

2012

# Wyoming Campaign Guide



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Secretary of State

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## Secretary of State

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## INTRODUCTION

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It is essential to study and know the law before embarking on a campaign. Therefore, this guide has been prepared as an aid to candidates, candidate committees, political action committees (PACs), political parties and organizations. It contains highlights of the campaigning and reporting requirements in the Wyoming Campaign Practices Act (W.S. 22-25-101 through 22-25-115).

It is important that every candidate, the candidate's campaign committee chairman and treasurer, and the political action committee chairman and treasurer read this entire campaign guide, paying close attention to the "Campaign Practices" section and knowing the legal requirements which are contained in that section.

The Wyoming Campaign Practices Act (W.S. 22-25-101 through 22-25-115) applies to candidates for Governor, Secretary of State, State Auditor, State Treasurer, State Superintendent of Public Instruction, State Legislature, County Offices, School and Community College Board Trustees, and Municipal Offices, as well as Supreme Court Justices, District and Circuit Court Judges and Magistrates standing for retention in office.

Candidates for county and municipal offices are required to file their campaign finance disclosure reports with the **County Clerk** (W.S. 22-25-107(a)(i)). The reporting forms are available on the Secretary of State's website at <http://soswy.state.wy.us>.

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 standing for retention, State PACs, Organizations and Political Parties are required to file all reports online with the Secretary of State's Office by accessing the **Wyoming Campaign Finance Information System (WYCFIS)** at <https://www.wycampaignfinance.gov>.

Candidates for U.S. Senate and U.S. House of Representative and committees supporting candidates for federal offices are required to file with the Federal Election Commission (FEC), 999 Street, N.W., Washington, D.C., 20463. The toll-free telephone number is (800) 424-9530 and the website address is <http://www.fec.gov/>.

## IMPORTANT CAMPAIGN FACTS

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- ★ There are no limits on campaign spending.
- ★ Individual contributions are limited.
- ★ Corporate contributions to candidates are prohibited.
- ★ There are no limits on PAC contributions to candidates.
- ★ No person may contribute more than \$1,000 per election to any one candidate. Also, no person may contribute more than \$25,000 in total political contributions during the two-year election period. W.S. 22-25-102(c)
- ★ There is no limit on how much the candidate or the “immediate family” may contribute to the candidate’s campaign. The term “immediate family” means a spouse, parent, sibling, child or other person living in the individual’s household. W.S. 22-1-102(xxxvii)
- ★ Corporations, partnerships, trade unions, professional associations or civic, fraternal or religious groups or other profit or nonprofit entity except a political party are prohibited from making contributions to candidates, political parties, and PACs supporting and opposing candidates and political parties. However, these entities may make contributions for the adoption or defeat of a ballot proposition or to support or oppose an initiative or referendum petition drive. W.S. 22-25-102
- ★ The Wyoming Election Code prohibits electioneering near a polling place on Election Day. This consists of any form of campaigning, including displaying campaign signs or distributing campaign literature. Canvassing or polling of voters, except exit polling by the news media, is also prohibited. All of these activities are prohibited within one hundred (100) yards of the building in which the polling place is located. W.S. 22-26-113
- ★ Written campaign advertising shall not be placed on or attached to any real or personal property of the state or its political subdivisions except for colleges or schools. Political ads may be placed on fairgrounds and municipal street rights-of-way subject to W.S. 22-25-115. Please see the section of the Campaign Guide titled “[Campaign Advertising](#)” for more information about newspaper, radio and/or television advertisements.
- ★ The posting of campaign signs by businesses is allowed according to W.S. 22-1-102 (xxxviii).
- ★ The rates for political ads shall not be higher than the rates charged for local advertising of the same quality and quantity. W.S. 22-25-112
- ★ No person shall use an automated telephone system or device for the selection and dialing of telephone numbers and playing of recorded messages if the message is for the purpose of promotion or any other use related to a political campaign. W.S. 6-6-104

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## PENALTIES FOR VIOLATIONS

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### Campaign Practices Act:

Anyone violating any of the provisions 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. This civil action may be brought by any candidate adversely affected by the transgression, any political party or a prosecuting authority.

### Campaign Finance Reporting:

Candidates or committees who fail to file the required campaign finance reports within the stipulated time are subject to civil and other penalties. A candidate who fails to file the Statement of Receipts required by the 7<sup>th</sup> day before the election will have his/her name printed on a list that will be made available to the public. In addition, a candidate who fails to file the statement required under W.S.22-25-106 within 30 days of the report due date is

ineligible to run as a candidate for any state or local office for which a statement is required by W.S. 22-25-106 until five years have elapsed from the date the statement was first due, or until the required statement has been filed. W.S. 22-25-108

Civil penalties of up to \$1000 and a maximum of \$500 in attorney's fees may be assessed against any candidate failing to file the reports required by law. An action to impose a civil penalty may be prosecuted by and in the name of any candidate adversely affected by the violation, any political party, any district attorney or the attorney general.

Any officer of a political action committee who is responsible for filing a report and who knowingly and willfully fails to file a required report or who knowingly makes a false report is guilty of a felony punishable by imprisonment not to exceed two years.

The Secretary of State and the county clerks are to report the names of all candidates in violation of the Election Code to the Attorney General or the district attorney, respectively, for appropriate action.

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## CAMPAIGN FINANCE REPORTING

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A candidate does not have to have a committee; but if a candidate has a committee, remember that both the committee and the candidate must report. Whether the candidate is successful or not, reports are required. This includes candidates who neither receive nor spend any money during the campaign.

- ★ From the beginning, it is important to keep accurate records of receipts (contributions) and expenditures.
- ★ A candidate may accept contributions and make expenditures prior to filing for office.

- ★ It is important to file **Statement of Receipts and Expenditures Reports** on time because there are strict penalties for failure to comply. The fully itemized Statement of Receipts Only Report shall be filed at least seven (7) days before an election (August 14, 2012, and October 30, 2012), with information required current to any day from the eighth day up to the fourteenth day before an election. Statement of Receipts and Expenditures Reports are due not later than ten (10) days after the primary, general or special elections (August 31, 2012, and November 16, 2012).
- ★ For candidates filing at the county or municipal offices, the Statement of Receipts and Expenditures Report may be filed by fax, provided the original is postmarked on the day the facsimile is sent.
- ★ Fully itemize all receipts (contributions) over \$25.00 and itemize all expenditures on the reports.
- ★ If there are additional receipts and expenditures after the election report has been filed, an amendment to the report must be filed.
- ★ If inaccuracies are discovered, correct them within a reasonable time not to exceed ninety (90) days from the time they become known. W.S. 22-25-106(e) If a campaign report has already been filed, make the correction by filing an amendment to the report.
- ★ Amendments to filed reports may be filed at any time, but must be made within 90 days from the time the error or additional receipts and expenditures become known. Net changes amounting to less than \$50.00 do not need to be reported.
- ★ Contributions of \$25.00 or more must be itemized by date received, name, city and state of the contributor, and amount contributed. All receipts under \$25.00 shall be reported, but need not be itemized. However, if you receive \$10.00 from a contributor who then later gives you \$20.00, you must give an itemized report of the total \$30.00 contribution.
- ★ Contributions include in-kind contributions which are goods and services provided for a candidate. All in-kind contributions must be itemized by name, city and state of the contributor, date, item or service contributed, and market value of the item or service contributed.
- ★ Sale of tickets for fund-raisers: If the ticket price is \$25.00 or more, the name and address of each ticket purchaser and purchase price of ticket(s) must be itemized under “receipts.” If the ticket price is under \$25.00, the fund-raiser does not have to be itemized and needs only to be reported under “unitemized contributions.”
- ★ Anonymous contributions are those contributions whose origin cannot be determined, i.e., “pass the hat” type of 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 states he/she does not know the origin of the contribution.

- ★ Each expenditure must be itemized by date expended, name, city and state of the person or business to whom the expenditure is made, and the purpose and amount of expenditure. Examples are: Advertising and printing expenses; expenses for services of a professional campaign consultant or public relations firm; expenses for staff salaries, travel, renting office space; postage and sign materials.
- ★ Campaign expenditures that are not required to be reported include: Filing fee for office, a candidate's own personal campaign expense 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)
- ★ Loans are to be itemized by name, city and state of the creditor, amount, date, payment to date, and outstanding balance of loan.
- ★ Candidates for federal office are not required to file Statement of Receipts and Expenditures Reports if the candidate is required to comply with federal election law reporting requirements. W.S. 22-25-106(g)
- ★ The Wyoming Election Code does not specify how excess campaign funds may be used.

## CANDIDATE'S CAMPAIGN COMMITTEE

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Candidate's campaign committee means 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** must be filed within ten (10) days after formation. This filing is required by law for a committee formed before an election to aid a candidate or after an election to defray campaign debts. W.S. 22-25-101(b)
- ★ The statement is to list: Name, mailing address and e-mail address for statewide candidates, the committee, name and residence address of the committee chairman and treasurer, date the committee was formed, and the name of the candidate supported (including office sought and party affiliation). The chairman and treasurer must be separate individuals. Occasionally, the candidate wishes to be the chairman or treasurer of his or her campaign committee. The Wyoming Election Code does not prohibit these designations.

- ★ Filing the campaign finance report: See previous section, “Campaign Finance Reporting,” for details about receipts and expenditures.
- ★ The **Statement of Receipts Only Report** must be signed by both the chairman and the treasurer and filed within seven (7) days prior to the primary, general, or special election.
- ★ The **Statement of Receipts and Expenditures Report** must be signed by both the chairman and treasurer and filed at least ten (10) days after the primary, general or special election.
- ★ Terminating the committee: Once all committee debts are retired, the

committee may terminate. Statewide candidate committees terminate online <https://www.wycampaignfinance.gov>. County and municipal committees may terminate by filing a **Candidate’s Campaign Committee Termination Report** or by checking the appropriate box on the final Statement of Receipts and Expenditures Report.

- ★ Odd-numbered year filings: All candidate campaign committees which have not filed a Candidate Campaign Committee Termination Report must file a **Statement of Receipts and Expenditures Report** by December 31st of the odd-numbered years.

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## POLITICAL ACTION COMMITTEE (PAC)

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PAC means any group of two (2) or more persons who are organized and associated for the purpose of raising, collecting or spending money to be used in a campaign. W.S. 22-1-102(a)(xx)

- ★ A **Statement of Formation** must be filed within ten (10) days after formation. This filing is required by law for a committee formed before an election or after an election to defray campaign debts.
- ★ The statement is to list: Name and mailing address of the committee, name and residence address of the committee chairman and treasurer, and contact e-mail. (*Note: The chairman and treasurer must be separate individuals.*)
- ★ The statement must also indicate: Date the committee was formed and, if known at the time of filing, the names of the candidates the committee is supporting or opposing
- ★ 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 limitations:** Contributions may not be received from a corporation, partnership, trade union, professional association, or civic, fraternal or religious group

to be used for candidates or political parties. However, contributions from these organizations may be used for the support or defeat of ballot propositions or initiative and referendum petition drives.

- ★ **Filing the campaign report:** See the section, “[Campaign Finance Reporting](#),” for details about receipts and expenditures and filing deadlines as the same applies to PACs.
- ★ **Terminating the committee:** Once all committee debts are retired, the committee may terminate. Statewide

PACs must terminate online at <https://www.wycampaignfinance.gov>. County PACs may terminate by filing a Political Action Committee Termination Report or by checking the box on the final Statement of Receipts and Expenditures Report.

- ★ **Odd-numbered year filings:** All PACs which have not filed a Political Action Committee Termination Report must file a Statement of Receipts and Expenditures Report by December 31st of the odd-numbered years.

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## ORGANIZATIONS

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The Wyoming Election Code uses the word “organization” but does not define it. The Attorney General has stated that “organization” should be given its ordinary meaning. Any kind of association, business or otherwise, which exists for a purpose other than supporting or opposing a petition drive or ballot proposition, which receives or spends money for either of those two purposes, is required to file a disclosure report. (For example, ABC Tobacco Company spends money on an ad campaign against an initiative drive to ban smoking in all public places. The company is an “organization” and must file a Statement of Receipts and Expenditures Report.)

- ★ Any organization which supports or opposes a petition drive or any organization which supports or opposes a ballot proposition, shall

file a fully itemized **Statement of Receipts** at least seven (7) days before the election (October 30, 2012, for the general election), with information required current to any day from the eighth day up to the fourteenth day before the election.

- ★ Any organization which supports or opposes a petition drive or any organization which supports or opposes a ballot proposition, shall file a **Statement of Receipts and Expenditures Report** within ten (10) days after the election (November 16, 2012) and ten (10) days after the petition is submitted to the Secretary of State. The report must be filed online by accessing: <https://www.wycampaignfinance.gov>.

- ★ Organizations supporting or opposing local ballot issues must file the Statement of Receipts and Expenditures with the County Clerk. The form for this filing may be accessed on the Secretary of State website at <http://soswy.state.wy.us>.
- ★ Statements shall be signed by both the chairman and treasurer of the organization. See section, “[Campaign Finance Reporting](#),” for details about receipts and expenditures and filing deadlines.

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## POLITICAL PARTY CONTRIBUTIONS

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No political party funds shall be expended directly or indirectly in the aid of the nomination of any one person against another person of the same political party running in the primary election. In the general election, a party may specifically contribute to their party’s candidate for office.

- ★ Filing the campaign report: Each state and county party central committee must file a fully itemized **Statement of Receipts and Expenditures Report** online using the Wyoming Campaign Finance Information System (WYCFIS) within ten (10) days after the general or special election. The report must include all receipts 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 party activity done in odd-numbered years must be recorded.
- ★ See previous section, “[Campaign Finance Reporting](#),” for details about receipts and expenditures. Exception: Staff and postage expenses need not be reported.
- ★ Receipts and expenditures must be attributed to specific candidates if the receipts and expenditures can be specifically identified to that candidate to the exclusion of other candidates on the ballot. If a candidate is identified, the party committee must provide a copy of the report to the candidate.
- ★ The report must be signed by the chairman or an officer of the party designated by the chair.
- ★ 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.
- ★ Clubs, such as the Young Democrats or a county Republican Women’s Club, should check with their respective party authority to determine their power to contribute directly to a candidate.
- ★ Party chairs or designees must create an account to file the required reports by accessing the Secretary of State’s online filing system at <https://www.wycampaignfinance.gov>.

## INFORMATION AND PUBLICATIONS

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The following 2012 election information is available by clicking on the title below. The Wyoming Election Code and Campaign Finance Reporting Forms are available at no cost by accessing the Secretary of State's website at <http://soswy.state.wy.us/Elections/Elections.aspx>.

- ★ [Campaign Finance Reporting Forms](#) for county and municipal candidates and committees are available online and at the County Clerk's Office.
- ★ The [Wyoming Election Code](#) may be purchased for a prepaid fee of \$3.00 from the Secretary of State and is also available online free of charge.
- ★ [Voter Registration Data](#) may be requested from the Secretary of State or the County Clerk. Order forms are available on the Secretary of State's website and at the County Clerk's Office. There is no charge for data sent by e-mail. Fees apply to data sent on CD format.
- ★ The [Election Calendar](#) indicates all election time frames.
- ★ The [Wyoming Campaign Finance Information System](#) (WYCFIS) is an online system used for statewide candidates, candidate committees, PACs, organizations and political parties to report campaign finance disclosure reports as well as a public access system for viewing these reports.

## **CAMPAIGN PRACTICES (W.S. 22-25-101 – 22-25-115)**

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### **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.

### **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 of any kind including a corporation, partnership, trade union, professional association or civic, fraternal or religious group or other profit or nonprofit entity except a political party, political action committee or candidate's campaign committee organized under W.S. 22-25-101, 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 group of candidates. 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 political office, or to any candidate's campaign committee:

(A) More than one thousand dollars (\$1,000.00) per election; and

(B) No contribution for the general election may be given prior to the date for the primary election.

(ii) Total political contributions for any two (2) year period consisting of a general election year and the preceding calendar year, of more than twenty-five thousand dollars (\$25,000.00).

(d) Any organization, in the aid of the election or defeat of candidates for public

office or for the adoption or defeat of any ballot proposition may communicate directly with its own members on behalf of a particular candidate or political party.

(e) Any corporation, person or organization violating the provisions of subsection (a), (b), (c) or (j) of this section is subject to a civil penalty up to ten thousand dollars (\$10,000.00) and costs including a reasonable attorney's fee. 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 organization 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 receipts and expenditures with the secretary of state within ten (10) days after the conference or convention.

(h) No organization of any kind, as specified in subsection (a) of this section, 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 at least once in every calendar year. 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 of any kind including a corporation, partnership, trade union, professional association or civic, fraternal or religious group or other profit or nonprofit entity from exercising its first amendment rights to make independent expenditures

for speech expressly advocating the election or defeat of a candidate. For purposes of this subsection, "independent expenditure" means an expenditure that is made without consultation or coordination with a candidate or an agent of a candidate whose nomination or election the expenditure supports or whose opponent's nomination or election the expenditure opposes.

### 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 receipts 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 that a vacancy will exist if the forms are not completed and filed pursuant to law. Until January 1, 2010, the forms along with instructions and warning shall be distributed to the county clerk and shall be given 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. Until January 1, 2010, the county clerk shall also distribute the reporting forms to the chairmen of the county party central committees.

(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 after December 31, 2009.

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

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

(i) Every candidate shall file a fully itemized statement of receipts at least seven (7) days before any primary, general or special election with information required by this subsection current to any day from the eighth day up to the fourteenth day before the election;

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

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

(iv) Statements under this subsection shall set forth the full and complete record of receipts including cash, goods or services and except for statements of receipts required under paragraph (i) of this subsection, of actual and promised expenditures, including all identifiable expenses as set forth in W.S. 22-25-103. For purposes of this section, a receipt is reportable when it is known and in the possession of, or the service has been furnished to, the person or organization required to submit a statement of receipts or a statement of receipts and expenditures. The date of each receipt of twenty-five dollars (\$25.00) or more, any expenditure or obligation, the name of the person from whom received or to whom paid and the purpose of each expenditure or obligation shall be listed. All receipts under twenty-five dollars (\$25.00) shall be reported but

need not be itemized. Should the accumulation of receipts from an individual exceed the twenty-five dollar (\$25.00) threshold, all receipts from that individual shall be itemized. Receipts, expenditures and obligations itemized in a statement filed by a political action committee, a candidate's campaign committee or by a political party central committee need not be itemized in a candidate's statement except by total with a reference to the statement;

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

(i) Except as otherwise provided in this section, any political action committee, candidate's campaign committee, or any political action committee formed under federal law or the law of another state that contributes to a Wyoming political action committee or to a candidate's campaign committee, any organization making an independent expenditure under W.S. 22-25-102(k), and any other organization supporting or opposing any ballot proposition which expends any funds in any primary, general or special election shall file an itemized statement of receipts at least seven (7) days before the election current to any day from the eighth day up to the fourteenth day before the election and shall also file a statement of receipts and expenditures within ten (10) days after a primary, general or special election;

(ii) A committee formed after an election to defray campaign expenses

incurred during a previous election and any political action or candidate's campaign committee which has previously filed a statement of receipts and expenditures and has not filed a statement of termination shall file an itemized statement of receipts and expenditures on 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) In addition to the reports required under paragraphs (i) through (iii) of this subsection, a political action committee formed for the support of or opposition to any initiative or referendum petition drive or any organization supporting or opposing a petition drive shall file an itemized statement of receipts and expenditures within ten (10) days after the petition is submitted to the secretary of state pursuant to W.S. 22-24-115.

(c) All statements required by subsection (b) of this section shall be signed by both the chairman and treasurer. The statements shall set forth the full and complete record of receipts including cash, goods or services and except for statements of receipts required under paragraph (i) of this subsection, of actual and promised expenditures. The date of each receipt of twenty-five dollars (\$25.00) or more, any expenditure or obligation, the name of the person from whom received or to whom paid and the purpose of each expenditure or obligation shall be listed. Nothing in this subsection shall be construed to require the disclosure of the names of individuals paid to circulate an initiative or referendum

petition. All receipts under twenty-five dollars (\$25.00) shall be reported but need not be itemized. Should the accumulation of receipts from an individual exceed the twenty-five dollar (\$25.00) threshold, all receipts from that individual shall be itemized. If the receipts, expenditures or obligations were for more than one (1) candidate, the amounts attributable to each shall be itemized separately.

(d) The chairman of each political party central committee for the state or county, or an officer of the party designated by him, shall file an itemized statement of receipts of twenty-five dollars (\$25.00) or more, and any expenditures and obligations. The statement shall be filed within ten (10) days after a general or special election. The statement shall report all receipts, expenditures and obligations relating to campaign expenses, including normal operating expenses. All receipts under twenty-five dollars (\$25.00) shall be reported but need not be itemized. Should the accumulation of receipts from an individual exceed the twenty-five dollar (\$25.00) threshold, all receipts from that individual shall be itemized. It shall attribute all campaign receipts, expenses and obligations to a specific candidate only if the campaign receipts, expenses and 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) Amendments to the statements required by this section may be filed at any time. If inaccuracies are found in the statements filed or additional receipts or expenditures occur or become known after the statements are filed, amendments to the original statements or additional statements

shall be filed within a reasonable time not to exceed ninety (90) days from the time the inaccuracies or additional receipts or expenditures became known. Any net change less than fifty dollars (\$50.00) need not be reported.

(f) In addition to the statement of receipts and expenditures required by subsection (b) of this section, any political action committee formed for the support of any initiative or referendum petition drive or any organization supporting an initiative or referendum petition drive shall file with the secretary of state, at least thirty (30) days but no more than forty-five (45) days before the election at which the initiative or referendum proposition will be voted on, a statement signed by both the chairman and treasurer showing:

- (i) The total amount expended to circulate the petition;
- (ii) The number of persons paid to circulate the petition; and
- (iii) Repealed By Laws 2000, Ch. 67, §2.
- (iv) The period of time during which signatures on the petition were obtained.

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

(h) In addition to any other report required by this section, an organization required by W.S. 22-25-110(c) to report expenditures shall report as follows:

(i) The report shall identify the organization making the expenditure and the individual acting on behalf of the organization in making the expenditure;

(ii) The report shall be filed at least seven (7) days before the next primary, general or special election with information current to any day from the eighth day up to the fourteenth day before the election;

(iii) If not previously reported, the report shall include the disclosure of any source of funding to the organization in excess of one thousand dollars (\$1,000.00) to further the expenditure.

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

(a) All statements 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 supporting or opposing a municipal initiative or referendum or ballot proposition 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 receipts 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 making an independent expenditure under W.S. 22-25-102(k) and filing pursuant to W.S. 22-25-106(b)(i) or (h) shall file statements required by this section with the secretary of state.

(b) Until December 31, 2009, statements required to be filed at least seven (7) days before any primary, general or special election may be filed by facsimile transmission without the original signatures. Until December 31, 2009, statements required to be filed after any primary, general or special election may be filed by facsimile transmission provided that an original with the required signatures is sent. After December 31, 2009, all statements filed with the secretary of state shall be filed electronically.

(c) Any statement 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 if the secretary of state has adopted rules which allow for the electronic filing;

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

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

(e) After December 31, 2009, 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, the World Wide Web or a similar proprietary or common carrier electronic system. 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 candidate or committee to file statement.**

(a) Candidates shall be given notice prior to an election that failure to file, within the time required, a full and complete itemized statement of receipts and a statement of receipts and expenditures shall subject the candidate to civil penalties as provided in subsection (e) of this section.

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

(c) In addition to any other penalty provided by law, a candidate who fails to file the statement required by W.S. 22-25-106 within thirty (30) days of the report due date is ineligible to run as a candidate for any state or local office for which a statement is required by W.S. 22-25-106 until:

(i) Five (5) years have elapsed from the date the statement was first due; or

(ii) The person has filed the required statement.

(d) Each political action committee shall be given notice prior to an election that failure to file the statement may result in the filing of criminal charges against the committee's officers responsible for the filing. Any officer of a political action committee who is responsible for filing a report and who knowingly and willfully fails to file a report as required or who knowingly and willfully subscribes to, makes or causes to be made a false report is guilty of a felony punishable by imprisonment not to exceed two (2) years.

(e) Any candidate failing to file the reports required by W.S. 22-25-106 within the times required by that section is subject to a civil penalty and costs, including reasonable attorney's fees not to exceed five hundred dollars (\$500.00), as hereinafter provided. An action to impose a civil penalty may be prosecuted by and in the name of any candidate adversely affected by the violation, any political party, any district attorney or the attorney general. 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. Civil penalties shall be paid to the clerk of court for deposit to the public school fund of the county in which the fine was assessed. The civil penalty imposed under this subsection shall be not more than one thousand dollars (\$1,000.00).

