

2016 CAMPAIGN FINANCE GUIDE

*Ensuring Compliance and
Improving Disclosure*



DELBERT HOSEMAN
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.

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 us at the Elections Division at (800) 829-6786. Thank you.

Sincerely,



C. Delbert Hosemann, Jr.

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
Post Office Box 136
Jackson, MS 39205-0136



Location

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The Heber Ladner Building
401 Mississippi Street
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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 HOSEMAN
Secretary of State

2016 Campaign Finance Reporting Schedule

<u>Friday, January 8, 2016</u>	Periodic Report
(October 1, 2015, through December 31, 2015)	2015 Election General
<u>Friday, January 29, 2016</u>	Annual Report
(January 1, 2015, through December 31, 2015)	All candidates and all Political Committees that received funds or made expenditures in Mississippi during the year 2015, excludes 2015 Election Candidates
<u>Tuesday, May 10, 2016</u>	Periodic Report
(January 1, 2016, through April 30, 2016)	
<u>Friday, June 10, 2016</u>	Periodic Report
(May 1, 2016, through May 31, 2016)	
<u>Friday, July 8, 2016</u>	Periodic Report
(June 1, 2016, through June 30, 2016)	
<u>Monday, October 10, 2016</u>	Periodic Report
(July 1, 2016, through September 30, 2016)	
<u>Tuesday, November 1, 2016</u>	Pre-Election Report
(October 1, 2016 through October 29, 2016)	All General and Special Election Candidates and Political Committees
<u>Tuesday, November 22, 2016</u>	Pre-Runoff Report
(October 30, 2016, through November 19, 2016)	For Candidates and Political Committees in the General Runoff Election Only
<u>Tuesday, January 10, 2017</u>	Periodic Report
(October 1, 2016, through December 31, 2016)	
<u>Tuesday, January 31, 2017</u>	Annual Report
(January 1, 2016, through December, 31, 2016)	All candidates and all Political Committees that received funds or made expenditures in Mississippi during the year 2016, excluding 2016 Election Candidates

NOTE: If a candidate or candidate's 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 candidate or candidate's committee must fully disclose the contribution by filing a *48 Hour Report* with the appropriate office within 48 hours of the contribution. *Miss. Code Ann. §23-15-807(f)(i)*.

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 these laws. 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, 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 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, by 5:00 p.m. “Postmark rule” has been eliminated.
- Faxed and e-mailed 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, e-mail, 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 Campaign Finance, 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 report 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.)
- **Multi County Office:** Candidates file with the Secretary of State.
- **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.

Please refer to the Municipal Candidate Qualifying Guide for all municipal candidate requirements.

When have I completed my 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 contribution, 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 are reports 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 eight (8) 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 six (6) 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 types of reports must I file?

1. **Primary Pre-Election report:** Filed by all candidates except Independent 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) or e-mail, 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 Reports

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 has qualified to run for office and 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.
4. A person intends to run for office next year, but he cannot qualify for office until January 1. The fall proceeding the election year, he begins raising campaign funds. He collected \$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 officially qualify for office because he has raised more than \$200. He would also have to report if he spent more than \$200 for his campaign.

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 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 2016 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. Miss. Code Ann. §§ 23-15-805 & 23-15-807 (b)(ii) (1972).

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 2016 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.

When have I completed my reporting responsibilities?

Every committee must file every required 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 only 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 contribution, 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 Campaign Finance Reporting Schedule on page six (6) and the paragraph “Where Do I File?” on page eleven (11).) 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 types of reports 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 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 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. Campaign Finance for Constitutional Initiatives

Any person or group which accepts contributions or makes expenditures *for* or *against* a statewide initiative must register and file monthly campaign finance reports with the Secretary of State’s Office. This includes individuals and political action committees.

When and Where Must I Register?

Any person or group which accepts contributions or makes expenditures *for* or *against* a Constitutional initiative (including attempts to place the initiative on the ballot or opposing placement on the ballot) and those contributions or expenditures TOTAL more than \$200 must register with the Secretary of State’s Office. The committee or person shall register within ten (10) days of meeting this threshold. Miss. Code Ann. §23-17-49(1) (1972).

