2016 Lobbying in Mississippi

Ensuring Compliance and Improving Disclosure

Delbert Hosemann
Secretary of State

This page is intentionally blank

DELBERT HOSEMANN
Secretary of State

POST OFFICE BOX 136
JACKSON, MISSISSIPPI 39205-1036
TELEPHONE (601) 359-1350

401 Mississippi Street
JACKSON, MISSISSIPPI 39201
FACSIMILE (601) 359-1499

Dear Fellow Mississippians,

My staff and I are pleased to publish this edition of *Lobbying in Mississippi*, the guide for lobbyists, lobbyists' clients, and others interested in the lobbying requirements of Mississippi. As Secretary of State, I am committed to providing public access to information. I believe we encourage citizen participation and ensure public trust in government by providing the information people need to participate in the process.

This handbook contains all the information lobbyists and lobbyists' clients need to comply with Mississippi lobbying requirements. Also, as part of our commitment to increasing access to information, I am happy to make all lobbying forms and this guide available through our website at *www.sos.ms.gov*.

I encourage you to take advantage of the resources offered by our agency, and I hope you find this guide useful and user-friendly. If my office can assist you with additional information or clarification with regard to Mississippi lobbying laws, do not hesitate to call Kenneth Jones at (601) 359-6353 or Hawley Robertson at (601) 359-6360. You may also contact the Elections Division at (800) 829-6786 or (601) 576-2550. Thank you.

Sincerely,

C. Delbert Hosemann, Jr.

C. DELBERT HOSEMANN, Jr.
Secretary of State

Table of Contents

About this Guide 5
Chapter 1: Lobbying at a Glance 6
The Secretary of State's Office 6
Definitions 6
The Lobbying Cycle: The Reports 7
Enforcement 7
Chapter 2: Registration 8
Who Must Register? 8
Exemptions 8
Termination 8
Chapter 3: Reporting Lobbying Activity 9
2016 Reporting Deadlines 9
Reporting Requirements 10
Legislative Expenditure Reports 10
Annual Reports 10
Grace Period 11
Chapter 4: Penalties 12
Criminal Penalties 12
Appendix A: General Interpretations 14
Appendix B: Forms 16
Appendix C: Frequently Asked Questions 17
Appendix D: Mississippi Lobbying Statutes 19

About this Guide

Lobbying in Mississippi is published by the Secretary of State's Office as a guide for lobbyists and lobbyists' clients. This publication contains information necessary to ensure compliance with the *Lobbying Law Reform Act of 1994.* Lobbyists and lobbyists' clients are strongly encouraged to familiarize themselves with the Act, *Miss. Code Ann. §§ 5-8-1, et seq*., set forth in full at Appendix D. This guide and all forms referenced herein are available at the Secretary of State's website at *http://www.sos.ms.gov/elections_candidates_Lobbyists_center3.aspx*

For Assistance

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

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

Phone
(601) 359-6353
(601) 576-2550
(800) 829-6786

Fax
(601) 576-2545
(601) 359-1499

E-mail
Lobbying@sos.ms.gov

Customer Service Standards

The 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.

Chapter 1: Lobbying at a Glance

SNAPSHOT

- ✓ **The Secretary of State's Office electronically receives registrations and required reports.**
- ✓ **The lobbying cycle begin on January 1 and ends on December 31 of each year.**
- ✓ **Three (3) reports required per lobbying cycle**

The Secretary of State's Office

The State of Mississippi receives registrations and required reports through electronic filing with the Elections Division of the Secretary of State's Office. The Secretary of State's Office provides all necessary forms online, issues certificates of registration, and makes all filed statements and reports available for public inspection and copying. (*Miss. Code Ann. § 5-8-19*). The Secretary of State's Office may assess a civil penalty against any person who fails to file a required report or who fails to file a required report in compliance with the material particulars of the *Lobbying Law Reform Act of 1994*. (*Miss. Code Ann. § 5-8-17*). All forms and registration information are available online at *http://www.sos.ms.gov/elec/portal/msel/portal.aspx*.

Definitions

Mississippi law defines "lobbying" as:

- influencing or attempting to influence legislative or executive action through oral or written communication;
- solicitation of others to influence legislative or executive action;
- paying or promising to pay anything of value directly or indirectly related to legislative or executive action. (*Miss. Code Ann. § 5-8-3(k)*).

Mississippi law defines a "lobbyist's client" as:

- an entity or person in whose behalf the lobbyist influences or attempts to influence legislative or executive action.

Mississippi law defines a "lobbyist" as an individual who:

- is employed and receives payments, or who contracts for economic consideration, including reimbursement for reasonable travel and living expenses, for the purpose of lobbying;
- represents a legislative or public official or public employee, or who represents a person, organization, association or other group, for the purpose of lobbying; or

- is a sole proprietor, owner, part owner, or shareholder in a business, who has a pecuniary interest in legislative or executive action, who engages in lobbying activities. (*Miss. Code Ann. § 5-8-3(l)*).

Mississippi law excludes certain individuals from the definition of "lobbyist" and "lobbyist's client" who are exempt from the registration and reporting requirements of the *Lobbying Law Reform Act of 1994*. See, *Miss. Code Ann. § 5-8-7* at Appendix D for further information.

The Lobbying Cycle: The Reports

Current lobbying reporting processes applicable to all lobbyists and their respective clients in the State of Mississippi are the result of the *Lobbying Law Reform Act of 1994*. (*Miss. Code Ann. §§ 5-8-1, et seq.*). Unless excepted from the statutory definition of "lobbyist," every lobbyist and lobbyist's client must file a registration statement with the Secretary of State's Office within five (5) calendar days after becoming a lobbyist or lobbyist's client, or beginning to lobby on behalf of a new client. ***The Mississippi lobbying cycle begins on <u>January 1</u> and ends on <u>December 31</u> of each calendar year and registration is required each calendar year.***

All lobbying reports for the cycle are filed electronically with the Secretary of State's Office. Mississippi statute requires all registered **lobbyists** to file three (3) reports during the lobbying cycle:

- Legislative **Mid-Session Report** due on February 25th
- Legislative **End-of-Session Report** due within ten (10)days after *sine die*
- **Annual Report** of Expenditures due no later than **<u>January 30th</u>** (*Miss. Code Ann. § 5-8-11(5)(6)*).

Registered **lobbyists'clients** file one (1) report, the **Annual Report**, with the Secretary of State's Office during the lobbying cycle.

Enforcement

The Secretary of State's Office must assess a civil penalty against lobbyists and lobbyists' clients who fail to file a required report by the statutory deadline, or who file a report which fails to comply with the material particulars of the statute(s). (*Miss. Code Ann. § 5-8-17(1)*). Within five (5) calendar days after any deadline for filing a report, the Secretary of State provides each lobbyist or lobbyist's client who failed to file a required report notice of said failure by certified and regular mail. (*Miss. Code Ann. § 5-8-17(1)(a)*). Beginning with the tenth (10th) calendar day after a filing deadline, the Secretary of State assesses a delinquent lobbyist or lobbyist's client a civil penalty of $50.00 per day and part of any day until a valid report is filed with the Secertary of State's Office for a maximum of ten (10) days. However, in the discretion of the Secretary of State, the fine may be waived, in whole or in part, if "**unforeseeable mitigating circumstances**" interfered with the timely filing of a required report.

Chapter 2: Registration

SNAPSHOT

- ✓ **Registration Required Annually**
- ✓ **$25.00 Registration Fee Annually**
- ✓ **Registrations must be completed online**

Who Must Register?

Every lobbyist and every lobbyist's client is required to electronically file a registration statement with the Secretary of State's Office within five (5) calendar days after becoming a lobbyist, becoming a lobbyist's client or beginning to lobby for a new client. Registration forms and additional information is available online at *http://www.sos.ms.gov/elec/portal/msel/portal.aspx*.
The filing of every registration statement must be accompanied by the payment of a twenty-five dollar ($25.00) registration fee. An additional fee also may be charged per electronic transaction based upon the credit card used to remit initial payment of the registration fee.

Registration is valid for one (1) calendar year, beginning January 1 and ending December 31 of each year. The registration of a lobbyist or lobbyist's client who files after January 1 is effective upon receipt by the Secretary of State's Office and terminates on December 31. Filing a registration statement on January 1 of each year is recommended for those who lobby (or are represented by a lobbyist) on an on-going basis. (*Miss. Code Ann. § 5-8-5*).

Exemptions

Mississippi law excludes certain individuals from the definition of "lobbyist" and "lobbyist's client" who are **exempt** from the registration requirement of the *Lobbying Law Reform Act of 1994*. *See Miss. Code Ann. § 5-8-7* at Appendix D for further information.

Termination

A lobbyist or lobbyist's client may terminate his/her registration prior to the end of the lobbying cycle (i.e., Dec. 31) by filing a **Termination of Lobbyist Registration** (Form T). An **Annual Report** is filed simultaneous with the filing of the termination report, providing a final accounting of all lobbying activity. (*Miss. Code Ann. § 5-8-5(5)*).

Chapter 3: Reporting Lobbying Activity

SNAPSHOT

- ✓ **Lobbyists must file two (2) Legislative Expenditure Reports Annually (Form E).**
- ✓ **Lobbyists and Lobbyists' Clients must file an Annual Report (Forms A and C, respectively).**
- ✓ **Each Report requires the filer's Certificate Number.**

DELBERT HOSEMANN
Secretary of State

2016 Reporting Deadlines

Saturday, January 30, 2016.....**2015 Annual Report Due**
Lobbyist's Annual Report (**FORM A**)
Lobbyist's Client Annual Report (**FORM C**)
(Fines begin Tuesday, February 9, 2016)

Thursday, February 25, 2016 ..... **2016Mid-Session Report Due**
Legislative Session Report (**FORM E**)
(Fines begin Sunday, March 6, 2016)

Wednesday, May 18, 2016.....**2016 End-of-Session Report Due**
(sine die May 8, 2016)
Legislative Session Report (**FORM E**)
(Fines begin Saturday, May 28, 2016)

Monday, January 30, 2017.....**2016 Annual Report Due**
Lobbyist's Annual Report (**FORM A**)
Lobbyist's Client Annual Report (**FORM C**)
(Fines begin Thursday, February 9, 2017)

Reporting Requirements

Reporting expenditures is a mandatory part of the lobbying process. *The Lobbying Law Reform Act of 1994* requires lobbyists to file two (2) **Legislative Expenditure Reports** and one (1) **Annual Report** each calendar year. ***A lobbyist must file a separate report for each of his/her clients***. Lobbyists'clients are required to file an **Annual Report** each calendar year.

The filer's Certificate Number must be included on each report. While this number is typically autopopulated in the electronic filing of each report, the number may be found on the lobbyist's certificate issued by the Secretary of State's Office upon registration.

Lobbyists and lobbyists' clients are strongly encouraged to familiarize themselves with the *Lobbying Law Reform Act of 1994, Miss. Code Ann. §§ 5-8-1, et seq.* (Appendix D).

All forms are available on-line at ***http://www.sos.ms.gov/elec/portal/msel/portal.aspx*.**

Legislative Expenditure Reports

All lobbyists registered before February 25 must file the **Mid-Session Legislative Expenditure Report** (Form E). This first expenditure report is due on **February 25** of each calendar year, such date representing the mid-point of the legislative session. (*Miss. Code Ann. § 5-8-11(6)*).

All lobbyists registered before the last day of the legislative session must file the **End-of-Session Legislative Expenditure Report** (Form E). This second expenditure report is due **ten (10) days after *sine die***, i.e., the last day of the legislative session. This date is dependent on the calendar date of *sine die* and is subject to change if the legislative session is extended or shortened.

Legislative Expenditure Reports include the name of the executive, legislative or public official or public employee who receives anything of value from the lobbyist or from the lobbyist on behalf of the lobbyist's client, the name of the person receiveing the payment, the name of the person making the payment, the amount of the payment and the date of the payment. These reports must be filed as and when due, even if no reportable expenditures were made by the lobbyist. However, any lobbyist who lobbies local government exclusively is exempt from the requirement of filing the Legislative Expenditure Reports. (*Miss. Code Ann. § 5-8-11(6)*).

Expenditures made after *sine die* or during a special session of the Legislature are disclosed by the lobbyist in his/her **Annual Report** (Form A).

Annual Reports

All registered lobbyists (Form A) and lobbyists' clients (Form C) must file an **Annual Report** no later than **January 30** of each calendar year. This report contains information on all expenditures paid or initiated by the lobbyist on behalf of each lobbyist's client during the preceding twelve (12) calendar months (January 1 through December 31), and it includes a

cumulative total for the calendar year of all reportable categories. (*Miss. Code Ann. § 5-8-11(5)*).

