

# 2017 CAMPAIGN FINANCE GUIDE

*Ensuring Compliance and  
Improving Disclosure*



DELBERT HOSEMANN  
*Secretary of State*

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*Secretary of State*

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Dear Fellow Mississippian:

Accurate and timely campaign finance reporting and disclosure is a fundamental component of transparency in politics and government. Our office has a responsibility to all candidates and political committees to explain the requirements of State campaign finance laws.

To assist you in the preparation of your filings, we are pleased to provide you with this campaign finance handbook outlining reporting requirements. This handbook provides answers to basic questions involving campaign finance disclosure, enforcement, and other restrictions. Examples of each type of filing are also included in this publication. For your convenience, we have a complete copy of Miss. Code Ann. § 23-15-801 et seq. (1972), and other laws pertaining to campaign finance disclosure in Mississippi.

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](http://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 the Elections Division at (800) 829-6786 or (601) 576-2550. Thank you.



Sincerely,

A handwritten signature in black ink that reads "Delbert".

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>.

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### For Assistance



#### Mail

Mississippi Secretary of State's Office  
Attn: Campaign Finance  
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) 576-2545



#### E-mail

[CampaignFinance@sos.ms.gov](mailto:CampaignFinance@sos.ms.gov)

### *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.



DELBERT HOSEMANN  
Secretary of State

**2017 CAMPAIGN FINANCE REPORTING SCHEDULE**

***FOR ALL 2016 JUDICIAL CANDIDATES, JUDICIAL CANDIDATE COMMITTEES AND POLITICAL COMMITTEES WHICH SUPPORTED OR OPPOSED A 2016 JUDICIAL CANDIDATE:***

**Tuesday, January 10, 2017 ..... Periodic Report**  
(October 1, 2016, through December 31, 2016)

\* \* \* \* \*

***FOR: ALL STATEWIDE, STATE DISTRICT, LEGISLATIVE, AND COUNTY CANDIDATES,  
ALL CURRENT OFFICE HOLDERS OF A STATEWIDE, STATE DISTRICT, LEGISLATIVE OR COUNTY OFFICE,  
ANY CANDIDATE COMMITTEE, and***

***ALL POLITICAL COMMITTEES THAT RECEIVED CONTRIBUTIONS OR MADE EXPENDITURES IN SUPPORT OF OR OPPOSITION TO A STATEWIDE, STATE DISTRICT, LEGISLATIVE OR COUNTY CANDIDATE***

**Tuesday, January 31, 2017 ..... Annual Report**  
(January 1, 2016, through December 31, 2016)

\* \* \* \* \*

***FOR MUNICIPAL CANDIDATES IN 2017 WHO ACCEPTED CAMPAIGN CONTRIBUTIONS OR MADE EXPENDITURES IN 2016:***

**Tuesday, January 31, 2017 ..... Annual Report**  
(January 1, 2016, through December 31, 2016)

***FOR MUNICIPAL PRIMARY ELECTION CANDIDATES AND POLITICAL COMMITTEES THAT RECEIVE CONTRIBUTIONS OR MAKE EXPENDITURES IN SUPPORT OF OR OPPOSITION TO A MUNICIPAL PRIMARY ELECTION CANDIDATE:***

**Tuesday, April 25, 2017 ..... Primary Pre-Election Report**  
(January 1, 2017, through April 22, 2017)

**FOR MUNICIPAL PRIMARY RUNOFF ELECTION CANDIDATES AND POLITICAL COMMITTEES THAT RECEIVE CONTRIBUTIONS OR MAKE EXPENDITURES IN SUPPORT OF OR OPPOSITION TO A MUNICIPAL PRIMARY RUNOFF ELECTION CANDIDATE:**

**Tuesday, May 9, 2017 .....Primary Pre-Runoff Report**  
(April 23, 2017, through May 6, 2017)

**FOR MUNICIPAL GENERAL ELECTION CANDIDATES (INCLUDING BOTH PARTY NOMINEES AND INDEPENDENT CANDIDATES) AND POLITICAL COMMITTEES THAT RECEIVE CONTRIBUTIONS OR MAKE EXPENDITURES IN SUPPORT OF OR OPPOSITION TO A MUNICIPAL GENERAL ELECTION CANDIDATE OR MUNICIPAL BALLOTTED MEASURE OR LOCAL OPTION:**

