

By: Senator(s) Wiggins

To: Accountability,
Efficiency, Transparency

SENATE BILL NO. 2204

1 AN ACT TO AMEND SECTION 25-41-15, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT A COURT SHALL VOID ANY ACTION TAKEN IN VIOLATION
3 OF THE OPEN MEETINGS ACT UNDER CERTAIN CONDITIONS; AND FOR RELATED
4 PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 25-41-15, Mississippi Code of 1972, is
7 amended as follows:

8 25-41-15. (1) The Mississippi Ethics Commission shall have
9 the authority to enforce the provisions of this chapter upon a
10 complaint filed by any person. Upon receiving a complaint, the
11 commission shall forward a copy of the complaint to the head of
12 the public body involved. The public body shall have fourteen
13 (14) days from receipt of the complaint to file a response with
14 the commission. After receiving the response to the complaint or,
15 if no response is received after fourteen (14) days, the
16 commission, in its discretion, may dismiss the complaint or
17 proceed by setting a hearing in accordance with rules and
18 regulations promulgated by the Ethics Commission.



19 (2) After a hearing, the Ethics Commission may order the
20 public body to take whatever reasonable measures necessary, if
21 any, to comply with this chapter. If the Ethics Commission finds
22 that a member or members of a public body has willfully and
23 knowingly violated the provisions of this chapter, the Ethics
24 Commission may impose a civil penalty upon the individual members
25 of the public body found to be in violation of the provisions of
26 this chapter in a sum not to exceed Five Hundred Dollars (\$500.00)
27 for a first offense and One Thousand Dollars (\$1,000.00) for a
28 second or subsequent offense, plus all reasonable expenses
29 incurred by the person or persons in bringing the complaint to
30 enforce this chapter.

31 (3) Nothing in this chapter shall be construed to prohibit
32 the Ethics Commission from mediating or otherwise resolving
33 disputes arising under this chapter or from entering orders agreed
34 to by the parties. In carrying out its responsibilities under
35 this section, the Ethics Commission shall have all the powers and
36 authority granted to it in Title 25, Chapter 4, Mississippi Code
37 of 1972.

38 (4) Any party may petition the chancery court of the county
39 in which the public body is located to enforce or appeal any order
40 of the Ethics Commission issued pursuant to this chapter. In any
41 such appeal the chancery court shall conduct a de novo review.

42 (5) Upon a finding by a preponderance of the evidence that a
43 public body has violated any provision of this chapter, a court



44 shall void any action taken in violation of this chapter, if the
45 court finds under the facts of the particular case that the public
46 interest in the enforcement of the policy of this chapter
47 outweighs the public interest in sustaining the validity of the
48 action taken in the closed meeting, record or vote. Suit for
49 enforcement shall be brought within six (6) months from which the
50 violation is ascertained and in no event shall it be brought later
51 than two (2) years after the violation. This subsection shall not
52 apply to an action taken regarding the issuance of bonds or other
53 evidence of indebtedness of a public body if a public hearing,
54 election or public sale has been held regarding the bonds or
55 evidence of indebtedness.

56 **SECTION 2.** This act shall take effect and be in force from
57 and after July 1, 2023.

