

SENATE FILE NO. SF0032

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 and 22-25-109 are amended to read:

12

13 **22-25-106. Filing of campaign reports.**

14

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 any day from the
9 eighth day up to the fourteenth day 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 candidate in any primary election
17 shall file a fully itemized statement of receipts and
18 expenditures within ten (10) days after the primary
19 election;

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

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

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

1 termination shall file an itemized statement of receipts
2 and expenditures on ~~July 1 and~~ December 31 of each odd-
3 numbered year;

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

11
12 (c) All statements required by subsection (b) of this
13 section shall be signed by both the chairman and treasurer.
14 The statements shall set forth the full and complete record
15 of receipts including knowing possession of cash, goods or
16 services and except for statements of receipts required
17 under paragraph (i) of this subsection, of actual and
18 promised expenditures. The date of each receipt of twenty-
19 five dollars (\$25.00) or more, any expenditure or
20 obligation, the name of the person from whom received or to
21 whom paid and the purpose of each expenditure or obligation
22 shall be listed. Nothing in this subsection shall be
23 construed to require the disclosure of the names of
24 individuals paid to circulate an initiative or referendum

1 petition. All receipts under twenty-five dollars (\$25.00)
2 shall be reported but need not be itemized. Should the
3 accumulation of receipts from an individual exceed the
4 twenty-five dollar (\$25.00) threshold, all receipts from
5 that individual shall be itemized. If the receipts,
6 expenditures or obligations were for more than one (1)
7 candidate, the amounts attributable to each shall be
8 itemized separately. ~~The statement may be filed by~~
9 ~~facsimile transmission if the original is postmarked on the~~
10 ~~day the facsimile is sent.~~

11

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

1 of receipts from an individual exceed the twenty-five
2 dollar (\$25.00) threshold, all receipts from that
3 individual shall be itemized. It shall attribute all
4 campaign receipts, expenses and obligations to a specific
5 candidate only if the campaign receipts, expenses and
6 obligations can be specifically identified to that specific
7 candidate to the exclusion of other candidates on the
8 ticket. A copy of the statement shall be furnished to each
9 candidate identified in the statement within ten (10) days
10 after the general or special election.

11

12 **22-25-107. Where statements to be filed.**

13

14 (a) All statements required under ~~W.S. 22-25-101,~~
15 ~~22-25-102 and 22-25-106~~ this chapter shall be filed as
16 follows:

17

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

1 required signatures is postmarked within five (5) days of
2 the day the facsimile was sent.

3
4 (c) Any statement required under this chapter to be
5 filed with:

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

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

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

20
21 **22-25-108. Failure of candidate or committee to file**
22 **statement.**

23

1 (a) A candidate who fails to file, within the time
2 required, a full and complete itemized statement of
3 receipts and expenditures shall receive a notice by
4 certified mail return receipt requested stating that
5 failure to file the statement within three (3) calendar
6 days of receipt of the notice shall result in a vacancy in
7 nomination or a vacancy in office, as the case may be and
8 may be charged with a criminal offense as provided by W.S.
9 22-26-112. If he fails to file within three (3) calendar
10 days after receipt of notice, he shall not receive a
11 certificate of nomination, or election, nor shall he enter
12 upon the duties of the office, as the case may be and may
13 be charged with a misdemeanor as provided by W.S.
14 22-26-112. ~~A late filing fee of twenty five dollars~~
15 ~~(\$25.00) shall accompany all late reports.~~ If conditions
16 are such that timely filing of a report required pursuant
17 to this subsection is not possible, the candidate may
18 appeal the implementation of these provisions to the
19 secretary of state or the county clerk as appropriate, or
20 as otherwise provided by law.

21
22 (b) A candidate who fails to file the statement of
23 receipts required by the seventh day before the election
24 shall have his name printed on a list drafted by the

1 appropriate filing office specified under W.S. 22-25-107.
2 The list shall immediately be posted in the filing office
3 and made available to the public. The candidate may be
4 charged with a misdemeanor as provided by W.S. 22-26-112.

5
6 ~~(b)~~(c) In addition to any other penalty provided by
7 law, a candidate who fails to file the statement required
8 by subsection (a) of this section within one (1) month of
9 ~~receipt of the notice provided~~ the report due date is
10 ineligible to run as a candidate for any state or local
11 office for which a statement is required by W.S. 22-25-106
12 until:

13
14 (i) Five (5) years have elapsed from the date
15 the statement was first due; and

16
17 (ii) The person has filed the required
18 statement ~~and has paid the late filing fee assessed under~~
19 ~~subsection (a) of this section.~~

20
21 ~~(e)~~(d) Any political action committee which fails to
22 file a report as required shall be sent notice by the
23 secretary of state, by certified mail return receipt
24 requested or personal service in accordance with rule 4 of

1 the Wyoming Rules of Civil Procedure, stating that failure
2 to file the statement within three (3) calendar days of
3 receipt of the notice may result in the filing of criminal
4 charges against the committee's officers responsible for
5 the filing. ~~A late filing fee of twenty-five dollars~~
6 ~~(\$25.00) shall accompany all late reports.~~ Any officer of a
7 political action committee who is responsible for filing a
8 report and who knowingly and willfully fails to file a
9 report as required or who knowingly and willfully
10 subscribes to, makes or causes to be made a false report is
11 guilty of a misdemeanor punishable by a fine of not more
12 than seven hundred fifty dollars (\$750.00) if the amount
13 not reported is ten thousand dollars (\$10,000.00) or less,
14 or the amount falsely reported is five thousand dollars
15 (\$5,000.00) or less, otherwise the officer is guilty of a
16 felony punishable by imprisonment not to exceed two (2)
17 years.

18

19 **22-25-109. Reporting candidates in violation.**

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21 The secretary of state shall report the names of all
22 candidates in violation of the Election Code of the state
23 of Wyoming to the attorney general or to the district
24 attorney for appropriate action. ~~The secretary of state~~

1 ~~shall publish a list of those persons violating W.S.~~
2 ~~22-25-106, once in a newspaper in general circulation~~
3 ~~throughout the state.~~

4

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

6

7

(END)