

By: Representatives Gunn, Denny, Zuber,  
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Barnes, Horne, McNeal, Dixon, Henley,  
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To: Rules

HOUSE BILL NO. 479  
(As Passed the House)

1 AN ACT TO PROHIBIT THE PERSONAL USE OF CAMPAIGN CONTRIBUTIONS  
2 BY ANY ELECTED PUBLIC OFFICE HOLDER OR ANY CANDIDATE FOR PUBLIC  
3 OFFICE; TO SPECIFICALLY PROHIBIT CERTAIN PERSONAL USE  
4 EXPENDITURES; TO PROVIDE THAT ANY EXPENSE THAT REASONABLY RELATES  
5 TO GAINING OR HOLDING PUBLIC OFFICE, OR PERFORMING THE FUNCTIONS  
6 AND DUTIES OF PUBLIC OFFICE, IS PERMITTED; TO PROVIDE FOR THE  
7 DISPOSAL OF CAMPAIGN CONTRIBUTIONS ONCE A TERMINATION REPORT IS  
8 FILED; TO PROVIDE PENALTIES; TO REQUIRE THE MISSISSIPPI ETHICS  
9 COMMISSION TO ISSUE ADVISORY OPINIONS REGARDING THE USE OF  
10 CAMPAIGN CONTRIBUTIONS; TO AMEND SECTION 23-15-801, MISSISSIPPI  
11 CODE OF 1972, TO MAKE TECHNICAL CHANGES; TO AMEND SECTION  
12 23-15-803, MISSISSIPPI CODE OF 1972, TO REVISE THE DEADLINE FOR  
13 FILING A STATEMENT OF ORGANIZATION FOR A POLITICAL COMMITTEE TO 48  
14 HOURS; TO REQUIRE THE DISCLOSURE OF THE NAME, ADDRESS, OFFICERS  
15 AND MEMBERS OF A POLITICAL COMMITTEE, THE DESIGNATION OF THE CHAIR  
16 AND THE CUSTODIAN OF FINANCIAL BOOKS AND RECORDS; TO ALLOW THE  
17 MISSISSIPPI ETHICS COMMISSION TO ADMINISTRATIVELY FINE POLITICAL  
18 COMMITTEES NOT MORE THAN \$5,000.00, PER VIOLATION, FOR FAILING TO  
19 COMPLY WITH FILING REQUIREMENTS; TO AMEND SECTION 23-15-805,  
20 MISSISSIPPI CODE OF 1972, TO ALLOW CANDIDATES TO FILE CAMPAIGN  
21 FINANCE REPORTS DIRECTLY WITH THE SECRETARY OF STATE BY FAX,  
22 EMAIL, POSTAL MAIL OR HAND DELIVERY; TO AMEND SECTION 23-15-807,  
23 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT UNOPPOSED CANDIDATES ARE  
24 NOT REQUIRED TO FILE PRE-ELECTION REPORTS BUT MUST FILE ALL OTHER  
25 REPORTS; TO PROVIDE THAT THE REQUIRED DISCLOSURE OF AN EXPENDITURE  
26 TO A CREDIT CARD ISSUER, FINANCIAL INSTITUTION OR BUSINESS  
27 ALLOWING PAYMENTS AND MONEY TRANSFERS TO BE MADE OVER THE INTERNET  
28 TO INCLUDE, EITHER BY DETAIL OR A SEPARATE ENTITY, MUST INCLUDE  
29 THE AMOUNT OF THE FUNDS PASSING TO EACH PERSON, BUSINESS ENTITY OR  
30 ORGANIZATION RECEIVING FUNDS FROM THE EXPENDITURE; TO AMEND  
31 SECTION 23-15-811, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE  
32 MISSISSIPPI ETHICS COMMISSION MAY BRING A MANDAMUS ACTION TO  
33 COMPEL THE REQUIRED CAMPAIGN FINANCE DISCLOSURE REPORTS; TO AMEND  
34 SECTION 23-15-813, MISSISSIPPI CODE OF 1972, TO MAKE TECHNICAL



35 CHANGES; TO AMEND SECTION 23-15-817, MISSISSIPPI CODE OF 1972, TO  
36 REQUIRE THAT THE LIST OF CANDIDATES WHO FAILED TO FILE CAMPAIGN  
37 FINANCE REPORT BE PROVIDED TO THE MISSISSIPPI ETHICS COMMISSION;  
38 TO BRING FORWARD SECTIONS 23-15-809 AND 23-15-815, MISSISSIPPI  
39 CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR  
40 RELATED PURPOSES.

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

42 **SECTION 1.** (1) The personal use of campaign contributions  
43 by any elected public office holder or by any candidate for public  
44 office is prohibited.

45 (a) For the purposes of this section, "personal use" is  
46 defined as any use, other than expenditures related to gaining or  
47 holding public office, or performing the functions and duties of  
48 public office, for which the candidate for public office or  
49 elected public official would be required to treat the amount of  
50 the expenditure as gross income under Section 61 of the Internal  
51 Revenue Code of 1986, 26 USCS Section 61, or any subsequent  
52 corresponding Internal Revenue Code of the United States, as from  
53 time to time amended. "Personal use" shall not include  
54 donations \* \* \* to a political organization, or to a political  
55 action committee, or to another candidate.

56 (b) "Candidate" shall mean any individual described in  
57 Section 23-15-801(b), and shall include any person that has  
58 qualified as a candidate until the time that the person takes  
59 office or files a termination report as provided in this section.

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



63           (2) The expenditures that are specifically prohibited under  
64 this section are as follows:

65           (a) Any residential or household items, supplies or  
66 expenditures, including mortgage, rent or utility payments for any  
67 part of any residential property of a candidate or officeholder or  
68 a family member of the candidate or officeholder; however, this  
69 does not include a residence maintained for the purpose of  
70 performing official duties at the seat of government. Campaign  
71 contributions used for a residence maintained for the purpose of  
72 performing official duties at the seat of government shall not  
73 exceed the amount necessary to pay the difference between the  
74 actual rental or mortgage amount of the property and the per diem  
75 earned by the candidate or office holder to maintain such  
76 residence;

77           (b) Mortgage, rent or utility payments for any part of  
78 any nonresidential property of a candidate or officeholder or a  
79 family member of a candidate or officeholder that are used for  
80 campaign purposes, to the extent the payments exceed the fair  
81 market value of the property usage;

82           (c) Funeral, cremation or burial expenses \*\*\* within  
83 the family of a candidate or officeholder;

84           (d) Clothing, other than items of \*\*\* nominal value  
85 that are used for gaining or holding public office or performing  
86 the functions and duties of public office;



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

90 (f) Tuition payments;

91 (g) Dues, fees or gratuities at a country club, health  
92 club or recreational facility, unless they are part of a specific  
93 fundraising event that takes place on the premises of the  
94 facility;

95 (h) Salary payments to a family member of a candidate,  
96 unless the family member is providing bona fide services to the  
97 campaign. If a family member provides bona fide services to a  
98 campaign, any salary payments in excess of the fair market value  
99 of the services provided is personal use;

100 (i) Admission to a sporting event, concert, theater or  
101 other form of entertainment, unless related to gaining or holding  
102 public office, or performing the functions and duties of public  
103 office;

104 (j) Nondocumented loans of any type, including loans to  
105 candidates;

106 (k) Travel expenses except for travel expenses of a  
107 candidate or officeholder for travel undertaken as an ordinary and  
108 necessary expense of gaining or holding public office, or  
109 performing the functions and duties of public office, or for  
110 attending meetings or conferences of officials similar to the  
111 office held or sought, or for an issue the candidate or office



112 holder is or will consider, or for attending a state or national  
113 convention of any party. If a candidate or officeholder uses  
114 campaign contributions to pay expenses associated with travel that  
115 involves both personal activities and activities related to  
116 gaining or holding public office, or performing the functions and  
117 duties of public office, the incremental expenses that result from  
118 the personal activities are personal use, unless the person(s)  
119 benefiting from this use reimburse(s) the campaign account within  
120 thirty (30) days for the amount of the incremental expenses; and

121 (1) Payment of any fines, fees or penalties assessed  
122 pursuant to Mississippi law.

123 (3) Any expense that reasonably relates to gaining or  
124 holding public office, or performing the functions and duties of  
125 public office is a permitted use of campaign contributions. It is  
126 the intent of the Legislature that such expenditures are not  
127 considered personal use expenditures.

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

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

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



135 (c) Be transferred, in whole or in part, into a newly  
136 established political action committee or ballot question  
137 advocate;

138 (d) Be donated to a tax-exempt charitable organization  
139 as that term is used in Section 501(c)(3) of the Internal Revenue  
140 Code of 1986, 26 USCS Section 501, or any subsequent corresponding  
141 Internal Revenue Code of the United States, as from time to time  
142 amended;

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

144 (f) Be returned to a donor or donors but not to the  
145 candidate.

146 (5) Any candidate for public office or any elected official  
147 who willfully violates this section shall be guilty of a  
148 misdemeanor and punished by a fine of One Thousand Dollars  
149 (\$1,000.00) and by a state assessment equal to the amount of  
150 misappropriated campaign contributions. The state assessment  
151 shall be deposited into the Public Employees' Retirement System.

152 (6) The Mississippi Ethics Commission shall issue advisory  
153 opinions regarding any of the requirements set forth in this  
154 section. When any officeholder or candidate requests an advisory  
155 opinion, in writing, and has stated all of the facts to govern the  
156 opinion, and the Ethics Commission has prepared and delivered the  
157 opinion with references to the request, there shall be no civil or  
158 criminal liability accruing to or against any officeholder or  
159 candidate who, in good faith, follows the direction of the opinion



160 and acts in accordance with the opinion, unless a court of  
161 competent jurisdiction, after a full hearing, judicially declares  
162 that the opinion is manifestly wrong and without any substantial  
163 support. No opinion shall be given or considered if the opinion  
164 would be given after judicial proceedings have commenced.

165 All advisory opinions issued pursuant to the provisions of  
166 this subsection (6) shall be made public and shall be issued  
167 within ninety (90) days of written request. The request for an  
168 advisory opinion shall be confidential as to the identity of the  
169 individual making the request. The Ethics Commission shall, so  
170 far as practicable and before making public, an advisory opinion  
171 issued under the provisions of on this subsection (6), make such  
172 deletions and changes thereto as may be necessary to ensure the  
173 anonymity of the public official and any other person named in the  
174 opinion.

175 **SECTION 2.** It is unlawful for the Governor, Lieutenant  
176 Governor or any member of the Legislature or any candidates for  
177 such offices to solicit or receive cash campaign contributions or  
178 hold a political fundraising function during any Regular or  
179 Special Legislative Session.

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

182 23-15-801. (a) "Election" \* \* \* means a general, special,  
183 primary or runoff election.



184 (b) "Candidate" \* \* \* means an individual who seeks  
185 nomination for election, or election, to any elective office other  
186 than a federal elective office \* \* \*. For purposes of this  
187 article, an individual shall be deemed to seek nomination for  
188 election, or election:

189 (i) If \* \* \* the individual has received contributions  
190 aggregating in excess of Two Hundred Dollars (\$200.00) or has made  
191 expenditures aggregating in excess of Two Hundred Dollars  
192 (\$200.00) or for a candidate for the Legislature or any statewide  
193 or state district office, by the qualifying deadlines specified in  
194 Sections 23-15-299 and 23-15-977, whichever occurs first; or

195 (ii) If \* \* \* the individual has given his or her  
196 consent to another person to receive contributions or make  
197 expenditures on behalf of \* \* \* the individual and if \* \* \* the  
198 other person has received \* \* \* contributions aggregating in  
199 excess of Two Hundred Dollars (\$200.00) during a calendar year, or  
200 has made \* \* \* expenditures aggregating in excess of Two Hundred  
201 Dollars (\$200.00) during a calendar year.

202 (c) "Political committee" \* \* \* means any committee, party,  
203 club, association, political action committee, campaign committee  
204 or other groups of persons or affiliated organizations \* \* \* that  
205 receives contributions aggregating in excess of Two Hundred  
206 Dollars (\$200.00) during a calendar year or \* \* \* that makes  
207 expenditures aggregating in excess of Two Hundred Dollars  
208 (\$200.00) during a calendar year for the purpose of influencing or





209 attempting to influence the action of voters for or against the  
210 nomination for election, or election, of one or more candidates,  
211 or balloted measures \* \* \*. Political committee shall, in  
212 addition, include each political party registered with the  
213 Secretary of State.

214 (d) "Affiliated organization" \* \* \* means any  
215 organization \* \* \* that is not a political committee, but \* \* \*  
216 that directly or indirectly establishes, administers or  
217 financially supports a political committee.

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

222 (ii) "Contribution" shall not include the value of  
223 services provided without compensation by any individual who  
224 volunteers on behalf of a candidate or political committee; or the  
225 cost of any food or beverage for use in any candidate's campaign  
226 or for use by or on behalf of any political committee of a  
227 political party;

228 (iii) "Contribution to a political party" includes any  
229 gift, subscription, loan, advance or deposit of money or anything  
230 of value made by any person, political committee, or other  
231 organization to a political party and to any committee,  
232 subcommittee, campaign committee, political committee and other



233 groups of persons and affiliated organizations of the political  
234 party \* \* \*;

235 (iv) "Contribution to a political party" shall not  
236 include the value of services provided without compensation by any  
237 individual who volunteers on behalf of a political party or a  
238 candidate of a political party.

239 (f) (i) "Expenditure" shall include any purchase, payment,  
240 distribution, loan, advance, deposit, gift of money or anything of  
241 value, made by any person or political committee for the purpose  
242 of influencing any balloted measure or election for elective  
243 office; and a written contract, promise, or agreement to make an  
244 expenditure;

245 (ii) "Expenditure" shall not include any news story,  
246 commentary or editorial distributed through the facilities of any  
247 broadcasting station, newspaper, magazine, or other periodical  
248 publication, unless \* \* \* the facilities are owned or controlled  
249 by any political party, political committee, or candidate; or  
250 nonpartisan activity designed to encourage individuals to vote or  
251 to register to vote;

252 (iii) "Expenditure by a political party" includes 1.  
253 any purchase, payment, distribution, loan, advance, deposit, gift  
254 of money or anything of value, made by any political party and by  
255 any contractor, subcontractor, agent, and consultant to the  
256 political party; and 2. a written contract, promise, or agreement  
257 to make such an expenditure.



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

259 (i) In the case of any individual, the name, the  
260 mailing address, and the occupation of such individual, as well as  
261 the name of his or her employer; and

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

264 (h) The term "political party" shall mean an association,  
265 committee or organization which nominates a candidate for election  
266 to any elective office whose name appears on the election ballot  
267 as the candidate of \* \* \* the association, committee or  
268 organization.

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

271 (j) The term "independent expenditure" shall mean an  
272 expenditure by a person expressly advocating the election or  
273 defeat of a clearly identified candidate \* \* \* that is made  
274 without cooperation or consultation with any candidate or any  
275 authorized committee or agent of \* \* \* the candidate, and \* \* \*  
276 that is not made in concert with or at the request or suggestion  
277 of any candidate or any authorized committee or agent of \* \* \* the  
278 candidate.

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

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

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

282 or



283 (iii) The identity of the candidate is apparent by  
284 unambiguous reference.

285 **SECTION 4.** Section 23-15-803, Mississippi Code of 1972, is  
286 amended as follows:

287 23-15-803. ( \* \* \* 1) \* \* \* Each political committee shall  
288 file a statement of organization which must be received by the  
289 Secretary of State no later than \* \* \* forty-eight (48) hours  
290 after:

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

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

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

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

299 ( \* \* \* b) The designation of a \* \* \* chair of the \* \* \*  
300 organization and a custodian of the financial books, records and  
301 accounts of the \* \* \* organization, who shall be designated  
302 treasurer; and

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



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

309 (4) In addition to any other penalties provided by law, the  
310 Mississippi Ethics Commission may impose administrative penalties  
311 against any political committee that fails to comply with the  
312 requirements of this section in an amount not to exceed Five  
313 Thousand Dollars (\$5,000.00) per violation. The notice, hearing  
314 and appeals provisions of Section 23-15-813 shall apply to any  
315 action taken pursuant to this subsection (4). The Mississippi  
316 Ethics Commission may pursue judicial enforcement of any penalties  
317 issued pursuant to this section.

318 **SECTION 5.** Section 23-15-805, Mississippi Code of 1972, is  
319 amended as follows:

320 23-15-805. (a) Candidates for state, state district, and  
321 legislative district offices, and every political committee, which  
322 makes reportable contributions to or expenditures in support of or  
323 in opposition to a candidate for any such office or makes  
324 reportable contributions to or expenditures in support of or in  
325 opposition to a statewide ballot measure, shall file all reports  
326 required under this article with the Office of the Secretary of  
327 State.

328 (b) Candidates for county or county district office, and  
329 every political committee which makes reportable contributions to  
330 or expenditures in support of or in opposition to a candidate for



331 such office or makes reportable contributions to or expenditures  
332 in support of or in opposition to a countywide ballot measure or a  
333 ballot measure affecting part of a county, excepting a municipal  
334 ballot measure, shall file all reports required by this section in  
335 the office of the circuit clerk of the county in which the  
336 election occurs, or directly to the Office of the Secretary of  
337 State via facsimile, electronic mail, postal mail or hand  
338 delivery. The circuit clerk shall forward copies of all reports  
339 to the Office of the Secretary of State.

340 (c) Candidates for municipal office, and every political  
341 committee which makes reportable contributions to or expenditures  
342 in support of or in opposition to a candidate for such office, or  
343 makes reportable contributions to or expenditures in support of or  
344 in opposition to a municipal ballot measure shall file all reports  
345 required by this article in the office of the municipal clerk of  
346 the municipality in which the election occurs, or directly to the  
347 Office of the Secretary of State via facsimile, electronic mail,  
348 postal mail or hand delivery. The municipal clerk shall forward  
349 copies of all reports to the Office of the Secretary of State.

350 (d) The Secretary of State, the circuit clerks and the  
351 municipal clerks shall make all reports received under this  
352 subsection available for public inspection and copying and shall  
353 preserve \* \* \* the reports for a period of five (5) years.

354 \* \* \*



355           **SECTION 6.** Section 23-15-807, Mississippi Code of 1972, is  
356 amended as follows:

357           23-15-807. (a) Each candidate or political committee shall  
358 file reports of contributions and disbursements in accordance with  
359 the provisions of this section. All candidates or political  
360 committees required to report such contributions and disbursements  
361 may terminate \* \* \* the obligation to report only upon submitting  
362 a final report that \* \* \* contributions will no longer \* \* \* be  
363 received or \* \* \* disbursements made and that \* \* \* the candidate  
364 or committee has no outstanding debts or obligations. The  
365 candidate, treasurer or chief executive officer shall sign \* \* \*  
366 the report.

367           (b) Candidates \* \* \* seeking election, or nomination for  
368 election, and political committees \* \* \* making expenditures \* \* \*  
369 to influence \* \* \* or attempt to influence voters for or against  
370 the nomination for election \* \* \* of one or more candidates or  
371 balloted measures at such election, shall file the following  
372 reports:

373           (i) In any calendar year during which there is a  
374 regularly scheduled election, a pre-election report \* \* \* shall be  
375 filed no later than the seventh day before any election in  
376 which \* \* \* the candidate or political committee has accepted  
377 contributions or made expenditures and \* \* \* shall be \* \* \*  
378 completed as of the tenth day before \* \* \* the election;



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

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

387 (iv) Except as otherwise provided in the requirements  
388 of subparagraph (i) of this paragraph (b), unopposed candidates  
389 are not required to file pre-election reports but must file all  
390 other reports required by subparagraphs (ii) and (iii) of this  
391 paragraph (b).

392 (c) All candidates for judicial office as defined in Section  
393 23-15-975, or their political committees, shall file periodic  
394 reports in the year in which they are to be elected \* \* \* no later  
395 than the tenth day after April 30, May 31, June 30, September 30  
396 and December 31.

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

398 (i) For the reporting period and the calendar year, the  
399 total amount of all contributions and the total amount of all  
400 expenditures of the candidate or reporting committee \* \* \*  
401 including those required to be identified pursuant to \* \* \*  
402 subparagraph (ii) of this paragraph (d) as well as the total of  
403 all other contributions and expenditures during the calendar year.





404 \* \* \* The reports shall be cumulative during the calendar year to  
405 which they relate;

406 (ii) The identification of:

407 1. Each person or political committee who makes a  
408 contribution to the reporting candidate or political committee  
409 during the reporting period, whose contribution or contributions  
410 within the calendar year have an aggregate amount or value in  
411 excess of Two Hundred Dollars (\$200.00) together with the date and  
412 amount of any such contribution;

413 2. Each person or organization, candidate or  
414 political committee who receives an expenditure, payment or other  
415 transfer from the reporting candidate, political committee or its  
416 agent, employee, designee, contractor, consultant or other person  
417 or persons acting in its behalf during the reporting period when  
418 the expenditure, payment or other transfer to \* \* \* the person,  
419 organization, candidate or political committee within the calendar  
420 year have an aggregate value or amount in excess of Two Hundred  
421 Dollars (\$200.00) together with the date and amount of \* \* \* the  
422 expenditure \* \* \*;

423 (iii) The total amount of cash on hand of each  
424 reporting candidate and reporting political committee;

425 (iv) In addition to the contents of reports specified  
426 in \* \* \* subparagraphs (i), (ii) and (iii) of this paragraph (d),  
427 each political party shall disclose:



428           1. Each person or political committee who makes a  
429 contribution to a political party during the reporting period and  
430 whose contribution or contributions to a political party within  
431 the calendar year have an aggregate amount or value in excess of  
432 Two Hundred Dollars (\$200.00), together with the date and amount  
433 of the contribution;

434           2. Each person or organization who receives an  
435 expenditure or expenditures by a political party \* \* \* during the  
436 reporting period when the expenditure or expenditures to the  
437 person or organization within the calendar year have an aggregate  
438 value or amount in excess of Two Hundred Dollars (\$200.00),  
439 together with the date and amount of \* \* \* the expenditure \* \* \*;

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

446           (e) The appropriate office specified in Section 23-15-805  
447 must be in actual receipt of the reports specified in this article  
448 by 5:00 p.m. on the dates specified in paragraph (b) of this  
449 section. If the date specified in paragraph (b) of this section  
450 shall fall on a weekend or legal holiday then the report shall be  
451 due in the appropriate office at 5:00 p.m. on the first working  
452 day before the date specified in paragraph (b) of this section.



453 The reporting candidate or reporting political committee shall  
454 ensure that the reports are delivered to the appropriate office by  
455 the filing deadline. The Secretary of State may approve specific  
456 means of electronic transmission of completed campaign finance  
457 disclosure reports, which may include, but not be limited to,  
458 transmission by electronic facsimile (FAX) devices.

459 (f) (i) If any contribution of more than Two Hundred  
460 Dollars (\$200.00) is received by a candidate or candidate's  
461 political committee after the tenth day, but more than forty-eight  
462 (48) hours before 12:01 a.m. of the day of the election, the  
463 candidate or political committee shall notify the appropriate  
464 office designated in Section 23-15-805, within forty-eight (48)  
465 hours of receipt of the contribution. The notification shall  
466 include:

- 467 1. The name of the receiving candidate;
- 468 2. The name of the receiving candidate's political  
469 committee, if any;
- 470 3. The office sought by the candidate;
- 471 4. The identification of the contributor;
- 472 5. The date of receipt;
- 473 6. The amount of the contribution;
- 474 7. If the contribution is in-kind, a description  
475 of the in-kind contribution; and
- 476 8. The signature of the candidate or the treasurer  
477 or \* \* \* chair of the candidate's political \* \* \* organization.



478 (ii) The notification shall be in writing, and may be  
479 transmitted by overnight mail, courier service, or other reliable  
480 means, including electronic facsimile (FAX), but the candidate or  
481 candidate's committee shall ensure that the notification shall in  
482 fact be received in the appropriate office designated in Section  
483 23-15-805 within forty-eight (48) hours of the contribution.

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

486 23-15-811. (a) Any candidate or any other person who \* \* \*  
487 willfully violates the provisions and prohibitions of this article  
488 shall be guilty of a misdemeanor and upon conviction \* \* \* shall  
489 be punished by a fine in a sum not to exceed Three Thousand  
490 Dollars (\$3,000.00) or imprisoned for not longer than six (6)  
491 months or by both fine and imprisonment.

492 (b) In addition to the penalties provided in paragraph (a)  
493 of this section and Chapter 13, Title 97, Mississippi Code of  
494 1972, any candidate or political committee which is required to  
495 file a statement or report \* \* \* and fails to file \* \* \* the  
496 statement or report on the date \* \* \* it is due may be compelled  
497 to file \* \* \* the statement or report by an action in the nature  
498 of a mandamus brought by the Mississippi Ethics Commission.

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



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

507 (e) In the event that a candidate fails to timely file any  
508 report required pursuant to this article but subsequently files a  
509 report or reports containing all of the information required to be  
510 reported \* \* \*, the candidate shall not be subject to the  
511 sanctions of \* \* \* paragraphs (c) and (d) of this section.

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

514 23-15-813. (a) In addition to any other penalty permitted  
515 by law, the \* \* \* Mississippi Ethics Commission shall require any  
516 candidate or political committee, as identified in Section  
517 23-15-805(a), and any other political committee registered with  
518 the Secretary of State, who fails to file a campaign finance  
519 disclosure report as required under Sections 23-15-801 through  
520 23-15-813, or Sections 23-17-47 through 23-17-53, or who shall  
521 file a report \* \* \* that fails to substantially comply with the  
522 requirements of Sections 23-15-801 through 23-15-813, or Sections  
523 23-17-47 through 23-17-53, to be assessed a civil penalty as  
524 follows:

525 (i) Within five (5) calendar days after any deadline  
526 for filing a report pursuant to Sections 23-15-801 through  
527 23-15-813, or Sections 23-17-47 through 23-17-53, the Secretary of



528 State shall compile a list of those candidates and political  
529 committees who have failed to file a report. The list shall be  
530 provided to the Mississippi Ethics Commission. The Secretary of  
531 State shall provide each candidate or political committee, who has  
532 failed to file a report, notice of the failure by first-class  
533 mail.

534 (ii) Beginning with the tenth calendar day after which  
535 any report \* \* \* is due, the \* \* \* Mississippi Ethics Commission  
536 shall assess the delinquent candidate and political committee a  
537 civil penalty of Fifty Dollars (\$50.00) for each day or part of  
538 any day until a valid report is delivered to the Secretary of  
539 State, up to a maximum of ten (10) days. \* \* \* In the discretion  
540 of the \* \* \* Mississippi Ethics Commission, the assessing of the  
541 fine may be waived, in whole or in part, if the \* \* \* Commission  
542 determines that unforeseeable mitigating circumstances, such as  
543 the health of the candidate, interfered with the timely filing of  
544 a report. Failure of a candidate or political committee to  
545 receive notice of failure to file a report from the Secretary of  
546 State is not an unforeseeable mitigating circumstance, and failure  
547 to receive the notice shall not result in removal or reduction of  
548 any assessed civil penalty.

549 (iii) Filing of the required report and payment of the  
550 fine within ten (10) calendar days of notice by the Secretary of  
551 State that a required statement has not been filed \* \* \*



552 constitutes compliance with Sections 23-15-801 through 23-15-813,  
553 or Sections 23-17-47 through 23-17-53.

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

558 (v) If any candidate or political committee is assessed  
559 a civil penalty, and the penalty is not subsequently waived by  
560 the \* \* \* Mississippi Ethics Commission, the candidate or  
561 political committee shall pay the fine to the \* \* \* Commission  
562 within ninety (90) days of the date of the assessment of the fine.  
563 If, after one hundred twenty (120) days of the assessment of the  
564 fine the payment for the entire amount of the assessed fine has  
565 not been received by the \* \* \* Commission, the \* \* \* Commission  
566 shall notify the Attorney General of the delinquency, and the  
567 Attorney General shall file, where necessary, a suit to compel  
568 payment of the civil penalty.

569 (b) (i) Upon the sworn application, made within sixty (60)  
570 calendar days of the date upon which the required report is due,  
571 of a candidate or political committee against whom a civil penalty  
572 has been assessed pursuant to paragraph (a), the Secretary of  
573 State shall forward the application to the State Board of Election  
574 Commissioners. The State Board of Election Commissioners shall  
575 appoint one or more hearing officers who shall be former  
576 chancellors, circuit court judges, judges of the Court of Appeals



577 or justices of the Supreme Court, \* \* \* to conduct hearings held  
578 pursuant to this article. The hearing officer shall fix a time  
579 and place for a hearing and shall cause a written notice  
580 specifying the civil penalties that have been assessed against the  
581 candidate or political committee and notice of the time and place  
582 of the hearing to be served upon the candidate or political  
583 committee at least twenty (20) calendar days before the hearing  
584 date. The notice may be served by mailing a copy \* \* \* of the  
585 notice by certified mail, postage prepaid, to the last known  
586 business address of the candidate or political committee.

587 (ii) The hearing officer may issue subpoenas for the  
588 attendance of witnesses and the production of \* \* \* documents at  
589 the hearing. Process issued by the hearing officer shall extend  
590 to all parts of the state and shall be served by any person  
591 designated by the hearing officer for the service.

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

596 (iv) At the hearing, the hearing officer shall  
597 administer oaths as may be necessary for the proper conduct of the  
598 hearing. All hearings shall be conducted by the hearing officer,  
599 who shall not be bound by strict rules of procedure or by the laws  
600 of evidence \* \* \*, but the determination shall be based upon  
601 sufficient evidence to sustain it. The scope of review at the





602 hearing shall be limited to making a determination of whether  
603 failure to file a required report was due to an unforeseeable  
604 mitigating circumstance.

605 (v) \* \* \* In any proceeding before the hearing officer,  
606 if any witness fails or refuses to attend upon a subpoena issued  
607 by the commission, refuses to testify, or refuses to produce  
608 any \* \* \* documents called for by a subpoena, the attendance of  
609 the witness, the giving of his or her testimony or the production  
610 of the \* \* \* documents shall be enforced by \* \* \* a court of  
611 competent jurisdiction of this state in the manner provided for  
612 the enforcement of attendance and testimony of witnesses in civil  
613 cases in the courts of this state.

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

620 (c) (i) The right to appeal from the decision of the  
621 hearing officer in an administrative hearing concerning the  
622 assessment of civil penalties authorized pursuant to this section  
623 is granted. The appeal shall be to the Circuit Court of Hinds  
624 County and shall include a verbatim transcript of the testimony at  
625 the hearing. The appeal shall be taken within thirty (30)  
626 calendar days after notice of the decision of the commission



627 following an administrative hearing. The appeal shall be  
628 perfected upon filing notice of the appeal and \* \* \* the  
629 prepayment of all costs, including the cost of \* \* \* preparing the  
630 record of the proceedings by the hearing officer, and \* \* \*  
631 filing \* \* \* a bond in the sum of Two Hundred Dollars (\$200.00),  
632 conditioned that if the decision of the hearing officer \* \* \* is  
633 affirmed by the court, the candidate or political committee will  
634 pay the costs of the appeal and the action in court. If the  
635 decision is reversed by the court, the \* \* \* Mississippi Ethics  
636 Commission will pay the costs of the appeal and the action in  
637 court.

638 (ii) If there is an appeal, the appeal shall act as a  
639 supersedeas. The court shall dispose of the appeal and enter its  
640 decision promptly. The hearing on the appeal may be tried in  
641 vacation, in the court's discretion. The scope of review of the  
642 court shall be limited to a review of the record made before the  
643 hearing officer to determine if the action of the hearing officer  
644 is unlawful for the reason that it was 1. not supported by  
645 substantial evidence, 2. arbitrary or capricious, 3. beyond the  
646 power of the hearing officer to make, or 4. in violation of some  
647 statutory or constitutional right of the appellant. The decision  
648 of the court may be appealed to the Supreme Court in the manner  
649 provided by law.

650 (d) If, after forty-five (45) calendar days of the date of  
651 the administrative hearing procedure set forth in paragraph (b),



652 the candidate or political committee identified in paragraph (a)  
653 of this section fails to pay the monetary civil penalty imposed by  
654 the hearing officer, the Secretary of State shall notify the  
655 Attorney General of the delinquency. The Attorney General shall  
656 investigate the offense in accordance with the provisions of this  
657 chapter, and where necessary, file suit to compel payment of the  
658 unpaid civil penalty.

659 (e) If, after twenty (20) calendar days of the date upon  
660 which a campaign finance disclosure report is due, a candidate or  
661 political committee identified in paragraph (a) of this section  
662 shall not have filed a valid report with the Secretary of State,  
663 the Secretary of State shall notify the Attorney General of those  
664 candidates and political committees who have not filed a valid  
665 report, and the Attorney General shall \* \* \* prosecute the  
666 delinquent candidates and political committees.

667 **SECTION 9.** Section 23-15-817, Mississippi Code of 1972, is  
668 amended as follows:

669 23-15-817. The Secretary of State shall compile a list of  
670 all candidates for the Legislature or any statewide office who  
671 fail to file a campaign disclosure report by the dates specified  
672 in Section 23-15-807(b) \* \* \*. The list shall be provided to the  
673 Mississippi Ethics Commission so that the commission may bring a  
674 mandamus as provided in Section 23-15-811 or take any other  
675 disciplinary action as provided in this chapter. The list shall  
676 also be disseminated to the members of the Mississippi Press



677 Association within two (2) working days after such reports are due  
678 and made available to the public.

679 **SECTION 10.** Section 23-15-809, Mississippi Code of 1972, is  
680 brought forward as follows:

681 23-15-809. (a) Every person who makes independent  
682 expenditures in an aggregate amount or value in excess of Two  
683 Hundred Dollars (\$200.00) during a calendar year shall file a  
684 statement containing the information required under Section  
685 23-15-807. Such statement shall be filed with the appropriate  
686 offices as provided for in Section 23-15-805, and such person  
687 shall be considered a political committee for the purpose of  
688 determining place of filing.

689 (b) Statements required to be filed by this subsection shall  
690 include:

691 (i) Information indicating whether the independent  
692 expenditure is in support of, or in opposition to, the candidate  
693 involved;

694 (ii) Under penalty of perjury, a certification of  
695 whether or not such independent expenditure is made in  
696 cooperation, consultation or concert with, or at the request or  
697 suggestion of, any candidate or any authorized committee or agent  
698 of such candidate; and

699 (iii) The identification of each person who made a  
700 contribution in excess of Two Hundred Dollars (\$200.00) to the



701 person filing such statement which was made for the purpose of  
702 furthering an independent expenditure.

703         **SECTION 11.** Section 23-15-815, Mississippi Code of 1972, is  
704 brought forward as follows:

705             23-15-815. (a) The Secretary of State shall prescribe and  
706 make available forms and promulgate rules and regulations  
707 necessary to implement this article.

708             (b) The Secretary of State, circuit clerks and municipal  
709 clerks shall, within forty-eight (48) hours after the time of the  
710 receipt by the appropriate office of reports and statements filed  
711 with it, make them available for public inspection, and copying at  
712 the expense of the person requesting such copying, and keep such  
713 designations, reports and statements for a period of three (3)  
714 years from the date of receipt.

715         **SECTION 12.** This act shall take effect and be in force from  
716 and after \* \* \* January 1, 2018.

