

By: Senator(s) England

To: Elections

SENATE BILL NO. 2658

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 REQUIREMENT 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 SECTION 23-15-805, MISSISSIPPI
14 CODE OF 1972, TO MODIFY THE CAMPAIGN FINANCE REPORTING PROCESS; TO
15 REQUIRE THE SECRETARY OF STATE TO MAINTAIN A CENTRAL SITE ON THE
16 INTERNET TO MAKE CAMPAIGN FINANCE REPORTS ACCESSIBLE TO THE PUBLIC
17 AND EASILY SEARCHABLE; TO AMEND SECTION 23-15-807, MISSISSIPPI
18 CODE OF 1972, TO AMEND THE INFORMATION AND REPORTING PROCESS AND
19 TIMELINE THAT CANDIDATE COMMITTEES AND POLITICAL COMMITTEES MUST
20 ADHERE TO IN REGARDS TO FILING REPORTS OF CONTRIBUTIONS AND
21 DISBURSEMENTS; TO AMEND SECTION 23-15-809, MISSISSIPPI CODE OF
22 1972, TO PROVIDE THAT INDIVIDUALS WHO FAIL TO PROVIDE THE REPORTS
23 REQUIRED IN THIS SECTION SHALL BE SUBJECT TO PENALTY; TO AMEND
24 SECTIONS 23-15-811 AND 23-15-813, MISSISSIPPI CODE OF 1972, TO
25 CONFORM; TO AMEND SECTION 23-15-815, MISSISSIPPI CODE OF 1972, TO
26 PROVIDE THE SECRETARY OF STATE WITH THE DUTY AND POWER TO OVERSEE
27 THE FORMS AND PROCESSES DESCRIBED HEREIN; TO AMEND SECTION
28 23-15-817, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ON BEHALF OF
29 THE SECRETARY OF STATE, THE ATTORNEY GENERAL SHALL BRING A
30 MANDAMUS AND ANY OTHER DISCIPLINARY ACTION PROVIDED BY THIS
31 CHAPTER AGAINST INDIVIDUALS WHO FAIL TO FILE A CAMPAIGN DISCLOSURE
32 REPORT BY THE DEADLINES ESTABLISHED IN SECTION 23-15-807; TO AMEND
33 SECTION 23-15-819, MISSISSIPPI CODE OF 1972, TO PROHIBIT FOREIGN
34 NATIONALS FROM MAKING CAMPAIGN CONTRIBUTIONS IN CONNECTION WITH AN



ELECTION FOR ANY CONSTITUTIONAL AMENDMENT, LOCAL BALLOT MEASURE, BALLOT REFERENDUM OR OTHER SIMILAR MEASURES; TO MAKE IT UNLAWFUL FOR A PERSON TO KNOWINGLY SOLICIT OR AID IN THE SOLICITATION OF CAMPAIGN CONTRIBUTIONS FROM FOREIGN NATIONALS; TO PROVIDE THAT THOSE FOUND GUILTY OF VIOLATING THIS SECTION SHALL BE SUBJECT TO FINES, IMPRISONMENT, OR BOTH, FOR SAID VIOLATION; TO ALLOW ANY PERSON WHO UNKNOWINGLY RECEIVES A CAMPAIGN CONTRIBUTION FROM A FOREIGN NATIONAL TO HAVE 30 DAYS TO REMIT THE VALUE OF THE UNLAWFUL CONTRIBUTION TO THE SECRETARY OF STATE ONCE THE VIOLATION HAS BEEN DETERMINED, OR BE SUBJECT TO PENALTIES; TO REQUIRE CANDIDATES AND CANDIDATE COMMITTEES TO PROVIDE GREATER TRANSPARENCY WHEN RECEIVING LOANS AND LINES OF CREDIT; TO REQUIRE THAT A CANDIDATE OR TREASURER OF A CANDIDATE COMMITTEE OR POLITICAL COMMITTEE KEEP DETAILED ACCOUNTS REGARDING CONTRIBUTIONS AND EXPENDITURES; TO REQUIRE THAT ALL ACCOUNT ACTIVITY BE KEPT CURRENT AND SHALL NOT LACK ENTRIES FOR ACTIVITY THAT TOOK PLACE LESS THAN TEN BUSINESS DAYS PRIOR; TO PROVIDE THAT ACCOUNTS MAY BE INSPECTED UNDER REASONABLE CIRCUMSTANCES AT ANY TIME BY THE SECRETARY OF STATE OR HIS OR HER AUTHORIZED REPRESENTATIVE; TO REQUIRE THAT ACCOUNT RECORDS SHALL BE PRESERVED FOR FOUR YEARS FROM THE DATE OF THE CONTRIBUTION, EXPENDITURE, GIFT, INVESTMENT OR LOAN; TO LIMIT POLITICAL CONTRIBUTIONS BY CORPORATIONS TO \$1,000.00 PER CALENDAR YEAR; TO PROVIDE PENALTIES FOR VIOLATIONS OF CORPORATE POLITICAL CONTRIBUTION RESTRICTIONS; TO PROVIDE THAT THE SECRETARY OF STATE WILL COMPEL THE ATTORNEY GENERAL TO BRING FORTH ACTIONS FOR VIOLATIONS OF CORPORATE POLITICAL CONTRIBUTION RESTRICTIONS; TO AMEND SECTION 23-15-821, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT PERSONAL USE OF CAMPAIGN CONTRIBUTIONS BY A POLITICAL COMMITTEE IS PROHIBITED; TO PROHIBIT THE USE OF CAMPAIGN CONTRIBUTIONS TO PAY CIVIL PENALTIES INCURRED BY A POLITICAL COMMITTEE OR MEMBER THEREOF; TO REPEAL SECTIONS 97-13-15 AND 97-13-17, MISSISSIPPI CODE OF 1972, WHICH PROHIBITED POLITICAL CONTRIBUTIONS BY CORPORATIONS AND PENALIZED ILLEGAL CORPORATE CONTRIBUTIONS; AND FOR RELATED PURPOSES.

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

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



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

(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. Political parties may establish other funds for the purpose of, but not limited to, the general operation of the party or building funds or any other fund the party deems necessary apart from supporting or opposing candidates or ballot measures, and such funds shall not be considered campaign funds for the purpose of this chapter and therefore corporate contribution limits shall not apply so long as the funds are accounted for separately. Any other funds established by a political party shall not be utilized to support or oppose candidates or ballot measures. Contributions to a political party shall not be applied to any other fund of the party if the funds are not used for efforts to support or oppose candidates or ballot measures.



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

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

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



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

181 (ii) "Expenditure" shall not include any news story,
182 commentary or editorial distributed through the facilities of any
183 broadcasting station, newspaper, magazine, or other periodical
184 publication, unless the facilities are owned or controlled by any
185 political party, political committee, or candidate; * * *

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

192 (* * * j) The term "identification" shall mean:

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

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

198 (* * * k) The term "political party" shall mean an
199 association, committee or organization which nominates a candidate
200 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;

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

(* * *c) 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

* * *

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

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

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

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

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

(c) If the chair or the treasurer of the organization
is not a Mississippi resident, the political committee shall
designate an individual located in Mississippi capable of
receiving service of process for the entity;

(d) The election cycles, as set forth in Section
23-15-807, in which the political committee will be making



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

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

294 (ii) If the political committee decides at any
295 point during the calendar year to support or oppose a candidate
296 for election, the political committee may opt in to filing that
297 particular reporting schedule by filing an amended statement of
298 organization with the appropriate office and must continue filing
299 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 * * * 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 five (5) business 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 five (5) business 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 23-15-805, Mississippi Code of 1972, is amended as follows:

[Through December 31, 2026, this section shall read as follows:]

23-15-805. (1) (a) * * * Candidate committees for state, state district, and legislative district offices, and every political committee, which makes reportable contributions to or expenditures in support of or in opposition to a candidate for any such office or makes reportable contributions to or expenditures in support of or in opposition to a statewide ballot measure,



shall file all reports required under this * * * chapter with the Office of the Secretary of State.

(b) The Secretary of State shall maintain a central site on the internet to make accessible to the public and searchable all publicly available election-related reports and information. Reports shall be searchable by the identifiable variables on the report, including, but not limited to, candidate, office sought, itemized contribution, itemized expenditure, amount of contribution and amount of expenditure. In this section, the term "election-related report" means any report, designation or statement required to be filed under this chapter.

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

(* * *3) Candidates for municipal office, and every political committee which makes reportable contributions to or



expenditures in support of or in opposition to a candidate for such office, or makes reportable contributions to or expenditures in support of or in opposition to a municipal ballot measure shall file all reports required by this article in the office of the municipal clerk of the municipality in which the election occurs, or directly to the Office of the Secretary of State * * *. The municipal clerk shall forward copies of all reports to the Office of the Secretary of State.

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

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

23-15-805. (1) Candidate committees for state, state district and legislative district offices and every political committee, which make reportable contributions to or expenditures in support of or in opposition to a candidate for any such office or make reportable contributions to or expenditures in support of or in opposition to a statewide ballot measure, shall file all reports required under this chapter with the Office of the Secretary of State through the Secretary of State's online filing system.

(2) Candidate committees for county or county district office, and every political committee which make reportable



contributions to or expenditures in support of or in opposition to
a candidate for such office or make reportable contributions to or
expenditures in support of or in opposition to a countywide ballot
measure or a ballot measure affecting part of a county, excepting
a municipal ballot measure, shall file all reports required by
this section in the office of the circuit clerk through the
Secretary of State's online filing system. The Secretary of State
shall ensure the circuit clerks, or their designees, are properly
trained on the utilization of the online filing system and have
access to the system.

(3) Candidates for municipal office, and every political
committee which makes reportable contributions to or expenditures
in support of or in opposition to a candidate for such office, or
make reportable contributions to or expenditures in support of or
in opposition to a municipal ballot measure shall file all reports
required by this article in the office of the municipal clerk of
the municipality in which the election occurs through the
Secretary of State's online filing system. The Secretary of State
shall ensure the municipal clerks, or their designees, are
properly trained on the utilization of the online filing system
and have access to the system.

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



425 (5) Any candidate committee or political committee required
426 to file their campaign finance report via the Secretary of State's
427 online filing system shall not be required to submit a report via
428 the Secretary of State's online filing system if they submit an
429 affidavit to the Secretary of State stating that that they do not
430 have internet access. The affidavit must be submitted yearly and
431 will be made available with other campaign finance reports. In
432 the event of failure of the online filing system that reasonably
433 prevents a candidate committee or political committee from filing
434 a required report, the Secretary of State shall allow for the
435 filing of reports via facsimile, electronic mail, postal mail or
436 hand delivery and make such forms available to candidate
437 committees and political committees for such filings.

438 (6) The Secretary of State shall maintain a central site on
439 the internet to make accessible to the public and searchable all
440 publicly available election-related reports and information.
441 Reports shall be searchable by the identifiable variables on the
442 report, including, but not limited to, candidate, office sought,
443 itemized contribution, itemized expenditure, amount of
444 contribution and amount of expenditure. In this section, the term
445 "election-related report" means any report, designation or
446 statement required to be filed under this chapter.

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



23-15-807. (a) Each candidate committee or political committee shall file reports of contributions and disbursements in accordance with the provisions of this section. All * * * candidate committees or political committees required to report such contributions and disbursements may terminate the obligation to report only upon submitting a final report that contributions will no longer be received or disbursements made, the committee does not carry a cash-on-hand balance, and that the candidate or committee has no outstanding debts or obligations. The candidate, treasurer or chief executive officer shall sign the report.

(b) * * * Candidate committees for seeking election, or nomination for election, and political committees making expenditures * * * in the relevant election cycles or have so designated on their statement of organization, shall file the following reports:

(i) In any calendar year during which there is a regularly scheduled primary election, general election or special 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 * * * the year in which the Governor is elected, which shall be designated as the gubernatorial election cycle on the statement of organization as required by 23-15-803,



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 * * * year in which the candidate is not running for office, 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 * * * candidate committees for judicial office, as defined in Section 23-15-975, * * * shall file periodic reports in the year in which they are to be elected, which shall be designated as the judicial election cycle on the statement of organization required by 23-15-803, no later than the tenth day after April 30, May 31, June 30, July 31, August 31, September 30 and December 31. * * *

All candidate committees for judicial candidates shall file an annual report in accordance with subsection (b)(iii) of this section.

(i) In any calendar year during which there is a regularly scheduled election or special election, a pre-election report shall be filed no later than the seventh day before any



election in which the candidate committee or political committee has accepted contributions or made expenditures and shall be completed as of the tenth day before the election;

(ii) In any calendar year in which the candidate is not running for office, a report covering the calendar year shall be filed no later than January 31 of the following calendar year; and

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

(d) Each report under this * * * chapter 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 committee 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, candidate committee or political committee who makes a contribution to the reporting candidate committee 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 * * *.

When making solicitations, committees and their treasurers shall obtain and report the name, address, occupation or employer of each contributor who gives more than Two Hundred Dollars (\$200.00) in an election cycle. For each contribution received aggregating in excess of Two Hundred Dollars (\$200.00) per calendar year lacking required contributor information, such as the contributor's full name, mailing address, occupation or name of employer, the treasurer shall after the receipt of the contribution obtain the missing information. If the missing or incomplete information is not received by the next reporting deadline, the contribution shall be returned to the contributor or remitted to the Secretary of State's Office to be deposited into the Election Support Fund. If the missing or incomplete information is filed on an annual report, and the next report required is an annual report, then the missing or incomplete information must be submitted within thirty (30) days of the reporting deadline of the report that that missing or incomplete information was filed on. If the missing or incomplete information is not corrected, then the contribution shall be returned to the contributor or remitted to the Secretary of State's Office to be deposited into the Election Support Fund; and

2. Each person * * *, candidate committee, organization, candidate or political committee who receives an



549 expenditure, payment or other transfer from the reporting
550 candidate committee, political committee or its agent, employee,
551 designee, contractor, consultant or other person or persons
552 acting * * * on its behalf during the reporting period when the
553 expenditure, payment or other transfer to the person,
554 organization, candidate or political committee within the calendar
555 year have an aggregate value or amount in excess of Two Hundred
556 Dollars (\$200.00) together with the date, purpose and amount of
557 the expenditure * * *.

558 If the candidate committee or political committee has
559 received any service, performance or anything of value during a
560 reporting period but has yet to make payment or other transfer,
561 the service, performance or anything of value received in exchange
562 for a future payment or other transfer shall be reported during
563 the reporting period it was received with a designation that a
564 payment or other transfer is to be made at a later date;

565 (iii) Any interest, dividends or income earned by
566 investment of monies held by a campaign committee or political
567 committee shall not be reported as a contribution but shall be
568 reported as a separate category;

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

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



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

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

587 (* * * vi) Disclosure required under this section of an
588 expenditure to a credit card issuer, financial institution or
589 business allowing payments and money transfers to be made over the
590 Internet must include, by way of detail or separate entry, the
591 amount of funds passing to each person, business entity or
592 organization receiving funds from the expenditure * * * that would
593 have otherwise been required to be itemized under subsection
594 (d)(ii) of this section;

595 (vii) Anonymous contributions shall not be accepted.
596 Any anonymous contributions shall be returned to the donor if
597 possible. If not possible, such funds shall be remitted to the



Secretary of State within five (5) days of receipt to be deposited into the Election Support Fund.

(e) Each report required under this section shall include a penalty of perjury certification, signed by the candidate or the chair or treasurer of the political committee, that the information included in the report is true, accurate and complete to the best of the signer's knowledge.

(* * * f) The appropriate office specified in Section 23-15-805 must be in actual receipt of the reports specified in this * * * chapter 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 committee 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.

(* * * g) (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 and is not reported on the pre-election report, but more than forty-eight (48) hours before



623 12:01 a.m. of the day of the election, the candidate committee or
624 political committee shall notify the appropriate office designated
625 in Section 23-15-805, within forty-eight (48) hours of receipt of
626 the contribution. The notification shall include:

627 1. The name of the receiving candidate committee,
628 if any;

629 * * *2. The name of the receiving candidate;

630 * * *3. The name of the receiving candidate's
631 political committee, if any;

632 * * *4. The office sought by the candidate;

633 * * *5. The identification of the contributor;

634 * * *6. The date of receipt;

635 * * *7. The amount of the contribution;

636 * * *8. If the contribution is in-kind, a
637 description of the in-kind contribution; and

638 * * *9. The signature of the candidate or the
639 treasurer or chair of the * * * candidate committee.

640 (ii) The notification shall be in writing, and may be
641 transmitted electronically by overnight mail, courier service, or
642 other reliable means, including electronic facsimile (FAX), but
643 the candidate or candidate's committee shall ensure that the
644 notification shall in fact be received in the appropriate office
645 designated in Section 23-15-805 within forty-eight (48) hours of
646 the contribution. On January 1, 2027, this paragraph (ii) shall
647 read: (ii) The notification shall be in writing, and be



transmitted to the appropriate office under Section 23-15-805 via the Secretary of State's online filing system.

(h) (i) If any expenditure of more than Two Hundred Dollars (\$200.00) is made by a candidate committee after the tenth day and is not reported on the pre-election report, but more than forty-eight (48) hours before 12:01 a.m. of the day of the election, the candidate committee or political committee shall notify the appropriate office designated in Section 23-15-805, within forty-eight (48) hours of making the expenditure. The notification shall include:

1. The name of the candidate committee making the expenditure;
2. Name of the candidate;
3. The office sought by the candidate;
4. The identification of the entity receiving the expenditure;
5. The date of expenditure;
6. The purpose of the expenditure;
7. The amount of the expenditure; and
8. The signature of the candidate or the treasurer or chair of the candidate committee.

(ii) The notification shall be in writing, and may be transmitted electronically, by overnight mail, courier service, or other reliable means, including electronic facsimile (FAX), but the candidate committee shall ensure that the notification shall



in fact be received in the appropriate office designated in
Section 23-15-805 within forty-eight (48) hours of the
expenditure. On January 1, 2027, this paragraph (ii) shall read:
(ii) The notification shall be in writing and be transmitted to
the appropriate office under Section 23-15-805 via the Secretary
of State's online filing system. The candidate or candidate's
committee shall ensure that the notification shall in fact be
received by the appropriate office designated in Section 23-15-805
within forty-eight (48) hours of the contribution.

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

23-15-809. (a) Every person who makes independent
expenditures in an aggregate amount or value in excess of Two
Hundred Dollars (\$200.00) during a calendar year shall file a
statement containing the information required under Section
23-15-807. Such statement shall be filed with the appropriate
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.

(c) Persons making such expenditures must ensure that the receiving entity receives the report or statement by close of business on the second business day following the date on which the expenditure is made, or the communication is publicly distributed or otherwise publicly disseminated, whichever occurs first.

(d) A person failing to file reports required under subsection (c) of this section shall be subject to the same civil penalties as candidate committees and political committees under Section 23-15-813.

SECTION 6. 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 five (5) business 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 five (5) business 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 7. 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.

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

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

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

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

(ii) Beginning with the third calendar day after which
any pre-election 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. 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.

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

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

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

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

(* * *c) 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.



845 (* * *d) Payment of the fine without filing the required
846 report does not excuse or exempt any person from the filing
847 requirements of Sections 23-15-801 through 23-15-813, and Sections
848 23-17-47 through 23-17-53.

849 (* * *e) If any candidate committee or political committee
850 is assessed a civil penalty, and the penalty is not
851 subsequently * * * appealed, the candidate committee or political
852 committee shall pay the fine to the * * * Secretary of State
853 within * * * sixty (60) days of the date of the assessment of the
854 fine. The fine shall be deposited into the Election Support Fund.
855 If, after * * * ninety (90) days of the assessment of the fine the
856 payment for the entire amount of the assessed fine has not been
857 received by the * * * Secretary of State, the * * * Secretary of
858 State shall notify the Attorney General of the delinquency, and
859 the Attorney General shall file, where necessary, a suit to compel
860 payment of the civil penalty. Within five (5) business days of
861 receipt of notice of the delinquency, the Attorney General shall
862 inform the Secretary of State of whether the Attorney General's
863 Office will compel payment of the civil penalty, and if not, why.
864 If the Attorney General does not provide the Secretary of State
865 with the above-required information within five (5) business days
866 or if the Secretary of State disagrees with the assessment of the
867 Attorney General's Office, the Secretary of State may refer the
868 matter to the district attorney of the district in which either



869 the candidate or the treasurer of the political committee that is
870 the subject of the delinquency.

871 * * *

872 (* * *f) (i) * * * In the event the candidate committee or
873 political committee appeals, the appeal shall be * * * filed in
874 the Circuit Court of Hinds, Madison or Rankin County * * *. The
875 appeal shall be taken within thirty (30) calendar days after
876 notice of the * * * fine by the Secretary of State. The appeal
877 shall be perfected upon filing notice of the appeal and the
878 prepayment of all costs, * * * and filing a bond in the sum of Two
879 Hundred Dollars (\$200.00), conditioned that if the decision of
880 the * * * Secretary of State is affirmed by the court, the
881 candidate or political committee will pay the costs of the appeal
882 and the action in court. * * *

883 (ii) If there is an appeal, the appeal shall act as a
884 supersedeas. The court shall dispose of the appeal and enter its
885 decision promptly. The hearing on the appeal may be tried in
886 vacation, in the court's discretion. * * * The decision of the
887 court may be appealed to the Supreme Court in the manner provided
888 by law.

889 * * *

890 (* * *g) If, after twenty (20) calendar days of the date
891 upon which a campaign finance disclosure report is due, a
892 candidate committee or political committee identified in
893 subsection (a) or (b) of this section shall not have filed a valid



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

SECTION 8. 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;



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

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

924 (e) The Secretary of State shall inspect or cause to be
925 inspected each statement of organization or report filed with the
926 Secretary of State under this chapter within ten (10) days after
927 the date it is filed. The Secretary of State shall notify, no
928 more than ten (10) days and at least five (5) days before each
929 report is due, each candidate or treasurer whose statement of
930 organization has been filed, of the specific date each report is
931 due. He or she shall immediately notify any individual,
932 candidate, treasurer, political committee, referendum committee or
933 other entity that may be required to file a statement under this
934 chapter if:

935 (i) It appears that the individual, candidate,
936 treasurer, political committee, referendum committee or other
937 entity has failed to file a statement or report as required by law
938 or that a statement or report filed does not conform to this
939 chapter; or

940 (ii) A written complaint is filed under oath with
941 the Secretary of State by any registered candidate or authorized



representative of a candidate or political party of this state
alleging that a statement or report filed with the Secretary of
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:

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

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

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

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

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

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

(iii) Administer oaths and affirmations, subpoena witnesses, seek compulsion of attendance, take evidence, require the filing of statements, and require the production of any



records that the Secretary of State considers relevant or material 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.

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

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

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

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

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

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



(11) When the Secretary of State is a candidate for office, the Mississippi Ethics Commission shall have the same duties and protections under subsections (2) through (5) of this section in regard to all candidates seeking the same office as the Secretary of State.

SECTION 9. Section 23-15-817, Mississippi Code of 1972, is amended as follows:

23-15-817. The Secretary of State shall compile a list of all candidates for the Legislature or any statewide or state district office who fail to file a campaign disclosure report by the dates specified in Section 23-15-807(b). The * * * Attorney General, on behalf of the Secretary of State, shall 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 periodic reports are due and made available to the public. Lists for pre-election reports shall be made available by 7:00 p.m. on the due date indicating those who have not filed.

SECTION 10. Section 23-15-819, Mississippi Code of 1972, is amended 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) 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 for any constitutional amendment, local ballot measure, ballot referendum or other similar measures.

