

SENATE FILE NO. SF0003

Campaign finance-organizations.

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

A BILL

for

1 AN ACT relating to campaign finance; providing that
2 restrictions on expenditures to advocate the election or
3 defeat of a candidate do not apply to organizations as
4 specified; providing a definition; conforming state law to
5 a United States Supreme Court ruling; requiring
6 notification in advertising; providing a civil penalty for
7 violations; and providing for an effective date.

8

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

10

11 **Section 1.** W.S. 22-25-102(a), (b) and by creating a
12 new subsection (k) and 22-25-110(a) and by creating a new
13 subsection (c) are amended to read:

14

1 22-25-102. Contribution of funds or election
2 assistance restricted; limitation on contributions; right
3 to communicate; civil penalty.

4
5 (a) Except as otherwise provided in this section, no
6 organization of any kind including a corporation,
7 partnership, trade union, professional association or
8 civic, fraternal or religious group or other profit or
9 nonprofit entity except a political party, political action
10 committee or candidate's campaign committee organized under
11 W.S. 22-25-101, directly or indirectly through any officer,
12 member, director or employee, shall contribute funds, other
13 items of value or election assistance directly to ~~aid,~~
14 ~~promote or prevent the nomination or election of~~ any
15 candidate or group of candidates. ~~or to aid or promote the~~
16 ~~interests, success or defeat of any political party.~~ No
17 person shall solicit or receive a payment or contribution
18 from an organization prohibited from making contributions
19 under this subsection.

20
21 (b) Except as otherwise provided in this section,
22 only a natural person, political party, or a political
23 action committee or a candidate's campaign committee
24 organized under W.S. 22-25-101 shall contribute funds or

1 election assistance ~~in order to aid, promote or prevent the~~
2 ~~nomination or election of~~ directly to any candidate or
3 group of candidates ~~, or in order to aid or promote the~~
4 ~~interests, success or defeat of any political party.~~ No
5 person shall solicit or receive a political payment or
6 contribution from any source other than a natural person,
7 political party, political action committee or candidate's
8 campaign committee organized under W.S. 22-25-101.

9
10 (k) The prohibitions in this section shall not be
11 construed to prohibit any organization of any kind
12 including a corporation, partnership, trade union,
13 professional association or civic, fraternal or religious
14 group or other profit or nonprofit entity from exercising
15 its first amendment rights to make independent expenditures
16 for speech expressly advocating the election or defeat of a
17 candidate. For purposes of this subsection, "independent
18 expenditure" means an expenditure that is made without
19 consultation or coordination with a candidate or an agent
20 of a candidate whose nomination or election the expenditure
21 supports or whose opponent's nomination or election the
22 expenditure opposes.

23

1 22-25-110. Campaign advertising in communications
2 media.

3
4 (a) It is unlawful for a candidate, political action
5 committee, organization, including organizations making
6 expenditures pursuant to W.S. 22-25-102(k), candidate's
7 campaign committee, or any political party central
8 committee to pay for campaign literature or campaign
9 advertising in any communication medium without printing or
10 announcing the candidate, organization or committee
11 sponsoring the campaign advertising or campaign literature.

12 ~~The communications media in using the campaign advertising~~
13 ~~shall print or announce the name of the candidate,~~
14 ~~organization or committee paying for the advertising.~~
15 Restrictions pursuant to this subsection are subject to the
16 following:

17
18 (i) The communications media in using the
19 campaign literature or campaign advertising shall print or
20 announce the name of the candidate, organization or
21 committee paying for the advertising. If the campaign
22 literature or campaign advertising is made as an
23 independent expenditure, as defined in W.S. 22-25-102(k),
24 the literature or advertisement shall include the names of

1 the three (3) individuals, political action committees,
2 corporations, unions or other organizations making the
3 largest contribution to the organization making the
4 independent expenditure. If more than three (3)
5 contributors made the largest contributions to the
6 organization making the independent expenditure, the
7 organization shall report the largest contributors, sorted
8 by out-of-state and in-state contributors, to the secretary
9 of state, who shall publish them on the database maintained
10 pursuant to W.S. 22-25-107(e). If an acronym is used to
11 name any entity, the full name shall also be printed or
12 spoken. For purposes of determining the three (3)
13 contributors to be disclosed, the contributions of each
14 entity to the organization making the independent
15 expenditure during the one (1) year period before the
16 advertising purchase are aggregated;

17
18 (ii) The disclosures required in this subsection
19 shall be printed clearly and legibly in a conspicuous
20 manner or, if the advertisement is broadcast on a
21 telecommunications system, the disclosure shall be spoken.

22
23 (c) Any organization that fails to disclose as
24 required by this section is liable in a civil action

1 brought by the attorney general, district or county
2 attorney or city or town attorney, as appropriate, for a
3 civil penalty of up to three (3) times the total amount of
4 the expenditure.

5

6 **Section 2.** This act is effective immediately upon
7 completion of all acts necessary for a bill to become law
8 as provided by Article 4, Section 8 of the Wyoming
9 Constitution.

10

11 (END)