

SENATE FILE NO. SF0070

Election code amendments.

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

A BILL

for

1 AN ACT relating to elections; modifying provisions relating
2 to voter registration and administration of elections
3 generally; providing additional definitions; modifying
4 voter oath and other forms relating to voting; modifying
5 duties of election officials; and providing for an
6 effective date.

7

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

9

10 **Section 1.** W.S. 22-1-102(a)(xxiii), (xxvii), (xxix)
11 and by creating a new paragraph (xlvi), 22-2-113(a) and
12 (e), 22-3-103, 22-3-104(d)(intro) and (f), 22-3-105(a),
13 22-3-106, 22-3-109 through 22-3-111, 22-3-113, 22-3-117(a)
14 and (d), 22-5-212, 22-9-104(a)(i), 22-9-106,
15 22-9-108(a)(intro) and (ii), 22-9-111(b), 22-9-114,
16 22-9-120, 22-12-107(a)(i) and (ii), 22-13-104(a)(intro),

1 22-15-104(a)(iii), 22-15-106, 22-23-805, 22-23-806 and
2 22-29-116(a)(v) are amended to read:

3

4 **22-1-102. Definitions.**

5

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

11

12 (xxiii) "Poll list" is the list of ~~names of~~
13 ~~electors who vote or offer to vote at a precinct at an~~
14 ~~election~~ registered voters as compiled by the ~~precinct~~
15 ~~judge or clerk in the pollbook;~~ for use by election judges
16 at the polls. The poll list shall:

17

18 (A) Include the names and residence
19 addresses of electors registered in the precinct;

20

21 (B) Indicate the precinct and various
22 districts in which each elector resides;

23

1 (C) Indicate political party affiliation of
2 the electors, if any;

3

4 (D) Indicate which electors have registered
5 by mail and must show identification;

6

7 (E) Indicate which electors have submitted
8 absentee ballots in the election prior to the printing of
9 the poll list;

10

11 (F) Provide for the notation of:

12

13 (I) A sequential number for each
14 elector voting at the polls;

15

16 (II) Electors who cast provisional
17 ballots;

18

19 (III) Electors who cast absentee
20 ballots if the absentee ballots are processed and counted
21 at the polls;

22

23 (IV) Electors who change political
24 party affiliation at the polls.

1

2

(G) Provide for the recording of the same information for electors who register at the polls;

4

5

(H) Provide other space as required for election management purposes.

7

8

(xxvii) "Registration" is the entry and verification of the name and voter information of a qualified elector on the official registry list, as provided in W.S. 22-3-104(f) and 22-3-108;

12

13

(xxix) "Registry list" is the list by precinct of the names, addresses, party affiliations and precinct and district numbers of the registered electors in the county prepared by the secretary of state or county clerks for distribution as provided in W.S. 22-2-113;

18

19

(xlvi) "Voter registration system" means the single, uniform, official, interactive, computerized, statewide voter registration system containing the registration information of every legally registered elector in the state.

24

1 **22-2-113. Availability and form of registry lists;**
2 **use of copies; election record; purging.**

3
4 (a) The secretary of state shall furnish at a
5 reasonable price ~~computerized voter registration~~ registry
6 lists to any candidate for a political office in the state,
7 candidate's campaign committee, political party central
8 committees and officials thereof, elected officials,
9 political action committees, individuals promoting or
10 opposing a ballot issue or candidate and to organizations
11 which promote voter participation. The county clerks may
12 elect to furnish the lists and, if they do so, shall make
13 them available to all on an equal basis. All lists are for
14 political purposes only and are not available for
15 commercial use. The lists shall be in the form of
16 printouts, mailing labels, tapes or other electronic format
17 as available. The lists may be reproduced for political
18 purposes.

19
20 (e) The county clerks shall purge, and update and
21 ~~submit~~ voter registration ~~lists~~ information on the voter
22 registration system not later than the fifteenth day of
23 February each year. ~~to the secretary of state.~~

24

1 **22-3-103. Furnishing of oath forms; contents thereof.**

2

3 (a) The county clerk shall furnish voter registration
4 oath forms to registry agents which forms shall ~~conform in~~
5 ~~substance to~~ require the following voter information from
6 the applicant:

7

8 (i) His full name;

9

10 (ii) His current residence address or if living
11 temporarily in another state or nation, his last residence
12 address in Wyoming;

13

14 (iii) His postal address if different from his
15 residence address;

16

17 (iv) His date of birth;

18

19 (v) Acceptable identification as defined
20 pursuant to W.S. 22-1-102(a)(xxxix);

21

22 (vi) His Wyoming driver's license number, or if
23 he has no current, valid Wyoming driver's license, a
24 statement to that effect and the last four digits of his

1 social security number, or if he has neither, a statement
2 to that effect;

3

4 (vii) His political party affiliation, if any;
5 and

6

7 (viii) The date he became a resident of the
8 county.

9

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

14

15 ~~REGISTRATION OATH~~

16

17 ~~State of Wyoming)~~

18 ~~_____) ss~~

19 ~~County of)~~

20

21 I,, do solemnly swear (or affirm) that I am a citizen
22 of the United States; ~~that I was born on;~~ that I ~~have~~
23 ~~been~~ am a bona fide resident of the state of Wyoming,
24 ~~County of since; that my current residence~~

1 ~~address is Street, City of Ward (if~~
 2 ~~applicable), Election District No. Polling Precinct~~
 3 ~~No., House District No.... and Senate District No....;~~
 4 ~~that my mailing address (if different from my residence~~
 5 ~~address) is; that I am a member of political~~
 6 ~~party and the number of my current, valid Wyoming driver's~~
 7 ~~license is, or I have no valid Wyoming driver's~~
 8 ~~license and the last four digits of my social security~~
 9 ~~number are, or I have no valid Wyoming driver's~~
 10 ~~license or social security number; and this county; that I~~
 11 ~~will be at least eighteen (18) years of age on or before~~
 12 ~~the next election;~~ that I am not now registered in
 13 another county or state; that I am not currently
 14 adjudicated a mentally incompetent person, that I have not
 15 been convicted of a felony, or if I have been convicted of
 16 a felony, I have had my civil or voting rights restored by
 17 a competent authority; and that the voter registration
 18 information contained herein is true and accurate to my
 19 best knowledge and belief.

20

21 (Signature in full of applicant)

22

23 Subscribed and affirmed or sworn to before me by this

24 day of, (year).

1

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

4

5 **22-3-104. Methods of verification; signing oath; time**
6 **for proving eligibility; registration locations.**

7

8 (d) ~~When~~ An applicant registers may only register to
9 vote in person or by mail at which time he shall ~~provide~~
10 the information required by W.S. 22-3-103(a) and sign the
11 registration oath as required by W.S. 22-3-103(b).

12

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

14

15 (i) Registration before the secretary of state
16 has certified that the voter registration system is
17 operational is effective upon receipt and acceptance by the
18 county clerk or election judge of the completed and signed
19 registration oath subscribed by the registry agent ~~or by a~~
20 person authorized to administer oaths if the voter is
21 registering by mail;

22

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

4
5 (A) At the polls for the purpose of voting.
6 Upon verification of the information, the voter shall
7 continue to be registered. Upon failure of verification,
8 the voter's registration shall be revoked in accordance
9 with W.S. 22-3-105;

10
11 (B) For registration, other than at the
12 polls, after the voter registration information has been
13 entered onto the voter registration system and verified.

14
15 **22-3-105. Investigation of voter qualifications;**
16 **striking names from registry; criteria; notice; appeal.**

17
18 (a) The county clerk may investigate the
19 qualifications of any voter registration, when he has
20 reasonable cause to believe that the voter may be
21 unqualified. The county clerk shall, after a thorough
22 investigation, strike from the ~~registry~~voter registration
23 lists the name of any person who is not qualified to be
24 registered.

1

2 **22-3-106. Request for voter registration withdrawal;**
3 **form.**

4

5 If a voter registration applicant affirms that he is
6 registered in another county or state, the registry agent
7 shall require that the applicant complete and sign a
8 "Request for Voter Registration Withdrawal" form. The
9 registry agent shall ~~mail the form~~ cause notice to be sent
10 to the registry agent of the jurisdiction in which the
11 applicant was last registered. The withdrawal form shall
12 conform in substance to the following:

13

14 REQUEST

15 FOR

16 VOTER REGISTRATION WITHDRAWAL

17

18 I,, whose date of birth is and social security
19 number is (optional) having now registered to vote in
20 the County of, State of Wyoming, hereby request that
21 my registration to vote in the County of, State of
22 be withdrawn.

23 My previous address was:

24 Street

1 City

2

3 Signature of requester

4 Subscribed and sworn to before me by this day of
5, (year).

6

7 Name of person receiving request

8

9 Title

10

11 **22-3-109. Certification and transmittal of poll**
12 **lists; posting of registry lists.**

13

14 (a) Not less than ten (10) days before any election,
15 the county clerk shall certify and transmit to the officer
16 in charge of each election at his request the necessary
17 ~~registry-poll~~ lists for the precincts or areas involved in
18 the election. Not less than ten (10) days prior to the
19 primary and general elections the county clerks shall ~~mail~~
20 ~~deliver~~ three (3) copies of the ~~registry-poll~~ lists for
21 each precinct in the county to the county chairman of each
22 political party in the respective counties.

23

1 (b) The county clerk shall publicly post in a
2 prominent place at the county courthouse one (1) copy of
3 the registry list for each precinct.
4

5 **22-3-110. Expense of preparing poll lists.**
6

7 The expense of preparing ~~registry~~poll lists required by
8 law to be provided by the county clerk in combined
9 statewide political subdivision elections, shall be shared
10 on an equitable basis by the governmental entities
11 participating in the election. The expense of preparing
12 other ~~registry~~poll lists shall be paid by the entity
13 holding the election.
14

15 **22-3-111. Preparation and contents of pollbooks.**
16

17 (a) The county clerk shall prepare the necessary
18 pollbooks for each precinct for statewide and political
19 subdivision elections held on the same date. The precinct
20 pollbooks shall contain the ~~registry~~poll lists, the oaths
21 of judges of election, certificate of ballots, and a tally
22 sheet if ballots are hand counted. On the cover of the
23 pollbook shall be printed the words "Pollbook", the

1 election and date of the election, the voting district and
2 precinct numbers.

3

4 (b) Pollbooks shall be prepared for special district
5 elections by the officials in charge of such elections. The
6 county clerk shall furnish ~~registry~~poll lists as required
7 and requested by such officials.

8

9 **22-3-113. Disposition of pollbooks after polls close.**

10

11 After the polls are closed and the pollbooks are made to
12 agree, the judges of election in each precinct shall return
13 one (1) pollbook containing one (1) copy of each of the
14 poll lists ~~and one (1) copy of the registry list, which may~~
15 ~~be one and the same,~~ to the county clerk, together with the
16 election returns, and retain one (1) ~~such pollbook~~copy of
17 each poll list in their possession. Judges of election may
18 discard ~~pollbooks~~poll lists in their possession two (2)
19 years after the election to which the ~~pollbooks~~poll lists
20 pertain or in the event of litigation, at the conclusion of
21 the litigation, whichever date is later.

22

23 **22-3-117. Absentee registration generally; use of**
24 **federal postcard.**

1

2 (a) Notwithstanding any other section or provision in
3 this chapter, any citizen of the United States who is a
4 resident of Wyoming may apply for registration by providing
5 the information required by W.S. 22-3-103(a) and acceptable
6 identification to and completing and subscribing, the form
7 of voter registration oath prescribed by W.S. ~~22-3-103~~
8 22-3-103(b) before any person authorized by law to
9 administer oaths, ~~which person is considered a registry~~
10 ~~agent for this purpose.~~ Each county clerk shall furnish the
11 voter registration oath forms. The applicant shall mail or
12 return the completed voter registration oath form to the
13 county clerk in the county in which the applicant resides.
14 In order to vote in the next election, the application must
15 be received in the county clerk's office before the close
16 of registration for that election or be accompanied by an
17 absentee ballot request for elections where a voter may
18 register at the polls.

19

20 (d) If any person specified in subsection (b) of this
21 section desires permanent registration, that person shall
22 provide the information required by W.S. 22-3-103(a) and
23 subscribe to the voter registration oath prescribed by W.S.
24 ~~22-3-103~~ 22-3-103(b). The oath shall be self-administered

1 under penalty of perjury and notwithstanding W.S. 22-3-104
2 does not require the signature of an oath-taking official.

3

4 **22-5-212. When declaration of party affiliation**
5 **required.**

6

7 An elector requesting a major party ballot must declare his
8 party affiliation, or sign an application for change of
9 affiliation before he may receive a party ballot. An
10 elector may vote only the nonpartisan ballot and if so, is
11 not required to declare his party affiliation. Requesting a
12 partisan primary election ballot constitutes a declaration
13 of party affiliation. A change in declaration of party
14 affiliation shall be entered on the poll list ~~and the~~
15 ~~registry list, which may be one and the same,~~ by the ~~county~~
16 ~~clerk~~ election judge.

17

18 **22-9-104. How to apply; information required.**

19

20 (a) A qualified elector may apply for an absentee
21 ballot either in person, in writing, or by telephone, by
22 furnishing the following information:

23

1 (i) Name in full, social security number
2 (optional), date of birth, and current Wyoming residence
3 address by street, city, ~~and~~ county, and zip code or last
4 Wyoming residence address and month and year of leaving
5 Wyoming to live temporarily in another state or nation, if
6 applicable;

7

8 **22-9-106. Qualified absentee voter; written**
9 **notification if rejected.**

10

11 The clerk shall mark each completed absentee ballot
12 application with the date ~~and time~~ of receipt. The clerk
13 shall then determine if the applicant is properly qualified
14 to vote. If the applicant is not entitled to vote, the
15 clerk shall not issue a ballot to him and shall mark the
16 application "rejected" and file it in a file separate from
17 applications which are accepted. If an application is
18 rejected, the clerk shall immediately notify the applicant
19 in writing of the reason for rejection.

20

21 **22-9-108. Absentee ballot record; information to be**
22 **entered.**

23

1 (a) For each election, the clerk shall keep an
2 "Absentee Ballot ~~Book~~ Record" in which he shall enter the
3 following information:

4
5 (ii) The date ~~and time~~ of receipt of each
6 application;

7
8 **22-9-111. Affidavit to be printed on inner envelope;**
9 **attestation.**

10
11 (b) For all voters, as specified in W.S. 22-9-105, an
12 oath meeting the following requirements shall be printed on
13 the reverse side of the inner ballot envelope: ~~in red ink:~~

14
15 ~~I, ..., do solemnly swear (or affirm) that I am a~~
16 ~~resident of Election District No. ..., Precinct No. ...,~~
17 ~~(and if a resident of a city, add: Residing at No. ...,~~
18 ~~... Street, in the city of ...) County of ..., and the~~
19 ~~State of Wyoming, and am or will be entitled to vote in the~~
20 ~~precinct at the next election and that I have not voted and~~
21 ~~will not vote again in this election~~

22
23 (i) The elector shall print his full name;

24

1 (ii) The elector shall provide his current
2 residence address or if living temporarily in another state
3 or nation, his last residence address in Wyoming;

4
5 (iii) The elector shall provide his district and
6 precinct numbers;

7
8 (iv) Under the above information shall be the
9 following:

10
11 (A) "I hereby swear or affirm, under
12 penalty of perjury, that I am entitled to vote in the
13 precinct at the next election and that I have not voted and
14 will not vote again in this election, and that the above
15 information is true and correct.

16 (Date)

17 (Signature of elector)"

18
19 **22-9-114. Receipt by clerk; generally.**

20
21 The clerk shall mark on each completed inner envelope the
22 date and time of receipt and enter this information in the
23 absentee ballot ~~book~~record. From information contained in
24 the affidavit or from other reliable sources, the clerk

1 shall determine the district and precinct where the ballot
2 shall be voted and shall write the number of the district
3 and precinct on the inner envelope.

4

5 **22-9-120. Receipt of absentee ballots and lists by**
6 **judges.**

7

8 When the absentee ballots are delivered to the polls and
9 the polls are open, the judges of election shall open the
10 precinct envelope and determine whether the ballots therein
11 correspond to the names on the enclosed duplicate list. If
12 they do, the judges shall retain one (1) list permanently,
13 sign the other and return it in receipt to the clerk. The
14 clerk shall retain his list in the absentee ballot ~~book~~
15 record.

16

17 **22-12-107. Materials for judges.**

18

19 (a) Before election day the county clerk shall cause
20 to be delivered to one (1) of the judges of election in
21 each precinct the following materials:

22

23 (i) Pollbooks; ~~and a list of registered electors~~
24 ~~residing in the precinct;~~

1

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(ii) At ~~general and primary elections~~ any election specified in W.S. 22-2-101(a)(i) through (viii), registration applications;

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

(a) Before a qualified elector is permitted to vote ~~a judge of an~~ election ~~may enter the following notations~~ judge shall record the applicable information as listed in W.S. 22-1-202(a)(xxiii) by his name on the poll list. ~~+~~

22-15-104. Grounds for challenge.

(a) A person offering to vote may be challenged for the following reasons:

(iii) Name does not appear on ~~registry of electors~~ poll list and the person cannot meet the requirements to register at the polls;

22-15-106. Where name not on poll list.

1 A person challenged on the ground that his name does not
2 appear on the ~~registry~~poll list may vote if a judge of
3 election obtains verification from the county clerk that
4 the person is entitled to vote in that election within that
5 county.

6

7 **22-23-805. Poll lists.**

8

9 Precinct ~~registry~~poll lists for the special election shall
10 be obtained by the municipal clerk from the county clerk
11 and shall be paid for by the municipality. The municipal
12 clerk shall furnish copies of the precinct ~~registry~~poll
13 lists to the judges of election. A copy of the precinct
14 registry list shall be posted at each precinct polling
15 place during the special election.

16

17 **22-23-806. Entries in and delivery of pollbook;**
18 **elector not on lists.**

19

20 The judges of election shall make the same entries in the
21 pollbook as are required for statewide elections. Following
22 the election the pollbook shall be delivered to the
23 municipal clerk. If the name of a person offering to vote
24 at a special municipal election is not on the ~~registry~~poll

1 lists, he may qualify to vote by signing an affidavit and
2 if a judge of election obtains verification from the county
3 clerk as provided in W.S. 22-15-105 and 22-15-106.

4

5 **22-29-116. Procedures for mail ballot elections.**

6

7 (a) Official ballots shall be prepared and all other
8 preelection procedures followed as otherwise provided by
9 law or rules promulgated by the secretary of state, except
10 that mail ballot packets shall be prepared in accordance
11 with the following:

12

13 (v) No sooner than twenty-five (25) days and no
14 later than 4:00 p.m. on election day, mail ballots shall be
15 made available at the election official's office for voters
16 entitled to vote in the election but who are not otherwise
17 listed on the county voter registration records ~~or the~~
18 ~~registration list~~ if otherwise authorized to vote;

19

20 **Section 2.** W.S. 22-3-104(d)(i) through (iii) and (e)
21 and 22-13-104(a)(i) through (v) and (b) are repealed.

22

1 **Section 3.** This act is effective July 1, 2005.

2

3

(END)