditure-only committee shall be an annual
903 limitation applicable to each calendar year.

904 (2) Any entity or person that is prohibited from receiving
905 in excess of One Thousand Dollars (\$1,000.00) from a corporation,
906 incorporated company or incorporated association, or agent
907 officer, or employee thereof, in a calendar year and receives such
908 a contribution shall be assessed a civil penalty by the Secretary
909 of State unless the entity or person returned the portion of the
910 contribution in excess of One Thousand Dollars (\$1,000.00) within
911 ten (10) days of receipt of the contribution. However, if the
912 contribution is received less than thirty (30) days prior to the
913 election the excess contribution must be returned within two (2)
914 days of receipt.

915 (a) The civil penalty shall be:

916 (i) One Thousand Dollars (\$1,000.00) for the first
917 offense within a five-year period;

918 (ii) Two Thousand Five Hundred Dollars (\$2,500.00)
919 for the second offense within a five-year period; and

920 (iii) Five Thousand Dollars (\$5,000.00) for the
921 third offense within a five-year period.

922 (b) Payment of the administrative fine does not
923 alleviate the requirement that the campaign, candidate committee



924 or political party return the excessive amount of the
925 contribution. If by the next reporting period, the campaign,
926 committee, or political party has not returned the excessive
927 contribution, the entity shall be assessed an administrative
928 penalty equal to the excess amount. Payment of this
929 administrative penalty shall not be limited to the limitations set
930 forth in 23-15-821.

931 (c) The notice, hearing and appeals provisions of
932 Section 23-15-813 shall apply to any action taken pursuant to this
933 section. The Secretary of State may pursue judicial enforcement
934 of any penalties issued pursuant to this section.

935 (d) Any administrative penalty received by the
936 Secretary of State under this section shall be deposited into the
937 Election Support Fund.

938 **SECTION 13.** The following shall be codified as Section
939 23-15-823, Mississippi Code of 1972:

940 23-15-823. (1) A political committee shall be prohibited
941 from receiving or making a contribution, expenditure or any other
942 transfer of funds to any other political committee, tax-exempt
943 political organization under 26 USC Section 527, entity registered
944 with the Federal Election Commission or political committee
945 registered in another state. Nothing herein shall prohibit a
946 political committee from making a contribution, expenditure or any
947 other transfer of funds to a candidate committee.



948 (2) A candidate, or their representatives, which shall
949 include treasurers of candidate committees, shall not knowingly
950 establish, use, direct or control more than one (1) political
951 committee for the purpose of influencing the election for the
952 office of which the candidate is seeking. This shall not prohibit
953 any person from participation in a political committee that
954 supports a slate of candidates, or joint-fund raising by
955 candidates, unless the political committee makes a substantial
956 amount of expenditures in support of a candidate or in opposition
957 of another candidate seeking the same office as the candidate.

958 Evidence of a substantial amount of expenditures shall
959 include, but not be limited to, contributions from the political
960 committee to the candidate committee, independent expenditures in
961 support of the candidate or expenditures in opposition to an
962 opponent of a candidate.

963 (3) No candidate committee or political committee shall have
964 a prechecked or premarked box for contribution amounts or
965 authorizations for recurring contributions on any communications
966 that request a contribution.

967 **SECTION 14.** The following shall be codified as Section
968 23-15-825, Mississippi Code of 1972:

969 23-15-825. (1) In the calendar year following the election
970 for statewide offices or the election of circuit court judges, the
971 Secretary of State shall randomly select no more than three
972 percent (3%) of registered candidate committees or political



973 committees to conduct an audit. The Secretary of State shall
974 establish a standard, scientific method of selecting the
975 committees that are to be audited so that every committee to be
976 audited has an equal mathematical chance of being selected.
977 However, only committees that were required to file a periodic
978 report during the previous calendar year shall be required to be
979 audited. The Secretary of State shall not select additional
980 registered committees to conduct an audit to replace any of the
981 originally selected committees that do not fully meet the
982 requirements to be audited.

983 (2) Notwithstanding the above provision, any committee owing
984 unpaid administrative fines at the time of the random selection
985 shall also be required to be audited.

986 (3) The audit shall be conducted by the State Auditor,
987 unless a selected committee is the candidate committee for the
988 State Auditor, in which case a certified accountant in good
989 standing with the Mississippi Board of Public Accountancy shall
990 audit the candidate committee of the State Auditor.

991 (4) The State Auditor or certified accountant in good
992 standing with the Mississippi Board of Public Accountancy,
993 whichever is applicable, shall submit the findings of any audit to
994 the Mississippi Secretary of State's Office, which shall be kept
995 as a record in accordance with 23-15-805(d).

996 (5) If the audit finds any discrepancy in reporting, then
997 the audit committee will have thirty (30) days to respond and file



998 an amended report. However, if the audit finds any indication of
999 intent to intentionally violate campaign finance requirements,
1000 then the audit report shall be submitted to the Attorney General.

1001 (6) This section shall take effect January 1, 2027.

1002 **SECTION 15.** Section 23-15-897, Mississippi Code of 1972, is
1003 amended as follows:

1004 23-15-897. (1) The following words and phrases shall have
1005 the meanings as defined in this section unless the context clearly
1006 indicates otherwise:

1007 (a) "Campaign materials" include any materials designed
1008 to influence voters for or against any candidate, party or measure
1009 to be voted on at any election, or containing information about
1010 any candidate, party or measure paid for by a candidate, political
1011 committee * * * or independent expenditure which requires
1012 disclosure under campaign finance laws.

1013 (b) "Publish" means the act or instance of making
1014 campaign material available to the public, or to a list of
1015 subscribers, by mail, telephone, electronic communications
1016 platforms, Internet, software applications, printed materials or
1017 any other means of distribution, including, but not limited to,
1018 radio.

1019 (c) "Printed material" shall include, but not be
1020 limited to, any notice, placard, bill, poster, dodger, pamphlet,
1021 advertisement, sign or any other form of printed publication,



1022 except notices, posters and the like, which simply announce a
1023 speaking date and invite attendance thereon.

1024 (2) No candidate, political committee or other person shall
1025 publish, or knowingly cause to be published, any campaign
1026 materials unless it contains the following information:

1027 (a) The name of the candidate along with a statement
1028 that the message is approved by the candidate; or

1029 (b) If the message has not been approved by a specific
1030 candidate, the name of the person, political committee or
1031 organization paying for the publication of the message; or

1032 (c) If the message has not been approved by the
1033 candidate and no person, political committee or organization is
1034 identified as having paid for the publication, the entity
1035 producing the campaign materials must be identified.

1036 (3) Publication of campaign materials through an electronic
1037 platform shall be deemed to comply with the requirements of this
1038 section if the home page of the candidate or political committee
1039 provides the information required by subsection (2), and each
1040 electronic publication provides a link to that home page.

1041 (4) The information required by subsection (2) of this
1042 section shall be printed in a manner in which the required
1043 language can be easily read. Failure to conform with subsection
1044 (2) of this section shall result in an administrative fine of One
1045 Thousand Dollars (\$1,000.00) to be assessed by the Secretary of
1046 State.



1047 **SECTION 16.** The following shall be codified as Section
1048 97-13-47, Mississippi Code of 1972:

1049 97-13-47. (1) As used in this section, the following terms
1050 have the meanings given, unless context clearly provides
1051 otherwise.

1052 (a) "Candidate" means an individual who seeks
1053 nomination or election to a federal, statewide, state district,
1054 legislative, judicial, county, county district or municipal
1055 office.

1056 (b) "Deepfake" means any picture, video recording,
1057 sound recording, electronic image or any digital representation of
1058 speech or conduct that:

1059 (i) A reasonable person would believe depicts the
1060 speech and/or conduct of an individual who did not engage in the
1061 speech and/or conduct as presented; and

1062 (ii) The production of which was substantially
1063 dependent on technical means, rather than the ability of another
1064 individual to physically or verbally impersonate such an
1065 individual.

1066 (c) "Depicted individual" means an individual in a
1067 deepfake who appears to be engaging in speech or conduct.

1068 (d) "Disseminates" means transmitting a deepfake to
1069 another person through social media, electronic mail, video
1070 sharing services, or any other physical or electronic method.



1071 (2) A person who disseminates a deepfake or enters into a
1072 contract or other agreement to disseminate a deepfake is guilty of
1073 a crime and may be sentenced as provided in subsection (3) of this
1074 section if the person knows or reasonably should know that the
1075 item being disseminated is a deepfake and the dissemination:

1076 (a) Takes place within ninety (90) days of an election;
1077 and

1078 (b) Disseminated without the consent of the depicted
1079 individual; and

1080 (c) Disseminated with the intent to injure a candidate,
1081 influence the result of an election or deter any person from
1082 voting.

1083 (3) A person convicted under this section may be sentenced
1084 as follows:

1085 (a) If the person commits the violation with intent to
1086 cause violence, bodily harm, or to deter any person from voting,
1087 or has been previously convicted under this section within the
1088 last five (5) years to imprisonment for no more than five (5)
1089 years or to a payment of a fine of not more than Ten Thousand
1090 Dollars (\$10,000.00), or both;

1091 (b) In other cases, to imprisonment for not more than
1092 one (1) year or to a payment of a fine of not more than Five
1093 Thousand Dollars (\$5,000.00), or both.

1094 (4) A cause of action for injunctive relief may be
1095 maintained against any person who is reasonably believed to be



1096 about to violate or who is in the course of violating this section
1097 by:

1098 (a) The Attorney General;

1099 (b) A district attorney if the depicted individual is a
1100 resident within their district, or if the deepfake could or has
1101 impacted their district;

1102 (c) The depicted individual;

1103 (d) A candidate for nomination or election to a public
1104 office who is injured or likely to be injured by dissemination; or

1105 (e) A political party whose nominee is on the ballot
1106 who would be injured or likely to be injured by dissemination.

1107 (5) Clear and prominent language displayed throughout the
1108 deepfake that informs the viewer that the depicted individual did
1109 not engage in the depicted speech and/or conduct shall be a
1110 defense to prosecution.

1111 **SECTION 17.** This act shall take effect and be in force from
1112 and after July 1, 2024.

