

SENATE FILE NO. SF0020

Election code revisions.

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

A BILL

for

1 AN ACT relating to elections; revising registration
2 requirements and election timelines as specified; creating
3 requirements for write-in candidates; allowing notification
4 to nominated write-in candidates by electronic means;
5 amending complaint procedures for violations of the Election
6 Code as specified; expanding limitations on campaign
7 contributions; amending provisions relating to publishing
8 notice of special district organizational and formation
9 elections; modifying post voting procedures; and providing
10 for an effective date.

11

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

13

14 **Section 1.** W.S. 22-3-102(d), 22-3-117(a)(i) and (c),
15 22-3-118(a)(ii) and (d), 22-5-206(b), 22-5-215, 22-6-107(a),

1 22-6-112, 22-11-106, 22-13-103(b), 22-16-106(b),
2 22-25-102(a), 22-26-121(a), (f)(i) and (ii), 22-29-110(a) and
3 (b)(intro) and 22-29-116(a)(viii) are amended to read:

4

5 **22-3-102. Qualifications; temporary registration.**

6

7 (d) An absent uniformed services or an overseas citizen
8 voter who is qualified to register by mail, to request an
9 absentee ballot, and to vote in Wyoming is entitled to
10 register by mail annually using the Federal Postcard
11 Application for the purpose of voting in ~~one (1) election~~
12 ~~cycle, including a primary, general or special federal~~
13 ~~election~~ any election during the calendar year for which the
14 voter registered. The voter's name shall not appear on the
15 permanent official registry list until the voter has
16 registered as provided in W.S. 22-3-103 and 22-3-104.

17

18 **22-3-117. Absentee registration generally; use of**
19 **federal postcard.**

20

21 (a) Notwithstanding any other section or provision in
22 this chapter, any citizen of the United States who is a
23 resident of Wyoming may apply for registration by providing

1 the information required by W.S. 22-3-103(a) and acceptable
2 identification to and completing and subscribing, the form of
3 voter registration oath prescribed by W.S. 22-3-103(b) before
4 any person authorized by law to administer oaths. Each county
5 clerk shall furnish the voter registration oath forms. The
6 applicant shall mail or return the completed voter
7 registration oath form to the county clerk in the county in
8 which the applicant resides. In order to vote in the next
9 election, the application must be received in the county
10 clerk's office before the close of registration for that
11 election, or:

12

13 (i) Be received by mail or email and processed by
14 the county clerk during the closed period described in W.S.
15 22-3-102(a) if it is accompanied by an absentee ballot request
16 for elections where a voter may register at the polls;

17

18 (c) Annual registration through the Federal Postcard
19 Application constitutes temporary registration for the
20 purpose of voting in ~~one (1) election cycle, including a~~
21 ~~primary, general or special federal election~~ any election
22 during the calendar year for which the voter registered, and
23 the registration of such a registrant shall be maintained as

1 provided in W.S. 22-3-102(d). The Federal Postcard
2 Application shall be accepted if completed and signed by the
3 applicant under penalty of perjury.

4

5 **22-3-118. Proof of identity.**

6

7 (a) Unless a voter is challenged pursuant to W.S.
8 22-15-101 through 22-15-109, no identification shall be
9 required when:

10

11 (ii) Voting in person or by mail after having
12 registered by mail and having ~~previously voted in a Wyoming~~
13 ~~federal election~~ submitted a copy of the person's acceptable
14 identification, as set forth in W.S. 22-1-102(a)(xxxix), at
15 the time of registration.

16

17 (d) Voters who are challenged and are unable to provide
18 the required proof ~~under the applicable provisions of~~
19 ~~subsections (b) and (c) of this section of identity~~ shall be
20 offered provisional ballots in accordance with W.S. 22-15-105
21 and permitted until the close of business on the day following
22 the election to present documentation to the county clerk
23 establishing their eligibility to vote. ~~in the precinct.~~

1

2 **22-5-206. Where nomination applications to be filed.**

3

4 (b) ~~Other~~ Applications for other offices that are to
5 appear on the ballot in the county, including district
6 attorneys, shall be filed in the office of the county clerk
7 of the county in which the person filing for nomination
8 resides.

9

10 **22-5-215. Nomination of partisan candidates and**
11 **write-in candidates.**

12

13 On each party ballot the candidate or candidates equal in
14 number to the number to be elected to each office who receive
15 the largest number of votes shall be nominated and shall be
16 entitled to have their names printed on the ballot for the
17 next general election. A write-in candidate shall not be
18 nominated and shall not be entitled to have his name printed
19 on the ballot for the next general election unless he received
20 at least twenty-five (25) write-in votes in the primary
21 election and is a registered voter in the political party for
22 which he was nominated on the day of the primary election. An
23 unsuccessful candidate for office at a primary election whose

1 name is printed on any party ballot may not accept nomination
2 for the same office at the next general election.

3

4 **22-6-107. Time for possession of ballots and labels.**

5

6 (a) Official ballots for primary and general elections
7 shall be in the county clerk's possession ~~forty (40)~~
8 forty-five (45) days before the election. If a clerk is
9 unable to obtain ballots on time, the secretary of state shall
10 provide by rule and regulation for the clerk to obtain and
11 use substitute ballots.

12

13 **22-6-112. Name to appear only once; exception.**

14

15 (a) No candidate's name shall appear on the partisan
16 ballot more than once, except that of a candidate for the
17 office of precinct committeeman or committeewoman, who may
18 also seek the office of president or vice president of the
19 United States or another office on the same partisan primary
20 ballot.

21

22 (b) No candidate's name shall appear on the general
23 election ballot more than once, except that a candidate for

1 a partisan office may also seek a nonpartisan office on the
2 same general election ballot in accordance with W.S.
3 22-2-116.

4

5 **22-11-106. Procedure after voter marks paper ballot.**

6

7 After marking ~~his~~ the paper ballot, ~~or ballot card,~~ the voter
8 shall place the ballot ~~inside the ballot envelope and return~~
9 ~~it to the judge. The judge shall remove the stub and deposit~~
10 ~~the envelope with the ballot inside in the ballot box. The~~
11 ~~ballot stub shall be deposited in an envelope provided for~~
12 ~~that purpose. Ballot cards from which the ballot stub has~~
13 ~~been detached by anyone except an election judge shall not be~~
14 ~~deposited in the ballot box, but shall be marked "Spoiled"~~
15 ~~and placed in the spoiled ballot envelope~~ in the voting
16 machine. If the votes are being counted at a central counting
17 center as authorized by W.S. 22-14-114(b), the voter shall
18 instead place the paper ballot in the ballot box.

19

20 **22-13-103. Preservation of order; privacy of voting**
21 **booths and machines.**

22

1 (b) To protect the privacy of the voter, voting booths
2 and voting machines shall be kept clear of all persons except
3 voters marking ballots, and election officials discharging
4 their duties, ~~and challengers acting under legal authority.~~

5
6 **22-16-106. Write-in candidates.**

7
8 (b) The chief election officer shall notify a write-in
9 candidate who has been nominated at a primary election within
10 forty-eight (48) hours after the canvassing board meets.
11 Notification may be ~~made~~ delivered by United States postal
12 service, ~~any generally accepted business document delivery~~
13 ~~method evidenced by receipt of delivery or attempted delivery~~
14 at or other generally accepted mail delivery method to the
15 last known address of the write-in candidate, email or other
16 electronic means, or service as provided under the Wyoming
17 Rules of Civil Procedure. Each notification provided under
18 this section shall inform the write-in candidate that failure
19 to timely respond will result in forfeiture of nomination.
20 Failure of the successful write-in candidate to accept the
21 nomination in the manner prescribed in subsection (a) of this
22 section within five (5) days after delivery, attempted
23 delivery or service under the Wyoming Rules of Civil

1 Procedure, as computed pursuant to W.S. 22-2-110, results in
2 the successful write-in candidate not appearing on the
3 general election ballot, but does not result in a vacancy
4 which can be filled.

5

6 **22-25-102. Contribution of funds or election assistance**
7 **restricted; limitation on contributions; right to**
8 **communicate; civil penalty.**

9

10 (a) Except as otherwise provided in this section, no
11 organization of any kind including a corporation,
12 partnership, trade union, professional association or civic,
13 fraternal or religious group or other profit or nonprofit
14 entity except a political party, political action committee
15 or candidate's campaign committee organized under W.S.
16 22-25-101, directly or indirectly through any officer,
17 member, director or employee, shall contribute funds, other
18 items of value or election assistance directly to any
19 candidate or ~~group of candidates~~ candidate's campaign
20 committee or to any political party or political action
21 committee which directly coordinates with a candidate or a
22 candidate's campaign committee. The secretary of state shall
23 promulgate rules to define direct contributions as prohibited

1 by this section. No person shall solicit or receive a payment
2 or contribution from an organization prohibited from making
3 contributions under this subsection.

4

5 **22-26-121. Violations of election code; complaints;**
6 **investigations and prosecutions.**

7

8 (a) Except as otherwise provided in this section, any
9 person may file a written complaint with the secretary of
10 state regarding any violation of the Election Code by any
11 statewide or legislative candidate, committee or organization
12 or any violation of W.S. 22-25-106(d) by a county party
13 central committee. If the secretary of state finds that the
14 complaint has merit and suspects a violation of the Election
15 Code, he shall refer the complaint to the Wyoming attorney
16 general for investigation and prosecution. The attorney
17 general may prosecute the complaint in the district court for
18 the district in which the violation was alleged to occur or
19 in the district court for Laramie county if the violation is
20 reasonably believed to occur in more than one (1) judicial
21 district.

22

23 (f) As used in this section:

1

2 (i) "County or municipal candidate, committee or
3 organization" means any county or municipal candidate,
4 candidate committee for county or municipal office, political
5 action committee for county or municipal candidate, political
6 action committee or organization supporting or opposing a
7 municipal initiative or referendum petition drive or ballot
8 proposition within a county or political subdivision, county
9 party central committee or any other person not identified in
10 paragraph (ii) of this subsection;

11

12 (ii) "Statewide or legislative candidate,
13 committee or organization" means any statewide or legislative
14 candidate, candidate committee for statewide or legislative
15 office, political action committee or organization supporting
16 or opposing any statewide or legislative candidate or any
17 statewide initiative or referendum petition drive or ballot
18 proposition, or state ~~or county~~ party central committee.

19

20 **22-29-110. County clerk to publish proclamation; filing**
21 **period.**

22

1 (a) Between one hundred one (101) and ninety-one (91)
2 days before an organizational election held in conjunction
3 with a primary or other August election, ~~and~~ between ninety
4 (90) and seventy (70) days before an organizational election
5 held in conjunction with a May, general, ~~or other~~ November
6 ~~election~~ election or mail ballot election held at any other time, the
7 county clerk shall publish at least once in a newspaper of
8 general circulation in each county in which all or part of
9 the proposed district is situated a proclamation setting
10 forth the date of the election, what county clerk is the
11 filing officer, the question of formation, what offices are
12 to be filled including the terms of the offices, the filing
13 period for the offices and other pertinent election
14 information. Minor errors in the proclamation shall not
15 invalidate the forthcoming election.

16

17 (b) Between ninety-six (96) and eighty-one (81) days
18 before a formation election held in conjunction with a primary
19 or other August election, ~~and~~ between ninety (90) and seventy
20 (70) days before a formation election held in conjunction
21 with a May, general, ~~or other~~ November ~~election~~ election or mail ballot
22 election held at any other time, candidates may file an
23 application for election in the office of the county clerk.

1 The principal act shall determine who is eligible to be a
2 candidate. The application shall be in substantially the
3 following form:

4

5

APPLICATION FOR ELECTION

6

SPECIAL DISTRICT DIRECTOR

7

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

17

18 Dated

19

20 Signature of Candidate

21

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

23

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

7
8 (viii) Once the ballot is returned, an election
9 official shall first qualify the submitted ballot by
10 examining the verification envelope and comparing the
11 information on the envelope to the poll list to determine
12 whether the ballot was submitted by a voter who has not
13 previously voted in the election. If the ballot so qualifies,
14 and is otherwise valid, the official shall enter the name of
15 the registered voter in the poll book, open the
16 return-verification envelope, ~~remove the ballot stub,~~ and
17 deposit the ballot in an official ballot box;

18

19 **Section 2.** W.S. 22-3-118(b), (c) and (f) and
20 22-9-104(a)(iv) are repealed.

21

1 **Section 3.** This act is effective July 1, 2020.

2

3

(END)