

SENATE FILE NO. \_\_\_\_\_

Campaign finance reporting.

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

A BILL

for

1 AN ACT relating to elections; modifying requirements for  
2 filing campaign reports of receipts and expenditures;  
3 modifying enforcement provisions; and providing for an  
4 effective date.

5

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

7

8       **Section 1.** W.S. 22-25-106(a), (b)(i) through (iii),  
9 (c) and (d), 22-25-107(a)(intro), by creating new  
10 subsections (b) and (c) and by renumbering (b) as (d),  
11 22-25-108(a), (b)(intro), (ii) and (c) and 22-25-109 are  
12 amended to read:

13

14       **22-25-106. Filing of campaign reports.**

15

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

4  
5 (i) Every candidate shall file a fully itemized  
6 statement of receipts at least seven (7) days before any  
7 primary, general or special election with information  
8 required by this subsection current to the fourteenth day  
9 before the election;

10  
11 (ii) Every candidate, whether successful or not,  
12 shall file a fully itemized statement of receipts and  
13 expenditures within ten (10) days after any ~~primary,~~  
14 general or special election; ~~The statement~~

15  
16 (iii) Every unsuccessful candidate in any  
17 primary election shall file a fully itemized statement of  
18 receipts and expenditures within ten (10) days after the  
19 primary election;

20  
21 (iv) Statements under this subsection shall set  
22 forth the full and complete record of receipts including  
23 cash, goods or services and except for statements of  
24 receipts required under paragraph (i) of this subsection,

1 of actual and promised expenditures, including all  
2 identifiable expenses as set forth in W.S. 22-25-103. The  
3 date of each receipt of twenty-five dollars (\$25.00) or  
4 more, any expenditure or obligation, the name of the person  
5 from whom received or to whom paid and the purpose of each  
6 expenditure or obligation shall be listed. All receipts  
7 under twenty-five dollars (\$25.00) shall be reported but  
8 need not be itemized. Should the accumulation of receipts  
9 from an individual exceed the twenty-five dollar (\$25.00)  
10 threshold, all receipts from that individual shall be  
11 itemized. Receipts, expenditures and obligations itemized  
12 in a statement filed by a political action committee, a  
13 candidate's campaign committee or by a political party  
14 central committee need not be itemized in a candidate's  
15 statement except by total with a reference to the  
16 statement; ~~The statement~~

17

18 (v) Statements under this subsection shall be  
19 filed with those officers as provided in W.S. 22-25-107.  
20 ~~The statement may be filed by facsimile transmission if the~~  
21 ~~original is postmarked on the day the facsimile is sent.~~

22

23 (b) Reports of itemized statements of receipt and  
24 statements of receipts and expenditures, and statements of

1 termination shall be made with the appropriate filing  
2 officers specified under W.S. 22-25-107 and in accordance  
3 with the following:

4  
5 (i) Except as otherwise provided in this  
6 section, any political action committee, candidate's  
7 campaign committee, or any political action committee  
8 formed under federal law or the law of another state that  
9 contributes to a Wyoming political action committee or to a  
10 candidate's campaign committee, and any other organization  
11 supporting or opposing any ballot proposition which expends  
12 any funds in any primary, general or special election shall  
13 file an itemized statement of receipts ~~and expenditures~~ at  
14 least seven (7) days before the election current to the  
15 fourteenth day before the election and shall also file a  
16 statement of receipts and expenditures within ten (10) days  
17 after ~~the~~ a general or special election;

18  
19 (ii) A committee formed after an election to  
20 defray campaign expenses incurred during a previous  
21 election and any political action or candidate's campaign  
22 committee which has previously filed a statement of  
23 receipts and expenditures and has not filed a statement of  
24 termination shall file an itemized statement of receipts

1 and expenditures on ~~July 1 and~~ December 31 of each  
2 odd-numbered year;

3

4 (iii) All candidates and committees shall  
5 continue to make the ~~biannual~~ reports required under this  
6 subsection until the committee terminates and the candidate  
7 or committee files a statement of termination with the  
8 appropriate filing officer. A statement of termination may  
9 be filed upon retirement of all debts;

10

11 (c) All statements required by subsection (b) of this  
12 section shall be signed by both the chairman and treasurer.  
13 The statements shall set forth the full and complete record  
14 of receipts including cash, goods or services and except  
15 for statements of receipts required under paragraph (i) of  
16 this subsection, of actual and promised expenditures. The  
17 date of each receipt of twenty-five dollars (\$25.00) or  
18 more, any expenditure or obligation, the name of the person  
19 from whom received or to whom paid and the purpose of each  
20 expenditure or obligation shall be listed. Nothing in this  
21 subsection shall be construed to require the disclosure of  
22 the names of individuals paid to circulate an initiative or  
23 referendum petition. All receipts under twenty-five dollars  
24 (\$25.00) shall be reported but need not be itemized. Should

1 the accumulation of receipts from an individual exceed the  
2 twenty-five dollar (\$25.00) threshold, all receipts from  
3 that individual shall be itemized. If the receipts,  
4 expenditures or obligations were for more than one (1)  
5 candidate, the amounts attributable to each shall be  
6 itemized separately. ~~The statement may be filed by~~  
7 ~~facsimile transmission if the original is postmarked on the~~  
8 ~~day the facsimile is sent.~~

