

SENATE FILE NO. SF0065

Open ranked choice elections.

Sponsored by: Senator(s) Rothfuss, Case and Schuler and  
Representative(s) Yin and Zwonitzer

A BILL

for

1 AN ACT relating to elections; providing for primary elections  
2 allowing any voter to vote for any candidate; requiring ranked  
3 choice voting at primary and general elections as specified;  
4 modifying requirements for primary and general election  
5 ballots; amending definitions relating to qualifications of  
6 political parties; eliminating election of precinct  
7 committeemen and committeewomen at primary elections;  
8 modifying procedures for filling of vacancies in nomination;  
9 requiring rulemaking; making conforming amendments; removing  
10 obsolete language; and providing for effective dates.

11

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

13

14 **Section 1.** W.S. 22-2-122 and 22-5-404 are created to  
15 read:

1

2           **22-2-122. Ranked choice voting.**

3

4           (a) Ranked choice voting shall be used for all primary  
5 and general elections in which more than two (2) candidates  
6 are running for nomination or election to one (1) public  
7 office. Ranked choice voting allows voters to rank candidates  
8 for an office in order of preference and without regard to  
9 political party affiliation, the results of which shall be  
10 analyzed in accordance with the following:

11

12           (i) Tabulation of votes shall proceed in rounds.  
13 In the first round, the candidate with the fewest votes in  
14 the round is defeated. In each subsequent round, the number  
15 of votes for each remaining candidate who has not been  
16 defeated in a prior round shall be counted. Each continuing  
17 ballot counts as one (1) vote for its highest ranked remaining  
18 candidate for that round, except that a ballot that does not  
19 rank a remaining candidate, ranks more than one (1) candidate  
20 at the highest ranking during the round or contains two (2)  
21 or more sequential skipped rankings before its highest  
22 ranking during the round shall not be counted for any  
23 remaining candidate;

1

2           (ii) If more candidates remain at the end of any  
3 round than required by this paragraph, the candidate with the  
4 fewest votes in the round is defeated and a new round is  
5 started. Rounds shall proceed until:

6

7           (A) For primary elections, candidates equal  
8 in number to twice the number to be elected to the public  
9 office remain in a round, all of whom are determined for  
10 purposes of this act to have received the largest or highest  
11 number of votes for the nomination to the office;

12

13           (B) For general elections, only two (2)  
14 candidates for the public office remain in a round, one (1)  
15 of whom is determined for purposes of this act to have  
16 received the largest or highest number of votes for the  
17 election to the office.

18

19           (b) The secretary of state shall promulgate rules  
20 pertaining to ranked choice voting. The rules shall specify:

21

22           (i) The methods and procedures for evaluating an  
23 elector's markings for preferences in a square on a ballot,

1 including how to evaluate repetitive or redundant markings or  
2 instances where only one (1) square is marked on a ballot;

3

4 (ii) The methods and procedures for tabulating  
5 results in rounds and resolving ties among candidates in  
6 accordance with subsection (a) of this section and the  
7 following:

8

9 (A) Two (2) or more candidates may be  
10 defeated simultaneously in any round of tabulation;

11

12 (B) A tie between candidates in the final  
13 round or a tie between candidates with the fewest votes in  
14 any round shall be determined by lot, with the candidate  
15 chosen by lot being defeated.

16

17 (iii) The methods and procedures for reporting the  
18 results of rounds and determining the candidate or candidates  
19 who received the next largest or highest number of votes in  
20 the event of vacancies;

21

1           (iv) The methods and procedures for declaring the  
2 nomination of candidates and filling vacancies in  
3 nominations;

4

5           (v) The procedures for auditing results;

6

7           (vi) The procedures and information required for  
8 reporting results;

9

10          (vii) The instructions for voters which shall be  
11 printed on ballots.

12

13           **22-5-404. Vacancies in nomination.**

14

15          (a) A vacancy in nomination for an office to be filled  
16 at a general election occurs if a candidate nominated at a  
17 primary election declines to accept the nomination, dies,  
18 moves his residence from his constituency or becomes  
19 disqualified to hold the office for any reason provided by  
20 law.

