

Common Cause/Mississippi

2011 Legislative Session – Summary

By Elizabeth Crowell

Common Cause/Mississippi had a very successful 2011 Legislative Session. Although not all of our legislative goals were met, we did have our most successful year in open meetings legislation. Below is a summary of CC/MS's legislative goals and accomplishments for the session.

Open Government

We were most successful with open government legislation. Senate Bill 2289, which revised the penalties that may be imposed for violating of the Open Meetings Act and Public Records Act, was signed into law. This bill had overwhelming support from both houses and both parties. The new law allows the Ethics Commission to impose a fine upon individual members of the public body that has willfully and knowingly violated the Open Meetings Act. The individuals may be fined up to \$500 for a first offense and up to \$1,000 for second or subsequent offenses. Further, the law makes any person who denies access to non-exempt public records civilly liable and they may be fined up to \$100 per violation.

Senate Bill 2554, which clarified and defined that certain data is to be maintained on searchable websites under the Mississippi Accountability and Transparency Act, also became law. The Legislature found that the public should be able to easily access the details on how the state is spending tax dollars and other state funds and what performance results are achieved for the expenditures. It is the intent of the Legislature that the state, acting through the department of Finance and Administration, create and maintain a searchable website. The DFA website should provide access, to the extent possible, to where taxpayer investment in state government is made, for what purpose investment is made and what results are achieved. The DFA is directed to develop and operate a searchable website that includes information on expenditures of state funds from all funding sources. The DFA shall require each agency that maintains a generally accessible Internet site to include a link on the front page of the agency's Internet site to the searchable website as required under the law. In terms of disbursement of funds, the website shall include the name and principal location of the entity/recipients of the funds, the amount of state funds expended, the purpose of the funding action or expenditure, the funding source of the expenditure, the specific source of authority for the expenditure, the expending agency, the type of transaction and any other relevant information. The searchable website will include access to electronic summaries of grants, subgrants, contracts, etc.

Another important aspect of this law is the requirement of each agency to provide the DFA access to all data required to be accessible from the searchable website within 14 days of each expenditure, grant award, subgrant awards or contracts executed by the agency.

The third major open government bill that passed was Senate Bill 2596, which revised the penalty and procedure for a public official's failure to file a required statement of economic interest. Any person who fails to file a statement of economic interest within 30 days of the date the statement is due shall be deemed delinquent by the commission. The Ethics Commission shall be given written notice of the delinquency to the person by U.S. mail or personal service of process. If within 15 days of receiving written notice of delinquency the delinquent filer has not filed the statement of economic interest, a fine of \$50 per day, not to exceed a total fine of \$1,000, shall be assessed against the delinquent filer for each day thereafter in which the statement is not properly filed.

This change in the law was a huge success for Common Cause, and we were actively engaged in the process. Previously, the fine was only \$10 per day and the commission was required to give notice by restricted delivery. The commission could not afford the costs of restricted delivery and thus the law was moot. However, now the commission will be able to enforce the penalty because they will be able to send out the notices by U.S. mail, which costs substantially less than restricted delivery.

Unfortunately, lowering and preventing excessive costs for fulfilling public records requests has become a partisan issue that House leaders were not willing to fight for this session. The issue of restricting costs for access to public records lost out when the House and Senate had to face issues involving redistricting, immigration reform, the budget and the major bond bill. Further, the Governor and Lt. Governor did not take a favorable position on decreasing the cost of public records and were not willing to support any legislation that would accomplish it.

Election Issues

There were several bills this session that would have restricted voters' access and rights, but these bills were killed. Senate Bill 2048 required an application for an absentee ballot of a temporarily disabled person be accompanied by a statement from a doctor or nurse. This bill died on the Senate calendar. Senate Bill 2055 required providers of assistance to complete a declaration of voter assistance form. Senate Bill 2058 clarified that curbside voting is only authorized on the day of the election. Senate Bill 2827 created voter fraud as a disqualifying

conviction for purposes of voter registration. These three bills passed in the Senate but died in the House Apportionment and Elections Committee.

CC/MS supported Senate Bill 2524, which would have prohibited Election Commissioners from serving on the executive committees affiliated with any political party. This was a good bill; however, it died in the House Apportionment and Elections Committee. The subcommittee chairman would not bring the bill up to the entire committee. The bill was seen as a partisan bill not favorable to Republicans. Hopefully we can readdress this issue next year and gain GOP support.

Redistricting Reform

This was a sticky issue and as the session moved forward, it became increasingly more difficult to get anything through the legislature.

The Joint Legislative Committee on Legislative Reapportionment and Congressional Redistricting held 14 public hearings through the state over the past year. On behalf of Common Cause Mississippi, President Lynn Evans attended the February 12, 2011 public hearing in Jackson and advised the committee members of the importance of fairness and openness in the redistricting process. She and other speakers urged the Joint Committee to adopt a plan with cohesive districts that allows for representation from the diverse demographic groups within the state, rather than to re-elect certain politicians or to favor one political party.

The plans adopted by each house were good plans that met all the requirements of state and federal laws and were responsive to the concerns raised during public meetings. However, the Senate refused to adopt the House's plan and that began the stalemate. Senator Hob Bryan has repeatedly tried to get the talks going again and find a compromise, but unfortunately, the Lt. Governor prevented Senator Bryan's joint resolution for redistricting from coming before the Senate for a vote. The NAACP filed a lawsuit to prevent the legislators from running under the current districts lines, arguing that it would violate the one-man, one-vote rule. The House Apportionment and Elections Committee and the Senate Democratic Caucus joined in the lawsuit.

All the other bills that fell under Common Cause Mississippi goals of campaign finance reform, tax reform and school bond passage died along with public records legislation. On the whole, however, Common Cause Mississippi did have a very successful year in open

government legislation and I believe we will have the opportunity for additional good government bills to be passed during next year's new legislative session. Thank you to everyone who called or wrote their legislators during the session, you made the difference!