

22-26-121. Violations of election code; complaints; investigations and prosecutions.

(a) Except as otherwise provided in this section, any person may file a written complaint with the secretary of state regarding any violation of the Election Code by any statewide or legislative candidate, committee or organization. If the secretary of state finds that the complaint has merit and suspects a violation of the Election Code, he shall refer the complaint to the Wyoming attorney general for investigation and prosecution. The attorney general may prosecute the complaint in the district court for the district in which the violation was alleged to occur or in the district court for Laramie county if the violation is reasonably believed to occur in more than one (1) judicial district.

(b) Except as otherwise provided in this section, 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. If the county clerk finds that 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. Written complaints regarding any violation of W.S. 22-25-106(d) by a county party central committee shall be filed with the secretary of state pursuant to subsection (a) of this section.

(c) Complaints that the secretary of state violated the Election Code 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.

(d) The secretary of state or the county clerk may refer any suspected violation of the Election Code to the appropriate prosecuting authority as provided in this section.

(e) A complaint of a violation of W.S. 22-26-102 or 22-26-106 shall be filed with the county clerk for the county in which the elector resides and be investigated by the county sheriff as provided in those sections. If the county clerk or other appropriate official specified in W.S. 22-26-102(e) or 22-26-106(e) fails or refuses for any reason to take action on the elector's complaint, the elector may file a complaint with the Wyoming attorney general.

(f) As used in this section:

(i) "County or municipal candidate, committee or organization" means any county or municipal candidate, candidate committee for county or municipal office, political action committee for county or municipal candidate, political action committee or organization supporting or opposing a municipal initiative or referendum petition drive or ballot proposition within a county or political subdivision, county party central committee except that violations of W.S. 22-25-106(d) shall be filed with the secretary of state and shall not be filed with the county clerk, or any other person not identified in paragraph (ii) of this subsection;

(ii) "Statewide or legislative candidate, committee or organization" means any statewide or legislative candidate, candidate committee for statewide or legislative office, political action committee or organization supporting or opposing any statewide or legislative candidate or any statewide initiative or referendum petition drive or ballot proposition, or state or county party central committee, or county party central committee in violation of W.S. 22-25-106(d).

The reason for this change is to keep the local political party issues at the local level. County Party Central Committee's file their campaign finance reports with the Secretary of State, but beyond campaign finance, and to be true to be consistent with the statutes, the local issues should remain at the local level.

22-6-112. Name to appear only once; exception. No candidate's name shall appear on the partisan primary ballot or general election ballot more than once, except that of a candidate for the office of precinct committeeman or committeewoman, who may also seek another office on the same partisan primary ballot.

The reason for this change is that minor parties nominate their candidates for the general election and therefore have no primary election. This change will make it crystal clear that a minor party cannot place the same candidate's name on the ballot in the general election for more than one office (ex: same candidate for governor and secretary of state, etc...) this change would expressly address the current ambiguity as it relates to minor party candidates and general election ballot access.

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, candidate's campaign committee, political party, or political action committee which directly coordinates with a candidate or a candidate's committee. ~~Or group of candidates.~~ No person shall solicit or receive a payment or contribution from an organization prohibited from making contributions under this subsection.

The reason for this suggested change is to close the loophole on corporate contributions to political parties and PACs that are coordinating with candidates or candidate committees.

22-16-106. Write-in candidates.

(a) Each write-in candidate nominated at a primary election, who has not previously filed an application for nomination shall accept nomination by filing an application for nomination and paying the filing fee in the office in which he would have been required to file an application for nomination to that office.

(b) The chief election officer shall notify a write-in candidate who has been nominated at a primary election within forty-eight (48) hours after the canvassing board meets. Notification may be made delivered by United States postal service, email or other electronic means, any generally accepted business document delivery method evidenced by receipt of delivery or attempted delivery at the last known address of the write-in candidate or service as provided under the Wyoming Rules of Civil Procedure. Each notification provided under this section shall inform the write-in candidate that failure to timely respond will result in forfeiture of nomination. Failure of the successful write-in candidate to accept the nomination in the manner prescribed in subsection (a) of this section within five (5) days after delivery, attempted delivery or service under the Wyoming Rules of Civil Procedure, as computed pursuant to W.S. 22-2-110,

results in the successful write-in candidate not appearing on the general election ballot, but does not result in a vacancy which can be filled.

Reason for this suggested change is to expedite the delivery of the nomination using more current electronic delivery methods.

22-5-215. Nomination of partisan candidates and write-in candidates.

On each party ballot the candidate or candidates equal in number to the number to be elected to each office who receive the largest number of votes shall be nominated and shall be entitled to have their names printed on the ballot for the next general election. A write-in candidate shall not be nominated and shall not be entitled to have his name printed on the ballot for the next general election unless he received at least twenty-five (25) write-in votes in the primary election in which he is a registered voter in that political party on the day of the primary election. An unsuccessful candidate for office at a primary election whose name is printed on any party ballot may not accept nomination for the same office at the next general election.

The reason for this change is to explicitly require the highest vote getter, if a write-in, to be a registered member of the party in which they've been nominated by.