

SENATE FILE NO. SF0024

Special elections-revisions.

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

A BILL

for

1 AN ACT relating to special elections; providing for  
2 declaration of any part of election results to be null and  
3 void; providing for limited special election voting as  
4 specified; providing for appeals; providing a process for  
5 limited special election voting; amending time periods for  
6 special elections; providing for rules and regulations;  
7 repealing provision requiring investigation of addresses;  
8 and providing for an effective date.

9

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

11

12 **Section 1.** W.S. 22-16-122(a)(intro), by creating new  
13 subsections (b) and (c), by amending and renumbering (b)  
14 through (d) as (d) through (f) and by renumbering (e) and  
15 (f) as (g) and (h) and 22-16-123(b)(i) and (iii) through  
16 (v) are amended to read:

1

2           **22-16-122. Election declared null and void; special**  
3 **election.**

4

5           (a) If a canvassing board is unable to determine  
6 which candidate has been elected or nominated, the  
7 canvassing board shall declare any part of the election  
8 results to be null and void as to that office and the  
9 county clerk shall call a special election to make a  
10 decision. For purposes of this section, a canvassing board  
11 shall be unable to determine which candidate is nominated  
12 or elected if:

13

14           (b) The canvassing board shall determine which  
15 precincts will be involved in the special election. If the  
16 candidates' office is voted on across county lines, the  
17 canvassing board of all counties involved shall meet to  
18 determine the criteria for the special election.

19

20           (c) If only certain precincts are allowed to vote in  
21 the special election, the votes received in the special  
22 election shall be added to the unofficial results for that  
23 office from the initial primary or general election.

24

1       ~~(b)~~(d) In a contest involving multiple candidates, ~~no~~  
2 ~~candidate who has clearly won or lost the contest shall be~~  
3 all of the candidates' names shall be placed on the ballot  
4 in the special election.

5  
6       ~~(e)~~(e) Any candidate may appeal the decision of the  
7 canvassing board to call or not to call a special election  
8 in the same manner as he would contest an election under  
9 this act. However, the appeal shall be filed in the  
10 district court no later than the first Monday following the  
11 meeting of the canvassing board where the decision being  
12 appealed was made.

13  
14       ~~(d)~~(f) The special election shall be held if  
15 necessary no later than the third Tuesday after the primary  
16 election and may be held by a special mail ballot election  
17 as provided in W.S. 22-16-123. ~~Any candidate may appeal~~  
18 ~~the decision of the canvassing board in the same manner as~~  
19 ~~he would contest an election under this act. However, this~~  
20 ~~appeal shall be filed in the district court no later than~~  
21 ~~the first Monday following the meeting of the canvassing~~  
22 ~~board whose decision is being appealed.~~—The special  
23 election shall be conducted by the county clerk as nearly  
24 as possible in the manner of a primary election, except

1 ~~that registration at the polls shall not be permitted~~ only  
2 those registered in the precinct at the close of polls on  
3 the election day of the primary or general election in  
4 question shall be permitted to vote in the special  
5 election. If the election is held as a special mail ballot  
6 election, the election shall be held as provided in W.S.  
7 22-16-123.

8  
9 ~~(e)~~ (g) The special election shall be held if  
10 necessary on the third Tuesday after the general election  
11 and may be held by a special mail ballot election as  
12 provided in W.S. 22-16-123. Not more than fourteen (14)  
13 nor less than five (5) days before the special election the  
14 county clerk shall publish at least once in a newspaper of  
15 general circulation in the county a proclamation setting  
16 forth the date of the election, the offices to be filled at  
17 the election including the terms of the offices, the number  
18 of persons required by law to fill the offices, the  
19 requirements for filing statements of campaign receipts and  
20 expenditures, and any other pertinent information. The  
21 special election shall be conducted by the county clerk as  
22 nearly as possible in the manner of a general election. If  
23 the election is held as a special mail ballot election, the  
24 election shall be held as provided in W.S. 22-16-123.

1

2       ~~(f)~~(h) A court ordered election may be held by  
3 special mail ballot election as determined by the county  
4 clerk or by the secretary of state if the election involves  
5 more than one (1) county.

6

7           **22-16-123. Special mail ballot elections; procedures.**

8

9           (b) In a special mail ballot election, official  
10 ballots shall be prepared and all other pre-election  
11 procedures followed as otherwise provided by law or rules  
12 promulgated by the secretary of state, except that special  
13 mail ballot packets shall be prepared as follows:

14

15           (i) The election official shall mail to each  
16 qualified elector entitled to vote in the special mail  
17 ballot election as described in W.S. 22-16-122(b) and (c),  
18 at the last address appearing in the registration records  
19 or to the address given on the absentee ballot application  
20 used for the primary or general election ballot, a special  
21 mail ballot packet, which shall be marked "DO NOT FORWARD-  
22 ADDRESS CORRECTION REQUESTED," or any other similar  
23 statement which is in accordance with United States postal  
24 service regulations. Packets shall be mailed not sooner

1 than ~~twenty five (25)~~ twenty-one (21) days and not later  
2 than fifteen (15) days before an election for elections  
3 held in accordance with W.S. ~~22-16-122(d) or (e)~~  
4 22-16-122(f) or (g). Packets shall be mailed not sooner  
5 than forty-five (45) days and not later than forty (40)  
6 days before an election for elections held in accordance  
7 with W.S. ~~22-16-122(f)~~ 22-16-122(h) unless the court order  
8 provides otherwise;

9  
10 (iii) Not sooner than ~~twenty five (25)~~ twenty-  
11 one (21) days and ~~not later than 4:00~~ before 7:00 p.m. on  
12 election day for elections held in accordance with W.S.  
13 ~~22-16-122(f)~~ 22-16-122, mail ballots shall be made  
14 available at the election official's office for voters  
15 entitled to vote in the election but whose address has  
16 changed or who did not receive their ballot in the mail;  
17 ~~and for voters allowed by law to register and vote the day~~  
18 ~~of the election;~~

19  
20 (iv) A voter may obtain a replacement ballot if  
21 the ballot was destroyed, spoiled, lost or for some other  
22 reason not received by the voter. In order to obtain a  
23 replacement ballot, the voter shall sign a sworn statement  
24 specifying the reason for requesting the replacement

1 ballot. The statement shall be presented to the election  
2 official no later than ~~4:00~~7:00 p.m. on election day. The  
3 election official shall keep a record of each replacement  
4 ballot issued in accordance with this paragraph. A  
5 replacement ballot may be transmitted directly to the  
6 applicant at the election official's office or may be  
7 mailed to the voter at the address provided in the  
8 application. Replacement ballots may be cast no later than  
9 ~~5:00~~7:00 p.m. on election day;

10

11 (v) Upon receipt of a ballot, the voter shall  
12 mark the ballot, sign and complete the return-verification  
13 envelope and comply with the instructions provided with the  
14 ballot. The voter may return the marked ballot to the  
15 election official by United States mail or by depositing  
16 the ballot at the office of the election official or the  
17 designated depository no later than ~~5:00~~7:00 p.m. on  
18 election day;

19

20 **Section 2.** W.S. 22-16-123(c) is repealed.

21

1           **Section 3.**   This act is effective immediately upon  
2 completion of all acts necessary for a bill to become law  
3 as provided by Article 4, Section 8 of the Wyoming  
4 Constitution.

5

6

(END)