

ENROLLED ACT NO. 22, SENATE

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2003 GENERAL SESSION

AN ACT relating to elections; modifying requirements for filing campaign reports of receipts and expenditures; modifying enforcement provisions; and providing for an effective date.

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

Section 1. W.S. 22-25-106(a), (b)(i) through (iii), (c) and (d), 22-25-107(a)(intro), by creating new subsections (b) and (c) and by renumbering (b) as (d), 22-25-108 and 22-25-109 are amended to read:

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;

(ii) Every candidate, whether successful or not, shall file a fully itemized statement of receipts and expenditures within ten (10) days after any ~~primary,~~ general or special election; ~~The statement~~

(iii) Every candidate in any primary election shall file a fully itemized statement of receipts and expenditures within ten (10) days after the primary election;

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(iv) Statements under this subsection shall set forth the full and complete record of receipts including cash, goods or services and except for statements of receipts required under paragraph (i) of this subsection, of actual and promised expenditures, including all identifiable expenses as set forth in W.S. 22-25-103. For purposes of this section, a receipt is reportable when it is known and in the possession of, or the service has been furnished to, the person or organization required to submit a statement of receipts or a statement of receipts and expenditures. The date of each receipt of twenty-five dollars (\$25.00) or more, any expenditure or obligation, the name of the person from whom received or to whom paid and the purpose of each expenditure or obligation shall be listed. All receipts under twenty-five dollars (\$25.00) shall be reported but need not be itemized. Should the accumulation of receipts from an individual exceed the twenty-five dollar (\$25.00) threshold, all receipts from that individual shall be itemized. Receipts, expenditures and obligations itemized in a statement filed by a political action committee, a candidate's campaign committee or by a political party central committee need not be itemized in a candidate's statement except by total with a reference to the statement; ~~The statement~~

(v) Statements under this subsection shall be filed with those officers as provided in W.S. 22-25-107. ~~The statement may be filed by facsimile transmission if the original is postmarked on the day the facsimile is sent.~~

(b) Reports of itemized statements of receipt and statements of receipts and expenditures, and statements of termination shall be made with the appropriate filing officers specified under W.S. 22-25-107 and in accordance with the following:

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(i) Except as otherwise provided in this section, any political action committee, candidate's campaign committee, or any political action committee formed under federal law or the law of another state that contributes to a Wyoming political action committee or to a candidate's campaign committee, and any other organization supporting or opposing any ballot proposition which expends any funds in any primary, general or special election shall file an itemized statement of receipts ~~and expenditures~~ at least seven (7) days before the election current to any day from the eighth day up to the fourteenth day before the election and shall also file a statement of receipts and expenditures within ten (10) days after ~~the~~ a general or special election;

(ii) A committee formed after an election to defray campaign expenses incurred during a previous election and any political action or candidate's campaign committee which has previously filed a statement of receipts and expenditures and has not filed a statement of termination shall file an itemized statement of receipts and expenditures on ~~July 1 and~~ December 31 of each odd-numbered year;

(iii) All candidates and committees shall continue to make the ~~biannual~~ reports required under this subsection until the committee terminates and the candidate or committee files a statement of termination with the appropriate filing officer. A statement of termination may be filed upon retirement of all debts;

(c) All statements required by subsection (b) of this section shall be signed by both the chairman and treasurer. The statements shall set forth the full and complete record of receipts including cash, goods or services and except for statements of receipts required under paragraph (i) of

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this subsection, of actual and promised expenditures. The date of each receipt of twenty-five dollars (\$25.00) or more, any expenditure or obligation, the name of the person from whom received or to whom paid and the purpose of each expenditure or obligation shall be listed. Nothing in this subsection shall be construed to require the disclosure of the names of individuals paid to circulate an initiative or referendum petition. All receipts under twenty-five dollars (\$25.00) shall be reported but need not be itemized. Should the accumulation of receipts from an individual exceed the twenty-five dollar (\$25.00) threshold, all receipts from that individual shall be itemized. If the receipts, expenditures or obligations were for more than one (1) candidate, the amounts attributable to each shall be itemized separately. ~~The statement may be filed by facsimile transmission if the original is postmarked on the day the facsimile is sent.~~

