

ENROLLED ACT NO. 42, HOUSE OF REPRESENTATIVES

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING
2008 BUDGET SESSION

AN ACT relating to campaign finance reporting; amending restrictions on contributions from individuals; modifying persons required to file campaign receipts reports; removing a requirement that contributors annually renew their consent to automatic contributions; requiring reporting from political action committees and candidate's campaign committees; requiring amendment of campaign finance reports as specified; providing and modifying criminal penalties; and providing for an effective date.

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

Section 1. W.S. 22-25-102(c), (e), (h) and by creating new subsections (j) and (k), 22-25-106(a)(i) through (iii) and 22-25-108(a), (c)(intro) and (d) are amended to read:

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

(c) Except as otherwise provided in this section, no individual other than the candidate, or the candidate's immediate family shall contribute directly or indirectly, more than ~~one thousand dollars (\$1,000.00)~~ three thousand five hundred dollars (\$3,500.00) per election during the two (2) year period consisting of a general election year and the preceding calendar year to any candidate for political office, or to any candidate's campaign committee, ~~nor make more than twenty five thousand dollars (\$25,000.00) total political contributions during the same two (2) year period.~~ For purposes of this subsection the primary, general and special elections shall be deemed separate elections. No candidate for political office shall accept, directly or indirectly, contributions which

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violate this subsection. Contributions to a candidate's campaign committee shall be considered to be contributions to the candidate. This subsection does not limit political contributions by political parties, nor expenditures by a candidate from his or her own funds nor from his or her candidate's campaign committee funds.

(e) Any corporation, person or organization violating the provisions of subsection (a), (b), ~~or (c)~~, (j) or (k) of this section is, upon conviction in a district court, subject to a civil penalty up to ten thousand dollars (\$10,000.00) and costs including a reasonable attorney's fee. The amount of penalty imposed shall be in such amount as will deter future actions of a similar nature. An action to impose the civil penalty may be prosecuted by and in the name of any candidate adversely affected by the transgression, any political party, any county attorney, any district attorney or the attorney general. Proceeds of the penalty collected shall be paid to the state treasurer and credited as provided in W.S. 8-1-109.

(h) No organization of any kind, as specified in subsection (a) of this section, shall solicit or obtain contributions for any of the purposes specified in subsection (a) of this section from an individual on an automatic basis, including but not limited to a payroll deduction plan or reverse checkoff method, unless the individual who is contributing affirmatively consents in writing to the contribution. ~~at least once in every calendar year.~~ Nothing in this subsection shall be construed to authorize contributions otherwise prohibited under this election code.

(j) Except as otherwise provided in this section, no political action committee shall contribute directly or indirectly more than two thousand nine hundred dollars

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(\$2,900.00) per election to any candidate for office other than a statewide office nor more than five thousand eight hundred dollars (\$5,800.00) per election to any candidate for statewide office during the two (2) year period consisting of a general election year and the preceding calendar year. For purposes of this subsection the primary, general and special elections shall be deemed separate elections. No candidate for political office shall accept, directly or indirectly, contributions which violate this subsection. Contributions to a candidate's campaign committee shall be considered to be contributions to the candidate. This subsection does not limit political contributions by political parties, nor expenditures by a candidate from his or her own funds nor from his or her candidate's campaign committee funds.

(k) Contributions donated to a political action committee which are designated by the donor to be used only for a particular candidate and no other purpose are subject to the limitations of subsection (c) of this section.

22-25-106. Filing of campaign reports.

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

(i) Every candidate shall file a fully itemized statement of receipts at least seven (7) days before any primary, general or special election with information required by this subsection current to any day from the eighth day up to the fourteenth day before the election. Any additional receipts of one thousand five hundred dollars (\$1,500.00) or more received from any one (1) contributor, other than the candidate or the candidate's

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immediate family, shall be reported not later than the close of the following business day;

(ii) Every candidate, whether successful or not, and every political action committee or candidate's campaign committee formed in this state which contributed money to a candidate during the current election shall file a fully itemized statement of receipts and expenditures within ten (10) days after any general or special election;

(iii) Every candidate in any primary election and every political action committee or candidate's campaign committee formed in this state which contributed money to a candidate during the current election shall file a fully itemized statement of receipts and expenditures within ten (10) days after the primary election;

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

(a) Candidates shall be given notice prior to an election that failure to file, within the time required, a full and complete itemized statement of receipts if required pursuant to W.S. 22-25-107 and a statement of receipts and expenditures shall subject the candidate to civil penalties as provided in subsection (e) of this section.

(c) In addition to any other penalty provided by law, a candidate who ~~fails~~ is convicted of failure to file the statement required by W.S. 22-25-106 within thirty (30) days of the report due date is ineligible to run as a candidate for any state or local office for which a statement is required by W.S. 22-25-106 until:

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(d) Each political action committee and each candidate's campaign committee shall be given notice prior to an election that failure to file the statement may result in the filing of criminal charges against the committee's officers responsible for the filing. Any officer of a political action committee or candidate's campaign committee who is responsible for filing a report and who knowingly and willfully fails to file a report as required or who knowingly and willfully subscribes to, makes or causes to be made a false report is guilty of a felony-misdemeanor punishable by imprisonment not to exceed two (2) years one (1) year.

Section 2. This act is effective January 1, 2009.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk