

HOUSE BILL NO. HB0134

Wyoming campaign access law.

Sponsored by: Representative(s) Zwonitzer

A BILL

for

1 AN ACT relating to elections; providing for voluntary entry
2 into a program to fund campaigns through donations;
3 regulating campaign practices; limiting campaign
4 expenditures; creating a voter information commission;
5 providing conforming amendments; restricting campaign
6 advertising rates; providing a statement of purpose; and
7 providing for an effective date.

8

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

10

11 **Section 1.** W.S. 22-25-201 through 22-25-230 are
12 created to read:

13

14

ARTICLE 2

15

WYOMING CAMPAIGN ACCESS LAW

16

17 **22-25-201. Definitions.**

1

2 (a) As used in this act:

3

4 (i) "Allowable contribution" means a qualifying
5 contribution or a seed money contribution, or a limited in-
6 kind contribution to a participating candidate from that
7 candidate's political party as specified in W.S.
8 22-25-225(b);

9

10 (ii) "Excess expenditure amount" means the amount
11 of money spent or obligated to be spent by a
12 nonparticipating candidate in excess of the campaign access
13 amount available to a participating candidate running for
14 the same office;

15

16 (iii) "Exploratory period" means the period
17 beginning the day following the previous general election
18 for that office and ending on the last day of the qualifying
19 period. The exploratory period is the period during which
20 candidates who wish to become eligible for campaign access
21 funding for the next elections are permitted to raise and
22 spend a limited amount of private seed money, in
23 contributions of up to one hundred dollars (\$100.00) per
24 individual, for the purpose of "testing the waters" and

1 fulfilling the campaign access eligibility requirements.
2 The exploratory period begins before, but extends to the end
3 of, the qualifying period;

4

5 (iv) "General election campaign period" means the
6 period beginning the day after the primary election and
7 ending on the day of the general election;

8

9 (v) "Independent candidate" means a candidate who
10 does not represent a political party that has been granted
11 ballot status and holds a primary election to choose its
12 nominee for the general election;

13

14 (vi) "Mass mailings" are mailings of two hundred
15 (200) or more identical or nearly identical pieces of mail
16 sent by candidates or elected officials to the voters,
17 residents or postal box-holders within the jurisdiction
18 candidates are seeking to represent. Mass mailings do not
19 include:

20

21 (A) Mailings made in direct response to
22 communications from persons or groups to whom the matter is
23 mailed;

24

1 (B) Mailings to federal, state or local
2 government officials; or

3

4 (C) News releases to the communications
5 media.

6

7 (vii) "Nonparticipating candidate" means a
8 candidate who is on the ballot but has chosen not to apply
9 for campaign access campaign funding, or a candidate who is
10 on the ballot and has applied but has not satisfied the
11 requirements for receiving campaign access funding;

12

13 (viii) "Participating candidate" means a
14 candidate who qualifies for campaign access campaign
15 funding. Participating candidates are eligible to receive
16 campaign access funding during primary and general election
17 campaign periods;

18

19 (ix) "Party candidate" means a candidate who
20 represents a political party that has been granted ballot
21 status and holds a primary election to choose its nominee
22 for the general election;

23

1 (x) "Person" means an individual, proprietorship,
2 firm, partnership, joint venture, syndicate, business trust,
3 company, corporation, limited liability company,
4 association, committee and any other organization or group
5 of persons acting in concert;

6

7 (xi) "Primary election campaign period" means the
8 period beginning ninety (90) days before the primary
9 election and ending on the day of the primary election;

10

11 (xii) "Qualifying contribution" means either a
12 contribution of five dollars (\$5.00) that is received during
13 the designated qualifying period by a candidate seeking to
14 become eligible for campaign access campaign funding, or a
15 signed affidavit of indigence, to be made available to
16 candidates by the secretary of state, stating that the
17 signer is unable to afford a five dollar (\$5.00)
18 contribution. Contributors, including persons who sign
19 affidavits of indigence, shall be legal adult residents of
20 the electoral district or state in which the candidate is
21 running. Five dollar (\$5.00) qualifying contributions shall
22 be made in cash, or by personal check or money order, made
23 out to the candidate's campaign committee. All qualifying
24 contribution monies shall be submitted by the candidate's

1 campaign committee to the secretary of state for deposit in
2 the campaign access fund;

3
4 (xiii) "Qualifying period" means the period
5 during which candidates are permitted to collect qualifying
6 contributions in order to qualify for campaign access
7 funding. The qualifying period begins ninety (90) days
8 before the beginning of the primary election campaign period
9 and ends thirty (30) days before the day of the primary
10 election;

11
12 (xiv) "Seed money contribution" means a
13 contribution of no more than one hundred dollars (\$100.00)
14 made by an individual adult during the exploratory period
15 and specifically excludes:

16
17 (A) Payments by a membership organization
18 for the costs of communications to its members;

19
20 (B) Payments by a membership organization
21 for the purpose of facilitating the making of qualifying
22 contributions; and

23

1 (C) Volunteer activity, including the
2 payment of incidental expenses by volunteers.

3

4 (xv) "This act" means the Wyoming Campaign Access
5 Act, W.S. 22-25-201 through 22-25-230.

6

7 **22-25-202. Eligibility for campaign access campaign**
8 **funding for party candidates.**

9

10 (a) A party candidate shall qualify as a participating
11 candidate for the primary election campaign period if:

12

13 (i) He files a declaration with the secretary of
14 state that he has complied and will comply with all of the
15 requirements of this act, including the requirement that
16 during the exploratory period and the qualifying period the
17 candidate not accept or spend private contributions from any
18 source other than seed money contributions and campaign
19 access qualifying contributions, except as provided in W.S.
20 22-25-204; and

21

22 (ii) He meets the following qualifying
23 contribution requirements before the close of the qualifying
24 period:

1

2

3

(A) The party candidate has collected at least the following number of qualifying contributions:

4

5

6

7

(I) Three thousand (3,000) qualifying contributions for a candidate running for statewide elected office;

8

9

10

11

12

(II) Fifty (50) qualifying contributions for a candidate running for state house of representatives office;

13

14

15

16

(III) One hundred (100) qualifying contributions for a candidate running for state senate office; and

17

18

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24

(B) Each qualifying contribution, whether in the form of five dollars (\$5.00) or a signed affidavit of indigence shall be acknowledged by a receipt to the contributor, with a copy submitted to the secretary of state by the candidate. The receipt shall include the contributor's signature, printed name, home address, and telephone number, and the name of the candidate on whose behalf the contribution is made. In addition, the receipt

1 shall indicate whether the qualifying contribution is in the
2 form of five dollars (\$5.00) or an affidavit of indigence,
3 and by the contributor's signature the receipt shall
4 indicate that the contributor understands that the purpose
5 of the qualifying contribution is to help the candidate
6 qualify for campaign access campaign funding and that the
7 contribution is made without coercion or reimbursement;

8
9 (C) A contribution submitted as a qualifying
10 contribution that does not include a signed and fully
11 completed receipt shall not be counted as a qualifying
12 contribution;

13
14 (D) All five dollar (\$5.00) qualifying
15 contributions, whether in the form of cash, checks or money
16 orders made out to the candidate's campaign account, shall
17 be deposited by the candidate in his campaign account; and

18
19 (E) All qualifying contribution receipts
20 shall be sent to the secretary of state for deposit in the
21 campaign access fund and shall be accompanied by a check
22 from the candidate's campaign account for the total amount
23 of qualifying contribution monies received. This submission
24 shall be accompanied by a signed statement from the

1 candidate indicating that all of the information on the
2 qualifying contribution receipts is complete and accurate to
3 the best of the candidate's knowledge and that the amount of
4 the enclosed check is equal to the sum of all the five
5 dollar (\$5.00) qualifying contributions the candidate has
6 received.

7
8 (b) A party candidate qualifies as a participating
9 candidate for the general election campaign period if:

10
11 (i) He met all of the applicable requirements and
12 filed a declaration with the secretary of state that he has
13 fulfilled and will fulfill all of the requirements of a
14 participating candidate as provided in this act; and

15
16 (ii) As a participating candidate during the
17 primary election campaign period, he had the highest number
18 of votes of the candidates contesting the primary election
19 from his respective party and, hence, won the party's
20 nomination.

21
22 **22-25-203. Eligibility for campaign access campaign**
23 **funding for independent candidates.**

1 (a) An independent candidate shall qualify as a
2 participating candidate for the primary election campaign
3 period if:

4
5 (i) He files a declaration with the secretary of
6 state that he has complied and will comply with all of the
7 requirements of this act, including the requirement that
8 during the exploratory period and the qualifying period the
9 candidate not accept or spend private contributions from any
10 source other than seed money contributions and campaign
11 access qualifying contributions, except as provided in W.S.
12 22-25-204; and

13
14 (ii) He meets the following qualifying
15 contribution requirements before the close of the qualifying
16 period:

17
18 (A) The independent candidate has collected
19 at least the following number of qualifying contributions:

20
21 (I) Three thousand (3,000) qualifying
22 contributions for a candidate running for statewide elected
23 office;

24

1 (II) Fifty (50) qualifying
2 contributions for a candidate running for state house of
3 representatives office;

4

5 (III) One hundred (100) qualifying
6 contributions for a candidate running for state senate
7 office; and

8

9 (B) Each qualifying contribution shall be:

10

11 (I) Acknowledged by a receipt to the
12 contributor, with a copy submitted to the secretary of state
13 by the candidate. The receipt shall indicate, by the
14 contributor's signature, that the contributor understands
15 that the purpose of the contribution is to help the
16 candidate qualify for campaign access campaign funding. The
17 receipt shall include the contributor's signature, printed
18 name, home address, and telephone number, and the name of
19 the candidate on whose behalf the contribution is made; and

20

21 (II) Submitted, with a signed and
22 completed receipt, to the secretary of state according to a
23 schedule and procedure to be determined by the secretary of
24 state. A contribution submitted as a qualifying

1 contribution that does not include a signed and fully
2 completed receipt shall not be counted as a qualifying
3 contribution.

4

5 (b) An independent candidate shall qualify as a
6 participating candidate for the general election campaign
7 period if:

8

9 (i) Prior to the primary election he has met all
10 of the applicable requirements of this legislation and filed
11 a declaration with the secretary of state that he has
12 fulfilled and will fulfill all of the requirements of a
13 participating candidate as stated in this act; and

14

15 (ii) During the primary election campaign period
16 he has fulfilled all the requirements of a participating
17 candidate as stated in this act.

18

19 **22-25-204. Transition.**

20

21 (a) During the first election cycle that occurs after
22 the effective date of this act, a candidate may be certified
23 as a participating candidate, notwithstanding the acceptance
24 of contributions or making of expenditures from private

1 funds before the date of enactment that would otherwise
2 disqualify the candidate as a participating candidate
3 provided that any private funds accepted but not expended
4 before the effective date of this act shall be:

5
6 (i) Returned to the contributor;

7
8 (ii) Held in a special campaign account and used
9 only for retiring a debt from a previous campaign; or

10
11 (iii) Submitted to the secretary of state for
12 deposit in the campaign access fund.

13
14 **22-25-205. Continuing obligation to comply.**

15
16 A participating candidate who accepts any benefits during
17 the primary election campaign period shall comply with all
18 the requirements of this act through the general election
19 campaign period whether he continues to accept benefits or
20 not.

21
22 **22-25-206. Contributions and expenditures.**

1 (a) During the primary and general election campaign
2 periods, a participating candidate who has voluntarily
3 agreed to participate in and has become eligible for
4 campaign access benefits shall not accept private
5 contributions from any source other than the candidate's
6 political party as specified in W.S. 22-25-225 of this act.

7

8 (b) During the primary and general election campaign
9 periods, a participating candidate who has voluntarily
10 agreed to participate in and has become eligible for
11 campaign access benefits shall not solicit or receive
12 political contributions for any other candidate or for any
13 political party or other political committee.

14

15 (c) No person shall make a contribution in the name of
16 another person. A participating candidate who receives a
17 qualifying contribution or a seed money contribution that is
18 not from the person listed on the receipt required by W.S.
19 22-25-202(a)(ii)(B) or 22-25-210(c) shall be liable to pay
20 the secretary of state the entire amount of the inaccurately
21 identified contribution, in addition to any penalties.

22

23 (d) During the primary and general election campaign
24 periods, a participating candidate shall pay for all of his

1 campaign expenditures, except petty cash expenditures, by
2 means of a "campaign access debit card" issued by the
3 secretary of state, as provided under W.S. 22-25-224.

4
5 (e) Eligible candidates shall furnish complete
6 campaign records, including all records of seed money
7 contributions and qualifying contributions, to the secretary
8 of state at regular filing times, or on request by the
9 secretary of state. Candidates shall cooperate with any
10 audit or examination by the secretary of state.

11
12 **22-25-207. Campaign accounts for participating**
13 **candidates.**

14
15 (a) During an election cycle, each participating
16 candidate shall conduct all campaign financial activities
17 through a single campaign account.

18
19 (b) A participating candidate may maintain a campaign
20 account other than the campaign account described in
21 subsection (a) of this section if the other campaign account
22 is for the purpose of retiring a campaign debt that was
23 incurred during a previous election campaign in which the
24 candidate was not a participating candidate.

1

2 (c) Contributions for the purposes of retiring a
3 previous campaign debt that are deposited in the kind of
4 other campaign account described in subsection (b) of this
5 section shall not be considered contributions to the
6 candidate's current campaign.

7

8 (d) Participating candidates shall file reports of
9 financial activity related to the current election cycle
10 separately from reports of financial activity related to
11 previous election cycles.

12

13 **22-25-208. Use of campaign access funds.**

14

15 (a) Participating candidates shall use their campaign
16 access funds only for direct campaign purposes.
17 Expenditures for direct campaign purposes include but are
18 not limited to:

19

20 (i) Written materials, pins, bumper stickers,
21 handbills, brochures, posters, yard signs, newsletters and
22 tabloids;

23

1 (ii) Travel expenses including mileage
2 reimbursement and lodging when out of town;

3

4 (iii) Communication expenses, advertising,
5 purchase of media space and time, direct mail services,
6 postage, telephone banks and calling services and long-
7 distance charges;

8

9 (iv) Headquarters expenses, including lease and
10 utility expenses;

11

12 (v) Expenses of volunteers, food for staff and
13 volunteers and staff salaries and other compensation;

14

15 (vi) Office supplies;

16

17 (vii) Accounting, reporting, clerical, campaign
18 advisory and other consulting services; and

19

20 (viii) Public relations expenses.

21

22 (b) A participating candidate shall not use campaign
23 access funds for:

24

1 (i) Costs of legal defense in any campaign law
2 enforcement proceeding under this act;

3

4 (ii) Indirect campaign purposes, including but
5 not limited to:

6

7 (A) The candidate's personal support or
8 compensation to the candidate or the candidate's family;

9

10 (B) The candidate's personal appearance;

11

12 (C) Capital assets having a value in excess
13 of five hundred dollars (\$500.00) and useful life extending
14 beyond the end of the current election period determined in
15 accordance with generally accepted accounting principles;

16

17 (D) A contribution or loan to the campaign
18 committee of another candidate or to a party committee or
19 other political committee;

20

21 (E) An independent expenditure;

22

23 (F) Any gift in excess of twenty-five
24 dollars (\$25.00) per person;

1

2 (G) Any payment or transfer for which
3 compensating value is not received.

4

5 (c) Upon written request from a participating
6 candidate, the secretary of state shall determine whether a
7 planned campaign expenditure or fundraising activity is a
8 permissible expenditure of campaign access funds under this
9 act. To make a request, a candidate shall submit a
10 description of the planned expenditure or activity to the
11 secretary of state. The secretary of state shall inform the
12 candidate whether an enforcement action will be necessary if
13 the candidate carries out the planned expenditure or
14 activity. The secretary of state shall ensure that the
15 candidate can rely on a "no action" letter. A "no action"
16 letter applies only to the candidate who requested it.

17

18 **22-25-209. Use of personal funds.**

19

20 (a) Personal funds contributed as seed money by a
21 candidate seeking to become eligible as a participating
22 candidate or adult members of his family shall not exceed
23 the maximum of one hundred dollars (\$100.00) per
24 contributor.

1

2 (b) Personal funds shall not be used to meet the
3 qualifying contribution requirement except for one (1) five
4 dollar (\$5.00) contribution from the candidate himself and
5 one (1) five dollar (\$5.00) contribution from the
6 candidate's spouse, provided that the candidate and his
7 spouse are registered voters who reside in the candidate's
8 electoral district.

9

10 **22-25-210. Seed money.**

11

12 (a) The only private contributions a candidate seeking
13 to become eligible for campaign access funding shall accept,
14 other than qualifying contributions and limited in-kind
15 contributions from the candidate's political party as
16 specified in W.S. 22-25-225 are seed money contributions
17 contributed by individual adults prior to the end of the
18 qualifying period.

19

20 (b) A seed money contribution shall not exceed one
21 hundred dollars (\$100.00) per donor, and the aggregate
22 amount of seed money contributions accepted by a candidate
23 seeking to become eligible for campaign access funding shall
24 not exceed:

1

2 (i) Fifteen thousand dollars (\$15,000.00) for a
3 candidate running for the office of statewide elective
4 office;

5

6 (ii) Five hundred dollars (\$500.00) for a
7 candidate running for state house of representatives office;
8 or

9

10 (iii) Five hundred dollars (\$500.00) for a
11 candidate running for state senate office.

12

13 (c) Receipts for seed money contributions under
14 twenty-five dollars (\$25.00) shall only include the
15 contributor's signature, printed name and address. Receipts
16 for seed money contributions of twenty-five dollars (\$25.00)
17 or more shall include the contributor's signature, printed
18 name, street address and zip code, telephone number,
19 occupation and name of employer. Contributions shall not be
20 accepted if the required disclosure information is not
21 received.

22

23 (d) Seed money shall be spent only during the
24 exploratory and qualifying periods. Seed money shall not be

1 spent during the primary or general election campaign
2 periods.

3

4 (e) Within forty-eight (48) hours after the close of
5 the qualifying period, candidates seeking to become eligible
6 for campaign access funding shall:

7

8 (i) Fully disclose all seed money contributions
9 and expenditures to the secretary of state; and

10

11 (ii) Turn over to the secretary of state for
12 deposit in the campaign access fund any seed money he has
13 raised during the exploratory period that exceeds the
14 aggregate seed money limit.

15

16 **22-25-211. Certification.**

17

18 (a) No more than five (5) days after a candidate
19 applies for campaign access benefits, the secretary of state
20 shall certify that the candidate is or is not eligible.
21 Eligibility may be revoked if the candidate violates the
22 requirements of this act, in which case all campaign access
23 funds shall be repaid.

24

1 (b) The candidate's request for certification shall be
2 signed by the candidate and his campaign treasurer under
3 penalty of perjury.

4
5 (c) The secretary of state's determination is final
6 except that it is subject to judicial review under the
7 Wyoming Administrative Procedure Act.

8
9 **22-25-212. Benefits provided to candidates eligible**
10 **to receive campaign access money.**

11
12 (a) Candidates who qualify for campaign access funding
13 for primary and general elections shall:

14
15 (i) Receive campaign access funding from the
16 secretary of state for each election, the amount of which is
17 specified in W.S. 22-25-214. This funding may be used to
18 finance any and all campaign expenses during the particular
19 campaign period for which it was allocated;

20
21 (ii) Receive additional campaign access funding
22 to match any excess expenditure amount spent by a
23 nonparticipating candidate, as specified in W.S.
24 22-25-217(d);

1

2 (iii) Receive additional campaign access funding
3 to match any independent expenditure made in opposition to
4 their candidacies or in support of their opponents'
5 candidacies, as specified in W.S. 22-25-219(d), provided
6 that the dollar value of the independent expenditure,
7 combined with the amount raised or received thus far by any
8 opposing candidate who benefits from the independent
9 expenditure, exceeds the original campaign access funding
10 amount received by the participating candidate.

11

12 (b) The maximum aggregate amount of additional funding
13 a participating candidate shall receive to match independent
14 expenditures and excess expenditures of nonparticipating
15 candidates shall be two hundred percent (200%) of the
16 original amount of campaign access funding allocated to a
17 participating candidate for a particular primary or general
18 election campaign period.

19

20 **22-25-213. Schedule of campaign access funding**
21 **payments.**

22

23 (a) An eligible party candidate shall receive his
24 campaign access funding for the primary election campaign

1 period on the date on which the secretary of state certifies
2 the candidate as a participating candidate. This
3 certification shall take place no later than five (5) days
4 after the candidate has submitted the required number of
5 qualifying contribution receipts, a check for the total
6 amount of qualifying contributions collected, and a
7 declaration stating that he has complied with all other
8 requirements for eligibility as a participating candidate,
9 but no earlier than the beginning of the primary election
10 campaign period.

11

12 (b) An eligible party candidate shall receive his
13 campaign access funding for the general election campaign
14 period within forty-eight (48) hours after certification of
15 the primary election results.

16

17 (c) An eligible independent candidate shall receive
18 his campaign access funding for the primary election
19 campaign period on the date on which the secretary of state
20 certifies the candidate as a participating candidate. This
21 certification shall take place no later than five (5) days
22 after the candidate has submitted the required number of
23 qualifying contribution receipts, a check for the total
24 amount of qualifying contributions collected and a

1 declaration stating that he has complied with all other
2 requirements for eligibility as a participating candidate,
3 but no earlier than the beginning of the primary election
4 campaign period.

5

6 (d) An eligible independent candidate shall receive
7 his campaign access funding for the general election
8 campaign period within forty-eight (48) hours after
9 certification of the primary election results.

10

11 **22-25-214. Determination of campaign access funding**
12 **amounts.**

13

14 (a) For eligible party candidates:

15

16 (i) The amount of campaign access funding for an
17 eligible party candidate in a contested primary election is:

18

19 (A) One hundred eighty thousand dollars
20 (\$180,000.00) for a candidate running for the office of
21 statewide elective office;

22

1 (B) Three thousand dollars (\$3,000.00) for a
2 candidate running for state house of representatives office;
3 or

4
5 (C) Six thousand dollars (\$6,000.00) for a
6 candidate running for state senate office.

7
8 (ii) The campaign access funding amount for an
9 eligible party candidate in an uncontested primary election
10 is twenty-five percent (25%) of the amount provided in a
11 contested primary election;

12
13 (iii) In a contested general election, if an
14 eligible party candidate or all of the candidates of his
15 party combined received at least twenty percent (20%) of the
16 total number of votes cast for all candidates seeking that
17 office in the just-held primary election or in the previous
18 general election, the candidate shall receive the full
19 amount of campaign access funding for the general election,
20 which is:

21
22 (A) One hundred eighty thousand dollars
23 (\$180,000.00) for a candidate running for the office of
24 statewide elective office;

1

2 (B) Three thousand dollars (\$3,000.00) for a
3 candidate running for state house of representatives office;
4 or

5

6 (C) Six thousand dollars (\$6,000.00) for a
7 candidate running for state senate office.

8

9 (iv) In a contested general election, if an
10 eligible party candidate or all of the candidates of his
11 party combined received at least five percent (5%) but less
12 than twenty percent (20%) of the total number of votes cast
13 for all candidates seeking that office in the just-held
14 primary election or in the previous general election, the
15 candidate shall receive a portion of the full amount of
16 campaign access funding based on the ratio that their vote
17 percentage is to twenty percent (20%). If an eligible party
18 candidate or all of the candidates of his party combined
19 received less than five percent (5%) of the total number of
20 votes cast for all candidates seeking that office in the
21 just-held primary election or in the previous general
22 election, the candidate shall receive no campaign access
23 funding;

24

1 (v) The campaign access funding amount for an
2 eligible party candidate in an uncontested general election
3 is ten percent (10%) of the amount provided in a contested
4 general election for the same office.

5
6 (b) For eligible independent candidates:

7
8 (i) The campaign access funding amount for an
9 eligible independent candidate in a primary election is
10 twenty-five percent (25%) of the amount received by a party
11 candidate in a contested primary election;

12
13 (ii) The campaign access funding amount for an
14 eligible independent candidate in the general elections is
15 the same as the full amount received by a party candidate in
16 the general election.

17
18 (c) After the first election cycle under this act, the
19 secretary of state shall modify all campaign access funding
20 amounts based on the rate of inflation or the cost-of-living
21 (COLA) index.

22
23 **22-25-215. Expenditures made with campaign access**
24 **funds.**

1

2 (a) The campaign access funding received by a
3 participating candidate shall be used only for the purpose
4 of defraying that candidate's campaign-related expenses
5 during the particular election campaign period for which the
6 campaign access funding was allotted.

7

8 (b) Payments shall not be used:

9

10 (i) In violation of the law; or

11

12 (ii) To make any personal, family or business
13 expenditures or loans, or to repay any personal, family or
14 business loans or debts.

15

16 **22-25-216. Campaign accounts for nonparticipating**
17 **candidates.**

18

19 (a) During an election cycle, each nonparticipating
20 candidate shall conduct all campaign financial activities
21 through a single campaign account.

22

23 (b) A nonparticipating candidate may maintain a
24 campaign account other than the campaign account described

1 in subsection (a) of this section if the other campaign
2 account is for the purpose of retiring a campaign debt that
3 was incurred during a previous election campaign in which
4 the candidate was not a participating candidate.

5
6 (c) Contributions for the purposes of retiring a
7 previous campaign debt that are deposited in the kind of
8 "other campaign account" described in subsection (b) of this
9 section shall not be considered "contributions" to the
10 candidate's current campaign.

11
12 **22-25-217. Disclosure of excess spending by**
13 **nonparticipating candidates.**

14
15 (a) If a nonparticipating candidate's total
16 expenditures or obligations to make expenditures exceed the
17 amount of campaign access funding allocated to his campaign
18 access opponent, he shall declare to the secretary of state
19 within forty-eight (48) hours of receipt of the expenditure
20 every excess expenditure amount which, in the aggregate, is
21 more than one thousand dollars (\$1,000.00).

22
23 (b) During the last twenty (20) days before the end of
24 the relevant campaign period, a nonparticipating candidate

1 shall declare to the secretary of state each excess
2 expenditure amount over five hundred dollars (\$500.00)
3 within twenty-four (24) hours of when the expenditure is
4 made or obligated to be made.

5

6 (c) The secretary of state may make his own
7 determination as to whether excess expenditures have been
8 made by nonparticipating candidates.

9

10 (d) Upon receiving an excess expenditure declaration
11 or determining that an excess expenditure has been made, the
12 secretary of state shall immediately release additional
13 campaign access funding to the opposing participating
14 candidate equal to the excess expenditure amount the
15 nonparticipating candidate has spent or has obligated to
16 spend, subject to the limit set forth in W.S. 22-25-212(b).

17

18 **22-25-218. Definition of independent expenditure.**

19

20 (a) The term "independent expenditure" means an
21 expenditure made by a person or group other than a candidate
22 or candidate's authorized committee that:

23

1 (i) Advocates the election or defeat of a
2 candidate; and

3

4 (ii) Is made without the participation or
5 cooperation of and without coordination with a candidate or
6 candidate committee.

7

8 (b) Expenditures that advocate the election or defeat
9 of a candidate include all costs of designing, producing or
10 disseminating a communication that contains phrases such as
11 "vote for", "re-elect", "support", "cast your ballot for",
12 "(name of candidate) for (name of office)", "(name of
13 candidate) in (year)", "vote against", "defeat", "reject",
14 or contains campaign slogans or individual words that in
15 context can have no reasonable meaning other than to
16 recommend the election or defeat of one (1) or more clearly
17 identified candidates.

18

19 (c) Costs incurred in designing, producing or
20 disseminating a communication are presumed to advocate the
21 election or defeat of a candidate if the communication names
22 or depicts one (1) or more clearly identified candidates, is
23 disseminated during the forty-five (45) calendar days before
24 a primary election or during the sixty (60) calendar days

1 before a general election, and the costs exceed one thousand
2 dollars (\$1,000.00).

3
4 (d) In any proceeding to enforce compliance with
5 requirements pertaining to expenditures, an individual or
6 entity presumed to have made an expenditure advocating the
7 election or defeat of a candidate under subsection (c) of
8 this section shall have an opportunity to rebut the
9 presumption and the secretary of state shall bear the burden
10 of proof.

11
12 (e) Individuals or entities intending to disseminate a
13 communication during the forty-five (45) calendar days
14 before a primary election or during the sixty (60) calendar
15 days before a general election that names or depicts one (1)
16 or more clearly identified candidates and costs in excess of
17 one thousand dollars (\$1,000.00) may submit the
18 communication to the secretary of state in advance of its
19 dissemination, with a request for an advisory opinion as to
20 whether the secretary of state is likely to consider the
21 communication an independent expenditure. The secretary of
22 state shall issue the advisory opinion within three (3) days
23 of receiving the request.

1 (f) The term "independent expenditure" does not
2 include:

3

4 (i) Any news story, commentary or editorial by a
5 broadcasting station, newspaper, magazine or other
6 publication, provided the entity is not owned by or
7 affiliated with any candidate or candidate committee; or

8

9 (ii) Any newsletter or other communication whose
10 circulation is limited to an organization's members,
11 employees, shareholders, other affiliated individuals and
12 those who request or purchase the internal publication.

13

14 (g) The term "coordination" as used in this section
15 means a payment made for a communication or anything of
16 value that is for the purpose of influencing the outcome of
17 an election and that is made:

18

19 (i) By a person in cooperation, consultation or
20 concert with, at the request or suggestion of, or pursuant
21 to a particular understanding with a candidate, a
22 candidate's authorized committee or an agent acting on
23 behalf of a candidate or authorized committee;

24

1 (ii) By a person for the dissemination,
2 distribution or republication, in whole or in part, of any
3 broadcast or any written, graphic or other form of campaign
4 material prepared by a candidate, a candidate's authorized
5 committee or an agent of a candidate or authorized
6 committee;

7
8 (iii) Based on specific information about the
9 candidate's plans, projects or needs provided to the person
10 making the payment by the candidate or the candidate's agent
11 who provides the information with a view toward having the
12 payment made;

13
14 (iv) By a person if, in the same election cycle
15 in which the payment is made, the person making the payment
16 is serving or has served as a member, employee, fundraiser
17 or agent of the candidate's authorized committee in an
18 executive or policy-making position;

19
20 (v) By a person if the person making the payment
21 has served in any formal policy or advisory position with
22 the candidate's campaign or has participated in strategic or
23 policy-making discussions with the candidate's campaign
24 relating to the candidate's pursuit of nomination for

1 election, or election, to an office, in the same election
2 cycle as the election cycle in which the payment is made;
3 and
4

5 (vi) By a person if the person making the payment
6 retains the professional services of an individual or person
7 who, in a nonministerial capacity, has provided or is
8 providing campaign-related services in the same election
9 cycle to a candidate who is pursuing the same nomination or
10 election as any of the candidates to whom the communication
11 refers.
12

13 (h) The term "professional services" includes services
14 in support of a candidate's pursuit of nomination for
15 election, or election, to an office such as polling, media
16 advice, direct mail, fundraising or campaign research.
17

18 **22-25-219. Disclosure of independent expenditures;**
19 **additional campaign access funding to respond to**
20 **independent expenditures.**
21

22 (a) Subject to the exception in subsection (e) of this
23 section, any person or persons who make or obligate to make
24 an independent expenditure during a primary or general

1 election campaign period which, in the aggregate, exceeds
2 one thousand dollars (\$1,000.00) shall report each
3 expenditure within seven (7) days to the secretary of state.
4

5 (b) The report to the secretary of state shall include
6 a signed statement by the person or persons making the
7 independent expenditure identifying the candidate or
8 candidates whom the independent expenditure is intended to
9 help elect or defeat and affirming that the expenditure is
10 totally independent and involves no cooperation or
11 coordination with a candidate or a political party.
12

13 (c) An individual or organization may file a complaint
14 with the secretary of state if he or the organization
15 believes that a statement provided under subsection (b) of
16 this section is false. The secretary of state shall make a
17 prompt determination about such a complaint.
18

19 (d) Any individual or organization that fails to file
20 the required report to the secretary of state or provides
21 materially false information in that report may be fined up
22 to three (3) times the amount of the independent
23 expenditure. The criminal penalties contained in W.S.
24 22-25-230 shall not apply to any violations of this section.

1

2 (e) Any person who makes or obligates to make an
3 independent expenditure during the last twenty (20) days
4 before the end of the relevant campaign period which, in the
5 aggregate, exceeds five hundred dollars (\$500.00) shall
6 report each expenditure within twenty-four (24) hours to the
7 secretary of state.

8

9 (f) Upon receiving a report that an independent
10 expenditure has been made or obligated to be made, the
11 secretary of state shall immediately release additional
12 campaign access funding, equal in amount to the cost of the
13 independent expenditure, to all participating candidates
14 whom the independent expenditure is intended to oppose or
15 defeat, as set forth in this section provided that:

16

17 (i) The dollar value of the independent
18 expenditure, combined with the amount raised or received
19 thus far by any opposing candidate who benefits from the
20 independent expenditure, exceeds the original campaign
21 access funding amount received by the participating
22 candidate; and

23

1 (ii) The maximum aggregate amount of additional
2 funding a participating candidate shall receive to match
3 independent expenditures and the excess expenditures of
4 nonparticipating candidates is no more than two hundred
5 percent (200%) of the participating candidate's initial
6 campaign access funding allocation for the relevant office.
7

8 **22-25-220. Voter information commission.**
9

10 (a) The secretary of state shall establish and
11 administer a nonpartisan voter information commission
12 consisting of representatives of nonprofit organizations,
13 political parties, the media and interested citizens.
14

15 (b) The voter information commission shall be
16 authorized to establish a voter information program for the
17 purpose of providing voters with election-related
18 information and fostering political dialogue and debate.
19

20 (c) The voter information commission shall organize
21 the publication and distribution of a voter information
22 guide that includes important information about candidates
23 appearing on the ballot, including biographical material
24 submitted by the candidates, whether candidates are funding

1 their campaigns with public money or private money, policy
2 statements by the candidates and their political parties on
3 issues designated by the commission and other issues, and,
4 when pertinent, candidates' voting records.

5
6 **22-25-221. Limit on use of franking privilege.**

7
8 (a) Except as provided in subsection (b) of this
9 section, an elected official shall not mail any mass
10 mailings as franked mail during the period between April 1
11 of the election year and the date of the general election
12 for that office, unless the candidate has made a public
13 announcement that he will not be a candidate for re-election
14 to that office or to any other state-wide office during that
15 election cycle.

16
17 (b) The normal franking privilege for elected
18 officials shall remain applicable to mailings not covered
19 under the definition of "mass mailing".

20
21 **22-25-222. Nature and purposes of campaign access**
22 **fund.**

1 A special, dedicated, nonlapsing campaign access fund shall
2 be established for the purpose of providing public financing
3 for the election campaigns of certified participating
4 candidates during primary and general election campaign
5 periods.

6

7 **22-25-223. Sources of revenue for campaign access**
8 **fund.**

9

10 (a) There is created an account called the campaign
11 access fund.

12

13 (b) Sources of revenue to be deposited in the fund
14 shall include:

15

16 (i) The qualifying contributions required of
17 candidates seeking to become certified as participating
18 candidates according to the provisions of W.S. 22-25-202 and
19 candidates' excess qualifying contributions;

20

21 (ii) The excess seed money contributions of
22 candidates seeking to become certified as participating
23 candidates, as defined by W.S. 22-25-210;

24

1 (iii) Unspent funds distributed to any
2 participating candidate who does not remain a candidate
3 until the primary or general election for which they were
4 distributed, or such funds that remain unspent by a
5 participating candidate following the date of the primary or
6 general election for which they were distributed;

7
8 (iv) Fines levied by the election commission
9 against candidates for violation of election laws;

10
11 (v) Voluntary donations made directly to the
12 campaign access fund;

13
14 (vi) Any interest generated by the fund; and

15
16 (vii) Any other sources of revenue determined as
17 necessary by the legislature.

18
19 **22-25-224. Administration and dispersal of money from**
20 **the fund.**

21
22 (a) Upon determination that a candidate has met all
23 the requirements for becoming a participating candidate as
24 provided for in this act, the secretary of state shall issue

1 to the candidate a card, known as the "campaign access debit
2 card", and a "line of debit" entitling the candidates and
3 members of the candidate's staff to draw campaign access
4 funds from a secretary of state account to pay for all
5 campaign costs and expenses up to the amount of campaign
6 access funding the candidate has received.

7

8 (b) Neither a participating candidate nor any other
9 person on behalf of a participating candidate shall pay
10 campaign costs by cash, check, money order, loan or by any
11 other financial means besides the campaign access debit
12 card.

13

14 (c) Cash amounts of one hundred dollars (\$100.00) or
15 less per week may be drawn on the campaign access debit card
16 and used to pay expenses of no more than twenty-five dollars
17 (\$25.00) each. Records of all such expenditures shall be
18 maintained and reported to the secretary of state.

19

20 **22-25-225. Political party contributions and**
21 **expenditures.**

22

23 (a) Participating candidates may accept monetary or
24 in-kind contributions from political parties provided that

1 the aggregate amount of such contributions from all
2 political party committees combined does not exceed the
3 equivalent of twenty percent (20%) of the original campaign
4 access financing allotment for that office for that
5 election.

6
7 (b) In-kind contributions made during a general
8 election campaign period on behalf of a group of the party's
9 candidates shall not be considered an improper party
10 contribution or count against the twenty percent (20%) limit
11 established in subsection (a) of this section provided that
12 such group includes at least three (3) candidates, or fifty-
13 one percent (51%) of the total number of candidates,
14 whichever is more, whose names will appear on the general
15 election ballot in the political subdivision represented by
16 the party committee making such in-kind contributions.

17
18 (c) Expenditures by a political party that are made to
19 or on behalf of one (1) or more of the party's candidates
20 during primary and general campaign periods shall be
21 reported to the secretary of state by the party committee
22 making the expenditure.

23

1 (d) Nothing in this section or this act shall prevent
2 political party funds from being used for:

3

4 (i) General operating expenses of the party;

5

6 (ii) Conventions;

7

8 (iii) Nominating and endorsing candidates;

9

10 (iv) Identifying, researching and developing the
11 party's positions on issues;

12

13 (v) Party platform activities;

14

15 (vi) Noncandidate-specific voter registration;

16

17 (vii) Noncandidate-specific get-out-the-vote
18 drives;

19

20 (viii) Travel expenses for noncandidate party
21 leaders and staff; and

22

23 (ix) Other noncandidate-specific party building
24 activities.

1

2 **22-25-226. Other provisions.**

3

4 (a) Citizens who believe a candidate has violated this
5 act may pursue a civil action in a court of relevant
6 jurisdiction, provided that:

7

8 (i) They have previously filed a complaint
9 regarding the same alleged violation with the secretary of
10 state; and

11

12 (ii) The secretary of state has failed to make a
13 determination within thirty (30) days of the filing of the
14 complaint.

15

16 (b) Any party which wins a civil action charging any
17 violation of this act shall be entitled to receive
18 reasonable attorney's fees and court costs from the
19 defendant party or parties.

20

21 (c) If a court in which a civil action has been filed
22 under subsection (a) of this section finds that the
23 complaint in that action was made frivolously or without
24 cause, the court may require the complainant to pay the

1 costs of the secretary of state, the court and the defendant
2 parties.

3

4 (d) Actions brought by the secretary of state may be
5 reviewed by the court that has appropriate jurisdiction.
6 Petitions for review shall be filed within sixty (60) days
7 after the secretary of state determination.

8

9 **22-25-227. Reports.**

10

11 The secretary of state shall report fully to the legislature
12 after each election cycle. The report shall include a
13 detailed summary of all seed money contributions, qualifying
14 contributions and benefits received and expenditures made,
15 by all participating candidates. The report shall also
16 include a summary and evaluation of the secretary of state's
17 activities and recommendations relating to the
18 implementation, administration and enforcement of this act.

19

20 **22-25-228. Rules, regulations and procedures.**

21

22 Consistent with the provisions of this act and other
23 applicable law, the secretary of state may adopt, amend and

1 rescind rules, regulations and procedures necessary to carry
2 out the purposes and provisions of this act.

3
4 **22-25-229. Repayments of excess expenditures.**

5
6 (a) If a participating candidate spends or obligates
7 to spend more than the campaign access funding the candidate
8 is given, and if such is determined not to be an amount that
9 had or could have been expected to have a significant impact
10 on the outcome of the election, then the candidate shall
11 repay to the campaign access fund an amount equal to the
12 excess.

13
14 (b) If a participating candidate spends or obligates
15 to spend more than the campaign access funding the candidate
16 is given, and if such is determined by the secretary of
17 state to be an amount that had or could have been expected
18 to have a significant impact on the outcome of the election,
19 then the candidate shall repay to the campaign access fund
20 an amount equal to ten (10) times the value of the excess.