(d) The chairman of each political party central committee for the state or county, or an officer of the party designated by him, shall file an itemized statement of receipts of twenty-five dollars (\$25.00) or more, and any expenditures and obligations. ~~The itemized statement shall be filed.~~ The statement ~~may~~ shall be filed ~~by facsimile transmission~~ within ten (10) days after a general or special election. ~~provided an original signed statement is sent by mail on the same day.~~ The statement shall report all receipts, expenditures and obligations relating to campaign expenses, including normal operating expenses. All receipts under twenty-five dollars (\$25.00) shall be reported but need not be itemized. Should the accumulation of receipts from an individual exceed the twenty-five dollar (\$25.00) threshold, all receipts from that individual shall be itemized. It shall attribute all campaign receipts, expenses and obligations to a specific candidate only if the campaign receipts, expenses and

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obligations can be specifically identified to that specific candidate to the exclusion of other candidates on the ticket. A copy of the statement shall be furnished to each candidate identified in the statement within ten (10) days after the general or special election.

22-25-107. Where statements to be filed.

(a) All statements required under ~~W.S. 22-25-101, 22-25-102 and 22-25-106~~ this chapter shall be filed as follows:

(b) Statements required to be filed at least seven (7) days before any primary, general or special election may be filed by facsimile transmission without the original signatures. Statements required to be filed after any general or special election may be filed by facsimile transmission provided that an original with the required signatures is sent.

(c) Any statement required under this chapter to be filed with:

(i) The secretary of state, may be filed electronically as provided under W.S. 9-2-2501 if the secretary of state has adopted rules which allow for the electronic filing;

(ii) A county clerk, may be filed electronically if the board of county commissioners has adopted rules consistent with the requirements of W.S. 9-2-2501 which allow for electronic filing.

~~(b)~~ (d) Whenever "county clerk" is used in this chapter, it means the county clerk of the county in which the person resides.

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

(a) ~~A candidate who fails~~ 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 and expenditures shall ~~receive a notice by certified mail return receipt requested stating that failure to file the statement within three (3) calendar days of receipt of the notice shall~~ result in a vacancy in nomination or a vacancy in office, as the case may be, ~~and may be charged with a criminal offense as provided by W.S. 22-26-112. If he fails to file within three (3) calendar days after receipt of notice, he~~ the candidate shall not receive a certificate of nomination, or election, nor shall he enter upon the duties of the office, as the case may be and the candidate may be charged with a misdemeanor as provided by W.S. 22-26-112. ~~A late filing fee of twenty-five dollars (\$25.00) shall accompany all late reports.~~

(b) A candidate who fails to file the statement of receipts required by the seventh day before the election shall have his name printed on a list drafted by the appropriate filing office specified under W.S. 22-25-107. The list shall immediately be posted in the filing office and made available to the public. The candidate may be charged with a misdemeanor as provided by W.S. 22-26-112.

~~(b)~~ (c) In addition to any other penalty provided by law, a candidate who fails to file the statement required by subsection (a) of this section within one (1) month of ~~receipt of the notice provided~~ 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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(i) Five (5) years have elapsed from the date the statement was first due; and

(ii) The person has filed the required statement. ~~and has paid the late filing fee assessed under subsection (a) of this section.~~

~~(c)~~ (d) Any ~~Each~~ political action committee ~~which fails to file a report as required shall be sent notice by the secretary of state, by certified mail return receipt requested or personal service in accordance with rule 4 of the Wyoming Rules of Civil Procedure, stating~~ shall be given notice prior to an election that failure to file the statement ~~within three (3) calendar days of receipt of the notice~~ may result in the filing of criminal charges against the committee's officers responsible for the filing. ~~A late filing fee of twenty-five dollars (\$25.00) shall accompany all late reports.~~ Any officer of a political action 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 punishable by imprisonment not to exceed two (2) years.

22-25-109. Reporting candidates in violation.

The secretary of state shall report the names of all candidates in violation of the Election Code of the state of Wyoming to the attorney general or to the district attorney for appropriate action. ~~The secretary of state shall publish a list of those persons violating W.S. 22-25-106, once in a newspaper in general circulation throughout the state.~~

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Section 2. This act is effective July 1, 2003.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk