

SENATE FILE NO. SF0018

Campaign finance revisions.

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

A BILL

for

1 AN ACT relating to elections; modifying restriction on
2 contribution of funds to political candidates for the general
3 election as specified; modifying requirements for filing
4 campaign reports as specified; requiring the filing of
5 campaign reports relating to electioneering communications;
6 amending campaign advertising provisions; repealing
7 provisions relating to political speech by certain
8 organizations; repealing archaic language; making conforming
9 amendments; and providing for an effective date.

10

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

12

13 **Section 1.** W.S. 22-25-101 by creating a new subsection
14 (c), 22-25-102(c)(i)(B), (ii)(B) and (k)(i), 22-25-105(a),
15 22-25-106(a)(intro), (i), (iv), (b)(intro), (i), (c) through

1 (e), (h)(intro), (i), (ii) and by creating new paragraphs
2 (iv) through (vi), 22-25-107(a)(intro), (vii), (b),
3 (c)(intro), (i) and (e), 22-25-110(a) and (b) and
4 22-29-501(f) are amended to read:

5

6 **22-25-101. Definitions; statement of formation.**

7

8 (c) As used in this chapter:

9

10 (i) "Electioneering communication" means, except
11 as otherwise provided by paragraph (ii) of this subsection,
12 any communication, including an advertisement, which is
13 publicly distributed as a billboard, brochure, email,
14 mailing, magazine, pamphlet or periodical, as the component
15 of an internet website or newspaper or by the facilities of
16 a cable television system, electronic communication network,
17 internet streaming service, radio station, telephone or
18 cellular system, television station or satellite system and
19 which:

20

21 (A) Refers to or depicts a clearly identified
22 candidate for nomination or election to public office or a
23 clearly identified ballot proposition and which does not

1 expressly advocate the nomination, election or defeat of the
2 candidate or the adoption or defeat of the ballot proposition;

3
4 (B) Can only be reasonably interpreted as an
5 appeal to vote for or against the candidate or ballot
6 proposition;

7
8 (C) Is made within thirty (30) calendar days
9 of a primary election, sixty (60) calendar days of a general
10 election or twenty-one (21) calendar days of any special
11 election during which the candidate or ballot proposition
12 will appear on the ballot; and

13
14 (D) Is targeted to the electors in the
15 geographic area:

16
17 (I) The candidate would represent if
18 elected; or

19
20 (II) Affected by the ballot
21 proposition.

22

1 (ii) "Electioneering communication" does not
2 mean:

3
4 (A) A communication made by an entity as a
5 component of a newsletter or other internal communication of
6 the entity which is distributed only to members or employees
7 of the entity;

8
9 (B) A communication consisting of a news
10 report, commentary or editorial or a similar communication,
11 consistent with the first amendment to the United States
12 constitution and article 1, section 20 of the Wyoming
13 constitution, which is distributed as a component of an email,
14 internet website, magazine, newspaper or periodical or by the
15 facilities of a cable television system, electronic
16 communication network, internet streaming service, radio
17 station, television station or satellite system;

18
19 (C) A communication made as part of a public
20 debate or forum that includes at least two (2) opposing
21 candidates for public office or one (1) advocate and one (1)
22 opponent of a ballot proposition or a communication that

1 promotes the debate or forum and is made by or on behalf of
2 the person sponsoring or hosting the debate or forum;

3
4 (D) The act of producing or distributing an
5 electioneering communication.

6
7 (iii) "Independent expenditure" means an
8 expenditure that is made without consultation or coordination
9 with a candidate, candidate's campaign committee or the agent
10 of a candidate or candidate's campaign committee and which
11 expressly advocates the:

12
13 (A) Nomination, election or defeat of a
14 candidate; or

15
16 (B) Adoption or defeat of a ballot
17 proposition.

18
19 **22-25-102. Contribution of funds or election assistance**
20 **restricted; limitation on contributions; right to**
21 **communicate; civil penalty.**

22

1 (c) Except as otherwise provided in this section, no
2 individual other than the candidate, or the candidate's
3 immediate family shall contribute directly or indirectly:
4

5 (i) To any candidate for statewide political
6 office, or to any candidate for statewide political office's
7 candidate's campaign committee:
8

9 (B) Except as otherwise provided in this
10 subparagraph, no contribution for the general election may be
11 given prior to the date for the primary election. This
12 subparagraph shall not apply to any candidate unopposed in
13 the primary election or nominated in accordance with W.S.
14 22-4-303 or 22-5-301.
15

16 (ii) To any candidate for nonstatewide political
17 office, or to any candidate for nonstatewide political
18 office's candidate's campaign committee:
19

20 (B) Except as otherwise provided in this
21 subparagraph, no contribution for the general election may be
22 given prior to the date for the primary election. This
23 subparagraph shall not apply to any candidate unopposed in

1 the primary election or nominated in accordance with W.S.
2 22-4-303 or 22-5-301.

3

4 (k) The prohibitions in this section shall not be
5 construed to prohibit any organization of any kind including
6 a corporation, partnership, trade union, professional
7 association or civic, fraternal or religious group or other
8 profit or nonprofit entity from:

9

10 (i) Exercising its first amendment rights to ~~make~~
11 cause electioneering communications or independent
12 expenditures ~~for speech expressly advocating the election or~~
13 ~~defeat of a candidate. For purposes of this subsection,~~
14 ~~"independent expenditure" means an expenditure that is made~~
15 ~~without consultation or coordination with a candidate or an~~
16 ~~agent of a candidate whose nomination or election the~~
17 ~~expenditure supports or whose opponent's nomination or~~
18 ~~election the expenditure opposes~~ to be made;

19

20 **22-25-105. Campaign reporting forms; instructions and**
21 **warning.**

22

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

17

18 **22-25-106. Filing of campaign reports.**

19

20 (a) Except as otherwise provided in subsections (g) and
21 (j) of this section and in addition to other ~~statements~~
22 reports required by this subsection:

23

1 (i) Every candidate, whether successful or not,
2 shall file ~~a fully an~~ itemized statement of contributions and
3 expenditures at least seven (7) days but not more than
4 fourteen (14) days before any primary, general or special
5 election. ~~with information required by this subsection~~
6 ~~current to any day from the eighth day up to the fourteenth~~
7 ~~day before~~ Any contribution received or expenditure made
8 after the statement has been filed, through the day of the
9 election, whether a primary, general or special election,
10 shall be filed as an amendment to the statement within ten
11 (10) days after the election;

12
13 (iv) ~~Statements~~ Reports under this subsection
14 shall set forth the full and complete record of contributions
15 including cash, goods or services and ~~except for statements~~
16 ~~of contributions required under paragraph (i) of this~~
17 ~~subsection, of~~ actual and promised expenditures, including
18 all identifiable expenses as set forth in W.S. 22-25-103. For
19 purposes of this section, a contribution is reportable when
20 it is known and in the possession of, or the service has been
21 furnished to, the person or organization required to submit
22 a statement of ~~contributions or a statement of~~ contributions
23 and expenditures. The date of each contribution of

1 ~~twenty five dollars (\$25.00)~~ one hundred dollars (\$100.00) or
2 more, any expenditure or obligation, the name of the person
3 from whom received or to whom paid and the purpose of each
4 expenditure or obligation shall be listed. All contributions
5 under ~~twenty five dollars (\$25.00)~~ one hundred dollars
6 (\$100.00) shall be reported but need not be itemized. Should
7 the accumulation of contributions from ~~an individual~~ a person
8 exceed the ~~twenty five dollar (\$25.00)~~ one hundred dollar
9 (\$100.00) threshold, all contributions from that ~~individual~~
10 person shall be itemized. Contributions, expenditures and
11 obligations itemized in a statement filed by a political
12 action committee, a candidate's campaign committee or by a
13 political party central committee need not be itemized in a
14 candidate's statement; ~~except by total with a reference to~~
15 ~~the statement;~~

16

17 (b) Reports of itemized statements of ~~contributions and~~
18 ~~statements of~~ contributions and expenditures, and statements
19 of termination shall be made with the appropriate filing
20 officers specified under W.S. 22-25-107 and in accordance
21 with the following:

22

1 (i) Except as otherwise provided in this section,
2 any political action committee, and candidate's campaign
3 committee, or any political action committee formed under the
4 law of another state that contributes to a Wyoming political
5 action committee or to a candidate's campaign committee, any
6 organization making an independent expenditure under W.S.
7 22-25-102(k), and any other organization supporting or
8 opposing any ballot proposition which expends any funds in
9 any primary, general or special election shall file an
10 itemized statement of contributions at least seven (7) days
11 before the election current to any day from the eighth day up
12 to the fourteenth day before the election and shall also file
13 a statement of contributions and expenditures within ten (10)
14 days after a primary, general or special and expenditures at
15 least seven (7) days but not more than fourteen (14) days
16 before any primary, general or special election. Any
17 contribution received or expenditure made after the statement
18 has been filed, through the day of the election, whether a
19 primary, general or special election, shall be filed as an
20 amendment to the statement within ten (10) days after the
21 election;

22

1 (c) All ~~statements~~reports required by subsection (b)
2 of this section shall be signed by both the chairman and
3 treasurer. The ~~statements~~reports shall set forth the full
4 and complete record of contributions including cash, goods or
5 services and ~~except for statements of contributions required~~
6 ~~under paragraph (i) of this subsection, of~~ actual and promised
7 expenditures. The date of each contribution of ~~twenty five~~
8 ~~dollars (\$25.00)~~one hundred dollars (\$100.00) or more, any
9 expenditure or obligation, the name of the person from whom
10 received or to whom paid and the purpose of each expenditure
11 or obligation shall be listed. Nothing in this subsection
12 shall be construed to require the disclosure of the names of
13 individuals paid to circulate an initiative or referendum
14 petition. All contributions under ~~twenty five dollars~~
15 ~~(\$25.00)~~one hundred dollars (\$100.00) shall be reported but
16 need not be itemized. Should the accumulation of
17 contributions from ~~an individual~~a person exceed the
18 ~~twenty five dollar (\$25.00)~~one hundred dollar (\$100.00)
19 threshold, all contributions from that ~~individual~~person
20 shall be itemized. If the contributions, expenditures or
21 obligations were for more than one (1) candidate, the amounts
22 attributable to each shall be itemized separately.

23

1 (d) The chairman of each political party central
2 committee for the state or county, or an officer of the party
3 designated by him, shall file an itemized statement of
4 contributions of ~~twenty five dollars (\$25.00)~~ one hundred
5 dollars (\$100.00) or more, and any expenditures and
6 obligations. The statement shall be filed within ten (10)
7 days after a general or special election. The statement shall
8 report all contributions, expenditures and obligations
9 relating to campaign expenses, including normal operating
10 expenses. All contributions under ~~twenty five dollars~~
11 ~~(\$25.00)~~ one hundred dollars (\$100.00) shall be reported but
12 need not be itemized. Should the accumulation of
13 contributions from ~~an individual~~ a person exceed the
14 ~~twenty five dollar (\$25.00)~~ one hundred dollar (\$100.00)
15 threshold, all contributions from that ~~individual~~ person
16 shall be itemized. It shall attribute all campaign
17 contributions, expenses and obligations to a specific
18 candidate only if the campaign contributions, expenses and
19 obligations can be specifically identified to that specific
20 candidate to the exclusion of other candidates on the ticket.
21 A copy of the statement shall be furnished to each candidate
22 identified in the statement within ten (10) days after the
23 general or special election.

1

2 (e) ~~Amendments to the statements required by this~~
3 ~~section may be filed at any time.~~ If inaccuracies are found
4 in ~~the statements~~ a statement filed in accordance with this
5 section or additional contributions or expenditures ~~occur or~~
6 become known after ~~the statements are filed~~ filing an
7 amendment as required by paragraph (a)(i), (b)(i) or (h)(ii)
8 of this section, amendments to the original statements or
9 additional statements shall be filed within a reasonable time
10 not to exceed ~~ninety (90)~~ thirty (30) days from the time the
11 inaccuracies or additional contributions or expenditures
12 became known. For purposes of this subsection, any net change
13 less than ~~fifty dollars (\$50.00)~~ two hundred dollars
14 (\$200.00) need not be reported.

15

16 (h) ~~In addition to any other report required by this~~
17 ~~section, An organization required by W.S. 22-25-110(c) to~~
18 ~~report expenditures shall report as follows~~ that expends in
19 excess of five hundred dollars (\$500.00) in any primary,
20 general or special election to cause an independent
21 expenditure or electioneering communication to be made shall
22 file an itemized statement of contributions and expenditures

1 with the appropriate filing office under W.S. 22-25-107. The
2 statement shall:

3
4 (i) ~~The report shall~~ Identify the organization
5 ~~making~~ causing the electioneering communication or
6 independent expenditure to be made and the individual acting
7 on behalf of the organization ~~in making~~ causing the
8 communication or expenditure to be made, if applicable;

9
10 (ii) ~~The report shall~~ Be filed at least seven (7)
11 days ~~before the next~~ but not more than fourteen (14) days
12 before any primary, general or special election. ~~with~~
13 ~~information current to any day from the eighth day up to the~~
14 ~~fourteenth day before~~ Any contribution received or
15 expenditure made after the statement has been filed, through
16 the day of the election, whether a primary, general or special
17 election, shall be filed as an amendment to the statement
18 within ten (10) days after the election;

19
20 (iv) Only list those expenditures and
21 contributions which relate to an independent expenditure or
22 electioneering communication;

23

1 (v) Set forth the full and complete record of
2 contributions which relate to an independent expenditure or
3 electioneering communication, including cash, goods or
4 services and actual and promised expenditures. The date of
5 each contribution of one hundred dollars (\$100.00) or more,
6 any expenditure or obligation, the name of the person from
7 whom received or to whom paid and the purpose of each
8 expenditure or obligation shall be listed. All contributions
9 under one hundred dollars (\$100.00) shall be reported but
10 need not be itemized. Should the accumulation of
11 contributions from a person exceed the one hundred dollar
12 (\$100.00) threshold, all contributions from that person shall
13 be itemized;

14

15 (vi) Be signed by both the chairman and treasurer
16 of the organization, if those positions are present in the
17 organization, or by the person who caused the independent
18 expenditure or electioneering communication to be made.

19

20 **22-25-107. Where reports to be filed.**

21

22 (a) All ~~statements~~reports required under this chapter
23 shall be filed as follows:

1

2 (vii) Any political action committee or
3 organization supporting or opposing any statewide initiative
4 or referendum petition drive, any statewide ballot
5 proposition or any candidate for statewide office and any
6 organization ~~making~~ causing an electioneering communication
7 or an independent expenditure ~~under W.S. 22-25-102(k) to be~~
8 made and filing pursuant to W.S. 22-25-106(b)(i) or (h) shall
9 file ~~statements~~ reports required by this section with the
10 secretary of state.

11

12 (b) ~~Statements~~ Reports required to be filed at least
13 seven (7) days before any primary, general or special election
14 ~~and statements required to be filed after any primary, general~~
15 ~~or special election~~ shall be filed electronically.

16

17 (c) Any ~~statement~~ reports required under this chapter
18 to be filed with:

19

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

1

2 (e) ~~After December 31, 2009,~~ The secretary of state
3 shall maintain a searchable database of reports filed
4 pursuant to this chapter available to the public on or through
5 the Internet, ~~the World Wide Web or a similar proprietary or~~
6 ~~common carrier electronic system~~ as defined in W.S.
7 9-2-1035(a)(iii). The secretary of state shall be responsible
8 for the provision of training and instruction for filers on
9 how to access and use the campaign finance electronic filing
10 system. The training shall be for the purpose of educating
11 filers about use of the system, and is not intended to assist
12 filers with filing their reports.

13

14 **22-25-110. Campaign advertising in communications**
15 **media.**

16

17 (a) It is unlawful for a candidate, political action
18 committee, organization, including organizations ~~making~~
19 ~~expenditures pursuant to W.S. 22-25-102(k)~~ causing an
20 electioneering communication or an independent expenditure to
21 be made, candidate's campaign committee, or any political
22 party central committee to pay for campaign literature or
23 campaign advertising ~~in any communication medium without~~

1 ~~printing or announcing the candidate, organization or~~
2 ~~committee sponsoring the campaign advertising or campaign~~
3 ~~literature. The communications media in using the campaign~~
4 ~~advertising shall print or announce the name of the candidate,~~
5 ~~organization or committee paying for the advertising.~~ without
6 conspicuously displaying or speaking the following
7 disclosure: "paid for by (name of candidate, organization or
8 committee sponsoring the campaign literature or campaign
9 advertising)". The disclosure set forth in this subsection
10 shall be required in the following forms of campaign
11 literature or campaign advertising:

12

13 (i) Printed campaign literature or campaign
14 advertising including mailers, pamphlets, brochures,
15 periodicals or billboards;

16

17 (ii) Campaign advertising appearing on the radio
18 or distributed through a telephone or cellular system or other
19 solely auditory medium;

20

21 (iii) Campaign advertising appearing on
22 television;

23

1 (iv) Paid placement of campaign advertising on the
2 internet or other electronic communication network. This
3 paragraph shall not apply when including the disclosure is
4 impracticable due to size and text limitations in electronic
5 campaign advertising, provided that the campaign advertising
6 shall include a hyperlink to an internet website containing
7 the disclosure.

8
9 (b) For purposes of this section, "campaign literature
10 or campaign advertising" does not include small campaign
11 items such as tickets, bumper stickers, pens, pencils,
12 buttons, rulers, nail files, balloons and yard signs
13 displaying the name of the candidate or office sought and any
14 other items specified by rule of the secretary of state.

15
16 **22-29-501. Political action committees.**

17
18 (f) It is unlawful for a political action committee to
19 pay for campaign literature or campaign advertising ~~in any~~
20 ~~communication medium~~ without ~~printing or announcing the~~
21 ~~committee sponsoring the campaign advertising or campaign~~
22 ~~literature. The communications media in using the campaign~~
23 ~~advertising shall print or announce the name of the committee~~

1 ~~paying for the advertising~~ displaying or speaking a
2 disclosure in accordance with W.S. 22-25-110.

3

4 **Section 2.** W.S. 22-25-102(d), 22-25-106(a)(ii), (iii),
5 (b)(iv), (f) and (h)(iii) and 22-25-110(c) are repealed.

6

7 **Section 3.** This act is effective July 1, 2019.

8

9

(END)