

By: Senator(s) Doty, Blount, Branning,  
Caughman, Gollott, Jackson (15th), McDaniel,  
McMahan, Jackson (11th), Hill

To: Elections

SENATE BILL NO. 2689  
(As Sent to Governor)

1 AN ACT TO PROHIBIT THE USE OF CAMPAIGN CONTRIBUTIONS FOR  
2 PERSONAL USE; TO PROVIDE FOR THE DISPOSITION OF UNUSED CAMPAIGN  
3 FUNDS; TO AMEND SECTION 23-15-801, MISSISSIPPI CODE OF 1972, TO  
4 MAKE TECHNICAL CHANGES; TO AMEND SECTION 23-15-803, MISSISSIPPI  
5 CODE OF 1972, TO REVISE THE DEADLINE FOR FILING A STATEMENT OF  
6 ORGANIZATION FOR A POLITICAL COMMITTEE TO 48 HOURS; TO REQUIRE THE  
7 DISCLOSURE OF THE NAME, ADDRESS, OFFICERS AND MEMBERS OF A  
8 POLITICAL COMMITTEE, THE DESIGNATION OF THE CHAIR AND THE  
9 CUSTODIAN OF FINANCIAL BOOKS AND RECORDS; TO ALLOW THE MISSISSIPPI  
10 ETHICS COMMISSION TO ADMINISTRATIVELY FINE POLITICAL COMMITTEES  
11 NOT MORE THAN \$5,000.00, PER VIOLATION, FOR FAILING TO COMPLY WITH  
12 FILING REQUIREMENTS; TO AMEND SECTION 23-15-805, MISSISSIPPI CODE  
13 OF 1972, TO ALLOW CANDIDATES TO FILE CAMPAIGN FINANCE REPORTS  
14 DIRECTLY WITH THE SECRETARY OF STATE BY FAX, E-MAIL, POSTAL MAIL  
15 OR HAND DELIVERY; TO AMEND SECTION 23-15-807, MISSISSIPPI CODE OF  
16 1972, TO PROVIDE THAT UNOPPOSED CANDIDATES ARE NOT REQUIRED TO  
17 FILE PRE-ELECTION REPORTS BUT MUST FILE ALL OTHER REPORTS; TO  
18 PROVIDE THAT THE REQUIRED DISCLOSURE OF AN EXPENDITURE TO A CREDIT  
19 CARD ISSUER, FINANCIAL INSTITUTION OR BUSINESS ALLOWING PAYMENTS  
20 AND MONEY TRANSFERS TO BE MADE OVER THE INTERNET TO INCLUDE,  
21 EITHER BY DETAIL OR A SEPARATE ENTITY, MUST INCLUDE THE AMOUNT OF  
22 THE FUNDS PASSING TO EACH PERSON, BUSINESS ENTITY OR ORGANIZATION  
23 RECEIVING FUNDS FROM THE EXPENDITURE; TO AMEND SECTION 23-15-811,  
24 MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE MISSISSIPPI ETHICS  
25 COMMISSION MAY BRING A MANDAMUS ACTION TO COMPEL THE REQUIRED  
26 CAMPAIGN FINANCE DISCLOSURE REPORTS; TO AMEND SECTION 23-15-813,  
27 MISSISSIPPI CODE OF 1972, TO MAKE TECHNICAL CHANGES; TO AMEND  
28 SECTION 23-15-817, MISSISSIPPI CODE OF 1972, TO REQUIRE THAT THE  
29 LIST OF CANDIDATES WHO FAILED TO FILE A CAMPAIGN FINANCE REPORT BE  
30 PROVIDED TO THE MISSISSIPPI ETHICS COMMISSION; AND FOR RELATED  
31 PURPOSES.

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



33           **SECTION 1.** (1) The personal use of campaign contributions  
34 by any elected public officeholder or by any candidate for public  
35 office is prohibited.

36           (a) For the purposes of this section, "personal use" is  
37 defined as any use, other than expenditures related to gaining or  
38 holding public office, or performing the functions and duties of  
39 public office, for which the candidate for public office or  
40 elected public official would be required to treat the amount of  
41 the expenditure as gross income under Section 61 of the Internal  
42 Revenue Code of 1986, 26 USC Section 61, or any subsequent  
43 corresponding Internal Revenue Code of the United States, as from  
44 time to time amended. "Personal use" shall not include donations  
45 to a political organization, or to a political action committee,  
46 or to another candidate.

47           (b) "Candidate" shall mean any individual described in  
48 Section 23-15-801(b), and shall include any person having been a  
49 candidate until such time that the person takes office or files a  
50 termination report as provided in this section.

51           (c) "Officeholder" shall mean any elected or appointed  
52 official from the beginning of his or her term of office until  
53 that person no longer holds office.

54           (2) The following personal use expenditures are specifically  
55 prohibited under this section:

56           (a) Any residential or household items, supplies or  
57 expenditures, including mortgage, rent or utility payments for any



58 part of any personal residence where a homestead exemption is  
59 claimed of a candidate or officeholder or a member of the  
60 candidate's or officeholder's family;

61 (b) Mortgage, rent or utility payments for any part of  
62 any nonresidential property that is owned by a candidate or  
63 officeholder or a member of a candidate's or officeholder's family  
64 and used for campaign purposes, to the extent the payments exceed  
65 the fair market value of the property usage;

66 (c) Funeral, cremation or burial expenses within a  
67 candidate's or officeholder's family;

68 (d) Clothing, other than items of de minimis value that  
69 are used for gaining or holding public office or performing the  
70 functions and duties of public office;

71 (e) Automobiles, except for automobile rental expenses  
72 and other automobile expenses related to gaining or holding public  
73 office or performing the functions and duties of public office;

74 (f) Tuition payments within a candidate's or  
75 officeholder's family other than those associated with training  
76 campaign staff or associated with an officeholder's duties;

77 (g) Salary payments to a member of a candidate's  
78 family, unless the family member is providing bona fide services  
79 to the campaign. If a family member provides bona fide services  
80 to a campaign, any salary payments in excess of the fair market  
81 value of the services provided is personal use;



82 (h) Nondocumented loans of any type, including loans to  
83 candidates;

84 (i) Travel expenses except for travel expenses of a  
85 candidate, officeholder or staff member of the officeholder for  
86 travel undertaken as an ordinary and necessary expense of gaining  
87 or holding public office, or performing the functions and duties  
88 of public office or for attending meetings or conferences of  
89 officials similar to the office held or sought, or for an issue  
90 the legislative body is or will consider, or attending a state or  
91 national convention of any party. If a candidate or officeholder  
92 uses campaign contributions to pay expenses associated with travel  
93 that involves both personal activities and activities related to  
94 gaining or holding public office or performing the functions and  
95 duties of public office, the incremental expenses that result from  
96 the personal activities are personal use, unless the person(s)  
97 benefiting from this use reimburse(s) the campaign account within  
98 thirty (30) days for the amount of the incremental expenses; and

99 (j) Payment of any fines, fees or penalties assessed  
100 pursuant to Mississippi law.

101 (3) Any expense that reasonably relates to gaining or  
102 holding public office, or performing the functions and duties of  
103 public office, is a specifically permitted use of campaign  
104 contributions. Such expenditures are not considered personal use  
105 expenditures and may include, but are not limited to, the  
106 following expenditures:



107           (a) The defrayal of ordinary and necessary expenses of  
108 a candidate or officeholder, including expenses reasonably related  
109 to performing the duties of the office held or sought to be held;

110           (b) Campaign office or officeholder office expenses and  
111 equipment, provided the expenditures and the use of the equipment  
112 can be directly attributable to the campaign or office held;

113           (c) Donations to charitable organizations,  
114 not-for-profit organizations or for sponsorships, provided the  
115 candidate or officeholder does not receive monetary compensation,  
116 other than reimbursements of expenses, from the recipient  
117 organization;

118           (d) Gifts of nominal value and donations of a nominal  
119 amount made on a special occasion such as a holiday, graduation,  
120 marriage, retirement or death, unless made to a member of the  
121 candidate's or officeholder's family;

122           (e) Meal and beverage expenses which are incurred as  
123 part of a campaign activity or as a part of a function that is  
124 related to the candidate's or officeholder's responsibilities,  
125 including meals between and among candidates and/or officeholders  
126 that are incurred as an ordinary and necessary expense of seeking,  
127 holding or maintaining public office, or seeking, holding or  
128 maintaining a position within the Legislature or other publicly  
129 elected body;

130           (f) Reasonable rental or accommodation expenses  
131 incurred by an officeholder during a legislative session or a day



132 or days in which the officeholder is required by his or her duties  
133 to be at the Capitol or another location outside the  
134 officeholder's county of residence. Such rental or accommodation  
135 expenses shall not exceed Fifty Dollars (\$50.00) per day, if the  
136 officeholder receives per diem, or One Hundred Ninety Dollars  
137 (\$190.00) per day, if the officeholder receives no per diem. Any  
138 expenses incurred under this paragraph (f) must be reported as an  
139 expenditure pursuant to this section;

140 (g) Communication access expenses, including mobile  
141 devices and Internet access costs. Examples of communication  
142 access expenses include, but are not limited to, the following:  
143 captioning on television advertisements; video clips; sign  
144 language interpreters; computer-aided real-time (CART) services;  
145 and assistive listening devices;

146 (h) Costs associated with memberships to chambers of  
147 commerce and civic organizations;

148 (i) Legal fees and costs associated with any civil  
149 action, criminal prosecution or investigation related to conduct  
150 reasonably related to the candidacy or performing the duties of  
151 the office held.

