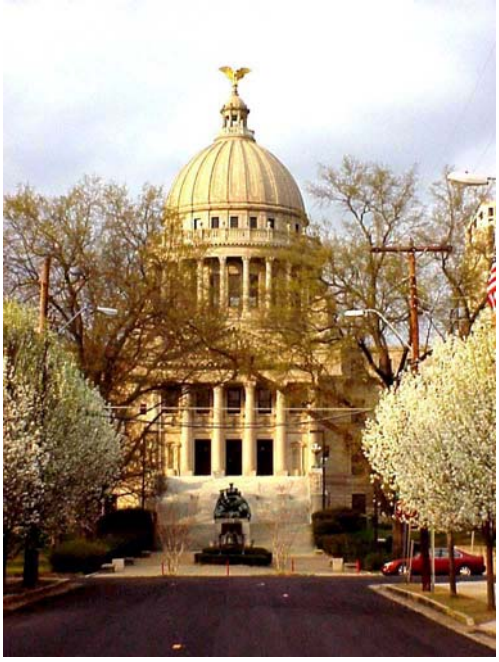
CAMPAIGN FINANCE GUIDE

Ensuring Compliance and
Improving Disclosure



2009

STATE OF MISSISSIPPI

SECRETARY OF STATE

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January 16, 2009

Dear Fellow Mississippian:

We are pleased to provide you with this handbook outlining campaign finance reporting requirements. For your convenience, we have included the 2008 reporting schedule, as well as a complete copy of Miss. Code Ann. § 23-15-801 et seq. (1972), and other laws that pertain to campaign finance disclosure in Mississippi. Examples of each type of filing are also included.

Our office has a responsibility to all candidates and political committees to clearly explain what the law requires. This handbook provides answers to basic questions involving campaign finance reporting, enforcement, and other restrictions. Also, as part of our commitment to increasing access to information, I am happy to make all campaign finance forms and this guide available through our website at www.sos.ms.gov .

As always, our office is here to help you with any questions. If we can assist you with additional information or clarification with regard to Mississippi campaign finance laws, please call Natalie Cole at (601) 359-1358 and Robbie Vance at (601) 359-6356 or Teresa Hines at (601) 359-9372. You may also contact the Elections Division at (800) 829-6786 or (601) 576-2550. Thank you!

Sincerely,

Delbert Hosemann
Secretary of State

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About This Guide

Guide to Campaign Finance in Mississippi: For Candidates and Political Committees is published by the Secretary of State's Office as a handbook for candidates and political committees. This handbook contains information necessary for compliance with the campaign finance laws, in the State of Mississippi, according to Miss. Code Ann. § 23-15-801 et seq. (1972). This guide is available at the Secretary of State's Office website at: *http://www.sos.ms.gov* .

For Assistance

Mail
Mississippi Secretary of State's Office
Attn: Campaign Finance Reporting
Post Office Box 136
Jackson, MS 39205-0136

Location
Mississippi Secretary of State's Office
The Heber Ladner Building
401 Mississippi Street
Jackson, MS 39201

Phone
(601) 576-2550
(800) 829-6786

Fax
(601) 359-1499 or (601) 576-2819

Customer Service Standards

The Mississippi Secretary of State's Office is committed to providing superior customer service efficiently, promptly, and courteously. As a part of that commitment, suggestions, comments, and requests for information are welcome.

2009 Campaign Finance Reporting Schedule

Tuesday, April 28, 2009……. **Pre-Election Report**
(January 1, 2009, through April 25, 2009) Municipal Primary Candidates

Tuesday, May 12, 2009……. **Pre-Runoff Report**
(April 26, 2009, through May 9, 2009) Runoff Candidates Only

Tuesday, May 26, 2009…….**Pre-General Report**
(May 10, 2009, through May 23, 2009) All General Election Candidates

Tuesday, June 09, 2009……..**Pre-Runoff Report**
(May 24, 2009, through June 6, 2009) Runoff Candidates Only

Tuesday, January 29, 2010…….**Annual Report**
(January 1, 2009, through December 31, 2009) All Candidates and All Political Committees that made expenditures in Mississippi during the 2009 period

Termination Report - Required by *all* candidates and *all* political committees in order to end reporting obligations. To be eligible for termination, the candidate or committee must no longer be soliciting contributions, no longer making campaign disbursements, nor have any outstanding debts or financial obligations.

Campaign Finance Reporting in Mississippi

For Candidates and Political Committees

Campaign finance law in Mississippi changed dramatically in 1999 with the passage of Miss. Code Ann., § 23-15-801 et seq. (1972). All candidates seeking office and all political committees should be aware of the requirements of this law. This handbook seeks to explain in clear, straightforward language how Mississippi campaign finance law affects candidates for public office and all political committees.

Mississippi law requires that all candidates, their committees, and all other political committees of any kind, file campaign finance disclosure reports. These reports are called "Reports of Receipts and Disbursements." Forms necessary for compliance with these laws are available from the Secretary of State's Office or our website at www.sos.ms.gov or from your Municipal Clerk.

I. Quick View of Miss. Code Ann. § 23-15-801 et seq.

- Fines of $50 per day for late reports from any statewide, state district, legislative candidates, and political committees that are required to be registered with the Secretary of State's Office.
- The Secretary of State is required by law to publish the names of all statewide, state district, and legislative candidates who do not file reports on time.
- Total cash on hand must be reported and carried over year-to-year.
- Grand totals of itemized and non-itemized contributions must be reported.
- Grand totals of itemized and non-itemized disbursements must be reported.
- All contributions and disbursements in excess of $200 per year must be itemized. The $500 reporting threshold for statewide and state district candidates has been eliminated.
- The proper office must be in actual receipt of the report on the date due. "Postmark rule" has been eliminated.
- Faxed reports are acceptable, if received by deadline. Faxed reports received after the deadlines are late. If you hand-write your report, please make sure that you use a dark ink pen and write legibly. Always maintain for your records a fax confirmation indicating a successful fax transmission to the appropriate office. Always follow up with a mailed hard copy of the report.
- If a reporting deadline falls on a weekend, the report is due by 5:00 p.m. the first working day **prior** to the deadline.
- Forty-Eight-Hour Reports are required. Reportable contributions received after the tenth day, but more than 48 hours before 12:01 a.m. on the Election Day, must be delivered either by FAX, mail, or hand delivery to the appropriate office within 48 hours of receipt.
- Candidates must file all reports except Forty-Eight-Hour Reports, even if no reportable activity takes place. Failure to file reports will result in fines.