(* * *3) No person shall knowingly solicit, accept or receive any such contribution from a foreign national nor shall any person knowingly aid or facilitate a violation of subsection (1) or (2) of this section.

(* * *4) 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.

(5) Whoever knowingly violates this section is guilty of a misdemeanor and upon conviction shall be punished by a fine in a sum equal to three (3) times the amount involved in the violation or Ten Thousand Dollars (\$10,000.00), whichever amount is greater, or imprisoned for not longer than six (6) months, or by both fine



and imprisonment. The payment of such fine shall not be made from any campaign contribution funds.

(6) If an unlawful contribution by a foreign national is unknowingly received, the value of the unlawful contribution shall be paid to the Secretary of State within thirty (30) days of discovery. Any person who fails to remit payment to the Secretary of State within thirty (30) days shall be subject to the penalties set forth in subsection (5) of this section. The Secretary of State shall remit any payment received to the Election Support Fund.

SECTION 11. Section 23-15-821, Mississippi Code of 1972, is amended 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. Personal use of campaign contributions by a political committee is also prohibited.

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



1115 to a political organization, or to a political action committee,
1116 or to another candidate.

1117 (b) "Candidate" shall mean any individual described in
1118 Section 23-15-801(b), and shall include any person having been a
1119 candidate until such time that the person takes office or files a
1120 termination report as provided in this section.

1121 (c) "Officeholder" shall mean any elected or appointed
1122 official from the beginning of his or her term of office until
1123 that person no longer holds office.

1124 (2) The following personal use expenditures are specifically
1125 prohibited under this section:

1126 (a) Any residential or household items, supplies or
1127 expenditures, including mortgage, rent or utility payments for any
1128 part of any personal residence where a homestead exemption is
1129 claimed of a candidate or officeholder or a member of the
1130 candidate's or officeholder's family;

1131 (b) Mortgage, rent or utility payments for any part of
1132 any nonresidential property that is owned by a candidate or
1133 officeholder or a member of a candidate's or officeholder's family
1134 and used for campaign purposes, to the extent the payments exceed
1135 the fair market value of the property usage;

1136 (c) Funeral, cremation or burial expenses within a
1137 candidate's or officeholder's family;



1138 (d) Clothing, other than items of de minimis value that
1139 are used for gaining or holding public office or performing the
1140 functions and duties of public office;

1141 (e) Automobiles, except for automobile rental expenses
1142 and other automobile expenses related to gaining or holding public
1143 office or performing the functions and duties of public office;

1144 (f) Tuition payments within a candidate's or
1145 officeholder's family other than those associated with training
1146 campaign staff or associated with an officeholder's duties;

1147 (g) Salary payments to a member of a candidate's
1148 family, unless the family member is providing bona fide services
1149 to the campaign. If a family member provides bona fide services
1150 to a campaign, any salary payments in excess of the fair market
1151 value of the services provided is personal use;

1152 (h) Nondocumented loans of any type, including loans to
1153 candidates;

1154 (i) Travel expenses except for travel expenses of a
1155 candidate, officeholder or staff member of the officeholder for
1156 travel undertaken as an ordinary and necessary expense of gaining
1157 or holding public office, or performing the functions and duties
1158 of public office or for attending meetings or conferences of
1159 officials similar to the office held or sought, or for an issue
1160 the legislative body is or will consider, or attending a state or
1161 national convention of any party. If a candidate or officeholder
1162 uses campaign contributions to pay expenses associated with travel



that involves both personal activities and activities related to gaining or holding public office or performing the functions and duties of public office, the incremental expenses that result from the personal activities are personal use, unless the person(s) benefiting from this use reimburse(s) the campaign account within thirty (30) days for the amount of the incremental expenses; and

(j) Payment of any fines, fees or penalties assessed pursuant to Mississippi law, except those civil penalties levied under this title against a political committee may be paid using campaign contributions.

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

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

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

(c) Donations to charitable organizations, not-for-profit organizations or for sponsorships, provided the candidate or officeholder does not receive monetary compensation,



1188 other than reimbursements of expenses, from the recipient
1189 organization;

1190 (d) Gifts of nominal value and donations of a nominal
1191 amount made on a special occasion such as a holiday, graduation,
1192 marriage, retirement or death, unless made to a member of the
1193 candidate's or officeholder's family;

1194 (e) Meal and beverage expenses which are incurred as
1195 part of a campaign activity or as a part of a function that is
1196 related to the candidate's or officeholder's responsibilities,
1197 including meals between and among candidates and/or officeholders
1198 that are incurred as an ordinary and necessary expense of seeking,
1199 holding or maintaining public office, or seeking, holding or
1200 maintaining a position within the Legislature or other publicly
1201 elected body;

