

By: Senator(s) Ross

To: Elections

SENATE BILL NO. 2279

1 AN ACT TO AMEND SECTION 23-15-807, MISSISSIPPI CODE OF 1972,
 2 TO PROVIDE THAT CAMPAIGN FINANCE REPORTS SHALL INCLUDE CERTAIN
 3 INFORMATION REGARDING LOANS OR OTHER EXTENSIONS OF CREDIT MADE TO
 4 A CANDIDATE FOR USE IN SUCH CANDIDATE'S CAMPAIGN; TO AMEND SECTION
 5 97-13-15, MISSISSIPPI CODE OF 1972, TO INCREASE TO \$2,000.00 THE
 6 AMOUNT THAT CORPORATIONS, INCORPORATED COMPANIES OR INCORPORATED
 7 ASSOCIATIONS MAY ANNUALLY DONATE FOR THE PURPOSE OF AIDING ANY
 8 POLITICAL PARTY OR ANY CANDIDATE FOR ANY PUBLIC OFFICE, OR ANY
 9 CANDIDATE FOR ANY NOMINATION FOR ANY PUBLIC OFFICE OF ANY
 10 POLITICAL PARTY; TO REPEAL SECTION 23-15-1023, MISSISSIPPI CODE OF
 11 1972, WHICH PROVIDES THAT JUDICIAL CANDIDATES SHALL DISCLOSE
 12 CERTAIN INFORMATION ABOUT CERTAIN LOANS; AND FOR RELATED PURPOSES.

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

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

16 23-15-807. (1) Each candidate or political committee shall
 17 file reports of contributions and disbursements in accordance with
 18 the provisions of this section. All candidates or political
 19 committees required to report may terminate its obligation to
 20 report only upon submitting a final report that it will no longer
 21 receive any contributions or make any disbursement and that such
 22 candidate or committee has no outstanding debts or obligations.
 23 The candidate, treasurer or chief executive officer shall sign
 24 each such report.

25 (2) Candidates who are seeking election, or nomination for
 26 election, and political committees that make expenditures for the
 27 purpose of influencing or attempting to influence the action of
 28 voters for or against the nomination for election, or election, of
 29 one or more candidates or balloted measures at such election,
 30 shall file the following reports:

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

33 filed no later than the seventh day before any election in which
34 such candidate or political committee has accepted contributions
35 or made expenditures and which shall be complete as of the tenth
36 day before such election;

37 **(b)** In 1987 and every fourth year thereafter, periodic
38 reports, which shall be filed no later than the tenth day after
39 April 30, May 31, June 30, September 30 and December 31, and which
40 shall be complete as of the last day of each period; and

41 **(c)** In any calendar years except 1987 and except every
42 fourth year thereafter, a report covering the calendar year which
43 shall be filed no later than January 31 of the following calendar
44 year.

45 **(3)** All candidates for judicial office as defined in Section
46 23-15-975, or their political committees, shall file in the year
47 in which they are to be elected, periodic reports which shall be
48 filed no later than the tenth day after April 30, May 31, June 30,
49 September 30 and December 31.

50 **(4)** Contents of reports. Each report under this article
51 shall disclose:

52 **(a)** For the reporting period and the calendar year, the
53 total amount of all contributions and the total amount of all
54 expenditures of the candidate or reporting committee which shall
55 include those required to be identified pursuant to item (ii) of
56 this paragraph as well as the total of all other contributions and
57 expenditures during the calendar year. Such reports shall be
58 cumulative during the calendar year to which they relate;

59 **(b)** The identification of:

60 **(i)** Each person or political committee who makes a
61 contribution to the reporting candidate or political committee
62 during the reporting period, whose contribution or contributions
63 within the calendar year have an aggregate amount or value in
64 excess of Two Hundred Dollars (\$200.00) together with the date and
65 amount of any such contribution;

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

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

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

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

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

94 (5) The appropriate office specified in Section 23-15-805
95 must be in actual receipt of the reports specified in this article
96 by 5:00 p.m. on the dates specified in subsection (2) of this
97 section. If the date specified in subsection (2) of this section
98 shall fall on a weekend or legal holiday then the report shall be

99 due in the appropriate office at 5:00 p.m. on the first working
100 day before the date specified in subsection (2) of this section.
101 The reporting candidate or reporting political committee shall
102 ensure that the reports are delivered to the appropriate office by
103 the filing deadline. The Secretary of State may approve specific
104 means of electronic transmission of completed campaign finance
105 disclosure reports, which may include, but not be limited to,
106 transmission by electronic facsimile (FAX) devices.

