

HOUSE BILL NO. HB0036

Mail ballot elections.

Sponsored by: Joint Corporations, Elections & Political
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to elections; authorizing counties to conduct
2 mail ballot elections; specifying requirements and
3 procedures; prohibiting multiple voting; providing for
4 rulemaking; revising the timeline for possession of ballots
5 by county clerks; making conforming amendments; and providing
6 for effective dates.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 22-30-101 through 22-30-106 are created
11 to read:

12

13

CHAPTER 30

14

MAIL BALLOT ELECTIONS

15

1 **22-30-101. Mail ballot elections by county; designated**
2 **polling place.**

3
4 (a) The county clerk of a county may conduct any
5 election by mail ballot as provided in this chapter.

6
7 (b) In a mail ballot election conducted pursuant to
8 this chapter, ballots shall be prepared and all other
9 pre-election procedures followed as provided by law or rules
10 promulgated by the secretary of state unless otherwise
11 provided in this chapter.

12
13 (c) If a county conducts a mail ballot election
14 pursuant to this chapter, the county clerk shall designate a
15 minimum of one (1) polling place in the county to be open on
16 the day of the election in accordance with W.S. 22-13-101 for
17 voting in the usual manner. The county clerk shall notice
18 the location of a polling place at least once in a newspaper
19 of general circulation in the county within two (2) weeks
20 prior to a statewide election.

21

22 **22-30-102. Delivering mail ballots; form of ballots and**
23 **envelopes.**

1

2 (a) Between forty-five (45) and forty (40) days before
3 an election by mail, the county clerk shall mail by first
4 class mail an official ballot, instructions for marking the
5 ballot and the required envelope for use in returning the
6 ballot to each qualified elector in the county at the last
7 address appearing in the registration records for the
8 qualified elector. An elector who registers to vote after
9 the time specified in this subsection but before the closed
10 period described in W.S. 22-3-102(a) may request a mail ballot
11 from the county clerk. An elector who registers to vote after
12 the closed period described in W.S. 22-3-102(a) shall
13 simultaneously vote a mail ballot at the county clerk's
14 office.

15

16 (b) The secretary of state shall by rule prescribe the
17 form and distribute to the county clerks responsible for the
18 respective elections a supply of the following official
19 envelopes:

20

21 (i) The official inner ballot envelope for use in
22 sealing and returning completed mail ballots. The inner

1 ballot envelope shall contain the information and oath as
2 specified in W.S. 22-9-111;

3

4 (ii) The official outer envelope used to
5 distribute mail ballot materials. On the reverse side of the
6 outer envelope in red ink shall be printed the following:

7

8

INSTRUCTIONS

9

10 This is your official election ballot. To vote, mark the
11 ballot in secret and then seal it in the inner ballot
12 envelope. Sign the affidavit on the back of the inner ballot
13 envelope and mail or deliver the inner ballot envelope to the
14 county clerk or return the envelope to a designated place of
15 deposit.

16

17 (c) If any ballot mailed under this section to a
18 physical address, not including a post office box, is returned
19 to the county clerk by the postal service, the county clerk
20 shall immediately investigate the validity of the address.
21 The county clerk shall remove an elector's information from
22 the registration records if the county clerk determines that
23 the elector's address is not at a location the elector could

1 inhabit. Upon receiving proof that the address is habitable
2 by the elector, the county clerk shall enter the elector's
3 information in the registration records and shall mail the
4 ballot materials to the elector in accordance with this
5 section.

6

7 **22-30-103. Completing and returning of mail ballot;**
8 **replacement ballots.**

9

10 (a) Upon receipt of a mail ballot, the qualified
11 elector to whom the ballot was addressed may mark the ballot
12 and sign the affidavit on the back of the inner ballot
13 envelope. An elector may vote a mail ballot at the county
14 clerk's office or may seal the ballot in the inner ballot
15 envelope and:

16

17 (i) Mail or deliver the envelope to the county
18 clerk; or

19

20 (ii) Return the envelope to a place of deposit
21 designated by the county clerk. At each place of deposit,
22 the county clerk shall prominently display a sign stating
23 that the location is an official mail ballot place of deposit.

1 The secretary of state shall promulgate reasonable rules
2 specifying the dates and times that places of deposit shall
3 be open and the security requirements for the places of
4 deposit.

5

6 (b) An elector may obtain a replacement ballot if the
7 ballot originally mailed to the elector was destroyed,
8 spoiled, lost or not received by the elector. In order to
9 obtain a replacement ballot, the elector shall sign a sworn
10 statement on a form prescribed by the secretary of state
11 specifying the reason for requesting the replacement ballot.
12 The statement shall be presented to the county clerk or
13 election official before the polls close on election day.
14 The county clerk and election official shall keep a record of
15 each replacement ballot issued.

16

17 **22-30-104. Receipt by county clerk; acceptance or**
18 **rejection; mail ballot counting board.**

19

20 (a) A mail ballot received by the county clerk or
21 returned to a place of deposit after the polls close shall
22 not be counted. The county clerk shall write or stamp on the
23 inner envelope of the late mail ballot "Rejected-received

1 after the polls closed". Late ballots shall be kept by the
2 county clerk as provided by law and then destroyed.

3

4 (b) At any time before the polls close on election day,
5 the county clerk shall deliver all completed mail ballots
6 received or returned to the county clerk to one (1) or more
7 mail ballot counting boards. Members of mail ballot counting
8 boards shall be appointed in a manner consistent with the
9 requirements of W.S. 22-8-101 through 22-8-116 as provided
10 for in rules promulgated by the secretary of state.
11 Additionally, the secretary of state shall promulgate rules
12 establishing standards and procedures for mail ballot
13 counting boards.

14

15 (c) A mail ballot counting board shall place all mail
16 ballots received by the county clerk in secure storage until
17 processed. A mail ballot counting board shall verify the
18 signature of the elector on the affidavit against the
19 signature on the elector's registration oath form in
20 accordance with rules of the secretary of state. A mail
21 ballot counting board may begin performing the normal
22 procedural steps to prepare and count the ballots, including
23 running ballots through a tabulation system, provided that

1 the board shall not tabulate cumulative results of the ballots
2 until after the polls close.

3

4 (d) The county clerk shall designate a location for the
5 counting of mail ballots by mail ballot counting boards, which
6 location shall be open to any person for the purpose of
7 observing the counting.

8

9 **22-30-105. Multiple voting prohibited.**

10

11 A person shall not vote more than one (1) ballot at the same
12 election. If more than one (1) ballot is received by a county
13 clerk from the same person for the same election, only the
14 first ballot received shall be counted.

15

16 **22-30-106. Secretary of state; rules.**

17

18 In addition to all other rulemaking authority under this
19 chapter, the secretary of state may promulgate reasonable
20 rules to provide for uniformity in the conduct of mail ballot
21 elections and to govern procedures for conducting mail ballot
22 elections.

23

1 **Section** **2.** W.S. 22-1-102(a)(xxiii)(E),
2 22-3-118(c)(intro), 22-6-103(b) and 22-6-107 are amended to
3 read:

4

5 **22-1-102. Definitions.**

6

7 (a) The definitions contained in this chapter apply to
8 words and phrases used in this Election Code and govern the
9 construction of those words and phrases unless they are
10 specifically modified by the context in which they appear. As
11 used in this Election Code:

12

13 (xxiii) "Poll list" is the list of registered
14 voters as compiled by the clerk for use by election judges at
15 the polls. The poll list shall:

16

17 (E) Indicate which electors have submitted
18 mail ballots or absentee ballots in the election prior to the
19 printing of the poll list;

20

21 **22-3-118. Proof of identity.**

22

1 (c) When a voter has registered by mail and he is voting
2 by mail in his first Wyoming federal election, he shall submit
3 with his mail ballot or absentee ballot:
4

5 **22-6-103. Official ballots.**
6

7 (b) The official mail ballot or absentee ballot shall
8 be in the form prescribed by law for the official ballot.
9

10 **22-6-107. Time for possession of ballots and labels.**
11

12 (a) Official ballots for primary and general elections
13 shall be in the county clerk's possession ~~forty (40)~~ not less
14 than forty-five (45) days before the election. If a clerk is
15 unable to obtain ballots on time, the secretary of state shall
16 provide by rule and regulation for the clerk to obtain and
17 use substitute ballots.
18

19 (b) ~~Notwithstanding subsection (a) of this section,~~
20 County clerks shall make official absentee ballots for
21 primary and general elections available to voters with rights
22 under the Uniformed and Overseas Citizens Absentee Voting
23 Act, 42 U.S.C. 1973ff, and future acts amendatory or

1 supplemental thereto, forty-five (45) days before the
2 election.

3

4 **Section 3.** The secretary of state shall promulgate
5 rules to carry out the purposes of this act.

6

7 **Section 4.**

8

9 (a) Except as provided in subsection (b) of this
10 section, this act is effective July 1, 2019.

11

12 (b) Section 3 of this act is effective immediately upon
13 completion of all acts necessary for a bill to become law as
14 provided by Article 4, Section 8 of the Wyoming Constitution.

15

16

(END)