

By: Representative Flaggs

To: Apportionment and
Elections

HOUSE BILL NO. 175

1 AN ACT TO AMEND SECTION 23-15-807, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THAT THE IDENTIFICATION OF ANY PERSON OR ORGANIZATION,
3 CANDIDATE OR POLITICAL COMMITTEE WHO GUARANTEES, COSIGNS OR
4 PROVIDES SECURITY FOR A LOAN TO THE REPORTING CANDIDATE BE
5 INCLUDED IN THE CONTENT OF THE CAMPAIGN DISCLOSURE REPORT; AND FOR
6 RELATED PURPOSES.

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

8 **SECTION 1.** Section 23-15-807, Mississippi Code of 1972, is
9 amended as follows:

10 23-15-807. (a) Each candidate or political committee shall
11 file reports of contributions and disbursements in accordance with
12 the provisions of this section. All candidates or political
13 committees required to report may terminate its obligation to
14 report only upon submitting a final report that it will no longer
15 receive any contributions or make any disbursement and that such
16 candidate or committee has no outstanding debts or obligations.
17 The candidate, treasurer or chief executive officer shall sign
18 each such report.

19 (b) Candidates who are seeking election, or nomination for
20 election, and political committees that make expenditures for the
21 purpose of influencing or attempting to influence the action of
22 voters for or against the nomination for election, or election, of
23 one or more candidates or balloted measures at such election,
24 shall file the following reports:

25 (i) In any calendar year during which there is a
26 regularly scheduled election, a preelection report, which shall be
27 filed no later than the seventh day before any election in which
28 such candidate or political committee has accepted contributions

29 or made expenditures and which shall be complete as of the tenth
30 day before such election;

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

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

39 (c) All candidates for judicial office as defined in Section
40 23-15-975, or their political committees, shall file in the year
41 in which they are to be elected, periodic reports which shall be
42 filed no later than the tenth day after April 30, May 31, June 30,
43 September 30 and December 31.

44 (d) Contents of reports. Each report under this article
45 shall disclose:

46 (i) For the reporting period and the calendar year, the
47 total amount of all contributions and the total amount of all
48 expenditures of the candidate or reporting committee which shall
49 include those required to be identified pursuant to item (ii) of
50 this paragraph as well as the total of all other contributions and
51 expenditures during the calendar year. Such reports shall be
52 cumulative during the calendar year to which they relate;

53 (ii) The identification of:

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

60 2. Each person or organization, candidate or
61 political committee who receives an expenditure, payment or other

62 transfer from the reporting candidate, political committee or its
63 agent, employee, designee, contractor, consultant or other person
64 or persons acting in its behalf during the reporting period when
65 the expenditure, payment or other transfer to such person,
66 organization, candidate or political committee within the calendar
67 year have an aggregate value or amount in excess of Two Hundred
68 Dollars (\$200.00) together with the date and amount of such
69 expenditure;

70 3. Each person or organization, candidate or
71 political committee who guarantees a loan, cosigns a loan, or
72 otherwise provides security for a loan made to the reporting
73 candidate or political committee within the calendar year;

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

76 (iv) In addition to the contents of reports specified
77 in items (i), (ii) and (iii) of this paragraph, each political
78 party shall disclose:

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

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

92 (e) The appropriate office specified in Section 23-15-805
93 must be in actual receipt of the reports specified in this article
94 by 5:00 p.m. on the dates specified in paragraph (b) of this

95 section. If the date specified in paragraph (b) of this section
96 shall fall on a weekend or legal holiday then the report shall be
97 due in the appropriate office at 5:00 p.m. on the first working
98 day before the date specified in paragraph (b) of this section.
99 The reporting candidate or reporting political committee shall
100 ensure that the reports are delivered to the appropriate office by
101 the filing deadline. The Secretary of State may approve specific
102 means of electronic transmission of completed campaign finance
103 disclosure reports, which may include, but not be limited to,
104 transmission by electronic facsimile (FAX) devices.

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

- 113 1. The name of the receiving candidate;
- 114 2. The name of the receiving candidate's political
115 committee, if any;
- 116 3. The office sought by the candidate;
- 117 4. The identification of the contributor;
- 118 5. The date of receipt;
- 119 6. The amount of the contribution;
- 120 7. If the contribution is in-kind, a description
121 of the in-kind contribution; and
- 122 8. The signature of the candidate or the treasurer
123 or director of the candidate's political committee;

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

128 fact be received in the appropriate office designated in Section
129 23-15-805 within forty-eight (48) hours of the contribution.

130 **SECTION 2.** The Attorney General of the State of Mississippi
131 shall submit this act, immediately upon approval by the Governor,
132 or upon approval by the Legislature subsequent to a veto, to the
133 Attorney General of the United States or to the United States
134 District Court for the District of Columbia in accordance with the
135 provisions of the Voting Rights Act of 1965, as amended and
136 extended.

137 **SECTION 3.** This act shall take effect and be in force from
138 and after the date it is effectuated under Section 5 of the Voting
139 Rights Act of 1965, as amended and extended.