

ORIGINAL HOUSE
BILL NO. 0030

ENROLLED ACT NO. 15, HOUSE OF REPRESENTATIVES

FIFTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2002 SPECIAL SESSION

AN ACT relating to elections; modifying requirements and duties of various election officers; modifying registration, canvassing and other voting provisions; clarifying and amending other elections related provisions; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 22-11-108 and 22-14-114 are created to read:

22-11-108. Retabulation.

A retabulation may be performed at the discretion of the county clerk. If the retabulation indicates a different count, the result of the last retabulation shall be the official result unless a recount is conducted. If the difference in the retabulations affects the result of any race or ballot proposition, a recount under W.S. 22-16-109(a) shall be conducted.

22-14-114. Counting of ballots.

For ballots designed to be counted by machine, each individual vote shall be determined by the voting equipment and shall not be determined subjectively by human tabulation. For ballots not designed to be counted by machine, only votes clearly marked, as provided by W.S. 22-14-104 and rules promulgated pursuant to this code, shall be tallied. For write-in votes, names which are misspelled or abbreviated or the use of nicknames of candidates shall be counted for the candidate if the vote is obvious to the board.

ORIGINAL HOUSE
BILL NO. 0030

ENROLLED ACT NO. 15, HOUSE OF REPRESENTATIVES

FIFTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2002 SPECIAL SESSION

Section 2. W.S. 22-1-102(a)(xxviii) and by creating new paragraphs (xxxix) through (xliii), 22-2-121(b), 22-3-102(a)(intro), 22-3-104, 22-3-114, 22-3-117(a), 22-5-214, 22-8-102, 22-8-110, 22-8-112(b), 22-9-107, 22-9-123, 22-13-104(a)(iv) and (b), 22-13-113(b), 22-14-104, 22-14-106 by creating a new subsection (b) and renumbering (b) as (c), 22-14-111(a)(ii), 22-15-105, 22-15-106, 22-16-103(a) and by creating new subsections (c) and (d), 22-16-106 by creating a new subsection (c), 22-16-112 by creating a new subsection (c), 22-21-103, 22-25-106(g), 22-25-107(a)(i), 22-29-113(k), 22-29-114(e)(intro) and 41-3-754 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:

(xxviii) "Registry agent" is a county clerk, his deputies, a city clerk, his deputies, and an election judge during ~~a primary or general~~ any election specified in W.S. 22-2-101(a)(i) through (viii);

(xxxix) "Acceptable identification" means one (1) of the identification documents or other proof of identity as specified by rule of the secretary of state as adequate proof of the identity of a voter;

(xl) "Canvass" means the audit function that culminates in the final certification of official election returns;

ORIGINAL HOUSE
BILL NO. 0030

ENROLLED ACT NO. 15, HOUSE OF REPRESENTATIVES

FIFTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2002 SPECIAL SESSION

(xli) "Provisional ballot" means a ballot provided to a voter whose right to vote cannot be determined at the polls or verified at the election office, in order to allow the voter to vote;

(xlii) "Recount" is the processing of ballots through the tabulation system for an additional time or times, conducted for the specific purpose of counting votes again in any specific race, based upon the criteria of W.S. 22-16-109 or 22-16-111;

(xliii) "Retabulation" is the process of running ballots back through the tabulation system for an additional time or times for the express purpose of reconciling the count.

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

(b) The secretary of state shall promulgate such rules as are necessary to maintain uniform voting and vote counting procedures and orderly voting.

22-3-102. Qualifications; temporary registration.

(a) A person may register to vote not less than thirty (30) days before an election, at ~~a primary election, at a general election~~ any election specified in W.S. 22-2-101(a)(i) through (viii) or as provided by W.S. 22-3-117, who satisfies the following qualifications:

22-3-104. Signing, subscribing and delivery of registration oath; registration facilities in public buildings.

ORIGINAL HOUSE
BILL NO. 0030

ENROLLED ACT NO. 15, HOUSE OF REPRESENTATIVES

FIFTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2002 SPECIAL SESSION

(a) A person registering to vote except as provided ~~in subsection (b) or~~ in W.S. 22-3-117 shall present acceptable identification and sign his legal name in full on the registration oath form in the presence of a registry agent:

(i) In his proper polling place at ~~a primary or general election~~ any election specified in W.S. 22-2-101(a) (i) through (viii); or

(ii) In the office of the county clerk or city clerk in the principal office building of the county or city in the presence of the registry agent.

(b) The completed and signed registration oath shall then be subscribed by the registry agent and delivered to the county clerk.

~~(b)~~ (d) A county or city clerk may establish and maintain registration facilities in a public building owned or occupied by a political subdivision or governmental institution, agency or entity, after giving not less than two (2) days notice by publication in a newspaper of general circulation in the county and by posting such notice in such clerk's office and on the front door of such public building. The requirements of subsection (a) of this section regarding the place of registration shall not apply to a person registering in accordance with this subsection.

22-3-114. Notification by registered elector of name or address change.

A registered elector who changes his name or changes his residence from one address to another within the same county shall notify the county clerk of the change, including in the notification the name, address, precinct and social

ORIGINAL HOUSE
BILL NO. 0030

ENROLLED ACT NO. 15, HOUSE OF REPRESENTATIVES

FIFTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2002 SPECIAL SESSION

security number (optional) under which registered and the nature of the change.

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

(a) Notwithstanding any other section or provision in this chapter, any citizen of the United States who is a resident of Wyoming ~~and who shall be absent from his place of residence or unable because of physical disability or infirmity to appear before a registry agent and apply for registration as provided in W.S. 22-3-104~~ may apply for registration by providing acceptable identification to and completing and subscribing, the form of voter registration oath prescribed by W.S. 22-3-103 before any person authorized by law to administer oaths, which person is considered a registry agent for this purpose. Each county clerk shall furnish the form of voter registration oath to each person who applies for the same, in person, by telephone or mail, or through an agent forms. The applicant shall mail or return the completed voter registration oath ~~shall be mailed or returned form~~ to the county clerk in the county in which the ~~absentee~~ applicant resides. and must be received in the county clerk's office before any election in order for the absentee registrant to be eligible to vote absentee in that election In order to vote in the next election, the application must be received in the county clerk's office before the close of registration for that election or be accompanied by an absentee ballot request for elections where a voter may register at the polls.

22-5-214. Change in party affiliation.

An elector may change his party affiliation by completing an application signed before a notary or election official, and filing it with the county clerk not later than thirty

ORIGINAL HOUSE
BILL NO. 0030

ENROLLED ACT NO. 15, HOUSE OF REPRESENTATIVES

FIFTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2002 SPECIAL SESSION

(30) days before the primary election or at the polls on the day of the primary or general election, or when requesting an absentee ballot.

22-8-102. Qualifications.

Judges of election and members of counting boards shall be registered electors ~~of the precinct~~ and shall be physically, morally and mentally competent to perform their duties. A judge of election shall not be a member of a counting board at the same election except as provided by W.S. 22-8-108(d).

22-8-110. Notice of appointment.

The county clerk shall immediately mail a notice of appointment to each person selected to serve as a judge of election or a member of a counting board or alternate. The notice shall also state that attendance at the training school for election officials is required unless similar training is otherwise ~~provided~~ completed to the satisfaction of the county clerk.

22-8-112. Filling vacancies.

(b) If a judge is not present when polls open, or is unable to complete his duties, the vacancy shall be filled by a registered elector ~~of the precinct~~ appointed by those judges present at the precinct polling place when the vacancy occurs. If a member of a counting board is not present when the polls close, or is unable to complete his duties, the vacancy shall be filled by a registered elector ~~of the precinct~~ appointed by those members of the counting board who are present.

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

ORIGINAL HOUSE
BILL NO. 0030

ENROLLED ACT NO. 15, HOUSE OF REPRESENTATIVES

FIFTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2002 SPECIAL SESSION

If the clerk determines that the applicant is entitled to vote, he shall mark the application "Accepted" and as soon as ballots are available he shall immediately deliver to the applicant, or the individual designated by the applicant, the absentee ballot or ballots requested, instructions for marking the ballot and the required envelopes for use in returning the ~~same~~ ballot.

22-9-123. Multiple voting prohibited.

A person shall not vote by absentee ballot and in person at the same election. If more than one (1) absentee ballot is received by a clerk from the same person for the same election, ~~none of the ballots~~ only the first ballot received shall be counted.

22-13-104. Procedure before elector permitted to vote.

(a) Before a qualified elector is permitted to vote a judge of election may enter the following notations by his name on the poll list:

(iv) If a person offering to vote is ~~challenged, a judge of election shall write the word "challenged" and the name of the challengers after the name of the elector. If a person challenged is permitted to vote on his affidavit, under W.S. 22-15-105, the word "sworn" shall be written after the names of the challengers~~ given a provisional ballot the letter "P" shall be placed after the person's name;

(b) A person offering to vote at an election whose name does not appear on the precinct list may vote as a challenged elector in accordance with chapter 15 of the

ORIGINAL HOUSE
BILL NO. 0030

ENROLLED ACT NO. 15, HOUSE OF REPRESENTATIVES

FIFTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2002 SPECIAL SESSION

Election Code. ~~if a judge of an election obtains verification from the county clerk before the polls close stating that the person is entitled to vote in the county.~~

22-13-113. Persons permitted in voting booth; time limit.

(b) A person may remain in the booth for not more than ~~five (5)~~ ten (10) minutes.

22-14-104. Entry of paper ballot votes on tally sheet.

Paper ballots shall be opened by the counting board and every vote for a candidate or ballot proposition entered on a tally list by a vertical mark, except that every fifth mark shall diagonally cross the preceding four (4). The counting board may determine the order of tallying candidates and ballot propositions. A vote which is not clearly marked ~~except when the intent of the voter is obvious to the counting board~~ shall not be tallied for that office or question but votes clearly marked on the remainder of the ballot shall be tallied. Ballots contained in separate ballot boxes shall be counted and tallied separately.

22-14-106. Certifying information in poll books; form.

(b) Election judges shall certify the number of provisional ballots cast.

~~(b)~~ (c) The certificate required by subsection (a) of this section shall be in substantially the following form and shall be signed by the election judges:

ORIGINAL HOUSE
BILL NO. 0030

ENROLLED ACT NO. 15, HOUSE OF REPRESENTATIVES

FIFTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2002 SPECIAL SESSION

At an election held in polling precinct No. in election district No. in County, Wyoming, on the day of, A.D. the total number of persons voting was and the following named persons received the number of votes annexed to their respective names for the following offices: (Here insert the names of candidates voted for with office and number of votes received, in figures; in voting machine precincts, insert the name of each candidate and the vote he received.)

At the same election the following ballot propositions received the number of votes indicated for and against: (Here list ballot propositions on the ballot according to official designation or number and indicate the number of votes for and against each proposition.)

Dated at this day of, A.D.

Election Judges

ATTEST

Election Judges

22-14-111. Returning records and returns to clerk.

(a) As soon as possible after the tabulation of votes is complete, election judges shall return by messenger to the clerk who prepared the ballots for the election the following records and returns in a sealed packet:

(ii) All ballots cast, including provisional ballots;

22-15-105. Challenged person may vote; generally.

ORIGINAL HOUSE
BILL NO. 0030

ENROLLED ACT NO. 15, HOUSE OF REPRESENTATIVES

FIFTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2002 SPECIAL SESSION

(a) If a person offering to vote is challenged, and the challenge is not resolved in accordance with W.S. 22-15-106, an election judge shall offer the voter a ballot clearly marked "provisional" and which cannot be automatically tabulated.

(b) A person challenged on any ground except not being registered to vote may vote by provisional ballot, if he subscribes this oath in writing before a judge of election:

"I do solemnly swear (or affirm) that I am the person I represent myself to be and that I am a qualified elector entitled to vote in this precinct at this election and that this is the only ballot I have or will vote in this election."

.....
Signature of voter

.....
Signature of judge

.....
Precinct and District No.

(c) The oath required by this section shall be printed on the provisional ballot envelope.

(d) A challenged voter may present information for consideration of the challenge to the county clerk. Any information presented shall be considered by the canvassing board with the provisional ballot.

22-15-106. Where name not on registry.

A person challenged on the ground that his name does not appear on the registry list may vote ~~by signing the oath contained in W.S. 22-15-105 and~~ if a judge of election

ENROLLED ACT NO. 15, HOUSE OF REPRESENTATIVES

FIFTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2002 SPECIAL SESSION

obtains verification from the county clerk that the person is entitled to vote in that election within that county.

22-16-103. County canvass procedures.

(a) Prior to the county canvass, the county clerk shall ~~;~~ ~~prior to the county canvass, summarize the number of votes cast in each precinct for every candidate appearing on the ballot and the total votes cast for write-in candidates, and upon each ballot proposition by examining.~~

(i) Examine the poll books, tally sheets, ~~and certificates from each~~ precinct certifications and oaths of election officials;

(ii) Summarize the number of votes cast in each precinct for every candidate appearing on the ballot and the total votes cast for write-in candidates, and upon each ballot proposition;

(iii) ~~The county clerk shall~~ Count write-in votes by candidate ~~prior to the county canvass~~ if the total vote for write-in candidates may affect the result of an election. For offices elected from districts involving more than one (1) county, the secretary of state shall direct the county clerks to count write-in votes by candidate if on the basis of unofficial returns it appears the total write-in votes may affect the result of an election.

(c) The county canvassing board shall:

(i) Meet as soon as all returns have been received and abstracted at a time and place designated by the county clerk, but no later than the first Friday following the election;

ORIGINAL HOUSE
BILL NO. 0030

ENROLLED ACT NO. 15, HOUSE OF REPRESENTATIVES

FIFTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2002 SPECIAL SESSION

(ii) Perform or review a reconciliation of the ballots by precinct;

(iii) Review and determine the validity of provisional ballots;

(iv) Count and tabulate the votes on the provisional ballots which were determined to be valid;

(v) Review and certify the abstracts after the validity of provisional ballots have been determined and discrepancies and ties have been resolved;

(vi) Cause minutes of the meeting to be recorded, signed by the canvassing board and filed with the county clerk.

(d) The precinct returns of the municipal primary election shall be canvassed by the county canvassing board, which shall certify the results of such in writing to the county clerk and municipal clerk.

22-16-106. Write-in candidates.

(c) Any person may request to have the votes cast for any write-in candidate, whose votes did not affect the election, counted by filing a request with the appropriate election officers not later than two (2) days after the election in which the write-in votes occurred.

22-16-112. Precincts to be recounted; recount official result.

ORIGINAL HOUSE
BILL NO. 0030

ENROLLED ACT NO. 15, HOUSE OF REPRESENTATIVES

FIFTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2002 SPECIAL SESSION

(c) In no event shall a county clerk certify the recount results later than seventy-two (72) hours after the recount is requested.

22-21-103. How bond question to be submitted to electors; contents.

Each bond question shall be submitted to a vote of the qualified electors of the political subdivision. Every bond election shall be held on the same day as a primary election or a general election, or on the Tuesday next following the first Monday in May or November, or on the Tuesday next following the third Monday in August. If calling the election in May, the body political subdivision shall by March 1, provide written notification to the county clerk, specifying the date of the election and the bond question. If the political subdivision specifies the date of the election to be a primary or general statewide or other August or November election, then the political subdivision shall provide notice to the county clerk ~~by the close of the filing periods as provided in W.S. 22-5-209~~ not less than one hundred ten (110) days before the election if for a primary or other August election, and ~~in W.S. 22-2-109~~ not less than seventy (70) days before the election, if for a general or other November election. The bond question shall state the purpose of the bonds, the maximum principal amount thereof, the maximum number of years allowed for the indebtedness and the maximum rate of interest to be paid thereon. The secretary of state may promulgate reasonable rules for conducting bond elections where the election is not held at the same time as the general or primary election.

22-25-106. Filing of campaign reports.

ORIGINAL HOUSE
BILL NO. 0030

ENROLLED ACT NO. 15, HOUSE OF REPRESENTATIVES

FIFTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2002 SPECIAL SESSION

(g) Candidates for federal office, ~~and~~ campaign committees for candidates for federal office and federal political action committees shall not be required to file receipt and expenditure reports under this section if the candidate or the committee is required to comply with federal election law reporting requirements.

22-25-107. Where statements to be filed.

(a) All statements required under W.S. 22-25-101, 22-25-102 and 22-25-106 shall be filed as follows:

(i) Any candidate for a municipal, county, judicial, ~~hospital,~~ school or college board office and any political action committee or candidate's campaign committee supporting such a candidate and any political action committee supporting or opposing a municipal initiative or referendum or ballot proposition within the county, shall file with the county clerk;

22-29-113. General provisions relating to special district elections.

