

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.

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(iii) Repealed by Laws 2019, ch. 1, § 2.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

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;

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 reporting requirements under this act, efforts made to obscure the identity of the person required to file and 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.

(liii) "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.