

HOUSE BILL NO. HB0049

Municipal nonpartisan rank choice elections.

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

A BILL

for

1 AN ACT relating to municipal elections; creating a pilot
2 program authorizing municipalities to conduct nonpartisan
3 ranked-choice elections as specified; making conforming
4 amendments; requiring rulemaking; specifying applicability;
5 and providing for effective dates.

6

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

8

9 **Section 1.** W.S. 22-23-1101 through 22-23-1107 are
10 created to read:

11

12

ARTICLE 11

13

NONPARTISAN RANKED-CHOICE ELECTION PILOT

14

15

22-23-1101. Short title.

1

2 This article may be cited as the "Municipal Alternate
3 Voting Methods Pilot Project Act."

4

5 **22-23-1102. Definitions.**

6

7 (a) As used in this act:

8

9 (i) "Candidate amplifier" means the product of:

10

11 (A) Two (2) less than the total number of
12 candidates in a given canvassing phase of a multi-candidate
13 race; and

14

15 (B) Two hundredths of one percent (0.02%).

16

17 (ii) "Canvassing phase" means a phase of the
18 audit function that culminates in the final certification
19 of official election returns;

20

21 (iii) "Multi-candidate race" means a nonpartisan
22 municipal race where more than two (2) candidates qualify
23 to run for one (1) office or where the number of candidates

1 who qualify for the race exceeds the total number of seats
2 to be filled;

3

4 (iv) "Participating municipality" means a city
5 or town that is participating in the pilot project in
6 accordance with W.S. 22-23-1103;

7

8 (v) "Pilot project" means the municipal
9 alternate voting methods pilot project created in W.S.
10 22-23-1103;

11

12 (vi) "Recount threshold" means the sum of the
13 candidate amplifier and only one (1) of the following:

14

15 (A) For a canvassing phase in which fewer
16 than one hundred (100) valid votes are counted, twenty-one
17 hundredths of one percent (0.21%);

18

19 (B) For a canvassing phase in which at
20 least one hundred (100) but fewer than five hundred (500)
21 valid votes are counted, nineteen hundredths of one percent
22 (0.19%);

23

1 (C) For a canvassing phase in which at
2 least five hundred (500) but less than one thousand (1,000)
3 valid votes are counted, seventeen hundredths of one
4 percent (0.17%);

5

6 (D) For a canvassing phase in which at
7 least one thousand (1,000) but fewer than five thousand
8 (5,000) valid votes are counted, fifteen hundredths of one
9 percent (0.15%);

10

11 (E) For a canvassing phase in which at
12 least five thousand (5,000) but fewer than ten thousand
13 (10,000) valid votes are counted, thirteen hundredths of
14 one percent (0.13%); or

15

16 (F) For a canvassing phase in which ten
17 thousand (10,000) or more valid votes are counted, eleven
18 hundredths of one percent (0.11%).

19

20 (vii) "This act" means the Municipal Alternate
21 Voting Methods Pilot Project Act.

22

1 **22-23-1103. Municipal alternate voting methods pilot**
2 **project; creation; participation.**

3

4 (a) There is created the municipal alternate voting
5 methods pilot project.

6

7 (b) The pilot project shall begin on January 1, 2024
8 and shall only apply to municipal general elections and
9 municipal elections held under W.S. 22-23-202.

10

11 (c) A municipality may participate in the pilot
12 project, in accordance with the requirements of this act
13 and all other applicable provisions of law, during any year
14 that the pilot project is in effect, if, not later than
15 January 1 of the year a municipal general election or a
16 municipal election held under W.S. 22-23-202 is to be held,
17 the municipality provides written notice to the secretary
18 of state that:

19

20 (i) The municipality intends to participate in
21 the pilot project for the year specified in the notice; and

22

1 (ii) Includes a document, signed by the county
2 or municipal clerk, stating that the municipality has the
3 resources and capability necessary for the municipality to
4 successfully execute an election under the pilot project
5 and that the municipality shall reimburse the county for
6 any additional expenses related to conducting an election
7 under the pilot project.

8

9 (d) The secretary of state shall maintain, in a
10 prominent place on the secretary of state's website, a
11 current list of the municipalities that are participating
12 in the pilot project.

13

14 (e) A participating municipality shall, in accordance
15 with this act, conduct any multi-candidate race during the
16 municipal general election or municipal elections held
17 under W.S. 22-23-202 using ranked-choice voting.

18

19 (f) A county clerk or municipal clerk of a
20 participating municipality that will conduct a
21 multi-candidate race under subsection (e) of this section
22 shall not conduct a municipal primary election relating to
23 that race. A participating municipality shall also have the

1 option of not conducting a municipal primary election for
2 any race during a year a municipality participates in the
3 pilot project.

4

5 **22-23-1104. Ranked-choice voting.**

6

7 (a) To vote in a multi-candidate race pursuant to
8 W.S. 22-23-1103, an elector:

9

10 (i) Shall indicate, as directed on the ballot,
11 the name of the candidate who is the elector's first
12 preference for the office; and

13

14 (ii) May indicate, as directed on the ballot,
15 the names of the remaining candidates in order of the
16 elector's preference.

17

18 (b) The ballot or portion thereof for a
19 multi-candidate race conducted pursuant to W.S. 22-23-1103
20 shall:

21

22 (i) List each qualified candidate for office;

23

1 (ii) Opposite each candidate's name, include a
2 place where an elector can indicate an elector's vote in
3 order of preference for each candidate;

4

5 (iii) Provide the ability for an elector to
6 enter a write-in candidate's name and indicate the
7 elector's ordered preference for the write-in candidate;
8 and

9

10 (iv) Except as provided in paragraphs (i)
11 through (iii) of this subsection, follow the requirements
12 for nonpartisan ballots for general elections in W.S.
13 22-6-120 through 22-6-127.

14

15 (c) In a multi-candidate race conducted pursuant to
16 W.S. 22-23-1103, the county or municipal clerk shall
17 conduct the first ballot-counting phase by counting the
18 valid first-preference votes for each candidate. If, after
19 complying with subsection (g) of this section:

20

21 (i) One of the candidates receives more than
22 fifty percent (50%) of the valid first preference votes

1 counted, the county or municipal clerk shall certify the
2 candidate elected; or

3

4 (ii) If, after counting the valid first
5 preference votes for each candidate and after complying
6 with subsection (g) of this section, no candidate receives
7 more than fifty percent (50%) of the valid first preference
8 votes counted, the county or municipal clerk shall conduct
9 the second ballot-counting phase by:

10

11 (A) Excluding from the multi-candidate race
12 the candidate who received the fewest valid
13 first-preference votes counted. In the event of a tie for
14 the fewest valid first-preference votes counted, excluding
15 one (1) of the tied candidates as determined by the county
16 or municipal clerk by lot, in accordance with subsection
17 (h) of this section; and

18

19 (B) Adding to the valid first preference
20 votes counted for the remaining candidates the valid second
21 preference votes cast for the remaining candidates by the
22 electors who cast a valid first preference vote for the
23 excluded candidate. If, after adding the votes in

1 accordance with this subparagraph and complying with
2 subsection (g) of this section, one (1) candidate receives
3 more than fifty percent (50%) of the valid votes counted,
4 the county or municipal clerk shall certify that candidate
5 elected.

6

7 (iii) If, after adding the valid second
8 preference votes in accordance with paragraph (ii) of this
9 subsection and after complying with subsection (g) of this
10 section, no candidate receives more than fifty percent
11 (50%) of the valid votes counted, the county or municipal
12 clerk shall conduct subsequent ballot-counting phases by
13 continuing the process described in paragraph (ii) of this
14 subsection until one (1) candidate receives more than fifty
15 percent (50%) of the valid votes counted.