152 (4) Upon filing the termination report required under  
153 Section 23-15-807, any campaign contributions not used to pay for  
154 the expenses of gaining or holding public office or performing the  
155 functions and duties of public office shall:

156 (a) Be maintained in a campaign account(s);



157 (b) Be donated to a political organization, or to a  
158 political action committee, or to another candidate;

159 (c) Be transferred, in whole or in part, into a newly  
160 established political action committee or ballot question  
161 advocate;

162 (d) Be donated to a tax-exempt charitable organization  
163 as that term is used in Section 501(c)(3) of the Internal Revenue  
164 Code of 1986, 26 USC Section 501, or any subsequent corresponding  
165 Internal Revenue Code of the United States, as from time to time  
166 amended;

167 (e) Be donated to the State of Mississippi; or

168 (f) Be returned to a donor or donors.

169 (5) Any candidate for public office or any elected official  
170 who willfully violates this section shall be guilty of a  
171 misdemeanor and punished by a fine of One Thousand Dollars  
172 (\$1,000.00) and by a state assessment equal to the amount of  
173 misappropriated campaign contributions. The state assessment  
174 shall be deposited into the Public Employees' Retirement System.  
175 No fine or assessment imposed under this section shall be paid by  
176 a third party.

177 (6) Any contributions accruing to a candidate's or  
178 officeholder's campaign account before January 1, 2018, shall be  
179 exempt and not subject to the provisions of this Section 1. All  
180 exempt contributions must be designated as exempt on all reports



181 filed with the Secretary of State pursuant to the provisions of  
182 this chapter.

183 (7) The Mississippi Ethics Commission shall issue advisory  
184 opinions regarding any of the requirements set forth in this  
185 section. When any officeholder or candidate requests an advisory  
186 opinion, in writing, and has stated all of the facts to govern the  
187 opinion, and the Ethics Commission has prepared and delivered the  
188 opinion with references to the request, there shall be no civil or  
189 criminal liability accruing to or against any officeholder or  
190 candidate who, in good faith, follows the direction of the opinion  
191 and acts in accordance with the opinion, unless a court of  
192 competent jurisdiction, after a full hearing, judicially declares  
193 that the opinion is manifestly wrong and without any substantial  
194 support. No opinion shall be given or considered if the opinion  
195 would be given after judicial proceedings have commenced.

196 All advisory opinions issued pursuant to the provisions of  
197 this subsection (7) shall be made public and shall be issued  
198 within ninety (90) days of written request. The request for an  
199 advisory opinion shall be confidential as to the identity of the  
200 individual making the request. The Ethics Commission shall, so  
201 far as practicable and before making public, an advisory opinion  
202 issued under the provisions of on this subsection (7), make such  
203 deletions and changes thereto as may be necessary to ensure the  
204 anonymity of the public official and any other person named in the  
205 opinion.





206           **SECTION 2.** Section 23-15-801, Mississippi Code of 1972, is  
207 amended as follows:

208           23-15-801. (a) "Election" \* \* \* means a general, special,  
209 primary or runoff election.

210           (b) "Candidate" \* \* \* means an individual who seeks  
211 nomination for election, or election, to any elective office other  
212 than a federal elective office. \* \* \* For purposes of this  
213 article, an individual shall be deemed to seek nomination for  
214 election, or election:

215           (i) If \* \* \* the individual has received contributions  
216 aggregating in excess of Two Hundred Dollars (\$200.00) or has made  
217 expenditures aggregating in excess of Two Hundred Dollars  
218 (\$200.00) or for a candidate for the Legislature or any statewide  
219 or state district office, by the qualifying deadlines specified in  
220 Sections 23-15-299 and 23-15-977, whichever occurs first; or

221           (ii) If \* \* \* the individual has given his or her  
222 consent to another person to receive contributions or make  
223 expenditures on behalf of \* \* \* the individual and if \* \* \* the  
224 other person has received \* \* \* contributions aggregating in  
225 excess of Two Hundred Dollars (\$200.00) during a calendar year, or  
226 has made \* \* \* expenditures aggregating in excess of Two Hundred  
227 Dollars (\$200.00) during a calendar year.

228           (c) "Political committee" \* \* \* means any committee, party,  
229 club, association, political action committee, campaign committee  
230 or other groups of persons or affiliated organizations \* \* \* that



231 receives contributions aggregating in excess of Two Hundred  
232 Dollars (\$200.00) during a calendar year or \* \* \* that makes  
233 expenditures aggregating in excess of Two Hundred Dollars  
234 (\$200.00) during a calendar year for the purpose of influencing or  
235 attempting to influence the action of voters for or against the  
236 nomination for election, or election, of one or more candidates,  
237 or balloted measures. \* \* \* Political committee shall, in  
238 addition, include each political party registered with the  
239 Secretary of State.

240 (d) "Affiliated organization" \* \* \* means any  
241 organization \* \* \* that is not a political committee, but \* \* \*  
242 that directly or indirectly establishes, administers or  
243 financially supports a political committee.

244 (e) (i) "Contribution" shall include any gift,  
245 subscription, loan, advance or deposit of money or anything of  
246 value made by any person or political committee for the purpose of  
247 influencing any election for elective office or balloted measure;

248 (ii) "Contribution" shall not include the value of  
249 services provided without compensation by any individual who  
250 volunteers on behalf of a candidate or political committee; or the  
251 cost of any food or beverage for use in any candidate's campaign  
252 or for use by or on behalf of any political committee of a  
253 political party;

254 (iii) "Contribution to a political party" includes any  
255 gift, subscription, loan, advance or deposit of money or anything



256 of value made by any person, political committee, or other  
257 organization to a political party and to any committee,  
258 subcommittee, campaign committee, political committee and other  
259 groups of persons and affiliated organizations of the political  
260 party \* \* \*;

261 (iv) "Contribution to a political party" shall not  
262 include the value of services provided without compensation by any  
263 individual who volunteers on behalf of a political party or a  
264 candidate of a political party.

265 (f) (i) "Expenditure" shall include any purchase, payment,  
266 distribution, loan, advance, deposit, gift of money or anything of  
267 value, made by any person or political committee for the purpose  
268 of influencing any balloted measure or election for elective  
269 office; and a written contract, promise, or agreement to make an  
270 expenditure;

271 (ii) "Expenditure" shall not include any news story,  
272 commentary or editorial distributed through the facilities of any  
273 broadcasting station, newspaper, magazine, or other periodical  
274 publication, unless \* \* \* the facilities are owned or controlled  
275 by any political party, political committee, or candidate; or  
276 nonpartisan activity designed to encourage individuals to vote or  
277 to register to vote;

278 (iii) "Expenditure by a political party" includes 1.  
279 any purchase, payment, distribution, loan, advance, deposit, gift  
280 of money or anything of value, made by any political party and by



281 any contractor, subcontractor, agent, and consultant to the  
282 political party; and 2. a written contract, promise, or agreement  
283 to make such an expenditure.

284 (g) The term "identification" shall mean:

285 (i) In the case of any individual, the name, the  
286 mailing address, and the occupation of such individual, as well as  
287 the name of his or her employer; and

288 (ii) In the case of any other person, the full name and  
289 address of \* \* \* the person.

290 (h) The term "political party" shall mean an association,  
291 committee or organization which nominates a candidate for election  
292 to any elective office whose name appears on the election ballot  
293 as the candidate of \* \* \* the association, committee or  
294 organization.

295 (i) The term "person" shall mean any individual, family,  
296 firm, corporation, partnership, association or other legal entity.

297 (j) The term "independent expenditure" shall mean an  
298 expenditure by a person expressly advocating the election or  
299 defeat of a clearly identified candidate \* \* \* that is made  
300 without cooperation or consultation with any candidate or any  
301 authorized committee or agent of \* \* \* the candidate, and \* \* \*  
302 that is not made in concert with or at the request or suggestion  
303 of any candidate or any authorized committee or agent of \* \* \* the  
304 candidate.

305 (k) The term "clearly identified" shall mean that:



306 (i) The name of the candidate involved appears; or  
307 (ii) A photograph or drawing of the candidate appears;  
308 or  
309 (iii) The identity of the candidate is apparent by  
310 unambiguous reference.

311 **SECTION 3.** Section 23-15-803, Mississippi Code of 1972, is  
312 amended as follows:

313 23-15-803. ( \* \* \*1) \* \* \* Each political committee shall  
314 file a statement of organization which must be received by the  
315 Secretary of State no later than \* \* \* forty-eight (48) hours  
316 after:

317 (a) Receipt of contributions aggregating in excess of  
318 Two Hundred Dollars (\$200.00), or \* \* \*

319 (b) Having made expenditures aggregating in excess of  
320 Two Hundred Dollars (\$200.00).

321 ( \* \* \*2) \* \* \* The content of the statement of organization  
322 of a political committee shall include:

323 ( \* \* \*a) The name, \* \* \* address, officers, and  
324 members of the committee \* \* \*;

325 ( \* \* \*b) The designation of a \* \* \* chair of the \* \* \*  
326 organization and a custodian of the financial books, records and  
327 accounts of the \* \* \* organization, who shall be designated  
328 treasurer; and



329 ( \* \* \*c) If the committee is authorized by a  
330 candidate, then the name, address, office sought \* \* \* and party  
331 affiliation of the candidate.

332 ( \* \* \*3) \* \* \* Any change in information previously  
333 submitted in a statement of organization shall be reported and  
334 noted on the next regularly scheduled report.

335 (4) In addition to any other penalties provided by law, the  
336 Mississippi Ethics Commission may impose administrative penalties  
337 against any political committee that fails to comply with the  
338 requirements of this section in an amount not to exceed Five  
339 Thousand Dollars (\$5,000.00) per violation. The notice, hearing  
340 and appeals provisions of Section 23-15-813 shall apply to any  
341 action taken pursuant to this subsection (4). The Mississippi  
342 Ethics Commission may pursue judicial enforcement of any penalties  
343 issued pursuant to this section.

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

346 23-15-805. (a) Candidates for state, state district, and  
347 legislative district offices, and every political committee, which  
348 makes reportable contributions to or expenditures in support of or  
349 in opposition to a candidate for any such office or makes  
350 reportable contributions to or expenditures in support of or in  
351 opposition to a statewide ballot measure, shall file all reports  
352 required under this article with the Office of the Secretary of  
353 State.



354 (b) Candidates for county or county district office, and  
355 every political committee which makes reportable contributions to  
356 or expenditures in support of or in opposition to a candidate for  
357 such office or makes reportable contributions to or expenditures  
358 in support of or in opposition to a countywide ballot measure or a  
359 ballot measure affecting part of a county, excepting a municipal  
360 ballot measure, shall file all reports required by this section in  
361 the office of the circuit clerk of the county in which the  
362 election occurs, or directly to the Office of the Secretary of  
363 State via facsimile, electronic mail, postal mail or hand  
364 delivery. The circuit clerk shall forward copies of all reports  
365 to the Office of the Secretary of State.

366 (c) Candidates for municipal office, and every political  
367 committee which makes reportable contributions to or expenditures  
368 in support of or in opposition to a candidate for such office, or  
369 makes reportable contributions to or expenditures in support of or  
370 in opposition to a municipal ballot measure shall file all reports  
371 required by this article in the office of the municipal clerk of  
372 the municipality in which the election occurs, or directly to the  
373 Office of the Secretary of State via facsimile, electronic mail,  
374 postal mail or hand delivery. The municipal clerk shall forward  
375 copies of all reports to the Office of the Secretary of State.

376 (d) The Secretary of State, the circuit clerks and the  
377 municipal clerks shall make all reports received under this



378 subsection available for public inspection and copying and shall  
379 preserve \* \* \* the reports for a period of five (5) years.

380 \* \* \*

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

383 23-15-807. (a) Each candidate or political committee shall  
384 file reports of contributions and disbursements in accordance with  
385 the provisions of this section. All candidates or political  
386 committees required to report such contributions and disbursements  
387 may terminate \* \* \* the obligation to report only upon submitting  
388 a final report that \* \* \* contributions will no longer \* \* \* be  
389 received or \* \* \* disbursements made and that \* \* \* the candidate  
390 or committee has no outstanding debts or obligations. The  
391 candidate, treasurer or chief executive officer shall sign \* \* \*  
392 the report.

393 (b) Candidates \* \* \* seeking election, or nomination for  
394 election, and political committees \* \* \* making expenditures \* \* \*  
395 to influence \* \* \* or attempt to influence voters for or against  
396 the nomination for election \* \* \* of one or more candidates or  
397 balloted measures at such election, shall file the following  
398 reports:

399 (i) In any calendar year during which there is a  
400 regularly scheduled election, a pre-election report \* \* \* shall be  
401 filed no later than the seventh day before any election in  
402 which \* \* \* the candidate or political committee has accepted





403 contributions or made expenditures and \* \* \* shall be \* \* \*  
404 completed as of the tenth day before \* \* \* the election;

405 (ii) In 1987 and every fourth year thereafter, periodic  
406 reports \* \* \* shall be filed no later than the tenth day after  
407 April 30, May 31, June 30, September 30 and December 31, and \* \* \*  
408 shall be \* \* \* completed as of the last day of each period; \* \* \*

409 (iii) In any calendar years except 1987 and except  
410 every fourth year thereafter, a report covering the calendar  
411 year \* \* \* shall be filed no later than January 31 of the  
412 following calendar year \* \* \*; and

413 (iv) Except as otherwise provided in the requirements  
414 of paragraph (i) of this subsection (b), unopposed candidates are  
415 not required to file pre-election reports but must file all other  
416 reports required by paragraphs (ii) and (iii) of this subsection  
417 (b).

418 (c) All candidates for judicial office as defined in Section  
419 23-15-975, or their political committees, shall file periodic  
420 reports in the year in which they are to be elected \* \* \* no later  
421 than the tenth day after April 30, May 31, June 30, September 30  
422 and December 31.

423 (d) \* \* \* Each report under this article shall disclose:

424 (i) For the reporting period and the calendar year, the  
425 total amount of all contributions and the total amount of all  
426 expenditures of the candidate or reporting committee \* \* \* ,  
427 including those required to be identified pursuant to \* \* \*



428 paragraph (ii) of this \* \* \* subsection (d) as well as the total  
429 of all other contributions and expenditures during the calendar  
430 year. \* \* \* The reports shall be cumulative during the calendar  
431 year to which they relate;

432 (ii) The identification of:

433 1. Each person or political committee who makes a  
434 contribution to the reporting candidate or political committee  
435 during the reporting period, whose contribution or contributions  
436 within the calendar year have an aggregate amount or value in  
437 excess of Two Hundred Dollars (\$200.00) together with the date and  
438 amount of any such contribution;

439 2. Each person or organization, candidate or  
440 political committee who receives an expenditure, payment or other  
441 transfer from the reporting candidate, political committee or its  
442 agent, employee, designee, contractor, consultant or other person  
443 or persons acting in its behalf during the reporting period when  
444 the expenditure, payment or other transfer to \* \* \* the person,  
445 organization, candidate or political committee 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 (iii) The total amount of cash on hand of each  
450 reporting candidate and reporting political committee;



451 (iv) In addition to the contents of reports specified  
452 in \* \* \* paragraphs (i), (ii) and (iii) of this \* \* \* subsection  
453 (d), each political party shall disclose:

454 1. Each person or political committee who makes a  
455 contribution to a political party during the reporting period and  
456 whose contribution or contributions to a political party within  
457 the calendar year have an aggregate amount or value in excess of  
458 Two Hundred Dollars (\$200.00), together with the date and amount  
459 of the contribution;

460 2. Each person or organization who receives an  
461 expenditure or expenditures by a political party \* \* \* during the  
462 reporting period when the expenditure or expenditures to the  
463 person or organization within the calendar year have an aggregate  
464 value or amount in excess of Two Hundred Dollars (\$200.00),  
465 together with the date and amount of \* \* \* the expenditure \* \* \*;

466 (v) Disclosure required under this section of an  
467 expenditure to a credit card issuer, financial institution or  
468 business allowing payments and money transfers to be made over the  
469 Internet must include, by way of detail or separate entry, the  
470 amount of funds passing to each person, business entity or  
471 organization receiving funds from the expenditure.

472 (e) The appropriate office specified in Section 23-15-805  
473 must be in actual receipt of the reports specified in this article  
474 by 5:00 p.m. on the dates specified in \* \* \* subsection (b) of  
475 this section. If the date specified in \* \* \* subsection (b) of



476 this section shall fall on a weekend or legal holiday then the  
477 report shall be due in the appropriate office at 5:00 p.m. on the  
478 first working day before the date specified in \* \* \* subsection  
479 (b) of this section. The reporting candidate or reporting  
480 political committee shall ensure that the reports are delivered to  
481 the appropriate office by the filing deadline. The Secretary of  
482 State may approve specific means of electronic transmission of  
483 completed campaign finance disclosure reports, which may include,  
484 but not be limited to, transmission by electronic facsimile (FAX)  
485 devices.

486 (f) (i) If any contribution of more than Two Hundred  
487 Dollars (\$200.00) is received by a candidate or candidate's  
488 political committee after the tenth day, but more than forty-eight  
489 (48) hours before 12:01 a.m. of the day of the election, the  
490 candidate or political committee shall notify the appropriate  
491 office designated in Section 23-15-805, within forty-eight (48)  
492 hours of receipt of the contribution. The notification shall  
493 include:

- 494 1. The name of the receiving candidate;
- 495 2. The name of the receiving candidate's political  
496 committee, if any;
- 497 3. The office sought by the candidate;
- 498 4. The identification of the contributor;
- 499 5. The date of receipt;
- 500 6. The amount of the contribution;



501                   7. If the contribution is in-kind, a description  
502 of the in-kind contribution; and

503                   8. The signature of the candidate or the treasurer  
504 or \* \* \* chair of the candidate's political \* \* \* organization.

505                   (ii) The notification shall be in writing, and may be  
506 transmitted by overnight mail, courier service, or other reliable  
507 means, including electronic facsimile (FAX), but the candidate or  
508 candidate's committee shall ensure that the notification shall in  
509 fact be received in the appropriate office designated in Section  
510 23-15-805 within forty-eight (48) hours of the contribution.

511                   **SECTION 6.** Section 23-15-811, Mississippi Code of 1972, is  
512 amended as follows:

513                   23-15-811. (a) Any candidate or any other person who \* \* \*  
514 willfully violates the provisions and prohibitions of this article  
515 shall be guilty of a misdemeanor and upon conviction \* \* \* shall  
516 be punished by a fine in a sum not to exceed Three Thousand  
517 Dollars (\$3,000.00) or imprisoned for not longer than six (6)  
518 months or by both fine and imprisonment.

519                   (b) In addition to the penalties provided in \* \* \*  
520 subsection (a) of this section and Chapter 13, Title 97,  
521 Mississippi Code of 1972, any candidate or political committee  
522 which is required to file a statement or report \* \* \* and fails to  
523 file \* \* \* the statement or report on the date \* \* \* it is due may  
524 be compelled to file \* \* \* the statement or report by an action in



525 the nature of a mandamus brought by the Mississippi Ethics  
526 Commission.

527 (c) No candidate shall be certified as nominated for  
528 election or as elected to office \* \* \* until he or she files all  
529 reports required by this article that are due as of the date of  
530 certification.

531 (d) No candidate who is elected to office shall receive any  
532 salary or other remuneration for the office \* \* \* until he or she  
533 files all reports required by this article that are due as of the  
534 date \* \* \* the salary or remuneration is payable.

535 (e) In the event that a candidate fails to timely file any  
536 report required pursuant to this article but subsequently files a  
537 report or reports containing all of the information required to be  
538 reported \* \* \*, the candidate shall not be subject to the  
539 sanctions of \* \* \* subsections (c) and (d) of this section.

540 **SECTION 7.** Section 23-15-813, Mississippi Code of 1972, is  
541 amended as follows:

542 23-15-813. (a) In addition to any other penalty permitted  
543 by law, the \* \* \* Mississippi Ethics Commission shall require any  
544 candidate or political committee, as identified in Section  
545 23-15-805(a), and any other political committee registered with  
546 the Secretary of State, who fails to file a campaign finance  
547 disclosure report as required under Sections 23-15-801 through  
548 23-15-813, or Sections 23-17-47 through 23-17-53, or who shall  
549 file a report \* \* \* that fails to substantially comply with the



550 requirements of Sections 23-15-801 through 23-15-813, or Sections  
551 23-17-47 through 23-17-53, to be assessed a civil penalty as  
552 follows:

553 (i) Within five (5) calendar days after any deadline  
554 for filing a report pursuant to Sections 23-15-801 through  
555 23-15-813, or Sections 23-17-47 through 23-17-53, the Secretary of  
556 State shall compile a list of those candidates and political  
557 committees who have failed to file a report. The list shall be  
558 provided to the Mississippi Ethics Commission. The Secretary of  
559 State shall provide each candidate or political committee, who has  
560 failed to file a report, notice of the failure by first-class  
561 mail.

562 (ii) Beginning with the tenth calendar day after which  
563 any report \* \* \* is due, the \* \* \* Mississippi Ethics Commission  
564 shall assess the delinquent candidate and political committee a  
565 civil penalty of Fifty Dollars (\$50.00) for each day or part of  
566 any day until a valid report is delivered to the Secretary of  
567 State, up to a maximum of ten (10) days. \* \* \* In the discretion  
568 of the \* \* \* Mississippi Ethics Commission, the assessing of the  
569 fine may be waived, in whole or in part, if the \* \* \* Commission  
570 determines that unforeseeable mitigating circumstances, such as  
571 the health of the candidate, interfered with the timely filing of  
572 a report. Failure of a candidate or political committee to  
573 receive notice of failure to file a report from the Secretary of  
574 State is not an unforeseeable mitigating circumstance, and failure



575 to receive the notice shall not result in removal or reduction of  
576 any assessed civil penalty.

577 (iii) Filing of the required report and payment of the  
578 fine within ten (10) calendar days of notice by the Secretary of  
579 State that a required statement has not been filed \* \* \*  
580 constitutes compliance with Sections 23-15-801 through 23-15-813,  
581 or Sections 23-17-47 through 23-17-53.

582 (iv) Payment of the fine without filing the required  
583 report does not \* \* \* excuse or exempt any person \* \* \* from the  
584 filing requirements of Sections 23-15-801 through 23-15-813, and  
585 Sections 23-17-47 through 23-17-53.

586 (v) If any candidate or political committee is assessed  
587 a civil penalty, and the penalty is not subsequently waived by  
588 the \* \* \* Mississippi Ethics Commission, the candidate or  
589 political committee shall pay the fine to the \* \* \* Commission  
590 within ninety (90) days of the date of the assessment of the fine.  
591 If, after one hundred twenty (120) days of the assessment of the  
592 fine the payment for the entire amount of the assessed fine has  
593 not been received by the \* \* \* Commission, the \* \* \* Commission  
594 shall notify the Attorney General of the delinquency, and the  
595 Attorney General shall file, where necessary, a suit to compel  
596 payment of the civil penalty.

597 (b) (i) Upon the sworn application, made within sixty (60)  
598 calendar days of the date upon which the required report is due,  
599 of a candidate or political committee against whom a civil penalty





600 has been assessed pursuant to \* \* \* subsection (a) of this  
601 section, the Secretary of State shall forward the application to  
602 the State Board of Election Commissioners. The State Board of  
603 Election Commissioners shall appoint one or more hearing officers  
604 who shall be former chancellors, circuit court judges, judges of  
605 the Court of Appeals or justices of the Supreme Court, \* \* \* to  
606 conduct hearings held pursuant to this article. The hearing  
607 officer shall fix a time and place for a hearing and shall cause a  
608 written notice specifying the civil penalties that have been  
609 assessed against the candidate or political committee and notice  
610 of the time and place of the hearing to be served upon the  
611 candidate or political committee at least twenty (20) calendar  
612 days before the hearing date. The notice may be served by mailing  
613 a copy \* \* \* of the notice by certified mail, postage prepaid, to  
614 the last-known business address of the candidate or political  
615 committee.

616 (ii) The hearing officer may issue subpoenas for the  
617 attendance of witnesses and the production of \* \* \* documents at  
618 the hearing. Process issued by the hearing officer shall extend  
619 to all parts of the state and shall be served by any person  
620 designated by the hearing officer for the service.

621 (iii) The candidate or political committee has the  
622 right to appear either personally, by counsel or both, to produce  
623 witnesses or evidence in his or her behalf, to cross-examine  
624 witnesses and to have subpoenas issued by the hearing officer.



625 (iv) At the hearing, the hearing officer shall  
626 administer oaths as may be necessary for the proper conduct of the  
627 hearing. All hearings shall be conducted by the hearing officer,  
628 who shall not be bound by strict rules of procedure or by the laws  
629 of evidence \* \* \*, but the determination shall be based upon  
630 sufficient evidence to sustain it. The scope of review at the  
631 hearing shall be limited to making a determination of whether  
632 failure to file a required report was due to an unforeseeable  
633 mitigating circumstance.

634 (v) \* \* \* In any proceeding before the hearing officer,  
635 if any witness fails or refuses to attend upon a subpoena issued  
636 by the commission, refuses to testify, or refuses to produce  
637 any \* \* \* documents called for by a subpoena, the attendance of  
638 the witness, the giving of his or her testimony or the production  
639 of the \* \* \* documents shall be enforced by \* \* \* a court of  
640 competent jurisdiction of this state in the manner provided for  
641 the enforcement of attendance and testimony of witnesses in civil  
642 cases in the courts of this state.

643 (vi) Within fifteen (15) calendar days after conclusion  
644 of the hearing, the hearing officer shall reduce his or her  
645 decision to writing and forward an attested true copy of the  
646 decision to the last-known business address of the candidate or  
647 political committee by way of United States first-class, certified  
648 mail, postage prepaid.



649 (c) (i) The right to appeal from the decision of the  
650 hearing officer in an administrative hearing concerning the  
651 assessment of civil penalties authorized pursuant to this section  
652 is granted. The appeal shall be to the Circuit Court of Hinds  
653 County and shall include a verbatim transcript of the testimony at  
654 the hearing. The appeal shall be taken within thirty (30)  
655 calendar days after notice of the decision of the commission  
656 following an administrative hearing. The appeal shall be  
657 perfected upon filing notice of the appeal and \* \* \* the  
658 prepayment of all costs, including the cost of \* \* \* preparing the  
659 record of the proceedings by the hearing officer, and \* \* \*  
660 filing \* \* \* a bond in the sum of Two Hundred Dollars (\$200.00),  
661 conditioned that if the decision of the hearing officer \* \* \* is  
662 affirmed by the court, the candidate or political committee will  
663 pay the costs of the appeal and the action in court. If the  
664 decision is reversed by the court, the \* \* \* Mississippi Ethics  
665 Commission will pay the costs of the appeal and the action in  
666 court.

667 (ii) If there is an appeal, the appeal shall act as a  
668 supersedeas. The court shall dispose of the appeal and enter its  
669 decision promptly. The hearing on the appeal may be tried in  
670 vacation, in the court's discretion. The scope of review of the  
671 court shall be limited to a review of the record made before the  
672 hearing officer to determine if the action of the hearing officer  
673 is unlawful for the reason that it was 1. not supported by



674 substantial evidence, 2. arbitrary or capricious, 3. beyond the  
675 power of the hearing officer to make, or 4. in violation of some  
676 statutory or constitutional right of the appellant. The decision  
677 of the court may be appealed to the Supreme Court in the manner  
678 provided by law.

679 (d) If, after forty-five (45) calendar days of the date of  
680 the administrative hearing procedure set forth in \* \* \* subsection  
681 (b), the candidate or political committee identified in \* \* \*  
682 subsection (a) of this section fails to pay the monetary civil  
683 penalty imposed by the hearing officer, the Secretary of State  
684 shall notify the Attorney General of the delinquency. The  
685 Attorney General shall investigate the offense in accordance with  
686 the provisions of this chapter, and where necessary, file suit to  
687 compel payment of the unpaid civil penalty.

688 (e) If, after twenty (20) calendar days of the date upon  
689 which a campaign finance disclosure report is due, a candidate or  
690 political committee identified in \* \* \* subsection (a) of this  
691 section shall not have filed a valid report with the Secretary of  
692 State, the Secretary of State shall notify the Attorney General of  
693 those candidates and political committees who have not filed a  
694 valid report, and the Attorney General shall \* \* \* prosecute the  
695 delinquent candidates and political committees.

696 **SECTION 8.** Section 23-15-817, Mississippi Code of 1972, is  
697 amended as follows:



698           23-15-817. The Secretary of State shall compile a list of  
699 all candidates for the Legislature or any statewide office who  
700 fail to file a campaign disclosure report by the dates specified  
701 in Section 23-15-807(b) \* \* \*. The list shall be provided to the  
702 Mississippi Ethics Commission so that the commission may bring a  
703 mandamus as provided in Section 23-15-811 or take any other  
704 disciplinary action as provided in this chapter. The list shall  
705 also be disseminated to the members of the Mississippi Press  
706 Association within two (2) working days after such reports are due  
707 and made available to the public.

708           **SECTION 9.** This act shall take effect and be in force from  
709 and after January 1, 2018.

