

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.

21        **SECTION 2.** (1) A candidate or political committee may not  
22 make an expenditure in cash that exceeds One Hundred Dollars  
23 (\$100.00) unless the candidate, or the campaign treasurer, obtains  
24 a written receipt from the person to whom the expenditure is made.

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

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

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

35                (b) The date and amount of the contribution.

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

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

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

44                (i) If the individual has received contributions  
45 aggregating in excess of Two Hundred Dollars (\$200.00) or has made



46 expenditures aggregating in excess of Two Hundred Dollars  
47 (\$200.00) or for a candidate for the Legislature or any statewide  
48 or state district office, by the qualifying deadlines specified in  
49 Sections 23-15-299 and 23-15-977, whichever occurs first; or  
50 (ii) If the individual has given his or her consent to  
51 another person to receive contributions or make expenditures on  
52 behalf of the individual and if the other person has received  
53 contributions aggregating in excess of Two Hundred Dollars  
54 (\$200.00) during a calendar year, or has made expenditures  
55 aggregating in excess of Two Hundred Dollars (\$200.00) during a  
56 calendar year.

57 (c) "Political committee" means any committee, party, club,  
58 association, political action committee, campaign committee or  
59 other groups of persons or affiliated organizations that receives  
60 contributions aggregating in excess of Two Hundred Dollars  
61 (\$200.00) during a calendar year or that makes expenditures  
62 aggregating in excess of Two Hundred Dollars (\$200.00) during a  
63 calendar year for the purpose of influencing or attempting to  
64 influence the action of voters for or against the nomination for  
65 election, or election, of one or more candidates, or balloted  
66 measures. Political committee shall, in addition, include each  
67 political party registered with the Secretary of State.

68 (d) "Affiliated organization" means any organization that is  
69 not a political committee, but that directly or indirectly

70 establishes, administers or financially supports a political  
71 committee.

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

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

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

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

93 (f) (i) "Expenditure" shall include any purchase, payment,  
94 distribution, loan, advance, deposit, gift of money or anything of

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

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

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

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

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

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

118 (h) The term "political party" shall mean an association,  
119 committee or organization which nominates a candidate for election

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

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

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

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

132 (i) The name of the candidate involved appears; or  
133 (ii) A photograph or drawing of the candidate appears;

134 or

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

137 **SECTION 4.** Section 23-15-803, Mississippi Code of 1972, is  
138 brought forward as follows:

139 23-15-803. (1) Each political committee shall file a  
140 statement of organization which must be received by the Secretary  
141 of State no later than forty-eight (48) hours after:

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

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

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

148 (a) The name, address, officers, and members of the  
149 committee:

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

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

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

159 (4) In addition to any other penalties provided by law, the  
160 Mississippi Ethics Commission may impose administrative penalties  
161 against any political committee that fails to comply with the  
162 requirements of this section in an amount not to exceed Five  
163 Thousand Dollars (\$5,000.00) per violation. The notice, hearing  
164 and appeals provisions of Section 23-15-813 shall apply to any  
165 action taken pursuant to this subsection (4). The Mississippi  
166 Ethics Commission may pursue judicial enforcement of any penalties  
167 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

218 election of one or more candidates or balloted measures at such  
219 election, shall file the following reports:

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

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

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

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

239 (c) All candidates for judicial office as defined in Section  
240 23-15-975, or their political committees, shall file periodic  
241 reports in the year in which they are to be elected no later than  
242 the tenth day after April 30, May 31, June 30, September 30 and

243 December 31. Candidates for judicial office shall not be required  
244 to file an annual report during an election year, but shall file  
245 an annual report in all other years.

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

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

254 (ii) The identification of:

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

261 2. Each person or organization, candidate or  
262 political committee who receives an expenditure, payment or other  
263 transfer from the reporting candidate, political committee or its  
264 agent, employee, designee, contractor, consultant or other person  
265 or persons acting in its behalf during the reporting period when  
266 the expenditure, payment or other transfer to the person,  
267 organization, candidate or political committee within the calendar



268 year have an aggregate value or amount in excess of Two Hundred  
269 Dollars (\$200.00) together with the date and amount of the  
270 expenditure;

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

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

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

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

288 (v) Disclosure required under this section of an  
289 expenditure to a credit card issuer, financial institution or  
290 business allowing payments and money transfers to be made over the  
291 Internet must include, by way of detail or separate entry, the

292 amount of funds passing to each person, business entity or  
293 organization receiving funds from the expenditure.

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

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

315 1. The name of the receiving candidate;

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



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

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

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

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

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

356 **SECTION 8.** Section 23-15-811, Mississippi Code of 1972, is  
357 brought forward as follows:

358 23-15-811. (a) Any candidate or any other person who  
359 willfully violates the provisions and prohibitions of this article  
360 shall be guilty of a misdemeanor and upon conviction shall be  
361 punished by a fine in a sum not to exceed Three Thousand Dollars  
362 (\$3,000.00) or imprisoned for not longer than six (6) months or by  
363 both fine and imprisonment.

364 (b) In addition to the penalties provided in subsection (a)  
365 of this section and Chapter 13, Title 97, Mississippi Code of  
366 1972, any candidate or political committee which is required to  
367 file a statement or report and fails to file the statement or  
368 report on the date it is due may be compelled to file the  
369 statement or report by an action in the nature of a mandamus  
370 brought by the Mississippi Ethics Commission.

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

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

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

383 (f) In the event that a candidate fails to timely file any  
384 report required pursuant to this article but subsequently files a  
385 report or reports containing all of the information required to be  
386 reported, the candidate shall not be subject to the sanctions of  
387 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



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

424 (iii) Filing of the required report and payment of the  
425 fine within ten (10) calendar days of notice by the Secretary of  
426 State that a required statement has not been filed constitutes  
427 compliance with Sections 23-15-801 through 23-15-813, or Sections  
428 23-17-47 through 23-17-53.

429 (iv) Payment of the fine without filing the required  
430 report does not excuse or exempt any person from the filing  
431 requirements of Sections 23-15-801 through 23-15-813, and Sections  
432 23-17-47 through 23-17-53.

433 (v) If any candidate or political committee is assessed  
434 a civil penalty, and the penalty is not subsequently waived by the  
435 Mississippi Ethics Commission, the candidate or political  
436 committee shall pay the fine to the Commission within ninety (90)  
437 days of the date of the assessment of the fine. If, after one

438 hundred twenty (120) days of the assessment of the fine the  
439 payment for the entire amount of the assessed fine has not been  
440 received by the Commission, the Commission shall notify the  
441 Attorney General of the delinquency, and the Attorney General  
442 shall file, where necessary, a suit to compel payment of the civil  
443 penalty.

444 (b) (i) Upon the sworn application, made within sixty (60)  
445 calendar days of the date upon which the required report is due,  
446 of a candidate or political committee against whom a civil penalty  
447 has been assessed pursuant to subsection (a) of this section, the  
448 Secretary of State shall forward the application to the State  
449 Board of Election Commissioners. The State Board of Election  
450 Commissioners shall appoint one or more hearing officers who shall  
451 be former chancellors, circuit court judges, judges of the Court  
452 of Appeals or justices of the Supreme Court, to conduct hearings  
453 held pursuant to this article. The hearing officer shall fix a  
454 time and place for a hearing and shall cause a written notice  
455 specifying the civil penalties that have been assessed against the  
456 candidate or political committee and notice of the time and place  
457 of the hearing to be served upon the candidate or political  
458 committee at least twenty (20) calendar days before the hearing  
459 date. The notice may be served by mailing a copy of the notice by  
460 certified mail, postage prepaid, to the last-known business  
461 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



487 attendance and testimony of witnesses in civil cases in the courts  
488 of this state.

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

495 (c) (i) The right to appeal from the decision of the  
496 hearing officer in an administrative hearing concerning the  
497 assessment of civil penalties authorized pursuant to this section  
498 is granted. The appeal shall be to the Circuit Court of Hinds  
499 County and shall include a verbatim transcript of the testimony at  
500 the hearing. The appeal shall be taken within thirty (30)  
501 calendar days after notice of the decision of the commission  
502 following an administrative hearing. The appeal shall be  
503 perfected upon filing notice of the appeal and the prepayment of  
504 all costs, including the cost of preparing the record of the  
505 proceedings by the hearing officer, and filing a bond in the sum  
506 of Two Hundred Dollars (\$200.00), conditioned that if the decision  
507 of the hearing officer is affirmed by the court, the candidate or  
508 political committee will pay the costs of the appeal and the  
509 action in court. If the decision is reversed by the court, the  
510 Mississippi Ethics Commission will pay the costs of the appeal and  
511 the action in court.

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,



537 the Secretary of State shall notify the Attorney General of those  
538 candidates and political committees who have not filed a valid  
539 report, and the Attorney General shall prosecute the delinquent  
540 candidates and political committees.

541 **SECTION 10.** Section 23-15-815, Mississippi Code of 1972, is  
542 brought forward as follows:

543 23-15-815. (a) The Secretary of State shall prescribe and  
544 make available forms and promulgate rules and regulations  
545 necessary to implement this article.

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

553 **SECTION 11.** Section 23-15-817, Mississippi Code of 1972, is  
554 brought forward as follows:

555 23-15-817. The Secretary of State shall compile a list of  
556 all candidates for the Legislature or any statewide office who  
557 fail to file a campaign disclosure report by the dates specified  
558 in Section 23-15-807(b). The list shall be provided to the  
559 Mississippi Ethics Commission so that the Commission may bring a  
560 mandamus as provided in Section 23-15-811 or take any other  
561 disciplinary action as provided in this chapter. The list shall



562 also be disseminated to the members of the Mississippi Press  
563 Association within two (2) working days after such reports are due  
564 and made available to the public.

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

567       23-15-819. (1) It shall be unlawful for a foreign national,  
568 directly or through any other person, to make any contribution or  
569 any expenditure of money or other thing of value, or to promise  
570 expressly or impliedly to make any such contribution or  
571 expenditure, in connection with an election to any political  
572 office or in connection with any primary election, convention or  
573 caucus held to select candidates for any political office.

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

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

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

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

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

584       23-15-821. (1) The personal use of campaign contributions  
585 by any elected public officeholder or by any candidate for public  
586 office is prohibited.

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 defrayment 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;

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

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

718 (e) Be donated to the State of Mississippi; or  
719 (f) Be returned to a donor or donors.

720 (5) Any candidate for public office or any elected official  
721 who willfully violates this section shall be guilty of a  
722 misdemeanor and punished by a fine of One Thousand Dollars  
723 (\$1,000.00) and by a state assessment equal to the amount of  
724 misappropriated campaign contributions. The state assessment  
725 shall be deposited into the Public Employees' Retirement System.  
726 No fine or assessment imposed under this section shall be paid by  
727 a third party.

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



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

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

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

