

ORIGINAL SENATE
FILE NO. 0024

ENROLLED ACT NO. 45, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

AN ACT relating to special elections; providing for declaration of any part of election results to be null and void; providing for limited special election voting as specified; providing for appeals; providing a process for limited special election voting; amending time periods for special elections; providing for rules and regulations; and providing for an effective date.

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

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

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

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

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

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(c) If only certain precincts are allowed to vote in the special election, the votes received in the special election shall be added to the unofficial results not declared null and void for that office from the initial primary, general election or other special election.

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

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

~~(d)~~ (f) The special election shall be held if necessary no later than the third Tuesday after the primary, general or other special election and may be held by a special mail ballot election as provided in W.S. 22-16-123. ~~Any candidate may appeal the decision of the canvassing board in the same manner as he would contest an election under this act. However, this appeal shall be filed in the district court no later than the first Monday following the meeting of the canvassing board whose decision is being appealed.~~ The special election shall be conducted by the county clerk as nearly as possible in the manner of a primary or general election, except ~~that registration at the polls shall not be permitted only those~~ registered in the precinct at the close of polls on the election day of the primary, general or other special election in question shall be permitted to vote in the special election. If the election is held as a special

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mail ballot election, the election shall be held as provided in W.S. 22-16-123.

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

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

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

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

(i) The election official shall mail to each qualified elector entitled to vote in the special mail ballot election as described in W.S. 22-16-122(b) and (c),

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at the last address appearing in the registration records or to the address given on the absentee ballot application used for the primary, general or other special election ballot, a special mail ballot packet, which shall be marked "DO NOT FORWARD-ADDRESS CORRECTION REQUESTED," or any other similar statement which is in accordance with United States postal service regulations. Packets shall be mailed not sooner than ~~twenty five (25)~~ twenty-one (21) days and not later than fifteen (15) days before an election for elections held in accordance with W.S. ~~22-16-122(d) or (e)~~ 22-16-122. Packets shall be mailed not sooner than forty-five (45) days and not later than forty (40) days before an election for elections held in accordance with W.S. ~~22-16-122(f)~~ 22-16-122(h) unless the court order provides otherwise;

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

(iv) A voter may obtain a replacement ballot if the ballot was destroyed, spoiled, lost or for some other reason not received by the voter. In order to obtain a replacement ballot, the voter shall sign a sworn statement specifying the reason for requesting the replacement ballot. The statement shall be presented to the election official no later than ~~4:00~~ 7:00 p.m. on election day. The election official shall keep a record of each replacement ballot issued in accordance with this paragraph. A replacement ballot may be transmitted directly to the

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applicant at the election official's office or may be mailed to the voter at the address provided in the application. Replacement ballots may be cast no later than ~~5:00~~7:00 p.m. on election day;

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

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk