

# 2024

## CAMPAIGN GUIDE

*An informative guide for campaign finance reporting that applies to:*

- *State, county, and municipal candidates*
- *Campaign committees*
- *Federal, state, and local PACs*
- *Political parties*
- *Organizations*

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## A Note from Secretary of State Chuck Gray

Running for office is a pivotal part of our Constitutional republic. It is also a tremendously rewarding experience. The continuance of our republic requires an active citizenry that will participate in elections by voting and also by putting themselves forward to run for public office.

Having the opportunity to run for office has been such a rewarding experience in my own life. Over the years on legislative and statewide campaigns, I've had the pleasure of meeting and talking with so many fellow Wyomingites. I'll never forget my experiences going door to door in each of these campaigns. I've learned so much by having the opportunity to talk to Wyomingites on their front porches and in their homes.

The continued success of our republic also requires elections that will be conducted and run with integrity. The Wyoming Secretary of State's role administering elections goes back to when Wyoming was a territory. President Ulysses S. Grant appointed the first territorial Secretary of State, Edward M. Lee, in April 1869. That role continues to this day.

At the Secretary of State's Office, we strive to serve the People of Wyoming by providing resources and tools to better understand campaign practices in Wyoming. The 2024 Campaign Guide is intended to inform state, county, and municipal candidates, campaign committees, political action committees, political parties, and organizations with an overview of Wyoming law governing campaigns and campaign finance reporting requirements.

Whatever your role in the campaign process, I wish you the best in your journey. Should you have any questions about campaign practices in Wyoming, please contact us.

Sincerely,

A handwritten signature in blue ink that reads "Chuck Gray". The signature is fluid and cursive, with the first name "Chuck" and last name "Gray" clearly legible.

**Chuck Gray**

Wyoming Secretary of State

# INTRODUCTION

*(This guide is not intended to provide legal advice and should not be used as a substitute for legal guidance.)*

The 2024 Campaign Guide provides candidates, campaign committees, political groups, the media, and voters with an overview of Wyoming statutes governing campaigns and campaign finance reporting for state and local candidates, political action committees, political parties, and organizations. The guide is a resource on the legal requirements and restrictions on campaigning (fundraising, accepting & making contributions, reporting contributions and expenditures, and political advertising).

In all matters, the Wyoming Election Code is the final authority. Changes enacted by the Wyoming Legislature may alter dates or other information in this guide. Readers should review the current statutes and consult with an attorney for legal advice concerning specific situations.

Candidates for federal office, such as U.S. Senate or House, their committees, and PACs supporting candidates for federal offices are required to file with the Federal Election Commission (FEC).

## TABLE OF CONTENTS

Campaigning and the Law .....	Pg. 3-4
Candidate Definition .....	Pg. 5
Filing Campaign Finance Reports .....	Pg. 6
How and Where to File Your Reports .....	Pg. 6
Campaign Finance Reporting – Tips and Guidelines.....	Pg. 7
Contribution Limits.....	Pg. 8
Campaign Advertising.....	Pg. 9
Campaign Finance Reporting Deadlines .....	Pg. 10
Candidate’s Campaign Committees .....	Pg. 11
Political Action Committees .....	Pg. 12
Organizations .....	Pg. 13
Political Parties .....	Pg. 14
Violating the Campaign Practices Act.....	Pg. 15
Election Complaints .....	Pg. 16
Election and Campaign Resources.....	Pg. 16
Chapter 24, Article 2 – Campaign Advertising .....	Pg. 17
Chapter 25 – Campaign Practices.....	Pg. 18-28
SOS Rules – Election Procedures – Chapter 28: Direct Coordination.....	Pg.29

# CAMPAIGNING AND THE LAW

INFORMATION	CORRESPONDING STATUTE
<p>Only natural persons, political action committees (PACs), political parties, and candidate campaign committees can make direct contributions to candidates.</p> <p>Contributions by any other organization to candidates and candidate campaign committees are prohibited.</p> <p>Contributions by any organization to any political party or political action committees (PACs) that directly coordinates with a candidate or candidate committee are also prohibited.</p>	<p>W.S. 22-25-102</p>
<p>PACs can make unlimited contributions to <u>statewide candidates</u>, with the exception of contributions donated to the PAC which are designated by the donor to be used only for a particular candidate and no other purpose. These contributions are subject to the individual contribution limits, W.S. 22-25-102(c).</p>	<p>W.S. 22-25-102(m), (n)</p>
<p>PACs may contribute no more than \$5,000 per election to any candidate for <u>nonstatewide office</u>, W.S. 22-25-102(m).</p>	<p>W.S. 22-25-102(m)</p>
<p>There is no limit on how much a candidate or their “immediate family” may contribute to the candidate’s campaign. “Immediate family” means a spouse, parent, sibling, child or other person living in the candidate’s household.</p>	<p>W.S. 22-25-102(c); W.S. 22-1-102(xxxvii)</p>
<p>No person (other than the candidate and their immediate family) may contribute more than \$2,500 per election to any one candidate/candidate’s campaign committee for <u>statewide office</u> and no more than \$1,500 per election for <u>nonstatewide office</u>.</p>	<p>W.S. 22-25-102(c)</p>

# CAMPAIGNING AND THE LAW

INFORMATION	CORRESPONDING STATUTE
<p>Organizations are prohibited from making contributions to political parties and political action committees (PACs) that directly coordinate with a candidate or candidate’s campaign committee.</p>	<p>W.S. 22-25-102(a)</p>
<p><b>Electioneering within 100 yards, on the day of a primary, general or special election and within 100 feet on all other days, of any public entrance to the building in which the polling place is located is prohibited.</b></p> <p>Electioneering consists of any form of campaigning, including displaying campaign signs or distributing campaign literature.</p> <p>For more information on electioneering, please contact your County Clerk.</p>	<p>W.S. 22-26-113</p>
<p><b>Written campaign advertising (e.g., signs or posters) shall not be placed on or attached to:</b> any real or personal property of the state or its political subdivisions, except for colleges or schools and subject to regulation by their governing boards. Counties, municipalities, and privately owned properties have their own regulations on campaign advertising.</p> <p>This provision <u>shall not apply</u> to fairgrounds of the Wyoming state fair or of any county fair organized under the laws of this state.</p> <p>Check with your county or city clerk for local ordinances on campaign signs.</p>	<p>W.S. 22-25-115</p>
<p><b>All campaign advertising must speak or display a “paid for by” line</b> disclosing the candidate, committee, or organization that paid for the advertisement.</p>	<p>W.S. 22-25-110(a)</p>

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## Who is a Candidate?

Wyoming law defines a candidate as follows:

“Candidate” means any person who knowingly seeks nomination or election to public office by:

- (A) Filing an application for nomination by primary election, nomination by political party convention or by petition for nomination;
- (B) Write-in, except that this subparagraph shall not apply to a person elected to public office by write-in at a general or special election who did not seek or campaign for election to the office;
- (C) Forming a campaign committee; or
- (D) Receiving contributions or making expenditures, or giving consent for any individual to receive contributions or make expenditures, in order to secure nomination or election to public office.

W.S. 22-1-102(a)(liii).

Wyoming statutes on campaign finance apply to candidates, candidate campaign committees, and PACs supporting candidates for Governor, Secretary of State, State Auditor, State Treasurer, State Superintendent of Public Instruction, State Legislature, County Offices, School Boards and Community College Boards of Trustees, and Municipal Offices.

Federal Candidates & PACs: Candidates for **U.S. Senate** and **U.S. House of Representatives**, candidate campaign committees and PACs supporting candidates for federal offices are required to file with the **Federal Election Commission (FEC)**, 1050 First Street, NE, Washington, D.C., 20463. FEC’s toll-free telephone number is (800) 424-9530 and the website address is <http://www.fec.gov/>.

# FILING CAMPAIGN FINANCE REPORTS

In an election year, candidates, candidate campaign committees, and PACs are required to file a report before each election. A contributions and expenditures report is due between seven (7) and fourteen (14) days before each election (Primary, General, & Special).

Ongoing candidate committees and PACs are required to file an annual report by December 31<sup>st</sup> in odd-numbered years (non-election years) reporting their contributions and expenditures for the odd-year. If a committee is supporting a candidate who is not running for election that year, the committee must still file the Primary and General reports.

## HOW AND WHERE TO FILE YOUR REPORTS

Who?	How?	Where?
Local candidates, candidate committees for county and municipal offices, and PACs and organizations supporting or opposing local candidates or ballot issues. <i>W.S. 22-25-107(a)(i)</i>	Paper Forms*	County Clerk
Candidates and candidate committees for Governor, Secretary of State, State Auditor, State Treasurer, State Superintendent of Public Instruction, State Legislature, PACs and organizations, supporting or opposing statewide candidates or ballot issues, and Political Parties. <i>W.S. 22-25-107(a)(ii-v, vii)</i>	Electronic filing**	Wyoming's Campaign Finance Information Systems (WYCFIS) (Online with Secretary of State)

\*Paper forms may be found at: <http://sos.wyo.gov/forms/default.aspx?root=Elections>

\*\*Electronic filing on WYCFIS may be found at: <https://www.wycampaignfinance.gov>

### IMPORTANT

**Candidates are required to file campaign finance reports.** Even if the candidate does not receive or spend any money, or if his election bid is unsuccessful, reports must be filed. W.S. 22-25-106(a)(i).

If a candidate chooses to have a campaign committee, the committee may file reports on behalf of the candidate if the candidate has provided a signed document one (1) time each election cycle authorizing the committee to file reports on behalf of the candidate and attesting that the facts provided in the report are accurate. **Otherwise, both the candidate and the committee must file reports.** W.S. 22-25-106(j).

Please see page 15 regarding penalties for late filing.

# CAMPAIGN FINANCE REPORTING – TIPS & GUIDELINES

**Prior to filing for office**, a candidate may accept contributions and make expenditures.

- **Fully itemize all contributions over \$100.** Contributions of \$100 or more must be itemized by contributor, amount, date received, city, state, and zip code of the contributor. All contributions under \$100 shall be reported, but need not be itemized. However, if you receive \$60 from a contributor who later gives you \$50, you must itemize the total \$110 contribution. W.S. 22-25-106(a)(iv).
- **Ticket Sales for Fundraisers:** If the ticket price is \$100 or more, the name and address of each ticket purchaser and purchase price of ticket(s) must be itemized under “contributions.” If the ticket price is under \$100, the fundraiser does not have to be itemized and can be reported under “unitemized contributions.”
- **Anonymous contributions are contributions whose origin cannot be determined**, i.e., “pass the hat” contributions. “Anonymous contribution” does not mean that an individual may contribute to a candidate with the understanding the contributor’s name will not be reported. The campaign reporting forms have a specific section to record anonymous contributions where the candidate attests that he/she does not know the origin of the contribution.
- **Contributions also include donations of any items of value, services, or election assistance** provided for a candidate. These “in-kind” contributions must be itemized by name, city and state of the contributor, date, item or service donated, and estimated value of the donated item or service, and are subject to the same contribution limits for the respective office.
- **Each expenditure must be itemized by date expended, name, city and state of the person or business** to which the expenditure is made, and the purpose and amount of the expenditure. Examples are: advertising and printing expenses, expenses for services of a campaign consultant or public relations firm, office space, etc.
- **Campaign expenditures that are not required to be reported include:** Filing fee to run for office, a candidate’s own personal campaign expenses for travel, meals, and checking account service charges. W.S. 22-25-103(b).
- **A candidate is not required to report advertising expenses by a party central committee** for the candidate if the entire slate of candidates below national level is advertised. This applies even though all candidates are not included in each advertisement, as long as the expenses for each candidate are substantially the same. W.S. 22-25-103(c).
- **If there are additional contributions and expenditures after a report has been filed**, an amendment to the report must be filed. Amendments to filed reports must be made within 30 days from the time an error or additional contributions and expenditures become known. Net changes amounting to less than \$200 do not need to be reported. W.S. 22-25-106(e).



# WYOMING CAMPAIGN CONTRIBUTION LIMITS FOR 2023-2024

	To Candidate or Candidate's Campaign Committee	To Political Party	To Political Action Committee (PAC)
<b>Individual may give</b>	<ul style="list-style-type: none"> <li>No more than \$2,500 per election* to any candidate for <u>statewide</u> office</li> <li>No more than \$1,500 per election to any candidate for <u>nonstatewide</u> office</li> </ul> W.S. 22-25-102(c)	No Limit**	<ul style="list-style-type: none"> <li>There are no limits on what an individual can give to a PAC.</li> <li>However, if a donor earmarks a contribution for a specific candidate, the individual limits per candidate per election apply.</li> </ul> W.S. 22-25-102(m),(n)
<b>Political Party Committee may give</b>	No Limit	No Limit	No Limit
<b>Political Action Committee (PAC) may give</b>	<ul style="list-style-type: none"> <li>No limit on contributions to statewide candidates***</li> <li>No more than \$5,000 per election to any candidate for nonstatewide office</li> </ul> W.S. 22-25-102(m)	No Limit	No Limit
<b>Corporation, Union, Partnership, Professional Association or Civic, Fraternal or Religious Group</b>	<p>Organizations are <b>prohibited</b> from making contributions directly to candidates and candidate committees, and to political action committees and political parties that directly coordinate with a candidate or candidate's campaign committee. However, organizations may expend funds as discussed below.</p> <p>These entities may:</p> <ol style="list-style-type: none"> <li>1) Make independent expenditures for speech expressly advocating the election or defeat of a candidate (W.S. 22-25-102(k)(i));</li> <li>2) Make electioneering communications pursuant to W.S. 22-25-101(c);</li> <li>3) Bear any portion of a PAC's or political party's administrative costs or costs of soliciting contributions (W.S. 22-25-102(k)(ii));</li> </ol> <p>A non-profit (501)(c) organization should consult an attorney, an accountant, or the Internal Revenue Service before making contributions to an initiative or referendum drive to avoid jeopardizing its tax status.</p> <p>(For Independent Expenditures, see W.S. 22-25-101 and W.S. 22-25-110).</p>		

\*The primary, general, and special elections are deemed separate elections.

\*\*No limit "...provided the contributions are available to use as the appropriate party authorities choose and are not exclusively dedicated to any particular candidate. Contributions donated to political parties which are designated by the donor to be used only for a particular candidate and no other purposes are subject to the limitations..." W.S. 22-25-102(f).

\*\*\*Contributions donated to a PAC which are designated by the donor to be used only for a particular candidate and no other purpose are subject to the individual contribution limitations. W.S. 22-25-102(m),(n).