Registration is accomplished by completing and filing with the Secretary of State a form entitled “Statement of Organization for a Political Committee.” Regardless of what a person or group calls itself, if it accepts enough contributions to total over \$200, OR it spends over \$200 on the initiative campaign, it must file a statement of organization.

What Information is Required in the Statement of Organization?

The statement of organization must include the name and address of the committee and all officers. It shall also include the designation of a director of the committee and a custodian or treasurer of the books and accounts of the committee, and it must include a brief statement

identifying the measure the committee seeks to pass or defeat. Miss. Code Ann. §23-17-49(2) (1972).

Campaign Finance Reports

Campaign finance reports for initiatives are filed monthly, not later than the tenth day of the month following the month being reported. Financial reports shall be filed thirty (30) days following the election on the measure, and the reports will continue to be filed until all contributions and expenditures cease. Miss. Code Ann. §23-17-51(3) (1972).

Campaign finance reports must include the name address and telephone number of the committee or individual person filing the statement. Miss. Code Ann. § 23-17-53(a) (1972).

For political committees, the report must disclose the following: the total amount of contributions received during the period covered by the financial report; the total amount of expenditures made during the covered period; the cumulative amount of those totals for each measure; the balance of cash and cash equivalents on hand at the beginning and the end of the covered period; the total amount of contributions received during the period from persons who contribute \$200 or less, and the cumulative amount of that for each measure; the total amount of contributions received during the period from persons who contribute \$200 or more, and the cumulative amount of that total for each measure; and the name and street address of each person from whom a contribution exceeding \$200 was received during the period, together with the amount contributed, the date of contribution, and the cumulative amount contributed by that person for each measure. Miss. Code Ann. § 23-17-53(b)(i)-(vii) (1972).

For individual persons, the campaign finance report must disclose: the total amount of expenditures made during the reporting period; the cumulative amount of that total for each measure, and the name and street address of each person to whom an expenditure totaling \$200 or more was made, together with the amount of each separate expenditure during the period and the purpose of the expenditure; and the total amount of contributions received during the period covered by the report, the cumulative amount of the total for each measure, and the name and street address of each person who contributed more than \$200 and the amount contributed. Miss. Code Ann. § 23-17-53(c)(i)-(iv) (1972).

Reporting Threshold

Any person or group which accepts contributions or makes expenditures *for or against* a Constitutional initiative (including attempts to place the initiative on the ballot or opposing placement on the ballot) and those contributions or expenditures TOTAL more than \$200 must register with the Secretary of State's Office. The committee or person shall register within ten (10) days of meeting this threshold. Miss. Code Ann. §23-17-49(1) (1972).

Itemized Contributions

Each report must contain an itemized listing of each person, business, or entity (including name, address, date of contribution, and amount) giving more than \$200 during the reporting period. Miss. Code Ann. § 23-17-53 (1972). The grand total of itemized contributions plus non-itemized contributions must be disclosed. Miss. Code Ann. § 23-17-53 (1972).

Itemized Disbursements

Each report must contain an itemized listing of each person, business, or entity (including name and address, date of expenditure or disbursement, and amount) receiving more than \$200 during the reporting period. Miss. Code Ann. § 23-17-53 (1972). The grand totals of itemized disbursements plus non-itemized disbursements must be disclosed. Miss. Code Ann. § 23-17-53 (1972).

Non-Itemized Contributions and Disbursements

Contributions and disbursements aggregating to \$200 or less during a reporting period 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. Miss. Code Ann. § 23-17-53 (1972).

When are reports due?

Campaign finance reports for initiatives are filed on a monthly basis, and the reports must be received by the tenth calendar day of the month following the month being reported. The Secretary of State will accept filing by mail, e-mail, or fax. Miss. Code Ann. §23-17-51 (1972).

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

V. Fines and Penalties

Civil Penalties

Any candidate or political committee who fails to 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 shall 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 valid report is delivered to 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 experienced unforeseeable mitigating circumstances, such as the health of the candidate, and those circumstances interfered with the timely filing of a report. Candidates may request the fine be waived by submitting a Waiver Request Form which is available on our website, explaining the candidate's 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 any person required to file from filing the required campaign finance reports.

Please see Miss. Code Ann. § 23-15-813 (1972) for further information regarding civil penalties issued by the Secretary of State.

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. § 23-15-811 (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 & 97-13-17 (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 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.

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.