

SENATE FILE NO. SF0020

Election code-revisions.

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

A BILL

for

1 AN ACT relating to elections; clarifying notification
2 procedures for nominations and write in candidates;
3 providing for a fee; clarifying requirements for petition
4 for nomination; clarifying procedure for delivery of
5 ballots; clarifying a provision relating to filling of
6 vacancies in four year terms of office; repealing obsolete
7 provisions requiring ink stamps and folded ballots;
8 modifying provisions for spoiled ballots; providing for
9 appointment of canvassing board members by county clerk;
10 modifying methods for filling vacancies in municipal
11 elections; clarifying date for submission of municipal
12 ballot initiatives; clarifying date for qualification of
13 petition signatures; clarifying when electioneering occurs;
14 repealing obsolete provisions; and providing for an
15 effective date.

16

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

2

3 **Section 1.** W.S. 22-5-219(a), 22-5-301, 22-5-304,
4 22-5-501(a), 22-9-107, 22-9-121(c)(i) and (ii), 22-12-108,
5 22-13-105, 22-13-107, 22-14-103, 22-16-101, 22-16-106,
6 22-18-111(a)(intro), 22-23-307, 22-23-308(b), 22-23-1003,
7 22-23-1005 and 22-26-113 are amended to read:

8

9 **22-5-219. Further action by nominees or elect not**
10 **required; exception.**

11

12 (a) Candidates nominated and major party precinct
13 committeemen and committeewomen elected at a primary
14 election shall be deemed nominated or elected without
15 further action. In addition, each write-in candidate
16 nominated ~~or elected~~ at a primary election shall comply
17 with the provisions of W.S. 22-16-106.

18

19 **22-5-301. Independent partisan candidates; form.**

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21 (a) Independent candidates for partisan public
22 offices may be nominated by filing a signed petition in
23 substantially the following form:

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PETITION FOR NOMINATION

I,, swear or affirm that I was born on,
.....(year), that I have been a resident of the State of
Wyoming since, and that I am a registered voter of
Election District No., in Precinct No., County of
....., residing at, (if for the office of state senator
or representative, commissioner or other district office)
in Senate (House) (Commissioner or other) District,
State of Wyoming, and having obtained the number of
signatures required by law for nomination by petition, I
hereby request that my name be printed on the official
ballot at the next general election as an independent
candidate for the office of and declare that if
nominated and elected, I will qualify for the office.

Dated the day of,(year).

..... (Signature)

..... (Residence Address)

The eligible, registered electors supporting my
nomination, and numbering not less than ~~two percent (2%)~~ of

1

2 **22-5-304. Qualifications and number of signers**
3 **required.**

4

5 (a) For a statewide partisan office, a petition shall
6 be signed by registered electors, resident in the
7 ~~legislative district or other district or political~~
8 ~~subdivision in which the petitioner will be a candidate,~~
9 state and eligible to vote for him, numbering not less than
10 two percent (2%) of the total number of votes cast for
11 representative in congress in the last general election for
12 the ~~political subdivision or legislative district for which~~
13 ~~the petition is filed~~ entire state.

14

15 (b) For a countywide partisan office, a petition
16 shall be signed by registered electors, resident in the
17 county and eligible to vote for him, numbering not less
18 than two percent (2%) of the total number of votes cast for
19 representative in congress in the last general election for
20 the entire county.

21

22 (c) For a district partisan election, a petition
23 shall be signed by registered electors, resident in the
24 district and eligible to vote for him, numbering not less

1 than two percent (2%) of the total number of votes cast for
2 the office in that particular district in the last general
3 election. If a district's boundaries have changed since
4 the last general election, then the required number of
5 petition signatures shall not be less than two percent (2%)
6 of the number of registered voters in the current district
7 boundaries at the close of day on the day immediately
8 preceding the primary election.

9

10 **22-5-501. Qualifying as a write-in candidate.**

11

12 (a) Each person requesting to have all votes cast for
13 him as a write-in candidate counted, shall file an
14 application for candidacy together with the appropriate
15 filing fee with the appropriate filing officer not later
16 than two (2) days after the election in which the person
17 desires to have the write-in votes counted. Candidates
18 whose votes did not affect the nomination who wish to have
19 those votes counted shall follow the procedure set out in
20 W.S. 22-16-106(c).

21

22 **22-9-107. Delivering ballots to qualified applicants.**

23

1 If the clerk determines that the applicant is entitled to
2 vote, he shall mark the application "Accepted" and ~~as soon~~
3 ~~as ballots are available he shall immediately deliver~~
4 shall, not less than forty (40) days nor more than forty-
5 five (45) days prior to the election, distribute to the
6 applicant, or the individual designated by the applicant,
7 the absentee ballot or ballots requested, instructions for
8 marking the ballot and the required envelopes for use in
9 returning the ballot.

10

11 **22-9-121. Examination of absentee ballot affidavit;**
12 **rejection; voting ballots.**

13

14 (c) If it is sufficient:

15

16 (i) In a paper ballot precinct, the name of the
17 absent elector shall be entered in the pollbook, the inner
18 ballot envelope shall be opened by a judge of election and
19 the ballots therein shall be removed ~~and stamped with the~~
20 ~~regular rubber stamp~~ and initialed by a judge of election.
21 The ballot shall then be placed in the regular ballot box
22 by a judge of election;

23

1 (ii) In a voting machine precinct, the inner
2 ballot envelope shall be opened after the judges are sworn
3 in and as activity permits, the ballots therein removed,
4 ~~and stamped with the regular rubber stamp,~~ initialed by a
5 judge of election, and each ballot deposited in its proper
6 box. After the absentee ballots have been so deposited,
7 they shall be mixed within the box, removed from the box
8 and once the polls open and as activity permits, voted on a
9 voting machine in the following manner: A judge of election
10 shall read the vote for each candidate and ballot
11 proposition. A judge of a different political party
12 affiliation shall record the vote as read on the machine. A
13 third judge shall observe this procedure to see that the
14 vote is correctly cast.

15

16 **22-12-108. Delivery of ballots and stamps; breaking**
17 **of seals.**

18

19 Ballots ~~and stamps~~ shall be delivered under seal or
20 otherwise properly secured and a receipt therefor signed by
21 a judge of election shall be filed with the county clerk.
22 Seals shall be broken on the morning of election day by the
23 chief judge in the presence of the other judges before the
24 polls are opened.

1

2 **22-13-105. Official marking of paper and absentee**
3 **ballots.**

4

5 Before delivering a paper ballot to an elector ~~or voting an~~
6 ~~absentee ballot in a voting machine precinct,~~ a judge of
7 election or county clerk shall ~~mark~~ initial the ballot.
8 ~~with the official ballot stamp on the back and near the top~~
9 ~~of the ballot. In the blank spaces in the stamped imprint~~
10 ~~the judge shall fill in the election district and precinct~~
11 ~~numbers, the name of the county, the date, and the initials~~
12 ~~of the judge.~~ No other identifying marks shall be made on
13 an official ballot. An elector shall cast only one (1)
14 ballot or set of ballots at each election.

15

16 **22-13-107. Spoiled ballots.**

17

18 An elector spoiling a paper ballot by mistake or accident
19 may receive another ballot by returning the rejected ballot
20 to a judge of election, ~~not more than twice.~~ Spoiled
21 ballots shall immediately be cancelled by a judge of
22 election and delivered with the returns to the county clerk
23 or official conducting the election.

24

1 **22-14-103. Counting in paper ballot precincts;**
2 **discrepancies.**

3

4 ~~Folded paper ballots and punch card ballots shall be~~
5 ~~counted as soon as the ballot box is opened.~~ Ballots not
6 ~~marked with the official rubber stamp or not~~ initialed by a
7 judge of election ~~or found so folded as to bear the~~
8 ~~appearance of having been voted by one (1) person~~ or county
9 clerk shall not be counted. If the number of ballots is not
10 equal to the number of voters entered in the pollbook as
11 having voted that ballot, the election judges shall attempt
12 to determine the discrepancy. If the election judges cannot
13 determine the discrepancy, the county clerk and, if
14 necessary, the county canvassing board, shall resolve the
15 discrepancy.

16

17 **22-16-101. County canvassing board; compensation.**

18

19 The county canvassing board is the county clerk and two (2)
20 electors of different political parties resident in the
21 county appointed by the ~~board of county commissioners~~
22 county clerk. The two (2) electors shall receive the same
23 compensation as election judges.

24

1 **22-16-106. Write-in candidates.**

2

3 (a) Each write-in candidate nominated ~~or elected~~ at a
4 primary election, who has not previously filed an
5 application, accepts by filing an application for
6 nomination and paying the filing fee, in the office in
7 which he would have been required to file an application
8 for that office.

9

10 (b) The chief election officer shall notify a write-
11 in ~~candidates~~ candidate who ~~have~~ has been nominated for
12 election within forty-eight (48) hours after the canvassing
13 board meets. Notification may be made by United States
14 postal service, any generally accepted business document
15 delivery method evidenced by receipt of delivery or
16 attempted delivery at the last known address of the write-
17 in candidate or service as provided under the Wyoming Rules
18 of Civil Procedure. Each notification provided under this
19 section shall inform the write-in candidate that failure to
20 timely respond will result in forfeiture of nomination.
21 Failure of the successful write-in candidate to accept the
22 nomination within five (5) days, as computed pursuant to
23 W.S. 22-2-110, of proof of service or attempted delivery
24 results in the successful write-in candidate not appearing

1 on the general election ballot, but does not result in a
2 vacancy which can be filled.

3

4 (c) Any person may request to have the votes cast for
5 any write-in candidate, whose votes did not affect the
6 election, counted by filing a request together with an
7 administrative fee, set by rule and regulation, with the
8 appropriate election officers not later than two (2) days
9 after the election in which the write-in votes occurred.

10

11 **22-18-111. Vacancies in other offices; temporary**
12 **appointments.**

13

14 (a) Any vacancy in any other elective office in the
15 state except representative in congress or the board of
16 trustees of a school or community college district, shall
17 be filled by the governing body, or as otherwise provided
18 in this section, by appointment of a temporary successor.
19 ~~to~~ The person appointed shall serve until a successor for
20 the remainder of the unexpired term is elected at the next
21 general election and takes office on the first Monday of
22 the following January. Provided, if a vacancy in a four
23 (4) year term of office occurs in the term's second or
24 subsequent years after the first day for filing an

1 application for nomination pursuant to W.S. 22-5-209, no
2 election to fill the vacancy shall be held and the
3 temporary successor appointed shall serve ~~until the first~~
4 ~~Monday in January following the second general election~~
5 ~~thereafter~~ the remainder of the unexpired term. The
6 following apply:

7

8 **22-23-307. Candidates nominated; certificate of**
9 **nomination.**

10

11 (a) The candidates equal to twice the number to be
12 elected to each office who receive the highest number of
13 votes are nominated to run for the office at the next
14 general election and shall be issued a certificate of
15 nomination by the county clerk. A write-in candidate shall
16 not be nominated and shall not be entitled to have his name
17 printed on the ballot for the next general election unless
18 he received at least three (3) votes.

19

20 (b) The chief election officer shall notify a write-
21 in candidate who has been nominated for election within
22 forty-eight (48) hours after the canvassing board meets.
23 Notification may be made by United States postal service,
24 any generally accepted business document delivery method

1 evidenced by receipt of delivery or attempted delivery at
2 the last known address of the write-in candidate or service
3 as provided under the Wyoming Rules of Civil Procedure.
4 Failure of the successful write-in candidate to accept the
5 nomination within five (5) days, as computed pursuant to
6 W.S. 22-2-110, of proof of service or attempted delivery
7 results in the successful write-in candidate not appearing
8 on the general election ballot, and results in a vacancy
9 which can be filled as provided in W.S. 22-23-308. Each
10 notification provided under this section shall inform the
11 write-in candidate that failure to timely respond will
12 result in forfeiture of nomination.

13

14 **22-23-308. Vacancies in nomination.**

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16 (b) A vacancy in nomination ~~shall~~may be filled by
17 the ~~municipal clerk notifying the person who received the~~
18 ~~next highest number of votes at the municipal primary~~
19 ~~election as shown on the official county canvass, or, if no~~
20 ~~other candidate exists, the vacancy in nomination may be~~
21 ~~filled by the~~ governing body of the municipality.

22

23 **22-23-1003. Adoption by governing body or submission**
24 **to electors.**

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2 An ordinance proposed by a valid initiative petition shall
3 either be adopted within twenty (20) days by the governing
4 body or submitted to a vote of the municipal electors at a
5 special election to be held not more than sixty (60) nor
6 less than twenty (20) days thereafter. ~~unless the primary~~
7 ~~or general municipal election occurs within ninety (90)~~
8 ~~days, in which case the measure shall be submitted at the~~
9 ~~primary or general election~~ The ordinance proposed may
10 also be submitted to a vote of the municipal electors at a
11 primary or general election only if a valid initiative
12 petition is received not less than one hundred ten (110)
13 days before the election if for a primary and not less than
14 seventy (70) days before the election if for a general
15 election.

16

17 **22-23-1005. Ordinance adopted by governing body**
18 **subject to referendum vote.**

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20 An ordinance adopted by a municipal governing body shall be
21 subject to a referendum vote if a petition signed by ten
22 percent (10%) of the qualified electors registered in the
23 city or town is filed with the municipal clerk not later
24 than twenty (20) days after the ordinance is first

1 published after adoption as provided by law. To be counted
2 the electors shall be registered voters when the completed
3 petition is submitted for verification. The referendum
4 petition shall set forth the ordinance in full and shall
5 contain the signatures and residence addresses of persons
6 signing the petition.

7

8 **22-26-113. Electioneering too close to a polling**
9 **place.**

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11 Electioneering too close to a polling place ~~on election~~
12 ~~day,~~ or absentee polling place under W.S. 22-9-125 when
13 voting is being conducted, consists of any form of
14 campaigning, including the display of campaign signs or
15 distribution of campaign literature, the soliciting of
16 signatures to any petition or the canvassing or polling of
17 voters, except exit polling by news media, within one
18 hundred (100) yards of the building in which the polling
19 place is located.

20

21 **Section 2.** W.S. 22-5-216 and 22-12-107(a)(vii) and
22 (viii) are repealed.

23