#### **22-25-109. Reporting candidates in violation.**

The secretary of state and the county clerks shall report the names of all candidates in violation of the Election Code of the state of

Wyoming to the attorney general or to the district attorney, respectively, for appropriate action.

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

(a) It is unlawful for a candidate, political action committee, organization, including organizations making expenditures pursuant to W.S. 22-25-102(k), candidate's campaign committee, or any political party central committee to pay for campaign literature or campaign advertising in any communication medium without printing or announcing the candidate, organization or committee sponsoring the campaign advertising or campaign literature. The communications media in using the campaign advertising shall print or announce the name of the candidate, organization or committee paying for the advertising.

(b) For purposes of this section, "campaign literature" 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.

(c) Any organization making an expenditure pursuant to W.S. 22-25-102(k) which is subject to this subsection and in excess of five hundred dollars (\$500.00) shall report the expenditure as specified in W.S. 22-25-106(h).

#### **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.

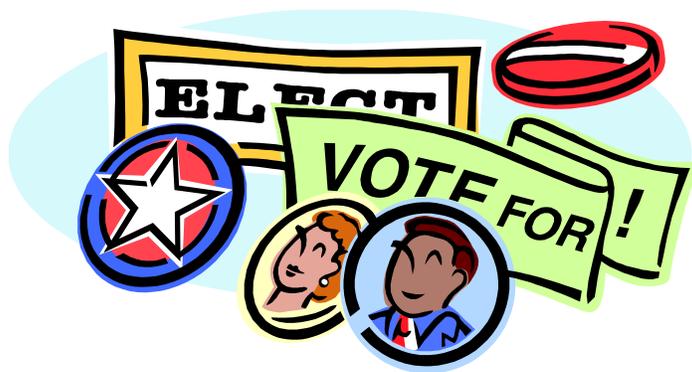
22-25-113. Repealed By Laws 1998, ch. 100, § 5.

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.



## CAMPAIGN ADVERTISING

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To remain in compliance with W.S. 22-25-110, campaign advertising in communications media, a candidate or committee purchasing radio, television or newspaper advertisements must abide by specific requirements. The following are examples which may assist in determining the proper language for the “paid for” line:

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” line should read “Paid for by Jane Doe.”
  2. Jane Doe decides to form a committee. The committee then buys media for Jane. The “paid for” line should read “Paid for by the Committee to Elect Jane Doe.”
  3. Jane has four (4) friends who want to buy a newspaper advertisement for her. They each pitch in some money. The “paid for” line should read “Paid for by Bill Jones, Connie Smith, Tom Williams and Julie Noe,” OR their signatures could be a part of the ad and read “Paid for by the Individuals Signing Above.” These are called “independent expenditures” which neither Jane nor her committee needs to report.
  4. Jane’s good friend Bill Jones wants to buy a newspaper advertisement supporting Jane. He pays for the ad personally. No disclosure is required.
  5. A group of people have formed a Political Action Committee (PAC) and filed with the Secretary of State or the County Clerk. They call this committee “The Committee to Elect Reasonable People.” This committee supports Jane and buys a newspaper ad. The “paid for” line should read “Paid for by the Committee to Elect Reasonable People.”
  6. Jane Doe is a member of the “Cowboy Party.” The “Cowboy Party” buys an advertisement for Jane. (This is allowed only if Jane is the only “Cowboy Party” candidate running in the primary election or she is the “Cowboy Party” candidate for the general election.) The “paid for” line should read “Paid for by Wyoming Cowboy Party” or “Paid for by the Wilson County Cowboy Party,” depending upon whether it is the state or county party.
  7. Jane Doe is running for office. A group of Jane’s friends want to support her. However, they do not form a PAC or a candidate’s campaign committee. They buy an ad which has a “paid for” line which reads “Paid for by Friends of Jane Doe” but they do not list their names in the advertisement. **THIS IS ILLEGAL.**
- ★ **For radio advertisements, the “paid for” lines should be announced.**
  - ★ **For television advertisements, the “paid for” lines should be announced and/or appear on the screen.**

## FILING DEADLINES & OFFICES

	Statement of Formation	Statement of Receipts Only		Statement of Receipts and Expenditures	
		Primary Election	General Election	Primary Election	General Election
Candidate	N/A	August 14, 2012	October 30, 2012	August 31, 2012	November 16, 2012
Candidate's Campaign Committee	10 Days After Formation	August 14, 2012	October 30, 2012	August 31, 2012	November 16, 2012
School or Community College Board Candidate	N/A	N/A	October 30, 2012	N/A	November 16, 2012
School or Community College Board Candidate's Campaign Committee	10 Days After Formation	N/A	October 30, 2012	N/A	November 16, 2012
Political Action Committee (PAC) <sub>1,2</sub>	10 Days After Formation	August 14, 2012	October 30, 2012	August 31, 2012	November 16, 2012
Political Party Central Committee	N/A	N/A	N/A	N/A	November 16, 2012
Organization <sub>1,2</sub>	N/A	N/A	October 30, 2012	N/A	November 16, 2012 (If ballot proposition appeared on General election Ballot)