21

22          (b) A vacancy in nomination shall be filled by the  
23 person who received the next highest number of votes at the

1 primary election as shown on the official canvas. If no  
2 qualified candidate exists, the vacancy in nomination shall  
3 be filled by:

4

5 (i) The state central committee of the political  
6 party of the former nominee for an office to be voted for by  
7 the electors of the entire state;

8

9 (ii) The county central committee of the political  
10 party of the former nominee for an office to be voted for by  
11 the electors of a county or a subdivision thereof; or

12

13 (iii) If the former nominee for any office did not  
14 indicate in the application whether he is a member of an  
15 existing political party as provided in W.S. 22-5-204(d), or  
16 if the former nominee was a write-in candidate, the nomination  
17 shall remain vacant.

18

19 **Section 2.** W.S. 18-3-524(d), 22-1-102(a)(xvii),  
20 (xviii), (xxv), (liii)(A) and by creating a new paragraph  
21 (liv), 22-2-104(b), 22-2-117(a), 22-4-101(b) and (e),  
22 22-4-103, 22-4-406, 22-5-101, 22-5-102(a)(i), 22-5-204(b) and  
23 by creating a new subsection (d), 22-5-208(c), 22-5-209,

1 22-5-213, 22-5-215, 22-5-219(a), 22-5-220, 22-6-101,  
 2 22-6-112, 22-6-116, 22-6-117(a)(intro) and by creating new  
 3 paragraphs (xii) through (xxiv), 22-6-119(a)(intro), (i),  
 4 (iii) through (vi) and by creating a new subsection (b),  
 5 22-6-120(a)(vii) and (x) through (xii), 22-6-123, 22-6-124,  
 6 22-10-101(a)(vii) and (x), 22-10-108(a), 22-11-103(a)(vii),  
 7 22-11-104(b)(iii), 22-16-103(c)(viii)(A), (F) and by creating  
 8 a new subparagraph (H), 22-16-117, 22-16-121(a), 22-18-106,  
 9 22-18-107, 22-18-111(c)(i), 22-20-107, 22-23-103(c)(i),  
 10 22-23-202(a)(v)(B), 22-23-304 and 22-23-401 are amended to  
 11 read:

12

13 **18-3-524. Appointments to fill vacancies; term.**

14

15 (d) For purposes of this section a person shall be  
 16 considered to "represent" a political party if ~~he was a~~  
 17 ~~nominee of that political party~~ his party affiliation was  
 18 indicated as provided in W.S. 22-5-204(d) or 22-6-120(a)(vii)  
 19 when elected to office, or when appointed to fill a vacancy  
 20 in office of a person whose party affiliation was indicated  
 21 as provided in W.S. 22-5-204(d) or 22-6-120(a)(vii).

22

23 **22-1-102. Definitions.**

1

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

7

8 (xvii) "Major political party" means a political  
9 organization whose candidate for any one (1) of the offices  
10 of the United States president, United States house of  
11 representatives, governor or secretary of state, received not  
12 less than ten percent (10%) of the total votes cast for that  
13 office in either of the two (2) most recent general ~~election~~  
14 elections in the state;

15

16 (xviii) "Minor political party" means a political  
17 organization whose candidate for any one (1) of the offices  
18 of the United States president, United States house of  
19 representatives, governor or secretary of state, received not  
20 less than two percent (2%) nor more than ten percent (10%) of  
21 the total votes cast for that office in either of the two (2)  
22 most recent general ~~election~~ elections in the state;

23



1           (xxv) "Provisional party" means a political  
2 organization which has filed a legally valid petition as  
3 provided under article 4 of chapter 4 of this code. The  
4 filing of a legally valid petition entitles the provisional  
5 party to participate in the next general election. If the  
6 provisional party's candidate for any one (1) of the offices  
7 of the United States president, United States house of  
8 representatives, governor or secretary of state, receives not  
9 less than two percent (2%) of the total votes cast for that  
10 office in that election in the state, the provisional party  
11 does not lose party status;

12

13           (liii) "Candidate" means any person who knowingly  
14 seeks nomination or election to public office by:

15

16           (A) Filing an application for nomination by  
17 primary election, ~~nomination by~~ or political party  
18 convention; ~~or by petition for nomination;~~

19

20           (liv) "Ranked choice voting" means the voting  
21 procedure specified in W.S. 22-2-122.

22

23           **22-2-104. Election dates.**

1

2 (b) A primary election shall be held at the regular  
3 polling places for each precinct on the first Tuesday after  
4 the third Monday in August in general election years for the  
5 nomination of candidates for ~~partisan and nonpartisan~~ offices  
6 to be filled at the succeeding general election, ~~and for the~~  
7 ~~election of major party precinct committeemen and~~  
8 ~~committeewomen.~~

9

10 **22-2-117. Vote required for election; ratification.**

11

12 (a) ~~Partisan and nonpartisan~~ Candidates who receive the  
13 largest number of votes for each office to be filled at the  
14 general election are elected.

15

16 **22-4-101. Application; composition, election and**  
17 **qualifications of county central committees.**

18

19 (b) The county central committee of each political  
20 party consists of precinct committeemen and committeewomen  
21 elected in ~~the county at the regular biennial primary election~~  
22 accordance with the party bylaws, which shall comply with  
23 this chapter. Except as provided in subsection (c) of this

1 section, each political party in each precinct shall elect  
2 one (1) committeeman and one (1) committeewoman for each two  
3 hundred fifty (250) votes or major fraction thereof cast for  
4 the party's candidate for representative in congress in the  
5 last general election, but provided that no precinct shall be  
6 entitled to less than one (1) precinct committeeman and  
7 precinct committeewoman. Precinct committeemen and  
8 committeewomen shall be electors registered in the party and  
9 resident in the precinct. ~~If a precinct boundary line is~~  
10 ~~changed for any reason, the county commissioners shall~~  
11 ~~determine the number of precinct committeemen and~~  
12 ~~committeewomen to which the affected precinct is entitled.~~

13  
14 (e) ~~Except for the term beginning after the canvass of~~  
15 ~~the 2014 primary election,~~ The term of office for all precinct  
16 committeemen and committeewomen shall be two (2) years and  
17 shall begin ~~on the first Monday in January of the year~~  
18 ~~following their election. The term for committeemen and~~  
19 ~~committeewomen elected at the 2014 primary election shall end~~  
20 ~~on the first Monday in January of 2017~~ as provided in the  
21 party bylaws.

22

23 **22-4-103. County central committee vacancies.**

1

2 ~~A vacancy in the county central committee shall occur in the~~  
3 ~~case of death, resignation, failure of a qualified candidate~~  
4 ~~to be elected to a precinct committeeman or committeewoman~~  
5 ~~position, or removal of residence from the precinct.~~ A vacancy  
6 in a county central committee shall be determined and filled  
7 ~~by the county central committee by election of a registered~~  
8 ~~elector resident in the precinct in which the vacancy exists~~  
9 ~~and registered in the party or~~ as provided by the party  
10 bylaws.

11

12 **22-4-406. Officers and nominating procedures.**

13

14 A provisional party shall be subject to W.S. 22-4-302 through  
15 ~~22-4-307. Under no circumstances shall a provisional party~~  
16 ~~nominate by the primary election process.~~

17

18 **22-5-101. How candidates nominated.**

19

20 Nominations of candidates for all offices filled at a general  
21 election, except school and community college district  
22 offices and special district offices, may be made by primary  
23 election, ~~by petition for nomination as an independent~~

1 ~~candidate as provided in W.S. 22-5-301 through 22-5-308 or by~~  
2 ~~convention as provided in W.S. 22-4-303 and 22-4-406.~~

3  
4 **22-5-102. Eligibility to be a candidate for state**  
5 **legislature; residency.**

6  
7 (a) For the purpose of meeting residency requirements  
8 of the Wyoming constitution, a person shall not be a candidate  
9 for the state legislature from a legislative district unless  
10 he has been a resident of that legislative district for at  
11 least one (1) year next preceding his election. In any general  
12 election year in which a plan of legislative districts is  
13 required but has not been enacted into law at least one (1)  
14 year prior to the applicable filing periods, a person may be  
15 a candidate for the state legislature from a legislative  
16 district if he:

17  
18 (i) Is a resident of the legislative district on  
19 the date he files an application under W.S. 22-5-204; ~~or a~~  
20 ~~petition under W.S. 22-5-301;~~ and

21  
22 **22-5-204. Application for nomination or election; form.**  
23



1       (If desired pursuant to W.S. 22-5-204(d) by the  
 2 applicant) I swear and affirm that I am registered as a member  
 3 of .... party.

4

5 Dated the .... day of ....., ....(year).

6

7 .....(Signature)

8 ..... (Residence Address)

9

10       (d) An applicant for partisan office may indicate in  
 11 the application whether he is a member of an existing party  
 12 and whether the applicant wishes to have that membership  
 13 indicated on the ballot.

14

15       **22-5-208. Filing fees; exception.**

16

17       (c) A filing fee shall not be required of candidates  
 18 for special district director, school district trustee, or  
 19 community college trustee, ~~precinct committeeman or precinct~~  
 20 ~~committeewoman.~~

21

22       **22-5-209. Time for filing nomination applications;**  
 23 **certified list; names on ballot.**

1

2 An application for nomination shall be filed not more than  
3 ninety-six (96) days and not later than eighty-one (81) days  
4 next preceding the primary election. Not later than  
5 sixty-eight (68) days before a primary election the secretary  
6 of state shall transmit to each county clerk a certified list  
7 of persons whose applications have been filed in the office  
8 of the secretary of state stating as to each his name, age,  
9 address, office sought and party affiliation if declared. The  
10 county clerk shall print the names on the primary election  
11 ballot.

12

13 **22-5-213. Entry in pollbook.**

14

15 The judges of election shall check or enter in the pollbook  
16 the name of each elector voting in the primary election and  
17 his party affiliation, if declared. ~~An elector voting only a~~  
18 ~~nonpartisan ballot shall be entered in the pollbook as an~~  
19 ~~unaffiliated voter.~~

20

21 **22-5-215. Nomination of candidates and write-in**  
22 **candidates.**

23



1 On each ~~party~~ ballot the candidate or candidates equal in  
2 number to twice the number to be elected to each office who  
3 receive the largest number of votes shall be nominated and  
4 shall be entitled to have their names printed on the ballot  
5 for the next general election. A write-in candidate shall not  
6 be nominated and shall not be entitled to have his name  
7 printed on the ballot for the next general election unless he  
8 ~~received~~ his name was written by the electors on at least  
9 twenty-five (25) ~~write-in votes. An unsuccessful candidate~~  
10 ~~for office at a primary election whose name is printed on any~~  
11 ~~party ballot may not accept nomination for the same office at~~  
12 ~~the next general election~~ primary election ballots.

13

14 **22-5-219. Further action by nominees not required;**  
15 **exception.**

16

17 (a) Candidates nominated ~~and major party precinct~~  
18 ~~committeemen and committeewomen elected~~ at a primary election  
19 shall be deemed nominated ~~or elected~~ without further action.  
20 In addition, each write-in candidate nominated at a primary  
21 election shall comply with the provisions of W.S. 22-16-106.

22

1           **22-5-220. Withdrawal of nomination application**  
2 **restricted.**

3

4 A candidate may withdraw a nomination application prior to  
5 the primary election only by filing a written withdrawal in  
6 the filing office in which he filed his application for  
7 nomination. If a candidate withdraws after the ~~party~~ ballots  
8 are finalized and approved for printing by a county clerk in  
9 any county where the candidate's name will appear on the ~~party~~  
10 ballot, the county clerk shall not be required to remove the  
11 candidate's name from the ~~party~~ ballot, but shall post a  
12 notice at each polling place announcing that the named  
13 candidate has withdrawn from nomination for the office  
14 designated.

15

16           **22-6-101. Certification of candidates nominated;**  
17 **printing of names.**

18

19 Not less than sixty (60) days before each general election  
20 the secretary of state shall transmit to each county clerk  
21 ~~under party headings~~ a certified list of the name and address  
22 of each person nominated by primary election as indicated by  
23 the state canvass, ~~the name of each person nominated by~~

1 ~~provisional or minor party convention, the name of each~~  
2 ~~independent candidate qualifying for nomination by petition,~~  
3 and the office sought. The names of these candidates shall  
4 be printed on the official ballot of the general election.

5

6 **22-6-112. Name to appear only once.**

7

8 No candidate's name shall appear on the ~~partisan~~ ballot more  
9 than once., ~~except that of a candidate for the office of~~  
10 ~~precinct committeeman or committeewoman, who may also seek~~  
11 ~~another office on the same partisan primary ballot.~~

12

13 **22-6-116. Printing type size and candidate names.**

14

15 On official ballots the ~~political party name or title shall~~  
16 ~~be printed in capital letters not less than one eighth (1/8)~~  
17 ~~inch nor more than one fourth (1/4) of an inch in height.~~  
18 ~~The~~ names of all candidates shall be printed in the same size  
19 letters not less than one-eighth (1/8) inch nor more than  
20 one-fourth (1/4) of an inch in height. The name of each  
21 political party, if declared, shall be printed next to the  
22 candidate's name in the same type size as that of every other  
23 political party.

1

2           **22-6-117. Order of listing offices.**

3

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

7

8                   (xii) Retention of justices of the supreme court;

9

10                   (xiii) Retention of district court judges;

11

12                   (xiv) Retention of circuit court judges;

13

14                   (xv) Retention of magistrates;

15

16                   (xvi) Candidates for municipal offices;

17

18                   (xvii) Candidates for community college trustees;

19

20                   (xviii) Candidates for school board trustees;

21

22                   (xix) Candidates for special district directors;

23

1           (xx) Candidates for other offices of county  
2 subdivisions;

3  
4           (xxi) Constitutional amendments;

5  
6           (xxii) Initiative propositions;

7  
8           (xxiii) Referendum propositions;

9  
10          (xxiv) Other ballot propositions.

11  
12          **22-6-119. Format of primary ballot.**

13  
14          (a) The primary ballot ~~of each major political party~~  
15 shall be printed in substantial compliance with this format:

16  
17               (i) Across the top shall be printed "Official  
18 Primary Election Ballot" ~~;~~ ~~followed by the name of the major~~  
19 ~~political party;~~

20  
21               (iii) On the second line shall be printed the  
22 following instructions:

1                   (A) Except as provided in subparagraph (B) of  
2 this paragraph: "To vote for a person whose name is printed  
3 on the ballot, mark the square immediately adjacent to the  
4 name of the person for whom you desire to vote. To vote for  
5 a person whose name is not printed on the ballot, write his  
6 name in the blank space provided for that purpose and mark  
7 the square immediately adjacent to the name of the person." ;

8  
9                   (B) For an office for which more than two (2)  
10 candidates are running for nomination and using ranked choice  
11 voting, the instructions specified by rule of the secretary  
12 of state.

13  
14                   (iv) Candidates for the different offices shall be  
15 arranged in separate groups. At the top of each group shall  
16 appear the title of the office. Adjacent to the title of the  
17 office shall be printed:

18  
19                   (A) Except as otherwise provided by  
20 subparagraph (B) of this paragraph, "Vote for one" or if more  
21 than one (1) are to be voted for, "Vote for not more than",  
22 then the appropriate words and figures designating the proper  
23 number to be elected;

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

(B) For an office for which more than two (2) candidates are running for nomination and using ranked choice voting, the instructions specified by rule of the secretary of state.

(v) Below the list of candidates in each group shall be printed blank lines for write-in candidates equal in number to the number of candidates to be voted for or, if ranked choice voting is used, not more than one (1) write-in candidate per number of persons to be elected at the general election;

(vi) Adjacent to the name of each candidate and blank line shall be printed a square for marking the vote or, if ranked choice voting is used, the voter's preference as determined by W.S. 22-2-122. No square shall appear at the top of a column;

(b) When more than two (2) candidates are running for nomination for office, a primary ballot shall allow voters to mark their preference for up to as many choices as there are

1 candidates in accordance with ranked choice voting and rules  
2 promulgated by the secretary of state.

3  
4 **22-6-120. Format of general election ballot.**

5  
6 (a) The general election ballot shall be printed in  
7 substantial compliance with this format:

8  
9 (vii) The names of ~~partisan party~~ candidates, if  
10 candidates have filed, ~~and independent candidates, if~~  
11 ~~candidates have filed,~~ shall be printed in a separate column  
12 or columns, row or rows, and the name of the party represented  
13 ~~or the word "Independent" if declared,~~ shall be printed  
14 ~~directly above~~ next to the candidate's name; ~~or at the end of~~  
15 ~~the row. If there are a number of candidates representing a~~  
16 ~~party, or independents, the county clerk at his discretion~~  
17 ~~may designate a separate vertical column or columns, or row~~  
18 ~~or rows to said candidates and print the name of said party~~  
19 ~~or the word "Independent" at the top of the column or~~  
20 ~~beginning of the row;~~

21  
22 (x) Below the names of candidates for each office  
23 shall be printed blank lines for write-in candidates equal in



1 number to the number of persons to be elected or, if ranked  
2 choice voting is used, not more than one (1) write-in  
3 candidate per number of persons to be elected;

4  
5 (xi) Adjacent to the name of each candidate,  
6 except those running for the office of president and  
7 vice-president of the United States and their electors, and  
8 adjacent to each blank line for write-in candidates, shall be  
9 printed a square for marking the vote or, if ranked choice  
10 voting is used, the voter's preference as determined by W.S.  
11 22-2-122. A single square shall be printed to indicate the  
12 vote or preference for candidates for the office of president  
13 and vice-president of the United States. No square shall  
14 appear at the top of a column;

15  
16 (xii) Adjacent to the description of any office to  
17 be filled by more than one (1) candidate shall be printed:

18  
19 (A) Except as provided in subparagraph (B) of  
20 this paragraph, "Vote For Not More Than", then the appropriate  
21 words and figures designating the proper number to be elected;

22

1                   (B) For an office for which more than two (2)  
2 candidates are running for election and using ranked choice  
3 voting, the instructions specified by rule of the secretary  
4 of state.

5  
6           **22-6-123. Nonpartisan offices on primary or general**  
7 **election ballots and ballot propositions.**

8  
9 Primary and general election ballots ~~for—containing~~  
10 nonpartisan offices and ballot propositions shall ~~be printed~~  
11 ~~on yellow paper or paper with yellow demarcation as provided~~  
12 ~~by rule and regulation of the secretary of state, separate~~  
13 ~~from partisan ballots. They shall~~ contain no political party  
14 designations, but otherwise shall conform to the same general  
15 requirements for official ~~partisan—~~ballots except as  
16 otherwise specifically provided.

17  
18           **22-6-124. Ballot propositions format.**

19  
20 Following all offices on ~~nonpartisan—~~ballots, ballot  
21 propositions shall be printed in the order prescribed by law.  
22 The name and official number, if any, of each ballot  
23 proposition shall be printed adjacent to the proposition in

1 large letters. ~~Nonpartisan ballots shall contain the same~~  
2 ~~instructions as prescribed for partisan primary election~~  
3 ~~ballots in W.S. 22-6-119.~~ If the ballot contains a proposed  
4 constitutional amendment or other ballot proposition, the  
5 instructions shall also include the following: "To vote for  
6 or against a proposed constitutional amendment, initiative or  
7 referendum, or other ballot proposition, mark the square  
8 printed adjacent to the proposition marked 'For' or  
9 'Against'." For retention of justices of the supreme court,  
10 district court judges, circuit court judges and magistrates,  
11 the following shall be printed on the ballot: "Shall  
12 Justice/Judge/Magistrate . . . be retained in office?".

13

14 **22-10-101. Criteria for approval.**

15

16 (a) To be approved for use in Wyoming a voting machine  
17 shall:

18

19 (vii) Have separate voting devices for candidates  
20 and ballot propositions, which shall be arranged in separate  
21 rows or columns, so that one (1) or more adjacent rows or  
22 columns may be assigned to the candidates ~~of each political~~  
23 ~~party~~ at a primary election;

1

2 (x) Have the capacity to contain ~~the names of~~  
3 ~~candidates constituting the tickets of not less than five (5)~~  
4 ~~political parties and independent groups and~~ not less than  
5 fifteen (15) ballot propositions;

6

7 **22-10-108. Procedure for preparing machines for**  
8 **election; inspection and certification.**

