

ENROLLED ACT NO. 56, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2023 GENERAL SESSION

AN ACT relating to elections; codifying the secretary of state's rules for certification of electronic voting systems; providing a definition of vendor; and providing for an effective date.

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

Section 1. W.S. 22-11-101.1 is created to read:

22-11-101.1. Definitions.

(a) As used in this chapter, "Vendor" means a person engaged in selling, leasing, marketing, designing, building or maintaining electronic voting systems for tabulating election results to the state or counties.

Section 2. W.S. 22-11-103(a)(x) and by creating new subsections (d) through (g) is amended to read:

22-11-103. Capabilities required.

(a) Every electronic voting system adopted for use in Wyoming shall:

(x) Be certified by the secretary of state as provided in subsections (d) through (g) of this section.

(d) A vendor shall file in the office of the secretary of state an application for certification of an electronic voting system and the secretary of state shall approve the application before any electronic voting system to be used in an election conducted under this code may be distributed, sold or upgraded by the vendor. The application for certification of an electronic voting system shall contain the following documentation:

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(i) Proof that the electronic voting system has been certified by the United States election assistance commission;

(ii) Proof that the electronic voting system meets the voluntary voting system guidelines adopted by the United States election assistance commission;

(iii) Proof that the electronic voting system complies with the provisions of this chapter;

(iv) A Wyoming certificate of good standing for the vendor from the office of the secretary of state dated not more than ninety (90) days prior to the date the application is filed;

(v) Proof of the vendor's escrow account containing the source code for the electronic voting system and system components for which certification is being sought including any source code updates; and

(vi) The checksum value associated with the escrowed source code for the electronic voting system and system components for which certification is being sought;

(vii) All related manuals, including but not limited to, technical manuals for repair and maintenance of the electronic voting system, operations manuals for election officials, printer manuals for ballot production and all other written documents prepared by the vendor that describe the operation, use and maintenance of the electronic voting system;

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(viii) A list of applicable patents and copyrights on the electronic voting system;

(ix) A history of the electronic voting system to include a complete description of the electronic voting system, the date the electronic voting system was produced and a complete list of the states that have used the electronic voting system;

(x) A list of any written complaints or concerns made to the vendor by other jurisdictions including county or local jurisdictions on the electronic voting system and a description of the resolution of the complaints or concerns. If there are no written complaints or concerns made to the vendor by other jurisdictions on the electronic voting system then the vendor shall provide a statement to that effect;

(xi) A list of all denials of certification for the electronic voting system made to the vendor by other jurisdictions including state, county or local jurisdictions which shall include official documentation on the resolution of the denial of certification or a statement from the state, county or local jurisdiction explaining why the denial was not resolved.

(e) The secretary of state may deny an application for certification of an electronic voting system as required by subsection (d) of this section or withdraw certification of an electronic voting system for any of the following reasons:

(i) A county clerk notifies the secretary of state of and the secretary of state determines that the electronic voting system fails to meet the requirements

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necessary for approval of certification or ongoing certification provided in subsection (d) of this section; or

(ii) The vendor fails to notify the secretary of state of necessary enhancements or adjustments to the electronic voting system;

(iii) The election voting system does not produce accurate results and reports as required by law;

(iv) Changes are made in the electronic voting system that do not comply with the requirements for certification as required by subsection (d) of this section;

(v) The electronic voting system is no longer used by any county in Wyoming or is no longer available for purchase or repair from the company.

(f) Before being used, any new electronic voting system that is purchased by either the state or a county shall be certified pursuant to this section.

(g) Every county in Wyoming shall keep an inventory of all electronic voting systems being used in that county. The inventory shall include the following information:

(i) The type of electronic voting system used;

(ii) The quantity of each electronic voting system;

(iii) The serial number of each electronic voting system;

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(iv) The software version, if applicable, of each electronic voting system; and

(v) The firmware version, if applicable, of each piece of hardware used in an electronic voting system.

Section 2. This act is effective July 1, 2023.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk