

February 10, 2023

Via hand delivery:

Democratic Party Executive Committee
811 E River Place, Ste 102
Jackson, MS 39202

Re: qualification of Bob Hickingbottom for 2023 Gubernatorial Democratic Primary

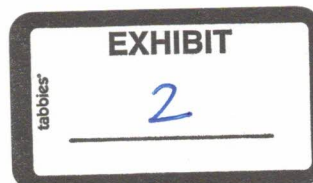
Dear Committee Members:

This correspondence is to inform you that candidate Bob Hickingbottom has violated Ethics Law and campaign finance laws which should prevent him from being placed on the ballot for the 2023 Gubernatorial Democratic Primary.

Mr. Hickingbottom ran for Governor of Mississippi as a member of the Constitution Party in 2019, receiving 2,625 votes (0.3 percent of the overall vote). Secretary of State records show that Mr. Hickingbottom filed campaign finance reports in 2019 through a candidate committee named "Friends of Bob Hickingbottom." However, the Friends of Bob Hickingbottom never filed a statement of organization with the Secretary of State which is a violation of applicable campaign finance laws. The 2019 campaign finance reports are enclosed for your convenience.

Mr. Hickingbottom's campaign finance reporting for the 2019 election was in violation of campaign finance laws in effect at the time. Miss. Code Ann. § 23-15-803 (2019) provided that all political committees were required to file a statement of organization with the Secretary of State no later than 48 hours after receiving contributions or making expenditures in excess of \$200.00. The statement of organization was to include: (1) the name, address, officers, and members of the committee; (2) the designation of a chair of the organization and a custodian of the financial books, records and accounts of the organization, who shall be designated treasurer; and (3) if the committee is authorized by a candidate, then the name, address, office sought and party affiliation of the candidate. Mr. Hickingbottom's candidate committee, Friends of Bob Hickingbottom, did not file a statement of organization with the Secretary of State. The aforementioned violation of campaign finance law subjects Mr. Hickingbottom and his committee to administrative penalties pursuant to Miss. Code Ann. § 23-15-803 (2019).

Further, Mr. Hickingbottom violated Ethics Law requiring candidates to file a statement of economic interest. Miss. Code Ann. § 25-4-25 (2019) provides that candidates for public office shall file a statement of economic interest with the Ethics Commission within 15 days after the deadline for qualification. The Ethics Commission has no record that Mr. Hickingbottom has ever filed a statement of economic interest. Mr. Hickingbottom's failure to file a statement of economic interest is in violation of the Ethics Law in effect during the 2019 election, making him



subject to civil penalties and criminal prosecution pursuant to Miss. Code Ann. §§ 25-4-29 and 31 (2019).

Pursuant to Miss. Code Ann. § 23-15-811 (2023), Mr. Hickingbottom cannot be certified as nominated for election or as elected to office until filing all campaign finance reports required under the law. Miss. Code Ann. § 23-15-299 (2023) provides that the committee shall determine at the time of the qualifying deadline “whether each candidate is a qualified elector of the state, state district, county or county district which they seek to serve, and whether each candidate meets all other qualifications to hold the office he or she is seeking or presents absolute proof that he or she will, subject to no contingencies, meet all qualifications on or before the date of the general or special election at which he or she could be elected to office.” Mr. Hickingbottom cannot meet the burden under Miss. Code Ann. § 23-15-299 (2023) given his violation of campaign finance laws in 2019, which in turn makes him unable to qualify for elected office. Moreover, Mr. Hickingbottom’s violations of campaign finance law and Ethics Law could be altogether damaging to the reputation of the Democratic Party should he be placed on the ballot.

The undersigned respectfully requests that the committee consider the foregoing in determining whether Mr. Hickingbottom is qualified for elected office. The answer to this question is obviously that he is not, meaning that he should not be allowed on the ballot for the 2023 Gubernatorial Democratic Primary.

Sincerely,

Jim Newman