1. An organization or PAC supporting or opposing an initiative or referendum petition drive shall file a report online within ten (10) days after the petition is filed with the Secretary of State. An organization or PAC supporting or opposing a ballot proposition shall file a Statement of Receipts Only Report at least seven (7) days before the election, and a Statement of Receipts and Expenditures Report ten (10) days after the election at which the ballot proposition was voted upon. W.S. 22-25-106(b)(i) and (iv). All of these reports must be filed online at <https://www.wycampaignfinance.gov>
2. Any PAC formed for the support of any initiative or referendum petition drive or any organization supporting an initiative or referendum petition drive shall file online in the Secretary of State's Wyoming Campaign Finance Information System (WYCFIS). The reports shall be filed at least thirty (30) days but no more than forty-five (45) days before the election at which the initiative or referendum proposition will be voted on, a statement signed by both chairman and treasurer showing: (W.S. 22-25-106(f))
  - A. The total amount expended to circulate the petition;
  - B. The number of persons paid to circulate the petition;
  - C. The period of time during which signatures on the petition were obtained.

The filing period for this report is September 21, 2012, through October 8, 2012.

### 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 made online 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 and community college board, or a committee formed to support or defeat a local ballot proposition.

## CONTRIBUTION LIMITS & PROHIBITIONS UNDER WYOMING LAW

There are no limits on how much a candidate can spend, only limits on how much an individual can contribute.

Contribution From	To Candidate or Candidate's Campaign Committee	To Political Party Committee	To Political Action Committee
Individual	A specific limit of \$1,000 per candidate per election.  A general limitation of no more than \$25,000 in total contributions within the same two-year period. <sup>1</sup>	No Limit <sup>2</sup>	There are no limits as to what an individual can give to a PAC. However, a specific limit of \$1,000 per candidate per election applies.  A general limitation of no more than \$25,000 in total contributions within the same two-year period. <sup>3</sup>
Political Party Committee	No Limit	No Limit	No Limit
Political Action Committee (PAC)	No Limit	No Limit	No Limit
Corporation, Union, Partnership, Professional Association or Civic, Fraternal or Religious Group	Prohibited from making contributions to candidates and political parties. However, these organizations may make contributions to support or oppose a ballot proposition or an initiative or referendum petition drive. (For First Amendment "Independent Expenditures" see pages 11-12 of this guide.)  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.		

<sup>1</sup> For example, if a person contributed \$1,000 to a political candidate, that would leave \$24,000 available for contributions under these categories within the two-year period. The two-year period consists of a general election year and the preceding calendar year.

<sup>2</sup> 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 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..." W.S. 22-25-102(f)

<sup>3</sup> No individual "...shall contribute directly or indirectly..." more than \$1000 per election nor more than \$25,000 per election period. W.S. 22-25-102(c)

## WYOMING COUNTY CLERKS

**Albany County Clerk**

Jackie R. Gonzales  
 Email: [jgonzales@co.albany.wy.us](mailto:jgonzales@co.albany.wy.us)  
<http://www.co.albany.wy.us>

Tel 307.721.2541  
 Fax 307.721.2544

**Big Horn County Clerk**

Dori Noyes  
 Email: [clerk@bighorncountywy.gov](mailto:clerk@bighorncountywy.gov)  
<http://www.bighorncountywy.gov/dep-clerk.htm>

Tel 307.568.2357  
 Fax 307.568.9375

**Campbell County Clerk**

Susan Saunders  
 Email: [sfs02@ccgov.net](mailto:sfs02@ccgov.net)  
[http://www.ccgov.net/elected\\_officials/county\\_clerk.html](http://www.ccgov.net/elected_officials/county_clerk.html)

Tel 307.682.7285  
 Fax 307.687.6455

**Carbon County Clerk**

Gwynn Bartlett  
 Email: [gwynnbartlett@carbonwy.com](mailto:gwynnbartlett@carbonwy.com)  
<http://www.carbonwy.com/countyclerk.html>

Tel 307.328.2668  
 Fax 307.328.2669

**Converse County Clerk**

Lucile K. Taylor  
 Email: [lucile.taylor@conversecounty.org](mailto:lucile.taylor@conversecounty.org)  
<http://conversecounty.org>

Tel 307.358.2244  
 Fax 307.358.5998

**Crook County Clerk**

Connie D. Tschetter  
 Email: [conniet@crookcounty.wy.gov](mailto:conniet@crookcounty.wy.gov)  
<http://www.crookcounty.wy.gov>

Tel 307.283.1323  
 Fax 307.283.3038

**Fremont County Clerk**

Julie Freese  
 Email: [julie.freese@fremontcountygovernment.org](mailto:julie.freese@fremontcountygovernment.org)  
[http://www.fremontcountywy.org/county\\_clerk.htm](http://www.fremontcountywy.org/county_clerk.htm)

Tel 307.332.2405  
 Fax 307.332.1132

**Goshen County Clerk**

Connie L. Addy  
 Email: [caddy@goshencounty.org](mailto:caddy@goshencounty.org)  
<http://goshencounty.org>

Tel 307.532.4051  
 Fax 307.532.7375

**Hot Springs County Clerk**

Hans Odde  
 Email: [hanso@hscounty.com](mailto:hanso@hscounty.com)  
<http://www.hscounty.com>

Tel 307.864.3515  
 Fax 307.864.3333

**Johnson County Clerk**

Vicki Edelman  
 Email: [clerk@johnsoncowy.us](mailto:clerk@johnsoncowy.us)  
<http://www.johnsoncountywyoming.org>

Tel 307.684.7272  
 Fax 307.684.2708

**Laramie County Clerk**

Debbye Lathrop  
 Email: [dlathrop@laramiecountyclerk.com](mailto:dlathrop@laramiecountyclerk.com)  
<http://www.laramiecountyclerk.com>

Tel 307.633.4268  
 Fax 307.633.4240

**Lincoln County Clerk**

Jeanne Wagner  
 Email: [jwagner@lcwy.org](mailto:jwagner@lcwy.org)  
<http://www.lcwy.org>

Tel 800.442.9001  
 Fax 307.877.3101

**Natrona County Clerk**

Renea Vitto  
 Email: [rvitto@natronacounty-wy.gov](mailto:rvitto@natronacounty-wy.gov)  
<http://www.natrona.net>

Tel 307.235.9217  
 Fax 307.235.9367

**Niobrara County Clerk**

Becky Freeman  
 Email: [niocc@qwestoffice.net](mailto:niocc@qwestoffice.net)  
<http://niobraracounty.org>

Tel 307.334.2211  
 Fax 307.334.3013

**Park County Clerk**

Jerri Torczon  
 Email: [jerri.torczon@parkcounty.us](mailto:jerri.torczon@parkcounty.us)  
<http://www.parkcounty.us>

Tel 307.527.8600  
 Fax 307.527.8626

**Platte County Clerk**

Chris Kanwischer  
 Email: [pcclerk@plattecountywyoming.com](mailto:pcclerk@plattecountywyoming.com)  
<http://www.plattecountywyoming.com>

Tel 307.322.2315  
 Fax 307.322.2245

**Sheridan County Clerk**

Eda Thompson  
 Email: [ethompson@sheridancounty.com](mailto:ethompson@sheridancounty.com)  
<http://www.sheridancounty.com>

Tel 307.674.2500  
 Fax 307.674.2909

**Sublette County Clerk**

Mary Lankford  
 Email: [maryl@sublettewyo.com](mailto:maryl@sublettewyo.com)  
<http://www.sublettewyo.com>

Tel 307.367.4372  
 Fax 307.367.6396

**Sweetwater County Clerk**

Dale Davis  
 Email: [davidd@sweet.wy.us](mailto:davidd@sweet.wy.us)  
<http://www.sweet.wy.us>

Tel 307.872.3732  
 Fax 307.872.3994

**Teton County Clerk**

Sherry L. Daigle  
 Email: [sdaigle@tetonwyo.org](mailto:sdaigle@tetonwyo.org)  
<http://www.tetonwyo.org>

Tel 307.733.4430  
 Fax 307.739.8681

**Uinta County Clerk**

Lana Wilcox  
 Email: [lamilcox@uintacounty.com](mailto:lamilcox@uintacounty.com)  
<http://www.uintacounty.com>

Tel 307.783.0306  
 Fax 307.783.0376

**Washakie County Clerk**

Mary Grace Strauch  
 Email: [clerk@washakiecounty.net](mailto:clerk@washakiecounty.net)  
<http://washakiecounty.net>

Tel 307.347.3131  
 Fax 307.347.9366

**Weston County Clerk**

Mamie C. Krank  
 Email: [mamie@westongov.com](mailto:mamie@westongov.com)  
<http://westongov.com>

Tel 307.746.4744  
 Fax 307.746.9505

## **CANDIDATE CHECK LIST**

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<u>Report Type</u>	<u>Date Filed</u>
<input type="checkbox"/> Pre-Primary “Statement of Receipts Only” Report (7 days before primary election) <u>August 14, 2012</u>	_____
<input type="checkbox"/> Post Primary “Statement of Receipts and Expenditures” Report (Within 10 days after the primary election) <u>August 31, 2012</u>	_____
<input type="checkbox"/> Pre-General “Statement of Receipts Only” Report (7 days before the general election) <u>October 30, 2012</u>	_____
<input type="checkbox"/> Post General “Statement of Receipts and Expenditures” Report (Within 10 days after the general election) <u>November 16, 2012</u>	_____
<input type="checkbox"/> On-Going Committee “Statement of Receipts and Expenditures” Report <u>December 2013</u>	_____
<input type="checkbox"/> “State Elected Officials Financial Disclosure” – Legislature & 5 Elected Officials <u>January 31 of each year</u>	_____
<input type="checkbox"/> Executive Branch Code of Ethics – 5 Elected Officials Only <u>February 15 of each year</u>	_____