

ORIGINAL SENATE
FILE NO. 0025

ENROLLED ACT NO. 46, SENATE

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

AN ACT relating to elections; repealing provisions related to ballot labels; making conforming amendments; amending requirements for forms; providing for notification of voter registration information updates and purges; providing for secretary of state directives; removing provisions for segregated temporary registration lists; removing requirement that secretary of state certify that registration system is operational; providing that registration through the federal postcard application is valid for one election cycle; amending certification of names of party nominees; providing conforming amendment for registration period statutes by decreasing deadline for changing party affiliation; amending order of offices listed on ballots; amending requirements for petitions; amending requirements for absentee ballots; amending requirements for delivery and posting of diagrams of voting devices and sample ballots; providing for use of absentee ballots at special elections; removing secretary of state from process for special mail ballot elections; providing for independent candidate review of voting machines; amending privacy requirements for voting booths; amending tabulation and certification of elections to include circuit court judges and special district board members; and providing for an effective date.

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

Section 1. W.S. 22-1-102(a)(xiv), 22-2-113(a), (d) and (e), 22-2-121 by creating a new subsection (f), 22-3-102(d), 22-3-103(b), 22-3-104(f)(ii)(intro), 22-3-109(a), 22-3-117(c), 22-4-304(a) and (b), 22-5-204(b), 22-5-214, 22-5-301(a), 22-5-305(c), 22-6-102(a), 22-6-103(b), 22-6-104, 22-6-105, 22-6-106, 22-6-116, 22-6-117(a)(ix), 22-6-119(a)(i), 22-6-120(a)(intro) and (i), 22-9-109(b), 22-9-125(a)(i), 22-10-108(a),

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22-11-103(a)(iv), 22-11-104(a), 22-12-112, 22-12-114,
22-13-103(b), 22-13-110, 22-16-116, 22-16-121(b),
22-16-123(b)(ii) and (c), 22-21-109, 22-22-202(a),
22-23-302, 22-23-401, 22-23-902(a), 22-26-107(a)(ii),
22-29-110(b) and 22-29-116(a)(iv) are amended to read:

22-1-102. Definitions.

(a) The definitions contained in this chapter apply to words and phrases used in this Election Code and govern the construction of those words and phrases unless they are specifically modified by the context in which they appear. As used in this Election Code:

(xiv) "Electronic voting system" is a system employing an electronic voting device in conjunction with ~~ballot labels,~~ paper ballots or ballot cards, or other system of secret voting and automatic tabulating equipment for the recording, tabulating and counting of votes in an election;

22-2-113. Availability and form of registry lists; use of copies; election record; purging.

(a) The secretary of state shall furnish at a reasonable price registry lists to any candidate for a political office in the state, candidate's campaign committee, political party central committees and officials thereof, elected officials, political action committees, individuals promoting or opposing a ballot issue or candidate and to organizations which promote voter participation. The county clerks may elect to furnish the lists and, if they do so, shall make them available to all on an equal basis. All lists are for political purposes only and are not available for commercial use. The lists ~~shall~~ may be in the form of printouts, mailing labels,

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tapes or other electronic format as available. The lists may be reproduced for political purposes.

(d) Unless otherwise specifically stated in this Election Code, all election records of the county clerk are public. The availability and dissemination of such records shall be in accordance with the Wyoming Public Records Act. Election records containing social security numbers, portions of social security numbers, driver's license numbers, birth dates, telephone numbers, tribal identification card numbers, e-mail addresses and other personally identifiable information other than names, gender, addresses and party affiliations are not public records and shall be kept confidential. When necessary, members of the county or state canvassing boards may access confidential information for purposes of this code but shall maintain its confidentiality.

(e) The county clerks shall purge and update voter registration information on the voter registration system not later than the fifteenth day of February each year and shall notify the secretary of state upon completion, but not later than February 15 of each year.

22-2-121. Chief election officer to prepare forms; rules; advice.

(f) The secretary of state shall have the authority to issue directives to county election officers necessary to ensure the proper conduct of elections, including voter registration and elector participation when there is a declared natural disaster or other impending or declared emergency which interferes with an election.

22-3-102. Qualifications; temporary registration.

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(d) An absent uniformed services or an overseas citizen voter who is qualified to register by mail, to request an absentee ballot, and to vote in Wyoming is entitled to register by mail using the Federal Postcard Application for the purpose of voting in one (1) election cycle, including a primary, general or special federal election, ~~but thereafter the voter's name shall be removed from the temporary registration list which shall be maintained as a segregated part of the voter registration list.~~ The voter's name shall not appear on the permanent official registry list until the voter has registered as provided in W.S. 22-3-103 and 22-3-104.

22-3-103. Furnishing of oath forms; contents thereof.

(b) Following the provision of the information required in subsection (a) of this section, the form shall require the applicant's signature in full below the following oath:

I,, do solemnly swear (or affirm) that I am a citizen of the United States; that I am a bona fide resident of the state of Wyoming and this county; that if registered in another county or state, I hereby request that my registration be withdrawn; that I will be at least eighteen (18) years of age on or before the next election; ~~that I am not now registered in another county or state;~~ that I am not currently adjudicated a mentally incompetent person, that I have not been convicted of a felony, or if I have been convicted of a felony, I have had my civil or voting rights restored by a competent authority; and that the voter registration information contained herein is true and accurate to my best knowledge and belief.

. . . . (Signature in full of applicant)

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Subscribed and affirmed or sworn to before me by this
.... day of, (year).

.... (Signature and title of registry agent
or person authorized to administer oaths)

**22-3-104. Methods of verification; signing oath; time
for proving eligibility; registration locations.**

(f) A person shall be registered to vote as follows:

(ii) Registration ~~after the secretary of state
has certified that the voter registration system is
operational~~ is effective:

**22-3-109. Certification and transmittal of poll
lists; posting of registry lists.**

(a) Not less than ten (10) days before any election,
the county clerk shall certify and transmit to the officer
in charge of each election at his request the necessary
poll lists for the precincts or areas involved in the
election. Not less than ten (10) days prior to the primary
and general elections the county clerks shall upon request
deliver up to three (3) ~~copies of the~~ poll lists for each
precinct in the county to the county chairman of each
political party in the respective counties.

**22-3-117. Absentee registration generally; use of
federal postcard.**

(c) Registration through the Federal Postcard
Application constitutes temporary registration for the
purpose of voting in one (1) election cycle, including a
primary, general or special federal election, and the
registration of such a registrant shall be maintained as

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senator or representative) in Senate (House) District ,
state of Wyoming, and registered as a member of party,
and I hereby request that my name be printed upon the
official party ballot at the next primary election as a
candidate for the office of , and hereby declare that
if nominated and elected, I will qualify for the office.

Dated the day of ,(year).

.....(Signature)
~~.....(Residence Address)~~

22-5-214. Change in party affiliation.

An elector may change his party affiliation by completing
an application signed before a notarial officer or election
official, and filing it with the county clerk not later
than ~~thirty (30)~~ fourteen (14) days before the primary
election or at the polls on the day of the primary or
general election, or when requesting an absentee ballot.

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

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

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

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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 the number required under W.S. 22-5-304, are as follows:

(Signature) (Printed Name) (Residence) (Date)

- 1.
- 2.

VERIFICATION BY CIRCULATORS

I,, do hereby certify that I am a circulator of this petition, and I solely and personally circulated this petition, that all the signatures appearing herein were made in my presence from (month) (day),(year) through (month) (day),(year), and to the best of my knowledge and belief such signatures are those of the persons whose names they purport to be.

..... (Signature)
~~..... (Residence Address)~~

22-5-305. When petitions may be circulated; use of copies; requirements.

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(c) An elector signing a petition must also write print on the petition his name, date and the his residence address. ~~after his signature.~~

22-6-102. County clerk to print ballots; exception.

(a) The county clerk shall print official ballots, ~~and ballot labels where necessary,~~ for his county, for all primary, ~~and~~ general and special elections. ~~For use on voting machines the county clerk shall print ballot labels in black ink on white material containing the names of candidates or other words required by law.~~

22-6-103. Official ballots.

(b) The official absentee ballot shall be in the form prescribed by law for the official ballot. ~~or a reasonable printed reproduction of the prescribed form for electronic ballots.~~

22-6-104. Sample ballots; printing, distribution, posting.

The officer providing the official ballot shall also print sample ballots ~~or voting machine labels~~ which shall be identical to the official ballot ~~or voting machine facsimile~~ except that it shall contain the words "SAMPLE" BALLOT in large clear letters and may be printed on paper of a different color than the official ballot. ~~or label.~~ The officer shall distribute copies of the sample ballot ~~or voting machine facsimile~~ to each precinct prior to opening of the polls. The judges of election shall post at least ~~three (3) copies~~ one (1) copy of the sample in ~~and around~~ the polling place during the election. The county clerk

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shall have the samples available in his office for the public.

22-6-105. Sample ballots; publication.

The officer providing the official ballots shall publish sample ~~paper~~ ballots ~~and voting machine facsimiles~~ at least once in a newspaper of general circulation in the district in which each primary and general election is held within two (2) weeks prior to the election. This notice shall also state that the names of candidates will be rotated on the official ballots and will not always appear in the order indicated in the sample ballots.

22-6-106. Replacement of lost ballots.

Official ballots ~~or ballot labels~~ not delivered to a precinct or lost, stolen or destroyed shall be replaced immediately by the official providing the ballot. Judges of election receiving replacement ballots shall sign a receipt therefor in which they shall state under oath, before each other, that the original ballots were not delivered to the precinct or have been lost, stolen or destroyed.

22-6-116. Printing type size of party and candidate names.

On official ballots ~~and ballot labels~~ the political party name or title shall be printed in capital letters not less than one-eighth (1/8) inch nor more than one-fourth (1/4) of an inch in height. The names of all candidates shall be printed in the same size letters not less than one-eighth (1/8) inch nor more than one-fourth (1/4) of an inch in height. The name of each political party shall be printed in the same type size as that of every other political party.

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22-6-117. Order of listing offices in partisan elections.

(a) The major party primary and general partisan election ballots shall contain the offices to be voted on in the following order:

(ix) Candidates for county commissioner, coroner, district attorney, county attorney, sheriff, clerk, treasurer, assessor, and clerk of the district court;

22-6-119. Format of primary ballot.

(a) The primary ballot of each major political party shall be printed in substantial compliance with this format:

(i) Across the top shall be printed "Official ~~Partisan~~-Primary Election Ballot" followed by the name of the major political party;

22-6-120. Format of general election ballot.

(a) The general election ~~partisan~~-ballot shall be printed in substantial compliance with this format:

(i) Across the top shall be printed "Official ~~Partisan~~-General Election Ballot";

22-9-109. Form of absentee ballot.

(b) Notwithstanding subsection (a) of this section, official absentee ballots for primary, ~~and~~-general and special elections may be provided in an electronic format

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to voters with rights under the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff.

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

(a) The board of county commissioners may elect to adopt one (1) or both of the following alternate procedures for casting, collecting and counting absentee ballots:

(i) Direct that absentee ballots shall be delivered to and counted by at least three (3) judges appointed for that purpose under W.S. 22-8-107 instead of the procedures specified in this chapter for the delivery of absentee ballots to the separate precincts or designated counting centers. However, if this alternate procedure is used, the judges shall record the results by precinct and shall immediately certify the results to ~~the secretary of state and~~ the county clerk;

22-10-108. Procedure for preparing machines for election; inspection and certification.

(a) Before preparing a voting machine for an election, the county clerk shall notify in writing the county chairman of each political party having a candidate on the ballot and all independent candidates, stating the time and place where the voting machine will be prepared for the election. The political party representatives and representatives of independent candidates may be present at the preparation of the voting machine for the election, to see that the machine is tested for accuracy and is properly prepared and that all registering counters are set at zero (00000). The county clerk in the presence of these representatives shall prepare the voting machine for the election and set all registering counters at zero (00000).

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He shall then test each registering counter for accuracy by casting votes on it until the registering counter is correctly registering each vote cast on it. The county clerk shall then reset each registering counter to zero (00000) and shall immediately lock and seal the voting machine with a numbered metal seal and make a record of the number of the seal on the certificate for the machine. The seal shall be so placed as to prevent operation of the machine or its registering counters without breaking the seal. The county clerk shall then immediately make a record on the certificate for the machine of the reading shown on the protective counter.

22-11-103. Capabilities required.

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

(iv) Permit each voter, at presidential elections, by one (1) mark ~~or punch~~ to vote for candidates of one (1) party for president, vice-president and presidential electors or to write in a name for president;

22-11-104. Conduct of elections in which systems utilized.

(a) All provisions of the Election Code governing the conduct of elections shall apply to elections in which electronic voting systems are used, except that the county clerk of any county in which an electronic voting system is used may make such modifications in ballot ~~or ballot label~~ form as are necessary to facilitate the use of the electronic voting system and yet maintain the integrity of the election and the intent of the law.

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22-12-112. Procedure for preparing voting machines for use.

Before the polls open the judges shall compare ~~ballot labels~~ ballots on the voting machines with the sample ballots and return sheets to see that they are correct, place the voting machine in a proper position free from obstruction and assure that the face of the machine may be viewed clearly by the voter casting the ballot but not by others. Envelopes containing keys shall not be opened if the numbers and records on them do not correspond to the numbers and records on the machine. If the numbers do not agree, the machine shall be reexamined and certified by the county clerk before it may be used.

22-12-114. Certification of voting machines.

The judges shall certify that keys are delivered, that numbers on registering counters and seals correspond with those on key envelopes, that counters are set at zero (00000) or counts certified, that ~~ballot labels~~ ballots are proper and that the machines are ready for voting.

22-13-103. Preservation of order; space around voting booths and machines.

(b) ~~Except where physically impossible, a space of twenty (20) feet around~~ To protect the privacy of the voter, voting booths and voting machines shall be kept clear of all persons except voters marking ballots, election officials discharging their duties and challengers acting under legal authority.

22-13-110. Entering write-in votes.

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Write-in votes may be entered on a voting machine in the manner indicated by instructions posted on the voting booth or indicated on the voting machine.

22-16-116. Statewide abstract; discrepancies with county abstracts.

From the unofficial tabulations delivered directly to his office, the secretary of state shall tabulate a statewide abstract by counties of votes for president and vice-president, state officers, justice of the supreme court, United States senator, representative in congress, district court judges, circuit court judges, members of the state legislature and the votes for and against ballot propositions voted on by electors of a district larger than a county. The unofficial tabulation shall then be reconciled to the official abstracts of the county canvassing boards and the secretary of state shall prepare the state abstract from the official county abstracts.

22-16-121. Certificates of nomination and election following state or county canvass.

(b) The governor shall issue a certificate of election to a candidate duly elected to an office to be filled by electors of the state, district court judges, circuit court judges and members of the state legislature. The county clerk shall issue a certificate of election to each candidate duly elected to a county or precinct office in the county and to members elected to boards of trustees of ~~hospital~~-special districts, school or community college districts and city or town councils.

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

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(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:

(ii) The ballot ~~or ballot label~~ shall contain the following warning:

WARNING

The criminal laws regulating the conduct of elections contained in chapter 26 of the Wyoming Election Code of 1973, as amended, apply with equal force to elections by mail.

(c) If any special mail ballot packet mailed under paragraph (b) (i) of this section to a physical address, not including a post office box, is returned by the postal service, the county clerk, ~~or the secretary of state if the election involves more than one (1) county,~~ shall investigate the validity of the address. If the county clerk ~~or secretary of state~~ determines that the address is not at a location that a voter could inhabit, the county clerk ~~or secretary of state~~ shall remove the address from the registration records until the county clerk ~~or secretary of state~~ receives proof that the address is habitable by a voter.

22-21-109. Supplies; regulations; costs.

The county clerk may utilize voting machines or electronic voting systems at any bond election and may prescribe the form of ~~ballot label~~ the ballot, the duties of election officials, and other reasonable regulations pertaining thereto. The political subdivision holding the bond

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election shall pay the actual costs of the election or an equitably proportioned share of a concurrent election, as determined by the county clerk.

22-22-202. Filing of application; form.

(a) A qualified elector may be nominated for the office of school district trustee or member of a community college board by filing an application for election in the office of the county clerk not more than ninety (90) nor less than seventy (70) days prior to the election. The application shall be in substantially the following form:

APPLICATION FOR ELECTION FOR SCHOOL OR
COMMUNITY COLLEGE TRUSTEE

I, the undersigned, swear or affirm that I was born on , (year), and that I have been a resident of the State of Wyoming since , and that I am a registered voter of the school district or community college district (and resident of trustee residence area or subdistrict , if any), residing at , and I do hereby request that my name, , be printed on the ballot of the election to be held on the day of , (year), as a candidate for the office of for a term of years. I hereby declare that if I am elected, I will qualify for the office.

Dated:

. (Signature of Candidate)
. . . . Name as it is to appear on the ballot
~~. (Residence Address)~~

22-23-302. Filing fee; petition form.

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(a) Falsifying election documents consists of performing any of the following acts with the intent to deceive or mislead an elector or an election official:

(ii) Printing, distributing or displaying any official ballot, sample ballot, ~~facsimile diagram, ballot label~~ or pretended ballot which includes the name of a person not entitled by law to be on the ballot, or omits the name of a person entitled by law to be on the ballot, or otherwise contains false information or headings;

22-29-110. County clerk to publish proclamation; filing period.

(b) Not more than thirty-nine (39) and not less than thirty (30) days before the formation election, candidates may file an application for election in the office of the county clerk. The principal act shall determine who is eligible to be a candidate. The application shall be in substantially the following form:

APPLICATION FOR ELECTION
SPECIAL DISTRICT DIRECTOR

I, the undersigned, swear or affirm that I was born on, (year); that I have been a resident of district since, residing at; that I am an elector or landowner (check which one for eligibility) of said district and I do hereby request that my name,, be printed on the ballot of the formation (or other) election to be held on day of, (year) as a candidate for the office of director for a term of years. I hereby declare that if I am elected, I will qualify for the office.

Dated

.....

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Signature of Candidate

.....
~~Residence Address~~

22-29-116. Procedures for mail ballot elections.

(a) Mail ballot elections shall be overseen by the county clerk as provided in W.S. 22-29-113(m). Official ballots shall be prepared and all other preelection procedures followed as otherwise provided by law or rules promulgated by the secretary of state, except that mail ballot packets shall be prepared in accordance with the following:

(iv) The ballot ~~or ballot label~~ shall contain the following warning:

WARNING

The criminal laws regulating the conduct of elections contained in chapter 26 of the Wyoming Election Code of 1973, as amended apply with equal force to elections conducted by mail.

Section 2. W.S. 22-1-102(a)(iv), 22-2-118, 22-3-104(f)(i), 22-6-117(a)(viii), 22-9-111(b)(iii), 22-11-104(b)(ii)(B) and (c)(i) are repealed.

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Section 3. 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