

By: Senator(s) England

To: Elections

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2651

1 AN ACT TO AMEND SECTION 23-15-801, MISSISSIPPI CODE OF 1972,
2 TO AMEND DEFINITIONS RELATED TO THE CHAPTER OF CAMPAIGN FINANCE
3 LAWS; TO AMEND SECTION 23-15-803, MISSISSIPPI CODE OF 1972, TO
4 REQUIRE THAT A CANDIDATE OR POLITICAL COMMITTEE MUST FILE A
5 STATEMENT OF ORGANIZATION BEFORE ACCEPTING ANY CONTRIBUTIONS; TO
6 PROVIDE THE REQUIRED CONTENT OF THE STATEMENT OF ORGANIZATION; TO
7 PROVIDE THAT THE SECRETARY OF STATE SHALL IMPOSE ADMINISTRATIVE
8 PENALTIES AGAINST CANDIDATES AND POLITICAL COMMITTEES FOR FAILING
9 TO COMPLY WITH THE REQUIREMENTS OF THIS CHAPTER; TO PROVIDE
10 PENALTIES FOR FAILING TO COMPLY WITH THIS CHAPTER; TO PROVIDE THAT
11 THE ATTORNEY GENERAL OR A DISTRICT ATTORNEY WITH PROPER
12 JURISDICTION SHALL PURSUE JUDICIAL ENFORCEMENT AT THE REQUEST OF
13 THE SECRETARY OF STATE; TO AMEND SECTIONS 23-15-811 AND 23-15-813,
14 MISSISSIPPI CODE OF 1972, TO CONFORM; TO AMEND SECTION 23-15-815,
15 MISSISSIPPI CODE OF 1972, TO PROVIDE THE SECRETARY OF STATE WITH
16 THE DUTY AND POWER TO OVERSEE THE FORMS AND PROCESSES DESCRIBED
17 HEREIN; AND FOR RELATED PURPOSES.

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

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

21 23-15-801. (a) "Election" means a general, special, primary
22 or runoff election.

23 (b) "Candidate" means an individual who seeks nomination for
24 election, or election, to any elective office other than a federal
25 elective office. For purposes of this * * * chapter, an



individual shall be deemed to seek nomination for election, or election:

(i) * * * If he or she files a statement of organization with the Secretary of State seeking to become a candidate for the Legislature or any statewide or state district office, files a statement of organization with the county circuit clerk if seeking county or county district office, or with the municipal clerk if seeking municipal or municipal district office;
or

(ii) * * * If he or she officially qualifies for office by filing the appropriate paperwork by the qualifying deadlines specified in Sections 23-15-299, 23-15-309, 23-15-359, 23-15-361 and 23-15-977, whichever occurs first; and

(iii) No individual, or agent of the individual, as described in paragraph (i) or (ii) of this subsection may accept contributions or make expenditures until he or she has filed a statement of organization to seek office with the appropriate office.

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

(* * * d) "Political committee" means any committee, party, club, association, political action committee, campaign committee or other groups of persons or affiliated organizations that receives contributions * * * or that makes expenditures * * * 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.

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

(* * *f) (i) "Contribution" shall include any corporate contribution, coordinated expenditure, 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, coordinated expenditure, gift, subscription, loan, advance or deposit of money or anything of value made by any person, corporation, political committee, or other organization to a political party and to any committee,



76 subcommittee, campaign committee, political committee and other
77 groups of persons and affiliated organizations of the political
78 party. Political parties shall establish a separate campaign fund
79 for the purpose of supporting or opposing candidates or ballot
80 measures, and any such funds collected for this purpose shall be
81 deposited into such fund. Such fund shall be used to accept
82 contributions and make expenditures for this purpose, and all such
83 funds shall be kept separate and accounted for apart from any
84 other funds of the political party; or

85 (iv) "Contribution to a political party" shall not
86 include the value of services provided without compensation by any
87 individual who volunteers on behalf of a political party or a
88 candidate of a political party. Political parties may establish
89 other funds for the purpose of, but not limited to, the general
90 operation of the party or building funds or any other fund the
91 party deems necessary apart from supporting or opposing candidates
92 or ballot measures, and such funds shall not be considered
93 campaign funds for the purpose of this chapter and therefore
94 corporate contribution limits shall not apply so long as the funds
95 are accounted for separately. Any other funds established by a
96 political party shall not be utilized to support or oppose
97 candidates or ballot measures. Contributions to a political party
98 shall not be applied to any other fund of the party if the funds
99 are not used for efforts to support or oppose candidates or ballot
100 measures.



101 (g) "Corporate contribution" shall include any gift,
102 subscription, loan, advance or deposit of money or anything of
103 value made by any corporation, incorporated company or
104 incorporated association, or any servant, agent, employee or
105 officer thereof, using any money, security, funds or property of
106 said corporation, incorporated company or incorporated association
107 for the purpose of aiding any political party or any candidate for
108 any public office, or any candidate for any nomination for any
109 public office of any political party or to give, donate,
110 appropriate or furnish, directly or indirectly, any money,
111 security, funds or property of said corporation to any committee
112 or person as a contribution to the expense of any political party
113 or candidate, representative or committee of any political party
114 or candidate for nomination by any political party, or any
115 committee or other person acting on behalf of such candidate.
116 Corporate contribution funds are limited to the election or defeat
117 of candidates.

118 (h) "Corporation" shall include any incorporated company,
119 incorporated association, by whatever name it may be known,
120 incorporated or organized under the laws of any state or country
121 or any agent, employee or officer thereof. Corporation shall not
122 include sole proprietorship or limited liability corporations.

123 (* * *i) (i) "Expenditure" shall include any purchase,
124 payment, distribution, loan, advance, deposit, gift of money or
125 anything of value, made by any person, corporation 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; * * *

(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.

(* * * j) 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.

(* * * k) 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.



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

(* * *m) The term "independent expenditure" shall mean an expenditure by a person or corporation expressly advocating the election or defeat of a clearly identified candidate that is made without cooperation, coordination 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.

(n) The term "coordinated expenditure" shall mean a disbursement or an action to cause a disbursement that:

(i) Promotes the success or defeat of a candidate or a political party at an election; and

(ii) Is made in cooperation, consultation, understanding, agreement or concert with, or at the request or suggestion of, the candidate, member of the candidate's committee or political party that is the beneficiary of the disbursement.

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

(i) The name or nickname 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 candidate or political committee shall file a statement of organization which must be received by the Secretary of State * * * prior to the candidate or political committee receiving contributions or making expenditures. All candidates will be required to establish a candidate committee and will report all contributions and expenditures made seeking elective office through the candidate committee. A candidate may be the sole member and treasurer of a candidate committee:

(a) * * * Political committees which support or oppose statewide, state district or legislative candidates and statewide ballot measures shall file with the Secretary of State;

(b) * * * Political committees which support or oppose county or county district candidates or county ballot measures shall file with the county circuit clerk; or

(c) Political committees which support or oppose municipal or municipal district candidates or municipal ballot measures shall file with the municipal clerk.

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

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



200 (b) An electronic mail (email) address unique to the
201 candidate committee;

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

205 (d) The name, address, office sought and party
206 affiliation, if any, of the candidate; and

207 (e) The name of the financial institution(s) the
208 candidate committee will have campaign funds located.

209 (3) The content of the statement of organization of a
210 political committee shall include:

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

213 (b) An electronic mail (email) address unique to the
214 political committee;

215 (* * * c) The designation of a chair of the
216 organization and a custodian of the financial books, records and
217 accounts of the organization, who shall be designated treasurer.
218 If the chair or the treasurer of the organization is not a
219 Mississippi resident, the political committee shall designate an
220 individual located in Mississippi capable of receiving service of
221 process for the entity; * * *

222 (* * * d) * * * The election cycles, as set forth in
223 Section 23-15-807, in which the political committee will be making
224 expenditures. A political committee may amend its statement of



organization to add or remove election cycles in which it will be making expenditures. If a political committee contributes to a candidate or makes an expenditure in a cycle for a schedule the political committee has not included on its statement of organization, that political committee must file all remaining reports of said schedule. A political committee shall file all periodic reports required for the election cycle(s) that it has designated on its statement of organization.

(i) The political committee shall notify the Secretary of State, or other relevant authority, by January 31 of each year indicating any changes to the reporting schedule included on its statement of organization. Any political committee that fails to notify the Secretary of State, or other relevant authority, of any changes to the election cycles it will be making expenditures under subsection (4)(d) of this section. If the political committee opts out for the year and will not file any periodic reports, an annual report is still due January 31.

(ii) If the political committee decides at any point during the calendar year to support or oppose a candidate for election, the political committee may opt in to filing that particular reporting schedule by filing an amended statement of organization with the appropriate office and must continue filing all required reports until the end of the year.

(e) The name of the financial institution(s) the political committee will have campaign funds located.



(* * *4) Any change in information previously submitted in a statement of organization shall be reported * * * within thirty (30) days of the change occurring or on an amended statement of organization.

(* * *5) In addition to any other penalties provided by law, the * * * Secretary of State shall impose administrative penalties against any candidate committee or political committee that fails to comply with the requirements of this section in * * * the following amounts:

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

(b) For the second violation within a five-year period, Two Thousand Five Hundred Dollars (\$2,500.00); or

(c) For the third violation and any subsequent violations within a five-year period, Five Thousand Dollars (\$5,000.00).

The notice, hearing and appeals provisions of Section 23-15-813 shall apply to any action taken pursuant to this subsection (* * *5). The Secretary of State shall have five (5) days from the ninety (90) day fine delinquency deadline to then provide notice to the Attorney General or district attorney with appropriate jurisdiction for consideration. The * * * Attorney General's Office or district attorney with appropriate jurisdiction shall pursue judicial enforcement of any penalties issued pursuant to this section at the request of the Mississippi



Secretary of State. Within thirty (30) days of receipt of an alleged violation of campaign finance law from the Secretary of State's Office, the Attorney General shall inform the Secretary of State of whether the Attorney General's Office believes a violation has occurred, and if not, why. If the Attorney General does not provide the Secretary of State with the above-required information within thirty (30) days or if the Secretary of State disagrees with the assessment of the Attorney General's Office, the Secretary of State may refer the matter to the district attorney of the district in which either the candidate or the treasurer of the political committee that is the subject of the alleged violations resides.

(6) Electronic mail (email) addresses, phone numbers and financial institution information are not public records and, therefore, are not subject to disclosure under any request for information.

SECTION 3. Section 23-15-811, Mississippi Code of 1972, is amended as follows:

23-15-811. (a) Any candidate, authorized representative of a candidate committee or any other person who willfully violates the provisions and prohibitions of this * * * chapter 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 committee 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 Attorney General's Office at the request of the Secretary of State's Office. Within thirty (30) days of a request for a mandamus from the Secretary of State's Office, the Attorney General shall inform the Secretary of State whether the Attorney General's Office will pursue a mandamus action, and if not, why. If the Attorney General does not provide the Secretary of State with the above-required information within thirty (30) days or if the Secretary of State disagrees with the assessment of the Attorney General's Office, the Secretary of State may refer the matter to the district attorney of the district in which either the candidate or the treasurer of the political committee that is the subject of the requested mandamus action.

(c) No candidate shall be certified as nominated for election or as elected to office until * * * his or her candidate committee files all reports required by this * * * chapter 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, * * * his or her candidate committee 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 * * * his or her candidate committee files all reports required by this * * * chapter that are due as of the date the salary or remuneration is payable.