9  
10 (d) The chairman of each political party central  
11 committee for the state or county, or an officer of the  
12 party designated by him, shall file an itemized statement  
13 of receipts of twenty-five dollars (\$25.00) or more, and  
14 any expenditures and obligations. ~~The itemized statement~~  
15 ~~shall be filed.~~ The statement may shall be filed by  
16 ~~facsimile transmission~~ within ten (10) days after a general  
17 or special election. ~~provided an original signed statement~~  
18 ~~is sent by mail on the same day.~~ The statement shall report  
19 all receipts, expenditures and obligations relating to  
20 campaign expenses, including normal operating expenses. All  
21 receipts under twenty-five dollars (\$25.00) shall be  
22 reported but need not be itemized. Should the accumulation  
23 of receipts from an individual exceed the twenty-five  
24 dollar (\$25.00) threshold, all receipts from that

1 individual shall be itemized. It shall attribute all  
2 campaign receipts, expenses and obligations to a specific  
3 candidate only if the campaign receipts, expenses and  
4 obligations can be specifically identified to that specific  
5 candidate to the exclusion of other candidates on the  
6 ticket. A copy of the statement shall be furnished to each  
7 candidate identified in the statement within ten (10) days  
8 after the general or special election.

9  
10 **22-25-107. Where statements to be filed.**

11  
12 (a) All statements required under ~~W.S. 22-25-101,~~  
13 ~~22-25-102 and 22-25-106~~ this chapter shall be filed as  
14 follows:

15  
16 (b) Statements required to be filed at least seven  
17 (7) days before any primary, general or special election  
18 may be filed by facsimile transmission without the original  
19 signatures. Statements required to be filed after any  
20 primary, general or special election may be filed by  
21 facsimile transmission provided that an original with the  
22 required signatures is postmarked on the day the facsimile  
23 is sent.

24

1       (c) Any statement required under this chapter to be  
2 filed with:

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

8  
9       (ii) A county clerk, may be filed electronically  
10 if the board of county commissioners has adopted rules  
11 consistent with the requirements of W.S. 9-2-2501 which  
12 allow for electronic filing.

13  
14       ~~(b)~~ (d) Whenever "county clerk" is used in this  
15 chapter, it means the county clerk of the county in which  
16 the person resides.

17  
18       **22-25-108. Failure of candidate or committee to file**  
19 **statement.**

20  
21       (a) A candidate who fails to file, within the time  
22 required, a full and complete itemized statement of  
23 receipts or a statement of receipts and expenditures shall  
24 ~~receive a notice by certified mail return receipt requested~~



1 ~~stating that failure to file the statement within three (3)~~  
2 ~~calendar days of receipt of the notice shall result in a~~  
3 ~~vacancy in nomination or a vacancy in office, as the case~~  
4 ~~may be and may be charged with a criminal offense as~~  
5 ~~provided by W.S. 22-26-112~~ have his name printed on a list  
6 drafted by the appropriate filing office specified under  
7 W.S. 22-25-107. The list shall immediately be posted in the  
8 filing office and made available to the public. If ~~he fails~~  
9 a candidate has failed to file ~~within three (3) calendar a~~  
10 full and complete itemized statement of receipts and  
11 expenditures for more than fourteen (14) days after receipt  
12 ~~of notice~~ it is due, he shall not receive a certificate of  
13 nomination, or election, nor shall he enter upon the duties  
14 of the office, as the case may be and may be charged with a  
15 misdemeanor as provided by W.S. 22-26-112. ~~A late filing~~  
16 ~~fee of twenty five dollars (\$25.00) shall accompany all~~  
17 ~~late reports.~~

18  
19 (b) In addition to any other penalty provided by law,  
20 a candidate who fails to file the statement required by  
21 subsection (a) of this section within one (1) month of  
22 ~~receipt of the notice provided~~ the report due date is  
23 ineligible to run as a candidate for any state or local

1 office for which a statement is required by W.S. 22-25-106  
2 until:

3

4 (ii) The person has filed the required  
5 statement. ~~and has paid the late filing fee assessed under~~  
6 ~~subsection (a) of this section.~~

7

8 (c) Any political action committee which fails to  
9 file a report as required shall be sent notice by the  
10 secretary of state, by certified mail return receipt  
11 requested or personal service in accordance with rule 4 of  
12 the Wyoming Rules of Civil Procedure, stating that failure  
13 to file the statement within three (3) calendar days of  
14 receipt of the notice may result in the filing of criminal  
15 charges against the committee's officers responsible for  
16 the filing. ~~A late filing fee of twenty-five dollars~~  
17 ~~(\$25.00) shall accompany all late reports.~~ Any officer of a  
18 political action committee who is responsible for filing a  
19 report and who knowingly and willfully fails to file a  
20 report as required or who knowingly and willfully  
21 subscribes to, makes or causes to be made a false report is  
22 guilty of a felony punishable by imprisonment not to exceed  
23 two (2) years.

24

1           **22-25-109. Reporting candidates in violation.**

2

3   The secretary of state shall report the names of all  
4   candidates in violation of the Election Code of the state  
5   of Wyoming to the attorney general or to the district  
6   attorney for appropriate action. ~~The secretary of state  
7   shall publish a list of those persons violating W.S.  
8   22-25-106, once in a newspaper in general circulation  
9   throughout the state.~~

10

11           **Section 2.** This act is effective July 1, 2003.

12

13

(END)