

By: Representative Reynolds

To: Apportionment and
ElectionsCOMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 999

1 AN ACT TO PROHIBIT A CANDIDATE FROM USING ANY CAMPAIGN
2 CONTRIBUTION RECEIVED BY SUCH CANDIDATE FROM ANY SOURCE FOR ANY
3 PERSONAL PURPOSE OR FOR ANY REASON UNRELATED TO THE CANDIDATE'S
4 CAMPAIGN TO SEEK ELECTION OR REELECTION TO AN OFFICE; TO REQUIRE
5 THAT A CANDIDATE TURN OVER UNEXPENDED CAMPAIGN FUNDS; AND FOR
6 RELATED PURPOSES.

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

8 **SECTION 1.** The following shall be codified as Section
9 23-15-802, Mississippi Code of 1972:

10 23-15-802. It shall be unlawful for a candidate to use any
11 campaign contribution received by such candidate from any source
12 for any personal purpose or for any reason unrelated to the
13 candidate's campaign to seek election or reelection to an office.
14 A candidate who uses campaign contributions to fulfill any
15 commitment, obligation or expense that would exist regardless of
16 the candidate's campaign shall be deemed to have taken campaign
17 contributions for a personal purpose. For purposes of this
18 section, "unexpended contributions" means any campaign
19 contributions remaining after payment of all campaign
20 expenditures.

21 (a) Within thirty (30) days following the end of the
22 month in which an election is held, a candidate who is not
23 declared duly elected shall turn over unexpended campaign funds to
24 either: (i) campaign contributors on a prorated basis, (ii) a
25 nonprofit organization which is exempt from taxation under Section
26 501(c)(3) of the Internal Revenue Code, or (iii) an organized
27 political party of the candidate's choice. However, no candidate
28 is required to distribute to a campaign contributor an amount that

29 exceeds the amount of the contribution made by such contributor to
30 the candidate.

31 (b) A candidate that is declared duly elected for the
32 office for which the candidate was on the ballot shall deposit all
33 unexpended contributions in an account separate from any personal
34 accounts. The unexpended contributions shall only be used by such
35 candidate for expenses related to the office for which the
36 candidate was declared duly elected, which include but shall not
37 be limited to, constituent services and charitable donations.

38 (c) Any person found guilty of violating the provisions
39 of this subsection shall be fined up to Five Thousand Dollars
40 (\$5,000.00) per day of violation over the time period provided in
41 subparagraph (a), imprisoned for up to six (6) months, or both.

42 **SECTION 2.** The Attorney General of the State of Mississippi
43 shall submit this act, immediately upon approval by the Governor,
44 or upon approval by the Legislature subsequent to a veto, to the
45 Attorney General of the United States or to the United States
46 District Court for the District of Columbia in accordance with the
47 provisions of the Voting Rights Act of 1965, as amended and
48 extended.

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