

HOUSE BILL NO. HB0117

Campaign finance.

Sponsored by: Representative(s) Throne, Hammons and  
 Illoway and Senator(s) Case and Decaria

A BILL

for

1 AN ACT relating to campaign finance reporting; modifying  
 2 persons required to file campaign receipts reports;  
 3 removing a requirement that contributors annually renew  
 4 their consent to automatic contributions; requiring  
 5 reporting from political action committees and candidate's  
 6 campaign committees; requiring amendment of campaign  
 7 finance reports as specified; providing and modifying  
 8 criminal penalties; and providing for an effective date.

9

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

11

12 **Section 1.** W.S. 22-25-102(e), (h) and by creating new  
 13 subsections (j) and (k), 22-25-106(a)(i) through (iii) and  
 14 22-25-108(a), (c)(intro) and (d) are amended to read:

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1           **22-25-102. Contribution of funds or election**  
2 **assistance restricted; limitation on contributions; right**  
3 **to communicate; civil penalty.**

4  
5           (e) Any corporation, person or organization violating  
6 the provisions of subsection (a), (b), ~~or (c)~~, (j) or (k)  
7 of this section is, upon conviction in a court of competent  
8 jurisdiction, subject to a civil penalty up to ten thousand  
9 dollars (\$10,000.00) and costs including a reasonable  
10 attorney's fee. The amount of penalty imposed shall be in  
11 such amount as will deter future actions of a similar  
12 nature. An action to impose the civil penalty may be  
13 prosecuted by and in the name of any candidate adversely  
14 affected by the transgression, any political party, any  
15 county attorney, any district attorney or the attorney  
16 general. Proceeds of the penalty collected shall be paid  
17 to the state treasurer and credited as provided in W.S.  
18 8-1-109.

19  
20           (h) No organization of any kind, as specified in  
21 subsection (a) of this section, shall solicit or obtain  
22 contributions for any of the purposes specified in  
23 subsection (a) of this section from an individual on an  
24 automatic basis, including but not limited to a payroll

1 deduction plan or reverse checkoff method, unless the  
2 individual who is contributing affirmatively consents in  
3 writing to the contribution. ~~at least once in every~~  
4 ~~calendar year.~~ Nothing in this subsection shall be  
5 construed to authorize contributions otherwise prohibited  
6 under this election code.

7  
8 (j) Except as otherwise provided in this section, no  
9 political action committee shall contribute directly or  
10 indirectly more than one thousand dollars (\$1,000.00) per  
11 election during the two (2) year period consisting of a  
12 general election year and the preceding calendar year to  
13 any candidate for political office. For purposes of this  
14 subsection the primary, general and special elections shall  
15 be deemed separate elections. No candidate for political  
16 office shall accept, directly or indirectly, contributions  
17 which violate this subsection. Contributions to a  
18 candidate's campaign committee shall be considered to be  
19 contributions to the candidate. This subsection does not  
20 limit political contributions by political parties, nor  
21 expenditures by a candidate from his own funds nor from his  
22 candidate's campaign committee funds.

23

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

5  
6       **22-25-106. Filing of campaign reports.**

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

11  
12           (i) Every candidate shall file a fully itemized  
13 statement of receipts at least seven (7) days before any  
14 primary, general or special election with information  
15 required by this subsection current to any day from the  
16 eighth day up to the fourteenth day before the election.  
17 Any additional receipts of five hundred dollars (\$500.00)  
18 or more received from any one (1) contributor, other than  
19 the candidate or the candidate's immediate family, shall be  
20 reported not later than the close of the following business  
21 day;

22  
23           (ii) Every candidate, whether successful or not,  
24 and every political action committee or candidate's

1 campaign committee formed in this state which contributed  
2 money to a candidate during the current election shall file  
3 a fully itemized statement of receipts and expenditures  
4 within ten (10) days after any general or special election;

5  
6 (iii) Every candidate in any primary election  
7 and every political action committee or candidate's  
8 campaign committee formed in this state which contributed  
9 money to a candidate during the current election shall file  
10 a fully itemized statement of receipts and expenditures  
11 within ten (10) days after the primary election;

12  
13 **22-25-108. Failure of candidate or committee to file**  
14 **statement.**

15  
16 (a) Candidates shall be given notice prior to an  
17 election that failure to file, within the time required, a  
18 full and complete itemized statement of receipts if  
19 required pursuant to W.S. 22-25-107 and a statement of  
20 receipts and expenditures shall subject the candidate to  
21 civil penalties as provided in subsection (e) of this  
22 section.

23

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

7  
8 (d) Each political action committee and each  
9 candidate's campaign committee shall be given notice prior  
10 to an election that failure to file the statement may  
11 result in the filing of criminal charges against the  
12 committee's officers responsible for the filing. Any  
13 officer of a political action committee or candidate's  
14 campaign committee who is responsible for filing a report  
15 and who knowingly and willfully fails to file a report as  
16 required or who knowingly and willfully subscribes to,  
17 makes or causes to be made a false report is guilty of a  
18 ~~felony~~ misdemeanor punishable by imprisonment not to exceed  
19 ~~two (2) years~~ one (1) year.

20

21 **Section 2.** This act is effective July 1, 2009.

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(END)