

HOUSE BILL NO. HB0081

Campaign receipts and expenditure reports.

Sponsored by: Joint Corporations, Elections and Political
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to elections; modifying penalties and
 2 restrictions imposed upon candidates failing to file
 3 certain campaign reports; and providing for an effective
 4 date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 22-5-219(a), 22-16-114, 22-16-121(a)
 9 and (b), 22-25-108(a), (b), (c)(i) and by creating a new
 10 subsection (e) and 22-26-112(a)(ix) are amended to read:

11

12 **22-5-219. Further action by nominees or elect not**
 13 **required; exception.**

14

15 (a) Candidates nominated and major party precinct
 16 committeemen and committeewomen elected at a primary

1 election shall be deemed nominated or elected without
2 further action. ~~with the exception of the filing~~
3 ~~requirements of W.S. 22-25-106.~~ In addition, each write-in
4 candidate nominated or elected at a primary election shall
5 comply with the provisions of W.S. 22-16-106.

6

7 **22-16-114. Certificates of election or nomination**
8 **after recount.**

9

10 When the time within which to request a recount has expired
11 without one being requested, or when a recount has been
12 completed, the county clerk shall immediately prepare and
13 mail certificates of election or nomination to each
14 candidate nominated or elected to a county or precinct
15 office. ~~A candidate shall file his statement of campaign~~
16 ~~receipts and expenditures when required before receiving a~~
17 ~~certificate of election or nomination or a vacancy will be~~
18 ~~declared to exist.~~

19

20 **22-16-121. Certificates of nomination and election**
21 **following state or county canvass.**

22

23 (a) When the state canvass is concluded, the
24 secretary of state shall issue a certificate of nomination

1 to each candidate nominated at a primary election and
2 certify the names of nominees as provided in W.S.
3 22-6-101. ~~provided the candidate has complied with W.S.~~
4 ~~22-25-106.~~ When the county canvass is concluded, the county
5 clerk shall issue a certificate of nomination to each
6 candidate nominated at a primary election or by petition. ~~7~~
7 ~~provided the candidate has complied with W.S. 22-25-106.~~

8
9 (b) The governor shall issue a certificate of
10 election to a candidate duly elected to an office to be
11 filled by electors of the state, district court judges, and
12 members of the state legislature. ~~provided the nominee has~~
13 ~~complied with W.S. 22-25-106.~~ The county clerk shall issue
14 a certificate of election to each candidate duly elected to
15 a county or precinct office in the county and to members
16 elected to boards of trustees of hospital, school or
17 community college districts and city or town councils. ~~7~~
18 ~~provided the candidate has complied with W.S. 22-25-106.~~

19

20 **22-25-108. Failure of candidate or committee to file**
21 **statement.**

22

23 (a) Candidates shall be given notice prior to an
24 election that failure to file, within the time required, a

1 full and complete itemized statement of receipts and
2 expenditures shall ~~result in a vacancy in nomination or a~~
3 ~~vacancy in office, as the case may be, the candidate shall~~
4 ~~not receive a certificate of nomination, or election, nor~~
5 ~~shall he enter upon the duties of the office, as the case~~
6 ~~may be and~~ subject the candidate ~~may be charged with a~~
7 ~~misdemeanor as provided by W.S. 22-26-112 to~~ civil
8 penalties as provided in subsection (e) of this section.

9
10 (b) A candidate who fails to file the statement of
11 receipts required by the seventh day before the election
12 shall have his name printed on a list drafted by the
13 appropriate filing office specified under W.S. 22-25-107.
14 The list shall immediately be posted in the filing office
15 and made available to the public. ~~The candidate may be~~
16 ~~charged with a misdemeanor as provided by W.S. 22-26-112.~~

17
18 (c) In addition to any other penalty provided by law,
19 a candidate who fails to file the statement required by
20 subsection (a) of this section within ~~one (1) month~~ thirty
21 (30) days of the report due date is ineligible to run as a
22 candidate for any state or local office for which a
23 statement is required by W.S. 22-25-106 until:

24

1 (i) Five (5) years have elapsed from the date
2 the statement was first due; ~~and~~or

3
4 (e) Any candidate violating subsection (a) of this
5 section is subject to a civil penalty and costs, including
6 reasonable attorney's fees not to exceed five hundred
7 dollars (\$500.00), as hereinafter provided. An action to
8 impose a civil penalty may be prosecuted by and in the name
9 of any candidate adversely affected by the violation, any
10 political party, any district attorney or the attorney
11 general. No filing fee shall be charged for the filing of
12 an action under this subsection nor shall a fee be charged
13 for service of process. Civil penalties shall be paid to
14 the clerk of court for deposit to the public school fund of
15 the county in which the fine was assessed. The civil
16 penalty imposed under this subsection shall be not more
17 than one thousand dollars (\$1,000.00).

18
19 **22-26-112. Misdemeanor offenses generally.**

20
21 (a) Unless a different penalty is specifically
22 provided in this code, the following acts, if knowingly and
23 willfully committed, are misdemeanor offenses punishable by

1 not more than six (6) months in a county jail or a fine of
2 not more than one thousand dollars (\$1,000.00), or both:

3

4 (ix) Violating W.S. 22-25-101 through 22-25-107
5 and 22-25-109 through 22-25-115;

6

7 **Section 2.** This act is effective July 1, 2005.

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9

(END)