**Tuesday, May 30, 2017 .....Pre-Election Report**  
(April 23, 2017, through May 27, 2017)

\* \* \* \* \*

**FOR: ALL 2017 MUNICIPAL CANDIDATES AND POLITICAL COMMITTEES THAT RECEIVE CONTRIBUTIONS OR MAKE EXPENDITURES IN SUPPORT OF OR OPPOSITION TO A MUNICIPAL GENERAL ELECTION CANDIDATE OR MUNICIPAL BALLOTTED MEASURE, and**

**ALL STATEWIDE, STATE DISTRICT, LEGISLATIVE AND COUNTY CANDIDATES,**

**ALL CURRENT OFFICE HOLDERS OF A STATEWIDE, STATE DISTRICT, LEGISLATIVE OR COUNTY OFFICE, ANY CANDIDATE COMMITTEE, and**

**ALL POLITICAL COMMITTEES THAT RECEIVED CONTRIBUTIONS OR MADE EXPENDITURES IN SUPPORT OF OR OPPOSITION TO A STATEWIDE, STATE DISTRICT, LEGISLATIVE OR COUNTY CANDIDATE**

**Wednesday, January 31, 2018.....Annual Report**  
(January 1, 2017, through December, 31, 2017)

# Campaign Finance Reporting in Mississippi

All candidates seeking office and all political committees should be aware of the requirements of Miss. Code Ann. § 23-15-801 et seq. (1972). This handbook seeks to explain how Mississippi campaign finance law affects candidates for public office and all political committees.

Mississippi law requires all candidates, their committees, and all other political committees, to 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, on our website at [www.sos.ms.gov](http://www.sos.ms.gov), from the Circuit Clerk’s Office or the Municipal Clerk’s Office.

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

- Fines of \$50 per day may be assessed for unfiled and/or late reports due from any statewide, state district or, legislative candidates, and political committees associated with, supporting or opposing those candidates, which are required to file with the Secretary of State’s Office.
- The Secretary of State’s Office is required by law to publish the names of all statewide and legislative candidates who do not file disclosure reports on time to the media within 48-hours of the filing deadline.
- Total cash on hand must be reported and carried over from 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 proper office must be in actual receipt of the report on the due date by 5:00 p.m.
- On-line, faxed, and e-mailed reports are acceptable, if received by the deadline. Reports received after the deadline are late. All hand-written reports should be in dark ink and legible. Always maintain for your records, a fax confirmation indicating a successful fax transmission to the appropriate office.
- If a reporting deadline falls on a weekend or legal holiday, the report is due by 5:00 p.m. on 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 Election Day, must be received by the appropriate office by fax, e-mail, mail, hand delivery, or other reliable electronic means within 48 hours of receipt.
- Candidates and political committees must file all reports required by their applicable reporting schedule, even if no reportable activity takes place during the reporting period until a termination report is filed. Failure to file required reports will result in the imposition of 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 and political committees are advised to review the appropriate state statutes, cases and Attorney General Opinions 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 Campaign Finance, call the Secretary of State's Elections Hotline at (800) 829-6786 or (601) 576-2550.

## **II. Campaign Finance for Candidates**

Candidates for elected office in Mississippi must file campaign finance reports in accordance with the applicable reporting schedule. You are a candidate and are required to file campaign finance disclosure reports if you have filed qualifying papers by the deadline or you have spent or received over \$200 in money utilized in furtherance of a campaign. **All candidates must file reports in accordance with their applicable reporting schedule even if they do not have contributions or disbursements to report during that reporting period until a termination report is filed.**

### **Where do I file?**

- **Statewide office:** Candidates file with the Secretary of State's Office.
- **State District office:** Candidates file with the Secretary of State. (This includes Transportation Commissioner, Public Service Commissioner, District Attorney, Chancery and Circuit Court Judges.)
- **Legislative office:** 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.)
- **County office:** Candidates file with the County Circuit Clerk's Office.
- **County District office:** Candidates file with the County Circuit Clerk's Office.
- **Municipal office:** Candidates file with the Municipal Clerk's Office.

### **What information must be reported?**

All Reports of Receipts and Disbursements filed under state law must be complete and include:

- Name, address, contact information, office sought and political party affiliation, if any, of the candidate,
- The total amount of contributions received during the specific reporting period, both itemized and non-itemized, and aggregate year-to date total of all contributions,
- The total amount of disbursements made during the specific reporting period, both itemized and non-itemized, and the aggregate year-to-date total of all disbursements, and
- The total amount of cash on hand.

### **Itemized Contributions**

A contribution must be included within the itemized total of contributions on the "Report of Receipts and Disbursements", and separately reported on the "Itemized Receipts" attachment to the report if the year-to-date aggregate of the contribution(s) received from a person, business or entity exceeds \$200.00. A contribution separately itemized on the "Itemized Receipts" must identify the contribution by contributor type, contributor name and address, amount(s) for the reporting period and aggregate year-to-date total, and the occupation or employer of the contributor, if applicable. Miss. Code Ann. § 23-15-807(d)(ii)(iii).

## Itemized Disbursements

A disbursement must be included within the itemized total of disbursements on the “Report of Receipts and Disbursements”, and separately reported on the “Itemized Disbursements” attachment to the report if the year-to-date aggregate of the disbursement(s) made to a person, business or entity exceeds \$200.00. A disbursement separately itemized on the “Itemized Disbursements” must be identified by the recipient’s name and address, the amount(s) for the reporting period and aggregate year-to-date total, and purpose of the disbursement. Miss. Code Ann. § 23-15-807(d)(ii)(iii).

## Non-Itemized Contributions and Disbursements

Contributions and disbursements with year to date totals equal to or less than \$200.00 a calendar year are not itemized. However, these amounts are included in the totals of all contributions and totals of all disbursements for the reporting period on the “Report of Receipts and Disbursements.”

## When are reports due?

Reports are due in the appropriate office no later than 5:00 p.m. on the deadline. If a deadline falls on a weekend or legal holiday, the report is due at 5:00 p.m. on the first working day preceding the weekend or legal holiday. Statutory deadlines are provided on the front of each reporting form and on the schedule set forth on page six (6) of this handbook. Miss. Code Ann. § 23-15-807(e).

The appropriate office must be in actual receipt of the report by 5:00 p.m. on 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).

## What types of reports must I file?

1. **Primary Pre-Election Report:** Filed by all primary election candidates seeking nomination by a political party this calendar year. Independent and Third-Party candidates are not required to file a Primary Pre-Election Report.
2. **Pre-Runoff Election report:** Filed by all primary runoff election candidates seeking nomination by a political party this calendar year.
3. **General Pre-Election report:** Filed by all candidates seeking election in the General Election this calendar year.
4. **Annual report:** Filed by all candidates who did not seek election in the preceding calendar year and who have not filed a Termination Report, except for municipal candidates which must file the annual report.
5. **Termination report:** All candidates may file a Termination Report to terminate reporting obligations.

A candidate should simply check (✓) the type of report being submitted on his/her form. A candidate may submit a Termination Report at the same time as another scheduled report by placing a check in the blank preceding both the scheduled report and the Termination Report.

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

- no certification of nomination or election to office;
- withholding of salary or other remuneration for the office;
- conviction of a misdemeanor;
- imprisonment for no longer than six (6) months; and/or
- imposition of a fine not to exceed \$3,000.00. Miss. Code Ann. § 23-15-811

## **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 within 48 hours of the contribution.

The notification shall be in writing, and may be transmitted by mail, hand delivery, fax, e-mail, or other electronic means.

## **When have I completed my reporting obligations?**

**Every candidate must file every required report until a Termination Report is filed.** A Termination Report may be filed when contributions are no longer accepted, disbursements are no longer made, there are no outstanding debts or financial obligations associated with the candidate, and the candidate has as zero cash on hand balance.

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 required by the applicable reporting schedule and will remain subject to the imposition of civil penalties as set forth in law.

## **Examples of Campaign Finance Reports**

1. A candidate for the office of Mayor receives a \$100 contribution from Jane Doe on March 1. That \$100 contribution does not have to be itemized on the “Itemized Receipts” attachment of the candidate’s report, but must be included in the non-itemized total of contributions on the “Report of Receipts and Disbursements.” Then, Jane Doe contributes an additional \$125 to the candidate on April 8. Because the year-to-date aggregate total of the contributions received from Jane Doe exceed \$200.00, the candidate must now itemize the contribution on the “Itemized Receipts” attachment and include the additional contribution received for that reporting period in the itemized total of contributions on the “Report of Receipts and Disbursements.” These reports are filed with the Municipal Clerk’s Office.
2. A candidate for Board of Alderman spends \$100 for a newspaper ad on March 1. That \$100 disbursement does not have to be itemized on the “Itemized Disbursements” attachment of the

candidate's report, but must be included in the non-itemized total of disbursements on the "Report of Receipts and Disbursements." Then, the candidate spends an additional \$125 for ads in the same paper on April 8. The candidate must report that \$225 was spent on ads with that newspaper. Because the year-to-date aggregate total of the disbursements made to the newspaper exceed \$200.00, the candidate must now itemize the disbursement on the "Itemized Disbursements" attachment and include the additional disbursement made during that reporting period in the itemized total of disbursements on the "Report of Receipts and Disbursements." These reports are filed with the County Circuit Clerk's Office.

3. A candidate has qualified to run for office and has not spent or received in excess of \$200. However, even if that candidate has received no contributions and made no disbursements in furtherance of his/her campaign, he/she still must file all required reports.
4. A person intends to run for office next year, but cannot qualify for office until January 1. The fall proceeding the election year, he begins raising campaign funds. He collects \$50 from Donor 1, \$50 from Donor 2, and \$150 from Donor 3. This person must begin filing campaign finance reports even though he has yet to qualify for office because he has received more than \$200.00. The same is true if the candidate received no money but spent greater than \$200.00 in furtherance of his candidacy prior to qualifying for office.

### **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 receives contributions or makes disbursements of more than \$200.00 in the aggregate in a calendar year for the purpose of influencing or attempting to influence the action of voters with regard to a candidate or balloted measure. Miss. Code Ann. § 23-15-801(c).

#### **What is a Candidate's Political Committee?**

A candidate's political committee is a political committee as defined above which is authorized by, affiliated with and/or acting for the benefit of a particular candidate. A candidate's political committee is required to file campaign finance disclosure reports in accordance with the same reporting schedule required of the candidate.

#### **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 in accordance with the same reporting schedule as the candidate(s) for or against whom the committee is receiving contributions and making disbursements for the purpose of influencing or attempting to influence voters

## **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's Office**.
- Committees which contribute or spend solely in support of or opposition to county, county district candidates, or county balloted measures must file with the **County Circuit Clerk's Office**.
- 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's Office**.

## **Statement of Organization**

Each political committee must file a Statement of Organization within 10 days of receiving or spending in excess of \$200.00 in the aggregate.

## **What information is required?**

The Statement of Organization requires 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 a candidate's committee, the statement must include the name, address, office sought, and party affiliation of the 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 in excess of \$200.00 in the aggregate during a calendar year, in support of or in opposition to non-federal candidates or balloted measures, must file campaign finance reports in accordance with the applicable reporting schedule.

## **What information must be reported?**

All Reports of Receipts and Disbursements filed under state law must be complete and include:

- Name, address, contact information and Treasurer of the committee,
- The total amount of contributions received during the specific reporting period, both itemized and non-itemized, and aggregate year-to-date total of all contributions,
- The total amount of disbursements made during the specific reporting period, both itemized and non-itemized, and the aggregate year-to-date total of all disbursements, and
- The total amount of cash on hand.

## Itemized Contributions

A contribution must be included within the itemized total of contributions on the “Report of Receipts and Disbursements”, and separately reported on the “Itemized Receipts” attachment to the report if the year-to-date aggregate of the contribution(s) received from a person, business or entity exceeds \$200.00. A contribution separately itemized on the “Itemized Receipts” must identify the contribution by contributor type, contributor name and address, amount(s) for the reporting period and aggregate year-to-date total, and the occupation or employer of the contributor, if applicable. Miss. Code Ann. § 23-15-807(d)(ii)(iii)

## Itemized Disbursements

A disbursement must be included within the itemized total of disbursements on the “Report of Receipts and Disbursements”, and separately reported on the “Itemized Disbursements” attachment to the report if the year-to-date aggregate of the disbursement(s) made to a person, business or entity exceeds \$200.00. A disbursement separately itemized on the “Itemized Disbursements” must be identified by the recipient’s name and address, the amount(s) for the reporting period and aggregate year-to-date total, and purpose of the disbursement. Miss. Code Ann. § 23-15-807(d)(ii)(iii).

## Non-Itemized Contributions and Disbursements

Contributions and disbursements with year to date totals equal to or less than \$200.00 a calendar year are not itemized. However, these amounts are included in the totals of all contributions and totals of all disbursements for the reporting period on the “Report of Receipts and Disbursements.”

## When are reports due?

Reports are due in the appropriate office no later than 5:00 p.m. on deadline. A political committee files its required campaign finance reports in accordance with the same schedule of the candidate(s) for in support of or opposition to, the committee has received contributions or made disbursements to influence or attempt to influence voters.

If the deadline falls on a weekend or legal holiday, the report is due at 5:00 p.m. on the first working day preceding to the weekend or legal holiday. Statutory deadlines are provided on the front of each reporting form and on the schedule set forth on page 6 of this handbook.

The appropriate office must be in actual receipt of the report by 5:00 p.m. on 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).

## What types of reports must I file?

1. **Primary Pre-Election Report:** Filed by all political committees supporting or opposing primary election candidate(s) seeking nomination by a political party during this calendar year.

2. **Pre-Runoff Election report:** Filed by all political committees supporting or opposing primary runoff election candidates seeking nomination by a political party this calendar year.
3. **General Pre-Election report:** Filed by all political committees supporting or opposing candidates seeking election in the General Election this calendar year, or supporting or opposing a balloted measure appearing on the general election ballot this calendar year.
4. **Annual report:** Filed by all political committees who did not support or oppose a candidate(s) seeking election in the preceding calendar year and who have not filed a Termination Report.
5. **Termination report:** All political committees may file a Termination Report to terminate further reporting obligations.

A political committee should simply check (✓) the type of report being submitted on the “Report of Receipts and Disbursements.” A committee may submit a Termination Report at the same time as another scheduled report by placing a check in the blank preceding the name of the scheduled report and the “Termination Report.”

Under state law, a violation of any campaign finance disclosure requirement could result in: conviction of a misdemeanor; imprisonment for no longer than six (6) months; and/or imposition of a fine not to exceed \$3,000.00. Miss. Code Ann. § 23-15-811.

## **Forty-Eight Hours 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) or e-mail, but the candidate or candidate’s committee must 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.

## **When have I completed my reporting obligations?**

**Every political committee must file every required report until a Termination Report is filed.** A Termination Report may be filed when contributions are no longer accepted, disbursements are no longer made, there are no outstanding debts or financial obligations associated with the candidate’s political committee or political committee, and the committee has as zero cash on hand balance.

Filing a Termination Report is the only way to end reporting obligations and responsibilities. If no Termination Report is filed, political committees must continue to file all reports required by the applicable reporting schedule and may be subject to the imposition of civil penalties as set forth in law.

## **IV. Campaign Finance for Constitutional Initiatives**

An individual person who on his or her own behalf expends in excess of \$200.00 for the purpose of influencing the passage or defeat of an initiative measure is required to file monthly campaign finance reports with the Secretary of State's Office.

Likewise, a political committee, defined as a family, firm, corporation, partnership, association or other legal entity, which receives contributions or makes expenditures in excess of \$200.00 for the purpose of influencing the passage or defeat of an initiative measure is required to file monthly campaign finance reports with the Secretary of State's Office.

### **When are reports due?**

Campaign finance reports required for initiatives are filed monthly, not later than the tenth calendar day of the month following the month being reported. Reports may be filed by mail, hand delivery, e-mail, fax or other electronic means. If the tenth falls on a weekend or legal holiday, the report is due at 5:00 p.m. on the first working day preceding the deadline.

Campaign finance reports continue to be filed until all contributions and expenditures cease or, at the latest, thirty (30) days following the election on the measure. Miss. Code Ann. § 23-17-51.

### **When and Where Must I Register?**

A political committee must file a completed Statement of Organization with the Secretary of State's office no later than ten (10) days after receipt of contributions aggregating in excess of \$200.00 or no later than ten (10) days after having made expenditures aggregating in excess of \$200.00. Expenditures include any purchase, payment, distribution, loan, advance, deposit, gift of money or payment of anything of value for the purpose of influencing an initiative measure, for the purpose of obtaining signatures for a proposed initiative measure and attempting to place the proposed initiative measure on a ballot and for the purpose of opposing efforts to place a proposed initiative measure on a ballot. Miss. Code Ann. §§ 23-17-47 and 23-17-49.

### **What Information is Required in the Statement of Organization?**

The Statement of Organization requires 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, and provide a brief statement defining the purpose of the committee. Miss. Code Ann. § 23-17-49(2).

### **What information must be reported?**

All Reports of Receipts and Disbursements must be complete and include:

- Name, address, contact information and Treasurer of the committee,
- The total amount of contributions received during the reporting period, both itemized and non-itemized, and aggregate year-to-date total of all contributions,
- The total amount of disbursements made during the reporting period, both itemized and non-itemized, and the aggregate year-to-date total of all disbursements, and



- The total amount of cash on hand.

## **Itemized Contributions**

A contribution must be included within the itemized total of contributions on the “Report of Receipts and Disbursements”, and separately reported on the “Itemized Receipts” attachment to the report if the year-to-date aggregate of the contribution(s) received from a person, business or entity exceeds \$200.00. A contribution separately itemized on the “Itemized Receipts” must identify the contribution by contributor type, contributor name and address, amount(s) for the reporting period and aggregate year-to-date total, and date of contribution. Miss. Code Ann. § 23-17-53.

## **Itemized Disbursements**

A disbursement must be included within the itemized total of disbursements on the “Report of Receipts and Disbursements”, and separately reported on the “Itemized Disbursements” attachment to the report if the year-to-date aggregate of the disbursement(s) made to a person, business or entity exceeds \$200.00. A disbursement separately itemized on the “Itemized Disbursements” must be identified by the recipient’s name and address, the amount(s) for the reporting period and aggregate year-to-date total, and purpose of the disbursement. Miss. Code Ann. § 23-17-53.

## **Non-Itemized Contributions and Disbursements**

Contributions and disbursements with year to date totals equal to or less than \$200.00 in the aggregate per calendar year are not itemized. However, these amounts are included in the totals of all contributions and totals of all disbursements for the reporting period on the “Report of Receipts and Disbursements.”

Please see Miss. Code Ann. §§ 23-17-47 through 23-17-53 for more information concerning the campaign finance disclosure requirements with regard to constitutional initiatives.

## **V. Fines and Penalties**

### **Civil Penalties**

A candidate or political committee which fails to timely file a campaign finance disclosure report will be assessed a civil penalty beginning with the tenth calendar day after the report is due. Beginning with the tenth calendar day, the Secretary of State will assess the delinquent candidate or political committee a civil penalty of fifty dollars (\$50.00) for each day or part of any day until a complete and substantially compliant report is filed with the Secretary of State, up to a maximum of ten (10) days.

The assessed fine may be waived in whole or in part if the Secretary of State determines the candidate or committee experienced unforeseeable mitigating circumstances, which interfered with the timely filing of the report. Candidates and political committees may request the waiver of a

fine by submitting a Waiver Request Form which is available on our website and explaining the unforeseeable mitigating circumstances.

To comply with the law, the candidate must pay the fine and also file the required report. Payment of the fine or filing of a waiver does not excuse or exempt a candidate or political committee required to file from filing the required campaign finance report.

Please see Miss. Code Ann. § 23-15-813 for further information regarding fines and penalties.

## **Criminal Penalties**

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

Please see Miss. Code Ann. § 23-15-811 for further information regarding fines and penalties.

## **Other Campaign Finance Restrictions**

Corporations, incorporated companies, and incorporated associations are prohibited from contributing more than \$1,000 per calendar year, directly or indirectly, to a political party, candidate for office or political committee.

**PENALTY:** Upon conviction, a fine of not less than \$1,000 nor more than \$5,000. Miss. Code Ann §§ 97-13-15 and 97-13-17.

Individuals and political committees are prohibited from contributing more than \$2,500 per election cycle, directly or indirectly, for the purpose of aiding a judicial candidate for county, circuit or chancery court or said judicial candidate's political committee(s), and are prohibited from contributing more than \$5,000 per election cycle, directly or indirectly, for the purpose of aiding a judicial candidate for Court of Appeals or Supreme Court or said judicial candidate's political committee(s). Miss. Code Ann. § 23-15-1021.

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

**PENALTY:** Upon conviction, a fine of not less than \$5,000, imprisonment in the State Penitentiary for not less than one year, or both. Miss. Code Ann. § 77-1-11.

# Appendix A: Mississippi Campaign Finance Statutes

## §§ 23-15-801, *et seq.*

### § 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 (\$200.00) or has made expenditures aggregating in excess of Two Hundred Dollars (\$200.00) 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 (\$200.00) during a calendar year, or has made such expenditures aggregating in excess of Two Hundred Dollars (\$200.00) 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 (\$200.00) during a calendar year or which makes expenditures aggregating in excess of Two Hundred Dollars (\$200.00) 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 of 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. Political committee statements**

- (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 reports; public access; preservation**

- (a) Candidates for state, state district, and legislative district offices, and every political 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.

(e) The provisions of this section applicable to the reporting by a political committee of contributions and expenditures regarding statewide ballot measures shall apply to the statewide special election for the purpose of selecting the official state flag provided for in Section 1 of Laws, 2001, ch. 301.

### **§ 23-15-807. Who must report; when; contents**

(a) Each candidate or political committee shall file reports of contributions and disbursements 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 preelection 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 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. Independent 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. Sanctions**

(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 penalties and proceedings**

(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. Secretary of State, clerks' duties**

(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. List of candidates failing to file reports**

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.

## **Appendix B: Mississippi Campaign Finance Statutes Judicial Candidates**

### **§ 23-15-976. Judicial office as nonpartisan; prohibitions**

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.

### **§ 23-15-1021. Judicial office donation limits**

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. Judicial candidate disclosure of loans and credit extensions**

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. Judicial candidate material distribution**

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.

## **Appendix C: Mississippi Campaign Finance Statutes Voter Initiatives**

### **§ 23-17-47. Definitions**

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.

### **§ 23-17-49. Political committee statement of organization**

(1) Each political committee shall file with the Secretary of State 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).

(2) The statement of organization of a political committee must include:

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

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

(c) A brief statement identifying the measure that the committee seeks to pass or defeat.

Any change in information previously submitted in a statement of organization shall be reported

and filed within ten (10) days.

### **§ 23-17-51. Financial reports required**

- (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](#).

### **§ 23-17-53. Information contained in financial reports**

A financial report of a political committee, or an individual person, as required by [Section 23-17-51](#), shall contain the following information:

- (a) The name, address and telephone number of the committee or individual person filing the statement.
- (b) For a political committee:
  - (i) The total amount of contributions received during the period covered by the financial report;
  - (ii) The total amount of expenditures made during the period covered by the financial report;
  - (iii) The cumulative amount of those totals for each measure;
  - (iv) The balance of cash and cash equivalents on hand at the beginning and the end of the period covered by the financial report;
  - (v) The total amount of contributions received during the period covered by the financial report from persons who contributed Two Hundred Dollars (\$200.00) or less, and the cumulative amount of that total for each measure;
  - (vi) The total amount of contributions received during the period covered by the financial report from persons who contributed Two Hundred Dollars (\$200.00) or more, and the cumulative amount of that total for each measure; and



(vii) The name and street address of each person from whom a contribution(s) exceeding Two Hundred Dollars (\$200.00) was received during the period covered by the financial report, together with the amount contributed, the date of receipt, and the cumulative amount contributed by that person for each measure.

(c) For an individual person:

(i) The total amount of expenditures made during the period covered by the financial report;

(ii) The cumulative amount of that total for each measure; and

(iii) The name and street address of each person to whom expenditures totaling Two Hundred Dollars (\$200.00) or more were made, together with the amount of each separate expenditure to each person during the period covered by the financial report and the purpose of the expenditure.

(iv) The total amount of contributions received during the period covered by the financial report, the cumulative amount of that total for each measure, and the name and street address of each person who contributed more than Two Hundred Dollars (\$200.00) and the amount contributed.

## **Appendix D: Mississippi Campaign Finance Statutes Election Crimes**

### **§ 97-13-15. Prohibited political contributions by corporations**

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.

### **§ 97-13-17. Penalty for illegal corporate contributions**

Any corporation, incorporated company or incorporated association, or agent, officer or employee violating any of the provisions of [section 97-13-15](#) shall, upon conviction, be fined not less than one thousand dollars (\$1,000.00) nor more than five thousand dollars (\$5,000.00).

### **§ 97-13-18. Foreign national contributions for elections prohibited**

(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.

## Appendix E: Mississippi Campaign Finance Statutes Additional Statutes

### § 79-29-105. Definitions

(o). “Limited liability company” or “domestic limited liability company” means an entity having one or more members that is an unincorporated company or unincorporated association formed and existing under this chapter and is not subject to **Section 97-13-15**.

*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.*