

ENROLLED ACT NO. 49, HOUSE OF REPRESENTATIVES

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

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

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

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

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

(a) Candidates nominated and major party precinct committeemen and committeewomen elected at a primary election shall be deemed nominated or elected without further action. ~~with the exception of the filing requirements of W.S. 22-25-106.~~ In addition, each write-in candidate nominated or elected at a primary election shall comply with the provisions of W.S. 22-16-106.

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

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

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

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

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

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

(a) Candidates shall be given notice prior to an election that failure to file, within the time required, a full and complete itemized statement of receipts and a statement of receipts and expenditures shall ~~result in a vacancy in nomination or a vacancy in office, as the case may be, the candidate shall not receive a certificate of nomination, or election, nor shall he enter upon the duties of the office, as the case may be and~~ subject the candidate may be charged with a misdemeanor as provided by W.S.

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~~22-26-112~~ to civil penalties as provided in subsection (e) of this section.

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

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

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

(e) Any candidate failing to file the reports required by W.S. 22-25-106 within the times required by that section is subject to a civil penalty and costs, including reasonable attorney's fees not to exceed five hundred dollars (\$500.00), as hereinafter provided. An action to impose a civil penalty may be prosecuted by and in the name of any candidate adversely affected by the violation, any political party, any district attorney or the attorney general. No filing fee shall be charged for the filing of an action under this subsection nor shall a fee be charged for service of process. Civil penalties shall be paid to the clerk of court for deposit to the public school fund of the county in which the fine was

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assessed. The civil penalty imposed under this subsection shall be not more than one thousand dollars (\$1,000.00).

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk