

WORKING DRAFT

HOUSE BILL NO. _____

Campaign receipts and expenditure reports.

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

A BILL

for

1 AN ACT relating to elections; modifying penalties and
2 restrictions imposed upon candidates failing to file
3 certain campaign reports; and providing for an effective
4 date.

5

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

7

8 **Section 1.** W.S. 22-5-219(a), 22-16-114, 22-16-121(a)
9 and (b), 22-25-106(a), 22-25-108(a), (b), (c)(i) and by
10 creating a new subsection (e) are amended to read:

11

12 **22-5-219. Further action by nominees or elect not**
13 **required; exception.**

14

1 (a) Candidates nominated and major party precinct
2 committeemen and committeewomen elected at a primary
3 election shall be deemed nominated or elected without
4 further action. ~~with the exception of the filing~~
5 ~~requirements of W.S. 22-25-106.~~ In addition, each write-in
6 candidate nominated or elected at a primary election shall
7 comply with the provisions of W.S. 22-16-106.

8
9 **22-16-114. Certificates of election or nomination**
10 **after recount.**

11
12 When the time within which to request a recount has expired
13 without one being requested, or when a recount has been
14 completed, the county clerk shall immediately prepare and
15 mail certificates of election or nomination to each
16 candidate nominated or elected to a county or precinct
17 office. ~~A candidate shall file his statement of campaign~~
18 ~~receipts and expenditures when required before receiving a~~
19 ~~certificate of election or nomination or a vacancy will be~~
20 ~~declared to exist.~~

21
22 **22-16-121. Certificates of nomination and election**
23 **following state or county canvass.**

24

1 (a) When the state canvass is concluded, the
2 secretary of state shall issue a certificate of nomination
3 to each candidate nominated at a primary election and
4 certify the names of nominees as provided in W.S. 22-6-101.

5 ~~, provided the candidate has complied with W.S. 22-25-106.~~

6 When the county canvass is concluded, the county clerk
7 shall issue a certificate of nomination to each candidate
8 nominated at a primary election or by petition.

9 ~~, provided the candidate has complied with W.S. 22-25-106.~~

10
11 (b) The governor shall issue a certificate of
12 election to a candidate duly elected to an office to be
13 filled by electors of the state, district court judges, and
14 members of the state legislature.

15 ~~provided the nominee has~~
16 ~~complied with W.S. 22-25-106.~~ The county clerk shall issue
17 a certificate of election to each candidate duly elected to
18 a county or precinct office in the county and to members
19 elected to boards of trustees of hospital, school or
20 community college districts and city or town councils.

21 ~~provided the candidate has complied with W.S. 22-25-106.~~

22 ***** STAFF COMMENTS *****

23 **The Committee action specifically called for a**
24 **civil penalty of an unstated amount and for the**
25 **retention of the criminal penalty with a staff**
26 **comment noting both for further discussion.**

27 **22-25-108. Failure of candidate or committee to file**

1 **statement.**

2

3 (a) Candidates shall be given notice prior to an
4 election that failure to file, within the time required, a
5 full and complete itemized statement of receipts and
6 expenditures shall ~~result in a vacancy in nomination or a~~
7 ~~vacancy in office, as the case may be, the candidate shall~~
8 ~~not receive a certificate of nomination, or election, nor~~
9 ~~shall he enter upon the duties of the office, as the case~~
10 ~~may be and~~ subject the candidate ~~may be charged with a~~ to
11 being charged with a misdemeanor as provided by W.S. 22-26-
12 112 and to civil penalties as provided in subsection (e) of
13 this section.

14

15 (b) A candidate who fails to file the statement of
16 receipts required by the seventh day before the election
17 shall have his name printed on a list drafted by the
18 appropriate filing office specified under W.S. 22-25-107.
19 The list shall immediately be posted in the filing office
20 and made available to the public. **The candidate may be**
21 **charged with a misdemeanor as provided by W.S. 22-26-112.**

22

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

1 subsection (a) of this section within one (1) month of the
2 report due date is ineligible to run as a candidate for any
3 state or local office for which a statement is required by
4 W.S. 22-25-106 until:

5
6 (i) Five (5) years have elapsed from the date
7 the statement was first due; ~~and~~ or

8
9 (ii) The person has filed the required
10 statement.

11
12 (e) Any candidate violating subsection (a) of this
13 section is subject to a civil penalty and costs, including
14 reasonable attorney's fees, as hereinafter provided. An
15 action to impose a civil penalty may be prosecuted by and
16 in the name of any candidate adversely affected by the
17 violation, any political party, any district attorney or
18 the attorney general. Civil penalties shall be paid to the
19 clerk of court for deposit to the public school fund of the
20 county in which the fine was assessed. The civil penalty
21 imposed under this subsection shall be _____ dollars
22 (\$ _____ .00).

23
24 **Section 2.** This act is effective July 1, 2005.

1

(END)