



Wyoming Campaign Finance

March 2024



About ESPC



The Equality State Policy Center is a non-partisan coalition-based organization that works to advance fair elections and transparent government in support of all Wyoming communities.

ESPC is a “think-and-do tank” utilizing research, public education, and advocacy to hold our government accountable and amplify the voices of Wyomingites. Our vision is to substantially increase and diversify local civic engagement leading to more informed public policy decision-making pertinent to people's daily lives.

Introduction

Expenditures by political candidates and contributions to their campaigns can have an outsized impact on election outcomes, especially in a state like Wyoming, where races can be won with only a handful of votes. That is why good campaign finance laws are essential: they encourage transparency and accountability by clearly tracking who influences — or seeks to influence — Wyoming's elections. In recent years, campaign spending around the state has risen sharply, especially for a number of contentious seats.

As a non-partisan organization dedicated to fair elections and transparent government, the Equality State Policy Center has a longstanding interest in tracking campaign finance regulations. This report takes a look at Wyoming's existing laws as well as the current electoral landscape, highlights recent problems related to campaign spending, and notes where policy changes will improve transparency and accountability leading to fairer elections.



Current Campaign Finance Laws: An Overview

Two resources offer essential information on Wyoming's campaign finance regulations:

- Wyoming State Statute, Chapter 25 of Title 22 details the legal specifications relating to campaign contributions and expenses.
- The 2022 Campaign Guide, published by the Election Division of the Wyoming Secretary of State's Office, outlines reporting requirements.

Reporting

Candidates running for county and municipal offices must file financial reports with their county clerk, via either paper or online forms (specifics vary among counties). Individuals seeking statewide offices, such as legislative seats or executive offices, must file reports online, through the Wyoming Campaign Finance Information System (WyCFIS).

Contribution Limits

Limits on campaign contributions vary depending on the source. Limits are typically per election, with the primary, general, and special elections each considered a separate election. These laws apply to “candidates, candidate campaign committees, and political action committees (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” (Buchanan, 2022).

Reporting Deadlines

Candidate campaign committees, PACs, and organizations must file a ‘Statement of Formation’ within 10 days of formation. Reporting deadlines for contributions and expenditures may vary depending on the entity filing and for what purpose.

2024 Reporting Deadlines for Candidates, Candidate Committees, PACs, and Organizations

	Primary Reports	General Reports
Filing Dates	August 6 -13, 2024	October 22-29, 2024
Report Amendments	August 30, 2024	November 15, 2024
Reporting Date Range	1/1/2023-08/20/2024	08/21/2024-12/31/2024



Wyoming Campaign Contribution Limits to Candidates or Candidate's Campaign Committees

	Individual	Political Party Committee	Political Action Committee (PAC)	Organizations
Limits on Contributions to Candidates or Candidate Campaign Committees	\$2,500 to statewide \$1,500 to nonstatewide	No limit	No limit to statewide candidates \$5,000 to nonstatewide	No direct contributions

Individuals

Individuals may contribute up to \$2,500 per election to a candidate in a statewide race and up to \$1,500 per election to a candidate in a non-statewide race. Individuals may make unlimited contributions directly to political parties; however, donations designated for specific candidates are subject to the \$2,500 limit for statewide and \$1,500 limit for non-statewide races. These limits also apply to contributions from individuals to Political Action Committees. Immediate family members may make unlimited donations to candidates.

Political Action Committees

Political Action Committees, or PACS, are defined as two or more people organized to raise money to influence elections, ballot initiatives, political parties, or candidate committees. In Wyoming, PAC contributions are unrestricted for statewide races and limited to \$5,000 for non-statewide races.

Candidate Campaign Committee

Candidate campaign committees refer to two or more people organized to raise and spend money for a specific candidate. These committees, which may file campaign finance reports on behalf of the candidate, are not subject to spending limits.

Political Parties

Political parties are also not subject to spending limits. Contributions from these committees are typically made in general elections. Current law states that no political party funds be used to elect one candidate running against another of the same party in a primary election.

Organizations

Organizations such as trade unions or professional associations may not contribute directly to political campaigns, but may make unlimited expenditures on a candidate's behalf. Expenditures could include advertisements (billboards, brochures, etc.), office supplies, or even office space.