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

SECTION 4. 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 committee 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 * * * two (2) calendar days after any deadline for filing a report pursuant to Sections 23-15-801 through 23-15-813, except Section 23-15-807(b) (i) or Sections 23-17-47 through 23-17-53, the Secretary of State shall compile a list of those * * * candidate committees and political committees who have failed to file a report. * * * The Secretary of State shall provide each candidate committee or political committee, who has failed to file a report, notice of the failure by electronic mail, and if electronic mail is not available, by first-class mail.

(ii) Beginning with the * * * fifth calendar day after which any periodic or annual report is due, the Mississippi * * * Secretary of State shall assess the delinquent candidate committee and political committee a civil penalty * * * 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. * * * If the fifth calendar day falls on a weekend or holiday, fine assessment shall begin the next business day. The Secretary of State shall accept reports on weekends and holidays if filed electronically with a timestamp.

1. Candidate committees for statewide office shall be assessed a civil penalty of One Thousand Dollars (\$1,000.00) for each day.



375 2. Candidate committees for state district office
376 shall be assessed a civil penalty of Five Hundred Dollars
377 (\$500.00) for each day.

378 3. Candidate committees for legislative office
379 shall be assessed a civil penalty of Two Hundred Fifty Dollars
380 (\$250.00) for each day.

381 4. Political committees shall be assessed a civil
382 penalty of One Thousand Dollars (\$1,000.00) for each day.

383 (b) (i) Within two (2) calendar days after any deadline for
384 filing a pre-election report pursuant to Section 23-15-807(b) (i),
385 the Secretary of State shall compile a list of those candidates
386 and political committees who have failed to file a report. The
387 Secretary of State shall provide each candidate or political
388 committee, who has failed to file a report, notice of the failure
389 by electronic mail, if electronic mail is not available, by
390 first-class mail.

391 (ii) Beginning with the third calendar day after which
392 any pre-election report is due, the Mississippi Secretary of State
393 shall assess the delinquent candidate committee and political
394 committee a civil penalty for each day or part of any day until a
395 valid report is delivered to the Secretary of State, up to a
396 maximum of ten (10) days. The Secretary of State shall accept
397 reports on weekends and holidays if filed electronically with a
398 timestamp.



399 1. Candidate committees for statewide office shall
400 be assessed a civil penalty of One Thousand Dollars (\$1,000.00)
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402 2. Candidate committees for state district office
403 shall be assessed a civil penalty of Five Hundred Dollars
404 (\$500.00) for each day.

405 3. Candidate committees for legislative office
406 shall be assessed a civil penalty of Two Hundred Fifty Dollars
407 (\$250.00) for each day.

408 4. Political committees shall be assessed a civil
409 penalty of One Thousand Dollars (\$1,000.00) for each day.

410 5. If any candidate who is required to file a
411 report to the Secretary of State has not filed a pre-election
412 report by 5:00 p.m., the Secretary of State shall compile a list
413 of those candidates and disseminate it to the members of the
414 Mississippi Press Association.

415 (* * *c) Filing of the required report and payment of the
416 fine within ten (10) calendar days of notice by the Secretary of
417 State that a required statement has not been filed constitutes
418 compliance with Sections 23-15-801 through 23-15-813, or Sections
419 23-17-47 through 23-17-53.

420 (* * *d) Payment of the fine without filing the required
421 report does not excuse or exempt any person from the filing
422 requirements of Sections 23-15-801 through 23-15-813, and Sections
423 23-17-47 through 23-17-53.



(* * *e) If any candidate committee or political committee is assessed a civil penalty, and the penalty is not subsequently * * * appealed, the candidate committee or political committee shall pay the fine to the * * * Secretary of State within * * * sixty (60) days of the date of the assessment of the fine. The fine shall be deposited into the Election Support Fund. If, after * * * ninety (90) 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. The Secretary of State shall have five (5) days from the ninety (90) day fine delinquency deadline to then provide notice to the Attorney General or district attorney with appropriate jurisdiction for consideration. Within thirty (30) days of receipt of notice of the delinquency, the Attorney General shall inform the Secretary of State of whether the Attorney General's Office will compel payment of the civil penalty, and if not, why. If the Attorney General does not provide the Secretary of State with the above-required information within thirty (30) days or if the Secretary of State disagrees with the assessment of the Attorney General's Office, the Secretary of State may refer the matter to the district attorney of the district in which either the candidate or the treasurer of the political committee that is the subject of the delinquency.



449 * * *

450 (* * *f) (i) * * * In the event the candidate committee or
451 political committee appeals, the appeal shall be * * * filed in
452 the Circuit Court of Hinds, Madison or Rankin County * * *. The
453 appeal shall be taken within thirty (30) calendar days after
454 notice of the * * * fine by the Secretary of State. The appeal
455 shall be perfected upon filing notice of the appeal and the
456 prepayment of all costs, * * * and filing a bond in the sum of Two
457 Hundred Dollars (\$200.00), conditioned that if the decision of
458 the * * * Secretary of State is affirmed by the court, the
459 candidate or political committee will pay the costs of the appeal
460 and the action in court. * * *

461 (ii) If there is an appeal, the appeal shall act as a
462 supersedeas. The court shall dispose of the appeal and enter its
463 decision promptly. The hearing on the appeal may be tried in
464 vacation, in the court's discretion. * * * The decision of the
465 court may be appealed to the Supreme Court in the manner provided
466 by law.

467 * * *

468 (* * *g) If, after twenty (20) calendar days of the date
469 upon which a campaign finance disclosure report is due, a
470 candidate committee or political committee identified in
471 subsection (a) or (b) of this section shall not have filed a valid
472 report with the Secretary of State, the Secretary of State shall
473 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 5. Section 23-15-815, Mississippi Code of 1972, is amended as follows:

23-15-815. * * * (1) It shall be the duty and power of the Secretary of State:

(a) To prescribe forms of statements and other information required to be filed by this chapter, to furnish such forms to the county circuit clerks and municipal clerks and individuals, or others required to file such statements and information, and to prepare and publish on the Secretary of State's website a manual setting forth the provisions of this chapter;

(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 five (5) years from the date of receipt;

(c) To accept and file any information voluntarily supplied that exceeds the requirements of this chapter, subject to redaction of nonpublic information;



498 (d) To publish an annual report detailing the year's
499 campaign finance activity, including, but not limited to, the
500 number of reports filed, fines assessed, fines collected, and a
501 summary of any issues reported and investigated; and

502 (e) The Secretary of State shall inspect or cause to be
503 inspected each statement of organization or report filed with the
504 Secretary of State under this chapter within ten (10) days after
505 the date it is filed. The Secretary of State shall notify, no
506 more than ten (10) days and at least five (5) days before each
507 report is due, each candidate or treasurer whose statement of
508 organization has been filed, of the specific date each report is
509 due. He or she shall immediately notify any individual,
510 candidate, treasurer, political committee, referendum committee or
511 other entity that may be required to file a statement under this
512 chapter if:

513 (i) It appears that the individual, candidate,
514 treasurer, political committee, referendum committee or other
515 entity has failed to file a statement or report as required by law
516 or that a statement or report filed does not conform to this
517 chapter; or

518 (ii) A written complaint is filed under oath with
519 the Secretary of State by any registered candidate or authorized
520 representative of a candidate or political party of this state
521 alleging that a statement or report filed with the Secretary of
522 State does not conform to this chapter or to the truth, or that an



individual, candidate, treasurer, political committee, referendum committee or other entity has failed to file a statement required by this chapter. The entity that is the subject of the complaint will be given an opportunity to respond to the complaint within five (5) business days before any action is taken requiring compliance.

(f) The Secretary of State shall promulgate rules and regulations to effectuate a written complaint and response process as outlined in paragraph (e) of this subsection.

(2) To make investigations to the extent the Secretary of State deems necessary with respect to statements and reports filed under the provisions of this chapter and with respect to alleged failures to file any statement or reports required under the provisions of this chapter and, upon complaint, signed and sworn under oath or affirmation, by any registered candidate or authorized representative of a candidate or political party, with respect to alleged violations of any part of this chapter. The Secretary of State may also make investigations into the failure to report by any candidate committee or political committee that is required to file with the Secretary of State and has not done so by the end of the fine period set forth in Section 23-15-807. All investigations shall be confidential, and no investigation shall be initiated more than four (4) years from the earliest of the following dates:



547 (a) The facts constituting the violation are known to
548 the Secretary of State;

549 (b) The facts constituting the violation can be
550 determined from the public record; or

551 (c) The complainant knew or should have known of the
552 conduct upon which the complaint is based.

553 (3) In conducting an investigation, the Secretary of State
554 may:

555 (a) (i) Conduct investigations within or outside of
556 this state which the Secretary of State considers necessary or
557 appropriate to determine whether a person has violated, is
558 violating, or is about to violate this chapter or a rule adopted,
559 or order issued under this chapter, or to aid in the enforcement
560 of this chapter or in the adoption of rules and forms under this
561 chapter; or

562 (ii) Require or permit a person to testify, file a
563 statement or produce a record, under oath or otherwise as the
564 Secretary of State determines, as to all the facts and
565 circumstances concerning a matter to be investigated or about
566 which an action or proceeding is to be instituted; or

567 (iii) Administer oaths and affirmations, subpoena
568 witnesses, seek compulsion of attendance, take evidence, require
569 the filing of statements, and require the production of any
570 records that the Secretary of State considers relevant or material
571 to the investigation.



(b) Apply to the Circuit Court of Hinds County, Madison County and Rankin County, or a court of another state to enforce compliance if a person does not appear or refuses to testify, file a statement, produce records, or otherwise does not obey a subpoena as required by the Secretary of State under this chapter. The court may:

- (i) Hold the person in contempt;
- (ii) Order the person to appear before the administrator;
- (iii) Order the person to testify about the matter under investigation or in question;
- (iv) Order the production of records;
- (v) Grant injunctive relief, including restricting or prohibiting the offer or sale of securities or the providing of investment advice; and
- (vi) Grant any other necessary or appropriate relief.

(4) To request and receive confidential recommendations from the Attorney General's Office regarding the appropriateness of a criminal referral of campaign finance violations. In the event the referral of campaign finance violations may be regarding the Attorney General or their opponent, the Secretary of State may request and receive confidential recommendations from the proper district attorney.



596 (5) After investigation and receipt of the confidential
597 recommendations from the Attorney General regarding the
598 appropriateness of a criminal referral for campaign finance
599 violations, to report apparent violations by candidates, political
600 committees, referendum committees, individuals or persons to the
601 proper district attorney or the Attorney General's Office.

602 (6) To prescribe and furnish forms of reports and other
603 material to the county circuit clerk for distribution to
604 candidates and committees required to be filed with the county.

605 (7) To prescribe and furnish forms of reports and other
606 material to the municipal clerk for distribution to candidates and
607 committees required to be filed with the municipality.

608 (8) To instruct the county and municipal election officials
609 as to their respective duties and responsibilities relative to the
610 administration of this chapter.

611 (9) To establish a process for determination as to whether
612 communication is a contribution, expenditure or independent
613 expenditure prior to the airing or distribution of that
614 communication when so requested to an individual or person
615 producing a communication.

616 (10) To publish guidelines for filing of the required
617 statements and reports.

618 (11) When the Secretary of State is a candidate for office,
619 the Mississippi Ethics Commission shall have the same duties and
620 protections under subsections (2) through (5) of this section in



621 regard to all candidates seeking the same office as the Secretary
622 of State.

623 **SECTION 6.** This act shall take effect and be in force from
624 and after July 1, 2025, and shall stand repealed on June 30, 2025.