Grace Period

The law affords a delinquent lobbyist or lobbyist's client a grace period of nine (9) calendar days within which to file a required report and avoid the levy of statutory penalties. Within five (5) calendar days after any deadline for filing a report, the Secretary of State provides each lobbyist or lobbyist's client who failed to file a required report, notice of such failure by certified and regular mail. (*Miss. Code Ann. § 5-8-17(1)(a)*). Beginning with the tenth (10th) calendar day after a filing deadline, the Secretary of State assesses a delinquent lobbyist or lobbyist's client a civil penalty of $50.00 per day and part of any day until a valid report is filed , for a maximum of ten (10) days.

FAILURE TO TIMELY FILE A REQUIRED REPORT MAY RESULT IN THE ASSESSMENT OF A CIVIL PENALTY.

Chapter 4: Penalties

SNAPSHOT

- ✓ **Civil fine assessment begins ten (10) days after all reporting deadlines.**
- ✓ **Fines are assessed at the rate of $50 per day.**
- ✓ **Fines are assessed each reporting deadline.**

The Secretary of State's Office must, by statute, assess a civil penalty against any lobbyist and lobbyist's client who fails to file a required report by the statutory deadline, or who files a report which fails to comply with the material particulars of the statute(s). (*Miss. Code Ann. § 5-8-17(1)*). To avoid the assessment of a civil penalty, please ensure all required reports are filed on-line at *http://www.sos.ms.gov/elec/portal/msel/portal.aspx***.** no later than 5:00 p.m. CST on the deadline date.

Within five (5) calendar days after any deadline for filing a report, the Secretary of State's Office provides each lobbyist or lobbyist's client who failed to file a required report notice of said failure by certified and regular mail. (*Miss. Code Ann. § 5-8-17(1)(a)*). Beginning with the tenth (10th) calendar day after a filing deadline, the Secretary of State assesses a delinquent lobbyist or lobbyist's client a civil penalty of $50.00 per day and part of any day until a valid report is filed with the Secertary of State's Office, for a maximum of ten (10) days. Failure to receive written notice prior to the 10th calendar day following the filing deadline will not result in a waiver of or reduction in the civil penalty assessed against a delinquent lobbyist or lobbyist's client.

In the discretion of the Secretary of State, a fine may be waived, in whole or in part, if unforeseeable mitigating circumstances, such as the health of the lobbyist, interfered with the timely filing of a required report. (*Miss. Code Ann. § 5-8-17*).

Filing of the required report and payment the fine within ten (10) calendar days of notice by the Secretary of State's Office that a required statement has not been filed constitutes statutory compliance. 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 and thus, does not constitute statutory compliance.

Criminal Penalties

Any person who intentionally violates the provisions of the Act shall, upon conviction for a first offense, be fined not more than $1,000 and/or imprisoned in the county jail not more than six (6) months and upon conviction for a subsequent offense be fined not more than $5,000 and/or imprisoned in the Penitentiary not more than three (3) years. (*Miss. Code Ann. § 5-8-21*).

This page is intentionally blank

Appendix A: General Interpretations

Sales

Payments or expenses associated with sales to state and local governments that are subject to the purchasing laws of the State of Mississippi are generally not subject to the lobbying law registration or reporting requirements. *See* Mississippi Attorney General's Official Opinion to the Honorable Tim Ford dated February 17, 1995 (Opinion No. 1994-0837). Copies of this opinion may be obtained on-line at *www.ago.state.ms.us*.

Executive Action

Miss. Code Ann. § 5-8-3(d) (1972) defines **executive action** as:

(d) the proposal, drafting, development, consideration, amendment, adoption, approval, promulgation, issuance, modification, rejection or postponement by a state or local governmental entity of a rule, regulation, order, decision, determination or other quasi-legislative action or proceeding.

Accordingly, routine matters by agencies and local governments which do not require an official order or other official action described above do not generally fall within the definition of executive action.

Quasi-Judicial Action

While the definition of executive action in *Miss. Code Ann. § 5-8-3(d)* includes references to various executive and quasi-legislative actions, no reference is made to quasi-judicial proceedings.

Accordingly, the position of the Secretary of State's Office is that payments or expenses associated solely with a purely quasi-judicial forum or proceeding are not subject to the requirements of the lobbying law.

Community Economic Development Agencies

As a general rule, the Secretary of State's Office does not regard as influence on executive or legislative action the traditional activities of government-funded community economic development agencies — including the promotion of location and expansion of businesses in a specific community or geographic area.

Thus, such bona-fide economic development activities undertaken by community economic development agencies which are funded in whole or in part by government funds (including chambers of commerce which receive government funding) may generally be undertaken without being subject to the lobbying law.

However, the agency or chamber should register and report lobbying activity if it undertakes a lobbying effort unrelated to its economic development mission within its particular community or geographic area.

Acknowledging that government-funded community economic development agencies frequently enlist the support of existing business enterprising in assisting their bona-fide economic development activities, the position of the Secretary of State's Office is that such assistance is likewise generally not subject to the lobbying law if the community economic development agency makes a specific request for a particular form of assistance. Contemporaneous records should be kept of all such requests.

Training For Community Health, Safety, and Welfare

The Secretary of State's Office generally does not regard as lobbying activity expenditures made strictly in the context of training offered for the general health, safety, and welfare of the community. For example, training provided to local government employees on utility line safety is not considered lobbying.

Appendix B: Forms

Form R - Lobbyist's Registration Form that establishes the relationship between the lobbyist and the lobbyist's client during the lobbying cycle. A lobbyist must file a registration form *each* calendar year.

Form T - Lobbyist's Termination Report that dissolves the relationship between the lobbyist and the lobbyist's client. Form T should only be filed if the lobbyist terminates services before the end of the lobbying cycle.

Form X - Supplemental Itemized Expenditure Report. It may be used as an attachment to Form A and Form C.

Form XL - Supplemental Itemized Legislative Expenditure Report. It may be used as an attachment to Form E.

Form XMC - Supplemental Itemized Expenditures Benefiting Multiple Clients Report. It may be used as an attachment to Form E and Form A.

Form XP - Supplemental Itemized Reception Report. It may be used as an attachment for Form A and Form C.

Appendix C: Frequently Asked Questions

Q. The grace period for filing reports ends on a Saturday. If I file my report on the following Monday, am I still assessed a penalty?

A. *Yes. The grace period allows nine (9) calendar days to file after the filing deadline without penalty. Fines are assessed beginning on the 10th calendar day following the filing deadline.*

Q. Are fines assessed by business days or calendar days?

A. *Calendar days, including Saturdays, Sundays, and legal holidays, if they fall within the penalty period.*

Q. Are campaign contributions reported on lobbying reports?

A. *No. Lawful campaign contributions are not reported on lobbying disclosure reports if they are subject to the campaign finance disclosure laws of Mississippi.*

Q. I am a public official. When a constituent buys me a cup of coffee is that supposed to be reported?

A. *As long as the constituent is not lobbying on behalf of a client, and not spending more than $200 in the aggregate in a calendar year on public officials, the constituent would be exempt.*

Q. Is lobbying of federal officials, elected or appointed, subject to Mississippi's lobbying laws?

A. *No. However, lobbying of state, county, municipal, and other local officials is covered by Mississippi's lobbying law.*

Q. If something of value is given to a judicial official is that required to be reported?

A. *No. Judges are not subject to Mississippi's lobbying law.*

Q. I am a private citizen who wants to contact my local legislators about a bill I am supporting. Must I register as a lobbyist?

A. *Generally, you are exempt if no more than $200 in the aggregate is spent on influencing legislators.*

Q. If my company pays for "educational" or "recreational" trips for public officials, are they exempt from reporting?

A. *No. Reports must be made for travel, lodging, and/or entertainment expenses.*

Q. I'm an association member, and I took a couple of legislators to dinner before an important committee vote. Must I register as a lobbyist?

A. *You must register as a lobbyist if you spend more than $200 in the aggregate per year on public officials.*

Q. I'm an association member, and I come to Jackson one week each year, usually spending about $2,000 meeting with state officials regarding their agencies' decisions. Must I register as a lobbyist?

A. *Yes. If you spend more than $200 per year in the aggregate to influence decision-making by public officials, you must register as a lobbyist.*

Q. I am an attorney arguing a case before a Mississippi court. Must I register as a lobbyist?

A. *No. The lobbying law applies only to legislative and executive bodies, boards and commissions, including boards of supervisors.*

Q. I am a state agency employee, whose job involves working with legislators to promote or defeat legislation of interest to my agency. Must I register as a lobbyist?

A. *Yes, if lobbying is a primary or regular function of your job, or if you give the legislators more than $200 in the aggregate worth of things of value in a calendar year.*

Q. I own a few shares in a company that employs lobbyists. If I take a legislator to dinner about a bill affecting that company, must I register as a lobbyist?

A. *No, unless you spend more than $200 in the aggregate per year to influence the decisions of public officials.*

Q. I am a registered lobbyist. If I buy a public official a $12 lunch, what must I report?

A. *When buying lunch for a public official, you must report the lunch, the value of the lunch, where the lunch occurred, your name, and the name of the official.*

Q. I work for a "good government" organization that encourages its members to contact their legislators to attempt to influence their votes on specific legislation. Should we list this expense on our periodic reports?

A. *Yes.*

Q. Our company, which is registered as a lobbyist's client, invites the entire Legislature and all statewide officials to a reception each year. Must we itemize the names of all attendees?

A. *No. The law specifically exempts from itemization requirements receptions held for the entire Legislature and all statewide officials. This statute refers to food at such an event as "for immediate consumption," which means it is eaten within the span of one day.*

Q. Because of errors by the post office (or misrouting of mail in my office), I never received my fine warning letter until after the fine was assessed. Will I still be assessed a civil penalty?

A. *Yes. Failure to receive written notice prior to the 10th calendar day following the filing deadline will not result in a waiver of or reduction in the civil penalty assessed against a delinquent lobbyist or lobbyist's client.*

Lobbyists and lobbyists' clients are advised to familiarize themselves with the statutory requirements and dates. The law requires the final fine warning notice to be mailed but does not condition assessment of the fine on receipt prior to the fine assessment date

Appendix D: Mississippi Lobbying Statutes

Sec. 5-8-1. Short Title.

Sec. 5-8-3. Definitions.

Sec. 5-8-5. Registration statements; filing; contents; length of registration period; effective date of registration; termination of registration; forms.

Sec. 5-8-7. Persons excluded from definition of "Lobbyist" and "Lobbyist's Client."

Sec. 5-8-9. Report of expenditures of Lobbyist's Client; exceptions.

Sec. 5-8-11. Report of payments received by Lobbyist from each Lobbyist's Client; exceptions.

Sec. 5-8-13. Prohibited acts; required acts.

Sec. 5-8-15. Investigations of violations of chapter.

Sec. 5-8-17. Penalties; Ethics Commission hearings; appeals; investigation by Attorney General of continued non-compliance.

Sec. 5-8-19. Duties of Secretary of State.

Sec. 5-8-21. Penalties for intentional violations; prosecution of corporation or association not barred.

Sec. 5-8-23. Severability clause.

Sec. 5-8-1. Short Title.

This chapter shall be cited as the "Lobbying Law Reform Act of 1994."

Sec. 5-8-3. Definitions.

The following words and phrases shall have the meanings ascribed herein unless the context clearly indicates otherwise:

(a) (i) "Anything of value" means:

1. A pecuniary item, including money, or a bank bill or note;

2. A promissory note, bill of exchange, order, draft, warrant, check or bond given for the payment of money;

3. A contract, agreement, promise or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge or transfer of money;

4. A stock, bond, note or other investment interest in an entity;

5. A receipt given for the payment of money or other property;

6. A right in action;

7. A gift, tangible good, chattel or an interest in a gift, tangible good or chattel;

8. A loan or forgiveness of indebtedness;

9. A work of art, antique or collectible;

10. An automobile or other means of personal transportation;

11. Real property or an interest in real property, including title to realty, a fee simple or partial interest, present or future, contingent or vested within realty, a leasehold interest, or other beneficial interest in realty;

12. An honorarium or compensation for services;

13. A rebate or discount in the price of *anything of value*, unless the rebate or discount is made in the ordinary course of business to a member of the public without regard to that person's status as

an executive, legislative or public official or public employee, or the sale or trade of something for reasonable compensation that would ordinarily not be available to a member of the public;

14. A promise or offer of employment;

15. Any other thing of value that is pecuniary or compensatory in value to a person, except as otherwise provided in subparagraph (ii) of this paragraph; or

16. A payment that directly benefits an executive, legislative or public official or public employee or a member of that person's immediate family.

(ii) *Anything of value* does not mean:

1. Informational material such as books, reports, pamphlets, calendars or periodicals informing an executive, legislative or public official or public employee of her or his official duties;

2. A certificate, plaque or other commemorative item which has little pecuniary value;

3. Food and beverages for immediate consumption provided by a Lobbyist up to a value of ten dollars ($10) in the aggregate during any calendar year;

4. Campaign contributions reported in accordance with Section 23-15-801 et seq., Mississippi Code of 1972.

(b) "Commission" means the Mississippi Ethics Commission, when used in the context of Section 5-8-19 of this chapter.

(c) "Compensation" means:

(i) An advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge or transfer of money or *anything of value*, including reimbursement of travel, food or lodging costs; or

(ii) A contract, agreement, promise or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge or transfer of money or *anything of value*, including reimbursement of travel, food or lodging costs, for services rendered or to be rendered.

(d) "Executive action" means the proposal, drafting, development, consideration, amendment, adoption, approval, promulgation, issuance, modification, rejection or postponement by a state or local governmental entity of a rule, regulation, order, decision, determination or other quasi-legislative action or proceeding.

(e) "Executive agency" means:

(i) An agency, board, commission, governing authority or other body in the executive branch of state or local government; or

(ii) An independent body of state or local government that is not a part of the legislative or judicial branch, but which shall include county boards of supervisors.

(f) "Executive official" means:

(i) A member or employee of a state agency, board, commission, governing authority or other body in the executive branch of state or local government; or

(ii) A public official or public employee, or any employee of such person, of state or local government who takes an executive action.

(g) “Expenditure” means:

(i) A purchase, payment, distribution, loan, forgiveness of a loan or payment of a loan by a third party, advance, deposit, transfer of funds, a promise to make a payment, or a gift of money or *anything of value* for any purpose;

(ii) A payment to a Lobbyist for salary, fee, commission, compensation for expenses, or other purpose by a person employing, retaining or contracting for the services of the Lobbyist separately or jointly with other persons;

(iii) A payment in support of or assistance to a Lobbyist or the Lobbyist’s activities, including the direct payment of expenses incurred at the request or suggestion of the Lobbyist;

(iv) A payment that directly benefits an executive, legislative or public official or a member of the official's immediate family;

(v) A payment, including compensation, payment or reimbursement for the services, time or expenses of an employee for or in connection with direct communication with an executive, legislative or public official made at the direction of the employee’s employer;

(vi) A payment for or in connection with soliciting or urging other persons to enter into direct communication with an executive, legislative or public official; or

(vii) A payment or reimbursement for food, beverages, travel, lodging, entertainment or sporting activities.

(h) “Gift” means *anything of value* to the extent that consideration of equal or greater value is not received, including a rebate or discount in the price of *anything of value* unless the rebate or discount is made in the ordinary course of business to a member of the public without regard to that person’s status as an executive, legislative or public official.

(i) “Legislative action” means:

(i) Preparation, research, drafting, introduction, consideration, modification, amendment, approval, passage, enactment, tabling, postponement, defeat or rejection of a bill, resolution, amendment, motion, report, nomination, appointment or other matter by the Mississippi State Legislature or a member or employee of the Legislature acting or purporting to act in an official capacity;

(ii) Action by the Governor in approving or vetoing a bill or other action of the Legislature;

(iii) Action by the Legislature in:

1. Overriding or sustaining a veto by the Governor; or

2. Considering, confirming or rejecting an executive appointment of the Governor.

(j) “Legislative official” means:

(i) A member, member-elect or presiding officer of the Legislature;

(ii) A member of a commission or other entity established by and responsible to either or both houses of the Legislature;

(iii) A staff member, officer or employee to a member or member-elect of the Legislature, to a member of a commission or other entity established by and responsible to either or both houses of the Legislature, or to the Legislature or any house, committee or office thereof.

(k) "Lobbying" means:

(i) Influencing or attempting to influence legislative or executive action through oral or written communication; or

(ii) Solicitation of others to influence legislative or executive action; or
(iii) Paying or promising to pay *anything of value* directly or indirectly related to legislative or executive action.

(l) "Lobbyist" means:

(i) An individual who is employed and receives payments, or who contracts for economic consideration, including reimbursement for reasonable travel and living expenses, for the purpose of lobbying;

(ii) An individual who represents a legislative or public official or public employee, or who represents a person, organization, association or other group, for the purpose of lobbying; or

(iii) A sole proprietor, owner, part owner or shareholder in a business who has a pecuniary interest in legislative or executive action, who engages in lobbying activities.

(m) "Lobbyist's Client" means the person in whose behalf the Lobbyist influences or attempts to influence legislative or executive action.

(n) "Local" means all entities of government at the county, county-district, multicounty district, municipal or school district level.

(o) "Person" means an individual, proprietorship, firm, partnership, joint venture, joint-stock company, syndicate, business trust, estate, company, corporation, association, club, committee, organization or group of persons acting in concert.

(p) "Public employee" means an individual appointed to a position, including a position created by statute, whether compensated or not, in state or local government and includes any employee of the public employee. The term includes a member of the board of trustees, chancellor, vice-chancellor or the equivalent thereof in the state university system or the state community and junior college system, and a president of a state college or university.

(q) "Public official" means an individual elected to a state or local office, or an individual who is appointed to fill a vacancy in the office.

(r) "Value" means the retail cost or fair market worth of an item or items, whichever is greater.

Sec. 5-8-5. Registration statements; filing; contents; length of registration period; effective date of registration; termination of registration; forms.

(1) Except as otherwise provided in Section 5-8-7 of this chapter and in addition to reports required by Sections 5-8-9 and 5-8-11

of this chapter, every Lobbyist and every Lobbyist's Client shall file a registration statement with the Secretary of State within five (5) calendar days after becoming a Lobbyist, becoming a Lobbyist's Client or beginning to lobby for a new Client. The filing of every registration statement shall be accompanied by the payment of a registration fee of twenty-five dollars ($25) to the Secretary of State. The Lobbyist shall file the registration statement and pay the fees to the Secretary of State for each Lobbyist's Client whom the Lobbyist represents.

(2) The registration statement shall include the following:

(a) The name, address, occupation and telephone number of the Lobbyist;

(b) The name, address, telephone number and principal place of business of the Lobbyist's Client;

(c) The kind of business of the Lobbyist's Client;

(d) The full name of the person or persons who control the Lobbyist's Client, the partners, if any, and officers of the Lobbyist's Client;
(e) The full name, address and telephone number of each Lobbyist employed by or representing the Lobbyist's Client; and

(f) A statement or statements by the Lobbyist and Lobbyist's Client indicating the specific nature of the issues being advocated for or against on behalf of the Lobbyist's Client, with sufficient detail so that the precise nature of the Lobbyist's advocacy is evident from the statement itself.

(3) Registration shall be valid for one (1) calendar year, commencing January 1 and ending December 31 of each year. If the Lobbyist or Lobbyist's Client shall register after January 1, the registration shall be effective upon actual receipt by the Secretary of State and shall cease on December 31 of each year.

(4) A Lobbyist or Lobbyist's Client may terminate his registration by filing an expenditure report required under this chapter. Such report shall include information through the last day of lobbying activity. The termination report must indicate that the Lobbyist intends to use the report as the final accounting of lobbying activity.

(5) The Secretary of State shall prescribe and make available to every Lobbyist and Lobbyist's Client appropriate forms for filing registration statements as required by Sections 5-8-1 through 5-8-19 of this chapter.

Sec. 5-8-7. Persons excluded from definition of "Lobbyist" and "Lobbyist's Client."

Notwithstanding any other provisions of this chapter, the following person shall not be included within the definition of "Lobbyist" or "Lobbyist's Client" under this chapter, and accordingly the registration and reporting provisions, including the payment of related fees, of this chapter do not apply to:

(a) A legislative or public official acting in an official capacity.
(b) An individual who:

(i) Represents or purports to represent only the individual;

(ii) Receives no compensation or *anything of value* for lobbying; and

(iii) Has no pecuniary interest in the legislative or executive action.

(c) An individual lobbying in his or her own interest, his or her own business interest, who pays, or promises to pay, offers to pay or causes to be paid to public officials, legislative officials or public employees any thing or things of value aggregating in value to less than two hundred dollars ($200) in any calendar year.

(d) An individual lobbying on behalf of his or her employer's business interest where such lobbying is not a primary or regular function of his employment position if such individual pays, promises to pay, offers to pay, or causes to be paid individually or on the employer's behalf to public officials, legislative officials, or public employees any thing or things of value aggregating in value to less than two hundred dollars ($200) in any calendar year.

(e) An individual lobbying on behalf of an association of which he or she is a member, where such lobbying is not a primary or regular function of his or her position in the association, if such individual pays, promises to pay, offers to pay, or causes to be paid individually or on the association's behalf to public officials, legislative officials or public employees any thing or things of value aggregating in value to less than two hundred dollars ($200) in any calendar year.

(f) An individual who is a shareholder, owner or part owner of a business who lobbies on behalf of such business, where such individual is not an employee of the business, if such individual pays, promises to pay, offers to pay, or causes to be paid individually or on behalf of the business to public officials, legislative officials or public employees any thing or things of value aggregating in value to less than two hundred dollars ($200) in any calendar year.

(g) An individual who:

(i) Limits lobbying solely to formal testimony before a public meeting of a legislative body or an executive agency, or a committee, division or department thereof; and

(ii) Registers the appearance in the records of the public body, if such records are kept.

(h) An individual who is a licensed attorney representing a Client by:

(i) Drafting bills, preparing arguments thereon, and advising the Client or rendering opinions as to the construction and effect of proposed or pending legislation, where such services are usual and customary professional legal services which are not otherwise connected with legislative action; or

(ii) Providing information, on behalf of the Client, to an executive or public official, a public employee, or an agency, board, commission, governing authority or other body of state or local government where such services are usual and customary professional legal services including or related to a particular nonlegislative matter, case or controversy.

(i) News media and employees of the news media whose activity is limited solely to the publication or broadcast of news, editorial comments, or paid advertisements that attempt to influence legislative or executive action. For the purposes of this section, "news media" shall be construed to be bona fide radio and television stations,

newspapers, journals or magazines, or bona fide news bureaus or associations which in turn furnish information solely to bona fide radio or television stations, newspapers, journals or magazines.

(j) An individual who engages in lobbying activities exclusively on behalf of a religious organization which qualifies as a tax-exempt organization under the Internal Revenue Code.

(k) An individual who is a nonattorney professional and who receives professional fees and expenses to represent Clients on executive agency matters, except that if *anything of value* shall be paid or promised to be paid directly or indirectly on behalf of a Client for the personal use or benefit of an executive or public official or public employee, then expenditures and actions of the individual are reportable under this chapter, and the individual must register as a Lobbyist.

Sec. 5-8-9. Report of expenditures of Lobbyist's Client; exceptions.

(1) Except as otherwise provided in Section 5-8-7 of this chapter and in subsection (7) of this section, no later than January 30 of each year, a Lobbyist's Client shall file a report of expenditures with the Secretary of State. The report must contain information on all expenditures paid by the Lobbyist's Client during the preceding twelve (12) calendar months.

(2) The report must list expenditures for the purpose of lobbying according to the following categories:

(a) A payment to a Lobbyist for salary, fee, compensation for expenses, or other purpose by a person employing, retaining or contracting for the services of the Lobbyist separately or jointly with other persons;

(b) A payment for those portions of office rent, utilities, supplies and compensation of support personnel attributable to lobbying activities;

(c) A payment in support of or assistance to a Lobbyist or the Lobbyist's activities, including the direct payment of expenses incurred at the request or suggestion of the Lobbyist;

(d) A payment, including compensation, payment or reimbursement for the services, time or expenses of an employee for or in connection with direct communication with an executive, legislative or public official or public employee, where such communication is made at the request, suggestion or direction of the Lobbyist's Client;

(e) A payment for or in connection with soliciting or urging other persons to enter into direct communication with an executive, legislative or public official or public employee, where such communication is made at the request, suggestion or direction of the Lobbyist's Client;

(f) A payment or reimbursement for food, beverages, travel, lodging, entertainment or sporting activities; or

(g) A purchase, payment, distribution, loan, forgiveness of a loan or payment of a loan by a third party, advance, deposit, transfer of funds, a promise to make a payment, or a gift of money or *anything of value* for any purpose.

(3) For each executive, legislative or public official or public employee who was paid,

given or promised to be paid *anything of value* in full or in part from the Lobbyist's Client, the report must also include:

(a) The name of the executive, legislative or public official or public employee who was paid, given or promised *anything of value*;

(b) A description and the monetary value of *anything of value* paid, given or promised to such official or employee, with sufficient detail so that the nature of the transfer is clear;

(c) The place and date *anything of value* was paid, given or promised; and

(d) The name of the person who paid, gave or promised to pay *anything of value*.

(4) Each expenditure for the purpose of lobbying must be reported in accordance with the category of the expenditure required in this section and with any additional categories as may be required by rule or regulation of the Secretary of State.

(5) The report due January 30 shall include a cumulative total for the calendar year for all reportable categories.

(6) A Lobbyist's Client shall maintain contemporaneous records of all expenditures reportable under Sections 5-8-1 through 5-8-19 of this chapter and shall retain such records for a period of two (2) years.

(7) If the State of Mississippi is a Lobbyist's Client, the State of Mississippi shall be exempt from filing an annual report.

(8) (a) If the entire Legislature and all statewide elected officials are individually invited to a single function, which is sponsored by a Lobbyist's Client, or a Lobbyist on behalf of such Client, and is to begin and end within one (1) day, then it shall not be necessary to report the costs related to food and beverages offered for immediate consumption required in subsection three (3) of this section, so long as food and beverages provided at such functions are offered equally to all invitees; however, in all such cases, the amount expended for such functions shall be reported in accordance with the provisions of this subsection.

(b) The report of the expenditure connected with a single function as described in paragraph (a) of this subsection shall be made by the Lobbyist's Client and shall include the tot following:

(i) The total amount of money expended for the function;

(ii) The estimated total number of persons in attendance at the function;

(iii) The estimated total number of public officials in attendance at the function.

Sec. 5-8-11. Report of payments received by Lobbyist from each Lobbyist's Client; exceptions.

(1) Except as otherwise provided in Section 5-8-7 of this chapter, a Lobbyist shall file with the Secretary of State a separate report for each Lobbyist's Client. The report shall specifically list all payments received from the Lobbyist's Client and all expenditures that were initiated or paid by the Lobbyist on behalf of each Lobbyist's Client during each reporting period required herein.

(2) The report must list expenditures for the purpose of lobbying according to the following categories:

(a) A payment to the Lobbyist for salary, fee, compensation for expenses, or other purpose by the person employing, retaining or contracting for the services of the Lobbyist separately or jointly with other persons;

(b) A payment for those portions of office rent, utilities, supplies and compensation of support personnel attributable to lobbying activities;

(c) A payment in support of or assistance to a Lobbyist or the Lobbyist's activities, including the direct payment of expenses incurred at the request or suggestion of the Lobbyist;

(d) A payment, including compensation, payment or reimbursement for the services, time or expenses of an employee for or in connection with direct communication
with an executive, legislative or public official or public employee, where such communication is made at the request, suggestion or direction of the Lobbyist;

(e) A payment for or in connection with soliciting or urging other persons to enter into direct communication with an executive, legislative or public official or public employee, where such communication is made at the request, suggestion or direction of the Lobbyist;

(f) A payment or reimbursement for food, beverages, travel, lodging, entertainment or sporting activities;

(g) A purchase, payment, distribution, loan, or forgiveness of a loan or payment of a loan by a third party, advance, deposit, transfer of funds, a promise to make a payment, or a gift of money or *anything of value* for any purpose.

(3) For each executive, legislative or public official or public employee who was paid, given or promised to be paid *anything of value* in full or in part from the Lobbyist, the report must also include:

(a) The name of the executive, legislative or public official or employee who was paid, given or promised *anything of value*;

(b) A description and the monetary value of *anything of value* paid, given or promised to such official or employee, with sufficient detail so that the nature of the transfer is clear;

(c) The place and date *anything of value* was paid, given or promised; and

(d) The name of the person who paid, gave or promised to pay *anything of value*.

(4) Each expenditure for the purpose of lobbying must be reported in accordance with the category of the expenditure required in this section and with any additional categories as may be required by rule or regulation of the Secretary of State.

(5) A report of expenditures must be filed with the Secretary of State no later than January 30 of each year. The report shall contain information on all expenditures paid or initiated by the Lobbyist on behalf of each Lobbyist's Client during the preceding twelve (12) calendar months, and it shall include a cumulative total for the calendar year of all reportable categories.

(6) In addition to the annual report required above, a Lobbyist shall file two (2) reports during regular sessions of the Legislature with the Secretary of State on February 25

and within ten (10) days after the Legislature's adjournment *sine die*. Such additional report shall include the name of the executive, legislative, or public official or public employee who receives *anything of value* from the Lobbyist or from the Lobbyist on behalf of the Lobbyist's Client, the name of the person receiving the payment, the name of the person making the payment, the amount of the payment and the date of the payment. However, any Lobbyist who lobbies local government exclusively shall be exempt from the requirement of filing the reports required by this paragraph.

(7) (a) If the entire Legislature and all statewide elected officials are individually invited to a single function which is sponsored by a Lobbyist on behalf of one or more Lobbyist's Clients and is to begin and end within one (1) day, then it shall not be necessary to report the costs related to food and beverages offered for immediate consumption as required in subsection (3) of this section, so long as food and beverages provided at such functions are offered equally to all invitees; however, in all such cases, the amount expended for such functions shall be reported in accordance with the provisions of this subsection.

(b) The report of the expenditure connected with a single function as described in paragraph (Section 5-8-11(7)(a) and (b)) of this subsection shall be made by the Lobbyist and shall include the following:

(i) The total amount of money expended for the function, reception or meal;

(ii) The total number of persons in attendance at the function, reception or meal;

(iii) The total number of legislators in attendance at the function, reception or meal.

(8) A Lobbyist shall maintain contemporaneous records of all expenditures reportable under Section 5-8-1 through Section 5-8-19 of this chapter, and shall retain such records for a period of two (2) years.

Sec. 5-8-13. Prohibited acts; required acts.

(1) A Lobbyist shall not contract to receive or accept compensation dependent upon the success or failure of a legislative or executive action.

(2) A Lobbyist or Lobbyist's Client shall not knowingly or willfully make or cause to be made a false statement or misrepresentation of facts to an executive, legislative or public official or public employee, or to the public in general with the intent to affect the outcome of a legislative or executive action.

(3) A Lobbyist or Lobbyist's Client shall not cause a legislative or executive action for the purpose of obtaining employment to lobby in support of or in opposition to the legislative or executive action.

(4) An executive, legislative, or public official or public employee shall not be a Lobbyist, except that he may act as a Lobbyist when acting in his official capacity.

(5) A Lobbyist must disclose *anything of value* given in whole or in part to any executive, legislative or public official or public employee.

Sec. 5-8-15. Investigations of violations of chapter.

(1) The district attorney of the circuit court of the district wherein an alleged violation occurred shall investigate violations of this chapter.

(2) In addition to a district attorney's authority as set forth in subsection (1) of this section, the Attorney General shall investigate alleged violations of this chapter and use all existing powers granted that office in conducting such investigations.

Sec. 5-8-17. Penalties; Ethics Commission hearings; appeals; investigation by Attorney General of continued non-compliance.

(1) In addition to any other penalty permitted by law, the Secretary of State shall require any person who fails to file a report as required under Section 5-8-1 through Section 5-8-19 of this chapter, or who shall file a report which fails to comply with the material particulars of Section 5-8-1 through Section 5-8-19 of this chapter or any rules, regulations or procedures implemented pursuant to Section 5-8-1 through Section 5-8-19 of this chapter, to be assessed a civil penalty as follows:

(a) Within five (5) calendar days after any deadline for filing a report pursuant to Sections 5-8-1 through 5-8-19 of this chapter, the Secretary of State shall compile a list of those Lobbyists and Lobbyists' Clients who have failed to file a required report. The Secretary of State shall provide each Lobbyist or Lobbyist's Client who has failed to file such a report notice of such failure by certified mail.

(b) Beginning with the tenth calendar day after which any report shall be due, the Secretary of State shall assess the delinquent Lobbyist and delinquent Lobbyist's Client a civil penalty of fifty dollars ($50) per day and 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 such fine may be waived if the Secretary of State shall determine that unforeseeable mitigating circumstances, such as the health of the Lobbyist, shall interfere with timely filing of a required report.

(c) 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 Section 5-8-1 through Section 5-8-19 of this chapter.

(d) 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 Section 5-8-1 through Section 5-8-19 of this chapter.

(2) (a) Upon the sworn application of a Lobbyist or Lobbyist's Client against whom a civil penalty has been assessed pursuant to subsection (1), the Secretary of State shall forward the application to the Mississippi Ethics Commission. The commission 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 Lobbyist or Lobbyist's Client and notice of the time and place of the hearing to be served upon the Lobbyist or Lobbyist's Client at least twenty (20) calendar days prior to the hearing date. Such notice may be served by mailing a copy thereof by certified mail, postage prepaid, to the last known business address of the Lobbyist or Lobbyist's Client.

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

(c) The Lobbyist or Lobbyist's Client shall have the right to appear either personally or by counsel, or both, to produce witnesses or evidence in his behalf, to cross-examine witnesses and to have subpoenas issued by the commission.

(d) A hearing officer shall be appointed by the commission to conduct the hearing. 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 commission, 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.

(e) Where, in any proceeding before the commission, 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 such 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.

(f) Within fifteen (15) calendar days after conclusion of the hearing, the commission shall reduce its decision to writing and forward an attested true copy thereof to the last known business address of the Lobbyist or Lobbyist's Client by way of United States first-class, certified mail, postage prepaid.

(3) (a) The right to appeal from the decision of the commission in an administrative hearing concerning the assessment of civil penalties authorized pursuant to this section is hereby granted. Such 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 commission, and the filing of a bond in the sum of two hundred dollars ($200), conditioned that if the decision of the commission be affirmed by the court, the Lobbyist or Lobbyist's Client 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.

(b) If there is an appeal, such 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 commission to determine if the action of the commission is unlawful for the reason that it was (i) not supported by substantial evidence, (ii) arbitrary or capricious, (iii) beyond the power of the commission to make, or (iv)

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.

(4) If, after forty-five (45) calendar days of the date of the administrative hearing procedure set forth in subsection two (2), the Lobbyist or Lobbyist's Client shall not file a valid report as required by law, the commission shall notify the Attorney General of the delinquency. The Attorney General shall investigate said offense in accordance with the provisions of this chapter.

Sec. 5-8-19. Duties of Secretary of State.

The Secretary of State shall:

(a) Provide forms for registration and for statements required by Sections 5-8-1 through 5-8-19 of this chapter to all persons required to file.

(b) Issue a certificate of registration to a Lobbyist registered under the provisions of Sections 5-8-1 through 5-8-19 of this chapter.

(c) Make all statements and reports filed available for public inspection and copying, at a reasonable cost, during regular office hours.

(d) Publish an annual report summarizing the financial activities of Lobbyists and Lobbyists' Clients, and such annual report shall not include amounts reported pursuant to Section 5-8-9 (8) and Section 5-8-11 (7) for single functions in the calculation of the cumulative total amount of money expended for lobbying purposes.

Sec. 5-8-21. Penalties for intentional violations; prosecution of corporation or association not barred.

Any person who, with intent, violates any of the provisions of this chapter whether acting either individually or as an officer, agent, employee, or counsel of a person, firm, corporation or association, or any person whether acting individually or as the officer, employee, agent or counsel of a firm, corporation or association, who, with intent, causes or participates, either directly or indirectly, in any violation of the provisions of this chapter shall upon conviction for the first offense be fined not more than one thousand dollars ($1,000) or imprisoned in the county jail not more than six (6) months or both and upon conviction for a second or any subsequent offense be fined not more than five thousand dollars ($5,000) or imprisoned in the Penitentiary not more than three (3) years or both. Any association or corporation which, with intent, violates, or causes or participates, either directly or indirectly, in any violation of any of the provisions of this chapter shall, for each offense, upon conviction, be fined not more than five thousand dollars ($5,000).
The prosecution or conviction of one or more of the officers or employees of such corporation or association shall not be a bar to the prosecution and conviction of the corporation or association for such offense.

Sec. 5-8-23. Severability clause.

If any section, paragraph, sentence, clause, phrase or any part of this chapter passed hereafter is declared to be unconstitutional or void, or if for any reason is declared to be invalid or of no effect, the remaining sections, paragraphs, sentences, clauses, phrases or parts thereof shall be in no manner affected thereby but shall remain in full force and effect.

INDEX

Assistance……5
Civil penalties .....…..7, 11-12
Criminal penalties……..……12
Deadlines ..... …..9, 25, 27
Exemptions……..……8
Grace Period ……...…….…11,17
Lobbyist …….……6, 22
Lobbyist's Client……...……6, 22
Lobbying Cycle…….……7, 22-23
Mississippi Lobbying Statutes ……..……..19-31
Reception……..……..18, 28
Registration……...….8, 16, 22-23
Registration fee …….……8, 23
sine die …….……7, 9-10, 28
Unforeseeable mitigating circumstances …….…..……..12, 29
2016 Lobbying Reporting Schedule…….……...9