

SENATE FILE NO. SF0153

Nonprofit affiliation and protection.

Sponsored by: Senator(s) Hicks

A BILL

for

1 AN ACT relating to administration of the government;
2 prohibiting the state from disclosing nonprofit affiliation
3 information as specified; creating a misdemeanor;
4 specifying penalties; prohibiting the state from requiring
5 reporting from nonprofit organizations as specified; and
6 providing for an effective date.

7

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

9

10 **Section 1.** W.S. 9-21-201 through 9-21-204 are created
11 to read:

12

13

ARTICLE 2

14

RIGHT TO ASSEMBLE PROTECTION

15

1 **9-21-201. Right to Assembly Protection Act; short**
2 **title; definition.**

3

4 (a) This article shall be known and may be cited as
5 the "Right to Assembly Protection Act."

6

7 (b) As used in this article, "nonprofit affiliation
8 information" means any list, record, register, registry,
9 roll, roster or other compilation of data of any kind that
10 directly or indirectly identifies a person as a member,
11 supporter, volunteer or donor of financial or nonfinancial
12 support to any entity exempt from federal income tax under
13 section 501(c) of the Internal Revenue Code.

14

15 **9-21-202. Nondisclosure of nonprofit affiliation;**
16 **exceptions.**

17

18 (a) Notwithstanding any law and subject to subsection
19 (c) of this section, neither the state of Wyoming nor any
20 agency, instrumentality or political subdivision thereof
21 shall:

22

1 (i) Require any person to provide the state or
2 any agency, instrumentality or political subdivision
3 thereof with nonprofit affiliation information or otherwise
4 compel the release of nonprofit affiliation information;

5

6 (ii) Require any entity exempt from federal
7 income tax under section 501(c) of the Internal Revenue
8 Code to provide the state or any agency, instrumentality or
9 political subdivision thereof with nonprofit affiliation
10 information or otherwise compel the release of nonprofit
11 affiliation information;

12

13 (iii) Release, publicize or otherwise publicly
14 disclose nonprofit affiliation information in possession of
15 the state or any agency, instrumentality or political
16 subdivision thereof;

17

18 (iv) Request or require a current or prospective
19 contractor or grantee for the state or any agency,
20 instrumentality or political subdivision thereof to provide
21 a list of entities exempt from federal income tax under
22 section 501(c) of the Internal Revenue Code to which it has
23 provided financial or nonfinancial support.

1

2 (b) Nonprofit affiliation information is not a public
3 record and is not available for inspection under the
4 Wyoming Public Records Act, W.S. 16-4-201 through 16-4-205.

5

6 (c) This article does not preclude:

7

8 (i) Any report or disclosure required regarding
9 campaign practices under W.S. 22-24-201 or 22-25-101
10 through 22-25-115 or lobbying activities under
11 W.S. 28-7-101 through 28-7-201;

12

13 (ii) Any lawful warrant for nonprofit
14 affiliation information issued by a court of competent
15 jurisdiction;

16

17 (iii) Any lawful request for discovery of
18 nonprofit affiliation information in litigation;

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20 (iv) Admission of nonprofit affiliation
21 information as relevant evidence before a court of
22 competent jurisdiction, except that no court shall publicly

1 reveal nonprofit affiliation information absent a specific
2 finding of good cause;

3

4 (v) Voluntary disclosure of a person's own
5 nonprofit affiliation information by that person.

6

7 **9-21-203. Statutory damages; personal civil action;**
8 **penalties.**

9

10 (a) A person alleging a violation of W.S. 9-21-202
11 may bring a civil action for appropriate injunctive relief,
12 statutory damages, damages or all three (3) types of
13 relief. Damages awarded under this section may include one
14 (1) of the following, as appropriate:

15

16 (i) A sum of money not less than two thousand
17 five hundred dollars (\$2,500.00) to compensate for injury
18 or loss caused by each violation of W.S. 9-21-202;

19

20 (ii) For an intentional violation of W.S.
21 9-21-202, a sum of money not to exceed three (3) times the
22 amount in paragraph (i) of this subsection.

23

1 (b) A court, in rendering a judgment in an action
2 brought under this section, may award all or a portion of
3 the costs of litigation, including reasonable attorney fees
4 and witness fees, to the complainant in the action if the
5 court determines that the award is appropriate.

6

7 (c) A person who knowingly violates W.S. 9-21-202 is
8 guilty of a misdemeanor punishable by imprisonment for not
9 more than ninety (90) days, a fine of not more than one
10 thousand dollars (\$1,000.00), or both.

11

12 **9-21-204. Protections afforded for nonprofit**
13 **reporting.**

14

15 (a) Except where specifically required or authorized
16 by federal law and except as provided in subsection (b) of
17 this section, neither the state of Wyoming nor any
18 official, agency, instrumentality or political subdivision
19 thereof shall impose any annual filing or reporting
20 requirements on an entity exempt from federal income tax
21 under section 501(c) of the Internal Revenue Code that are
22 more stringent, restrictive or expansive than the filing

1 and reporting requirements under W.S. 17-19-101 through
2 17-19-1807.

3

4 (b) Subsection (a) of this section shall not:

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6 (i) Apply to state or local grants or contracts
7 or to fraud investigations;

8

9 (ii) Restrict an enforcement action against a
10 nonprofit organization.

11

12 **Section 2.** This act is effective July 1, 2021.

13

14 (END)