

ENROLLED ACT NO. 106, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2013 GENERAL SESSION

AN ACT relating to campaign finance reporting; modifying persons required to file campaign receipts reports; removing a requirement that contributors annually renew their consent to automatic contributions; limiting contributions by political action committees; adjusting contribution limits to candidates for statewide political office; requiring amendment of campaign finance reports as specified; providing and modifying criminal and civil 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) by creating a new paragraph (i), by amending and renumbering (i) as (ii) and by renumbering (ii) as (iii), (e), (h) and by creating new subsections (m) and (n) 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:

(i) To any candidate for statewide political office, or to any candidate for statewide political office's candidate's campaign committee:

(A) More than two thousand five hundred dollars (\$2,500.00) per election; and

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(B) No contribution for the general election may be given prior to the date for the primary election.

~~(i)~~(ii) To any candidate for nonstatewide political office, or to any candidate for nonstatewide political office's candidate's campaign committee:

(A) More than ~~one thousand dollars (\$1,000.00)~~ one thousand five hundred dollars (\$1,500.00) per election; and

(B) No contribution for the general election may be given prior to the date for the primary election.

~~(ii)~~(iii) Total political contributions for any two (2) year period consisting of a general election year and the preceding calendar year, of more than ~~twenty-five thousand dollars (\$25,000.00)~~ fifty thousand dollars (\$50,000.00).

(e) Any corporation, person or organization violating the provisions of subsection (a), (b), (c), ~~or~~ (j), (m) or (n) of this section is subject to a civil penalty up to five thousand dollars (\$5,000.00) and costs including a reasonable attorney's fee for a first violation and up to ten thousand dollars (\$10,000.00) and costs including a reasonable attorney's fee for a second or subsequent violation which shall be imposed in a court of competent jurisdiction. 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

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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.

(m) Except as otherwise provided in this section, no political action committee shall contribute directly or indirectly more than seven thousand five hundred dollars (\$7,500.00) to any candidate for statewide political office or three thousand dollars (\$3,000.00) per election to any candidate for other political office. 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 own funds nor from his candidate's campaign committee funds.

(n) 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.

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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:

(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.

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Section 2. This act is effective January 1, 2015.

(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