

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MADAM PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1244: Campaign Finance Disclosure Law; clarify "contribution" and require disclosure of certain loans made to candidates.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

48 **SECTION 1.** The following provision shall be codified as
49 Section 23-15-802, Mississippi Code of 1972:
50 23-15-802. (1) Contributions to a named candidate made to a
51 political committee authorized by the candidate to accept
52 contributions on the candidate's behalf, shall be considered to be
53 contributions made to the candidate.
54 (2) Expenditures made by any person, other than the
55 candidate or his authorized committee or agent, in cooperation,
56 consultation or concert with, or at the request or suggestion of a
57 candidate, an authorized committee or agent of such candidate,
58 shall be considered to be a contribution made to the candidate.
59 (3) The financing of the dissemination, distribution or
60 republication, in whole or in part, of any broadcast or any
61 written, graphic or other form of campaign materials prepared by
62 the candidate, an authorized committee or agent of the candidate,
63 shall be considered to be an expenditure for, and a contribution
64 to, the candidate.
65 (4) If any person, other than the candidate or his
66 authorized committee or agent, makes or contracts to make any
67 disbursement for any electioneering communication, and the
68 disbursement is coordinated with a candidate or any authorized

69 committee or agent of the candidate, such disbursement or contract
70 shall be considered to be a contribution to the candidate
71 supported by the electioneering communication and as an
72 expenditure by the candidate.

73 **SECTION 2.** The following provision shall be codified as
74 Section 23-15-808, Mississippi Code of 1972:

75 23-15-808. (1) Every person who makes a disbursement for
76 the direct costs of producing and airing electioneering
77 communications in an aggregate amount in excess of One Thousand
78 Dollars (\$1,000.00) during any calendar year, shall, within
79 forty-eight (48) hours of each disclosure date, file with the
80 appropriate offices as provided for in Section 23-15-805 (such
81 person shall be considered a political committee for determining
82 the place of filing), a statement made under penalty of
83 prosecution containing the following:

84 (a) The identity of:

85 (i) The person making the disbursement;

86 (ii) Any person sharing or exercising discretion
87 or control over the activities of the person making the
88 disbursement; and

89 (iii) The custodian of the books and accounts of
90 the person making the disbursement;

91 (b) The principal place of business of the person
92 making the disbursement if the person is not an individual;

93 (c) The amount of each disbursement of more than Two
94 Hundred Dollars (\$200.00) made during the period covered by the
95 statement and the identity of the person to whom the disbursement
96 was made;

97 (d) The elections to which the electioneering
98 communication pertains and the names, if known, of the candidates
99 to whom the communication refers;

100 (e) If the disbursements were paid out of a segregated
101 bank account, the names and addresses of all contributors who
102 contributed an aggregate amount in excess of Two Hundred Dollars
103 (\$200.00) to the account during the period beginning on the first
104 day of the preceding calendar year and ending on the disclosure
105 date; and

106 (f) If the disbursements were paid out of funds not
107 covered by paragraph (e) of this subsection, the names and
108 addresses of all persons who contributed an aggregate amount in
109 excess of Two Hundred Dollars (\$200.00) to the person making the
110 disbursement during the period beginning on the first day of the
111 preceding calendar year and ending on the disclosure date.

112 (2) For purposes of this section, a person shall be treated
113 as having made a disbursement if the person has executed a
114 contract to make the disbursement.

115 (3) The reporting requirements of this subsection shall be
116 in addition to any other reporting requirement under this article.

117 **SECTION 3.** Section 23-15-801, Mississippi Code of 1972, is
118 amended as follows:

119 23-15-801. As used in this article:

120 (a) "Election" means a general, special, primary or
121 runoff election.

122 (b) "Candidate" means an individual who seeks
123 nomination for election, or election, to any elective office other
124 than a federal elective office and for purposes of this article,
125 an individual shall be deemed to seek nomination for election, or
126 election:

127 (i) If such individual has received contributions
128 aggregating in excess of Two Hundred Dollars (\$200.00) or has made
129 expenditures aggregating in excess of Two Hundred Dollars
130 (\$200.00) or for a candidate for the Legislature or any statewide

131 or state district office, by the qualifying deadlines specified in
132 Sections 23-15-299 and 23-15-977, whichever occurs first; or

133 (ii) If such individual has given his or her
134 consent to another person to receive contributions or make
135 expenditures on behalf of such individual and if such person has
136 received such contributions aggregating in excess of Two Hundred
137 Dollars (\$200.00) during a calendar year, or has made such
138 expenditures aggregating in excess of Two Hundred Dollars
139 (\$200.00) during a calendar year.

140 (c) "Political committee" means: (i) any committee,
141 party, club, association, political action committee, campaign
142 committee or other groups of persons or affiliated organizations
143 which receives contributions aggregating in excess of Two Hundred
144 Dollars (\$200.00) during a calendar year or which makes
145 expenditures aggregating in excess of Two Hundred Dollars
146 (\$200.00) during a calendar year for the purpose of conducting any
147 of the activities specified in this chapter; or (ii) any
148 segregated fund established, administered and utilized for
149 political purposes by a corporation, labor organization, political
150 party registered with the Secretary of State, membership
151 organization, cooperative or corporation without capital stock.

152 (d) "Affiliated organization" means any organization
153 which is not a political committee, but which directly or
154 indirectly establishes, administers or financially supports a
155 political committee.

156 (e) (i) "Contribution" includes any gift,
157 subscription, loan, advance or deposit of money or anything of
158 value made by any person or political committee for the purpose of
159 influencing any election for elective office or balloted measure;
160 however, the term "contribution" does not include the value of
161 services provided without compensation by any individual who
162 volunteers on behalf of a candidate or political committee; or the

163 cost of any food or beverage for use in any candidate's campaign
164 or for use by or on behalf of any political committee of a
165 political party; and

166 (ii) A contribution to a political party includes
167 any gift, subscription, loan, advance or deposit of money or
168 anything of value made by any person, political committee, or
169 other organization to a political party and to any committee,
170 subcommittee, campaign committee, political committee and other
171 groups of persons and affiliated organizations of the political
172 party; however, a contribution to a political party does not
173 include the value of services provided without compensation by any
174 individual who volunteers on behalf of a political party or a
175 candidate of a political party.

176 (f) (i) "Expenditure" includes:

177 1. Any purchase, payment, distribution, loan,
178 advance, deposit, gift of money or anything of value, made by any
179 person or political committee for the purpose of influencing any
180 balloted measure or election for elective office;

181 2. A written contract, promise, or agreement
182 to make an expenditure; and

183 (ii) "Expenditure" does not include:

184 1. Any news story, commentary or editorial
185 distributed through the facilities of any broadcasting station,
186 newspaper, magazine, or other periodical publication, unless such
187 facilities are owned or controlled by any political party,
188 political committee, or candidate; or

189 2. Nonpartisan activity designed to encourage
190 individuals to vote or to register to vote and does not refer to a
191 clearly identified candidate for state or local office;

192 (iii) "Expenditure by a political party" includes:

193 1. Any purchase, payment, distribution, loan,
194 advance, deposit, gift of money or anything of value, made by any

195 political party and by any contractor, subcontractor, agent, and
196 consultant to the political party; and

197 2. A written contract, promise, or agreement
198 to make such an expenditure.

199 (g) The term "identification" means:

200 (i) In the case of any individual, the name, the
201 mailing address, and the occupation of such individual, as well as
202 the name of his or her employer; and

203 (ii) In the case of any other person, the full
204 name and address of such person.

205 (h) * * * "Political party" means an association,
206 committee or organization which nominates a candidate for election
207 to any elective office whose name appears on the election ballot
208 as the candidate of such association, committee or organization.

209 (i) * * * "Person" shall mean any individual, family,
210 firm, committee, corporation, partnership, association, political
211 committee or other legal entity.

212 (j) * * * "Independent expenditure" means an
213 expenditure by a person expressly advocating the election or
214 defeat of a clearly identified candidate * * * and which is not
215 made in concert with or at the request or suggestion of any
216 candidate, any authorized committee of the candidate or the agent
217 of the candidate or committee or a political party committee or
218 its agents.

219 (k) * * * "Clearly identified" means that:

220 (i) The name of the candidate involved appears; or

221 (ii) A photograph or drawing of the candidate
222 appears; or

223 (iii) The identity of the candidate is apparent by
224 unambiguous reference.

225 (m) (i) "Electioneering communication" means any
226 broadcast, cable or satellite communication which refers to a

227 clearly identified candidate for state or local office and is
228 made:

229 1. Within sixty (60) days before a general,
230 special or runoff election for the office sought by the candidate;
231 or

232 2. Thirty (30) days before a primary election
233 for the office sought by the candidate; and is targeted at the
234 relevant electorate.

235 (ii) The term "electioneering communication" does
236 not include:

237 1. A communication appearing in a news story,
238 commentary or editorial distributed through the facilities of any
239 broadcasting station, unless such facilities are owned or
240 controlled by any political committee or candidate;

241 2. A communication which constitutes an
242 independent expenditure;

243 3. A communication which constitutes a
244 candidate debate or forum or which solely promotes the candidate
245 debate or forum and is made by or on behalf of the person
246 sponsoring the debate; or

247 4. Nonpartisan activity designed to encourage
248 individuals to vote or register to vote and does not refer to a
249 clearly identified candidate for state or local office.

250 (iii) An electioneering communication is targeted
251 at the relevant electorate if the communication:

252 1. Refers to a clearly identified candidate;
253 and

254 2. Can be received by five thousand (5,000)
255 or more persons in the jurisdiction in which the candidate seeks
256 to represent.

257 (n) "Disclosure date" means:

258 (i) The first date during any calendar year by
259 which a person has made disbursement for the direct costs of
260 producing or airing electioneering communications aggregating in
261 excess of One Thousand Dollars (\$1,000.00); and

262 (ii) Any subsequent date during the calendar year
263 by which a person has made disbursement for the direct costs of
264 producing or airing electioneering communications aggregating in
265 excess of Five Hundred Dollars (\$500.00) since the most recent
266 disclosure date for such calendar year.

267 **SECTION 4.** Section 23-15-805, Mississippi Code of 1972, is
268 amended as follows:

269 23-15-805. (1) Candidates for state, state district, and
270 legislative district offices, and every political committee, which
271 makes reportable contributions to or expenditures in support of or
272 in opposition to a candidate for any such office or makes
273 reportable contributions to or expenditures in support of or in
274 opposition to a statewide ballot measure, shall file all reports
275 required under this article with the Office of the Secretary of
276 State.

277 (2) (a) From and after January 1, 2007, all candidates,
278 their authorized committees or agents and other political
279 committees that receive contributions or make expenditures in
280 excess of Seventy-five Thousand Dollars (\$75,000.00) in any
281 calendar year shall file the reports required under this article
282 by electronic format.

283 (b) When aggregate contributions or aggregate
284 disbursements for a calendar year reach in excess of Seventy-five
285 Thousand Dollars (\$75,000.00), the candidate, his or her
286 authorized committee or agent, or political committee must
287 resubmit each previously submitted report for the same calendar
288 year that was not filed electronically by way of electronic format

289 within thirty (30) days of exceeding the threshold of Seventy-five
290 Thousand Dollars (\$75,000.00).

291 (c) The Office of the Secretary of State shall adopt
292 rules and regulations designating the format and software to be
293 used in filing reports by electronic format under this subsection.
294 All candidates and committees required to file reports by
295 electronic format under this subsection shall follow the format
296 and use the software prescribed by the Office of the Secretary of
297 State.

298 (3) Candidates for county or county district office, and
299 every political committee which makes reportable contributions to
300 or expenditures in support of or in opposition to a candidate for
301 such office or makes reportable contributions to or expenditures
302 in support of or in opposition to a countywide ballot measure or a
303 ballot measure affecting part of a county, excepting a municipal
304 ballot measure, shall file all reports required by this section in
305 the office of the circuit clerk of the county in which the
306 election occurs. The circuit clerk shall forward copies of all
307 reports to the Office of the Secretary of State.

308 (4) Candidates for municipal office, and every political
309 committee which makes reportable contributions to or expenditures
310 in support of or in opposition to a candidate for such office, or
311 makes reportable contributions to or expenditures in support of or
312 in opposition to a municipal ballot measure shall file all reports
313 required by this article in the office of the municipal clerk of
314 the municipality in which the election occurs. The municipal
315 clerk shall forward copies of all reports to the Office of the
316 Secretary of State.

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

321 (b) No information copied from reports required to be
322 filed under this article shall be sold or used by any person for
323 the purpose of soliciting contributions or for commercial purposes
324 other than using the name and address of any political committee
325 to solicit contributions from the political committee. A
326 political committee may submit five (5) pseudonyms on each report
327 filed in order to protect against the illegal use of names and
328 addresses of contributors provided the committee attaches a list
329 of the pseudonyms to the appropriate report. The Secretary of
330 State shall exclude those lists from the public record.

331 * * *

332 **SECTION 5.** Section 23-15-807, Mississippi Code of 1972, is
333 amended as follows:

334 23-15-807. (1) Each candidate or political committee shall
335 file reports of contributions and disbursements in accordance with
336 the provisions of this section. All candidates or political
337 committees required to report may terminate its obligation to
338 report only upon submitting a final report that it will no longer
339 receive any contributions or make any disbursement and that such
340 candidate or committee has no outstanding debts or obligations.
341 The candidate, treasurer or chief executive officer shall sign
342 each such report.

343 (2) Candidates who are seeking election, or nomination for
344 election, and political committees that receive contributions or
345 make expenditures in excess of Two Hundred Dollars (\$200.00) in
346 the aggregate in any calendar year for the purpose of influencing
347 or attempting to influence the action of voters for or against the
348 nomination for election, or election, of one or more candidates or
349 balloted measures of such election or conducting any activities
350 specified in this chapter, shall file the following reports:

351 (a) In any calendar year during which there is a
352 regularly scheduled election, a preelection report, which shall be

353 filed no later than the seventh day before any election in which
354 such candidate or political committee has accepted contributions
355 or made expenditures and which shall include all campaign finance
356 activity for the period beginning after the last appropriately
357 filed annual, periodic or preelection report and extending through
358 the tenth day before such election;

359 (b) In 1987 and every fourth year thereafter, periodic
360 reports, which shall be filed no later than the tenth day after
361 April 30, May 31, June 30, September 30 and December 31, and which
362 shall include all campaign finance activity for the period
363 beginning after the last appropriately filed annual, periodic or
364 preelection report and extending through the last day of each
365 period; and

366 (c) In any calendar years except 1987 and except every
367 fourth year thereafter, a report covering the calendar year which
368 shall be filed no later than January 31 of the following calendar
369 year.

370 (3) All candidates for judicial office as defined in Section
371 23-15-975, and political committees that receive contributions or
372 make expenditures in excess of Two Hundred Dollars (\$200.00) in
373 the aggregate in any calendar year for the purpose of influencing
374 or attempting to influence the action of voters for or against the
375 nomination for election, or election, of one or more candidates or
376 balloted measures of such election or conducting any activities
377 specified in this chapter, shall file in the year in which they
378 are to be elected, periodic reports which shall be filed no later
379 than the tenth day after April 30, May 31, June 30, September 30
380 and December 31. These reports shall include all campaign finance
381 activity for the period beginning after the last appropriately
382 filed annual, periodic or preelection report and extending through
383 the last day of each period.

384 (4) * * * Each report under this article shall disclose:

385 (a) For the reporting period and the calendar year, the
386 total amount of all contributions and the total amount of all
387 expenditures of the candidate or reporting committee which shall
388 include those required to be identified pursuant to paragraph (b)
389 of this subsection (4) as well as the total of all other
390 contributions and expenditures during the calendar year. Such
391 reports shall be cumulative during the calendar year to which they
392 relate;

393 (b) The identification of:

394 (i) Each person or political committee who makes a
395 contribution to the reporting candidate or political committee
396 during the reporting period, whose contribution or contributions
397 within the calendar year have an aggregate amount or value in
398 excess of Two Hundred Dollars (\$200.00) together with the date and
399 amount of any such contribution;

400 (ii) Each person or organization, candidate or
401 political committee who receives an expenditure, payment or other
402 transfer from the reporting candidate, political committee or its
403 agent, employee, designee, contractor, consultant or other person
404 or persons acting in its behalf during the reporting period when
405 the expenditure, payment or other transfer to such person,
406 organization, candidate or political committee within the calendar
407 year have an aggregate value or amount in excess of Two Hundred
408 Dollars (\$200.00) together with the date and amount of such
409 expenditure;

410 (c) The total amount of cash on hand of each reporting
411 candidate and reporting political committee;

412 (d) In addition to the contents of reports specified in
413 paragraphs (a), (b) and (c) of this subsection (4), each political
414 party shall disclose:

415 (i) Each person or political committee who makes a
416 contribution to a political party during the reporting period and

417 whose contribution or contributions to a political party within
418 the calendar year have an aggregate amount or value in excess of
419 Two Hundred Dollars (\$200.00), together with the date and amount
420 of the contribution;

421 (ii) Each person or organization who receives an
422 expenditure by a political party or expenditures by a political
423 party during the reporting period when the expenditure or
424 expenditures to the person or organization within the calendar
425 year have an aggregate value or amount in excess of Two Hundred
426 Dollars (\$200.00), together with the date and amount of the
427 expenditure.

428 (5) The appropriate office specified in Section 23-15-805
429 must be in actual receipt of the reports specified in this article
430 by 5:00 p.m. on the dates specified in subsection (2) of this
431 section. If the date specified in subsection (2) of this section
432 shall fall on a weekend or legal holiday then the report shall be
433 due in the appropriate office at 5:00 p.m. on the first working
434 day before the date specified in subsection (2) of this section.
435 The reporting candidate or reporting political committee shall
436 ensure that the reports are delivered to the appropriate office by
437 the filing deadline. The Secretary of State may approve specific
438 means of electronic transmission of completed campaign finance
439 disclosure reports, which may include, but not be limited to,
440 transmission by electronic facsimile (FAX) devices.

441 (6) (a) If any contribution of more than Two Hundred
442 Dollars (\$200.00) is received by a candidate or candidate's
443 political committee after the tenth day, but more than forty-eight
444 (48) hours before 12:01 a.m. of the day of the election, the
445 candidate or political committee shall file a report with the
446 appropriate office designated in Section 23-15-805, within
447 forty-eight (48) hours of the receipt of any such contribution in
448 excess of Two Hundred Dollars (\$200.00). Multiple contributions

449 may be included in a single report if none of the reported
450 contributions was received more than forty-eight (48) hours before
451 the report is filed. The report shall include:

452 (i) The name of the receiving candidate;

453 (ii) The name of the receiving candidate's
454 political committee, if any;

455 (iii) The office sought by the candidate;

456 (iv) The identification of each person who made a
457 contribution required to be reported under this subsection;

458 (v) The date of receipt of each contribution
459 required to be reported under this subsection;

460 (vi) The amount of each contribution required to
461 be reported under this subsection;

462 (vii) If a contribution is in-kind, a description
463 of the in-kind contribution; * * *

464 (viii) The signature of the candidate or the
465 treasurer or director of the candidate's political committee; and

466 (ix) The total amount of all contributions
467 required to be reported under this subsection.

468 (b) The report required by this subsection shall be in
469 writing, and may be transmitted by overnight mail, courier
470 service, or other reliable means, including electronic facsimile
471 (FAX), but the candidate or candidate's committee shall ensure
472 that the report shall in fact be received in the appropriate
473 office designated in Section 23-15-805 within forty-eight (48)
474 hours of the contribution.

475 (c) The filing of reports required by this subsection
476 does not relieve the candidate of the responsibility of including
477 the contributions contained in the report in the next report
478 required to be filed under subsection (2) of this section.

479 (7) (a) In addition to the information required to be
480 disclosed in subsection (4) of this section, candidates shall
481 disclose:

482 (i) The identity of any individual or entity from
483 which the candidate receives a loan or other extension of credit
484 for use in his campaign or in furtherance of any campaign
485 activities;

486 (ii) The identity of any individual or entity
487 which assumes, in whole or in part, such loan or other extension
488 of credit;

489 (iii) The identity of any individual or entity to
490 which such loan or other extension of credit has been assigned or
491 otherwise transferred, in whole or in part, by contract, purchase,
492 operation of law or otherwise;

493 (iv) The identity of all creditors, cosigners,
494 guarantors, assignees or other parties to such loan, extension of
495 credit, assumption, assignment or related transaction;

496 (v) How such loan or other extension of credit was
497 utilized; and

498 (vi) All details concerning repayment of the loan
499 or extension of credit, including, but not limited to, the time of
500 the repayments, the method of repayments, the amount of repayments
501 and sources of repayments and the identity of the individuals
502 involved in the repayment.

503 (b) Candidates shall also file certified copies of all
504 documents related to the loans, extensions of credit, assumptions,
505 assignments or transactions required to be reported or identified
506 by this subsection.

507 **SECTION 6.** Section 23-15-809, Mississippi Code of 1972, is
508 amended as follows:

509 23-15-809. (1) Every person who makes or contracts to make
510 independent expenditures in an aggregate amount or value in excess

511 of Two Hundred Dollars (\$200.00) during a calendar year shall file
512 a statement within forty-eight (48) hours of making or contracting
513 to make an independent expenditure. The statement shall be filed
514 with the appropriate offices as provided for in Section 23-15-805,
515 and such person shall be considered a political committee for the
516 purpose of determining place of filing.

517 (2) Statements required to be filed under this subsection by
518 a political committee shall include:

519 (a) The name and address of each person who receives
520 any disbursement during the reporting period in an aggregate
521 amount or value in excess of Two Hundred Dollars (\$200.00) within
522 the calendar year;

523 (b) The date, amount and purpose of the expenditure;

524 (c) A statement indicating whether the independent
525 expenditure is in support of, or in opposition to, a candidate,
526 and the office sought by the candidate; and

527 (d) * * * A certification, under penalty of
528 prosecution, of whether * * * the independent expenditure is made
529 in cooperation, consultation or concert with, or at the request or
530 suggestion of, any candidate or any authorized committee or agent
531 of such candidate.

532 (3) Statements required to be filed under this subsection by
533 persons other than a political committee shall include:

534 (a) The name and address of each person who makes a
535 contribution for the purpose of furthering an independent
536 expenditure to the person filing the statement during the
537 reporting period whose contribution during the calendar year has
538 an aggregate amount or value in excess of Two Hundred Dollars
539 (\$200.00) together with the date and amount of such contribution;

540 (b) The name and address of each person who receives
541 any disbursement during the reporting period in an aggregate

542 amount or value in excess of Two Hundred Dollars (\$200.00) within
543 the calendar year;

544 (c) The date, amount and purpose of any independent
545 expenditure;

546 (d) A statement indicating whether the independent
547 expenditure is in support of, or in opposition to, a candidate,
548 and the office sought by the candidate; and

549 (e) A certification, under penalty of prosecution, of
550 whether the independent expenditure is made in cooperation,
551 consultation or concert with, or at the request or suggestion of,
552 any candidate or any authorized committee or agent of such
553 candidate.

554 **SECTION 7.** Section 23-15-811, Mississippi Code of 1972, is
555 amended as follows:

556 23-15-811. (1) Any candidate or any other person who
557 willfully * * * violates the provisions and prohibitions of this
558 article shall be guilty of a misdemeanor and upon conviction
559 thereof shall be punished by a fine in an amount not to exceed Ten
560 Thousand Dollars (\$10,000.00) or imprisoned for not longer than
561 six (6) months, or by both * * *.

562 (2) In addition to the penalties provided in subsection (1)
563 of this section, any candidate or political committee which is
564 required to file a statement or report which fails to file such
565 statement or report on the date in which it is due may be
566 compelled to file such statement or report by an action in the
567 nature of a mandamus.

568 (3) No candidate shall be certified as nominated for
569 election or as elected to office unless and until he files all
570 reports required by this article that are due as of the date of
571 certification.

572 (4) No candidate who is elected to office shall receive any
573 salary or other remuneration for the office unless and until he

574 files all reports required by this article that are due as of the
575 date such salary or remuneration is payable.

576 (5) In the event that a candidate fails to timely file any
577 report required pursuant to this article but subsequently files a
578 report or reports containing all of the information required to be
579 reported by him as of the date on which the sanctions of
580 subsections (3) and (4) of this section would be applied to him,
581 such candidate shall not be subject to the sanctions of
582 subsections (3) and (4) of this section.

583 (6) Prosecutions under this section may be commenced by a
584 district attorney, county prosecuting attorney, or the Attorney
585 General; however, the Attorney General shall prosecute violations,
586 if he deems a violation has occurred, of this article upon
587 recommendation of the State Board of Election Commissioners.

588 **SECTION 8.** Section 23-15-813, Mississippi Code of 1972, is
589 amended as follows:

590 23-15-813. (1) In addition to any other penalty permitted
591 by law, the Secretary of State shall require any person who fails
592 to file a campaign finance disclosure report as required under
593 Sections 23-15-801 through 23-15-813, or Sections 23-17-47 through
594 23-17-53, or who shall file a report which fails to substantially
595 comply with the requirements of Sections 23-15-801 through
596 23-15-813, or Sections 23-17-47 through 23-17-53, to be assessed a
597 civil penalty as follows:

598 (a) Within five (5) calendar days after any deadline
599 for filing a report pursuant to Sections 23-15-801 through
600 23-15-813, or Sections 23-17-47 through 23-17-53, the Secretary of
601 State shall compile a list of those persons who have failed to
602 file a report. The Secretary of State shall provide each person,
603 who has failed to file a report, notice of the failure by
604 first-class mail.

605 (b) Beginning with the tenth calendar day after which
606 any report shall be due, the Secretary of State shall assess the
607 delinquent person a civil penalty of Fifty Dollars (\$50.00) for
608 each day or part of any day until a valid report is delivered to
609 the Secretary of State, up to a maximum of ten (10) days.
610 However, in the discretion of the Secretary of State, the
611 assessing of the fine may be waived in whole or in part if the
612 Secretary of State determines that unforeseeable mitigating
613 circumstances, such as the health of a candidate or other
614 individual required to file a report, interfered with timely
615 filing of a report. Failure of a person to receive notice of
616 failure to file a report from the Secretary of State is not an
617 unforeseeable mitigating circumstance, and failure to receive the
618 notice shall not result in removal or reduction of any assessed
619 civil penalty.

620 (c) Filing of the required report and payment of the
621 fine within ten (10) calendar days of notice by the Secretary of
622 State that a required statement has not been filed, constitutes
623 compliance with Sections 23-15-801 through 23-15-813, or Sections
624 23-17-47 through 23-17-53.

625 (d) Payment of the fine without filing the required
626 report does not in any way excuse or exempt any person required to
627 file from the filing requirements of Sections 23-15-801 through
628 23-15-813, and Sections 23-17-47 through 23-17-53.

629 (e) If any person is assessed a civil penalty, and the
630 penalty is not subsequently waived by the Secretary of State, the
631 person shall pay the fine to the Secretary of State within ninety
632 (90) days of the date of the assessment of the fine. If, after
633 one hundred twenty (120) days of the assessment of the fine the
634 payment for the entire amount of the assessed fine has not been
635 received by the Secretary of State, the Secretary of State shall
636 notify the Attorney General of the delinquency, and the Attorney

637 General shall file, where necessary, a suit to compel payment of
638 the civil penalty.

639 (2) (a) Upon the sworn application, made within sixty (60)
640 calendar days of the date upon which the required report is due,
641 of a person identified in subsection (1) of this section against
642 whom a civil penalty has been assessed pursuant to subsection (1)
643 of this section, the Secretary of State shall forward the
644 application to the State Board of Election Commissioners. The
645 State Board of Election Commissioners shall appoint one or more
646 hearing officers who shall be former chancellors, circuit court
647 judges, judges of the Court of Appeals or justices of the Supreme
648 Court, and who shall conduct hearings held pursuant to this
649 article. The hearing officer shall fix a time and place for a
650 hearing and shall cause a written notice specifying the civil
651 penalties that have been assessed against the person and notice of
652 the time and place of the hearing to be served upon the person at
653 least twenty (20) calendar days before the hearing date. The
654 notice may be served by mailing a copy thereof by certified mail,
655 postage prepaid, to the last known business address of the person.

656 (b) The hearing officer may issue subpoenas for the
657 attendance of witnesses and the production of books and papers at
658 the hearing. Process issued by the hearing officer shall extend
659 to all parts of the state and shall be served by any person
660 designated by the hearing officer for the service.

661 (c) The person has the right to appear either
662 personally, by counsel or both, to produce witnesses or evidence
663 in his behalf, to cross-examine witnesses and to have subpoenas
664 issued by the hearing officer.

665 (d) At the hearing, the hearing officer shall
666 administer oaths as may be necessary for the proper conduct of the
667 hearing. All hearings shall be conducted by the hearing officer,
668 who shall not be bound by strict rules of procedure or by the laws

669 of evidence in the conduct of the proceedings, but the
670 determination shall be based upon sufficient evidence to sustain
671 it. The scope of review at the hearing shall be limited to making
672 a determination of whether failure to file a required report was
673 due to an unforeseeable mitigating circumstance.

674 (e) Where, in any proceeding before the hearing
675 officer, any witness fails or refuses to attend upon a subpoena
676 issued by the commission, refuses to testify, or refuses to
677 produce any books and papers the production of which is called for
678 by a subpoena, the attendance of the witness, the giving of his
679 testimony or the production of the books and papers shall be
680 enforced by any court of competent jurisdiction of this state in
681 the manner provided for the enforcement of attendance and
682 testimony of witnesses in civil cases in the courts of this state.

683 (f) Within fifteen (15) calendar days after conclusion
684 of the hearing, the hearing officer shall reduce his or her
685 decision to writing and forward an attested true copy of the
686 decision to the last known business address of the person by way
687 of United States first-class, certified mail, postage prepaid.

688 (3) (a) The right to appeal from the decision of the
689 hearing officer in an administrative hearing concerning the
690 assessment of civil penalties authorized pursuant to this section
691 is granted. The appeal shall be to the Circuit Court of Hinds
692 County and shall include a verbatim transcript of the testimony at
693 the hearing. The appeal shall be taken within thirty (30)
694 calendar days after notice of the decision of the commission
695 following an administrative hearing. The appeal shall be
696 perfected upon filing notice of the appeal and by the prepayment
697 of all costs, including the cost of the preparation of the record
698 of the proceedings by the hearing officer, and the filing of a
699 bond in the sum of Two Hundred Dollars (\$200.00), conditioned that
700 if the decision of the hearing officer be affirmed by the court,

701 the person will pay the costs of the appeal and the action in
702 court. If the decision is reversed by the court, the Secretary of
703 State will pay the costs of the appeal and the action in court.

