

ENROLLED ACT NO. 23, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2022 BUDGET SESSION

AN ACT relating to elections; authorizing the preparation and processing of absentee ballots before an election; providing rulemaking authority; providing a felony penalty; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 22-8-108(c), 22-9-125(b) and by creating a new subsection (d) and 22-26-101(a) by creating a new paragraph (xi) are amended to read:

22-8-108. Appointment, composition and authority of counting boards; when judges to count.

(c) The counting board in a paper ballot polling place has no authority to act until polls are declared closed as provided in W.S. 22-13-117, except as provided in W.S. 22-9-125(d). A counting board in an electronic voting system counting center may commence preparing absentee ballots for counting at any time on the day of the election day, or before election day as provided in W.S. 22-9-125(d).

22-9-125. Alternate procedures for collecting and counting absentee ballots.

(b) In the case of electronic voting systems using either alternate procedure provided in subsection (a) of this section, the ballots may be tabulated automatically on election day and the ballot counts shall be entered at the designated counting center at the time the polls close on election day.

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(d) Notwithstanding subsection (b) of this section and any other mandatory procedures for counting absentee ballots under this chapter, the county clerk may choose to prepare and process absentee ballots the Thursday or Friday immediately preceding election day, provided:

(i) Any county clerk electing to use this method of preparing and processing absentee ballots shall first notify the secretary of state;

(ii) The county clerk shall notify each political party of the date, time and place that absentee ballot preparation and processing will occur. The notice shall include information on in-person observation of the process, including any procedures regarding the observation;

(iii) No candidate or candidate's committee chairperson or treasurer shall be allowed to observe the preparation and processing of absentee ballots under paragraph (ii) of this subsection;

(iv) No results of absentee ballots prepared and processed under this subsection shall be made known, printed, released or provided to any person and the results shall not be incorporated into the final vote count in any manner until after the polls close on election day;

(v) No person observing the preparation and processing or performing the preparation and processing of absentee ballots under paragraph (ii) of this subsection shall be allowed to have in their possession any personal electronic device, except a device for medical necessity, within ten (10) feet of the area where the preparation and

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processing is occurring at any time while preparation and processing is occurring;

(vi) The secretary of state shall adopt rules for the preparing and processing of absentee ballots under this subsection.

22-26-101. Felony offenses generally.

(a) The following acts in connection with or related to the election process or an election, if knowingly and willfully committed, are felony offenses punishable by not more than five (5) years' imprisonment in the state penitentiary or a fine of not more than ten thousand dollars (\$10,000.00), or both:

(xi) Violating W.S. 22-9-125(d)(iv).

ORIGINAL HOUSE
BILL NO. HB0052

ENGROSSED

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Section 2. This act is effective July 1, 2022.

(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