

By: Representative Reynolds

To: Apportionment and
Elections

HOUSE BILL NO. 1086

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 AND LABOR UNIONS MAY
37 CONTRIBUTE TO POLITICAL CAMPAIGNS IN A CALENDAR YEAR AND TO PLACE
38 TRUSTS, INCORPORATED ASSOCIATIONS, LIMITED PARTNERSHIPS, LIMITED
39 LIABILITY PARTNERSHIPS, MANAGER-MANAGED LIMITED LIABILITY
40 COMPANIES AND LABOR UNIONS UNDER SUCH RESTRICTION; TO AMEND
41 SECTION 23-15-817, MISSISSIPPI CODE OF 1972, IN CONFORMITY
42 THERETO; TO REPEAL SECTION 23-15-1023, MISSISSIPPI CODE OF 1972,
43 WHICH PROVIDES THAT JUDICIAL CANDIDATES SHALL DISCLOSE CERTAIN
44 INFORMATION ABOUT CERTAIN LOANS; TO AMEND SECTION 97-13-17,
45 MISSISSIPPI CODE OF 1972, TO REVISE PENALTIES FOR VIOLATIONS OF
46 THE PRECEDING SECTIONS; AND FOR RELATED PURPOSES.

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

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) All information required to be disclosed by Section
85 23-15-807(4);

86 (b) The identity of:

87 (i) The person making the disbursement;

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

91 (iii) The custodian of the books and accounts of
92 the person making the disbursement;

93 (c) The principal place of business of the person
94 making the disbursement if the person is not an individual;

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

99 (e) The elections to which the electioneering
100 communication pertains and the names, if known, of the candidates
101 to whom the communication refers;

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

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

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

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

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

121 23-15-801. As used in this article:

122 (a) "Election" means a general, special, primary or
123 runoff election.

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

129 (i) If such individual has received contributions
130 aggregating in excess of Two Hundred Dollars (\$200.00) or has made
131 expenditures aggregating in excess of Two Hundred Dollars
132 (\$200.00) or for a candidate for the Legislature or any statewide
133 or state district office, by the qualifying deadlines specified in
134 Sections 23-15-299 and 23-15-977, whichever occurs first; or

135 (ii) If such individual has given his or her
136 consent to another person to receive contributions or make
137 expenditures on behalf of such individual and if such person has
138 received such contributions aggregating in excess of Two Hundred
139 Dollars (\$200.00) during a calendar year, or has made such
140 expenditures aggregating in excess of Two Hundred Dollars
141 (\$200.00) during a calendar year.

142 (c) "Political committee" means: (i) any committee,
143 party, club, association, political action committee, campaign
144 committee or other groups of persons or affiliated organizations
145 which receives contributions aggregating in excess of Two Hundred
146 Dollars (\$200.00) during a calendar year or which makes

147 expenditures aggregating in excess of Two Hundred Dollars
148 (\$200.00) during a calendar year for the purpose of conducting any
149 of the activities specified in this chapter; or (ii) any
150 segregated fund established, administered and utilized for
151 political purposes by a corporation, labor organization, political
152 party registered with the Secretary of State, membership
153 organization, cooperative or corporation without capital stock.

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

158 (e) (i) "Contribution" includes any gift,
159 subscription, loan, advance * * * of money or anything of value
160 made by any person or political committee for the purpose of
161 influencing any election for an elective office or balloted
162 measure, or promise or guarantee of a subscription, loan, advance
163 or deposit of money or anything of value that was made by any
164 person, political committee or political party for the purpose of
165 influencing any election for an elective office or balloted
166 measure that would cause a candidate, political committee,
167 political party or affiliated organization to act for purposes of
168 influencing any election for an elective office or balloted
169 measure on reliance of such promise or guarantee in making an
170 expenditure as defined in this section:

171 (ii) The term "contribution" includes a check made
172 by any person, organization or political committee for the purpose
173 of influencing any election for an elective office or balloted
174 measure. A check shall be considered to have been received under
175 this article for the purpose of reporting when the candidate,
176 political committee, political party or affiliated organization
177 obtains physical possession of the check;

178 (iii) The term "contribution" does not include the
179 value of services provided without compensation by any individual

180 who volunteers on behalf of a candidate or political committee; or
181 the cost of any food or beverage for use in any candidate's
182 campaign or for use by or on behalf of any political committee of
183 a political party; and

184 (iv) A contribution to a political party includes
185 any gift, subscription, loan, advance or deposit of money or
186 anything of value made by any person, political committee, or
187 other organization to a political party and to any committee,
188 subcommittee, campaign committee, political committee and other
189 groups of persons and affiliated organizations of the political
190 party; however, a contribution to a political party does not
191 include the value of services provided without compensation by any
192 individual who volunteers on behalf of a political party or a
193 candidate of a political party.

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

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

199 2. A written contract, promise, or agreement
200 to make an expenditure; and

201 (ii) "Expenditure" does not include:

202 1. Any news story, commentary or editorial
203 distributed through the facilities of any broadcasting station,
204 newspaper or magazine of general circulation, or other periodical
205 publication, unless such facilities are owned or controlled by any
206 political party, political committee, or candidate; or

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

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

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

213 political party and by any contractor, subcontractor, agent, and
214 consultant to the political party; and

215 2. A written contract, promise, or agreement
216 to make such an expenditure.

217 (g) The term "identification" means:

218 (i) In the case of any individual, the name, the
219 mailing address, and the occupation of such individual, as well as
220 the name of his or her employer; and

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

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

227 (i) * * * "Person" shall mean any individual, family,
228 firm, committee, corporation, partnership, association, political
229 committee or other legal entity.

230 (j) "Corporation" shall mean any corporation, trust,
231 incorporated company, incorporated association, limited
232 partnership, limited liability partnership, manager-managed
233 limited liability company or organization by whatever name it may
234 be known, incorporated or organized under the laws of this state
235 or another state, or doing or conducting business in this state,
236 or any servant, agent, employee or officer thereof.

237 (k) * * * "Independent expenditure" means an
238 expenditure by a person expressly advocating the election or
239 defeat of a clearly identified candidate * * * and which is not
240 made in concert with or at the request or suggestion of any
241 candidate, any authorized committee of the candidate or the agent
242 of the candidate or committee or a political party committee or
243 its agents.

244 (l) * * * "Clearly identified" means that:

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

246 (ii) A photograph or drawing of the candidate
247 appears; or

248 (iii) The identity of the candidate is apparent by
249 unambiguous reference.

250 (m) (i) "Electioneering communication" means any
251 broadcast, cable or satellite communication, telephone calls or
252 postal mailing which refers to a clearly identified candidate for
253 state or local office and is made:

254 1. Within sixty (60) days before a general,
255 special or runoff election for the office sought by the candidate;
256 or

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

260 (ii) The term "electioneering communication" does
261 not include:

262 1. A communication appearing in a news story,
263 commentary or editorial distributed through the facilities of any
264 broadcasting station, unless such facilities are owned or
265 controlled by any political committee or candidate;

266 2. A communication which constitutes an
267 independent expenditure;

268 3. A communication which constitutes a
269 candidate debate or forum or which solely promotes the candidate
270 debate or forum and is made by or on behalf of the person
271 sponsoring the debate; or

272 4. Nonpartisan activity designed to encourage
273 individuals to vote or register to vote and does not refer to a
274 clearly identified candidate for state or local office.

275 (iii) An electioneering communication is targeted
276 at the relevant electorate if the communication:

277 1. Refers to a clearly identified candidate;

278 and

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

282 (n) "Disclosure date" means:

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

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

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

294 23-15-805. (1) Candidates for state, state district, and
295 legislative district offices, and every political committee, which
296 makes reportable contributions to or expenditures in support of or
297 in opposition to a candidate for any such office or makes
298 reportable contributions to or expenditures in support of or in
299 opposition to a statewide ballot measure, shall file all reports
300 required under this article with the Office of the Secretary of
301 State.

302 (2) (a) From and after January 1, 2007, all candidates for
303 state, state district and legislative district office, their
304 authorized committees or agents and other political committees
305 that receive contributions or make expenditures in excess of
306 Seventy-five Thousand Dollars (\$75,000.00) in any calendar year
307 shall file the reports required under this article by electronic
308 format.

309 (b) When aggregate contributions or aggregate
310 disbursements for a calendar year reach in excess of Seventy-five
311 Thousand Dollars (\$75,000.00), the candidate, his or her

312 authorized committee or agent, or political committee must
313 resubmit each previously submitted report for the same calendar
314 year that was not filed electronically by way of electronic format
315 within thirty (30) days of exceeding the threshold of Seventy-five
316 Thousand Dollars (\$75,000.00).

317 (c) The Office of the Secretary of State shall adopt
318 rules and regulations designating the format and software to be
319 used in filing reports by electronic format under this subsection.
320 All candidates and committees required to file reports by
321 electronic format under this subsection shall follow the format
322 and use the software prescribed by the Office of the Secretary of
323 State.

324 (3) Candidates for county or county district office, and
325 every political committee which makes reportable contributions to
326 or expenditures in support of or in opposition to a candidate for
327 such office or makes reportable contributions to or expenditures
328 in support of or in opposition to a countywide ballot measure or a
329 ballot measure affecting part of a county, excepting a municipal
330 ballot measure, shall file all reports required by this section in
331 the office of the circuit clerk of the county in which the
332 election occurs. The circuit clerk shall forward copies of all
333 reports to the Office of the Secretary of State.

334 (4) Candidates for municipal office, and every political
335 committee which makes reportable contributions to or expenditures
336 in support of or in opposition to a candidate for such office, or
337 makes reportable contributions to or expenditures in support of or
338 in opposition to a municipal ballot measure shall file all reports
339 required by this article in the office of the municipal clerk of
340 the municipality in which the election occurs. The municipal
341 clerk shall forward copies of all reports to the Office of the
342 Secretary of State.

343 (5) (a) The Secretary of State, the circuit clerks and the
344 municipal clerks shall make all reports received under this

345 subsection available for public inspection and copying and shall
346 preserve such reports for a period of five (5) years.

347 (b) No information copied from reports required to be
348 filed under this article shall be sold or used by any person for
349 the purpose of soliciting contributions or for commercial purposes
350 other than using the name and address of any political committee
351 to solicit contributions from the political committee.

352 * * *

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

355 23-15-807. (1) Each candidate or political committee shall
356 file reports of contributions and disbursements in accordance with
357 the provisions of this section. All candidates or political
358 committees required to report may terminate its obligation to
359 report only upon submitting a final report that it will no longer
360 receive any contributions or make any disbursement and that such
361 candidate or committee has no outstanding debts or obligations.
362 The candidate, treasurer or chief executive officer shall sign
363 each such report.

364 (2) Candidates who are seeking election, or nomination for
365 election, and political committees that receive contributions or
366 make expenditures in excess of Two Hundred Dollars (\$200.00) in
367 the aggregate in any calendar year for the purpose of influencing
368 or attempting to influence the action of voters for or against the
369 nomination for election, or election, of one or more candidates or
370 balloted measures at such election or conducting any activities
371 specified in this chapter, shall file the following reports:

372 (a) In any calendar year during which there is a
373 regularly scheduled election, a preelection report, which shall be
374 filed no later than the seventh day before any election in which
375 such candidate or political committee has accepted contributions
376 or made expenditures and which shall include all campaign finance
377 activity for the period beginning after the last appropriately

378 filed annual, periodic or preelection report and extending through
379 the tenth day before such election;

380 (b) In 1987 and every fourth year thereafter, periodic
381 reports, which shall be filed no later than the tenth day after
382 April 30, May 31, June 30, September 30 and December 31, and which
383 shall include all campaign finance activity for the period
384 beginning after the last appropriately filed annual, periodic or
385 preelection report and extending through the last day of each
386 period; and

387 (c) In any calendar years except 1987 and except every
388 fourth year thereafter, a report covering the calendar year which
389 shall be filed no later than January 31 of the following calendar
390 year.

391 (3) All candidates for judicial office as defined in Section
392 23-15-975, and political committees that receive contributions or
393 make expenditures in excess of Two Hundred Dollars (\$200.00) in
394 the aggregate in any calendar year for the purpose of influencing
395 or attempting to influence the action of voters for or against the
396 nomination for election, or election, of one or more candidates or
397 balloted measures of such election or conducting any activities
398 specified in this chapter, shall file in the year in which they
399 are to be elected, periodic reports which shall be filed no later
400 than the tenth day after April 30, May 31, June 30, September 30
401 and December 31. These reports shall include all campaign finance
402 activity for the period beginning after the last appropriately
403 filed annual, periodic or preelection report and extending through
404 the last day of each period.

405 (4) Each report under this article shall disclose:

406 (a) For the reporting period and the calendar year, the
407 total amount of all contributions and the total amount of all
408 expenditures of the candidate or reporting committee which shall
409 include those required to be identified pursuant to paragraph (b)
410 of this subsection (4) as well as the total of all other

411 contributions and expenditures during the calendar year. Such
412 reports shall be cumulative during the calendar year to which they
413 relate;

414 (b) The identification of:

415 (i) Each person or political committee who makes a
416 contribution to the reporting candidate or political committee
417 during the reporting period, whose contribution or contributions
418 within the calendar year have an aggregate amount or value in
419 excess of Two Hundred Dollars (\$200.00) together with the date and
420 amount of any such contribution;

421 (ii) Each person or organization, candidate or
422 political committee who receives an expenditure, payment or other
423 transfer from the reporting candidate, political committee or its
424 agent, employee, designee, contractor, consultant or other person
425 or persons acting in its behalf during the reporting period when
426 the expenditure, payment or other transfer to such person,
427 organization, candidate or political committee within the calendar
428 year have an aggregate value or amount in excess of Two Hundred
429 Dollars (\$200.00) together with the date and amount of such
430 expenditure;

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

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

436 (i) Each person or political committee who makes a
437 contribution to a political party during the reporting period and
438 whose contribution or contributions to a political party within
439 the calendar year have an aggregate amount or value in excess of
440 Two Hundred Dollars (\$200.00), together with the date and amount
441 of the contribution;

442 (ii) Each person or organization who receives an
443 expenditure by a political party or expenditures by a political

444 party during the reporting period when the expenditure or
445 expenditures to the person or organization within the calendar
446 year have an aggregate value or amount in excess of Two Hundred
447 Dollars (\$200.00), together with the date and amount of the
448 expenditure.

449 (e) In addition to the contents of the reports
450 specified in paragraphs (a), (b), (c) and (d) of this subsection
451 (4), the following additional matters will be required to be
452 disclosed:

453 (i) For each reporting candidate and political
454 committee registered or required to be registered with the
455 Secretary of State shall disclose each political committee that
456 makes a contribution to the reporting candidate or reporting
457 political committee, and for each political committee so disclosed
458 which is not registered with the Secretary of State or which has
459 not filed all required campaign finance reports, the name and
460 address of each person contributing to such political committee
461 that contributed in excess of Two Hundred Dollars (\$200.00) in the
462 aggregate, in the calendar year, the amount contributed, and the
463 date of the contribution.

464 (ii) For each reporting political committee
465 registered or required to be registered with the Secretary of
466 State shall disclose each corporation or labor organization that
467 make a contribution to a political committee, and for each
468 corporation or labor organization that make a contribution in
469 excess of Two Thousand Dollars (\$2,000.00), in the aggregate, per
470 calendar year.

471 1. In the case of nonprofit corporations and
472 labor organizations, the name and address of each person, member,
473 affiliate, organization, association or group of persons giving,
474 donating, loaning, advancing or contributing in excess of Two
475 Hundred Dollars (\$200.00) in the aggregate, in the calendar year,
476 to said nonprofit corporation or labor organization.

477 2. In the case of all other corporations, the
478 address of the principal place of business of the corporation, the
479 names and addresses of the board of directors of the corporation
480 and the name and address of the chief executive officer of the
481 corporation.

482 Nothing in this section shall in any way limit the right of any
483 corporation or labor organization from engaging in activity
484 designed to encourage individuals to vote or register to vote.
485 Communication by a corporation to its stockholders or executive or
486 administrative personnel or by a labor organization to its members
487 or executive personnel on any subject shall not be included in any
488 of the requirements of this act. A segregated fund established by
489 a corporation or labor organization conduct any of the activities
490 specified in this chapter shall be considered a political
491 committee as defined by Section 23-15-801(c) and individual
492 contributions to such committee shall not be limited.

493 (iii) No political committee shall accept any
494 contribution from another political committee or entity identified
495 by Section 97-13-15 for the purpose of making contributions,
496 expenditures, independent expenditures or electioneering
497 communication disbursements unless it obtains the information
498 required to be disclosed by this section, nor shall any candidate
499 accept any contribution from a political committee identified by
500 Section 97-13-15 for the purpose of making contributions,
501 expenditures, disbursements unless it obtains the information
502 required to be disclosed by this section. The failure of a
503 candidate or political committee to make the required disclosures
504 shall subject the candidate or political committee to the
505 penalties provided by this law.

506 (iv) The provisions of this subparagraph (e) shall
507 not apply to contributions from a political committee made to or
508 received from a political committee of a political party
509 registered with the Secretary of State.

510 (5) The appropriate office specified in Section 23-15-805
511 must be in actual receipt of the reports specified in this article
512 by 5:00 p.m. on the dates specified in subsection (2) of this
513 section. If the date specified in subsection (2) of this section
514 shall fall on a weekend or legal holiday then the report shall be
515 due in the appropriate office at 5:00 p.m. on the first working
516 day before the date specified in subsection (2) of this section.
517 The reporting candidate or reporting political committee shall
518 ensure that the reports are delivered to the appropriate office by
519 the filing deadline. The Secretary of State may approve specific
520 means of electronic transmission of completed campaign finance
521 disclosure reports, which may include, but not be limited to,
522 transmission by electronic facsimile (FAX) devices.

523 (6) (a) If any contribution or expenditure of more than Two
524 Hundred Dollars (\$200.00) is received or made by a candidate or
525 candidate's political committee after the tenth day, but more than
526 forty-eight (48) hours before 12:01 a.m. of the day of the
527 election, the candidate or political committee shall notify by
528 filing a report with the appropriate office designated in Section
529 23-15-805, within forty-eight (48) hours of the expenditure or
530 receipt of the contribution in excess of Two Hundred Dollars
531 (\$200.00). Multiple contributions may be included in a single
532 report if none of the reported contributions was received more
533 than forty-eight (48) hours before the report is filed. The
534 report shall include:

- 535 (i) The name of the receiving or expending
536 candidate;
- 537 (ii) The name of the expending or receiving
538 candidate's political committee, if any;
- 539 (iii) The office sought by the candidate;
- 540 (iv) The identification of each person who made a
541 contribution or of the entity receiving the expenditure required
542 to be reported under this subsection;

543 (v) The date of receipt of each contribution or
544 the date of expenditure required to be reported under this
545 subsection;

546 (vi) The amount of each contribution or
547 expenditure required to be reported under this subsection;

548 (vii) If a contribution is in-kind, a description
549 of the in-kind contribution, or if the expenditure is a thing of
550 value, a description of the thing of value; * * *

551 (viii) The signature of the candidate or the
552 treasurer or director of the candidate's political committee;

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

555 (x) All information required to be disclosed by
556 Section 23-15-807(4).

557 (b) The report required by this subsection shall be in
558 writing, and may be transmitted by overnight mail, courier
559 service, or other reliable means, including electronic facsimile
560 (FAX), but the candidate or candidate's committee shall ensure
561 that the notification shall in fact be received in the appropriate
562 office designated in Section 23-15-805 within forty-eight (48)
563 hours of the contribution or expenditure.

564 (c) The filing of reports required by this subsection
565 does not relieve the candidate of the responsibility of including
566 the contributions contained in the report in the next report
567 required to be filed under subsection (2) of this section.

568 (7) (a) In addition to the information required to be
569 disclosed in subsection (4) of this section, candidates shall
570 disclose:

571 (i) The identity of any individual or entity from
572 which the candidate receives a loan or other extension of credit
573 for use in his campaign or in furtherance of any campaign
574 activities;

575 (ii) The identity of any individual or entity
576 which assumes, in whole or in part, such loan or other extension
577 of credit;

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

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

585 (v) How such loan or other extension of credit was
586 utilized; and

587 (vi) All details concerning repayment of the loan
588 or extension of credit, including, but not limited to, the time of
589 the repayments, the method of repayments, the amount of repayments
590 and sources of repayments and the identity of the individuals
591 involved in the repayment.

592 (b) Candidates shall also file certified copies of all
593 documents related to the loans, extensions of credit, assumptions,
594 assignments or transactions required to be reported or identified
595 by this subsection.

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

598 23-15-809. (1) Every person who makes or contracts to make
599 independent expenditures in an aggregate amount or value in excess
600 of Two Hundred Dollars (\$200.00) during a calendar year shall file
601 a statement within forty-eight (48) hours of making or contracting
602 to make an independent expenditure. The statement shall be filed
603 with the appropriate offices as provided for in Section 23-15-805,
604 and such person shall be considered a political committee for the
605 purpose of determining place of filing.

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

608 (a) All information required to be disclosed by Section
609 23-15-807(4);

610 (b) The name and address of each person who receives
611 any disbursement during the reporting period in an aggregate
612 amount or value in excess of Two Hundred Dollars (\$200.00) within
613 the calendar year;

614 (c) The date, amount and purpose of the expenditure;

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

618 (e) * * * A certification, under penalty of
619 prosecution, of whether * * * the independent expenditure is made
620 in cooperation, consultation or concert with, or at the request or
621 suggestion of, any candidate or any authorized committee or agent
622 of such candidate.

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

625 (a) All information required to be disclosed by Section
626 23-15-807(4);

627 (b) The name and address of each person who makes a
628 contribution for the purpose of furthering an independent
629 expenditure to the person filing the statement during the
630 reporting period whose contribution during the calendar year has
631 an aggregate amount or value in excess of Two Hundred Dollars
632 (\$200.00) together with the date and amount of such contribution;

633 (c) The name and address of each person who receives
634 any disbursement during the reporting period in an aggregate
635 amount or value in excess of Two Hundred Dollars (\$200.00) within
636 the calendar year;

637 (d) The date, amount and purpose of any independent
638 expenditure;

639 (e) A statement indicating whether the independent
640 expenditure is in support of, or in opposition to, a candidate,
641 and the office sought by the candidate; and

642 (f) A certification, under penalty of prosecution, of
643 whether the independent expenditure is made in cooperation,
644 consultation or concert with, or at the request or suggestion of,
645 any candidate or any authorized committee or agent of such
646 candidate.

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

649 23-15-811. (1) Any candidate or any other person who
650 willfully * * * violates the provisions and prohibitions of this
651 article shall be guilty of a misdemeanor and upon conviction
652 thereof shall be punished by a fine in an amount not to exceed
653 Twenty-five Thousand Dollars (\$25,000.00) or imprisoned for not
654 longer than six (6) months, or by both * * *.

655 (2) In addition to the penalties provided in subsection (1)
656 of this section, any candidate or political committee which is
657 required to file a statement or report which fails to file such
658 statement or report on the date in which it is due may be
659 compelled to file such statement or report by an action in the
660 nature of a mandamus.

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

665 (4) No candidate who is elected to office shall receive any
666 salary or other remuneration for the office unless and until he
667 files all reports required by this article that are due as of the
668 date such salary or remuneration is payable.

669 (5) In the event that a candidate fails to timely file any
670 report required pursuant to this article but subsequently files a
671 report or reports containing all of the information required to be

672 reported by him as of the date on which the sanctions of
673 subsections (3) and (4) of this section would be applied to him,
674 such candidate shall not be subject to the sanctions of
675 subsections (3) and (4) of this section.

676 (6) The Attorney General shall prosecute if he deems a
677 violation has occurred under this section. Upon recommendation by
678 the State Board of Election Commissioners, the Attorney General,
679 after a thorough review of the facts leading to such
680 recommendation, may prosecute violations under this section, if he
681 deems a violation has occurred. Prosecutions under this section
682 may also be commenced by a district attorney or county prosecuting
683 attorney.

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

686 23-15-813. (1) In addition to any other penalty permitted
687 by law, the Secretary of State shall require any person who fails
688 to file a campaign finance disclosure report as required under
689 Sections 23-15-801 through 23-15-813, or Sections 23-17-47 through
690 23-17-53, or who shall file a report which fails to substantially
691 comply with the requirements of Sections 23-15-801 through
692 23-15-813, or Sections 23-17-47 through 23-17-53, to be assessed a
693 civil penalty as follows:

694 (a) Within five (5) calendar days after any deadline
695 for filing a report pursuant to Sections 23-15-801 through
696 23-15-813, or Sections 23-17-47 through 23-17-53, the Secretary of
697 State shall compile a list of those persons who have failed to
698 file a report. The Secretary of State shall provide each person,
699 who has failed to file a report, notice of the failure by
700 first-class mail.

701 (b) Beginning with the tenth calendar day after which
702 any report shall be due, the Secretary of State shall assess the
703 delinquent person a civil penalty of Fifty Dollars (\$50.00) for
704 each day or part of any day until a valid report is delivered to

705 the Secretary of State, up to a maximum of ten (10) days.
706 However, in the discretion of the Secretary of State, the
707 assessing of the fine may be waived in whole or in part if the
708 Secretary of State determines that unforeseeable mitigating
709 circumstances, such as the health of a candidate or other
710 individual required to file a report, interfered with timely
711 filing of a report. Failure of a person to receive notice of
712 failure to file a report from the Secretary of State is not an
713 unforeseeable mitigating circumstance, and failure to receive the
714 notice shall not result in removal or reduction of any assessed
715 civil penalty.

716 (c) Filing of the required report and payment of the
717 fine within ten (10) calendar days of notice by the Secretary of
718 State that a required statement has not been filed, constitutes
719 compliance with Sections 23-15-801 through 23-15-813, or Sections
720 23-17-47 through 23-17-53.

721 (d) Payment of the fine without filing the required
722 report does not in any way excuse or exempt any person required to
723 file from the filing requirements of Sections 23-15-801 through
724 23-15-813, and Sections 23-17-47 through 23-17-53.

725 (e) If any person is assessed a civil penalty, and the
726 penalty is not subsequently waived by the Secretary of State, the
727 person shall pay the fine to the Secretary of State within ninety
728 (90) days of the date of the assessment of the fine. If, after
729 one hundred twenty (120) days of the assessment of the fine the
730 payment for the entire amount of the assessed fine has not been
731 received by the Secretary of State, the Secretary of State shall
732 notify the Attorney General of the delinquency, and the Attorney
733 General shall file, where necessary, a suit to compel payment of
734 the civil penalty.

735 (2) (a) Upon the sworn application, made within sixty (60)
736 calendar days of the date upon which the required report is due,
737 of a person identified in subsection (1) of this section against

738 whom a civil penalty has been assessed pursuant to subsection (1)
739 of this section, the Secretary of State shall forward the
740 application to the State Board of Election Commissioners. The
741 State Board of Election Commissioners shall appoint one or more
742 hearing officers who shall be former chancellors, circuit court
743 judges, judges of the Court of Appeals or justices of the Supreme
744 Court, and who shall conduct hearings held pursuant to this
745 article. The hearing officer shall fix a time and place for a
746 hearing and shall cause a written notice specifying the civil
747 penalties that have been assessed against the person and notice of
748 the time and place of the hearing to be served upon the person at
749 least twenty (20) calendar days before the hearing date. The
750 notice may be served by mailing a copy thereof by certified mail,
751 postage prepaid, to the last known business address of the person.

752 (b) The hearing officer may issue subpoenas for the
753 attendance of witnesses and the production of books and papers at
754 the hearing. Process issued by the hearing officer shall extend
755 to all parts of the state and shall be served by any person
756 designated by the hearing officer for the service.

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

761 (d) At the hearing, the hearing officer shall
762 administer oaths as may be necessary for the proper conduct of the
763 hearing. All hearings shall be conducted by the hearing officer,
764 who shall not be bound by strict rules of procedure or by the laws
765 of evidence in the conduct of the proceedings, but the
766 determination shall be based upon sufficient evidence to sustain
767 it. The scope of review at the hearing shall be limited to making
768 a determination of whether failure to file a required report was
769 due to an unforeseeable mitigating circumstance.

770 (e) Where, in any proceeding before the hearing
771 officer, any witness fails or refuses to attend upon a subpoena
772 issued by the commission, refuses to testify, or refuses to
773 produce any books and papers the production of which is called for
774 by a subpoena, the attendance of the witness, the giving of his
775 testimony or the production of the books and papers shall be
776 enforced by any court of competent jurisdiction of this state in
777 the manner provided for the enforcement of attendance and
778 testimony of witnesses in civil cases in the courts of this state.

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

784 (3) (a) The right to appeal from the decision of the
785 hearing officer in an administrative hearing concerning the
786 assessment of civil penalties authorized pursuant to this section
787 is granted. The appeal shall be to the Circuit Court of Hinds
788 County and shall include a verbatim transcript of the testimony at
789 the hearing. The appeal shall be taken within thirty (30)
790 calendar days after notice of the decision of the commission
791 following an administrative hearing. The appeal shall be
792 perfected upon filing notice of the appeal and by the prepayment
793 of all costs, including the cost of the preparation of the record
794 of the proceedings by the hearing officer, and the filing of a
795 bond in the sum of Two Hundred Dollars (\$200.00), conditioned that
796 if the decision of the hearing officer be affirmed by the court,
797 the person will pay the costs of the appeal and the action in
798 court. If the decision is reversed by the court, the Secretary of
799 State will pay the costs of the appeal and the action in court.

800 (b) If there is an appeal, the appeal shall act as a
801 supersedeas. The court shall dispose of the appeal and enter its
802 decision promptly. The hearing on the appeal may be tried in

803 vacation, in the court's discretion. The scope of review of the
804 court shall be limited to a review of the record made before the
805 hearing officer to determine if the action of the hearing officer
806 is unlawful for the reason that it was (i) not supported by
807 substantial evidence, (ii) arbitrary or capricious, (iii) beyond
808 the power of the hearing officer to make, or (iv) in violation of
809 some statutory or constitutional right of the appellant. The
810 decision of the court may be appealed to the Supreme Court in the
811 manner provided by law.

812 (4) If, after forty-five (45) calendar days of the date of
813 the administrative hearing procedure set forth in subsection (2)
814 of this section, the person identified in subsection (1) of this
815 section fails to pay the monetary civil penalty imposed by the
816 hearing officer, the Secretary of State shall notify the Attorney
817 General of the delinquency. The Attorney General shall
818 investigate the offense in accordance with the provisions of this
819 chapter, and where necessary, file suit to compel payment of the
820 unpaid civil penalty.

821 (5) If, after twenty (20) calendar days of the date upon
822 which a campaign finance disclosure report is due, a person
823 identified in subsection (1) of this section shall not have filed
824 a valid report with the Secretary of State, the Secretary of State
825 shall notify the Attorney General of those persons who have not
826 filed a valid report, and the Attorney General shall thereupon
827 prosecute the delinquent candidates and political committees.

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

830 97-13-15. It shall be unlawful for any corporation, trust,
831 incorporated company, incorporated association, limited
832 partnership, limited liability partnership, manager-managed
833 limited liability company, labor union or groups of persons that
834 exist for the purposes of dealing with employers concerning
835 grievances, labor disputes, wages, rates of pay, hours of

836 employment or conditions of work, by whatever name it may be
837 known, incorporated or organized under the laws of this state, or
838 doing or conducting business in this state, or for any servant,
839 agent, employee or officer thereof, to give, donate, appropriate
840 or furnish directly or indirectly, any money, security, funds or
841 property of such a corporation, trust, incorporated company,
842 incorporated association, limited partnership, limited liability
843 partnership, manager-managed limited liability company, labor
844 union or groups of persons that exist for the purposes of dealing
845 with employers concerning grievances, labor disputes, wages, rates
846 of pay, hours of employment or conditions of work, in excess of
847 Two Thousand Dollars (\$2,000.00) per calendar year for the purpose
848 of aiding any political party, candidate for any public office,
849 or * * * candidate for * * * nomination for any public office or
850 any representative or committee of such political party or
851 candidate.

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

854 23-15-817. The Secretary of State shall compile a list of
855 all candidates for the Legislature or any statewide office who
856 fail to file a campaign disclosure report by the dates specified
857 in Section 23-15-807(2); the list shall be disseminated to the
858 members of the Mississippi Press Association within two (2)
859 working days after such reports are due and made available to the
860 public.

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

863 97-13-17. Any corporation, trust, incorporated company or
864 incorporated association, limited partnership, limited liability
865 partnership or manager-managed limited liability company,
866 political committee, political action committee, labor union or
867 groups of persons that exist for the purposes of dealing with
868 employers concerning grievances, labor disputes, wages, rates of

869 pay, hours of employment or conditions of work, or agent, officer
870 or employee violating any of the provisions of Section 97-13-15
871 shall, upon conviction, be fined not less than One Thousand
872 Dollars (\$1,000.00) nor more than Five Thousand Dollars
873 (\$5,000.00), except that where the amount or value of money,
874 security, funds or property unlawfully given, donated,
875 appropriated or furnished, directly or indirectly, shall exceed
876 Five Thousand Dollars (\$5,000.00), the corporation, trust,
877 incorporated company or incorporated association, limited
878 partnership, limited liability partnership, manager-managed
879 limited liability company, political committee, political action
880 committee, labor union or groups of persons that exist for the
881 purposes of dealing with employers concerning grievances, labor
882 disputes, wages, rates of pay, hours of employment or conditions
883 of work, or agent, officer or employee violating any of the
884 provisions of Section 97-13-15 shall, upon conviction, be fined
885 not less than Five Thousand Dollars (\$5,000.00) nor more than
886 three (3) times the amount or value of money, security, funds or
887 property unlawfully given, donated, appropriated or furnished,
888 directly or indirectly.

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

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

895 **SECTION 14.** The provisions of Sections 23-15-801 through
896 23-15-817 are severable, and, if any of its provisions shall be
897 held unconstitutional by any court of competent jurisdiction, the
898 decision of such court shall not affect, impair or abrogate any of
899 the remaining provisions, but the remaining provisions thereof
900 shall be and remain in full force and effect without regard to
901 that phrase, clause or portion invalidated.

902 **SECTION 15.** The Attorney General of the State of Mississippi
903 shall submit this act, immediately upon approval by the Governor,
904 or upon approval by the Legislature subsequent to a veto, to the
905 Attorney General of the United States or to the United States
906 District Court for the District of Columbia in accordance with the
907 provisions of the Voting Rights Act of 1965, as amended and
908 extended.

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