Enforcement of State Campaign Finance Laws

In Wyoming, the Secretary of State, attorney general, and county district attorneys are tasked with enforcing campaign finance law and handling complaints about violations. Some states, such as Nebraska, use independent commissions, which have rulemaking authority and can collect civil fines. Montana employs a single commissioner to oversee campaign law enforcement (Hewitt, 2021).

In recent years, as political races in Wyoming have grown more heated and elections more contentious, concerns about the enforcement of campaign finance laws have also increased. Many Wyomingites believe campaign finance errors are often not reported, investigated, or pursued legally. Whether that's due to a lack of clarity in the law or the heavy workloads enforcement agencies face, a number of elected officials and others are publicly questioning the efficacy of Wyoming's current system for enforcing campaign finance rules.

Latest Developments

Wyoming's campaign finance laws have been tested in recent years, and the state legislature has shown an interest in shoring up existing regulations.

Legislators in 2023 passed a new law to address a potential loophole that allows national PACs contributing to state elections to skirt financial disclosures at the state level.

National PACs that engage in federal races must file reports with the Federal Election Commission (FEC), but as of 2023 there was no parallel requirement for them to file at the state level when engaging in state races.

The intent of the new law, which went into effect in July of 2023, is to require any PAC, campaign committee, or candidate participating in a state election to file finance reports with the Wyoming Secretary of State's Office. This legislation was likely a response to a controversial legislative race in Campbell County in 2022 where two national PACs focused considerable resources on a statewide race, but filed only with the FEC — not the state of Wyoming (Wolfson, 2022).

Another test of Wyoming's campaign finance laws occurred ahead of the 2020 primary election, when non-profit advocacy group Wyoming Gun Owners (WyGO) aired a radio ad without disclosing its donor list. The Secretary of State reported the ad as "electioneering communications without disclosure of donors" (Wyoming Gun Owners v. Gray, 2023). WyGO sued the state, arguing that the code surrounding electioneering communications was too vague. Ultimately, the court determined that the set of policies surrounding disclosure of donors on communications was not narrowly tailored, but that other language in the statute was indeed vague and did not offer precise clarity in reporting requirements.



Wyoming Campaign Finance: The Trends

To get a clearer picture of campaign financing in Wyoming amid an apparent uptick in spending on state races in recent years, the Equality State Policy Center conducted a review of campaign finance reports filed with the state for the last seven election cycles. The findings bear out what many Wyomingites have noticed: the cost of a number of state races has been rising. Robust campaign finance laws — and the reliable enforcement of those laws — remain essential to ensuring fair elections, transparency, and accountability in the Equality State.



Rising Cost of Campaigns

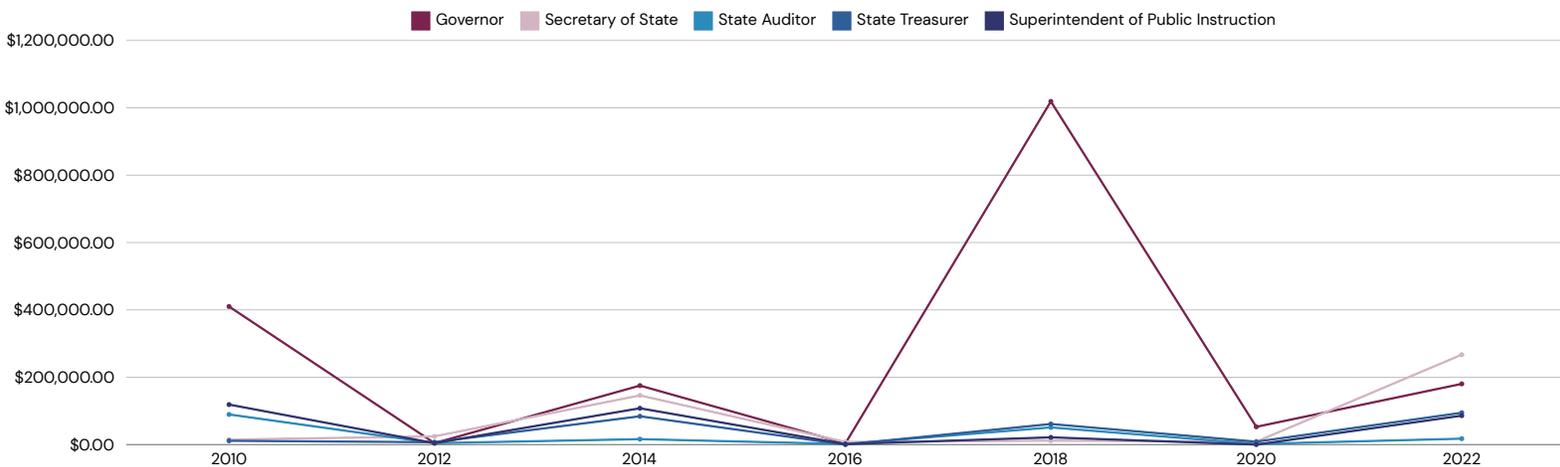
For this analysis, the Equality State Policy Center reviewed reports on the Wyoming Campaign Finance Information System (WyCFIS) website, which compiles reports from candidates, PACs, candidate committees, and organizations. ESPC utilized the data collected from the Average Contributions and Expenses Report for each election year and analyzed candidate fundraising and expenses. These report filings do not include expenditures made by PACs, organizations, or other contribution streams; the information in our analysis reflects funds raised by candidates either through self-funding or campaign contributions. Therefore, ESPC's analysis does not represent the full scope of expenditures made during each election year.

It is worth noting that the WyCFIS reports ESPC utilized for the analysis date back to 2010, as information is only available for the past seven election cycles. Given this relatively short timeframe, the data is not robust enough to make predictions or inferences. The numbers used here are average expenditures by candidates for a race. Several factors impact the true cost of a race: number of candidates, incumbency, additional sources of expenditures. However, this analysis is meant to give a general overview of the costs associated with candidacy.



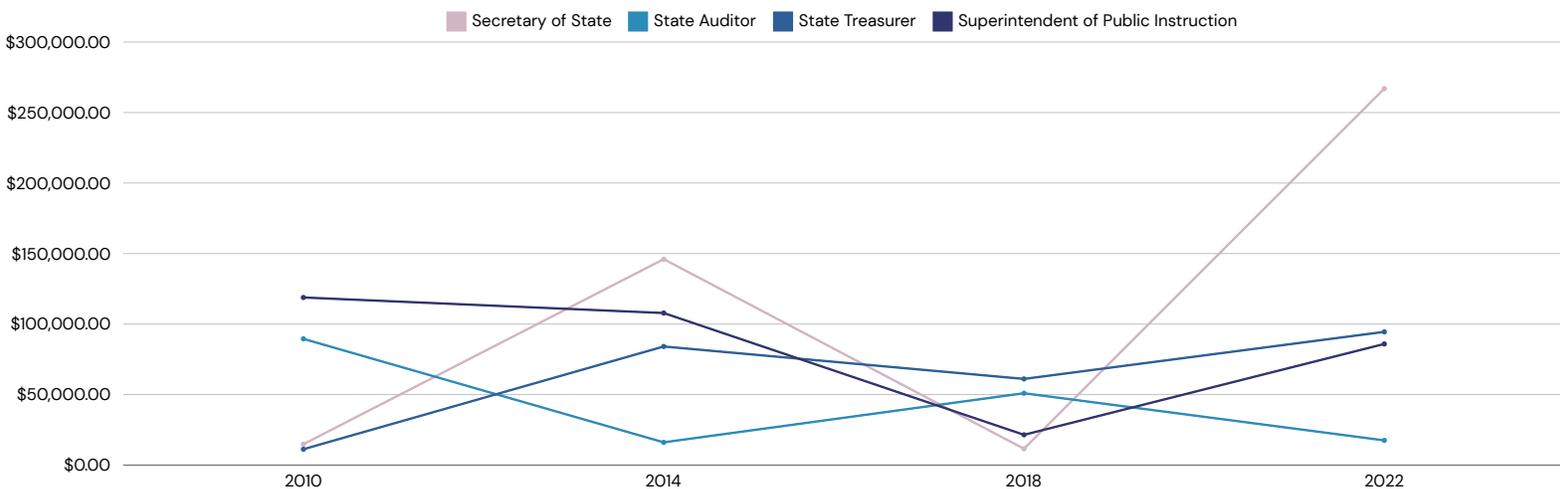
Executive Office Campaign Expenditures

Campaigns for executive office are typically more expensive than legislative or local races, with gubernatorial races being the most costly. The particularly contentious race for governor in 2018 saw a spike in average expenditures for all campaigns, with some candidates spending more than \$3 million.



Graph 1: Average Expenditure per Candidate in Executive Offices Every Two Years

Trends for executive office candidates are more obvious when contributions and expenditures made during non-election years are removed. Between 2018 and 2022, the only executive office whose campaign expenditures trended downward was the State Auditor; spending on this race decreased sharply in 2022 as the incumbent ran unopposed. Spending on Secretary of State campaigns, however, skyrocketed during this time, with one of the three (a fourth withdrew) candidates in the 2022 race spending more than \$700,000.

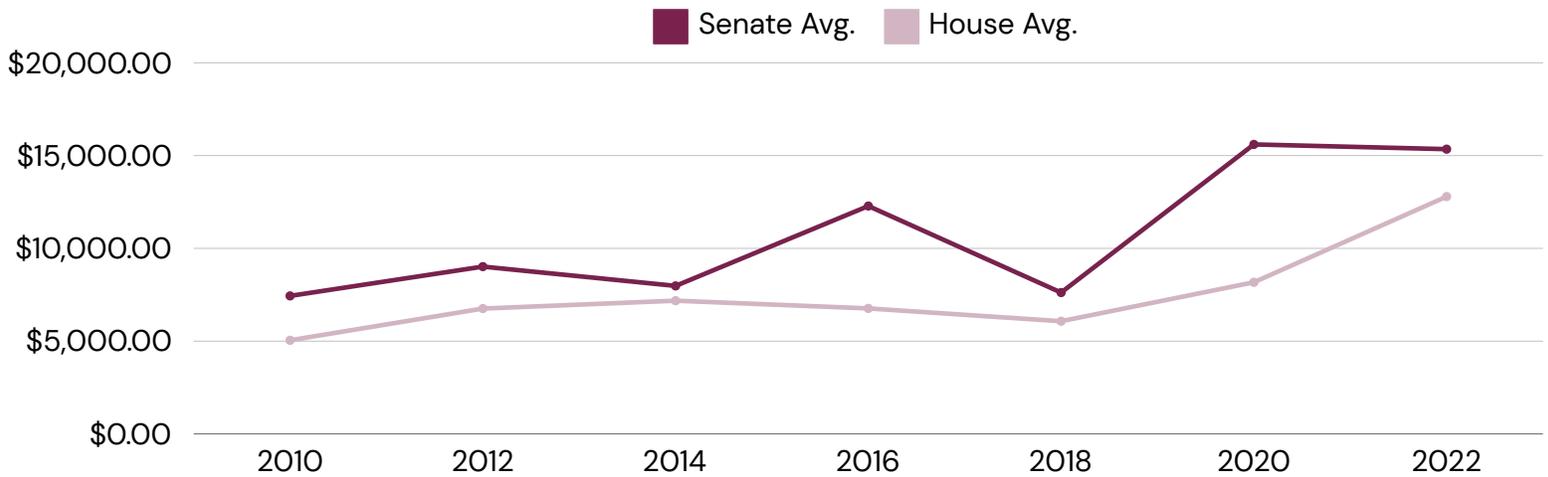


Graph 2: Average Expenditure per Candidate in Executive Offices (minus Governor) by Election Year



State Legislature Campaign Expenditures

Executive office campaigns are not the only races where spending is on the rise. In 2010, the average Wyoming House of Representatives candidate could expect to spend \$5,047 and the average Senate candidate \$7,347. In 2022, the average cost more than doubled to \$12,791 for House candidates and \$15,347 for Senate candidates. Senate seats tend to be more expensive since their districts are bigger than House seats and elections are held every four rather than two years.



Graph 3: Average Expenditure per Candidate in the Wyoming Senate and House by Election Year

Wyoming Senate Campaign Expenditures

The 2020 election year saw the highest average Senate campaign expenditures in the 12-year period. Candidates for the 2020 Senate District 6 race, which includes portions of Laramie and Platte counties, spent \$50,736 on average, with one spending nearly \$75,000. Some years, candidates spent \$0 on races: in 2014 there were no reported expenditures for Senate District 9 (Albany County), and in 2020 there were no reported expenditures for Senate District 4 (Laramie County).

	2010 (Odd Districts)	2012 (Even Districts)	2014 (Odd Districts)	2016 (Even Districts)	2018 (Odd Districts)	2020 (Even Districts)	2022 (Odd Districts)
Average	\$7,437.27	\$9,016.01	\$7,976.59	\$12,281.40	\$7,617.40	\$15,601.72	\$15,347.09
Most Expensive Race Average	\$17,927 (SD5)	\$31,340 (SD18)	\$19,292 (SD29)	\$32,798 (SD8)	\$18,106 (SD17)	\$50,376 (SD6)	\$40,901 (SD29)
Least Expensive Race Average	\$205 (SD23)	\$25.00 (SD4)	\$0.00 (SD9)	\$1,842 (SD16)	\$479 (SD7)	\$0.00 (SD4)	\$900 (SD27)

Table 1: Average Expenditures by Candidate (Average of All, Most Expensive Average, Least Expensive Average) for the Senate by Election Year



Wyoming House of Representatives Campaign Expenditures

The amount of money spent on Wyoming House races in the election years between 2010 and 2022 was similarly varied. Notably, expenditures and contributions for the 2022 race for House District 23, Teton County, were the highest on record for any Wyoming legislative race. House District 23 candidates spent an average of \$61,959 on campaigns in 2022, with one spending almost \$100,000. Most years also saw at least one House race where no spending occurred, likely because a race was uncontested.

	2010	2012	2014	2016	2018	2020	2022
Average	\$5,046.50	\$6,754.61	\$7,179.12	\$6,763.16	\$6,073.12	\$8,171.18	\$12,790.58
Most Expensive Race Average	\$19,407 (HD16)	\$27,000 (HD22)	\$36,745 (HD11)	\$24,869 (HD11)	\$22,739 (HD57)	\$28,299 (HD11)	\$61,959 (HD23)
Least Expensive Race Average	\$0.00 (HD5, HD23, HD37)	\$0.00 (HD5, HD23, HD24)	\$0.00 (HD8, HD27)	\$292 (HD53)	\$0.00 (HD6)	\$0.00 (HD26)	\$0.00 (HD27)

Table 2: Average Expenditures by Candidate (Average of All, Most Expensive Average, Least Expensive Average) for the House by Election Year

On the Horizon: Next Steps for Campaign Finance

During the 2023 interim legislative session (April 2023 - Dec. 2023), the Joint Corporations, Elections, and Political Subdivisions Committee spent considerable time discussing campaign finance and past electoral issues. Some highlights include:

- The Committee sponsored House Joint Resolution 02, which would bolster Senate Enrolled Act 35, which would have urged Congress to put forth a constitutional amendment identifying sources of political contributions or expenditures — even from federal PACs.
- After much discussion in the August and October interim meetings, the Committee sponsored House Bill 39, which would have required any group of two or more people to file a campaign report as an organization. This incremental change would have closed a big loophole by requiring greater transparency from informal groups that pool money for a candidate without donor disclosures.

Although committee-sponsored bills, they failed to receive the required 2/3rd vote to be introduced and died in the first two days of the 2024 Budget Session.



Policy Suggestions

At this time, evidence does not suggest that limits on campaign donations significantly reduce donor contributions or influence, unless the limits are very low. According to the CATO Institute's Freedom Index (2023), putting stricter limits on donation amounts has a minimal impact on overall campaign donations compared to other restrictions and regulations. In other words, if a donor cannot donate more than \$1,500 to a specific candidate they will find another place to make the donations — a PAC, a political party, or a direct expenditure (Ruger & Sorens, 2023). Hence at this time, ESPC does not recommend changing the current limits on contributions.

More important for Wyoming is the enforcement and clarification of current regulations. ESPC recommends that:

- The Wyoming Legislature examines campaign finance regulations and processes during the next interim session.
- The Wyoming Legislature or the Wyoming judicial systems clarify statute language surrounding campaign finance-- specifically, who constitutes immediate family and what constitutes electioneering communications.
- The Secretary of State clearly outlines procedures for reporting campaign finance violations and works to make the process more accessible.
- The necessary state agencies adopt stronger enforcement policies and the Wyoming Legislature dedicates funds to district attorneys to prosecute those who violate the state's disclosure laws.

About the Team - 2024

The Equality State Policy Center is a non-partisan, coalition-based organization that works to advance fair elections and transparent government in support of all Wyoming communities.



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Wyoming Statute § 22-1-102(a)(iii)

Wyoming Statute § 22-1-108(a)(xx)

Wyoming Statute § 22-25-104

Wyoming Statute § 22-25-106(g)

Wyoming Statute § 22-25-106(h)(iv)

Wyoming Statute § 22-26-121