

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Engrossed
Committee Substitute
for
Senate Bill 745

BY SENATOR STUART

[Reported March 29, 2025, from the Committee on
the Judiciary]

1 A BILL to amend and reenact §6B-3-1, §6B-3-2, §6B-3-3, §6B-3-3a, §6B-3-4, §6B-3-5, §6B-3-7,
2 §6B-3-9, and §6B-3-11 of the Code of West Virginia, 1931, as amended; and to amend
3 the code by adding two new sections, designated §6B-2-12 and §6B-3-12, relating to
4 enhancing transparency in lobbying; requiring Ethics Commission to develop searchable
5 lobbyist registration and reporting system; revising lobbying registration and reporting
6 requirements; increasing the lobbyist registration fees; requiring the commission to publish
7 an electronic photograph and information about registered lobbyists; requiring wear of
8 lobbyist identification badge on capitol grounds; increasing reporting thresholds for grass
9 roots lobbying campaigns; updating document retention requirements; updating lobbyist
10 duties; prohibiting lobbyist contingent fees; updating penalties; requiring compliance
11 audits, and prohibiting lobbyists from offering or providing political campaign contributions.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 2. WEST VIRGINIA ETHICS COMMISSION; POWERS AND DUTIES;
DISCLOSURE OF FINANCIAL INTEREST BY PUBLIC OFFICIALS AND
EMPLOYEES; APPEARANCES BEFORE PUBLIC AGENCIES; CODE OF
CONDUCT FOR ADMINISTRATIVE LAW JUDGES.**

§6B-2-12. Online reporting system.

1 (a) By December 31, 2025, the commission shall develop and make available for public
2 use an electronic lobbyists registration and reporting system that:

3 (1) Allows persons to register as lobbyists;

4 (2) Allows lobbyists to electronically file any reports they are required to file under this
5 chapter;

6 (3) Permits lobbyists to create a password-protected account through which lobbyists can
7 save user information to be automatically populated into reports that the lobbyists files through
8 the electronic system; and

9 (4) Includes a search function by which members of the public may search for information
10 about lobbyists, including all information lobbyists are required to report under §6B-3-1 et seq. of
11 this code.

12 (b) The commission may contract for the development of the electronic lobbyists
13 registration and reporting system.

14 (c) The commission shall ensure that the electronic lobbyists registration and reporting
15 system is properly maintained and that any periods of downtime or inaccessibility are promptly
16 remediated.

ARTICLE 3. LOBBYISTS.

§6B-3-1. Definitions.

1 As used in this article, unless the context in which used clearly indicates otherwise:

2 (1) "Compensation" means money or any other thing of value received or to be received
3 by a lobbyist from an employer for services rendered.

4 (2) "Employer" or "lobbyist's employer" means any person who employs or retains a
5 lobbyist, or employs or retains any other person in exchange for compensation or other
6 consideration, other than reimbursement for reasonable travel expenses, to communicate directly
7 or through his or her agents with any elective state official, or their respective employees on behalf
8 of the employer regarding any legislation, appropriation, permit, license, economic development
9 or tax initiative, government contract, standard, rate, fee, or any delegated legislative or quasi-
10 legislative action to be taken or withheld by any executive department, agency, or elective state
11 official.

12 (3) "Expenditure" means payment, distribution, loan, advance deposit, reimbursement, or
13 gift of money, real or personal property, or any other thing of value; or a contract, promise, or
14 agreement, whether or not legally enforceable.

15 (4) "Government officer or employee" means a member of the Legislature, a legislative
16 employee, the Governor and other members of the Board of Public Works, heads of executive

17 departments and any other public officer or public employee under the legislative or executive
18 branch of state government who is empowered or authorized to make policy and perform non-
19 ministerial functions. In the case of elected offices included ~~herein~~ in this article, the term
20 "government officer or employee" includes candidates who have been elected but who have not
21 yet assumed office.

22 (5) "Legislation" means bills, resolutions, motions, amendments, nominations, and other
23 matters pending or proposed in either house of the Legislature and includes any other matters
24 that may be the subject of action by either house or any committee of the Legislature and all bills
25 or resolutions that, having passed both houses, are pending approval or veto by the Governor.

26 (6) "Lobbying" or "lobbying activity" means the act of communicating with a government
27 officer or employee to promote, advocate or oppose, or otherwise attempt to influence:

28 (i) (A) The passage or defeat or the executive approval or veto of any legislation which
29 may be considered by the Legislature of this state; or

30 (ii) (B) The adoption or rejection of any rule, ~~regulation~~, legislative rule, standard, rate, fee
31 or other delegated legislative or quasi-legislative action to be taken or withheld by any executive
32 department.

33 (7) "Lobbying firm" means any business entity, including an individual contract lobbyist,
34 which meets either of the following criteria:

35 (A) The business entity receives or becomes entitled to receive any compensation, other
36 than reimbursement for reasonable travel expenses, for the purpose of lobbying on behalf of any
37 other person, and any partner, owner, officer, or employee of the business entity.

38 (B) The business entity receives or becomes entitled to receive any compensation, other
39 than reimbursement for reasonable travel expenses, to communicate directly with any elected
40 state official, agency official, or legislative official for the purpose of lobbying on behalf of any
41 other person.

(8)(A) "Lobbyist" means any individual employed by a lobbying firm or who is otherwise employed or contracts for economic consideration, other than reimbursement for reasonable travel expenses, to communicate directly or through his or her agents with any elective state official, agency official, or legislative official for the purpose of promoting, advocating, opposing, or otherwise attempting to influence:

(i) The passage or defeat or the executive approval or veto of any legislation which may be considered by the Legislature of this state; or

(ii) The adoption or rejection of any rule, legislative rule, standard, rate, fee, or other delegated legislative or quasi-legislative action to be taken or withheld by any executive department.

(B) The term "lobbyist" does not include the following persons, who are exempt from the registration and reporting requirements set forth in this article, unless they engage in activities which would otherwise subject them to the registration and reporting requirements:

(i) Persons who limit their lobbying activities to appearing before public sessions of committees of the Legislature, or public hearings of state agencies, ~~are exempt.~~

(ii) Persons who limit their lobbying activities to attending receptions, dinners, parties, or other group functions and make no expenditure in connection with such lobbying ~~are exempt.~~

(iii) Persons who engage in news or feature reporting activities and editorial comment as working members of the press, radio, or television and persons who publish or disseminate such news, features or editorial comment through a newspaper, book, regularly published periodical, radio station, or television station ~~are exempt.~~

(iv) Persons who lobby without compensation or other consideration, other than reimbursement for reasonable travel expenses, for acting as lobbyists, who are not employed by a lobbying firm or lobbyist employer, and whose total expenditures in connection with lobbying activities do not exceed ~~\$450~~ \$1,000 during any calendar year, ~~are exempt.~~ The exemptions contained in this subparagraph and in subparagraph (ii) are intended to permit and encourage

68 citizens of this state to exercise their Constitutional rights to assemble in a peaceable manner,
69 consult for the common good, instruct their representatives, and apply for a redress of grievances.
70 Accordingly, such persons may lobby without incurring any registration or reporting obligation
71 under this article. Any person exempt under this subparagraph or subparagraph (ii) may at his or
72 her option register and report under this article.

73 (v) Persons who lobby on behalf of a nonprofit organization with regard to legislation
74 without compensation, ~~and who restrict their lobbying activities to no more than twenty days or~~
75 ~~parts thereof during any regular session of the Legislature, are exempt.~~ The commission may
76 ~~promulgate a legislative rule~~ propose rules for legislative approval in accordance with §29A-3-1
77 et seq. of this code to require registration and reporting by persons who would otherwise be
78 exempt under this subparagraph, if it determines that such rule is necessary to prevent frustration
79 of the purposes of this article. Any person exempt under this subparagraph may, at his or her
80 option, register and report under this article.

81 (vi) The Governor, members of the Governor's staff, members of the Board of Public
82 Works, officers and employees of the executive branch who communicate with a member of the
83 Legislature on the request of that member, or who communicate with the Legislature, through the
84 proper official channels, requests for legislative action or appropriations which are ~~deemed~~
85 considered necessary for the efficient conduct of the public business or which are made in the
86 proper performance of their official duties, ~~are exempt.~~

87 (vii) Members of the Legislature ~~are exempt.~~

88 (viii) Persons employed by the Legislature for the purpose of aiding in the preparation or
89 enactment of legislation or the performance of legislative duties ~~are exempt.~~

90 (ix) Persons rendering professional services in drafting proposed legislation or in advising
91 or rendering opinions to clients as to the construction and effect of proposed or pending legislation
92 ~~are exempt.~~

(9) "Person" means any individual, partnership, trust, estate, business trust, association or corporation; any department, commission, board, publicly supported college or university, division, institution, bureau, or any other instrumentality of the state; or any county, municipal corporation, school district, or any other political subdivision of the state.

§6B-3-2. Registration of lobbyists.

(a) Before engaging in any lobbying activity, ~~or within thirty days after being employed as a lobbyist, whichever occurs first,~~ a lobbyist shall register with the Ethics Commission by filing a lobbyist registration statement. The registration statement shall contain information and be in a form prescribed by the Ethics Commission by legislative rule, including, but not limited to, the following information:

(1) The registrant's name, business address, electronic contact information, telephone numbers, and any temporary residential and business addresses and telephone numbers used or to be used by the registrant while lobbying during a legislative session;

(2) The name, address and occupation or business of ~~the~~ each of the registrant's ~~employer~~ employers;

(3) The compensation to be received for lobbying and the amount to be paid as reimbursements for expenses. Compensation and reimbursement shall be reported in the following categories unless reported as an exact amount:

(A) \$0 if no compensation or reimbursement is received;

(B) Less than \$10,000;

(C) At least \$10,000 but less than \$25,000;

(D) At least \$25,000 but less than \$50,000;

(E) At least \$50,000 but less than \$100,000; and

(F) More than \$100,000.

20 ~~(3)~~ (4) A statement as to whether the registrant is employed or retained by his or her
21 employer solely as a lobbyist or is a regular employee performing services for the employer which
22 include, but are not limited to, lobbying;

23 ~~(4)~~ (5) A statement ~~as to whether~~ that the registrant is not employed or retained by his or
24 her employer under any agreement, arrangement, or understanding according to which the
25 registrant's compensation, or any portion of the registrant's compensation, is or will be contingent
26 upon the success of his or her lobbying activity;

27 ~~(5)~~ (6) The general subject or subjects, if known, on which the registrant will lobby or
28 employ some other person to lobby in a manner which requires registration under this article; ~~and~~

29 ~~(6)~~ (7) An appended written authorization from each of the lobbyist's employers confirming
30 the lobbyist's employment and the subjects on which the employer is to be represented; and

31 (8) An attestation that the lobbyist has completed a training course provided under §6B-
32 3-3c of this code.

33 (b) Any lobbyist who receives or is to receive compensation from more than one person
34 for services as a lobbyist shall file a separate notice of representation with respect to each person
35 compensating him or her for services performed as a lobbyist. When a lobbyist whose fee for
36 lobbying with respect to the same subject is to be paid or contributed by more than one person,
37 then the lobbyist may file a single statement, in which he or she shall detail the name, business
38 address, and occupation of each person paying or contributing to the fee.

39 (c) Whenever a change, modification, or termination of the lobbyist's employment occurs,
40 the lobbyist shall, within one week of the change, modification, or termination, furnish full
41 information regarding the change, modification, or termination by filing with the commission an
42 amended registration statement.

43 (d) Each lobbyist who has registered shall file a new registration statement, revised as
44 appropriate, on the Monday preceding the second Wednesday in January of each odd-numbered
45 year and failure to do so terminates his or her authorization to lobby. Until the registration is

renewed, the person may not engage in lobbying activities unless he or she is otherwise exempt under ~~paragraph (B), subdivision (7), section one of this article~~ §6B-3-1(8)(B) of this code.

(e) The following public officers or employees may not, during or up to one year after the termination of their public employment or service, be allowed to register as lobbyists:

(1) Members of the Legislature;

(2) Members of the executive department as referenced in article VII, section one of the Constitution of West Virginia;

(3) Will and pleasure professional employees of the Legislature under the direct supervision of a member of the Legislature;

(4) Will and pleasure professional employees of members of the executive department under the direct supervision of the executive department officer and who regularly, personally, and substantially ~~participates~~ participate in a decision-making or advisory capacity regarding agency or department policy;

(5) Members of the Supreme Court of Appeals;

(6) Any department secretary of an executive branch department created by the provisions of ~~section two, article one, chapter five-f~~ §5F-1-2 of this code; and

(7) Heads of any state departments or agencies.

(f) All registered lobbyists shall be issued an identification badge by the Capitol Police, which shall depict an image of the lobbyist, the lobbyist's name, the lobbyist's registration number, and the expiration date of the lobbyist's registration. Lobbyists shall wear the identification badge at all times upon capitol grounds in a manner so as to be highly visible above the waist.

§6B-3-3. Photograph and information-booklet-publication.

Each lobbyist shall, at the time he or she registers, submit to the commission a recent photograph of the lobbyist of a size and format as determined by rule of the commission, together with the name of the lobbyist's employer, a brief biographical description, and any other information the lobbyist may wish to submit, not to exceed ~~fifty~~ 50 words in length. The photograph

5 and information shall be published at least annually in a booklet form and electronically in a
6 searchable format in accordance with §6B-2-12 of this code by the commission for distribution to
7 government officers or employees, lobbyists, and to the public. The method of distribution is in
8 the discretion of the commission, which is not required to compile and maintain a distribution list
9 of all persons who may be entitled to receive the booklet.

§6B-3-3a. Registration fees.

1 (a) Each lobbyist shall, at the time he or she registers, pay the commission a base
2 registration fee of ~~\$100~~ \$250, plus ~~\$100~~ \$250 for each employer represented, to be filed with the
3 initial registration statement and with each new registration statement filed by the lobbyist in
4 subsequent odd numbered years. Whenever a lobbyist modifies his or her registration to add
5 additional employers, an additional registration fee of ~~\$100~~ \$250 for each additional employer
6 represented shall be paid to the commission.

7 (b) All fees authorized and collected pursuant to this article shall be paid to the Ethics
8 Commission and thereafter deposited pursuant to ~~section six, article one of this chapter~~ §6B-1-6
9 of this code.

§6B-3-4. Reporting by lobbyists.

1 (a) A registered lobbyist shall file with the commission reports of his or her lobbying
2 activities, signed by the lobbyist. The reports shall be filed ~~three~~ six times a year as follows:

3 ~~(1) On or before May 15, a lobbyist shall report all lobbying activities in which he or she~~
4 ~~engaged from January 1 through April 30.~~ On or before February 15, a lobbyist shall report all
5 lobbying activities in which he or she engaged from January 1 through January 31;

6 (2) On or before March 15, a lobbyist shall report all lobbying activities in which he or she
7 engaged from February 1 through February 28 or, in the case of a leap year, February 29;

8 (3) On or before April 15, a lobbyist shall report all lobbying activities in which he or she
9 engaged from March 1 through March 31;

10 (4) On or before May 15, a lobbyist shall report all lobbying activities in which or he she
11 engaged from April 1 through April 30;

12 ~~(2)~~ (5) On or before September 15, a lobbyist shall report all lobbying activities in which
13 he or she engaged from May 1 through August 31;

14 ~~(3)~~ (6) On or before January 15, a lobbyist shall report all lobbying activities in which he
15 or she engaged from September 1 through December 31.

16 (b) If the date on which a lobbyist expenditure report is due falls on a Saturday, Sunday,
17 or legal holiday, the report will be considered timely filed if it is electronically filed or postmarked
18 not later than the next business day. If a registered lobbyist files a late report, the lobbyist shall
19 pay the commission a fee of \$10 for each late day, not to exceed a total of \$250. If a registered
20 lobbyist fails to file a report or to pay the required fee for filing an untimely report, the commission
21 may, after written notice sent by certified mail, return receipt requested, suspend the lobbyist's
22 privileges as a registered lobbyist until the lobbyist has satisfactorily complied with all reporting
23 requirements and paid the required fee.

24 (c) ~~(4)~~ Except as otherwise provided in this section, each report filed by a lobbyist shall
25 ~~show the total amount of all expenditures for lobbying activities made or incurred by on behalf of~~
26 ~~the lobbyist during the period covered by the report. The report shall also show subtotals~~
27 ~~segregated according to financial category, including meals and beverages; living~~
28 ~~accommodations; advertising; travel; contributions; gifts to public officials or employees or to~~
29 ~~members of the immediate family of a public official or employee; and other expenses or services.~~
30 state:

31 (1) The totals of all expenditures for lobbying activities made or incurred by the lobbyist or
32 on behalf of the lobbyist by the lobbyist's employer during the period covered by the report.
33 Expenditure totals for lobbying activities shall be segregated according to financial category,
34 including compensation; food and refreshments; living accommodations; advertising; travel;
35 contributions; and other expenses or services. Each individual expenditure of more than \$25 for

entertainment shall be identified by date, place, amount, and the names of all persons taking part in the entertainment, along with the dollar amount attributable to each person, including the lobbyist's portion;

(2) In the case of a lobbyist employed by more than one employer, the proportionate amount of expenditures in each category incurred on behalf of each of the lobbyist's employers;

(3) The subject matter of the proposed legislation or other legislative activity or rule making, and the state agency considering it, if any, which the lobbyist has been engaged in supporting or opposing during the reporting period; and

(4) The total expenditures paid or incurred during the reporting period by the lobbyist for lobbying purposes, whether through or on behalf of a lobbyist, for political advertising; public relations, telemarketing, polling, or similar activities if the activities, directly or indirectly, are intended, designed, or calculated to influence legislation or the adoption or rejection of a rule, standard, or rate by an agency. The report shall specify the amount, the person to whom the amount was paid, and a brief description of the activity.

~~(2)~~ (d) Lobbyists are not required to report the following:

~~(A)~~ (1) Unreimbursed personal living and travel expenses not incurred directly for lobbying;

~~(B)~~ (2) Any expenses incurred for the lobbyist's own living accommodations;

~~(C)~~ (3) Any expenses incurred for the lobbyist's own travel to and from public meetings or hearings of the legislative and executive branches; or

~~(D)~~ (4) Any expenses incurred for telephone and any office expenses, including rent and salaries and wages paid for staff and secretarial assistance.

~~(d)~~ (e) If a lobbyist is employed by more than one employer, the report shall show the proportionate amount of the expenditures in each category incurred on behalf of each of his or her employers.

~~(e)~~ (f) The report shall describe the subject matter of the lobbying activities in which the lobbyist has been engaged during the reporting period.

62 ~~(f)~~ (g) If, during the period covered by the report, the lobbyist made expenditures or
63 expenditures were made or incurred on behalf of the lobbyist in the reporting categories of meals
64 and beverages, living accommodations, travel, gifts, or other expenditures, other than for those
65 expenditures governed by subsection ~~(g)~~ (h) of this section, the lobbyist shall report the name of
66 the public official or employee to whom or on whose behalf the expenditures were made, the total
67 amount of the expenditures, and the subject matter of the lobbying activity, if any: *Provided*, That
68 a registered lobbyist who entertains more than one public official or public employee at a time
69 with meals and beverages complies with the provisions of this section if he or she reports the
70 names of the public officials or public employees entertained and the total amount expended for
71 meals and beverages for all of the public officials or public employees entertained: *Provided*,
72 *however*, That where several lobbyists join in entertaining one or more public officials or public
73 employees at a time with meals and beverages, each lobbyist complies with the provisions of this
74 section by reporting the names of the public officials or public employees entertained and his or
75 her proportionate share of the total amount expended for meals and beverages for all of the public
76 officials or public employees entertained. Under this subsection, no portion of the amount of an
77 expenditure for a dinner, party, or other function sponsored by a lobbyist's employer need be
78 attributed to a particular public official or employee who attends the function if the sponsor has
79 invited to the function all the members of: (1) The Legislature; (2) either house of the Legislature;
80 (3) a standing or select committee of either house; or (4) a joint committee of the two houses of
81 the Legislature. However, the amount spent for the function shall be added to other expenditures
82 for the purpose of determining the total amount of expenditures reported under subdivision (1),
83 subsection (c) of this section: *Provided further*, That if the expenditure is for a function to which
84 the entire membership of the Legislature has been invited, the lobbyist need only report that fact,
85 the total amount of the expenditure and the subject matter of the lobbying activity.

86 ~~(g)~~ (h) If, during the period covered by the report, the lobbyist made expenditures in the
87 reporting categories of meals and beverages, lodging, travel, gifts, and scheduled entertainment

for or on behalf of a particular public official or public employee in return for the participation of the public official or employee in a panel or speaking engagement at a meeting, the lobbyist shall report the name of the public official or employee to whom or on whose behalf the expenditures were made and the total amount of the expenditures.

§6B-3-5. Grass roots lobbying campaigns.

(~~a~~) (a) Any person, not a candidate for office, who has made expenditures, not required to be reported under other sections of this chapter, exceeding ~~\$5,000~~ \$7,500 in the aggregate within any three-month period or exceeding ~~\$1,000~~ \$2,500 in the aggregate within any one-month period in presenting a program addressed to the public, a substantial portion of which is intended, designed, or calculated primarily to influence legislation, shall ~~be required to~~ register and report, as provided in subsection (2) of this section, as a sponsor of a grass roots lobbying campaign.

(~~2~~) (b) Within 30 days after becoming a sponsor of a grass roots lobbying campaign, the sponsor shall register by filing with the Ethics Commission a registration statement, in such detail as the commission shall prescribe, showing:

(~~a~~) (1) The sponsor's name, address, and business or occupation, and, if the sponsor is not an individual, the names, addresses, and titles of the controlling persons responsible for managing the sponsor's affairs;

(~~b~~) (2) The names, addresses, and business or occupation of all persons organizing and managing the campaign, or hired to assist the campaign, including any public relations or advertising firms participating in the campaign, and the terms of compensation for all such persons;

(~~c~~) (3) The names and addresses of each person contributing ~~\$1,000~~ \$2,500 or more made for the purpose of furthering the campaign and the aggregate amount contributed;

(~~d~~) (4) The purpose of the campaign, including the specific legislation, rules, rates, standards, or proposals that are the subject matter of the campaign;

21 ~~(e)~~ (5) The totals of all expenditures made or incurred to date on behalf of the campaign,
22 which totals shall be segregated according to financial category, including, but not limited to, the
23 following: Advertising, segregated by media, and, in the case of large expenditures (as provided
24 by legislative rule of the commission), by outlet; contributions; entertainment, including meals and
25 beverages; office expenses, including rent and the salaries and wages paid for staff and
26 secretarial assistance, or the proportionate amount thereof paid or incurred for lobbying campaign
27 activities; consultants; and printing and mailing expenses.

28 ~~(3)~~ (c) Every sponsor who has registered under this section shall file reports with the
29 commission, which ~~reports~~ shall be filed for the same time periods required for the filing of
30 lobbyists' reports under the provisions of §6B-3-4 of this code.

31 ~~(4)~~ (d) When the campaign has been terminated, the sponsor shall file a notice of
32 termination with the final monthly report, ~~which notice shall state~~ stating the totals of all
33 contributions and expenditures made on behalf of the campaign, in the same manner as provided
34 for in the registration statement.

§6B-3-7. Duties of lobbyists.

1 (a) A person required to register as a lobbyist under this article also has the following
2 obligations, the violation of which constitutes cause for revocation of his or her registration and
3 termination of his or her lobbying privileges and may subject the person, and the person's
4 employer, if employer aids, abets, ratifies, or confirms the violation, to other civil liabilities as
5 provided by this chapter.

6 (1) Any person required to register as a lobbyist shall obtain, preserve, and make available
7 for inspection by the commission at any time all accounts, bills, receipts, books, papers, and
8 documents necessary to substantiate the financial reports required to be made under this article
9 for a period of at least ~~two~~ five years from the date of the filing of the statement to which those
10 items relate: *Provided*, That if a lobbyist is required under the terms of his or her employment

contract to turn any records over to his or her employer, responsibility for the preservation of the records under this subsection shall rest with the employer.

(2) In addition, a person required to register as a lobbyist may not:

(A) Engage in any lobbying activity before registering as a lobbyist;

(B) Knowingly deceive or attempt to deceive any government officer or employee as to any fact pertaining to a matter which is the subject of lobbying activity;

(C) Cause or influence the introduction of any legislation for the purpose of thereafter being employed to secure its defeat;

(D) Knowingly represent an interest adverse to the lobbyist's employer without full disclosure of the adverse interest to the employer and obtaining the employer's written consent;

(E) Exercise any undue influence, extortion, or unlawful retaliation upon any government officer or employee by reason of the government officer or employee's position with respect to, or his or her vote upon, any matter which is the subject of lobbying activity;

~~(E)~~ (F) Exercise undue influence upon any legislator or other privately employed government officer or employee through communications with the person's employer;

(G) Enter into any agreement, arrangement, or understanding in which any portion of the lobbyist's compensation is or will be contingent upon the lobbyist's success in influencing legislation;

~~(F)~~ (H) Give a gift to any government officer or employee in excess of or in violation of any limitations on gifts set forth in ~~subsection (c), section five, article two of this chapter~~ §6B-2-5(c) of this code or give any gift, whether lawful or unlawful, to a government officer or employee without the government officer or employee's knowledge and consent.

(b) A violation by a lobbyist of this section shall be cause for revocation of the lobbyist's registration and may subject the lobbyist and the lobbyist's employer, if the employer aids, abets, ratifies, or confirms the violation, to other civil liabilities as provided by this chapter.

§6B-3-9. Penalties.

1 (a) Any person who is required under the provisions of this article to file an application,
2 statement or report and who willfully and knowingly makes a false statement, conceals a material
3 fact, or otherwise commits a fraud in the application, statement, or report is guilty of a
4 misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or confined in a
5 county or regional jail not more than one year, or both.

6 (b) A person who is subject to the registration and reporting requirements of this article
7 and who fails or refuses to register or who fails or refuses to file a required statement or report or
8 who otherwise violates the provisions of this article may be the subject of a complaint filed with
9 the Ethics Commission and may be proceeded against in the same manner and to the same ends
10 as a public officer or public employee under the provisions of this chapter.

11 (c) A person who willfully and knowingly files a false report under the provisions of this
12 article is liable in a civil action to any government officer or employee who sustains damage as a
13 result of the filing or publication of the report.

14 (d) For a second or subsequent offense under subsections (a) and (b) of this section, the
15 Ethics Commission may impose a three-year ban against future lobbying.

§6B-3-11. Compliance audits.

1 (a) The commission shall initiate, by lottery, random audits of lobbyist registration
2 statements and disclosure reports required to be filed under this chapter ~~on or after July 1, 2005:~~
3 ~~Provided, That the Commission may not conduct compliance audits pursuant to this section until~~
4 ~~it has proposed for promulgation and received final approval from the Legislature of a legislative~~
5 ~~rule in accordance with the provisions of chapter twenty-nine-a of this code setting forth, among~~
6 ~~other things, the manner in which the audit is to be conducted, the information, documents and~~
7 ~~materials to be considered during the audit, the selection and qualification of the Auditor(s), the~~
8 ~~audit procedures to be employed by the Auditors and the preparation and contents of any post-~~
9 ~~audit reports.~~

(b) The commission ~~may~~ shall hold up to four lotteries per year. The number of lotteries held within a given year in excess of four will be ~~a matter within the Commission's discretion.~~

~~(c) The number of audits to be conducted will be~~ determined by the commission through resolutions adopted at public meetings and based on various factors, including the complexity, results and time required to complete the audits.

~~(d) (c)~~ No lobbyist or lobbyist's employer will be subject to a random audit more than once in any 24-month period.

§6B-3-12. Prohibition against campaign contributions from lobbyists.

(a) A lobbyist or a person acting on behalf of a lobbyist may not offer or provide political campaign contributions to any elected state or local official or candidate for a state or local elected office, or to any candidate committee, political party committee, or political caucus campaign committee.

(b) An elected state or local official or candidate for a state or local office, or any candidate committee, political party committee, or political caucus campaign committee, and any of their employees may not solicit or receive political campaign contributions from a lobbyist or a person acting on behalf of a lobbyist.