16

17 (d) The county or municipal clerk shall certify as
18 elected the first candidate who receives more than fifty
19 percent (50%) of the valid votes counted under the process
20 described in subsection (c) of this section.

21

22 (e) A vote is not valid for a particular phase of a
23 multi-candidate race conducted under W.S. 22-23-1103, and

1 for all subsequent phases, if the elector indicates the
2 same numerical rank for more than one (1) candidate for
3 that phase.

4

5 (f) The county or municipal clerk shall order a
6 recount of the valid votes in the applicable
7 ballot-counting phase if one (1) candidate appears to have
8 received more than fifty percent (50%) of the vote and the
9 difference between the number of votes counted for the
10 candidate who received the most valid votes for the
11 applicable ballot-counting phase and the votes counted for
12 any of the other candidates in the race is equal to or less
13 than the product of the following, rounded to the nearest
14 whole number:

15

16 (i) The total number of electors who cast a
17 valid vote that is counted in the applicable
18 ballot-counting phase of the race; and

19

20 (ii) The recount threshold.

21

22 (g) Before excluding a candidate from a
23 multi-candidate race under subsection (c) of this section,

1 the county or municipal clerk shall order a recount of the
2 valid votes counted in the applicable ballot-counting phase
3 if the difference between the number of votes counted for
4 the candidate who received the fewest valid votes in the
5 applicable ballot-counting phase of the race and any other
6 candidate in the race is equal to or less than the product
7 of the following, rounded up to the nearest whole number:

8

9 (i) The total number of electors who cast a
10 valid vote counted in the ballot-counting phase; and

11

12 (ii) The recount threshold.

13

14 (h) For each ballot-counting phase after the first
15 phase, if, after a recount is completed under subsection
16 (g) of this section, two (2) or more candidates tie as
17 having received the fewest valid votes counted at that
18 point in the ballot count, the county or municipal clerk
19 shall eliminate one (1) of those candidates from
20 consideration, by lot, in the following manner:

21

1 (i) Determine the names of the candidates who
2 tie as having received the fewest valid votes for that
3 ballot-counting phase;

4
5 (ii) Cast the lot in the presence of at least
6 two (2) election officials and any poll watchers who are
7 present and desire to witness the casting of the lot; and

8
9 (iii) Sign a public document that:

10
11 (A) Certifies the method used for casting
12 the lot and the result of the lot; and

13
14 (B) Includes the name of each individual
15 who witnessed the casting of the lot.

16
17 (j) In a multi-candidate race conducted under W.S.
18 22-23-1103 where more than one (1) candidate is to be
19 elected to a particular office and where the number of
20 candidates who qualify for the race exceeds the total
21 number of seats to be filled for the office, the county or
22 municipal clerk shall count the votes by:

23

1 (i) Except as provided in subsection (k) of this
2 section, counting votes in the same manner as described in
3 subsections (c) through (h) of this section, until a
4 candidate is certified elected;

5

6 (ii) Repeating the process described in
7 paragraph (i) of this subsection for all candidates that
8 are not certified elected until another candidate is
9 certified elected; and

10

11 (iii) Continuing the process described in
12 paragraph (ii) of this subsection until all seats in the
13 race are filled.

14

15 (k) After a candidate in a multi-candidate race where
16 more than one (1) candidate is to be elected to a
17 particular office is certified elected under subsection (j)
18 of this section, the county or municipal clerk shall, in
19 repeating the process described in subsections (c) through
20 (h) of this section to certify the next candidate elected,
21 add to the vote totals the next valid preference vote of
22 each elector whose vote was counted for a candidate already
23 certified elected.

1

2 **22-23-1105. Batch elimination.**

3

4 (a) In any ballot count conducted under W.S.
5 22-23-1104, the county or municipal clerk may exclude
6 candidates through batch elimination by, instead of
7 excluding only one (1) candidate in a ballot-counting
8 phase, excluding each candidate:

9

10 (i) Where the number of remaining candidates
11 with more valid votes than the candidate to be excluded is
12 greater than or equal to the number of offices to be
13 filled; and

14

15 (ii) Where the number of valid votes counted for
16 that candidate in the phase plus the number of votes
17 counted for all candidates with fewer valid votes in the
18 phase is less than the number of valid votes for the
19 candidate with the next highest amount of valid votes in
20 the phase; and

21

1 (iii) Who has fewer valid votes in the phase
2 than a candidate who is excluded under paragraph (ii) of
3 this subsection.

4

5 (b) The requirement for a recount before excluding a
6 candidate under W.S. 22-23-1104(g) shall not apply to
7 candidates who are excluded through batch elimination under
8 this section.

9

10 **22-23-1106. Filing fee; application form.**

11

12 Not more than ninety-six (96) days and not later than
13 eighty-one (81) days preceding the municipal general
14 election or a municipal election held under W.S. 22-23-202,
15 each candidate for a municipal office where the elected
16 officer will be determined using the municipal alternate
17 voting methods required by this act or the municipality is
18 participating in the pilot project under this act and has
19 elected to not hold a primary election under W.S.
20 22-23-1103(f) shall pay a nonrefundable filing fee of
21 twenty-five dollars (\$25.00) and sign and file with the
22 municipal clerk an application in substantially the
23 following form:

1

2 State of Wyoming)

3

4) ss

5

6 County of)

7

8 I,, the undersigned, swear or affirm that I was
 9 born on,(year), and that I have been a resident
 10 of the State of Wyoming since, residing at, and
 11 that I am a registered voter of Election District No.,
 12 Precinct No., in Ward No., in the City of,
 13 and the State of Wyoming as of the closing of the municipal
 14 clerk's office on the day this application is filed, do
 15 hereby petition and request that my name be printed upon
 16 the Official Municipal Election Ballot at the next general
 17 election or for a municipal election held under W.S.
 18 22-23-202 as a candidate for the office of, I hereby
 19 declare that if elected I will qualify for the office.

20

21 Dated:

22

23(Signature of Candidate)

1

2 **22-23-1107. Certification of candidates; names on**
3 **ballots.**

4

5 Not later than sixty-eight (68) days prior to the general
6 election or a municipal election held under W.S. 22-23-202,
7 the municipal clerk shall certify to the county clerk the
8 names of all qualified candidates for election in the
9 municipal general election or a municipal election held
10 under W.S. 22-23-202 and the office they seek.

11

12 **Section 2.** W.S. 22-16-103(c)(viii)(F), (G) and by
13 creating a new subparagraph (H), 22-23-101, 22-23-201(a),
14 22-23-301 through 22-23-303 and 22-23-307(a) are amended to
15 read:

16

17 **22-16-103. County canvass procedures.**

18

19 (c) The county canvassing board shall:

20

21 (viii) Ensure abstracts contain the following
22 information:

23

1 (F) The official designation or number of
2 each ballot proposition and the number of votes for and
3 against it stated in figures; ~~and~~

4

5 (G) The number of provisional ballots
6 cast; ~~and~~

7

8 (H) For general elections or municipal
9 elections held under W.S. 22-23-202 in which ranked-choice
10 voting was used pursuant to W.S. 22-23-1101 through
11 22-23-1107, the results of each round in which votes were
12 tabulated and any other information required by rule of the
13 secretary of state.

14

15 **22-23-101. Laws governing; costs.**

16

17 Unless otherwise specifically provided and except as
18 provided in W.S. 22-23-1101 through 22-23-1107, a municipal
19 election shall be governed by laws regulating statewide
20 elections. The municipality holding any election shall pay
21 the actual costs of the election, or an equitably
22 proportioned share of a concurrent election as determined
23 by the county clerk.

1

2 **22-23-201. Conduct; who may vote.**

3

4 (a) Except as provided in W.S. 22-23-202 and
5 22-23-1101 through 22-23-1107, municipal primary and
6 general elections are held at the same time, in the same
7 manner, at the same polling places, and are conducted by
8 the same election officials, using the same poll lists, as
9 the statewide primary and general elections.

10

11 **22-23-301. Municipal officers.**

12

13 Except as provided by W.S. 22-23-1101 through 22-23-1107,
14 all candidates for municipal office shall be nominated at
15 the municipal primary election. In order to be eligible, ~~a~~
16 candidate for municipal office, all candidates must be a
17 registered voter and a resident of the municipality and
18 ward which he seeks to represent on the day the petition is
19 filed, and shall not be an employee of the municipality. As
20 used in this section, the term "employee" includes only
21 those persons receiving an hourly wage or salary from a
22 municipality. A person who provides volunteer services to
23 a municipality shall not be considered an "employee" under

1 this section based solely upon coverage under the Wyoming
2 Worker's Compensation Act or other pension, death or
3 disability program.

4

5 **22-23-302. Filing fee; application form.**

6

7 Unless otherwise provided by W.S. 22-23-1101 through
8 22-23-1107, not more than ninety-six (96) days and not
9 later than eighty-one (81) days preceding the municipal
10 primary election, each candidate for a municipal office
11 shall pay a nonrefundable filing fee of twenty-five dollars
12 (\$25.00) and sign and file with the municipal clerk an
13 application in substantially the following form:

14

15 State of Wyoming)

16

17) ss

18

19 County of)

20

21 I,, the undersigned, swear or affirm that I was
22 born on,(year), and that I have been a resident
23 of the State of Wyoming since, residing at, and

1 that I am a registered voter of Election District No.,
 2 Precinct No., in Ward No., in the City of,
 3 and the State of Wyoming as of the closing of the municipal
 4 clerk's office on the day this application is filed, do
 5 hereby petition and request that my name be printed upon
 6 the Official Municipal Primary Ballot at the next primary
 7 election as a candidate for the office of I hereby
 8 declare that if nominated and elected I will qualify for
 9 the office.

10

11 Dated:

12

13(Signature of Candidate)

14

15 **22-23-303. Certification of candidates; names on**
 16 **ballots.**

17

18 Unless otherwise provided by W.S. 22-23-1101 through
 19 22-23-1107, not later than sixty-eight (68) days prior to
 20 the primary election, the municipal clerk shall certify to
 21 the county clerk the names of all qualified candidates for
 22 nomination at the municipal primary election and the office
 23 they seek. The number of municipal candidates the voters

1 are entitled to vote for at the primary election is the
2 number of candidates to be elected to municipal offices at
3 the general election.

4

5 **22-23-307. Candidates nominated; certificate of**
6 **nomination.**

7

8 (a) Unless otherwise provided by W.S. 22-23-1101
9 through 22-23-1107, the candidates equal to twice the
10 number to be elected to each office who receive the highest
11 number of votes are nominated to run for the office at the
12 next general election and shall be issued a certificate of
13 nomination by the county clerk. A write-in candidate shall
14 not be nominated and shall not be entitled to have his name
15 printed on the ballot for the next general election unless
16 he received at least three (3) votes.

17

18 **Section 3.** This act applies to municipal elections
19 held after January 1, 2024.

20

21 **Section 4.** The secretary of state shall promulgate
22 all rules necessary to implement this act.

23

1 **Section 5.**

2

3 (a) Except as otherwise provided by subsection (b) of
4 this section, this act is effective January 1, 2024.

5

6 (b) Sections 4 and 5 of this act are effective
7 immediately upon completion of all acts necessary for a
8 bill to become law as provided by Article 4, Section 8 of
9 the Wyoming Constitution.

10

11

(END)