# CAMPAIGN ADVERTISING

**Campaign literature does not include small campaign items** such as bumper stickers, pens, pencils, buttons, rulers, nail files, balloons and yard signs displaying the name of the candidate or office sought.

**Use of the Bucking Horse & Rider trademark is prohibited in political campaigns.** SOS Rules – Bucking Horse and Rider – Chapter 1, Sec. 4(a)(i).

Candidates, candidate committees, PACs and organizations are required to comply with W.S. 22-25-110, campaign advertising in communications media. All campaign advertising must include a written or spoken, “paid for by” line disclosing the candidate, committee, PAC, or organization that paid for the advertisement. A few examples of how to properly utilize this disclosure requirement are listed below:

1. Jane Doe is running for the legislature. She doesn’t form a committee. Jane decides to buy an ad in the newspaper. The “paid for by” line should read “Paid for by Jane Doe.”
2. Jane Doe decides to form a candidate’s campaign committee. The committee’s name is “Committee to Elect Jane Doe”. The committee then buys ads for Jane. The “paid for by” line should read “Paid for by the Committee to Elect Jane Doe.”
3. A group of Jane’s friends want to support her candidacy, but they do not form a PAC or a candidate’s campaign committee. They buy an ad which has a “paid for by” line which reads “Paid for by Bill Jones, Connie Smith, Tom Williams, and Julie Noe”. **THIS IS ILLEGAL.** In this scenario, the individuals would need to form a PAC or a candidate’s campaign committee. The “paid for by” line would then read “Paid for by (Committee/PAC name).”
4. Jane’s good friend, Bill Jones, buys a newspaper ad supporting Jane. He pays for the ad personally. No disclosure on the ad is required and Jane could report this expenditure as an in-kind donation from Bill Jones. If Bill Jones does not coordinate with Jane, she does not need to report this as a contribution.
5. Jane Doe is a member of the Cowboy Party. The Cowboy Party buys an ad for Jane (this is allowed only if Jane is the *only* Cowboy Party candidate running in the primary election, or if she is the Cowboy Party candidate for the general election). The “paid for by” line should read “Paid for by Wyoming Cowboy Party” or “Paid for by the Wilson County Cowboy Party,” depending on whether it is the state or county party.
6. Organization A decides to make an independent expenditure supporting Jane Doe’s candidacy. Organization A spends \$1,200 on a billboard advertisement without coordinating with Jane. Organization A would be required to file a statement of formation and file a report disclosing this expenditure. Jane does not need to report this independent expenditure.

## Other advertisements:

**Radio:** the “paid for by” lines must be spoken.

**Television/Digital:** the “paid for by” lines must be spoken and/or appear on the screen, or have a hyperlink to the disclosure. Campaign websites must also display a “paid for by” line.

# CAMPAIGN FINANCE REPORTING DEADLINES

*C&E = Statement of Contributions and Expenditures*

**All candidates, candidate committees, political action committees, and organizations** are required to file the following reports in 2024:

Type of Reporting Period	Reporting Date Range				Filing Due Date	Reporting Types
	Contributions		Expenditures			
	Start date	End Date	Start date	End Date		
PRIMARY REPORT	1/1/2023	8/20/2024	1/1/2023	8/20/2024	Anytime 08/06/2024 through 08/13/2024	C&E
GENERAL REPORT	8/21/2024	12/31/2024	8/21/2024	12/31/2024	Anytime 10/22/2024 through 10/29/2024	C&E

**Political parties** are required to file the following reports:

Type of Reporting Period	Reporting Date Range				Filing Due Date	Reporting Types
	Contributions		Expenditures			
	Start date	End Date	Start date	End Date		
POLITICAL PARTY REPORTS	1/1/2023	12/31/2024	1/1/2023	12/31/2024	Anytime 11/05/2024 through 11/15/2024	C&E

**School Board and Community College Trustee Candidates** are required to file the following reports:

Type of Reporting Period	Reporting Date Range				Filing Due Date	Reporting Types
	Contributions		Expenditures			
	Start date	End Date	Start date	End Date		
GENERAL REPORT	1/1/2023	12/31/2024	1/1/2023	12/31/2024	Anytime 10/22/2024 through 10/29/2024	C&E

**A Statement of Formation is required within 10 days after formation for:**

- Candidate's Campaign Committee
- School or Community College Candidate's Campaign Committee
- State & Local Political Action Committees (PAC)
- Organizations

**Filing Office:**

- **Secretary of State:** Candidates or committees supporting or opposing candidates for state legislature, statewide office, judicial offices or a committee formed to support or defeat a statewide ballot proposition or an initiative or referendum petition drive. County and state central political party reports. All required reports must be filed electronically by accessing the Wyoming Campaign Finance Information System (WYCFIS) at <https://www.wycampaignfinance.gov>
- **County Clerk:** County and municipal candidates or committees supporting or opposing a candidate for county, district attorney, municipal, school & college board, or a committee formed to support or defeat a local ballot proposition.

# CANDIDATE'S CAMPAIGN COMMITTEES

Candidate's campaign committees are every group of two (2) or more persons who join together for the purpose of raising, collecting or expending money to be used in the aid of the election of a specific candidate for public office. W.S. 22-1-102(a)(vii).

- **A Statement of Formation** for the committee must be filed within ten (10) days after its formation. W.S. 22-25-101(b)
  - **County/municipal candidates:** Statement of formation (form available on the Secretary of State's website) must be filed with the county clerk. Addresses and telephone numbers for county clerks are posted on the Secretary of State's website at <https://sos.wyo.gov/Elections/Docs/WYCountyClerks.pdf>.
  - **Committees for candidates for Governor, Secretary of State, State Auditor, State Treasurer, State Superintendent of Public Instruction, State Legislature, Supreme Court Justice, District and Circuit Court Judges:** Electronic filing of the Statement of Formation is required for the campaign. To file online, go to the Wyoming Campaign Finance Information System (WYCFIS) at <https://www.wycampaignfinance.gov>.
- **The Statement of Formation requires:** The committee's name and address, the candidate's name, and names and residence addresses of the committee chairman and treasurer, date the committee was formed, and purpose of the committee. The chairman and treasurer must be separate individuals. A candidate may serve as chairman or treasurer of his or her campaign committee.
- **The Statement of Contributions and Expenditures** must be signed by both the chairman and treasurer and filed between seven (7) and fourteen (14) days before the primary, general or special election.
- **Terminating the committee:** After all debts are retired, the committee may terminate.
  - **Statewide candidate committees:** terminate online at <https://www.wycampaignfinance.gov>.
  - **County and municipal committees:** terminate by filing a Candidate's Campaign Committee Termination Report with the county clerk, or by checking the appropriate box on the final Statement of Contributions and Expenditures.
- **Odd-numbered year filings:** Candidate campaign committees that have not terminated must file a Statement of Contributions and Expenditures by December 31st of all odd-numbered years. W.S. 22-25-106(b)(ii).

# POLITICAL ACTION COMMITTEES

**PAC means any group of two or more persons who are organized and associated for the purpose of raising, collecting or spending money to be used in influencing an election.**

**W.S. 22-1-102(a)(xx).**

- **A Statement of Formation** must be filed within ten (10) days after a PAC is formed. This filing is required by law for a committee formed before an election to raise and expend funds or after an election to defray debts.
- **The Statement of Formation requires:** The name and mailing address of the committee, the date formed, the name and residence address of the committee chairman and treasurer, who must be separate individuals, and the purpose of the committee. If the committee forms to aid in the support or defeat of a ballot proposition (such as a proposed constitutional amendment or bond issue) or to support or oppose a petition drive, this is to be described on the statement of formation.
- **Contribution restrictions:** Contributions may only be received from a corporation, partnership, trade union, professional association, or civic, fraternal or religious group if the PAC does not directly coordinate with any candidates. Contributions from these entities may be used for the support or defeat of ballot propositions or initiative and referendum petition drives.
- **The Statement of Contributions and Expenditures** must be signed by both the chairman and treasurer and filed between seven (7) and fourteen (14) days before the primary, general or special election.
  - PACs supporting or opposing local or municipal ballot issues or petition drives must file with the city or county clerk. This may require a report to be filed with both the Secretary of State and the respective county clerk.
- **Federal PACs:** Federal PACs that make contributions to state or local candidates or for state or local issues are subject to the reporting requirements of W.S. 22-25-106. W.S.22-25-106(g).
- **Odd-Year report:** PACs that have previously filed a statement of contributions and expenditures and have not filed a PAC Termination Report must file a Statement of Contributions and Expenditures by December 31st of odd-numbered (non-election) years. W.S. 22-25-106(b)(ii).
- **Terminating the committee:** After all committee debts are retired, the committee may terminate.
  - **Statewide PACs** must terminate online at <https://www.wycampaignfinance.gov>.
  - **County/local PACs** may terminate by filing a Termination Report with the county clerk, or by checking the appropriate box on the final Statement of Contributions and Expenditures.

# ORGANIZATIONS

**Organization means any corporation, partnership, trade union, professional association or civic, fraternal or religious group or other profit or nonprofit entity or any other entity influencing an election, except a political party, political action or candidate’s campaign committee.**

- Any organization making an independent expenditure under W.S. 22-25-102(k), or electioneering communication under W.S. 22-25-101(c), and any other organization supporting or opposing a ballot proposition which expends funds in any election shall file:
  - **A statement of formation** within ten (10) days of causing, or intending to cause, an electioneering communication or independent expenditure, or within twenty-four (24) hours if the independent expenditure or electioneering communication is made within ten (10) days of a primary, general, or special election.
  - **Statement of Contributions and Expenditures** between seven (7) and fourteen (14) days before the election. (Primary, General, or Special)
    - See section “Campaign Finance Reporting” for details about contributions and expenditures and filing deadlines.
    - **Organizations supporting or opposing local or municipal ballot issues or petition drives** must file with the county clerk.
    - **Organizations supporting or opposing statewide ballot issues or petition drives:** File electronically on the Secretary of State’s Campaign Finance Information System (WYCFIS).
    - **This may require a report to be filed with both the Secretary of State and the respective county clerk.**
- **“Independent Expenditure”** means an expenditure that is made without consultation or coordination with a candidate, candidate’s campaign committee or the agent of a candidate or candidate’s campaign committee and which expressly advocates the: (A) Nomination, election or defeat of a candidate; or (B) Adoption or defeat of a ballot proposition. W.S. 22-25-101(d)(iii)
- **“Electioneering Communication”** means any communication that depicts a clearly identified candidate, but does not expressly advocate the nomination, election or defeat of the candidate or the adoption or defeat of any ballot proposition, and is made within thirty (30) calendar days of a primary election, sixty (60) calendar days of a general election, or twenty-one (21) calendar days of a special election. W.S. 22-25-101(d)(i)

# POLITICAL PARTIES

**No political party funds shall be expended directly or indirectly in aid of the nomination of any one person against another person of the same political party running in the primary election. W.S. 22-25-104. In the general election, a party may specifically contribute to their party's candidate for office. W.S. 22-25-102(f).**

- **Electronic filing of the campaign finance report:** Each state party and county central committee must electronically file an itemized Statement of Contributions and Expenditures with the Secretary of State using the Wyoming Campaign Finance Information System (WYCFIS).
  - Must be filed within ten (10) days after the general or special election.
  - The report must include all contributions and expenditures relating to campaign expenses, including all normal operating expenses from the time the report was filed for the previous general election to the filing deadline for the current general election.
  - This means any financial activity from odd-numbered years must be included in the report. To electronically file reports, go to <https://www.wycampaignfinance.gov>
- **Contribution restrictions:** Contributions may only be received from a corporation, partnership, trade union, professional association, or civic, fraternal or religious group if the party does not directly coordinate with any candidates.
- **Contributions and expenditures report** shall attribute all campaign contributions, expenses and obligations to a specific candidate only if the campaign contributions, expenses and obligations can be specifically identified to that specific candidate to the exclusion of other candidates on the ticket.
  - If a candidate is identified in the statement, the party committee must provide a copy of the report to the candidate within ten (10) days after the general or special election. The report must be signed by the chairman or an officer designated by the chairman. W.S. 22-25-106(d).
- **Organizations affiliated with a political party**, such as Young Democrats or Republican Women's Club, should check with their respective party authority to determine whether the party's internal governance allows direct contributions to candidates. W.S. 22-25-102(f).

# VIOLATING THE CAMPAIGN PRACTICES ACT

**Anyone violating any provision of the Wyoming Campaign Practices Act may be guilty of a misdemeanor or felony resulting in a fine, incarceration, or both. Any corporation, person or organization violating the contribution limits or prohibited acts is subject to a civil penalty up to \$10,000. Civil action may be brought by any candidate adversely affected by the transgression, by any political party or by a prosecuting authority.**

## **Campaign Finance Reporting Violations**

Candidates, committees, organizations or political parties who fail to file required campaign finance reports within the stipulated times are subject to civil penalties. A candidate failing to file shall have their name printed on a publicly available list drafted by the appropriate filing office. The candidate will also be notified that they will have 21 days to file the delinquent report or be subject to civil penalties.

If a late filer fails to file within this 21-day window, the appropriate filing office, or county attorney, will issue a final order imposing a civil penalty. The civil penalties are: up to \$500.00 per day for a failure to file with the Secretary of State, and up to \$200.00 per day for a failure to file with the County Clerk. Candidates authorizing a campaign committee to file on their behalf will be jointly and severally liable with the officers of their committee for the fine.

Within 20 days of the date of the final order's issuance, a person may submit a request for reconsideration. They must submit documentation to the appropriate filing office or county attorney showing good cause. The filing office or county attorney may waive a civil penalty upon a showing of good cause. A decision to not waive a civil penalty is subject to the contested case procedures of the Wyoming Administrative Procedure Act. A decision by a county attorney to not waive a civil penalty is appealable to a circuit court of appropriate jurisdiction.

A civil penalty imposed on a person shall be paid within 30 days of the final order, or 30 days of the date a decision denying reconsideration is issued. Any penalty that is not paid within the required time shall bear interest at a rate of 18% per annum until it is paid or collected. Please note, however, interest will not accrue when a penalty is being reviewed by a court or during the pendency of a contested case proceeding.

The Secretary of State will notify the attorney general of all delinquent penalties. A delinquent penalty may be recovered in an action brought in the name of the state of Wyoming in any court of appropriate jurisdiction.

W.S. 22-25-108.



## ELECTION COMPLAINTS

**Any person suspecting a violation of the Wyoming Election Code may file a written complaint with the Secretary of State for matters pertaining to statewide and legislative candidates, committees, organizations or violations of W.S. 22-25-106(d) by a county party central committee. Any person may file a written complaint with the county clerk regarding any violation of the Election Code by any county or municipal candidate, committee or organization.**

For complaints filed with the Secretary of State, if the Secretary of State finds the complaint has merit and suspects a violation of the Election Code, he shall refer the complaint to the Wyoming attorney general. The attorney general may prosecute the complaint in the district court where the violation was alleged to occur.

For complaints filed with the county clerk, if the county clerk finds the complaint has merit and suspects a violation of the Election Code, the county clerk shall refer the complaint to the district attorney for the county in which the candidate resides for investigation and prosecution.

Complaints alleging an Election Code violation by the Secretary of State shall be filed with the attorney general for investigation and prosecution. Complaints that the county clerk violated the Election Code shall be filed with the district attorney for the county for investigation and prosecution.

The Secretary of State or county clerk are also permitted to report suspected violations of the Election Code to the appropriate prosecuting authority.

A complaint of a violation of false voting or other registration offenses shall be filed with the county clerk to be investigated by the county sheriff. If a county clerk fails or refuses to take action, suspected violations may be filed with the attorney general.

W.S. 22-26-121.

## ELECTION & CAMPAIGN RESOURCES

<a href="#">Local Campaign Finance Report Forms</a>	(County and municipal candidates/committees)
<a href="#">Voter Data Order Form</a>	(May request voter data from SOS or County Clerk)
<a href="#">Key Election Dates</a>	(Main election events and activities)
<a href="#">Statewide online reporting system: (WYCFIS)</a>	(Statewide candidates/committees/PACs/Political Parties/Organizations)
<a href="#">Wyoming Election Code</a>	(Available Electronically)
<a href="#">Rules</a>	(Ensure compliance with state and federal laws; provides uniformity.)

## CHAPTER 24, ARTICLE 2

### PAID ADVERTISING IN ANY COMMUNICATION MEDIUM OR PRINTED LITERATURE TO SUPPORT, OPPOSE OR INFLUENCE LEGISLATION

#### 22-24-201. Paid advertising; penalty.

(a) Any group of persons who are associated for the purpose of raising, collecting or spending money for paid advertising in any communication media or for printed literature to support, oppose or otherwise influence legislation by the legislature of the state of Wyoming, which is or was the subject of a statewide initiative or referendum within the past four (4) years, shall:

(i) File a statement of formation listing the names and addresses of its chairman and treasurer with the secretary of state within ten (10) days after formation and prior to the publication, dissemination or broadcast of any paid advertising from the group;

(ii) File with the secretary of state a statement of contributions and expenditures setting forth the full and complete record of contributions including cash, goods or services and actual and promised expenditures, on a form prescribed by the secretary of state, on the last Friday in December of each calendar year. In addition to the annual report, while the legislature is in session, there shall be filed an interim monthly statement for each month or portion thereof that the legislature is in session, within ten (10) days of the first day of the month for the previous month;

(iii) If the total contributions and expenditures reported under paragraph (a)(ii) of this section lists any contribution in excess of one thousand dollars (\$1,000.00) from any source or sources other than an individual, the report shall include a full and complete disclosure of the funding source or sources of any nonindividual contributor which funded the advertising.

(b) Any group formed under this section shall file a termination report within thirty (30) days after it ceases the regulated activity but cessation of activity shall not relieve the group of the reporting requirement for that filing period. 162

(c) No group subject to this section shall pay for advertising in any communication media or printed literature without full disclosure of the name of the group.

(d) Nothing in this section shall require an individual or individuals who pay for advertising or literature to support, oppose or otherwise influence legislation to file under this section, provided the name of the individual or individuals is fully disclosed in the advertising or literature.

(e) As used in this section:

(i) "Communication media" means advertising on television, radio, in print media, on billboards and other electronic media;

(ii) "Printed literature" means any printed material but shall not include any member association printed communication not intended for public dissemination, bumper stickers, pens, pencils, buttons, rulers, nail files, balloons and yard signs.

(f) Any person who willfully and knowingly violates any of the provisions of this section is guilty of a misdemeanor punishable as provided by W.S. 22-26-112.

## CHAPTER 25 – CAMPAIGN PRACTICES

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

(a) Repealed By Laws 1998, ch. 100, § 5.

(b) A political action committee and a candidate's campaign committee, except those formed under federal law, shall file a statement of formation within ten (10) days after formation. This filing is required when any political action committee or candidate's campaign committee is formed, whether before an election to aid in the campaign or formed after an election to defray campaign debts incurred. The chairman and treasurer of a committee shall be separate individuals. The statement of formation shall list the name and mailing address of the committee, name and address of the committee chairman and treasurer, date committee formed and the purpose of committee. The statement of formation shall be filed in those offices as provided by W.S. 22-25-107.

(c) Any organization that receives contributions or expends funds totaling in aggregate more than one thousand dollars (\$1,000.00) for the purpose of causing independent expenditures or electioneering communications to be made shall file a statement of formation for the purpose of filing campaign reports in accordance with W.S. 22-25-106(h). Any organization that has not previously filed a statement of formation that is required by this subsection shall file a statement of formation within ten (10) days of causing or intending to cause the independent expenditure or electioneering communication to be made in any primary, general or special election or within twenty-four (24) hours if the independent expenditure or electioneering communication is made within ten (10) days of any primary, general or special election. The statement of formation as referenced in this subsection shall be filed in those offices as provided by W.S. 22-25-107 and shall list the:

(i) Name and mailing address of the organization;

(ii) Name and mailing address of the organization's chairman and treasurer, if applicable, or the organization's designee;

(iii) Date the organization formed; and

(iv) Purpose of the organization

(d) As used in this chapter:

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

(A) Refers to or depicts a clearly identified candidate for nomination or election to public office or a clearly identified ballot proposition and which does not

expressly advocate the nomination, election or defeat of the candidate or the adoption or defeat of the ballot proposition;

(B) Can only be reasonably interpreted as an appeal to vote for or against the candidate or ballot proposition;

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

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

(I) The candidate would represent if elected; or

(II) Affected by the ballot proposition.

(ii) "Electioneering communication" does not mean:

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

(B) A communication consisting of a news report, commentary or editorial or a similar communication, protected by the first amendment to the United States constitution and article 1, section 20 of the Wyoming constitution, which is distributed as a component of an email, internet website, magazine, newspaper or periodical or by the facilities of a cable television system, electronic communication network, internet streaming service, radio station, television station or satellite system;

(C) A communication made as part of a public debate or forum that invites at least two (2) opposing candidates for public office or one (1) advocate and one (1) opponent of a ballot proposition or a communication that promotes the debate or forum and is made by or on behalf of the person sponsoring or hosting the debate or forum;

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

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

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

(B) Adoption or defeat of a ballot proposition.

(iv) "Organization", as used in this chapter, means any corporation, partnership, trade union, professional association or civic, fraternal or religious group of other profit or nonprofit entity or any other entity influencing an election, except a political party, political action committee or candidate's campaign committee.

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

(a) Except as otherwise provided in this section, no organization except a political party, political action committee or candidate's campaign committee, directly or indirectly through any officer, member, director or employee, shall contribute funds, other items of value or election assistance directly to any candidate or candidate's campaign committee or to any political party

or political action committee which directly coordinates with a candidate or a candidate's campaign committee. The secretary of state shall promulgate rules to define direct coordination as prohibited by this section. No person shall solicit or receive a payment or contribution from an organization prohibited from making contributions under this subsection.

(b) Except as otherwise provided in this section, only a natural person, political party, or a political action committee or a candidate's campaign committee organized under W.S. 22-25-101 shall contribute funds or election assistance directly to any candidate or group of candidates. No person shall solicit or receive a political payment or contribution from any source other than a natural person, political party, political action committee or candidate's campaign committee organized under W.S. 22-25-101.

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

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

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

(B) Except as otherwise provided in this subparagraph, no contribution for the general election may be given prior to the date for the primary election. This subparagraph shall not apply to any candidate unopposed in the primary election or nominated in accordance with W.S. 22-4-303 or 22-5-301.

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

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

(B) Except as otherwise provided in this subparagraph, no contribution for the general election may be given prior to the date for the primary election. This subparagraph shall not apply to any candidate unopposed in the primary election or nominated in accordance with W.S. 22-4-303 or 22-5-301.

(iii) Repealed by Laws 2015, ch. 80, § 1.

(d) Repealed by Laws 2019, ch. 1, § 2.

(e) Any violation of the provisions of subsection (a), (b), (c), (j), (m) or (n) of this section is subject to a civil penalty up to five thousand dollars (\$5,000.00) and costs including a reasonable attorney's fee for a first violation and up to ten thousand dollars (\$10,000.00) and costs including a reasonable attorney's fee for a second or subsequent violation which shall be imposed in a court of competent jurisdiction. The amount of penalty imposed shall be in such amount as will deter future actions of a similar nature. An action to impose the civil penalty may be prosecuted by and in the name of any candidate adversely affected by the transgression, any political party, any county attorney, any district attorney or the attorney general. Proceeds of the penalty collected shall be paid to the state treasurer and credited as provided in W.S. 8-1-109.

(f) Direct contributions from any entity affiliated with a political party do not violate subsection (a) of this section. These contributions shall be a matter of internal party governance. Contributions to political parties are not subject to the limits of subsection (c) of this section provided the contributions are available to use as the appropriate party authorities choose and are not exclusively dedicated to any particular candidate. Contributions donated to a political party

which are designated by the donor to be used only for a particular candidate and no other purpose are subject to the limitations of subsection (c) and of this section.

(g) The prohibitions in this section do not apply to contributions of funds or other items of value to political parties for the purpose of supporting multi-state or national political party conferences or conventions. Any contribution made pursuant to this subsection shall also comply with all applicable federal election commission regulations governing contributions to political parties. Any political party which receives funds to sponsor such conferences or conventions shall file an itemized statement of contributions and expenditures with the secretary of state within ten (10) days after the conference or convention.

(h) No organization, political party, political action committee or candidate's campaign committee shall solicit or obtain contributions for any of the purposes specified in subsection (a) of this section from an individual on an automatic basis, including but not limited to a payroll deduction plan or reverse checkoff method, unless the individual who is contributing affirmatively consents in writing to the contribution. Nothing in this subsection shall be construed to authorize contributions otherwise prohibited under this election code.

(j) For purposes of subsection (c) of this section the primary, general and special elections shall be deemed separate elections. No candidate for political office shall accept, directly or indirectly, contributions which violate subsection (c) of this section. Contributions to a candidate's campaign committee shall be considered to be contributions to the candidate. Subsection (c) of this section does not limit political contributions by political parties, nor expenditures by a candidate from his own funds nor from his candidate's campaign committee funds.

(k) The prohibitions in this section shall not be construed to prohibit any organization from:

(i) Exercising its first amendment rights to cause electioneering communications or independent expenditures to be made;

(ii) Bearing any portion of a political action committee's administrative costs or costs of soliciting contributions.

(m) Except as otherwise provided in this section, no political action committee shall contribute directly or indirectly more than five thousand dollars (\$5,000.00) per election to any candidate for political office other than statewide political office. For purposes of this subsection the primary, general and special elections shall be deemed separate elections. No candidate for political office shall accept, directly or indirectly, contributions which violate this subsection. Contributions to a candidate's campaign committee shall be considered to be contributions to the candidate. This subsection does not limit political contributions by political parties, nor expenditures by a candidate from his own funds nor from his candidate's campaign committee funds.

(n) Contributions donated to a political action committee which are designated by the donor to be used only for a particular candidate and no other purpose are subject to the limitations of subsection (c) of this section.

### **22-25-103. Identifiable expenses; exceptions.**

(a) Identifiable expenses include:

(i) All forms of advertising expenses, including, but not limited to, radio, television, billboards and posters;

(ii) Printing expenses;

(iii) Expenses for retaining the services of a professional campaign consultant, or public relations or management firm;

(iv) Postage.

(b) Staff and postage expenses of a political party central committee, checking account service charges of a political action committee and a candidate's personal campaign expenses for travel and meals and checking account service charges are not identifiable expenses.

(c) Advertising expenses by a party central committee are not identifiable expenses for the candidate if the entire slate of candidates, below the national level, is advertised by the committee even though all candidates are not included in each advertisement so long as the expenses for each candidate on the slate are substantially the same in any election.

**22-25-104. Restriction on party funds in primary elections.** No political party funds shall be expended directly or indirectly in the aid of the nomination of any one person as against another person of the same political party running in the primary election.

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

(a) The secretary of state shall prescribe the forms for reporting contributions and expenditures for primary, general and special election campaigns, together with written instructions for completing the form and a warning that violators are subject to criminal charges and civil penalties if the forms are not completed and filed pursuant to law. The forms along with instructions and warning shall be distributed to the county clerk and shall be made available, whether in electronic or paper form, by the county clerk to each person filing an application for nomination in his office and to each political action committee and candidate's campaign committee required to file with the county clerk.

(b) The secretary of state shall promulgate rules to allow the forms required pursuant to subsection (a) of this section and any other forms and reports required to be filed with him pursuant to this chapter to be filed electronically.

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

(a) Except as otherwise provided in subsections (g) and (j) of this section and in addition to other reports required by this subsection:

(i) Every candidate, whether successful or not, shall file an itemized statement of contributions and expenditures at least seven (7) days but not more than fourteen (14) days before any primary, general or special election. Any contribution received or expenditure made after the statement has been filed, through the day of the election, whether a primary, general or special election, shall be filed as an amendment to the statement within ten (10) days after the election;

(ii) Repealed by Laws 2019, ch. 1, § 2.

(iii) Repealed by Laws 2019, ch. 1, § 2.

(iv) Reports under this subsection shall set forth the full and complete record of contributions including cash, goods or services and actual and promised expenditures, including all identifiable expenses as set forth in W.S. 22-25-103. For purposes of this section, a contribution is reportable when it is known and in the possession of, or the service has been furnished to, the person or entity required to submit a statement of contributions and expenditures. The date of each contribution of one hundred dollars

(\$100.00) 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 contributions under one hundred dollars (\$100.00) shall be reported but need not be itemized. Should the accumulation of contributions from a person exceed the one hundred dollar (\$100.00) threshold, all contributions from that person shall be itemized. Contributions, 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;

(v) Statements under this subsection shall be filed with those officers as provided in W.S. 22-25-107.

(b) Reports of itemized statements of contributions 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:

(i) Except as otherwise provided in this section, any political action committee and candidate's campaign committee, or any political action committee formed under the law of another state that contributes to a Wyoming political action committee or to a candidate's campaign committee shall file an itemized statement of contributions and expenditures at least seven (7) days but not more than fourteen (14) days before any primary, general or special election. Any contribution received or expenditure made after the statement has been filed, through the day of the election, whether a primary, general or special election, shall be filed as an amendment to the statement within ten (10) days after the 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 not filed a statement of termination shall file an itemized statement of contributions and expenditures on December 31 of each odd-numbered year;

(iii) All candidates and committees shall continue to make the 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;

(iv) Repealed by Laws 2019, ch. 1, § 2.

(c) All reports required by subsection (b) of this section shall be signed by both the chairman and treasurer. The reports shall set forth the full and complete record of contributions including cash, goods or services and actual and promised expenditures. The date of each contribution of one hundred dollars (\$100.00) 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 contributions under one hundred dollars (\$100.00) shall be reported but need not be itemized. Should the accumulation of contributions from a person exceed the one hundred dollar (\$100.00) threshold, all contributions from that person shall be itemized. If the contributions, expenditures or obligations were for more than one (1) candidate, the amounts attributable to each shall be itemized separately.

(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 contributions of one hundred dollars (\$100.00) or more, and any expenditures and obligations. The statement shall be



filed within ten (10) days after a general or special election. The statement shall report all contributions, expenditures and obligations relating to campaign expenses, including normal operating expenses. All contributions under one hundred dollars (\$100.00) shall be reported but need not be itemized. Should the accumulation of contributions from a person exceed the one hundred dollar (\$100.00) threshold, all contributions from that person shall be itemized. It shall attribute all campaign contributions, expenses and obligations to a specific candidate only if the campaign contributions, expenses and 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.

(e) If inaccuracies are found in a statement filed in accordance with this section or additional contributions or expenditures become known after filing an amendment as required by paragraph (a)(i), (b)(i) or (h)(ii) of this section, amendments to the original statements or additional statements shall be filed within a reasonable time not to exceed thirty (30) days from the time the inaccuracies or additional contributions or expenditures became known. For the purposes of this subsection, any net change less than two hundred dollars (\$200.00) need not be reported.

(f) Repealed by Laws 2019, ch. 1, § 2.

(g) Candidates for federal office, campaign committees for candidates for federal office and federal political action committees shall not be required to file contribution and expenditure reports under this section if the candidate or the committee is required to comply with federal election law reporting requirements.

(h) An organization that expends in excess of one thousand dollars (\$1,000.00) in any primary, general or special election to cause an independent expenditure or electioneering communication to be made shall file an itemized statement of contributions and expenditures with the appropriate filing office under W.S. 22-25-107. The statement shall:

(i) Identify the organization causing the electioneering communication or independent expenditure to be made and the individual acting on behalf of the organization causing the communication or expenditure to be made, if applicable;

(ii) Be filed at least seven (7) days but not more than fourteen (14) days before any primary, general or special election. Any contribution received or expenditure made after the statement has been filed, through the day of the election, whether a primary, general or special election, shall be filed as an amendment to the statement within ten (10) days after the election;

(iii) Repealed by Laws 2019, ch. 1, § 2.

(iv) Only list those expenditures and contributions which relate to an independent expenditure or electioneering communication;

(v) Set forth the full and complete record of contributions which relate to an independent expenditure or electioneering communication, including cash, goods or services and actual and promised expenditures. The date of each contribution of one hundred dollars (\$100.00) 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 contributions under one hundred dollars (\$100.00) shall be reported but need not be itemized. Should the accumulation of contributions from a person exceed the one hundred dollar (\$100.00) threshold, all contributions from that person shall be itemized;

(vi) Be signed by both the chairman and treasurer of the organization, if those positions are present in the organization, or by the organization's designee.

(j) If a candidate has formed a candidate's campaign committee, the committee may file reports required by this section on behalf of the candidate if the candidate provides a signed document one (1) time each election cycle authorizing the committee to file reports on behalf of the candidate and attesting that the facts provided in the report are accurate. If a committee has filed a required report on behalf of a candidate under this subsection, the candidate shall not be required to separately file the report provided that the candidate shall remain individually responsible for any deficiencies in a report filed by the committee.

(k) Reports or statements filed under this section shall be filed under penalty of perjury.

### **22-25-107. Where reports to be filed.**

(a) All reports required under this chapter shall be filed as follows:

(i) Any candidate for a municipal, county, judicial, school or college board office and any political action committee or candidate's campaign committee supporting such a candidate and any political action committee or organization supporting or opposing a municipal initiative or referendum or ballot proposition within the county, or any organization that causes an independent expenditure or electioneering communication to be made within the county, shall file with the county clerk;

(ii) Any candidate for a state legislative or district judgeship office and any political action committee or candidate's campaign committee supporting or opposing such a candidate, shall file with the secretary of state;

(iii) Any candidate for statewide office shall file with the secretary of state;

(iv) A county party central committee shall file with the secretary of state;

(v) A state party central committee shall file with the secretary of state;

(vi) Precinct committeemen and precinct committeewomen elected at the primary election shall not be required to file a statement of contributions and expenditures;

(vii) Any political action committee or organization supporting or opposing any statewide initiative or referendum petition drive, any statewide ballot proposition or any candidate for statewide office and any organization causing an electioneering communication or an independent expenditure to be made and filing pursuant to W.S. 22-25-106(b)(i) or (h) shall file reports required by this section with the secretary of state.

(b) Reports required to be filed at least seven (7) days before any primary, general or special election shall be filed electronically.

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

(i) The secretary of state, shall be filed electronically as provided under W.S. 9-2-2501;

(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.

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

(e) The secretary of state shall maintain a searchable database of reports filed pursuant to this chapter available to the public on or through the Internet as defined in W.S. 9-2-1035(a)(iii). The secretary of state shall be responsible for the provision of training and instruction for filers on

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

**22-25-108. Failure of persons to file reports; notice; penalties; reconsideration.**

(a) Any person required to file a report under W.S. 22-25-106 shall be given notice prior to an election, by the appropriate filing office specified under W.S. 22-25-107, that failure to file the report within the time required by that section shall subject the person to civil penalties as provided in subsection (f) of this section. The notice shall inform any candidate's campaign committee, organization, political party or political action committee that the officers responsible for filing the report shall be subject to the same civil penalties as the candidate's campaign committee, organization, political party or political action committee for failure to file the report.

(b) Any person who fails to file a report under W.S. 22-25-106 within the time required by that section shall have their name printed on a list drafted by the appropriate filing office. The filing office shall:

(i) Immediately post the list in the filing office and make the list available to the public;

(ii) Notify the person at their address of record that the person has twenty-one (21) days from the date the notice was sent to comply with W.S. 22-25-106 or be subject to civil penalties as provided in subsection (f) of this section.

(c) Repealed By Laws 2018, ch. 40, § 2.

(d) Repealed By Laws 2018, ch. 40, § 2.

(e) Repealed By Laws 2018, ch. 40, § 2.

(f) The appropriate filing office or the county attorney, for reports required to be filed with the county clerk, shall issue a final order imposing the civil penalty specified in this subsection against any person failing to comply with W.S. 22-25-106 twenty-one (21) days from the date the notice was sent under subsection (b) of this section. The final order shall be sent to the person at their address of record and shall notify the person of the right to request reconsideration of the order as provided in subsection (h) of this section. The filing office or county attorney shall impose the following civil penalty in the final order after giving due consideration to the willfulness of the failure to file, the person's level of experience with the reporting requirements under this act, efforts made to obscure the identity of the person required to file an any other factor evidencing an intent to evade reporting requirements under this act:

(i) Up to five hundred dollars (\$500.00) per day beginning on the date of the final order and ending when the report is filed for a failure to file a report with the secretary of state;

(ii) Up to two hundred dollars (\$200.00) per day beginning on the date of the final order and ending when the report is filed for a failure to file a report with the county clerk.

(g) Any candidate required to file a report under W.S. 22-25-106 who authorizes the candidate's campaign committee to file on their behalf as provided by W.S. 22-25-106(j) shall be jointly and severally liable with the candidate's campaign committee for any civil penalty imposed under this section.

(h) Any person may, within twenty (20) days of the date of a final order issued pursuant to subsection (f) of this section, request reconsideration of the order and submit documentation to the appropriate filing office or county attorney showing good cause for a failure to file a report. The filing office or county attorney may, after a decision finding good cause, waive any civil penalty

imposed under this section provided that the person files the report within the time specified in the decision. A decision to not waive an imposed penalty by the secretary of state is subject to the contested case procedures of the Wyoming Administrative Procedure Act. A decision to not waive an imposed penalty by the county attorney is appealable to a circuit court of appropriate jurisdiction.

(j) A civil penalty imposed under this section shall be paid within thirty (30) days of the date of the final order issued pursuant to subsection (f) of this section or the date of a decision denying reconsideration by the appropriate filing office or county attorney, whichever is later. Any penalty not paid within the time required by this subsection is delinquent and shall bear interest at a rate of eighteen percent (18%) per annum until paid or collected, provided that no penalty is due and no interest shall accrue during any period in which the penalty is being reviewed by a court or during the pendency of a contested case proceeding. The filing office for the state shall notify the attorney general of a delinquent civil penalty.

(k) A delinquent civil penalty may be recovered in an action brought in the name of the state of Wyoming in any court of appropriate jurisdiction. In addition to any other remedy provided by law for the recovery of the penalty and any interest thereon, the county attorney or the attorney general, as appropriate, may recover any costs or damages relating to the recovery effort including attorney's fees. No filing fee shall be charged for the filing of an action under this subsection nor shall a fee be charged for service of process.

(m) Civil penalties and any interest thereon shall be paid to the clerk of court with jurisdiction over the matter for deposit to the public school fund of the county in which the fine was assessed. Any recovered costs or damages relating to the recovery effort shall be retained by the county or the state, as appropriate.

## **22-25-109. Repealed By Laws 2018, ch. 40, § 2.**

## **22-25-110. Campaign advertising in communications media.**

(a) It is unlawful for a candidate, political action committee, organization, including organizations causing an electioneering communication or and independent expenditure to be made, candidate's campaign committee, or any political party central committee to pay for campaign literature or campaign advertising without conspicuously displaying or speaking the following disclosure: "paid for by (name of candidate, organization or committee sponsoring the campaign literature or campaign advertising)". The disclosure set forth in this subsection shall be required in the following forms of campaign literature or campaign advertising:

- (i) Printed campaign literature or campaign advertising including mailers, pamphlets, brochures, periodicals or billboards;
- (ii) Campaign advertising appearing on the radio or distributed through a telephone or cellular system or other solely auditory medium;
- (iii) Campaign advertising appearing on television;
- (iv) Paid placement of campaign advertising on the internet or other electronic communication network. This paragraph shall not apply when including the disclosure is impracticable due to size and text limitations in electronic campaign advertising, provided that the campaign advertising shall include a hyperlink to an internet website containing the disclosure.

(b) For purposes of this section, "campaign literature or campaign advertising" does not include small campaign items such as tickets, bumper stickers, pens, pencils, buttons, rulers, nail files, balloons and yard signs displaying the name of the candidate or office sought and any other items specified by rule of the secretary of state.

(c) Repealed by Laws 2019, ch. 1, § 2.

**22-25-111. Repealed By Laws 1980, ch. 31, § 1.**

**22-25-112. Campaign advertising rates.** Rates charged for political campaign advertising shall not be higher than rates charged for local advertising of the same quality and quantity.

**22-25-113. Repealed By Laws 1998, ch. 100, § 5.**

**22-25-114. Repealed By Laws 1991, ch. 243, § 5.**

**22-25-115. Written campaign advertising; prohibiting placement on public property; exception.** Except as provided herein, written campaign advertising shall not be placed on or attached to any real or personal property of the state or its political subdivisions. This prohibition shall not apply to fairgrounds of the Wyoming state fair or of any county fair organized under the laws of this state. The University of Wyoming, any community college and school district may permit such advertising subject to regulation by their governing board as to time, place and manner. Any rules and regulations adopted shall provide for equal access to opposing political views. Subject to the approval of the landowner and any rules and regulations adopted by a municipality, campaign materials may be placed on municipal street rights-of-way. The department of transportation shall allow campaign materials to be placed on a state right-of-way within a municipality to the same extent which the municipality allows campaign materials to be placed on municipal street rights-of-way. Nothing in this section shall apply to any interstate highway.

# SOS Rules – Election Procedures – Chapter 28

## Direct Coordination

**Section 1. Authority.** The Secretary of State is authorized to promulgate these rules under W.S. 22-25-102(a).

**Section 2. Applicability.** This chapter applies to Wyoming political action committees and political parties that accept any contribution from an organization as provided in W.S. 22-25-102(a), as well as all candidates, and candidate campaign committees, as defined in W.S. 22-1-102(a). This chapter does not apply to any Wyoming political action committee or political party that has not received any contribution from an organization.

**Section 3. Definition of direct coordination.** For the purposes of W.S. 22-25-102(a), "direct coordination" means any of the following:

(a) Any contribution of funds, other items of value, or election assistance from a political action committee or political party to a candidate or a candidate's campaign committee resulting from an actual or implied agreement;

(b) Communication between a candidate or candidate's campaign committee and a political action committee or political party for the purpose of aiding the election of a candidate, limited to the following:

(i) Requesting or suggesting a contribution or expenditure of funds, other items of value, or election assistance by a political action committee or political party to, or on behalf of, a candidate or a candidate's campaign committee, including in-kind contributions or expenditures;

(ii) Requesting or suggesting a contribution or expenditure of funds, other items of value, or election assistance by a candidate or any officer of a candidate's campaign committee to, or on behalf of, a political action committee or political party, including in-kind contributions or expenditures;

(iii) A political action committee or political party republishing, disseminating, or distributing, in whole or part, any campaign material or advertisement created or prepared by the candidate or candidate's campaign committee;

(iv) A political action committee or political party spending funds based on non-public information that:

(A) Originated from the candidate, that candidate's campaign committee, an entity that received the non-public information from the candidate or that candidate's campaign committee, or any agent thereof; and

(B) Is used for the benefit of, or to further the candidate's interests.

(v) Any written, verbal, or electronic discussion between a candidate or officer of a candidate's campaign committee and a political action committee or political party regarding campaign strategy, campaign funding, or campaign advertising for the candidate's campaign.

**Section 4. Complaint procedures.** Any person suspecting a violation of W.S. 22-25-102(a) by a political action committee or political party may file a written complaint in accordance with W.S. 22-26-121 and shall include any supporting documentation of the alleged violation, along with the complaint.