1202 (f) Reasonable rental or accommodation expenses
1203 incurred by an officeholder during a legislative session or a day
1204 or days in which the officeholder is required by his or her duties
1205 to be at the Capitol or another location outside the
1206 officeholder's county of residence. Such rental or accommodation
1207 expenses shall not exceed Fifty Dollars (\$50.00) per day, if the
1208 officeholder receives per diem, or One Hundred Ninety Dollars
1209 (\$190.00) per day, if the officeholder receives no per diem. Any
1210 expenses incurred under this paragraph (f) must be reported as an
1211 expenditure pursuant to this section;



1212 (g) Communication access expenses, including mobile
1213 devices and Internet access costs. Examples of communication
1214 access expenses include, but are not limited to, the following:
1215 captioning on television advertisements; video clips; sign
1216 language interpreters; computer-aided real-time (CART) services;
1217 and assistive listening devices;

1218 (h) Costs associated with memberships to chambers of
1219 commerce and civic organizations;

1220 (i) Legal fees and costs associated with any civil
1221 action, criminal prosecution or investigation related to conduct
1222 reasonably related to the candidacy or performing the duties of
1223 the office held.

1224 (4) Upon filing the termination report required under
1225 Section 23-15-807 showing a zero (0) dollar cash-on-hand balance,
1226 any campaign contributions not used to pay for the expenses of
1227 gaining or holding public office or performing the functions and
1228 duties of public office shall:

1229 * * *

1230 (* * *a) Be donated to a political organization, or to
1231 a political action committee, or to another candidate;

1232 (* * *b) Be transferred, in whole or in part, into a
1233 newly established political action committee or ballot question
1234 advocate;

1235 (* * *c) Be donated to a tax-exempt charitable
1236 organization as that term is used in Section 501(c)(3) of the



1237 Internal Revenue Code of 1986, 26 USC Section 501, or any
1238 subsequent corresponding Internal Revenue Code of the United
1239 States, as from time to time amended;

1240 (* * *d) Be donated to the State of Mississippi; or

1241 (* * *e) Be returned to a donor or donors.

1242 (5) Any candidate for public office or any elected official
1243 who willfully violates this section shall be guilty of a
1244 misdemeanor and punished by a fine of One Thousand Dollars
1245 (\$1,000.00) and by a state assessment equal to the amount of
1246 misappropriated campaign contributions. The state assessment
1247 shall be deposited into the Public Employees' Retirement System.
1248 No fine or assessment imposed under this section shall be paid by
1249 a third party.

1250 (6) (a) Any contributions accruing to a candidate's or
1251 officeholder's campaign account before January 1, 2018, shall be
1252 exempt and not subject to the provisions of this section. All
1253 exempt contributions must be designated as exempt on all reports
1254 filed with the Secretary of State pursuant to the provisions of
1255 this chapter.

1256 (b) Should a candidate with exempt campaign finance
1257 contributions no longer hold office, the contributions shall be
1258 dispensed with and properly reported to the Secretary of State's
1259 Office within one (1) year after leaving office.

1260 (7) The Mississippi Ethics Commission shall issue advisory
1261 opinions regarding any of the requirements set forth in this



1262 section. When any officeholder or candidate requests an advisory
1263 opinion, in writing, and has stated all of the facts to govern the
1264 opinion, and the Ethics Commission has prepared and delivered the
1265 opinion with references to the request, there shall be no civil or
1266 criminal liability accruing to or against any officeholder or
1267 candidate who, in good faith, follows the direction of the opinion
1268 and acts in accordance with the opinion, unless a court of
1269 competent jurisdiction, after a full hearing, judicially declares
1270 that the opinion is manifestly wrong and without any substantial
1271 support. No opinion shall be given or considered if the opinion
1272 would be given after judicial proceedings have commenced.

1273 All advisory opinions issued pursuant to the provisions of
1274 this subsection (7) shall be made public and shall be issued
1275 within ninety (90) days of written request. The request for an
1276 advisory opinion shall be confidential as to the identity of the
1277 individual making the request. The Ethics Commission shall, so
1278 far as practicable and before making public * * * an advisory
1279 opinion issued under the provisions of * * * this subsection (7),
1280 make such deletions and changes thereto as may be necessary to
1281 ensure the anonymity of the public official and any other person
1282 named in the opinion.

1283 **SECTION 12.** Candidates shall disclose the identity of any
1284 individual or entity from which the candidate or the candidate's
1285 committee receives a loan or other extension of credit for use in
1286 his or her campaign and any cosigners for a loan or extension of



1287 credit. The candidate or the candidate's committee shall disclose
1288 how the loan or other extension of credit was used, and how and
1289 when the loan or other extension of credit is to be repaid and the
1290 method of repayment. The candidate or the candidate's committee
1291 shall disclose all loan documents related to such loans or
1292 extensions of credit. The outstanding balance of any loan shall be
1293 reported separately on the reports required under Section
1294 23-15-807.

1295 **SECTION 13.** (1) The candidate or treasurer of each
1296 candidate committee or political committee shall keep detailed
1297 accounts, current within not more than ten (10) business days
1298 after the date of receiving a contribution or making an
1299 expenditure, of all contributions received and all expenditures
1300 made by or on behalf of the candidate or committee. The candidate
1301 or treasurer shall also keep detailed accounts of all deposits and
1302 of all withdrawals made to the separate campaign depository
1303 account and of all interest earned on any such deposits.

1304 (2) Accounts kept by the candidate or treasurer of a
1305 political committee pursuant to this section may be inspected
1306 under reasonable circumstances before, during or after the
1307 election to which the accounts refer by any authorized
1308 representative of the Secretary of State. The right of inspection
1309 may be enforced by appropriate writ issued by any court of
1310 competent jurisdiction.



1311 (3) Records of such accounts shall be preserved for four (4)
1312 years from the date of the contribution, expenditure, gift,
1313 investment or loan. If there are judicial proceedings, the record
1314 shall be retained as directed by the court.

1315 **SECTION 14.** (1) It shall be unlawful for any corporation,
1316 incorporated company or incorporated association, by whatever name
1317 it may be known, incorporated or organized under the laws of this
1318 state or any state, or for any servant, agent, employee or officer
1319 thereof, to give, donate, appropriate or furnish directly or
1320 indirectly, any money, security, funds or property of said
1321 corporation, incorporated company or incorporated association, in
1322 excess of One Thousand Dollars (\$1,000.00) per calendar year for
1323 the purpose of aiding any political party or any candidate for any
1324 public office, or any candidate for any nomination for any public
1325 office of any political party, or to give, donate, appropriate or
1326 furnish, directly or indirectly, any money, security, funds or
1327 property of said corporation, incorporated company or association
1328 in excess of One Thousand Dollars (\$1,000.00) to any committee or
1329 person as a contribution to the expense of any political party or
1330 any candidate, representative or committee of any political party
1331 or candidate for nomination by any political party, or any
1332 committee or other person acting in behalf of such candidate. The
1333 limit of One Thousand Dollars (\$1,000.00) for contributions to
1334 political parties, candidates and committees or other persons



1335 acting on behalf of such candidates shall be an annual limitation
1336 applicable to each calendar year.

1337 (2) Any candidate committee, or political party which
1338 accepts contributions from any corporation, incorporated company
1339 or incorporated association, or agent, officer or employee
1340 violating any of the provisions of this section, shall be assessed
1341 a civil penalty for each day or part of any day beginning with the
1342 sixth calendar day until the unlawful contribution is returned, up
1343 to a maximum of ten (10) days in the amount of the contribution in
1344 excess of One Thousand Dollars (\$1,000.00) and up:

1345 (a) Candidates for statewide office shall be assessed a
1346 civil penalty of Five Hundred Dollars (\$500.00) for each day.

1347 (b) Candidates for state district office shall be
1348 assessed a civil penalty of Two Hundred Fifty Dollars (\$250.00)
1349 for each day.

1350 (c) Candidates for legislative office shall be assessed
1351 a civil penalty of One Hundred Dollars (\$100.00) for each day.

1352 (d) Political committees shall be assessed a civil
1353 penalty of One Hundred Dollars (\$100.00) for each day.

1354 (3) The candidate committee or political party shall not be
1355 assessed a fine if the receiving entity returns the unlawful
1356 donation within five (5) business days of receipt. Return date
1357 shall be the date of mailing or electronic transfer of funds.

1358 (4) The candidate shall be personally liable for the payment
1359 of the civil penalty assessment for nonjudicial candidates. The



1360 treasurer of any judicial candidate's authorized political
1361 committee shall be liable, and the chairman and treasurer of a
1362 political committee shall be jointly liable for any unlawful
1363 contributions.

1364 (5) The candidate, candidate committee or political party
1365 shall not expend any contribution in excess of One Thousand
1366 Dollars (\$1,000.00) if received in violation of this section. Any
1367 candidate or any other person who willfully violates the
1368 provisions and prohibitions of this article shall be guilty of a
1369 misdemeanor and upon conviction shall be punished by a fine in a
1370 sum not to exceed Five Thousand Dollars (\$5,000.00) or imprisoned
1371 for not longer than six (6) months, or by both fine and
1372 imprisonment.

1373 (6) The Attorney General shall bring such action at the
1374 request of the Secretary of State, and shall also take legal
1375 action as necessary for the collection of any levied assessments.

1376 **SECTION 15.** Sections 97-13-15 and 97-13-17, Mississippi Code
1377 of 1972, which prohibited political contributions by corporations
1378 and penalized illegal corporate contributions, are repealed.

1379 **SECTION 16.** Sections 12 through 14 shall be codified in
1380 Title 23, Chapter 15, Mississippi Code of 1972.

1381 **SECTION 17.** This act shall take effect and be in force from
1382 and after July 1, 2025.

