

HOUSE BILL NO. HB0067

Campaign finance revisions.

Sponsored by: Joint Corporations, Elections & Political
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to elections; providing for general
2 election contributions to political candidates not
3 participating in primary elections to occur before a
4 primary election; modifying requirements for filing
5 campaign reports as specified; requiring the filing of
6 campaign reports relating to electioneering communications;
7 amending campaign advertising provisions; repealing
8 provisions relating to political speech by certain
9 organizations; repealing archaic language; making
10 conforming amendments; and providing for an effective date.

11

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

13

14 **Section 1.** W.S. 22-25-101 by creating a new
15 subsection (c), 22-25-102 (c) (i) (B), (ii) (B) and (k) (i),

1 22-25-105(a), 22-25-106(a)(intro), (i), (iv), (b)(intro),
2 (i), (c), (e) and (h), 22-25-107(a)(intro), (vii), (b),
3 (c)(intro), (i) and (e), 22-25-110 and 22-29-501(f) are
4 amended to read:

5

6 **22-25-101. Definitions; statement of formation.**

7

8 (c) As used in this chapter:

9

10 (i) "Electioneering communication" means, except
11 as otherwise provided by paragraph (ii) of this subsection,
12 any communication, including an advertisement, which is
13 publicly distributed as a billboard, brochure, email,
14 mailing, magazine, pamphlet or periodical, as the component
15 of an internet website or newspaper or by the facilities of
16 a cable television system, electronic communication
17 network, internet streaming service, radio station,
18 telephone or cellular system, television station or
19 satellite system and which:

20

21 (A) Refers to or depicts a clearly
22 identified candidate for nomination or election to public
23 office or a clearly identified ballot proposition and which

1 does not expressly advocate the nomination, election or
2 defeat of the candidate or the adoption or defeat of the
3 ballot proposition;

4
5 (B) May only be reasonably interpreted as
6 an appeal to vote for or against the candidate or ballot
7 proposition;

8
9 (C) Is made within thirty (30) calendar
10 days of a primary election, sixty (60) calendar days of a
11 general election or twenty-one (21) calendar days of any
12 special election during which the candidate or ballot
13 proposition will appear on the ballot; and

14
15 (D) Is targeted to the electors in the
16 geographic area:

17
18 (I) The candidate would represent if
19 elected; or

20
21 (II) Affected by the ballot
22 proposition.

23

1 (ii) "Electioneering communication" does not
2 mean:

3
4 (A) A communication made by an entity as a
5 component of a newsletter or other internal communication
6 of the entity which is distributed only to members or
7 employees of the entity;

8
9 (B) A communication consisting of a news
10 report, commentary or editorial or a similar communication,
11 consistent with the first amendment to the United States
12 constitution and article I, section 20 of the Wyoming
13 constitution, which is distributed as a component of an
14 email, internet website, magazine, newspaper or periodical
15 or by the facilities of a cable television system,
16 electronic communication network, internet streaming
17 service, radio station, television station or satellite
18 system;

19
20 (C) A communication made as part of a
21 public debate or forum that includes at least two (2)
22 opposing candidates for public office or one (1) advocate
23 and one (1) opponent of a ballot proposition or a

1 communication that promotes such a debate or forum and is
 2 made by or on behalf of the person sponsoring or hosting
 3 the debate or forum;

4

5 (D) The act of producing or distributing an
 6 electioneering communication.

7

8 (iii) "Independent expenditure" means an
 9 expenditure that is made without consultation or
 10 coordination with a candidate, candidate's campaign
 11 committee or the agent of a candidate or candidate's
 12 campaign committee and which expressly advocates the:

13

14 (A) Nomination, election or defeat of a
 15 candidate; or

16

17 (B) Adoption or defeat of a ballot
 18 proposition.

19

20 **22-25-102. Contribution of funds or election**
 21 **assistance restricted; limitation on contributions; right**
 22 **to communicate; civil penalty.**

23

1 (c) Except as otherwise provided in this section, no
2 individual other than the candidate, or the candidate's
3 immediate family shall contribute directly or indirectly:

4

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

8

9 (B) For a candidate participating in a
10 primary election, no contribution for the general election
11 may be given prior to the date for the primary election.

12

13 (ii) To any candidate for nonstatewide political
14 office, or to any candidate for nonstatewide political
15 office's candidate's campaign committee:

16

17 (B) For a candidate participating in a
18 primary election, no contribution for the general election
19 may be given prior to the date for the primary election.

20

21 (k) The prohibitions in this section shall not be
22 construed to prohibit any organization of any kind
23 including a corporation, partnership, trade union,

1 professional association or civic, fraternal or religious
2 group or other profit or nonprofit entity from:

3
4 (i) Exercising its first amendment rights to
5 ~~make~~ cause electioneering communications or independent
6 expenditures ~~for speech expressly advocating the election~~
7 ~~or defeat of a candidate. For purposes of this subsection,~~
8 ~~"independent expenditure" means an expenditure that is made~~
9 ~~without consultation or coordination with a candidate or an~~
10 ~~agent of a candidate whose nomination or election the~~
11 ~~expenditure supports or whose opponent's nomination or~~
12 ~~election the expenditure opposes~~ to be made;

13
14 **22-25-105. Campaign reporting forms; instructions and**
15 **warning.**

16
17 (a) The secretary of state shall prescribe the forms
18 for reporting contributions and expenditures for primary,
19 general and special election campaigns, together with
20 written instructions for completing the form and a warning
21 that violators are subject to criminal charges and ~~that a~~
22 ~~vacancy will exist~~ civil penalties if the forms are not
23 completed and filed pursuant to law. ~~Until January 1, 2010,~~

1 The forms along with instructions and warning shall be
2 distributed to the county clerk and shall be ~~given~~ made
3 available, whether in electronic or paper form, by the
4 county clerk to each person filing an application for
5 nomination in his office and to each political action
6 committee and candidate's campaign committee required to
7 file with the county clerk. ~~Until January 1, 2010, the~~
8 ~~county clerk shall also distribute the reporting forms to~~
9 ~~the chairmen of the county party central committees.~~

10
11 **22-25-106. Filing of campaign reports.**

12
13 (a) Except as otherwise provided in subsections (g)
14 and (j) of this section and in addition to other ~~statements~~
15 reports required by this subsection:

16
17 (i) Every candidate, whether successful or not,
18 shall file ~~a fully~~ an itemized statement of contributions
19 and expenditures at least seven (7) days but not more than
20 fourteen (14) days before any primary, general or special
21 election. ~~with information required by this subsection~~
22 ~~current to any day from the eighth day up to the fourteenth~~
23 ~~day before~~ Any contribution received or expenditure made

1 after the statement has been filed, through the day of the
2 election, whether a primary, general or special election,
3 shall be filed as an amendment to the statement within ten
4 (10) days after the election;

5
6 (iv) ~~Statements~~ Reports under this subsection
7 shall set forth the full and complete record of
8 contributions including cash, goods or services and ~~except~~
9 ~~for statements of contributions required under paragraph~~
10 ~~(i) of this subsection, of~~ actual and promised
11 expenditures, including all identifiable expenses as set
12 forth in W.S. 22-25-103. For purposes of this section, a
13 contribution is reportable when it is known and in the
14 possession of, or the service has been furnished to, the
15 person or organization required to submit a statement of
16 ~~contributions or a statement of~~ contributions and
17 expenditures. The date of each contribution of ~~twenty five~~
18 ~~dollars (\$25.00)~~ one hundred dollars (\$100.00) or more, any
19 expenditure or obligation, the name of the person from whom
20 received or to whom paid and the purpose of each
21 expenditure or obligation shall be listed. All
22 contributions under ~~twenty five dollars (\$25.00)~~ one
23 hundred dollars (\$100.00) shall be reported but need not be

1 itemized. Should the accumulation of contributions from an
2 individual exceed the ~~twenty-five dollar (\$25.00)~~ one
3 hundred dollar (\$100.00) threshold, all contributions from
4 that individual shall be itemized. Contributions,
5 expenditures and obligations itemized in a statement filed
6 by a political action committee, a candidate's campaign
7 committee or by a political party central committee need
8 not be itemized in a candidate's statement; ~~except by total~~
9 ~~with a reference to the statement;~~

10
11 (b) Reports of itemized statements of ~~contributions~~
12 ~~and statements of~~ contributions and expenditures, and
13 statements of termination shall be made with the
14 appropriate filing officers specified under W.S. 22-25-107
15 and in accordance with the following:

16
17 (i) Except as otherwise provided in this
18 section, any political action committee, candidate's
19 campaign committee, or any political action committee
20 formed under the law of another state that contributes to a
21 Wyoming political action committee or to a candidate's
22 campaign committee, ~~any organization making an independent~~
23 ~~expenditure under W.S. 22-25-102(k),~~ and any ~~other~~

1 organization supporting or opposing any ballot proposition
2 which expends any funds in any primary, general or special
3 election shall file an itemized statement of contributions
4 ~~at least seven (7) days before the election current to any~~
5 ~~day from the eighth day up to the fourteenth day before the~~
6 ~~election and shall also file a statement of contributions~~
7 ~~and expenditures within ten (10) days after a primary,~~
8 general or special and expenditures at least seven (7) days
9 but not more than fourteen (14) days before any primary,
10 general or special election. Any contribution received or
11 expenditure made after the statement has been filed,
12 through the day of the election, whether a primary, general
13 or special election, shall be filed as an amendment to the
14 statement within ten (10) days after the election;

15
16 (c) All ~~statements~~ reports required by subsection (b)
17 of this section shall be signed by both the chairman and
18 treasurer. The ~~statements~~ reports shall set forth the full
19 and complete record of contributions including cash, goods
20 or services and ~~except for statements of contributions~~
21 ~~required under paragraph (i) of this subsection, of~~ actual
22 and promised expenditures. The date of each contribution of
23 ~~twenty five dollars (\$25.00)~~ one hundred dollars (\$100.00)

1 or more, any expenditure or obligation, the name of the
2 person from whom received or to whom paid and the purpose
3 of each expenditure or obligation shall be listed. Nothing
4 in this subsection shall be construed to require the
5 disclosure of the names of individuals paid to circulate an
6 initiative or referendum petition. All contributions under
7 ~~twenty five dollars (\$25.00)~~ one hundred dollars (\$100.00)
8 shall be reported but need not be itemized. Should the
9 accumulation of contributions from an individual exceed the
10 ~~twenty five dollar (\$25.00)~~ one hundred dollar (\$100.00)
11 threshold, all contributions from that individual shall be
12 itemized. If the contributions, expenditures or obligations
13 were for more than one (1) candidate, the amounts
14 attributable to each shall be itemized separately.

15
16 (e) ~~Amendments to the statements required by this~~
17 ~~section may be filed at any time.~~ If inaccuracies are found
18 in ~~the statements~~ a statement filed in accordance with this
19 section or additional contributions or expenditures ~~occur~~
20 ~~or~~ become known after ~~the statements are filed~~ filing an
21 amendment as required by paragraph (a)(i), (b)(i) or
22 (h)(ii) of this section, amendments to the original
23 statements or additional statements shall be filed within a

1 reasonable time not to exceed ~~ninety (90)~~ thirty (30) days
2 from the time the inaccuracies or additional contributions
3 or expenditures became known. For purposes of this
4 subsection, any net change less than ~~fifty dollars (\$50.00)~~
5 two hundred dollars (\$200.00) need not be reported.

6

7 (h) In addition to any other report required by this
8 section, an organization required ~~by~~ to file a report under
9 W.S. 22-25-110(c) ~~to report expenditures~~ shall report as
10 follows:

11

12 (i) The report shall identify the organization
13 ~~making~~ that causes the electioneering communication or
14 independent expenditure to be made and the individual
15 acting on behalf of the organization ~~in making~~ causing the
16 communication or expenditure to be made, if applicable;

17

18 (ii) The report shall be filed at least seven
19 (7) days ~~before the next~~ but not more than fourteen (14)
20 days before any primary, general or special election. ~~with~~
21 ~~information current to any day from the eighth day up to~~
22 ~~the fourteenth day before~~ Any contribution received or
23 expenditure made after the statement has been filed,

1 through the day of the election, whether a primary, general
2 or special election, shall be filed as an amendment to the
3 statement within ten (10) days after the election;
4

5 (iii) If not previously reported, the report
6 shall include the disclosure of any source of funding to
7 the organization in excess of one thousand dollars
8 (\$1,000.00) which is exclusively designated to further the
9 communication or expenditure.
10

11 **22-25-107. Where reports to be filed.**
12

13 (a) All ~~statements~~ reports required under this
14 chapter shall be filed as follows:
15

16 (vii) Any political action committee or
17 organization supporting or opposing ~~any statewide~~
18 ~~initiative or referendum petition drive,~~ any statewide
19 ballot proposition or any candidate for statewide office
20 and any organization ~~making~~ causing an electioneering
21 communication or an independent expenditure to be made
22 under W.S. 22-25-102(k) and filing pursuant to W.S.

1 ~~22-25-106(b)(i) or (h)~~ 22-25-110(c) shall file statements
2 required by this section with the secretary of state.

3
4 (b) ~~Statements~~ Reports required to be filed at least
5 seven (7) days before any primary, general or special
6 election ~~and statements required to be filed after any~~
7 ~~primary, general or special election~~ shall be filed
8 electronically.

9
10 (c) Any ~~statement~~ reports required under this chapter
11 to be filed with:

12
13 (i) The secretary of state, shall be filed
14 electronically as provided under W.S. 9-2-2501; ~~if the~~
15 ~~secretary of state has adopted rules which allow for the~~
16 ~~electronic filing;~~

17
18 (e) ~~After December 31, 2009,~~ The secretary of state
19 shall maintain a searchable database of reports filed
20 pursuant to this chapter available to the public on or
21 through the Internet, the World Wide Web or a similar
22 proprietary or common carrier electronic system. The
23 secretary of state shall be responsible for the provision

1 of training and instruction for filers on how to access and
2 use the campaign finance electronic filing system. The
3 training shall be for the purpose of educating filers about
4 use of the system, and is not intended to assist filers
5 with filing their reports.

6

7 **22-25-110. Campaign advertising in communications**
8 **media.**

9

10 (a) It is unlawful for a candidate, political action
11 committee, organization, including organizations ~~making~~
12 ~~expenditures~~ causing an electioneering communication or an
13 independent expenditure to be made pursuant to W.S.
14 22-25-102(k), candidate's campaign committee, or any
15 political party central committee to pay for campaign
16 literature or campaign advertising ~~in any communication~~
17 ~~medium without printing or announcing the candidate,~~
18 ~~organization or committee sponsoring the campaign~~
19 ~~advertising or campaign literature. The communications~~
20 ~~media in using the campaign advertising shall print or~~
21 ~~announce the name of the candidate, organization or~~
22 ~~committee paying for the advertising.~~ without conspicuously
23 displaying or speaking the following disclosure: "paid for

1 by (name of candidate, organization or committee sponsoring
2 the campaign literature or campaign advertising)". The
3 disclosure set forth in this subsection shall be required
4 in the following forms of campaign literature or campaign
5 advertising:

6
7 (i) Any printed campaign literature or campaign
8 advertising including mailers, pamphlets, brochures,
9 periodicals or billboards;

10
11 (ii) Any campaign advertising appearing on the
12 radio or distributed through a telephone or cellular system
13 or other solely audial medium;

14
15 (iii) Any campaign advertising appearing on
16 television;

17
18 (iv) Any paid placement of campaign advertising
19 on the internet or other electronic communication network.

20
21 (b) For purposes of this section, "campaign
22 literature or campaign advertising" does not include small
23 campaign items such as tickets, bumper stickers, pens,

1 pencils, buttons, rulers, nail files, balloons and yard
2 signs displaying the name of the candidate or office sought
3 and any other items specified by rule of the secretary of
4 state.

5
6 (c) Any organization ~~making an~~ causing an
7 electioneering communication or independent expenditure to
8 be made pursuant to W.S. 22-25-102(k) ~~which is subject to~~
9 ~~this subsection~~ and expends in excess of five hundred
10 dollars (\$500.00) on the communication or expenditure shall
11 report the expenditure as specified in W.S. 22-25-106(h).

12
13 **22-29-501. Political action committees.**

14
15 (f) It is unlawful for a political action committee
16 to pay for campaign literature or campaign advertising ~~in~~
17 ~~any communication medium~~ without ~~printing or announcing the~~
18 ~~committee sponsoring the campaign advertising or campaign~~
19 ~~literature. The communications media in using the campaign~~
20 ~~advertising shall print or announce the name of the~~
21 ~~committee paying for the advertising~~ displaying or speaking
22 a disclosure in accordance with W.S. 22-25-110.

23

