

By: Representative Tullos

To: Apportionment and
Elections; Judiciary A

HOUSE BILL NO. 1250

1 AN ACT TO REVISE THE CAMPAIGN FINANCE LAWS; TO AMEND SECTION
2 23-15-801, MISSISSIPPI CODE OF 1972, TO DEFINE "CORPORATION" AND
3 "CORPORATE CONTRIBUTION"; TO AMEND SECTION 23-15-803, MISSISSIPPI
4 CODE OF 1972, TO REVISE THE AUTHORITY TO ASSESS FINES AND PURSUE
5 JUDICIAL ENFORCEMENT FROM THE MISSISSIPPI ETHICS COMMISSION TO THE
6 SECRETARY OF STATE; TO AMEND SECTION 23-15-805, MISSISSIPPI CODE
7 OF 1972, TO ENSURE THAT CANDIDATE CAMPAIGN FINANCE REPORTS ARE
8 COMPLETE AND LEGIBLE ON THE SECRETARY OF STATE'S WEBSITE; TO
9 REQUIRE PENALTY OF PERJURY LANGUAGE FOR THE FILING OF ALL CAMPAIGN
10 FINANCE REPORTS; TO AMEND SECTION 23-15-813, MISSISSIPPI CODE OF
11 1972, TO REVISE HOW CIVIL AND ADMINISTRATIVE PENALTIES ARE
12 DETERMINED AND ASSESSED; TO AMEND SECTIONS 23-15-811 AND
13 23-15-817, MISSISSIPPI CODE OF 1972, TO REVISE CRIMINAL PENALTIES
14 AND THE AUTHORITY FOR THE MANDAMUS; TO AMEND SECTION 97-13-15,
15 MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF PROHIBITED
16 POLITICAL CONTRIBUTIONS BY CORPORATIONS; TO AMEND SECTION
17 97-13-17, MISSISSIPPI CODE OF 1972, TO INCREASE THE PENALTY FOR
18 ACCEPTING ILLEGAL CORPORATE CONTRIBUTIONS; TO BRING FORWARD
19 SECTIONS 23-15-807, 23-15-809, 23-15-815, 23-15-819 AND 23-15-821,
20 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT;
21 AND FOR RELATED PURPOSES.

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

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

25 23-15-801. (a) "Election" means a general, special, primary
26 or runoff election.



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

(i) If the individual has received contributions aggregating in excess of Two Hundred Dollars (\$200.00) or has made expenditures aggregating in excess of Two Hundred Dollars (\$200.00) or for a candidate for the Legislature or any statewide or state district office, by the qualifying deadlines specified in Sections 23-15-299 and 23-15-977, whichever occurs first; or

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

(c) "Political committee" means any committee, party, club, association, political action committee, campaign committee or other groups of persons or affiliated organizations that receives contributions aggregating in excess of Two Hundred Dollars (\$200.00) during a calendar year or that makes expenditures aggregating in excess of Two Hundred Dollars (\$200.00) during a calendar year for the purpose of influencing or attempting to influence the action of voters for or against the nomination for



election, or election, of one or more candidates, or balloted measures. Political committee shall, in addition, include each political party registered with the Secretary of State.

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

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

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

(iii) "Contribution to a political party" includes any corporate contribution, gift, subscription, loan, advance or deposit of money or anything of value made by any corporation, person, political committee, or other organization to a political party and to any committee, subcommittee, campaign committee, political committee and other groups of persons and affiliated organizations of the political party;



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

(f) "Corporate contribution" shall include any gift, subscription, loan, advance or deposit of money or anything of value made by any corporation, incorporated company or incorporated association, or any servant, agent, employee or officer thereof, using any money, security, funds or property of said corporation, incorporated company or incorporated association for the purpose of aiding any political party or any candidate for any public office, or any candidate for any nomination for any public office of any political party or to give, donate, appropriate or furnish, directly or indirectly, any money, security, funds or property of said corporation to any committee or person as a contribution to the expense of any political party or candidate, representative or committee of any political party or candidate for nomination by any political party, or any committee or other person acting on behalf of such candidate.

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

(* * *h) (i) "Expenditure" shall include any purchase, payment, distribution, loan, advance, deposit, gift of money or



anything of value, made by any person or political committee for the purpose of influencing any balloted measure or election for elective office; and a written contract, promise, or agreement to make an expenditure;

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

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

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

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

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

(* * *j) The term "political party" shall mean an association, committee or organization which nominates a candidate



for election to any elective office whose name appears on the election ballot as the candidate of the association, committee or organization.

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

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

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

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

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

or

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

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

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



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

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

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

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

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

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

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

(4) In addition to any other penalties provided by law, the * * * Secretary of State may impose administrative penalties against any political committee that fails to comply with the requirements of this section in an amount not to exceed Five Thousand Dollars (\$5,000.00) per violation. The notice, hearing and appeals provisions of Section 23-15-813 shall apply to any action taken pursuant to this subsection (4). The * * * Secretary



of State may pursue judicial enforcement of any penalties issued pursuant to this section.

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

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

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



199 (c) Candidates for municipal office, and every political
200 committee which makes reportable contributions to or expenditures
201 in support of or in opposition to a candidate for such office, or
202 makes reportable contributions to or expenditures in support of or
203 in opposition to a municipal ballot measure shall file all reports
204 required by this article in the office of the municipal clerk of
205 the municipality in which the election occurs, or directly to the
206 Office of the Secretary of State via facsimile, electronic mail,
207 postal mail or hand delivery. The municipal clerk shall forward
208 copies of all reports to the Office of the Secretary of State.

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

213 (e) The Secretary of State shall ensure to the best of his
214 or her ability that the online public Campaign Finance Reporting
215 System produces complete, organized and legible reports that can
216 be viewed by the public to promote transparency and provide
217 citizens the opportunity to easily obtain a complete picture of
218 all finances related to a specific candidate. The Secretary of
219 State shall not accept or post a campaign finance report on the
220 public Campaign Finance Reporting system that includes any of the
221 following characteristics:

222 (i) Is not legible;



223 (ii) Shows some value of itemized contributions or
224 expenditures but fails to individually list any itemized
225 contributions or expenditures;

226 (iii) Spreads columns or rows of information out over
227 multiple pages requiring the citizen to piece together
228 contributions or expenditures; or

229 (iv) Fails to use a font that can be read by a person
230 with normal vision.

231 (f) The Secretary of State shall review reports for
232 completeness and shall not publish a campaign finance report on
233 the public Campaign Finance Reporting System until the report is
234 complete, organized and legible and absent any deficiencies
235 outlined in subsection (e) of this Section. If the Secretary of
236 State receives a report that does not meet these criteria, the
237 Secretary of State must work with the candidate to obtain a
238 complete, organized, and legible report to be published on the
239 public Campaign Finance Reporting System in a timely manner.

240 (g) The public Campaign Finance Reporting System shall use
241 technology that can generate reports related to all identifiable
242 variables of the provided search terms. After a search is entered
243 in the system, the system shall generate all reports related to
244 the search terms, and their variables, including all reports
245 affiliated with the organization that is searched.

246 (h) The Secretary of State is authorized to promulgate rules
247 and regulations to achieve the purposes of this section.



(i) All reports filed under this section shall include, under penalty of perjury, a certification that the reports are true, accurate and complete to the best of the candidate's knowledge.

SECTION 4. Section 23-15-811, Mississippi Code of 1972, is amended as follows:

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

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

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

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



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

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

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

SECTION 5. Section 23-15-813, Mississippi Code of 1972, is amended as follows:

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

(i) Within five (5) calendar days after any deadline for filing a report pursuant to Sections 23-15-801 through



298 23-15-813, or Sections 23-17-47 through 23-17-53, the Secretary of
299 State shall compile a list of those candidates and political
300 committees who have failed to file a report. * * * The Secretary
301 of State shall provide each candidate or political committee, who
302 has failed to file a report, notice of the failure by first-class
303 mail and electronic mail.

304 (ii) Beginning with the * * * first calendar day after
305 which any report is due, the * * * Secretary of State shall assess
306 the delinquent candidate and political committee a civil penalty
307 of * * * One Hundred Dollars (\$100.00) for each day or part of any
308 day until a valid report is delivered to the Secretary of State,
309 up to a maximum of ten (10) days. In the discretion of the * * *
310 Secretary of State, the assessing of the fine may be waived, in
311 whole or in part, if the * * * Secretary of State determines that
312 unforeseeable mitigating circumstances, such as the health of the
313 candidate, interfered with the timely filing of a report. Failure
314 of a candidate or political committee to receive notice of failure
315 to file a report from the Secretary of State is not an
316 unforeseeable mitigating circumstance, and failure to receive the
317 notice shall not result in removal or reduction of any assessed
318 civil penalty.

319 (iii) Filing of the required report and payment of the
320 fine within ten (10) calendar days of notice by the Secretary of
321 State that a required statement has not been filed constitutes



compliance with Sections 23-15-801 through 23-15-813, or Sections 23-17-47 through 23-17-53.

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

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

(b) (i) Upon the sworn application, made within sixty (60) calendar days of the date upon which the required report is due, of a candidate or political committee against whom a civil penalty has been assessed pursuant to subsection (a) of this section, the Secretary of State shall forward the application to the State Board of Election Commissioners. The State Board of Election Commissioners shall appoint one or more hearing officers who shall be former chancellors, circuit court judges, judges of the Court



347 of Appeals or justices of the Supreme Court, to conduct hearings
348 held pursuant to this article. The hearing officer shall fix a
349 time and place for a hearing and shall cause a written notice
350 specifying the civil penalties that have been assessed against the
351 candidate or political committee and notice of the time and place
352 of the hearing to be served upon the candidate or political
353 committee at least twenty (20) calendar days before the hearing
354 date. The notice may be served by mailing a copy of the notice by
355 certified mail, postage prepaid, to the last-known business
356 address of the candidate or political committee.

357 (ii) The hearing officer may issue subpoenas for the
358 attendance of witnesses and the production of documents at the
359 hearing. Process issued by the hearing officer shall extend to
360 all parts of the state and shall be served by any person
361 designated by the hearing officer for the service.

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

366 (iv) At the hearing, the hearing officer shall
367 administer oaths as may be necessary for the proper conduct of the
368 hearing. All hearings shall be conducted by the hearing officer,
369 who shall not be bound by strict rules of procedure or by the laws
370 of evidence, but the determination shall be based upon sufficient
371 evidence to sustain it. The scope of review at the hearing shall



be limited to making a determination of whether failure to file a required report was due to an unforeseeable mitigating circumstance.

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

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

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



397 officer following an administrative hearing. The appeal shall be
398 perfected upon filing notice of the appeal and the prepayment of
399 all costs, including the cost of preparing the record of the
400 proceedings by the hearing officer, and filing a bond in the sum
401 of Two Hundred Dollars (\$200.00), conditioned that if the decision
402 of the hearing officer is affirmed by the court, the candidate or
403 political committee will pay the costs of the appeal and the
404 action in court. If the decision is reversed by the court,
405 the * * * Secretary of State will pay the costs of the appeal and
406 the action in court.

407 (ii) If there is an appeal, the appeal shall act as a
408 supersedeas. The court shall dispose of the appeal and enter its
409 decision promptly. The hearing on the appeal may be tried in
410 vacation, in the court's discretion. The scope of review of the
411 court shall be limited to a review of the record made before the
412 hearing officer to determine if the action of the hearing officer
413 is unlawful for the reason that it was 1. not supported by
414 substantial evidence, 2. arbitrary or capricious, 3. beyond the
415 power of the hearing officer to make, or 4. in violation of some
416 statutory or constitutional right of the appellant. The decision
417 of the court may be appealed to the Supreme Court in the manner
418 provided by law.

419 (d) If, after forty-five (45) calendar days of the date of
420 the administrative hearing procedure set forth in subsection (b),
421 the candidate or political committee identified in subsection (a)



of this section fails to pay the monetary civil penalty imposed by the hearing officer, the Secretary of State shall notify the Attorney General of the delinquency. The Attorney General shall investigate the offense in accordance with the provisions of this chapter, and where necessary, file suit to compel payment of the unpaid civil penalty.

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

SECTION 6. Section 23-15-817, Mississippi Code of 1972, is amended as follows:

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



447 **SECTION 7.** Section 97-13-15, Mississippi Code of 1972, is
448 amended as follows:

449 97-13-15. It shall be unlawful for any corporation,
450 incorporated company or incorporated association, by whatever name
451 it may be known, incorporated or organized under the laws of * * *
452 any state, or doing business in this state, or for any servant,
453 agent, employee or officer thereof, to give, donate, appropriate
454 or furnish directly or indirectly, any money, security, funds or
455 property of said corporation, incorporated company or incorporated
456 association, in excess of One Thousand Dollars (\$1,000.00) per
457 calendar year for the purpose of aiding any political party or any
458 candidate for any public office, or any candidate for any
459 nomination for any public office of any political party, or to
460 give, donate, appropriate or furnish, directly or indirectly, any
461 money, security, funds or property of said corporation,
462 incorporated company or association in excess of One Thousand
463 Dollars (\$1,000.00) to any committee or person as a contribution
464 to the expense of any political party or any candidate,
465 representative or committee of any political party or candidate
466 for nomination by any political party, or any committee or other
467 person acting in behalf of such candidate. The limit of One
468 Thousand Dollars (\$1,000.00) for contributions to political
469 parties, candidates and committees or other persons acting in
470 behalf of such candidates shall be an annual limitation applicable
471 to each calendar year.



SECTION 8. Section 97-13-17, Mississippi Code of 1972, is amended as follows:

97-13-17. Any corporation, incorporated company or incorporated association, or agent, officer or employee violating any of the provisions of Section 97-13-15 shall, upon conviction, be fined not less than * * * Two Thousand Five Hundred Dollars (\$2,500.00) nor more than * * * Seven Thousand Five Hundred Dollars (\$7,500.00).

SECTION 9. Section 23-15-807, Mississippi Code of 1972, is brought forward as follows:

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

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



496 (i) In any calendar year during which there is a
497 regularly scheduled election, a pre-election report shall be filed
498 no later than the seventh day before any election in which the
499 candidate or political committee has accepted contributions or
500 made expenditures and shall be completed as of the tenth day
501 before the election;

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

506 (iii) In any calendar years except 1987 and except
507 every fourth year thereafter, a report covering the calendar year
508 shall be filed no later than January 31 of the following calendar
509 year; and

510 (iv) Except as otherwise provided in the requirements
511 of paragraph (i) of this subsection (b), unopposed candidates are
512 not required to file pre-election reports but must file all other
513 reports required by paragraphs (ii) and (iii) of this subsection
514 (b).

515 (c) All candidates for judicial office as defined in Section
516 23-15-975, or their political committees, shall file periodic
517 reports in the year in which they are to be elected no later than
518 the tenth day after April 30, May 31, June 30, September 30 and
519 December 31. Candidates for judicial office shall not be required



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

(d) Each report under this article shall disclose:

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

(ii) The identification of:

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

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



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

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

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

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

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

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



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

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

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



595 4. The identification of the contributor;
596 5. The date of receipt;
597 6. The amount of the contribution;
598 7. If the contribution is in-kind, a description
599 of the in-kind contribution; and
600 8. The signature of the candidate or the treasurer
601 or chair of the candidate's political organization.

602 (ii) The notification shall be in writing, and may be
603 transmitted by overnight mail, courier service, or other reliable
604 means, including electronic facsimile (FAX), but the candidate or
605 candidate's committee shall ensure that the notification shall in
606 fact be received in the appropriate office designated in Section
607 23-15-805 within forty-eight (48) hours of the contribution.

608 **SECTION 10.** Section 23-15-809, Mississippi Code of 1972, is
609 brought forward as follows:

610 23-15-809. (a) Every person who makes independent
611 expenditures in an aggregate amount or value in excess of Two
612 Hundred Dollars (\$200.00) during a calendar year shall file a
613 statement containing the information required under Section
614 23-15-807. Such statement shall be filed with the appropriate
615 offices as provided for in Section 23-15-805, and such person
616 shall be considered a political committee for the purpose of
617 determining place of filing.

618 (b) Statements required to be filed by this subsection shall
619 include:



620 (i) Information indicating whether the independent
621 expenditure is in support of, or in opposition to, the candidate
622 involved;

623 (ii) Under penalty of perjury, a certification of
624 whether or not such independent expenditure is made in
625 cooperation, consultation or concert with, or at the request or
626 suggestion of, any candidate or any authorized committee or agent
627 of such candidate; and

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

632 **SECTION 11.** Section 23-15-815, Mississippi Code of 1972, is
633 brought forward as follows:

634 23-15-815. (a) The Secretary of State shall prescribe and
635 make available forms and promulgate rules and regulations
636 necessary to implement this article.

637 (b) The Secretary of State, circuit clerks and municipal
638 clerks shall, within forty-eight (48) hours after the time of the
639 receipt by the appropriate office of reports and statements filed
640 with it, make them available for public inspection, and copying at
641 the expense of the person requesting such copying, and keep such
642 designations, reports and statements for a period of three (3)
643 years from the date of receipt.



644 **SECTION 12.** Section 23-15-819, Mississippi Code of 1972, is
645 brought forward as follows:

646 23-15-819. (1) It shall be unlawful for a foreign national,
647 directly or through any other person, to make any contribution or
648 any expenditure of money or other thing of value, or to promise
649 expressly or impliedly to make any such contribution or
650 expenditure, in connection with an election to any political
651 office or in connection with any primary election, convention or
652 caucus held to select candidates for any political office.

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

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

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

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

661 **SECTION 13.** Section 23-15-821, Mississippi Code of 1972, is
662 brought forward as follows:

663 23-15-821. (1) The personal use of campaign contributions
664 by any elected public officeholder or by any candidate for public
665 office is prohibited.

666 (a) For the purposes of this section, "personal use" is
667 defined as any use, other than expenditures related to gaining or
668 holding public office, or performing the functions and duties of



669 public office, for which the candidate for public office or
670 elected public official would be required to treat the amount of
671 the expenditure as gross income under Section 61 of the Internal
672 Revenue Code of 1986, 26 USC Section 61, or any subsequent
673 corresponding Internal Revenue Code of the United States, as from
674 time to time amended. "Personal use" shall not include donations
675 to a political organization, or to a political action committee,
676 or to another candidate.

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

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

684 (2) The following personal use expenditures are specifically
685 prohibited under this section:

686 (a) Any residential or household items, supplies or
687 expenditures, including mortgage, rent or utility payments for any
688 part of any personal residence where a homestead exemption is
689 claimed of a candidate or officeholder or a member of the
690 candidate's or officeholder's family;

691 (b) Mortgage, rent or utility payments for any part of
692 any nonresidential property that is owned by a candidate or
693 officeholder or a member of a candidate's or officeholder's family



and used for campaign purposes, to the extent the payments exceed the fair market value of the property usage;

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

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

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

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

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

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

(i) Travel expenses except for travel expenses of a candidate, officeholder or staff member of the officeholder for travel undertaken as an ordinary and necessary expense of gaining or holding public office, or performing the functions and duties of public office or for attending meetings or conferences of



officials similar to the office held or sought, or for an issue the legislative body is or will consider, or attending a state or national convention of any party. If a candidate or officeholder uses campaign contributions to pay expenses associated with travel that involves both personal activities and activities related to gaining or holding public office or performing the functions and duties of public office, the incremental expenses that result from the personal activities are personal use, unless the person(s) benefiting from this use reimburse(s) the campaign account within thirty (30) days for the amount of the incremental expenses; and

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

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

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

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



743 (c) Donations to charitable organizations,
744 not-for-profit organizations or for sponsorships, provided the
745 candidate or officeholder does not receive monetary compensation,
746 other than reimbursements of expenses, from the recipient
747 organization;

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

752 (e) Meal and beverage expenses which are incurred as
753 part of a campaign activity or as a part of a function that is
754 related to the candidate's or officeholder's responsibilities,
755 including meals between and among candidates and/or officeholders
756 that are incurred as an ordinary and necessary expense of seeking,
757 holding or maintaining public office, or seeking, holding or
758 maintaining a position within the Legislature or other publicly
759 elected body;

760 (f) Reasonable rental or accommodation expenses
761 incurred by an officeholder during a legislative session or a day
762 or days in which the officeholder is required by his or her duties
763 to be at the Capitol or another location outside the
764 officeholder's county of residence. Such rental or accommodation
765 expenses shall not exceed Fifty Dollars (\$50.00) per day, if the
766 officeholder receives per diem, or One Hundred Ninety Dollars
767 (\$190.00) per day, if the officeholder receives no per diem. Any



expenses incurred under this paragraph (f) must be reported as an expenditure pursuant to this section;

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

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

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

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

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

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

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



792 (d) Be donated to a tax-exempt charitable organization
793 as that term is used in Section 501(c)(3) of the Internal Revenue
794 Code of 1986, 26 USC Section 501, or any subsequent corresponding
795 Internal Revenue Code of the United States, as from time to time
796 amended;

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

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

799 (5) Any candidate for public office or any elected official
800 who willfully violates this section shall be guilty of a
801 misdemeanor and punished by a fine of One Thousand Dollars
802 (\$1,000.00) and by a state assessment equal to the amount of
803 misappropriated campaign contributions. The state assessment
804 shall be deposited into the Public Employees' Retirement System.
805 No fine or assessment imposed under this section shall be paid by
806 a third party.

807 (6) Any contributions accruing to a candidate's or
808 officeholder's campaign account before January 1, 2018, shall be
809 exempt and not subject to the provisions of this section. All
810 exempt contributions must be designated as exempt on all reports
811 filed with the Secretary of State pursuant to the provisions of
812 this chapter.

813 (7) The Mississippi Ethics Commission shall issue advisory
814 opinions regarding any of the requirements set forth in this
815 section. When any officeholder or candidate requests an advisory
816 opinion, in writing, and has stated all of the facts to govern the



817 opinion, and the Ethics Commission has prepared and delivered the
818 opinion with references to the request, there shall be no civil or
819 criminal liability accruing to or against any officeholder or
820 candidate who, in good faith, follows the direction of the opinion
821 and acts in accordance with the opinion, unless a court of
822 competent jurisdiction, after a full hearing, judicially declares
823 that the opinion is manifestly wrong and without any substantial
824 support. No opinion shall be given or considered if the opinion
825 would be given after judicial proceedings have commenced.

826 All advisory opinions issued pursuant to the provisions of
827 this subsection (7) shall be made public and shall be issued
828 within ninety (90) days of written request. The request for an
829 advisory opinion shall be confidential as to the identity of the
830 individual making the request. The Ethics Commission shall, so
831 far as practicable and before making public, an advisory opinion
832 issued under the provisions of on this subsection (7), make such
833 deletions and changes thereto as may be necessary to ensure the
834 anonymity of the public official and any other person named in the
835 opinion.

836 **SECTION 14.** This act shall take effect and be in force from
837 and after July 1, 2025.

