



**VIOLATION**

## **Lamar County candidates violate campaign finance laws**

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In Lamar County, 21 candidates or former candidates for public office have violated Mississippi law by failing to file mandatory campaign financial disclosure reports or by filing them after the deadline. All face financial penalties and/or prosecution if the Ethics Commission enforces state law.

Two candidates for state office on Lamar County's ballot for the November 5 election failed to file the campaign financial disclosure reports that were due in October. Two additional candidates for state office filed the required reports but did so after the 5 p.m. October 10 deadline, as did a local candidate for Chancery Clerk. The remaining 16 are former candidates for county office who were defeated in the primaries.

However, Lamar County's ballot includes two candidates for state office who live elsewhere in Mississippi and have not submitted the required financial reports, bringing the total to 23

candidates and former candidates who are in arrears with their campaign financial disclosure reports. They are:

1. Ken Morgan (R) – candidate for State Representative, District 100 – has not filed a periodic report for October.
2. Brandon Terrion Rue (D) – candidate from Meridian for State Representative, District 102 – has not filed a periodic report for October.
3. Jansen Owen (R) – candidate for State Representative, District 106 – has not filed a periodic report for October.
4. Addie Lee Green (D) – candidate from Bolton for State Treasurer – has not filed a periodic report for October.
5. Melissa Brezeale Love (R) – candidate for Chancery Clerk – has not filed a periodic report for October.
6. Cheree Sanders (R) – candidate for Chancery Clerk – has not filed a periodic report for October.
7. Anna E. Miller (R) – candidate for Coroner – has not filed a periodic report for October.
8. Hunter Andrews (R) – candidate for Surveyor – has not filed a periodic report for October.
9. Jeremy Tynes (R) – candidate for Surveyor – has not filed a periodic report for June, July 10, July 30 or October.
10. Larry Bracey (R) – candidate for Supervisor, District 3 – has not filed a periodic report for October.
11. Robert Hedgepeth (R) – candidate for Supervisor, District 3 – has not filed a periodic report for July 30 or for October.
12. Joshua Kent Grantman (R) – candidate for Supervisor, District 4 – has not filed a periodic report for October.
13. Brian McPhail (R) – candidate for Supervisor, District 4 – has not filed a periodic report for October.

14. Eddie Thaggard (R) – candidate for Supervisor, District 4 – has not filed a periodic report for July or October.
15. Jon Mark Herrington (R) – candidate for Supervisor, District 5 – has not filed a periodic report for October.
16. Dearl Head (R) – candidate for Constable, District 1- has not filed a periodic report for October.
17. Johnny Whitehead (R) – candidate for Constable, District 2 – has not filed a periodic report for October.
18. Jimmy R. Daughdrill, Sr. (R) – candidate for Constable, District 3 – has not filed a periodic report for October.
19. Abner Keith (R) – candidate for Constable, District 3 – has not filed a periodic report for October.
20. Lyn Thompson (R) – candidate for Constable, District 3 – has not filed a periodic report for July or October.

Also:

21. Phillip D. Carlisle (R) – candidate for Chancery Clerk – filed a periodic report for October but not by the 5 p.m., October 10, 2019, deadline.
22. Kent McCarty (R) – candidate for State Representative, District 101 – filed a periodic report for October but not by the 5 p.m., October 10, 2019, deadline.
23. John A. Polk (R) – candidate for State Senator, District 44 – filed a periodic report for October but not by the 5 p.m., October 10, 2019, deadline.

## **THE STATE'S REQUIREMENTS**

All office holders and candidates were required to file an annual campaign finance report by January 31, 2019, for the 2018 calendar year, as well as periodic follow-up reports throughout the year according to a schedule provided by the

Secretary of State.

The only exceptions are office holders and candidates who have filed termination reports. A politician or candidate who files a termination report states that he or she will no longer accept contributions or spend funds and that his or her campaign has no debt or obligations.

A candidate who withdraws, is disqualified, or loses the race still must submit campaign finance reports until a termination report is filed.

You'll find campaign finance laws set forth in the Mississippi State Code Ann., beginning at Section 23-15-801. The Secretary of State's Office has made it easy for politicians to comply and the public to understand, though, by publishing a handbook online on Mississippi campaign finance law. It's called the *Guide to Campaign Finance in Mississippi: For Candidates and Political Committees* and is posted online at the Secretary of State's website.

Under our current campaign finance laws, the Secretary of State is responsible for providing the necessary forms, for promoting rules and regulations, for collecting reports and statements and for making them available for public inspection. (*Mississippi State Code Ann., Section 23-15- 815*)

The Secretary of State is required by law to compile a list of all candidates for the Legislature and other statewide office who do not file campaign finance reports on time, and to provide that list to the state Ethics Commission, which in turn can bring a mandamus or take other disciplinary action. The Secretary of State also is required to distribute the list to members of the Mississippi Press Association. (*Mississippi State Code Ann., Section 23-15-817*)

Enforcement is left to the Ethics Commission.

## **PENALTIES**

State law says that once a campaign finance report is ten days late, the Ethics Commission shall assess the violator a penalty of \$50 for each day or part of a day until the report is submitted.

There's a maximum of 10 days, so delinquency can cost as much as \$500 per report.

Legally, "shall" means there is no wiggle room. However, state law also provides the Ethics Commission discretion to waive all or part of the fine if it determines the existence of "unforeseeable mitigating circumstances." The health of the candidate would be an acceptable excuse; not having received a notice of failure to file the report from the Secretary of State is not an acceptable excuse. Politicians who file the report and pay the fine within 10 days of receiving notice from the Secretary of State are considered in compliance with the law, but paying the fine without filing the report? Not so much. (Mississippi Code Ann. Section 23-15-813)

This same section of law outlines the procedure for non-payment of fines that have not been waived. In that case, the candidate or politician is scheduled for an administrative hearing; there is an appeals process for the hearing. Ultimately, the Attorney General may opt to prosecute to recover the assessed penalties.

### **SANCTIONS (OR, WHAT'S IN A NAME?)**

Beyond the penalties, violators of campaign finance laws can incur sanctions, which are, in a word, more penalties. Here they are:

1. Willful violators shall be guilty of a misdemeanor and, if convicted, shall incur a fine of up to \$3,000.00 or prison of six months, or both.
2. The violator may be compelled to file the necessary report by a mandamus brought by the state Ethics Commission.

3. A candidate who has not filed his or her required campaign finance reports shall not be certified as nominated for election or as elected to office until he or she files all reports due as of the date of certification.

4. A candidate who has not filed his or her required campaign finance reports shall not receive any salary or other remuneration until he or she files the reports due as of the date the salary is to be paid.

5. These sanctions do not apply if the candidate fails to file his or her campaign finance report on time but files a complete report later. (Mississippi Code Section 23-15-811)

The Hattiesburg Patriot has submitted a request to the Ethics Commission for information as to whether and/or how campaign finance laws are enforced at the local level.