

By: Representative Hurst

To: Apportionment and  
Elections; Accountability,  
Efficiency, Transparency

## HOUSE BILL NO. 1579

1 AN ACT TO PROVIDE LIMITS ON CASH CONTRIBUTIONS TO ANY  
2 CANDIDATE OR POLITICAL COMMITTEE WITH RESPECT TO ANY ELECTION; TO  
3 PROVIDE LIMITS ON THE CASH EXPENDITURES THAT A CANDIDATE OR  
4 POLITICAL COMMITTEE MAY MAKE; TO PROVIDE THE REPORTING  
5 REQUIREMENTS FOR CERTAIN CASH EXPENDITURES; TO BRING FORWARD  
6 SECTIONS 23-15-801, 23-15-803, 23-15-805, 23-15-807, 23-15-809,  
7 23-15-811, 23-15-813, 23-15-815, 23-15-817, 23-15-819 AND  
8 23-15-821, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE  
9 AMENDMENT; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** (1) No person shall make cash contributions to  
12 any candidate with respect to any election that, in the aggregate,  
13 exceed Fifty Dollars (\$50.00).

14 (2) No person shall make cash contributions to any political  
15 committee with respect to any election that, in the aggregate,  
16 exceeds Fifty Dollars (\$50.00).

17 (3) No political committee shall make cash contributions to  
18 any candidate with respect to any election.

19 (4) No political committee shall make cash contributions to  
20 any other political committee with respect to any election.



**SECTION 2.**

(1) A candidate or political committee may not make an expenditure in cash that exceeds One Hundred Dollars (\$100.00) unless the candidate, or the campaign treasurer, obtains a written receipt from the person to whom the expenditure is made.

(2) A person may not make an expenditure unless the source of the expenditure has been reported as provided in this article.

(3) If a candidate receives a contribution in the form of cash, check, money order or other negotiable instrument, the candidate may neither expend the contribution nor, in the case of a negotiable instrument, convert it to cash unless the candidate or campaign treasurer first records the following information for disclosure to the Secretary of State:

(a) The name, address, principal occupation, and employer of the contributor; and

(b) The date and amount of the contribution.

**SECTION 3.** Section 23-15-801, Mississippi Code of 1972, is brought forward as follows:

23-15-801. (a) "Election" means a general, special, primary 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 gift, subscription, loan, advance or deposit of money or anything of value made by any person 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 gift, subscription, loan, advance or deposit of money or anything of value made by any 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) (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.

(g) 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.

(h) 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.

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

(j) 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.

(k) 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 4.** Section 23-15-803, Mississippi Code of 1972, is brought forward 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 Mississippi Ethics Commission 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 Mississippi Ethics Commission may pursue judicial enforcement of any penalties issued pursuant to this section.



168           **SECTION 5.** Section 23-15-805, Mississippi Code of 1972, is  
169 brought forward as follows:

170           23-15-805. (a) Candidates for state, state district, and  
171 legislative district offices, and every political committee, which  
172 makes reportable contributions to or expenditures in support of or  
173 in opposition to a candidate for any such office or makes  
174 reportable contributions to or expenditures in support of or in  
175 opposition to a statewide ballot measure, shall file all reports  
176 required under this article with the Office of the Secretary of  
177 State.

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

190           (c) Candidates for municipal office, and every political  
191 committee which makes reportable contributions to or expenditures  
192 in support of or in opposition to a candidate for such office, or





193 makes reportable contributions to or expenditures in support of or  
194 in opposition to a municipal ballot measure shall file all reports  
195 required by this article in the office of the municipal clerk of  
196 the municipality in which the election occurs, or directly to the  
197 Office of the Secretary of State via facsimile, electronic mail,  
198 postal mail or hand delivery. The municipal clerk shall forward  
199 copies of all reports to the Office of the Secretary of State.

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

204 **SECTION 6.** Section 23-15-807, Mississippi Code of 1972, is  
205 brought forward as follows:

206 23-15-807. (a) Each candidate or political committee shall  
207 file reports of contributions and disbursements in accordance with  
208 the provisions of this section. All candidates or political  
209 committees required to report such contributions and disbursements  
210 may terminate the obligation to report only upon submitting a  
211 final report that contributions will no longer be received or  
212 disbursements made and that the candidate or committee has no  
213 outstanding debts or obligations. The candidate, treasurer or  
214 chief executive officer shall sign the report.

215 (b) Candidates seeking election, or nomination for election,  
216 and political committees making expenditures to influence or  
217 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:

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

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

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

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

(c) All candidates for judicial office as defined in Section 23-15-975, or their political committees, shall file periodic reports in the year in which they are to be elected no later than the tenth day after April 30, May 31, June 30, September 30 and



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;



- 316                   2. The name of the receiving candidate's political  
317 committee, if any;
- 318                   3. The office sought by the candidate;
- 319                   4. The identification of the contributor;
- 320                   5. The date of receipt;
- 321                   6. The amount of the contribution;
- 322                   7. If the contribution is in-kind, a description  
323 of the in-kind contribution; and
- 324                   8. The signature of the candidate or the treasurer  
325 or chair of the candidate's political organization.

326                   (ii) The notification shall be in writing, and may be  
327 transmitted by overnight mail, courier service, or other reliable  
328 means, including electronic facsimile (FAX), but the candidate or  
329 candidate's committee shall ensure that the notification shall in  
330 fact be received in the appropriate office designated in Section  
331 23-15-805 within forty-eight (48) hours of the contribution.

332                   **SECTION 7.** Section 23-15-809, Mississippi Code of 1972, is  
333 brought forward as follows:

334                   23-15-809. (a) Every person who makes independent  
335 expenditures in an aggregate amount or value in excess of Two  
336 Hundred Dollars (\$200.00) during a calendar year shall file a  
337 statement containing the information required under Section  
338 23-15-807. Such statement shall be filed with the appropriate  
339 offices as provided for in Section 23-15-805, and such person



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

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

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

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

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

**SECTION 8.** Section 23-15-811, Mississippi Code of 1972, is  
brought forward 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 Three Thousand Dollars  
(\$3,000.00) or imprisoned for not longer than six (6) months 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 Mississippi Ethics Commission.

(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.





388           **SECTION 9.** Section 23-15-813, Mississippi Code of 1972, is  
389 brought forward as follows:

390           23-15-813. (a) In addition to any other penalty permitted  
391 by law, the Mississippi Ethics Commission shall require any  
392 candidate or political committee, as identified in Section  
393 23-15-805(a), and any other political committee registered with  
394 the Secretary of State, who fails to file a campaign finance  
395 disclosure report as required under Sections 23-15-801 through  
396 23-15-813, or Sections 23-17-47 through 23-17-53, or who shall  
397 file a report that fails to substantially comply with the  
398 requirements of Sections 23-15-801 through 23-15-813, or Sections  
399 23-17-47 through 23-17-53, to be assessed a civil penalty as  
400 follows:

401           (i) Within five (5) calendar days after any deadline  
402 for filing a report pursuant to Sections 23-15-801 through  
403 23-15-813, or Sections 23-17-47 through 23-17-53, the Secretary of  
404 State shall compile a list of those candidates and political  
405 committees who have failed to file a report. The list shall be  
406 provided to the Mississippi Ethics Commission. The Secretary of  
407 State shall provide each candidate or political committee, who has  
408 failed to file a report, notice of the failure by first-class  
409 mail.

410           (ii) Beginning with the tenth calendar day after which  
411 any report is due, the Mississippi Ethics Commission shall assess  
412 the delinquent candidate and political committee a civil penalty



of Fifty Dollars (\$50.00) for each day or part of any day until a valid report is delivered to the Secretary of State, up to a maximum of ten (10) days. In the discretion of the Mississippi Ethics Commission, the assessing of the fine may be waived, in whole or in part, if the Commission determines that unforeseeable mitigating circumstances, such as the health of the candidate, interfered with the timely filing of a report. Failure of a candidate or political committee to receive notice of failure to file a report from the Secretary of State is not an unforeseeable mitigating circumstance, and failure to receive the notice shall not result in removal or reduction of any assessed civil penalty.

(iii) Filing of the required report and payment of the fine within ten (10) calendar days of notice by the Secretary of 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 Mississippi Ethics Commission, the candidate or political committee shall pay the fine to the Commission 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 Commission, the Commission 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 of Appeals or justices of the Supreme Court, to conduct hearings held pursuant to this article. The hearing officer shall fix a time and place for a hearing and shall cause a written notice specifying the civil penalties that have been assessed against the candidate or political committee and notice of the time and place of the hearing to be served upon the candidate or political committee at least twenty (20) calendar days before the hearing date. The notice may be served by mailing a copy of the notice by certified mail, postage prepaid, to the last-known business address of the candidate or political committee.



462 (ii) The hearing officer may issue subpoenas for the  
463 attendance of witnesses and the production of documents at the  
464 hearing. Process issued by the hearing officer shall extend to  
465 all parts of the state and shall be served by any person  
466 designated by the hearing officer for the service.

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

471 (iv) At the hearing, the hearing officer shall  
472 administer oaths as may be necessary for the proper conduct of the  
473 hearing. All hearings shall be conducted by the hearing officer,  
474 who shall not be bound by strict rules of procedure or by the laws  
475 of evidence, but the determination shall be based upon sufficient  
476 evidence to sustain it. The scope of review at the hearing shall  
477 be limited to making a determination of whether failure to file a  
478 required report was due to an unforeseeable mitigating  
479 circumstance.

480 (v) In any proceeding before the hearing officer, if  
481 any witness fails or refuses to attend upon a subpoena issued by  
482 the commission, refuses to testify, or refuses to produce any  
483 documents called for by a subpoena, the attendance of the witness,  
484 the giving of his or her testimony or the production of the  
485 documents shall be enforced by a court of competent jurisdiction  
486 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 commission following an administrative hearing. The appeal shall be perfected upon filing notice of the appeal and the prepayment of all costs, including the cost of preparing the record of the proceedings by the hearing officer, and filing a bond in the sum of Two Hundred Dollars (\$200.00), conditioned that if the decision of the hearing officer is affirmed by the court, the candidate or political committee will pay the costs of the appeal and the action in court. If the decision is reversed by the court, the Mississippi Ethics Commission will pay the costs of the appeal and the action in court.



512 (ii) If there is an appeal, the appeal shall act as a  
513 supersedeas. The court shall dispose of the appeal and enter its  
514 decision promptly. The hearing on the appeal may be tried in  
515 vacation, in the court's discretion. The scope of review of the  
516 court shall be limited to a review of the record made before the  
517 hearing officer to determine if the action of the hearing officer  
518 is unlawful for the reason that it was 1. not supported by  
519 substantial evidence, 2. arbitrary or capricious, 3. beyond the  
520 power of the hearing officer to make, or 4. in violation of some  
521 statutory or constitutional right of the appellant. The decision  
522 of the court may be appealed to the Supreme Court in the manner  
523 provided by law.

524 (d) If, after forty-five (45) calendar days of the date of  
525 the administrative hearing procedure set forth in subsection (b),  
526 the candidate or political committee identified in subsection (a)  
527 of this section fails to pay the monetary civil penalty imposed by  
528 the hearing officer, the Secretary of State shall notify the  
529 Attorney General of the delinquency. The Attorney General shall  
530 investigate the offense in accordance with the provisions of this  
531 chapter, and where necessary, file suit to compel payment of the  
532 unpaid civil penalty.

533 (e) If, after twenty (20) calendar days of the date upon  
534 which a campaign finance disclosure report is due, a candidate or  
535 political committee identified in subsection (a) of this section  
536 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 10.** Section 23-15-815, Mississippi Code of 1972, is brought forward as follows:

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

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

**SECTION 11.** Section 23-15-817, Mississippi Code of 1972, is brought forward 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 list shall be provided to the Mississippi Ethics Commission so that the Commission 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.

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

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

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

(3) The term "foreign national" means:

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

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

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

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





587           (a) For the purposes of this section, "personal use" is  
588 defined as any use, other than expenditures related to gaining or  
589 holding public office, or performing the functions and duties of  
590 public office, for which the candidate for public office or  
591 elected public official would be required to treat the amount of  
592 the expenditure as gross income under Section 61 of the Internal  
593 Revenue Code of 1986, 26 USC Section 61, or any subsequent  
594 corresponding Internal Revenue Code of the United States, as from  
595 time to time amended. "Personal use" shall not include donations  
596 to a political organization, or to a political action committee,  
597 or to another candidate.

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

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

605           (2) The following personal use expenditures are specifically  
606 prohibited under this section:

607           (a) Any residential or household items, supplies or  
608 expenditures, including mortgage, rent or utility payments for any  
609 part of any personal residence where a homestead exemption is  
610 claimed of a candidate or officeholder or a member of the  
611 candidate's or officeholder's family;



612           (b) Mortgage, rent or utility payments for any part of  
613 any nonresidential property that is owned by a candidate or  
614 officeholder or a member of a candidate's or officeholder's family  
615 and used for campaign purposes, to the extent the payments exceed  
616 the fair market value of the property usage;

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

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

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

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

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

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

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



637 travel undertaken as an ordinary and necessary expense of gaining  
638 or holding public office, or performing the functions and duties  
639 of public office or for attending meetings or conferences of  
640 officials similar to the office held or sought, or for an issue  
641 the legislative body is or will consider, or attending a state or  
642 national convention of any party. If a candidate or officeholder  
643 uses campaign contributions to pay expenses associated with travel  
644 that involves both personal activities and activities related to  
645 gaining or holding public office or performing the functions and  
646 duties of public office, the incremental expenses that result from  
647 the personal activities are personal use, unless the person(s)  
648 benefiting from this use reimburse(s) the campaign account within  
649 thirty (30) days for the amount of the incremental expenses; and

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

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

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



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

664           (c) Donations to charitable organizations,  
665 not-for-profit organizations or for sponsorships, provided the  
666 candidate or officeholder does not receive monetary compensation,  
667 other than reimbursements of expenses, from the recipient  
668 organization;

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

673           (e) Meal and beverage expenses which are incurred as  
674 part of a campaign activity or as a part of a function that is  
675 related to the candidate's or officeholder's responsibilities,  
676 including meals between and among candidates and/or officeholders  
677 that are incurred as an ordinary and necessary expense of seeking,  
678 holding or maintaining public office, or seeking, holding or  
679 maintaining a position within the Legislature or other publicly  
680 elected body;

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



686 expenses shall not exceed Fifty Dollars (\$50.00) per day, if the  
687 officeholder receives per diem, or One Hundred Ninety Dollars  
688 (\$190.00) per day, if the officeholder receives no per diem. Any  
689 expenses incurred under this paragraph (f) must be reported as an  
690 expenditure pursuant to this section;

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

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

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

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

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

708 (b) Be donated to a political organization, or to a  
709 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;

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

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

(f) Be returned to a donor or donors.

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

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



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

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

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