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

- 115 (i) The name of the receiving candidate;
- 116 (ii) The name of the receiving candidate's
117 political committee, if any;
- 118 (iii) The office sought by the candidate;
- 119 (iv) The identification of the contributor;
- 120 (v) The date of receipt;
- 121 (vi) The amount of the contribution;
- 122 (vii) If the contribution is in-kind, a
123 description of the in-kind contribution; and
- 124 (viii) The signature of the candidate or the
125 treasurer or director of the candidate's political committee.

126 (b) The notification shall be in writing, and may be
127 transmitted by overnight mail, courier service, or other reliable
128 means, including electronic facsimile (FAX), but the candidate or
129 candidate's committee shall ensure that the notification shall in
130 fact be received in the appropriate office designated in Section
131 23-15-805 within forty-eight (48) hours of the contribution.

132 (7) (a) In addition to the information required to be
133 disclosed in subsection (4) of this section, candidates shall
134 disclose:

135 (i) The identity of any individual or entity from
136 which the candidate receives a loan or other extension of credit
137 for use in his campaign or in furtherance of any campaign
138 activities;

139 (ii) The identity of any individual or entity
140 which assumes, in whole or in part, such loan or other extension
141 of credit;

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

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

149 (v) How such loan or other extension of credit was
150 utilized; and

151 (vi) All details concerning repayment of the loan
152 or extension of credit, including, but not limited to, the time of
153 the repayments, the method of repayments, the amount of repayments
154 and sources of repayments and the identity of the individuals
155 involved in the repayment.

156 (b) Candidates shall also file certified copies of all
157 documents related to the loans, extensions of credit, assumptions,
158 assignments or transactions required to be reported or identified
159 by this subsection.

160 **SECTION 2.** Section 97-13-15, Mississippi Code of 1972, is
161 amended as follows:

162 97-13-15. It shall be unlawful for any corporation,
163 incorporated company or incorporated association, by whatever name
164 it may be known, incorporated or organized under the laws of this

165 state, or doing business in this state, or for any servant, agent,
166 employee or officer thereof, to give, donate, appropriate or
167 furnish directly or indirectly, any money, security, funds or
168 property of said corporation, incorporated company or incorporated
169 association, in excess of Two Thousand Dollars (\$2,000.00) per
170 calendar year for the purpose of aiding any political party or any
171 candidate for any public office, or any candidate for any
172 nomination for any public office of any political party, or to
173 give, donate, appropriate or furnish, directly or indirectly, any
174 money, security, funds or property of said corporation,
175 incorporated company or association in excess of Two Thousand
176 Dollars (\$2,000.00) to any committee or person as a contribution
177 to the expense of any political party or any candidate,
178 representative or committee of any political party or candidate
179 for nomination by any political party, or any committee or other
180 person acting in behalf of such candidate. The limit of Two
181 Thousand Dollars (\$2,000.00) for contributions to political
182 parties, candidates and committees or other persons acting in
183 behalf of such candidates shall be an annual limitation applicable
184 to each calendar year.

185 **SECTION 3.** Section 23-15-1023, Mississippi Code of 1972,
186 which provides that judicial candidates shall disclose information
187 about certain loans, is repealed.

188 **SECTION 4.** The Attorney General of the State of Mississippi
189 shall submit this act, immediately upon approval by the Governor,
190 or upon approval by the Legislature subsequent to a veto, to the
191 Attorney General of the United States or to the United States
192 District Court for the District of Columbia in accordance with the
193 provisions of the Voting Rights Act of 1965, as amended and
194 extended.

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