(k) A tie vote shall be broken by lots cast by the canvassing ~~board~~ authority.

22-29-114. Election procedures for elections other than mail ballot elections; canvass, recount and contests.

(e) Any special district election conducted by the county clerk shall be canvassed by the county canvassing board. ~~in accordance with chapter 16 of the Wyoming Election Code of 1973, as amended~~ or a canvassing board appointed by the county clerk, consisting of two (2) electors and the county clerk. If more than one (1) county is involved, the election shall be canvassed in accordance

ORIGINAL HOUSE
BILL NO. 0030

ENROLLED ACT NO. 15, HOUSE OF REPRESENTATIVES

FIFTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2002 SPECIAL SESSION

with chapter 16 of the Wyoming Election Code of 1973, as amended, by a canvassing board drawn from the membership of the appropriate county canvassing boards appointed by the appropriate county commissioners. The commissioners shall notify the county clerks of the canvassing board appointments. Any special district election not conducted by a county clerk shall be canvassed by a special district canvassing board. The special district canvassing board shall consist of the district secretary and two (2) electors appointed by the district board. Any canvass shall be conducted in accordance with chapter 16 of the Wyoming Election Code of 1973, as amended. The canvass shall be conducted within seven (7) days of the election. The canvassing board shall have the authority to call for a special election in accordance with W.S. 22-16-122. The canvassing board shall:

41-3-754. Bonds; election prior to issuance generally.

Whenever the board incorporated under this act shall by resolution adopted by a majority of the said board, determine that the interests of said district and the public interest or necessity demand the acquisition, construction or completion of any source of water supply, water works, or other improvements, or facility, or the making of any contract with the United States or other persons or corporation, to carry out the objects or purposes of said district, wherein the indebtedness or obligation shall be created, to satisfy which shall require a greater expenditure than the ordinary annual income and revenue of the district shall permit, said board shall order the submission of the proposition of insuring the obligation or bonded or other indebtedness for the purposes set forth in said resolution, to the qualified electors of the district as shall have paid a tax on property in the

ORIGINAL HOUSE
BILL NO. 0030

ENROLLED ACT NO. 15, HOUSE OF REPRESENTATIVES

FIFTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2002 SPECIAL SESSION

district in the year preceding the election, at an election held for that purpose. Any election held for the purpose of submitting any proposition or propositions of incurring the obligation or indebtedness shall be held at an election as permitted for bond elections by the Political Subdivision Bond Election Law, W.S. 22-21-101 through 22-21-112. The declaration of public interest or necessity herein required and the provision for the holding of the election may be included within one (1) and the same resolution, which resolution, in addition to the declaration of public interest or necessity shall recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the works or improvements, as the case may be, the amount of principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on the indebtedness. The resolution shall also recite the date upon which the election shall be held and the manner of holding the same and the method of voting for or against the incurring of the proposed indebtedness. The resolution shall also fix the compensation to be paid the officers of the election and shall designate the precincts and polling places and shall appoint for each polling place, ~~from each precinct from the electors thereof,~~ the officers of the election, which officers shall be registered electors and shall consist of three (3) judges, one (1) of whom shall act a clerk, who shall constitute a board of election for each polling place. The description of precincts may be made by reference to any order or orders of the board of county commissioners of the county or counties in which the district or any part thereof is situated or by reference to any previous order, or resolution of the board or by detailed description of the precincts. Precincts established by the boards of the various counties may be consolidated for special elections held hereunder. In the event any election under this section shall be called to be held concurrently with any

ORIGINAL HOUSE
BILL NO. 0030

ENROLLED ACT NO. 15, HOUSE OF REPRESENTATIVES

FIFTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2002 SPECIAL SESSION

other election or shall be consolidated therewith, the resolution calling the election hereunder need not designate precincts or polling places or the names of officers of election, but shall contain reference to the act or order calling the other election and fixing the precincts and polling places and appointing election officers. ~~therefrom.~~

Section 3. W.S. 22-14-111(a)(v), 22-15-107, 22-16-103(b) and 22-16-104 are repealed.

Section 4. This act is effective January 1, 2003.

(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