704 (b) If there is an appeal, the appeal shall act as a
705 supersedeas. The court shall dispose of the appeal and enter its
706 decision promptly. The hearing on the appeal may be tried in
707 vacation, in the court's discretion. The scope of review of the
708 court shall be limited to a review of the record made before the
709 hearing officer to determine if the action of the hearing officer
710 is unlawful for the reason that it was (i) not supported by
711 substantial evidence, (ii) arbitrary or capricious, (iii) beyond
712 the power of the hearing officer to make, or (iv) in violation of
713 some statutory or constitutional right of the appellant. The
714 decision of the court may be appealed to the Supreme Court in the
715 manner provided by law.

716 (4) If, after forty-five (45) calendar days of the date of
717 the administrative hearing procedure set forth in subsection (2)
718 of this section, the person identified in subsection (1) of this
719 section fails to pay the monetary civil penalty imposed by the
720 hearing officer, the Secretary of State shall notify the Attorney
721 General of the delinquency. The Attorney General shall
722 investigate the offense in accordance with the provisions of this
723 chapter, and where necessary, file suit to compel payment of the
724 unpaid civil penalty.

725 (5) If, after twenty (20) calendar days of the date upon
726 which a campaign finance disclosure report is due, a person
727 identified in subsection (1) of this section shall not have filed
728 a valid report with the Secretary of State, the Secretary of State
729 shall notify the Attorney General of those persons who have not
730 filed a valid report, and the Attorney General shall thereupon
731 prosecute the delinquent candidates and political committees.

732 **SECTION 9.** Section 97-13-15, Mississippi Code of 1972, is
733 amended as follows:

734 97-13-15. It shall be unlawful for any corporation, trust,
735 incorporated company, incorporated association, limited
736 partnership, limited liability partnership or manager-managed
737 limited liability company, by whatever name it may be known,
738 incorporated or organized under the laws of this state, or doing
739 or conducting business in this state, or for any servant, agent,
740 employee or officer thereof, to give, donate, appropriate or
741 furnish directly or indirectly, any money, security, funds or
742 property of such a corporation, trust, incorporated company,
743 incorporated association, limited partnership, limited liability
744 partnership or manager-managed limited liability company, in
745 excess of Two Thousand Dollars (\$2,000.00) per calendar year for
746 the purpose of conducting any of the activities specified in this
747 chapter to any political party, candidate for any public office or
748 candidate for nomination for any public office or political
749 committee, or any representative or committee of such political
750 party, candidate or political committee.

751 **SECTION 10.** Section 23-15-817, Mississippi Code of 1972, is
752 amended as follows:

753 23-15-817. The Secretary of State shall compile a list of
754 all candidates for the Legislature or any statewide office who
755 fail to file a campaign disclosure report by the dates specified
756 in Section 23-15-807(2); the list shall be disseminated to the
757 members of the Mississippi Press Association within two (2)
758 working days after such reports are due and made available to the
759 public.

760 **SECTION 11.** Section 97-13-17, Mississippi Code of 1972, is
761 amended as follows:

762 97-13-17. Any corporation, trust, incorporated company or
763 incorporated association, limited partnership, limited liability

764 partnership or manager-managed limited liability company or agent,
765 officer or employee violating any of the provisions of Section
766 97-13-15 shall, upon conviction, be fined not less than One
767 Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars
768 (\$5,000.00).

769 **SECTION 12.** The Secretary of State shall promulgate rules
770 and regulations in accordance with state law necessary to
771 effectuate the provisions of this act.

772 **SECTION 13.** Section 23-15-1023, Mississippi Code of 1972,
773 which provides that judicial candidates shall disclose information
774 about certain loans, is repealed.

775 **SECTION 14.** The provisions of Sections 23-15-801 through
776 23-15-817 are severable, and, if any of its provisions shall be
777 held unconstitutional by any court of competent jurisdiction, the
778 decision of such court shall not affect, impair or abrogate any of
779 the remaining provisions, but the remaining provisions thereof
780 shall be and remain in full force and effect without regard to
781 that phrase, clause or portion invalidated.

782 **SECTION 15.** The Attorney General of the State of Mississippi
783 shall submit this act, immediately upon approval by the Governor,
784 or upon approval by the Legislature subsequent to a veto, to the
785 Attorney General of the United States or to the United States
786 District Court for the District of Columbia in accordance with the
787 provisions of the Voting Rights Act of 1965, as amended and
788 extended.

789 **SECTION 16.** This act shall take effect and be in force from
790 and after the date it is effectuated under Section 5 of the Voting
791 Rights Act of 1965, as amended and extended.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO CREATE NEW SECTION 23-15-802, MISSISSIPPI CODE OF
2 1972, TO PROVIDE THAT CONTRIBUTIONS TO NAMED CANDIDATE MADE TO A
3 POLITICAL COMMITTEE AUTHORIZED BY THE CANDIDATE TO ACCEPT

4 CONTRIBUTIONS SHALL BE CONSIDERED CONTRIBUTIONS TO THE CANDIDATE;
5 TO PROVIDE THAT EXPENDITURES MADE BY ANY PERSON IN CONCERT WITH A
6 CANDIDATE SHALL BE CONSIDERED TO BE A CONTRIBUTION MADE TO THE
7 CANDIDATE; TO PROVIDE THAT THE FINANCE OF THE DISSEMINATION OF
8 CAMPAIGN MATERIALS SHALL BE CONSIDERED TO BE AN EXPENDITURE FOR,
9 AND A CONTRIBUTION TO THE CANDIDATE; TO PROVIDE THAT DISBURSEMENTS
10 FOR ELECTIONEERING COMMUNICATIONS THAT ARE COORDINATED WITH A
11 CANDIDATE SHALL BE CONSIDERED A CONTRIBUTION TO THE CANDIDATE; TO
12 CREATE NEW SECTION 23-15-808, MISSISSIPPI CODE OF 1972, TO PROVIDE
13 THAT PERSONS WHO MAKE DISBURSEMENT FOR THE DIRECT COST OF
14 PRODUCING AND AIRING ELECTIONEERING COMMUNICATIONS IN AN AGGREGATE
15 AMOUNT IN EXCESS OF \$1,000.00 SHALL FILE A STATEMENT REGARDING
16 SUCH DISBURSEMENT WITHIN 48 HOURS OF THE DISCLOSURE DATE AND TO
17 PROVIDE FOR THE INFORMATION THAT MUST BE INCLUDED IN THE
18 STATEMENT; TO AMEND SECTIONS 23-15-801, 23-15-805, 23-15-807,
19 23-15-809, 23-15-811 AND 23-15-813, MISSISSIPPI CODE OF 1972, TO
20 DEFINE THE TERMS "ELECTIONEERING COMMUNICATION" AND "DISCLOSURE
21 DATE" AND REVISE THE DEFINITION OF CERTAIN TERMS IN THE CAMPAIGN
22 FINANCE DISCLOSURE LAWS; TO REQUIRE, FROM AND AFTER JANUARY 1,
23 2007, CERTAIN CANDIDATES TO FILE THE REPORTS REQUIRED TO BE FILED
24 WITH THE OFFICE OF THE SECRETARY OF STATE BY ELECTRONIC FORMAT; TO
25 CLARIFY THE INFORMATION REQUIRED TO BE INCLUDED IN CERTAIN
26 CAMPAIGN FINANCE REPORTS; TO PROVIDE THAT CAMPAIGN FINANCE REPORTS
27 SHALL INCLUDE CERTAIN INFORMATION REGARDING LOANS OR OTHER
28 EXTENSIONS OF CREDIT MADE TO A CANDIDATE FOR USE IN SUCH
29 CANDIDATE'S CAMPAIGN; TO REQUIRE STATEMENTS REGARDING CERTAIN
30 INDEPENDENT CAMPAIGN EXPENDITURES TO BE FILED WITHIN 48 HOURS AND
31 TO REVISE THE INFORMATION REQUIRED TO BE INCLUDED IN SUCH
32 STATEMENTS; TO REVISE THE ELEMENTS NECESSARY FOR A CONVICTION OF A
33 VIOLATION OF THE CAMPAIGN FINANCE LAWS; TO CLARIFY UPON WHOM
34 ADMINISTRATIVE PENALTIES UNDER THE CAMPAIGN FINANCE LAW MAY APPLY;
35 TO AMEND SECTION 97-13-15, MISSISSIPPI CODE OF 1972, TO INCREASE
36 TO \$2,000.00 THE AMOUNT THAT CORPORATIONS MAY CONTRIBUTE TO
37 POLITICAL CAMPAIGNS IN A CALENDAR YEAR AND TO PLACE TRUSTS,
38 INCORPORATED ASSOCIATIONS, LIMITED PARTNERSHIPS, LIMITED LIABILITY
39 PARTNERSHIPS OR MANAGER-MANAGED LIMITED LIABILITY COMPANIES UNDER
40 SUCH RESTRICTION; TO AMEND SECTION 23-15-817, MISSISSIPPI CODE OF
41 1972, IN CONFORMITY THERETO; TO REPEAL SECTION 23-15-1023,
42 MISSISSIPPI CODE OF 1972, WHICH PROVIDES THAT JUDICIAL CANDIDATES
43 SHALL DISCLOSE CERTAIN INFORMATION ABOUT CERTAIN LOANS; TO AMEND
44 SECTION 97-13-17, MISSISSIPPI CODE OF 1972, TO REVISE PENALTIES
45 FOR VIOLATIONS OF THE PRECEDING SECTIONS; AND FOR RELATED
46 PURPOSES.

CONFEREES FOR THE HOUSE

X (SIGNED)
Thomas U. Reynolds

(NOT SIGNED)
Ferr Smith

X (SIGNED)
Dirk D. Dedeaux

CONFEREES FOR THE SENATE

X (SIGNED)
Robert P. Chamberlin

X (SIGNED)
Merle Flowers

X (SIGNED)
Dean Kirby