21
22 **22-25-230. Penalties.**

1 (a) It is a violation of this act for candidates to
2 knowingly accept more benefits than those to which they are
3 entitled, spend more than the amount of campaign access
4 funding they have received or misuse such benefits of
5 campaign access funding.

6

7 (b) If it is determined by a court that the violation
8 was intentional and involved an amount that had or could
9 have been expected to have a significant impact on the
10 outcome of the election, the candidate may be fined up to
11 twenty-five thousand dollars (\$25,000.00), imprisoned for up
12 to five (5) years, or both.

13

14 (c) If it is determined by a court that the violation
15 was intentional and involved an amount that had or could
16 have been expected to have a significant impact on the
17 outcome of the election, and if, in the judgment of the
18 secretary of state, the violation is believed to have
19 contributed to the violator winning the election, a person
20 may contest the election under the provisions of W.S.
21 22-17-101 through 22-17-114.

22

23 (d) It is a violation of this act to knowingly provide
24 false information to the secretary of state and to conceal

1 or withhold information from the secretary of state. The
2 penalty is a fine of up to five thousand dollars (\$5,000.00)
3 per violation, imprisonment for five (5) years, or both.

4
5 **Section 2.** W.S. 22-17-101(a) by creating a new
6 paragraph (vi), 22-25-102(a), (b), (c) and (f),
7 22-25-103(b), 22-25-104, 22-25-106(a)(intro) and 22-25-112
8 are amended to read:

9
10 **22-17-101. Right to contest elections; exception;**
11 **grounds.**

12
13 (a) A qualified elector may contest the right of a
14 person declared elected to an office in the elector's
15 county, municipality, district or precinct, other than the
16 office of state legislator, United States president and
17 vice-president and presidential elector, on the following
18 grounds:

19
20 (vi) The person whose election is contested violated
21 the provisions of W.S. 22-25-201 through 22-25-230.

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

4
5 (a) Except as otherwise provided in this ~~section~~
6 ~~chapter~~, no organization of any kind including a
7 corporation, partnership, trade union, professional
8 association or civic, fraternal or religious group or other
9 profit or nonprofit entity except a political party,
10 political action committee or candidate's campaign committee
11 organized under W.S. 22-25-101, directly or indirectly
12 through any officer, member, director or employee, shall
13 contribute funds, other items of value or election
14 assistance to aid, promote or prevent the nomination or
15 election of any candidate or group of candidates or to aid
16 or promote the interests, success or defeat of any political
17 party. No person shall solicit or receive a payment or
18 contribution from an organization prohibited from making
19 contributions under this subsection.

20
21 (b) Except as otherwise provided in this ~~section~~
22 ~~chapter~~, only a natural person, political party, or a
23 political action committee or a candidate's campaign
24 committee organized under W.S. 22-25-101 shall contribute

1 funds or election assistance in order to aid, promote or
2 prevent the nomination or election of any candidate or group
3 of candidates, or in order to aid or promote the interests,
4 success or defeat of any political party. No person shall
5 solicit or receive a political payment or contribution from
6 any source other than a natural person, political party,
7 political action committee or candidate's campaign committee
8 organized under W.S. 22-25-101.

9
10 (c) Except as otherwise provided in this ~~section~~
11 ~~chapter~~, no individual other than the candidate, or the
12 candidate's immediate family shall contribute directly or
13 indirectly, more than one thousand dollars (\$1,000.00) per
14 election during the two (2) year period consisting of a
15 general election year and the preceding calendar year to any
16 candidate for political office, or to any candidate's
17 campaign committee, nor make more than twenty-five thousand
18 dollars (\$25,000.00) total political contributions during
19 the same two (2) year period. For purposes of this
20 subsection the primary, general and special elections shall
21 be deemed separate elections. Except as otherwise provided
22 in this chapter, no candidate for political office shall
23 accept, directly or indirectly, contributions which violate
24 this subsection. Contributions to a candidate's campaign

1 committee shall be considered to be contributions to the
2 candidate. This subsection does not limit political
3 contributions by political parties, nor expenditures by a
4 candidate from his or her own funds nor from his or her
5 candidate's campaign committee funds.

6
7 (f) Except as otherwise provided in this chapter,
8 direct contributions from any organization affiliated with a
9 political party do not violate subsection (a) of this
10 section. These contributions shall be a matter of internal
11 party governance. Contributions to political parties are
12 not subject to the limits of subsection (c) of this section
13 provided the contributions are available to use as the
14 appropriate party authorities choose and are not exclusively
15 dedicated to any particular candidate. Contributions
16 donated to a political party which are designated by the
17 donor to be used only for a particular candidate and no
18 other purpose are subject to the limitations of subsection
19 (c) and of this section.

20
21 **22-25-103. Identifiable expenses; exceptions.**

22
23 (b) Except as otherwise provided in this chapter,
24 staff and postage expenses of a political party central

1 committee, checking account service charges of a political
2 action committee and a candidate's personal campaign
3 expenses for travel and meals and checking account service
4 charges are not identifiable expenses.

5
6 **22-25-104. Restriction on party funds in primary**
7 **elections.**

8
9 Except as otherwise provided in this chapter, no political
10 party funds shall be expended directly or indirectly in the
11 aid of the nomination of any one person as against another
12 person of the same political party running in the primary
13 election.

14
15 **22-25-106. Filing of campaign reports.**

16
17 (a) Except as otherwise provided in subsection (g) of
18 this section and in addition to other statements required by
19 this subsection and this chapter:

20
21 **22-25-112. Campaign advertising rates.**
22

1 (a) Rates charged for political campaign advertising
2 shall not be higher than rates charged for local advertising
3 of the same quality and quantity.

4

5 (b) Television and radio stations shall provide rate
6 cards with detailed descriptions of the rates charged for
7 political advertising. In addition, broadcast stations
8 shall disclose to all candidates how they calculated the
9 rates they are charging.

10

11 **Section 3.** This act is effective November 1, 2006.

12

13

(END)