

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. _____

Campaign finance reporting.

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

A BILL

for

1 AN ACT relating to campaign finance reporting; providing
2 restrictions on contributions from political action
3 committees and candidate's campaign committees; providing
4 for electronic filing of campaign finance reports;
5 modifying persons required to file campaign receipts
6 reports; requiring reporting from political action
7 committees and candidate's campaign committees; requiring
8 reporting of occupations and employers of contributors as
9 specified; requiring amendment of campaign finance reports
10 as specified; specifying where reports shall be filed;
11 providing for a searchable database of reports; providing
12 penalties; limiting political advertisements by individuals
13 as specified; and providing for an effective date.

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

3

4 **Section 1.** W.S. 22-25-102(c), (e) and by creating a
5 new subsection (j), 22-25-105, 22-25-106(a)(i) and (iv) and
6 (e), 22-25-107(a)(i) and (iv), (b), (c)(i) and by creating
7 a new subsection (e), 22-25-108(a) and (c), 22-25-109 and
8 22-25-110(a) are amended to read:

9

10 **22-25-102. Contribution of funds or election**
11 **assistance restricted; limitation on contributions; right**
12 **to communicate; civil penalty.**

13

14 (c) Except as otherwise provided in this section, no
15 individual other than the candidate, or the candidate's
16 immediate family shall contribute directly or indirectly or
17 through contributions to a political action committee or
18 candidate's campaign committee, more than one thousand
19 dollars (\$1,000.00) per election during the two (2) year
20 period consisting of a general election year and the
21 preceding calendar year to any candidate for political
22 office, or to any candidate's campaign committee, nor make
23 more than twenty-five thousand dollars (\$25,000.00) total
24 political contributions during the same two (2) year

1 period. For purposes of this subsection the primary,
2 general and special elections shall be deemed separate
3 elections. No candidate for political office shall accept,
4 directly or indirectly, contributions which violate this
5 subsection. Contributions to a candidate's campaign
6 committee shall be considered to be contributions to the
7 candidate. This subsection does not limit political
8 contributions by political parties, nor expenditures by a
9 candidate from his or her own funds nor from his or her
10 candidate's campaign committee funds.

11

12 (e) Any corporation, person or organization violating
13 the provisions of subsection (a), (b), ~~(c)~~ (j) of this
14 section is subject to a civil penalty up to ten thousand
15 dollars (\$10,000.00) and costs including a reasonable
16 attorney's fee. The amount of penalty imposed shall be in
17 such amount as will deter future actions of a similar
18 nature. An action to impose the civil penalty may be
19 prosecuted by and in the name of any candidate adversely
20 affected by the transgression, any political party, any
21 county attorney, any district attorney or the attorney
22 general. Proceeds of the penalty collected shall be paid to
23 the state treasurer and credited as provided in W.S.
24 8-1-109.

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(j) Except as otherwise provided in this section, no political action committee or candidate's campaign committee shall contribute directly or indirectly more than two thousand five hundred dollars (\$2,500.00) per election to any candidate for office other than a statewide office nor more than five thousand dollars (\$5,000.00) per election to any candidate for statewide office during the two (2) year period consisting of a general election year and the preceding calendar year. For purposes of this subsection the primary, general and special elections shall be deemed separate elections. No candidate for political office shall accept, directly or indirectly, contributions which violate this subsection. Contributions to a candidate's campaign committee shall be considered to be contributions to the candidate. This subsection does not limit political contributions by political parties, nor expenditures by a candidate from his or her own funds nor from his or her candidate's campaign committee funds.

22-25-105. Campaign reporting forms; instructions and warning.

1 (a) The secretary of state shall prescribe ~~and~~
2 ~~furnish~~ the forms for reporting receipts and expenditures
3 for primary, general and special election campaigns,
4 together with written instructions for completing the form
5 and a warning that violators are subject to criminal
6 charges and that a vacancy will exist if the forms are not
7 completed and filed pursuant to law. Until January 1,
8 2010, the forms along with instructions and warning shall
9 be distributed to the county clerk and shall be given by
10 the county clerk to each person filing an application for
11 nomination in his office and to each political action
12 committee and candidate's campaign committee required to
13 file with the county clerk. Until January 1, 2010, the
14 county clerk shall also distribute the reporting forms to
15 the chairmen of the county party central committees.

16
17 (b) The secretary of state shall promulgate rules to
18 allow the forms required pursuant to subsection (a) of this
19 section and any other forms and reports required to be
20 filed with him pursuant to this chapter to be filed
21 electronically after January 1, 2010.

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23 **22-25-106. Filing of campaign reports.**

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1 (a) Except as otherwise provided in subsection (g) of
2 this section and in addition to other statements required
3 by this subsection:

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5 (i) Every candidate for statewide office,
6 legislative office or countywide office, every candidate
7 for any other office if that person receives or spends
8 more than five hundred dollars (\$500.00) in contributions
9 and any political action committee or candidate's campaign
10 committee supporting a candidate for statewide office,
11 legislative office, countywide office or candidate for any
12 other office if that committee receives or spends more than
13 five hundred dollars (\$500.00) in contributions shall file
14 a fully itemized statement of receipts at least seven (7)
15 days before any primary, general or special election with
16 information required by this subsection current to any day
17 from the eighth day up to the fourteenth day before the
18 election;

19
20 ***** Staff note: It is not clear how a PAC**
21 **would know if a candidate had otherwise received \$500. *****
22

23 (ii) Every candidate, whether successful or not,
24 and every political action committee or candidate's
25 campaign committee formed in this state which contributed

1 money to a candidate during the current election shall file
2 a fully itemized statement of receipts and expenditures
3 within ten (10) days after any general or special election;

4
5 (iii) Every candidate in any primary election
6 and every political action committee or candidate's
7 campaign committee formed in this state which contributed
8 money to a candidate during the current election shall file
9 a fully itemized statement of receipts and expenditures
10 within ten (10) days after the primary election;

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12 (iv) Statements under this subsection shall set
13 forth the full and complete record of receipts including
14 cash, goods or services and except for statements of
15 receipts required under paragraph (i) of this subsection,
16 of actual and promised expenditures, including all
17 identifiable expenses as set forth in W.S. 22-25-103. For
18 purposes of this section, a receipt is reportable when it
19 is known and in the possession of, or the service has been
20 furnished to, the person or organization required to submit
21 a statement of receipts or a statement of receipts and
22 expenditures. The date of each receipt of twenty-five
23 dollars (\$25.00) or more, any expenditure or obligation,
24 the name of the person, their occupation and employer from

1 whom received or to whom paid and the purpose of each
2 expenditure or obligation shall be listed. All receipts
3 under twenty-five dollars (\$25.00) shall be reported but
4 need not be itemized. Should the accumulation of receipts
5 from an individual exceed the twenty-five dollar (\$25.00)
6 threshold, all receipts from that individual shall be
7 itemized. Receipts, expenditures and obligations itemized
8 in a statement filed by a political action committee, a
9 candidate's campaign committee or by a political party
10 central committee need not be itemized in a candidate's
11 statement except by total with a reference to the
12 statement;

13

14 (e) Amendments to the statements required by this
15 section may be filed at any time. If inaccuracies are
16 found in the statements filed or additional receipts or
17 expenditures occur or become known after the statements are
18 filed, amendments to the original statements or additional
19 statements shall be filed within a reasonable time not to
20 exceed ninety (90) days from the time the inaccuracies or
21 additional receipts or expenditures became known. Any
22 additional receipts of one thousand dollars (\$1,000.00) or
23 more received from any one (1) contributor shall be
24 reported not later than the close of the following business

1 day. Any net change less than fifty dollars (\$50.00) need
2 not be reported.

3

4 **22-25-107. Where statements to be filed.**

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6 (a) All statements required under this chapter shall
7 be filed as follows:

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9 (iv) A county party central committee shall file
10 with the secretary of state; ~~and county clerk;~~

11

12 (b) Until January 1, 2010, statements required to be
13 filed at least seven (7) days before any primary, general
14 or special election may be filed by facsimile transmission
15 without the original signatures. Until January 1, 2010,
16 statements required to be filed after any primary, general
17 or special election may be filed by facsimile transmission
18 provided that an original with the required signatures is
19 sent. After January 1, 2010, all statements filed with the
20 secretary of state shall be filed electronically.

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22 (c) Any statement required under this chapter to be
23 filed with:

24

1 (i) The secretary of state, ~~may~~shall be filed
2 electronically as provided under W.S. 9-2-2501 if the
3 secretary of state has adopted rules which allow for the
4 electronic filing;

5
6 (e) After January 1, 2010, the secretary of state
7 shall maintain a searchable database of reports filed
8 pursuant to this chapter available to the public on or
9 through the Internet, the World Wide Web or a similar
10 proprietary or common carrier electronic system.

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12 **22-25-108. Failure of candidate or committee to file**
13 **statement.**

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15 (a) Candidates shall be given notice prior to an
16 election that failure to file, within the time required, a
17 full and complete itemized statement of receipts if
18 required pursuant to W.S. 22-25-107 and a statement of
19 receipts and expenditures shall subject the candidate to
20 civil penalties as provided in subsection (e) of this
21 section.

22
23 (c) In addition to any other penalty provided by law,
24 a candidate who fails to file the statement required by

1 W.S. ~~22-25-106~~ 22-25-106(a)(ii) through (iv) within thirty
2 (30) days of the report due date is ineligible to take
3 office if elected and is ineligible to run as a candidate
4 for any state or local office for which a statement is
5 required by W.S. 22-25-106 until:

6
7 (d) Each political action committee and each
8 candidate's campaign committee shall be given notice prior
9 to an election that failure to file the statement may
10 result in the filing of criminal charges against the
11 committee's officers responsible for the filing. Any
12 officer of a political action committee or candidate's
13 campaign committee who is responsible for filing a report
14 and who knowingly and willfully fails to file a report as
15 required or who knowingly and willfully subscribes to,
16 makes or causes to be made a false report is guilty of a
17 felony punishable by imprisonment not to exceed two (2)
18 years.

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20 **22-25-109. Reporting candidates in violation.**

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22 The secretary of state and the county clerks shall report
23 the names of all candidates in violation of the Election
24 Code of the state of Wyoming to the attorney general or to

1 the district attorney, respectively, for appropriate
2 action.

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4 **22-25-110. Campaign advertising in communications**
5 **media.**

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7 (a) It is unlawful for a candidate, person, political
8 action committee, organization, candidate's campaign
9 committee, or any political party central committee to pay
10 for campaign literature or campaign advertising in any
11 communication medium without printing or announcing the
12 candidate, person, organization or committee sponsoring the
13 campaign advertising or campaign literature. The
14 communications media in using the campaign advertising
15 shall print or announce the name of the candidate,
16 organization or committee paying for the advertising.

17

18 ***** This provision likely would be problematic under**
19 **the Supreme Court's decision in McIntyre v. Ohio Elections**
20 **Comm., 514 U.S. 334 (1995) which provides first amendment**
21 **protection to anonymous campaign pamphlets. *****
22

23 **Section 2.** There is appropriated XXX dollars (\$XX.00)
24 from the general fund to the secretary of state for the
25 period beginning July 1, 2008 and ending June 30, 2009 for
26 purposes of this act.

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2 **Section 3.** This act is effective January 1, 2009.

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(END)