IMPORTANT: This handbook is designed to provide candidates and political committees with an overview of Mississippi campaign finance law. It is for informational purposes only. Candidates, political committees, and contributors are advised to review the appropriate case law, statutes, and state laws regarding regulation and disclosure of campaign finances and other candidate obligations and responsibilities especially Miss. Code Ann. § 23-15-801 et seq. (1972). If you have questions related to voting, call the Secretary of State Elections Hotline at (800) 829-6786 or (601) 576-2550.

II. Campaign Finance for Candidates

Potential candidates for any elected office in Mississippi must file campaign finance reports. Under the law, you are a candidate if you have filed qualifying papers by the deadline or you have spent or received over $200. **All candidates must file reports even if they have no contributions or disbursements to itemize.** Once a candidate has qualified to run for office, he or she must file all required reports until a termination has been filed.

WHERE DO I FILE?

- **Statewide office**: Candidates file with the Secretary of State.
- **State District office**: Candidates file with the Secretary of State. (This includes Transportation Commissioner, Public Service Commissioner, and District Attorney.)
- **Legislature**: Candidates file with the Secretary of State. (This includes ALL candidates for legislative office, whether the district is a single county district or a multi-county district.)
- **Countywide office**: Candidates file with the Circuit Clerk of the county.
- **County District office**: Candidates file with the Circuit Clerk of the county.
- **Municipal office**: Candidates file with the Municipal Clerk.

WHEN HAVE I COMPLETED MY FILING RESPONSIBILITIES?

Every candidate must file every required report until a Termination Report is filed. A Termination Report should be filed when contributions are no longer accepted, disbursements are no longer made, and there are no outstanding debts or financial obligations associated with the candidate.

Filing a Termination Report is the only way to end reporting obligations and responsibilities. If no Termination Report is filed, candidates must continue to file all reports and will remain subject to possible penalties set forth in law.

WHAT MUST BE REPORTED?

All reports filed under state law must include:

- **Aggregate year-to-date totals:** Grand totals of contributions received and grand totals of disbursements made.
- **Contributions:** An itemized listing of each person, business, or entity (including name, address, occupation, employer, date of contribution, and amount of contribution) giving aggregate year-to-date totals of more than $200.
- **Disbursements:** An itemized listing of each person, business, or entity (including name, address, date of expenditure, and amount of expenditure) receiving aggregate year-to-date total spending of more than $200.

REPORTING THRESHOLD

All candidates and political committees must fully itemize (identify) the sources of contributions and itemize disbursements when they aggregate to more than $200 in a calendar year. Miss. Code Ann. § 23-15-807 (1972).

TOTALS

All reports filed under state law must include aggregate year-to-date and reporting period totals of contributions received and disbursements made from all sources. Total cash on hand must be reported. Under prior campaign finance law, cash on hand was not reported. Miss. Code Ann. § 23-15-807(d)(i) (1972).

ITEMIZED CONTRIBUTIONS

Each report must contain an itemized listing of each person, business, or entity (including name, address, occupation, employer, date of expenditure or disbursement, and amount) giving year-to-date totals aggregating to more than $200. Miss. Code Ann. § 23-15-807(d)(ii) (1972). The grand total (itemized contributions plus non-itemized contributions) must be disclosed. Miss. Code Ann. § 23-15-807(d)(iii) (1972).

ITEMIZED DISBURSEMENTS

Each report must contain an itemized listing of each person, business, or entity (including name, address, occupation, employer, date of expenditure or disbursement, and amount) receiving year-to-date totals aggregating to more than $200. Miss. Code Ann. § 23-15-807(d)(ii) (1972). The grand total (itemized disbursements plus non-itemized disbursements) must be disclosed. Miss. Code Ann. § 23-15-807(d)(iii) (1972).

NON-ITEMIZED CONTRIBUTIONS AND DISBURSEMENTS

Contributions and disbursements aggregating to $200 or less in a calendar year do not have to be itemized. However, these amounts are included in the grand totals of all contributions and grand totals of all disbursements as indicated on the cover sheet of each report.

WHEN REPORTS ARE DUE

Reports are due in the proper office no later than 5:00 p.m. on deadline dates. See "Where Do I File?" on page seven (7) of this handbook. If the deadline falls on a weekend or holiday, the report is due at 5:00 p.m. on the first working day **PRIOR** to the weekend or holiday. Statutory deadline dates are indicated on the front of each reporting form and on the enclosed schedule on page five (5) of this handbook. Miss. Code Ann. § 23-15-807(e) (1972).

The proper office must be in actual receipt of the report by 5:00 p.m. on the deadline date. The old "postmark" rule is no longer valid, where candidates merely had their reports postmarked by the deadline. It is the responsibility of the candidate to make sure the report is delivered on time. Miss. Code Ann. § 23-15-807(e) (1972).

WHAT TYPE OF REPORTS MUST I FILE?

1. **Primary Pre-Election report**: Filed by all candidates except Independents and third party candidates.
2. **Pre-Runoff Election report**: Filed by all candidates on run-off election ballot.
3. **General Pre-Election report**: Filed by all candidates.
4. **Annual report**: Filed by all candidates until a Termination Report is filed.
5. **Termination report**: All candidates must file a Termination Report to terminate reporting obligations.

A candidate should simply check (√) the type of report being submitted on his/her form. You may submit a Termination Report at the same time as another scheduled report by checking both the scheduled report and the Termination Report boxes.

FORTY-EIGHT-HOUR REPORTS

If a candidate receives a contribution of more than $200 after the tenth day, but more than 48 hours before 12:01 a.m. on the day of the election, the candidate must fully disclose the contribution by filing a Forty-Eight-Hour Report with the appropriate office designated in Miss. Code Ann. § 23-15-807(f)(i) (1972) within 48 hours of the contribution.

The notification shall be in writing, and may be transmitted by overnight mail, courier service, or other reliable means, including electronic facsimile (FAX), but the candidate or candidate's committee shall ensure that the notification shall in fact be received in the appropriate office within 48 hours of the contribution. Miss. Code Ann. § 23-15-807(f)(ii) (1972).

Under state law, a violation of any candidate campaign finance disclosure requirement could result in:

- no certification of nomination or election to office;
- withholding salary of office; conviction of misdemeanor;
- imprisonment of up to six (6) months;
- and a fine up to $3,000. Miss. Code Ann. § 23-15-811 (1972).

EXAMPLES OF CAMPAIGN FINANCE REPORTING

1. A candidate for the office of Mayor receives a $100 contribution from Jane Doe on July 1. That $100 contribution does not have to be itemized on the "Itemized Receipts" page of the candidate's report, but must be included in the grand total of all contributions on the report's cover page. Then, Jane Doe contributes an additional $125 to the candidate on July 8. The candidate must report that Jane Doe contributed $225 to that candidate. The report must include the dates of both contributions and the aggregate year-to-date total, in addition to the name, address, occupation and employer of Jane Doe.

2. A candidate for a Board of Alderman office spends $100 for a newspaper ad on July 1. That $100 disbursement does not have to be itemized on the "Itemized Disbursements" page of the candidate's report, but must be included in the grand total of all disbursements on the report's cover page. Then, the candidate spends an additional $125 for ads in the same paper on July 8. The candidate must report that $225 was spent on ads with that newspaper. The report must include the dates of both disbursements and the aggregate year-to-date total, in addition to the name and address of the newspaper.

3. A candidate who has qualified to run for office has not spent or received in excess of $200. However, even if that candidate has no reportable itemized contributions or disbursements, he/she must file all required reports.

III. Campaign Finance for Political Committees

WHAT IS A POLITICAL COMMITTEE?

A political committee is any committee, party, club, association, political action committee, or other group that makes contributions or disbursements of more than $200 aggregate in a calendar year toward influencing or attempting to influence voters. Miss. Code Ann. § 23-15-801(c) (1972).

WHAT IS A CANDIDATE'S POLITICAL COMMITTEE?

A candidate's political committee (also called an "authorized committee") is any group authorized by a candidate for political campaign purposes in regard to any elected office except federal offices. This committee files all required campaign finance reports on behalf of the candidate.

HOW DO I KNOW IF MY GROUP IS A POLITICAL COMMITTEE?

Political committees can include (but are not limited to) associations, clubs, committees (including party executive committees), political action committees, or political parties.

Your group is a political committee if it is:

- Any group that in the current calendar year receives political contributions totaling more than $200;
- Any group that in the current calendar year makes political disbursements (expenditures) totaling more than $200; or
- Any group authorized by a candidate for political campaign purposes in regard to any elected office except federal offices.

WHAT DOCUMENTS MUST BE FILED BY A POLITICAL COMMITTEE?

All political committees are required to file: (1) a Statement of Organization and (2) Reports of Receipts and Disbursements. A political committee is required to file Campaign Finance Reports if the committee has received *Mississippi* contributions or made *Mississippi* disbursements during the 2008 election period.

WHERE DO I FILE?

- Committees which contribute or spend in support of or in opposition to statewide, state district, legislative candidates, or statewide balloted measures must file with the **Secretary of State**.
- Committees which contribute or spend solely in support of or opposition to county, county district candidates, or county balloted measures must file with the **Circuit Clerk of that county**.
- Committees which contribute or spend solely in support of or in opposition to municipal, municipal district candidates, or municipal balloted measures must file with the **municipal clerk of that municipality**.

STATEMENT OF ORGANIZATION

Each political committee must file a Statement of Organization within 10 days of receiving or spending in excess of $200. A Statement of Organization form is available from the Secretary of State's Office or from the office's website at www.sos.ms.gov .

WHAT INFORMATION IS REQUIRED?

The Statement of Organization must include the names and addresses of the committee members and all officers. The committee's statement must also designate a Director and a Treasurer who will be custodians of the books and accounts.

If the committee is an authorized candidate's committee, the statement must include the name, address, office sought, and party affiliation of that candidate. Any changes to information in the

Statement of Organization must be filed with the appropriate official at the time the next Campaign Finance Report is due.

CAMPAIGN FINANCE REPORTS

All political committees receiving contributions or making disbursements to non-federal candidates must file all campaign finance reports. After a committee spends or receives $200.01 during a calendar year, it must file all required reports, including periodic, pre-election, and pre-runoff reports. (question regarding 23-15-805 & 807 b (ii))

All political committees receiving contributions or making disbursements to non-federal candidates are required to only file a report if the committee has made *Mississippi* expenditures during the 2009 election period.

WHAT MUST BE REPORTED?

Under state law, all political committee campaign finance reports must include:

- **Aggregate year-to-date totals:** Grand totals of contributions received and grand totals of disbursements made.
- **Contributions:** An itemized listing of each person, business, or entity (including name, address, occupation, employer, date of contribution, and amount of contribution) giving aggregate year-to-date totals of more than $200.
- **Disbursements:** An itemized listing of each person, business, or entity (including name, address, date of expenditure, and amount of expenditure) receiving aggregate year-to-date total spending of more than $200.

WHERE DO I FILE?

File reports at the same office where you filed your Statement of Organization. (See page 13 for a listing of appropriate filing locations.)

WHEN HAVE I COMPLETED MY FILING RESPONSIBILITIES?

Every committee must file <u>every required</u> report until a Termination Report is filed. A Termination Report must be filed when contributions are no longer accepted, disbursements are no longer made, and there are no outstanding debts or financial obligations associated with the committee's activities.

Filing a Termination Report is the <u>only</u> way to end reporting obligations and responsibilities. If no Termination Report is filed, committees must continue to file all reports and will remain subject to possible penalties set forth in law.

TOTALS

All reports filed under state law must include aggregate year-to-date and reporting period totals of contributions received and disbursements made. Total cash on hand must be reported. Under prior campaign finance law, cash on hand was not reported. Miss. Code Ann. § 23-15-807 (1972).

REPORTING THRESHOLD

All political committees must fully itemize (identify) the source of contributions and itemize disbursements when they aggregate to more than $200 in a calendar year. Miss. Code Ann. § 23-15-807 (1972).

ITEMIZED CONTRIBUTIONS

Each report must contain an itemized listing of each person, business, or entity (including name, address, occupation, employer, date of expenditure or disbursement, and amount) giving year-to-date totals aggregating to more than $200. Miss. Code Ann. § 23-15-807(d)(ii) (1972). The grand total (itemized contributions plus non-itemized contributions) must be disclosed. Miss. Code Ann. § 23-15-807(d)(iii) (1972).

ITEMIZED DISBURSEMENTS

Each report must contain an itemized listing of each person, business, or entity (including name, address, occupation, employer, date of expenditure or disbursement, and amount) receiving year-to-date totals aggregating to more than $200. Miss. Code Ann. § 23-15-807(d)(ii) (1972). The grand totals of itemized disbursements plus non-itemized disbursements must be disclosed. Miss. Code Ann. § 23-15-807(d)(iii) (1972).

NON-ITEMIZED CONTRIBUTIONS AND DISBURSEMENTS

Contributions and disbursements aggregating to $200 or less during a calendar year do not have to be itemized. However, these amounts are included in the grand totals of all contributions and grand totals of all disbursements as indicated on the cover sheet of each report.

WHEN ARE REPORTS DUE?

Reports are due in the proper office no later than 5:00 p.m. on deadline dates. (See the paragraph "Where Do I File?" on page 13.) If the deadline falls on a weekend or holiday, the report is due at 5:00 p.m. on the first working day PRIOR to the weekend or holiday. Statutory deadline dates are indicated on the front of each reporting form and in the enclosed schedule found at the beginning of this handbook. The political committee is responsible for delivering the report on time.

The proper office must be in actual receipt of the report by 5:00 p.m. on the deadline date. The old "postmark" rule is no longer valid, where political committees merely had their reports postmarked by the deadline. It is the responsibility of the political committee to make sure the report is delivered on time. Miss. Code Ann. § 23-15-807(e) (1972).

WHAT TYPE OF REPORT MUST I FILE?

Committees must file all Periodic, Pre-Election, Pre-runoff, Annual, and Termination reports. Periodic reports must be complete through the last day of the period. To indicate the correct report, simply check (√) the proper box on the form "Political Committee's Report of Receipts and Disbursements." You may submit a Termination Report at the same time as another scheduled report by checking both the scheduled report and the Termination Report boxes.

FORTY-EIGHT-HOUR REPORTS

If a candidate's political committee receives a contribution of more than $200 after the tenth day, but more than 48 hours before 12:01 a.m. on the day of the election, the committee must fully disclose the contribution by filing a Forty-Eight-Hour Report" with the appropriate office within 48 hours of the contribution.

The notification shall be in writing, and may be transmitted by overnight mail, courier service, or other reliable means, including electronic facsimile (FAX), but the candidate or candidate's committee shall ensure that the notification shall in fact be received in the appropriate office as designated in Miss. Code Ann. § 23-15-807(f) (1972) within forty-eight (48) hours of the contribution.

IV. Fines and Penalties

CRIMINAL PENALTIES

An intentional violation of the campaign finance disclosure law is a misdemeanor with a maximum penalty of $3,000 and six months imprisonment.

Miss. Code Ann. § 23-15-811 (1972) states:

- Any candidate or any other person who shall willfully and deliberately and substantially violate the provisions and prohibitions of this article shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in a sum not to exceed Three Thousand Dollars ($3,000.00) or imprisoned for not longer than six (6) months or by both fine and imprisonment.
- In addition to the penalties provided in paragraph (a) of this section, any candidate or political committee which is required to file a statement or report which fails to file such statement or report on the date in which it is due may be compelled to file such statement or report by an action in the nature of a mandamus.

- No candidate shall be certified as nominated for election or as elected to office unless and until he files all reports required by this article due as of the date of certification.
- No candidate who is elected to office shall receive any salary or other remuneration for the office unless and until he files all reports required by this article due as of the date such salary or remuneration is payable.

Please see Miss. Code Ann. § 23-15-813 (1972) for further information regarding fines and penalties for failure to file campaign finance reports.

OTHER CAMPAIGN FINANCE RESTRICTIONS:

- Incorporated committees and associations, incorporated companies, and corporations are prohibited from contributing more than $1,000 per year, directly or indirectly, to a candidate (or the candidate's committee). They are also prohibited from contributing more than $1,000 annually to any political party.

  PENALTY: Not less than $1,000 fine or more than $5,000 fine against corporations. Miss. Code Ann § 97-13-15 and 17 (1972).

- Regulated industries, companies, corporations, stockholders, or their agents or representatives are prohibited from contributing directly or indirectly to campaigns for Public Service Commissioner.

  PENALTY: Not less than $5,000 fine or imprisonment of one year or more. Miss. Code Ann. § 77-1-11 (1972).

Appendix

Mississippi Campaign Finance Statutes
Miss. Code Ann. § 23-15-801, et seq. (1972)

§ 23-15-801. Definitions.

(a) "Election" shall mean a general, special, primary or runoff election.

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

(i) If such individual has received contributions aggregating in excess of Two Hundred Dollars ($200) or has made expenditures aggregating in excess of Two Hundred Dollars ($200) or for a candidate for the Legislature or any statewide or state district office, by the qualifying deadlines specified in Sections 23-15-299 and 23-15-977, whichever occurs first; or

(ii) If such individual has given his or her consent to another person to receive contributions or make expenditures on behalf of such individual and if such person has received such contributions aggregating in excess of Two Hundred Dollars ($200) during a calendar year, or has made such expenditures aggregating in excess of Two Hundred Dollars ($200) during a calendar year.

(c) "Political committee" shall mean any committee, party, club, association, political action committee, campaign committee or other groups of persons or affiliated organizations which receives contributions aggregating in excess of Two Hundred Dollars ($200) during a calendar year or which makes expenditures aggregating in excess of Two Hundred Dollars ($200) during a calendar year for the purpose of influencing or attempting to influence the action of voters for or against the nomination for election, or election, of one or more candidates, or balloted measures and shall, in addition, include each political party registered with the Secretary of State.

(d) "Affiliated organization" shall mean any organization which is not a political committee, but which directly or indirectly establishes, administers or financially supports a political committee.

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

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

(iii) "Contribution to a political party" includes any gift, subscription, loan, advance or deposit of money or anything of value made by any person, political committee, or other organization to a political party and to any committee, subcommittee, campaign committee, political committee and other groups of persons and affiliated organizations of the political party.

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

(f)(i) "Expenditure" shall include any purchase, payment, distribution, loan, advance, deposit, gift of money or anything of value, made by any person or political committee for the purpose

of influencing any balloted measure or election for elective office; and a written contract, promise, or agreement to make an expenditure;

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

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

(g) The term "identification" shall mean:

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

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

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

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

(j) The term "independent expenditure" shall mean an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate or any authorized committee or agent of such candidate, and which is not made in concert with or at the request or suggestion of any candidate or any authorized committee or agent of such candidate.

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

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

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

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

§ 23-15-803. Registration of political committees.

(a) Statements of organization. Each political committee shall file a statement of organization no later than ten (10) days after receipt of contributions aggregating in excess of Two Hundred Dollars ($200.00), or no later than ten (10) days after having made expenditures aggregating in excess of Two Hundred Dollars ($200.00).

(b) Contents of statements. The statement of organization of a political committee shall include:

(i) The name and address of the committee and all officers;

(ii) Designation of a director of the committee and a custodian of books and accounts of the committee, who shall be designated treasurer; and

(iii) If the committee is authorized by a candidate, the name, address, office sought, and party affiliation of the candidate.

(c) Change of information in statements. Any change in information previously submitted in a statement of organization shall be reported and noted on the next regularly scheduled report.

§ 23-15-805. Filing of reports; public inspection and preservation of reports.

(a) Candidates for state, state district, and legislative district offices, and every committee, which makes reportable contributions to or expenditures in support of or in opposition to a candidate for any such office or makes reportable contributions to or expenditures in support of or in opposition to a statewide ballot measure, shall file all reports required under this article with the Office of the Secretary of State.

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

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

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

§ 23-15-807. Reporting requirements; contributions and disbursements of candidates and political committees.

(a) Each candidate or political committee shall file reports of contributions and expenditures in accordance with the provisions of this section. All candidates or political committees required to report may terminate its obligation to report only upon submitting a final report that it will no longer receive any contributions or make any disbursement and that such candidate or committee has no outstanding debts or obligations. The candidate, treasurer or chief executive officer shall sign each such report.

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

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

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

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

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

(d) Contents of reports. Each report under this article shall disclose:

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

(ii) The identification of:

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

2. Each person or organization, candidate or political committee who receives an expenditure, payment or other transfer from the reporting candidate, political committee or its agent, employee, designee, contractor, consultant or other person or persons acting in its behalf during the reporting period when the expenditure, payment or other transfer to such person, organization, candidate or political committee within the calendar year have an aggregate value or amount in excess of Two Hundred Dollars ($200.00) together with the date and amount of such expenditure.

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

(iv) In addition to the contents of reports specified in items (i), (ii) and (iii) of this paragraph, each political party shall disclose:

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

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

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

(f)(i) If any contribution of more than Two Hundred Dollars ($200.00) is received by a candidate or candidate's political committee after the tenth day, but more than Forty-eight (48) hours before 12:01 a.m. of the day of the election, the candidate or political committee shall

notify the appropriate office designated in Section 23-15-805, within Forty-eight (48) hours of receipt of the contribution. The notification shall include:

1. The name of the receiving candidate;
2. The name of the receiving candidate's political committee, if any;
3. The office sought by the candidate;
4. The identification of the contributor;
5. The date of receipt;
6. The amount of the contribution;
7. If the contribution is in-kind, a description of the in-kind contribution; and
8. The signature of the candidate or the treasurer or the director of the candidate's political committee.

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

§ 23-15-809. Statements by persons other than political committees; filing; indices of expenditures.

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

(b) Statements required to be filed by this section shall include:

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

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

(iii) The identification of each person who made a contribution in excess of Two Hundred Dollars ($200.00) to the person filing such statement which was made for the purpose of furthering an independent expenditure.

§ 23-15-811. Penalties.

(a) Any candidate or any other person who shall willfully and deliberately and substantially violate the provisions and prohibitions of this article shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in a sum not to exceed Three Thousand Dollars ($3,000.00) or imprisoned for not longer than six (6) months or by both fine and imprisonment.

(b) In addition to the penalties provided in paragraph (a) of this section, any candidate or political committee which is required to file a statement or report which fails to file such statement or report on the date in which it is due may be compelled to file such statement or report by an action in the nature of a mandamus.

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

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

(e) In the event that a candidate fails to timely file any report required pursuant to this article but subsequently files a report or reports containing all of the information required to be reported by him as of the date on which the sanctions of paragraphs (c) and (d) of this section would be applied to him, such candidate shall not be subject to the sanctions of said paragraphs (c) and (d).

§ 23-15-813. Civil penalty for failure to file campaign finance disclosure report; notice to candidate of failure to file; assessment of penalty by Secretary of State; hearing; appeal.

(a) In addition to any other penalty permitted by law, the Secretary of State shall require any candidate or political committee, as identified in Section 23-15-805(a),
and any other political committee registered with the Secretary of State, who fails to file a campaign finance disclosure report as required under Sections 23-15-801 through 23-15-813, or Sections 23-17-47 through 23-17-53, or who shall file a report which fails to substantially comply with the requirements of Sections 23-15-801 through 23-15-813, or Sections 23-17-47 through 23-17-53, to be assessed a civil penalty as follows:

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

(ii) Beginning with the tenth calendar day after which any report shall be due, the Secretary of State shall assess the delinquent candidate and political committee a civil penalty of Fifty Dollars ($50.00) for each day or part of any day until a valid report is delivered to the Secretary of State, up to a maximum of ten (10) days. However, in the discretion of the Secretary of State, the assessing of the fine may be waived in whole or in part if the Secretary of State determines that unforeseeable mitigating circumstances, such as the health of the candidate, interfered with timely filing of a
report. Failure of a candidate or political committee to receive notice of failure to file a report from the Secretary of State is not an unforeseeable mitigating circumstance, and failure to receive the notice shall not result in removal or reduction of any assessed civil penalty.

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

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

(v) If any candidate or political committee is assessed a civil penalty, and the penalty is not subsequently waived by the Secretary of State, the candidate or political committee shall pay the fine to the Secretary of State within ninety (90) days of the date of the assessment of the fine. If, after one hundred twenty (120) days of the assessment of the fine the payment for the entire amount of the assessed fine has not been received by the Secretary of State, the Secretary

of State shall notify the Attorney General of the delinquency, and the Attorney General shall file, where necessary, a suit to compel payment of the civil penalty.

(b)(i) Upon the sworn application, made within sixty (60) calendar days of the date upon which the required report is due, of a candidate or political committee against whom a civil penalty has been assessed pursuant to paragraph (a), the Secretary of State shall forward the application to the State Board of Election Commissioners. The State Board of Election Commissioners shall appoint one or more hearing officers who shall be former chancellors, circuit court judges, judges of the Court of Appeals or justices of the Supreme Court, and who shall conduct hearings held pursuant to this article. The hearing officer shall fix a time and place for a hearing and shall cause a written notice specifying the civil penalties that have been assessed against the candidate or political committee and notice of the time and place of the hearing to be served upon the candidate or political committee at least twenty (20) calendar days before the hearing date. The notice may be served by mailing a copy thereof by certified mail, postage prepaid, to the last known business address of the candidate or political committee.

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

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

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

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

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

(c)(i) The right to appeal from the decision of the hearing officer in an administrative hearing concerning the assessment of civil penalties authorized pursuant to this section is granted. The appeal shall be to the Circuit Court of Hinds County and shall include a verbatim transcript of the testimony at the hearing. The appeal shall be taken within thirty (30) calendar days after notice of the decision of the commission following an administrative hearing. The appeal shall be perfected upon filing notice of the appeal and by the prepayment of all costs, including the cost of the preparation of the record of the proceedings by the hearing officer, and the filing of a bond in the sum of Two Hundred Dollars ($200.00), conditioned that if the decision of the

hearing officer be affirmed by the court, the candidate or political committee will pay the costs of the appeal and the action in court. If the decision is reversed by the court, the Secretary of State will pay the costs of the appeal and the action in court.

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

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

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

§ 23-15-815. Administrative provisions; duties of Secretary of State.

(a) The Secretary of State shall prescribe and make available forms and promulgate rules and regulations necessary to implement this article.

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

§ 23-15-817. Compilation and dissemination of list of candidates failing to meet filing requirements.

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

§ 23-15-874. Prohibition against use of court personnel in judicial campaigns.

A candidate for judicial office shall not use court administrators, deputy court administrators, court reporters, deputy court reporters, judges' secretaries or law clerks as workers in his campaign activities.

§ 23-15-913. Judges to be available to hear and resolve election disputes.

The judges listed and selected to hear election disputes as provided in Section 23-15-951, Mississippi Code of 1972, shall be available on Election Day to immediately hear and resolve any election day disputes. The rules for filing pleadings shall be relaxed to carry out the purposes of this section. The judges selected shall perform no other judicial duties on election day. The Supreme Court shall send judges to the sites of disputes but no judge shall hear a dispute in the district, subdistrict or county in which he was elected nor shall any judge hear any dispute in which any potential conflict may arise. Each judge shall be fair and impartial and shall be assigned on that basis.

§ 23-15-951. Filing of petition; issuance of summons; trial by, and verdict of, jury; assumption of office

Except as otherwise provided by Section 23-15-961, a person desiring to contest the election of another person returned as elected to any office within any county, may, within twenty (20) days after the election, file a petition in the office of the clerk of the circuit court of the county, setting forth the grounds upon which the election is contested; upon the filing of the petition the circuit clerk shall immediately, by registered letter or by telegraph or by telephone, or personally, notify the Chief Justice of the Supreme Court, or in his absence, or disability, some other judge of the Supreme Court, who shall forthwith designate and notify a circuit judge or chancellor of a district other than that which embraces the district, subdistrict, county or any of the counties, involved in the contest or complaint, to proceed to the county in which the contest or complaint has been filed to hear and determine the contest or complaint. Before any election the Supreme Court shall compile a list of judges throughout the state to hear such disputes. It shall be the official duty of the circuit judge or chancellor to proceed to the discharge of the designated duty at the earliest possible date to be fixed by the judge or chancellor and of which the contestant and contestee shall have reasonable notice. The contestant and contestee are to be served in a reasonable manner as the judge or chancellor may direct, in response to which notice the contestee shall promptly file his answer, and also his cross-complaint if he has a cross-complaint. The court shall cause an issue to be made up and tried by a jury, and the verdict of the jury shall find the person having the greatest number of legal votes at the election. If the jury shall find against the person returned elected, the clerk shall issue a certificate thereof; and the person in whose favor the jury shall find shall be commissioned by the Governor, and shall qualify and enter upon the duties of his office. Each party shall be allowed ten (10) peremptory challenges, and new trials shall be granted and costs awarded as in other cases. In case the election of district attorney or other state district election be contested, the petition may be filed in any county of the district or in any county of an adjoining district within twenty (20) days after the election, and like proceedings shall be had thereon as in the case of county officers, and the person found to be entitled to the office shall qualify as required by law and enter upon the duties of his office.

§ 23-15-961. Exclusive procedures for contesting qualifications of candidate for primary election; exceptions.

(1) Any person desiring to contest the qualifications of another person as a candidate for nomination in a political party primary election shall file a petition specifically setting forth the grounds of the challenge within ten (10) days after the qualifying deadline for the office in

question. Such petition shall be filed with the executive committee with whom the candidate in question qualified.

(2) Within ten (10) days of receipt of the petition described above, the appropriate executive committee shall meet and rule upon the petition. At least two (2) days before the hearing to consider the petition, the appropriate executive committee shall give notice to both the petitioner and the contested candidate of the time and place of the hearing on the petition. Each party shall be given an opportunity to be heard at such meeting and present evidence in support of his position.

(3) If the appropriate executive committee fails to rule upon the petition within the time required above, such inaction shall be interpreted as a denial of the request for relief contained in the petition.

(4) Any party aggrieved by the action or inaction of the appropriate executive committee may file a petition for judicial review to the circuit court of the county in which the executive committee whose decision is being reviewed sits. Such petition must be filed no later than fifteen (15) days after the date the petition was originally filed with the appropriate executive committee. Such person filing for judicial review shall give a cost bond in the sum of Three Hundred Dollars ($300.00) with two (2) or more sufficient sureties conditioned to pay all costs in case his petition be dismissed, and an additional bond may be required, by the court, if necessary, at any subsequent stage of the proceedings.

(5) Upon the filing of the petition and bond, the circuit clerk shall immediately, by registered letter or by telegraph or by telephone, or personally, notify the Chief Justice of the Supreme Court, or in his absence, or disability, some other judge of the Supreme Court, who shall forthwith designate and notify from the list provided in Section 23-15-951 a circuit judge or chancellor of a district other than that which embraces the district, subdistrict, county or any of the counties, involved in the contest or complaint, to proceed to the county in which the contest or complaint has been filed to hear and determine the contest or complaint. It shall be the official duty of the circuit judge or chancellor to proceed to the discharge of the designated duty at the earliest possible date to be fixed by the judge or chancellor and of which the contestant and contestee shall have reasonable notice. The contestant and contestee are to be served in a reasonable manner as the judge or chancellor may direct, in response to which notice the contestee shall promptly file his answer, and also his cross-complaint if he has a cross-complaint. The hearing before the circuit court shall be de novo. The matter shall be tried to the circuit judge, without a jury. After hearing the evidence, the circuit judge shall determine whether the candidate whose qualifications have been challenged is legally qualified to have his name placed upon the ballot in question. The circuit judge may, upon disqualification of any such candidate, order that such candidate shall bear the court costs of the proceedings.

(6) Within three (3) days after judgment is rendered by the circuit court, the contestant or contestee, or both, may file an appeal in the Supreme Court upon giving a cost bond in the sum of Three Hundred Dollars ($300.00), together with a bill of exceptions which shall state the point or points of law at issue with a sufficient synopsis of the facts to fully disclose the bearing and relevancy of such points of law. The bill of exceptions shall be signed by the trial judge, or in case of his absence, refusal or disability, by two (2) disinterested attorneys, as is provided by law in other cases of bills of exception. The filing of such appeals shall automatically suspend the decision of the circuit court and the appropriate executive committee is entitled to proceed based upon their decision unless and until the Supreme Court, in its discretion, stays further proceedings in the matter. The appeal shall be immediately docketed in the Supreme Court and referred to the court en banc upon briefs without oral argument unless the court shall call for oral argument, and

shall be decided at the earliest possible date, as a preference case over all others. The Supreme Court shall have the authority to grant such relief as is appropriate under the circumstances.

(7) The procedure set forth above shall be the sole and only manner in which the qualifications of a candidate seeking public office as a party nominee may be challenged prior to the time of his nomination or election. After a party nominee has been elected to public office, the election may be challenged as otherwise provided by law. After a party nominee assumes an elective office, his qualifications to hold that office may be contested as otherwise provided by law.

§ 23-15-976. Judicial office deemed nonpartisan office; candidate for judicial office prohibited from campaigning or qualifying for office based on party affiliation; prohibition on political party fund-raising, campaigning, or contributions on behalf of candidate for judicial office.

A judicial office is a nonpartisan office and a candidate for election thereto is prohibited from campaigning or qualifying for such an office based on party affiliation. The Legislature finds that in order to ensure that campaigns for nonpartisan judicial office remain nonpartisan and without any connection to a political party, political parties and any committee or political committee affiliated with a political party shall not engage in fund-raising on behalf of a candidate or officeholder of a nonpartisan judicial office, nor shall a political party or any committee or political committee affiliated with a political party make any contribution to a candidate for nonpartisan judicial office or the political committee of a candidate for nonpartisan judicial office, nor shall a political party or any committee or political committee affiliated with a political party publicly endorse any candidate for nonpartisan judicial office.

No candidate or candidate's political committee for nonpartisan judicial office shall accept a contribution from a political party or any committee or political committee affiliated with a political party.

§ 23-15-977.1. Signing oath to abide by election laws.

Simultaneously with filing the required documents to seek election for a judicial office, the candidate shall sign the following pledge under oath and under penalty of perjury:

"State of Mississippi

County of _____

I, (name of candidate), do solemnly swear or affirm under penalty of perjury that I will faithfully abide by all laws, canons and regulations applicable to elections for judicial office, understanding that a campaign for a judicial office should reflect the dignity, responsibility and professional character that a person chosen for a judicial office should possess.

(signature of candidate)

(name of candidate)

Sworn to and subscribed before me, this the day _____ of _____, .

_____

Notary Public or other official
authorized to administer oaths"

§ 23-15-1021. Limitations on contributions.

It shall be unlawful for any individual or political action committee not affiliated with a political party to give, donate, appropriate or furnish directly or indirectly, any money, security, funds or property in excess of Two Thousand Five Hundred Dollars ($2,500.00) for the purpose of aiding any candidate or candidate's political committee for judge of a county, circuit or chancery court or in excess of Five Thousand Dollars ($5,000.00) for the purpose of aiding any candidate or candidate's political committee for judge of the Court of Appeals or justice of the Supreme Court, or to give, donate, appropriate or furnish directly or indirectly, any money, security, funds or property in excess of Two Thousand Five Hundred Dollars ($2,500.00) to any candidate or the candidate's political committee for judge of a county, circuit or chancery court or in excess of Five Thousand Dollars ($5,000.00) for the purpose of aiding any candidate or candidate's political committee for judge of the Court of Appeals or justice of the Supreme Court, as a contribution to the expense of a candidate for judicial office.

§ 23-15-1023. Disclosure of campaign finances.

Judicial candidates shall disclose the identity of any individual or entity from which the candidate or the candidate's committee receives a loan or other extension of credit for use in his campaign and any cosigners for a loan or extension of credit. The candidate or the candidate's committee shall disclose how the loan or other extension of credit was used, and how and when the loan or other extension of credit is to be repaid and the
method of repayment. The candidate or the candidate's committee shall disclose all loan documents related to such loans or extensions of credit.

§ 23-15-1025. Distribution of campaign materials.

If any material is distributed by a judicial candidate or his campaign committee or any other person or entity, or at the request of the candidate, his campaign committee or any other person or entity distributing the material shall state that it is distributed by the candidate or that it is being distributed with the candidate's approval. All such material shall conspicuously identify who has prepared the material and who is distributing the material. The identifying language shall state whether or not the material has been submitted to and approved by the candidate. If the candidate has not approved the material, the material shall so state. The identity of organizations or committees shall state the names of all officers of the organizations or committees. Any person, who violates the provisions of this section, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of One Thousand Dollars ($1,000.00) or by imprisonment for six (6) months or both fine and imprisonment.

Selected Additional Campaign Finance Disclosure Statutes

§ 23-15-296. Written notification to Secretary of State.

All political parties registered with the Secretary of State shall notify the Secretary of State in writing within two (2) working days of each qualifying deadline of the name, mailing address and office sought of all candidates for statewide, state district, and multicounty legislative office who have submitted qualifying papers to the political party on or before the qualifying deadline, and all political parties shall notify the Secretary of State of any such candidate who withdraws his

candidacy within two (2) working days of receiving written notice of the withdrawal. All circuit clerks of counties which contain single county legislative districts shall notify the Secretary of State in writing within two (2) working days of each qualifying deadline of the name, mailing address and office sought of all candidates for single county legislative office who have submitted qualifying papers to the circuit clerk on or before the qualifying deadline, and all such circuit clerks shall notify the Secretary of State of any candidate for single county legislative office who withdraws his candidacy within two (2) working days of the circuit clerk receiving written notice of the withdrawal.

§ 23-17-47. Definitions applicable to § § 23-17-47 through 23-17-59.

For the purposes of Sections 23-17-47 through 23-17-59, the following terms shall have the meanings ascribed to them in this section:

(a) "Contribution" means any gift, subscription, loan, advance, money or anything of value made by a person or political committee for the purpose of influencing the passage or defeat of a measure on the ballot, for the purpose of obtaining signatures for the proposed ballot measures and attempting to place the proposed measure on the ballot, and for the purpose of opposing efforts to place a proposed measure on the ballot; but does not include noncompensated, nonreimbursed volunteer personal services.

(b) "Person" means any individual, family, firm, corporation, partnership, association or other legal entity.

(c) "Political committee" means any person, other than an individual, who receives contributions or makes expenditures for the purpose of influencing the passage or defeat of a measure on the ballot.

(d) "Expenditure" means any purchase, payment, distribution, loan, advance, deposit, gift of money or anything of value, made by any person or political committee for the purpose of influencing any balloted measure, for the purpose of obtaining signatures for a proposed ballot measure and attempting to place the proposed measure on the ballot, and for the purpose of opposing efforts to place a proposed measure on the ballot.

§ 23-17-51. Political committees and certain individuals to file financial reports; when to file; penalties.

(1) A political committee that either receives contributions or makes expenditures in excess of Two Hundred Dollars ($200.00) shall file financial reports with the Secretary of State.

(2) An individual person who on his or her own behalf expends in excess of Two Hundred Dollars ($200.00) for the purpose of influencing the passage or defeat of a measure shall file financial reports with the Secretary of State.

(3) The financial reports required in this section shall be filed monthly, not later than the tenth day of the month following the month being reported, after a political committee or an individual exceeds the contribution or expenditure limits. Financial reports must continue to be filed until all contributions and expenditures cease. In all cases a financial report shall be filed thirty (30) days following the election on a measure.

(4) Any person, who violates the provisions of this section, shall be subject to a fine as provided in Section 23-15-813.

§ 97-13-15. Limitations on Corporate Contributions to political party or candidate; penalty.

It shall be unlawful for any corporation, incorporated company or incorporated association, by whatever name it may be known, incorporated or organized under the laws of this state, or doing business in this state, or for any servant, agent, employee or officer thereof, to give, donate, appropriate or furnish directly or indirectly, any money, security, funds or property of said corporation, incorporated company or incorporated association, in excess of One Thousand Dollars ($1,000.00) per calendar year for the purpose of aiding any political party or any candidate for any public office, or any candidate for any nomination for any public office of any political party, or to give, donate, appropriate or furnish, directly or indirectly, any money, security, funds or property of said corporation, incorporated company or association in excess of One Thousand Dollars ($1,000.00) to any committee or person as a contribution to the expense of any political party or any candidate, representative or committee of any political party or candidate for nomination by any political party, or any committee or other person acting in behalf of such candidate. The limit of One Thousand Dollars ($1,000.00) for contributions to political parties, candidates and committees or other persons acting in behalf of such candidates shall be an Annual limitation applicable to each calendar year.

§ 97-13-18. Foreign nationals prohibited from contributing to political party or candidate.

(1) It shall be unlawful for a foreign national, directly or through any other person, to make any contribution or any expenditure of money or other thing of value, or to promise expressly or impliedly to make any such contribution or expenditure, in connection with an election to any political office or in connection with any primary election, convention or caucus held to select candidates for any political office.

(2) No person shall solicit, accept or receive any such contribution from a foreign national.

(3) The term foreign national means:

(a) A foreign principal as defined in 22 USCS 611(b), except that the term "foreign national" does not include any individual who is a citizen of the United States; or

(b) An individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence.

This handbook is for informational purposes only. Candidates, political committees, and contributors are advised to review the appropriate case law, statutes, and state laws regarding regulation and disclosure of campaign finances and other candidate obligations and responsibilities (especially Miss. Code Ann. (1972) § 23-15-801 et seq.). If you have questions related to campaign finance reporting, call the SOS Elections Hotline at (800) 829-6786 or (601) 576-2550.