9

10 (a) Before preparing a voting machine for an election,  
11 the county clerk shall notify in writing the county chairman  
12 of each political party ~~having a~~ registered with the secretary  
13 of state and each candidate on the ballot and all independent  
14 candidates, stating the time and place where the voting  
15 machine will be prepared for the election. The political  
16 party representatives, candidates and representatives of  
17 ~~independent~~ candidates may be present at the preparation of  
18 the voting machine for the election, to see that the machine  
19 is tested for accuracy and is properly prepared and that all  
20 registering counters are set at zero (00000). The county clerk  
21 in the presence of these representatives shall prepare the  
22 voting machine for the election and set all registering  
23 counters at zero (00000). He shall then test each registering

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

12

13 **22-11-103. Capabilities required.**

14

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

17

18 (vii) Provide automatic tabulating equipment  
19 which shall reject choices recorded on a ballot exceeding the  
20 number allowed~~i~~, and at a primary election reject choices for  
21 candidates from a party other than the party for which a  
22 preference is expressed;

23

1           **22-11-104. Conduct of elections in which systems**  
2 **utilized.**

3  
4           (b) The county clerk of each county using an electronic  
5 voting system shall:

6  
7           (iii) Before testing an electronic voting system  
8 for an election, notify the county chairman of each political  
9 party ~~having a~~ registered with the secretary of state and  
10 each candidate on the ballot, stating the time and place of  
11 the test. ~~The~~ Political party representatives, candidates and  
12 representatives of ~~independent~~ candidates may be present for  
13 the test, which shall be held at least two (2) weeks before  
14 the election. The test shall ascertain that the automatic  
15 tabulating equipment will accurately count the votes cast for  
16 all offices and all measures. The test shall be conducted by  
17 processing a preaudited group of paper ballots or ballot cards  
18 on which are recorded a predetermined number of valid votes  
19 for each candidate and on each measure and shall include for  
20 each office one (1) or more ballots which have votes in excess  
21 of the number allowed by law in order to test the ability of  
22 the automatic tabulating equipment to reject such votes.  
23 During the test a different number of valid votes shall be

1 assigned to each candidate for an office, and for and against  
2 each measure. If any error is detected, the cause of it shall  
3 be ascertained and corrected and an errorless count shall be  
4 secured and certified to by the county clerk. On completion  
5 of the count, the programs, test materials and ballots shall  
6 be sealed and retained as provided for paper ballots;

7

8 **22-16-103. County canvass procedures.**

9

10 (c) The county canvassing board shall:

11

12 (viii) Ensure abstracts contain the following  
13 information:

14

15 (A) For primary elections, the total ballots  
16 cast ~~i by party, including unaffiliated votes;~~

17

18 (F) The official designation or number of  
19 each ballot proposition and the number of votes for and  
20 against it stated in figures; ~~and~~

21

22 (H) For elections in which ranked choice  
23 voting was used, the results of each round in which votes

1 were tabulated and any other information required by rule of  
2 the secretary of state.

3  
4 **22-16-117. Content of state abstract.**

5  
6 The state abstract of an election shall indicate by county  
7 the number of ballots cast by each political party, if known,  
8 the total votes cast for each candidate, the names of all  
9 write-in candidates receiving a sufficient number of votes to  
10 affect the result of the election and the number of votes for  
11 each, and the number of votes received for and against each  
12 ballot proposition. For elections in which ranked choice  
13 voting was used, the abstract shall contain the results of  
14 each round in which votes were tabulated and any other  
15 information required by rule of the secretary of state.

16  
17 **22-16-121. Certificates of nomination and election**  
18 **following state or county canvass.**

19  
20 (a) When the state canvass is concluded, the secretary  
21 of state shall issue a certificate of nomination to each  
22 candidate nominated at a primary election and certify the  
23 names of nominees as provided in W.S. 22-6-101. When the



1 county canvass is concluded, the county clerk shall issue a  
2 certificate of nomination to each candidate nominated at a  
3 primary election. ~~or by petition.~~

4  
5 **22-18-106. Filling vacancy of congressman.**

6  
7 An elector qualified to hold the office of representative in  
8 congress shall ~~be nominated by the state central committee of~~  
9 ~~the respective parties to fill a vacancy for the unexpired~~  
10 ~~term of that office. Nominations from such parties shall be~~  
11 ~~filed with the secretary of state and fees paid within seven~~  
12 ~~(7) days after the vacancy is officially declared.~~  
13 ~~Independent candidates shall~~ file an application and pay the  
14 filing fee with the secretary of state within seven (7) days  
15 after ~~the~~ a vacancy in the office is officially declared.

16  
17 **22-18-107. Filling vacancy of congressman;**  
18 **certification of candidates.**

19  
20 Within five (5) days after the end of the candidate filing  
21 period, the secretary of state shall certify to the clerks of  
22 counties voting to fill the vacancy the name of each candidate

1 qualified to appear on the ballot ~~., and his party affiliation~~  
2 ~~or independent status.~~

3

4 **22-18-111. Vacancies in other offices; temporary**  
5 **appointments.**

6

7 (c) For purposes of this section:

8

9 (i) A person shall be considered to represent a  
10 political party if ~~he was a nominee of that political party~~  
11 his party affiliation was indicated as provided in W.S.  
12 22-5-204(d) or 22-6-120(a)(vii) when elected to office, or  
13 when appointed to fill a vacancy in office of a person whose  
14 party affiliation was indicated as provided in W.S.  
15 22-5-204(d) or 22-6-120(a)(vii);

16

17 **22-20-107. Statement of purpose on ballot.**

18

19 The county clerk shall print on the official ~~nonpartisan~~  
20 general election ballot for the next general election the  
21 statement of purpose of each proposed amendment certified to  
22 him by the secretary of state.

23

1           **22-23-103. Division of city into wards; residency.**

2

3           (c) In any general election year in which city wards  
4 are redrawn but not enacted into law at least one (1) year  
5 prior to the applicable filing periods, a person may be a  
6 candidate for a ward if he:

7

8           (i) Is a resident of the city on the date he files  
9 an application under W.S. 22-5-204; ~~or a petition under W.S.~~  
10 ~~22-5-301;~~ and

11

12           **22-23-202. Optional mode of election for towns;**  
13 **procedures by charter ordinance.**

14

15           (a) Any municipality may, by charter ordinance enacted  
16 pursuant to article 13, section 1(c) of the Wyoming  
17 constitution, elect not to conduct its elections for office  
18 or for municipal ballot propositions in the same manner as  
19 statewide elections, in which case the charter ordinance  
20 shall at a minimum provide:

21

22           (v) That the municipal clerk is responsible for:

23

1 (B) Preparing the ballots in substantially  
2 the same form as the general election ~~nonpartisan~~-ballot;

3

4 **22-23-304. Ballot form.**

5

6 The county clerk shall prepare the municipal primary ballot  
7 as provided in chapter 6 of this title for ~~nonpartisan~~  
8 ballots.

9

10 **22-23-401. Preparation of ballots; cost.**

11

12 The county clerk shall prepare ballots which shall be in  
13 substantially the same form as the general election  
14 ~~nonpartisan~~-ballot for the municipal general election. The  
15 name of every candidate legally qualified to appear on the  
16 ballot and all municipal ballot propositions to be voted on  
17 at the election shall be printed thereon. The cost of  
18 preparing the municipal ballots shall be determined by the  
19 county clerk and paid by the municipality.

20

21 **Section 3.** W.S. 22-1-102(a)(lii), 22-4-101(d),  
22 22-4-303, 22-4-304, 22-5-202, 22-5-203, 22-5-205, 22-5-212,  
23 22-5-218, 22-5-301 through 22-5-308, 22-5-401 through

1 22-5-403, 22-6-117(a)(xi), 22-6-118, 22-6-121, 22-6-125  
2 through 22-6-127, 22-9-104(a)(iii), 22-10-101(a)(vi),  
3 22-18-108, 22-18-111(a)(iii)(A) and (B) and 22-25-107(a)(vi)  
4 are repealed.

5

6 **Section 4.** The secretary of state shall promulgate  
7 rules and regulations necessary to implement this act by July  
8 1, 2019.

9

10 **Section 5.**

11

12 (a) Except as provided in subsection (b) of this  
13 section, this act is effective July 1, 2019.

14

15 (b) Section 4 of this act is effective immediately upon  
16 completion of all acts necessary for a bill to become law as  
17 provided by Article 4, Section 8 of the Wyoming Constitution.

18

19

(END)