

Wyoming Secretary of State  
**Rules for Uniformed and Overseas Citizens' Absentee Voting**

**CHAPTER 3**

Section 1.     **Authority.**

These rules are authorized by W.S. 22-2-121(b) and (d) and are necessary to implement the Help America Vote Act of 2002 [hereafter referred to as HAVA], P.L. 107-252, Sections 702 through 707, and the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff, [hereafter referred to as UOCAVA] as amended by HAVA.

Section 2.     **Purpose.**

These rules are promulgated to enable state and local Wyoming election officials and employees to administer UOCAVA, as amended by HAVA, uniformly and efficiently.

Section 3.     **Applicability.**

(a)     These rules apply to all state and local election officials and employees with responsibilities under UOCAVA, which in turn applies to all absent uniformed services voters and to all absent overseas citizens [hereafter collectively referred to as UOCAVA voters] as defined in Section 107, UOCAVA, 42 U.S.C. §1973ff-6, and to all UOCAVA voters and prospective voters.

Section 4.     **Designation of the Office of the Wyoming Secretary of State.**

(a)     The Office of the Wyoming Secretary of State is hereby designated as the single office responsible for providing information regarding voter registration procedures and absentee ballot procedures to be used by UOCAVA voters with respect to elections for federal office (including procedures relating to the use of the federal write-in absentee ballot) to all UOCAVA voters who wish to register to vote or to vote in any jurisdiction in the State.

Section 5.     **Who May Register and Request an Absentee Ballot under UOCAVA.**

(a)     All persons identified under W.S. 22-3-117(b) shall be allowed to simultaneously register and make application for an absentee ballot through the use of the Federal Postcard Application (FPCA).

(b)     Individuals who were born overseas but who have been granted citizenship and whose parent or guardian is eligible to register and vote in this state may

register to vote by federal postcard application. Such individuals shall be assigned to the voting precinct of the resident parent.

(c) When registering to vote, an overseas voter who is eligible to vote in Wyoming shall be assigned to the voting precinct of the address of the last place of residence in Wyoming. If that address is no longer a recognized address, the voter shall be assigned a nonstandard voting address.

(d) Upon returning to the United States, any voter registered pursuant to this section shall notify the county clerk to cancel the voter's registration if the voter has established residence outside the county where registered.

(e) The county clerk may require any UACAVA voter to present acceptable identification, as provided under W.S. 22-3, 101, *et.seq.*, for purposes of establishing identification, residency and citizenship.

#### **Section 6. Procedures for Requesting Information.**

(a) The Office of the Secretary of State shall accept inquiries regarding voter registration procedures and absentee ballot procedures (including procedures relating to the use of the federal write-in absentee ballot) from UOCAVA voters whether received by U.S. mail, e-mail, facsimile, or telephone. Mail inquires shall be addressed to the Wyoming Secretary of State, attention: Election Division, Wyoming State Capitol, 200 West 24<sup>th</sup> Street, Cheyenne, Wyoming 82002-0200. The current telephone number, facsimile number, and e-mail address shall be available from the Secretary's website.

(b) The information provided shall include the applicable election deadlines and the contact information for the appropriate County Clerk including telephone number, facsimile number, postal address, e-mail address, and website address, if any.

(c) The information may be provided by telephone, U.S. mail, e-mail, and through the Secretary's website.

#### **Section 7. Procedures for Processing Voter Registration Applications.**

(a) Applications for voter registration may be made at any time, although not less than thirty (30) days prior to an applicable election. Applications shall be directed to the appropriate county clerk and shall otherwise be processed in accordance with Wyoming law except as noted below.

(b) In two situations, the requirement that an application for registration must reach the county clerk no less than thirty (30) days prior to an election is inapplicable. State registration application forms accompanied by requests for absentee ballots and official Federal Postcard Application forms requesting voter registration and absentee

ballot(s) may both be accepted and processed when received fewer than thirty (30) days before an applicable election.

**Section 8. The Standard Oath.**

Under UOCAVA, Section 102, if the state requires an oath or affirmation to accompany any document under this title [Registration and Voting by Absent Uniformed Service Voters and Overseas Citizens], the state shall use the standard oath prescribed by the Presidential designee under section 101(b)(7). UOCAVA, Section 102(a)(5). The standard oath has been prescribed as follows:

I swear or affirm, under penalty of perjury, that I am:

1. A member of the Uniformed Services or merchant marine on active duty; or an eligible spouse or dependent of such a member; or, a U.S. citizen residing outside the U.S.; or, other U.S. citizen residing outside the U.S.; and
2. I am a U.S. citizen, at least 18 years of age (or will be by the date of the election), and I am eligible to vote in the requested jurisdiction; and
3. I have not been convicted of a felony, or other disqualifying offense, or been adjudicated mentally incompetent, or, if so, my voting rights have been reinstated; and
4. I am not registering, requesting a ballot, or voting in any other jurisdiction in the U.S., except the jurisdiction cited in this voting form.

In voting, I have marked and sealed my ballot in private and have not allowed any person to observe the marking of the ballot, except for those authorized to assist voters under State or Federal law. I have not been influenced. My signature and date below indicate when I completed this document. The information on this form is true, accurate, and complete to the best of my knowledge. I understand that a material misstatement of fact in completion of this document may constitute grounds for a conviction for perjury.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Month/Day/Year

**Section 9. Procedures for Processing Absentee Ballot Applications and Absentee Ballots.**

(a) Absentee ballot applications from UOCAVA voters shall be processed in accordance with Wyoming law and UOCAVA, Section 102.

(b) When timely application has been made for a state absentee ballot and the absentee ballot sent by the County Clerk has not been received, an absent overseas voter, as defined in UOCAVA, Section 107(5) and 42 U.S.C. 1973ff-6(5), may use a federal

write-in absentee ballot subject to the requirements of UOCAVA, Section 103. The federal write-in absentee ballot shall be counted only if:

- (i) the write-in absentee ballot was submitted from overseas;
- (ii) the state ballot application was received by the county clerk at least 30 days prior to the election; and
- (iii) the state absentee ballot was not received before the polls closed on election day. UOCAVA, Section 103.

**Section 10. Procedures for Processing Absentee Ballot Requests for Two Election Cycles.**

(a) When a UOCAVA voter applies using the Federal Postcard Application to register to vote and simultaneously to request absentee ballots for the next federal election(s) and the subsequent federal elections two years hence, the voter shall be provided absentee ballots for each of those regularly scheduled federal elections without the necessity of requesting them again.

(b) Federal Postcard Applications used to register by mail and to request absentee ballot(s) simultaneously shall be processed in accordance with Wyoming and federal law; however, special records shall be kept of all requests as described in (a) above so that the UOCAVA voters shall be assured that the requested absentee ballots shall be sent as soon as available for all covered elections.

**Section 11. Reports of Absentee Ballots Transmitted and Returned and Cast.**

(a) Following each regularly scheduled federal election, each County Clerk shall report to the Secretary of State in the prescribed format the number of absentee ballots transmitted to UOCAVA voters and the number of such ballots which were returned by the UOCAVA voters and cast in the election.

(b) No later than 90 days following each regularly scheduled federal election, the Secretary of State shall report using the format prescribed by the Election Assistance Commission the composite data described in (a) above to the Election Assistance Commission and make the report available to the public.

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(a)     These rules apply to all state and local election officials and employees with responsibilities under UOCAVA, which in turn applies to all absent uniformed services voters and to all absent overseas citizens [hereafter collectively referred to as UOCAVA voters] as defined in Section 107, UOCAVA, 42 U.S.C. §1973ff-6, and to all UOCAVA voters and prospective voters.

Section 4.     **Designation of the Office of the Wyoming Secretary of State.**

(a)     The Office of the Wyoming Secretary of State is hereby designated as the single office responsible for providing information regarding voter registration procedures and absentee ballot procedures to be used by UOCAVA voters with respect to elections for federal office (including procedures relating to the use of the federal write-in absentee ballot) to all UOCAVA voters who wish to register to vote or to vote in any jurisdiction in the State.

Section 5.     **Who May Register and Request an Absentee Ballot under UOCAVA.**

(a) All persons identified under W.S. 22-3-117(b) shall be allowed to simultaneously register and make application for an absentee ballot through the use of the Federal Postcard Application (FPCA).

(b) Individuals who were born overseas but who have been granted citizenship and whose parent or guardian is eligible to register and vote in this state may

register to vote by federal postcard application. Such individuals shall be assigned to the voting precinct of the resident parent.

(c) When registering to vote, an overseas voter who is eligible to vote in Wyoming shall be assigned to the voting precinct of the address of the last place of residence in Wyoming. If that address is no longer a recognized address, the voter shall be assigned a nonstandard voting address.

(d) Upon returning to the United States, any voter registered pursuant to this section shall notify the county clerk to cancel the voter's registration if the voter has established residence outside the county where registered.

(e) The county clerk may require any UOCAVA voter to present acceptable identification, as provided under W.S. 22-3-101, et.seq., for purposes of establishing identification, residency and citizenship.

#### **Section 56. Procedures for Requesting Information.**

(a) The Office of the Secretary of State shall accept inquiries regarding voter registration procedures and absentee ballot procedures (including procedures relating to the use of the federal write-in absentee ballot) from UOCAVA voters whether received by U.S. mail, e-mail, facsimile, or telephone. Mail inquires shall be addressed to the Wyoming Secretary of State, attention: Elections Division, Wyoming State Capitol, 200 West 24<sup>th</sup> Street, Cheyenne, Wyoming 82002-0200. The current telephone number, facsimile number, and e-mail address shall be available from the Secretary's website.

(b) The information provided shall include the applicable election deadlines and the contact information for the appropriate County Clerk including telephone number, facsimile number, postal address, e-mail address, and website address, if any.

(c) The information may be provided by telephone, U.S. mail, e-mail, and through the Secretary's website.

#### **Section 67. Procedures for Processing Voter Registration Applications.**

(a) Applications for voter registration may be made at any time, although not less than thirty (30) days prior to an applicable election. Applications shall be directed to the appropriate county clerk and shall otherwise be processed in accordance with Wyoming law except as noted below.

(b) In two situations, the requirement that an application for registration must reach the county clerk no less than thirty (30) days prior to an election is inapplicable. State registration application forms accompanied by requests for absentee ballots and official Federal Postcard Application forms requesting voter registration and absentee

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Under UOCAVA, Section 102, if the state requires an oath or affirmation to accompany any document under this title [Registration and Voting by Absent Uniformed Service Voters and Overseas Citizens], the state shall use the standard oath prescribed by the Presidential designee under section 101(b)(7). UOCAVA, Section 102(a)(5). The standard oath has been prescribed as follows:

I swear or affirm, under penalty of perjury, that I am:

1. A member of the Uniformed Services or merchant marine on active duty; or an eligible spouse or dependent of such a member; or, a U.S. citizen residing outside the U.S.; or, other U.S. citizen residing outside the U.S.; and
2. I am a U.S. citizen, at least 18 years of age (or will be by the date of the election), and I am eligible to vote in the requested jurisdiction; and
3. I have not been convicted of a felony, or other disqualifying offense, or been adjudicated mentally incompetent, or, if so, my voting rights have been reinstated; and
4. I am not registering, requesting a ballot, or voting in any other jurisdiction in the U.S., except the jurisdiction cited in this voting form.

In voting, I have marked and sealed my ballot in private and have not allowed any person to observe the marking of the ballot, except for those authorized to assist voters under State or Federal law. I have not been influenced. My signature and date below indicate when I completed this document. The information on this form is true, accurate, and complete to the best of my knowledge. I understand that a material misstatement of fact in completion of this document may constitute grounds for a conviction for perjury.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Month/Day/Year

**Section 89. Procedures for Processing Absentee Ballot Applications and Absentee Ballots.**

(a) Absentee ballot applications from UOCAVA voters shall be processed in accordance with Wyoming law and UOCAVA, Section 102.

(b) When timely application has been made for a state absentee ballot and the absentee ballot sent by the County Clerk has not been received, an absent overseas voter, as defined in UOCAVA, Section 107(5) and 42 U.S.C. 1973ff-6(5), may use a federal

write-in absentee ballot subject to the requirements of UOCAVA, Section 103. The federal write-in absentee ballot shall be counted only if:

- (i) the write-in absentee ballot was submitted from overseas;
- (ii) the state ballot application was received by the county clerk at least 30 days prior to the election; and
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**Section ~~9~~10. Procedures for Processing Absentee Ballot Requests for Two Election Cycles.**

(a) When a UOCAVA voter applies using the Federal Postcard Application to register to vote and simultaneously to request absentee ballots for the next federal election(s) and the subsequent federal elections two years hence, the voter shall be provided absentee ballots for each of those regularly scheduled federal elections without the necessity of requesting them again.

(b) Federal Postcard Applications used to register by mail and to request absentee ballot(s) simultaneously shall be processed in accordance with Wyoming and federal law; however, special records shall be kept of all requests as described in (a) above so that the UOCAVA voters shall be assured that the requested absentee ballots shall be sent as soon as available for all covered elections.

**Section ~~10~~11. Reports of Absentee Ballots Transmitted and Returned and Cast.**

(a) Following each regularly scheduled federal election, each County Clerk shall report to the Secretary of State in the prescribed format the number of absentee ballots transmitted to UOCAVA voters and the number of such ballots which were returned by the UOCAVA voters and cast in the election.

(b) No later than 90 days following each regularly scheduled federal election, the Secretary of State shall report using the format prescribed by the Election Assistance Commission the composite data described in (a) above to the Election Assistance Commission and make the report available to the public.

Wyoming Secretary of State  
**Rules for Establishing Standards for Counting Damaged Ballots**

**CHAPTER 6**

Section 1.     **Authority.**

These rules are authorized by W.S. 22-14-114.

Section 2.     **Purpose.**

These rules are promulgated to establish standards and procedures for counting damaged absentee ballots that have been rejected by the appropriate counting system.

Section 3.     **Applicability.**

(a)     These rules apply to the handling of absentee ballots that are returned to the County Clerk in such condition that the appropriate counting device rejects them, e.g. they may be wrinkled, the bar code may be soiled, they may be torn, and so forth.

(b)     Despite the damage, the ballots must clearly express the intent of the voters casting them in order to be counted by the tabulating device. When the intent is clear on the damaged ballots, they may be duplicated and counted.

Section 4.     **Duplicating Board.**

(a)     At each polling place, the “duplicating board” shall be a subdivision of the counting board or of the election judges appointed to count the absentee ballots in that precinct or counting center. The duplicating board shall consist of at least three (3) individuals of different political affiliation, where possible, responsible for duplicating the damaged ballots that the voting machine has rejected.

(b)     Each duplicate ballot shall be a true copy of the original with the effect of the damage removed. Each duplicate ballot shall be marked “Duplicate” and have a control number recorded on it that is also recorded on the original ballot.

Section 5.     **Ballots that Cannot Be ~~Duplicated~~ Tabulated**

(a)     Damaged ballots that cannot be counted by a ~~voting~~ tabulating machine shall be duplicated by the counting board, duplicating board or the election judges.

(i)     Three (3) election judges shall duplicate the ballot.

(ii) One (1) election judge shall read the vote off the official ballot and the second election judge shall mark a blank ballot with that vote. The third election judge shall witness the duplication process.

(b) The original ballot shall be marked as original ballot and then given a number.

(c) The duplicate ballot shall have “duplicate ballot” written on ~~top of~~ the ballot, along with the number given to the original ballot.

**Section 6. Counting of Duplicate Ballots.**

(a) The duplicate ballots shall be counted by the ~~voting~~ tabulating machine along with the other absentee ballots and the vote tallies added to the precinct or counting center totals and reported together.

(b) The original ballot shall be retained in a “duplicated ballot” container.

(c) All rejected, spoiled or duplicated ballots shall be kept for a minimum of twenty-two (22) months or until any election contest affected by the ballots has been terminated.

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Wyoming Secretary of State  
**Rules for Certification of Voting Equipment**

**CHAPTER 12**

Section 1.     **Authority.**

The Secretary of State, pursuant to W.S. 22-2-121, is authorized to promulgate such rules as are necessary to maintain uniform voting and vote counting procedures and orderly voting and to comply with the requirements of the Help America Vote Act of 2002 (HAVA), Public Law 107-252.

Section 2.     **Purpose.**

These rules are promulgated to establish procedures for certification of electronic voting equipment.

Section 3.     **Applicability.**

These rules apply to all electronic voting equipment used in Wyoming for federal or state elections.

Section 4.     **Application for Certification of Voting Equipment.**

(a) Before any equipment or software is sold or upgraded, the vendor shall certify in writing to the Wyoming Secretary of State that the equipment or software:

(i) Meets the Voting Systems Performance and Test Standards, as adopted by the National Association of State Election Directors (NASED) April 30, 2002. The report of an accredited independent testing authority, together with the NASED or the Election Assistance Commission (EAC) certification number, certifying that the system is in compliance with the standards shall be submitted with the application for examination; and

(ii) Has been tested and certified under standards separately adopted and implemented in at least two (2) states for use in federal elections in those states.

(b) The vendor shall provide the following documentation of the certification and testing in (a) above:

(i) Verified statement that the equipment or software meets federal law;

(ii) Verified statement that the equipment or software meets state law;

(iii) Verified statements from various other states certifying that the equipment has been tested and certified under standards adopted by those states for certification of election equipment.

(c) Upon written request by the secretary of state, the vendor shall submit the report from an accredited Independent Testing Authority (ITA) certifying that the system is in compliance with the voting systems standards, as required by (a)(i) above. This report is a third party document and shall not be released by the secretary of state, but will be deemed confidential.

(d) Vendors shall also provide the following as part of the certification process:

(i) All related manuals, including, but not limited to, technical manuals for repair and maintenance for the equipment or software, operations manuals for election officials, printer manuals for ballot production, and all other written documents prepared by the vendor that describe the operation, use, and maintenance of the equipment and software;

(ii) A current description of all related support arrangements for the equipment or software to be provided in Wyoming;

(iii) A list of applicable patents and copyrights on the equipment or software;

(iv) A history of the equipment, including a complete description of the equipment or software, the date the equipment or software went into production, and a complete list of jurisdictions which have used the equipment or software;

(v) A list of any written complaints or concerns made to the vendor by other jurisdictions including a description of the resolution of the complaints or concerns; and

(vi) An escrow account containing the source codes for the system and/or system components requested for certification.

**Section 5. Grounds for Denial or Withdrawal of Certification of Voting Equipment.**

(a) The secretary of state may deny or withdraw the certification of equipment or software for the following reasons:

(i) A county clerk notifies the secretary of state of a significant problem with the equipment or software or the secretary of state determines there is a significant problem with the equipment;

(ii) The secretary of state determines that the equipment fails to meet the requirements necessary for approval or continued compliance;

(iii) The secretary of state determines there is a need for significant enhancements or adjustments to the equipment hardware or software;

(iv) The vendor fails to notify the secretary of state of significant enhancements or adjustments which are necessary to the equipment or software;

(v) The vendor fails to submit the equipment for re-examination by ITA or EAC upon written request by the secretary of state;

(vi) The equipment does not produce accurate results and reports as required by law;

(vii) Changes are made in the equipment that do not comply with the requirements for certification; or

(viii) The equipment is no longer used by any county in Wyoming or is no longer available for purchase or repair from the company.

**Section 6. Procedure for Withdrawal of Certification of Voting Equipment.**

(a) At any time after the certification of equipment, the secretary of state may withdraw such certification by complying with the following procedures:

(i) Written notice of the grounds for possible withdrawal is given to the vendor. Such notice shall include the following information:

(A) The reason(s) for possible withdrawal of certification; and

(B) The date upon which certification may be withdrawn.

(ii) The vendor shall have thirty (30) days to respond to the notice of grounds for withdrawal of certification. The vendor's response shall contain one or more of the following:

(A) A description of the corrective measures taken;

(B) An explanation as to why the problem is not significant and the reason corrective measures do not need to be taken; or

(C) An explanation as to why there is no problem with the equipment.

(iii) After receiving the vendor's response, the secretary of state shall determine whether:

(A) The vendor's corrective measures are satisfactory;

(B) The explanations offered are satisfactory;

(C) Further explanation is necessary; or

(D) Withdrawal of certification is required.

(iv) The secretary of state shall notify the vendor and counties of its decision in writing within five (5) business days after it makes its determination.

(b) If the secretary of state determines that use of the equipment or software in question could jeopardize an election, the secretary of state may enter an emergency order immediately rescinding certification.

#### **Section 7. Upgrades and Modifications in Equipment and Software.**

The vendor shall notify the secretary of state in writing of all planned upgrades, patches, and modifications to the equipment. No upgrades, patches, or modifications shall be applied without written approval by the secretary of state.

#### **Section 8. Purchasing New Equipment.**

(a) Any new equipment or software that is purchased by either the state or county must be certified pursuant to these rules. All systems, equipment and services sold by any vendor must be tested and certified under the standards provided by HAVA and NASED/EAC, warranted to meet the requirements of HAVA for future federal elections, and acknowledged to have been tested and certified under standards separately adopted and implemented in various states for use in future elections in those states.

(b) Any updates, patches or add-ons offered to the state or county shall also be certified by the vendor to meet the standards set out in these rules.

(c) In order to facilitate compliance with HAVA and state election laws, no county shall purchase any new equipment, trade old equipment for new equipment, or install any updates, patches or add-ons without the prior written notification to the Secretary of State.

(d) Counties must keep an inventory of all equipment and must keep track of all items purchased with HAVA funds, including items that were purchased with HAVA funds and later traded.

(e) Counties shall verify on a form, provided by the Secretary of State, the serial numbers of all equipment that is being used in the county to conduct a federal election. Counties shall keep a copy of the form and shall mail the original to the Secretary of State. This form shall be updated within two (2) weeks of the purchase, trade or installation of any new equipment, or immediately if purchased within two (2) weeks prior to an election.

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Section 3.     **Applicability.**

These rules apply to all electronic voting equipment used in Wyoming for federal or state elections.

Section 4.     **Application for Certification of Voting Equipment.**

(a) Before any equipment or software is sold or upgraded, the vendor shall certify in writing to the Wyoming Secretary of State that the equipment or software:

(i) Meets the Voting Systems Performance and Test Standards, as adopted by the National Association of State Election Directors (NASED) April 30, 2002. The report of an accredited independent testing authority, together with the NASED or the Election Assistance Commission (EAC) certification number, certifying that the system is in compliance with the standards shall be submitted with the application for examination; and

(ii) Has been tested and certified under standards separately adopted and implemented in at least two (2) states for use in federal elections in those states.

(b) The vendor shall provide the following documentation of the certification and testing in (a) above:

(i) Verified statement that the equipment or software meets federal law;

(ii) Verified statement that the equipment or software meets state law;

(iii) Verified statements from various other states certifying that the equipment has been tested and certified under standards adopted by those states for certification of election equipment.

(c) Upon written request by the secretary of state, the vendor shall submit the report from an accredited Independent Testing Authority (ITA) certifying that the system is in compliance with the voting systems standards, as required by (a)(i) above. This report is a third party document and shall not be released by the secretary of state, but will be deemed confidential.

(d) Vendors shall also provide the following as part of the certification process:

(i) All related manuals, including, but not limited to, technical manuals for repair and maintenance for the equipment or software, operations manuals for election officials, printer manuals for ballot production, and all other written documents prepared by the vendor that describe the operation, use, and maintenance of the equipment and software;

(ii) A current description of all related support arrangements for the equipment or software to be provided in Wyoming;

(iii) A list of applicable patents and copyrights on the equipment or software;

(iv) A history of the equipment, including a complete description of the equipment or software, the date the equipment or software went into production, and a complete list of jurisdictions which have used the equipment or software;

(v) A list of any written complaints or concerns made to the vendor by other jurisdictions including a description of the resolution of the complaints or concerns; and

(vi) An escrow account containing the source codes for the system and/or system components requested for certification.

**Section 5. Grounds for Denial or Withdrawal of Certification of Voting Equipment.**

(a) The secretary of state may deny or withdraw the certification of equipment or software for the following reasons:

(i) A county clerk notifies the secretary of state of a significant problem with the equipment or software or the secretary of state determines there is a significant problem with the equipment;

(ii) The secretary of state determines that the equipment fails to meet the requirements necessary for approval or continued compliance;

(iii) The secretary of state determines there is a need for significant enhancements or adjustments to the equipment hardware or software;

(iv) The vendor fails to notify the secretary of state of significant enhancements or adjustments which are necessary to the equipment or software;

(v) The vendor fails to submit the equipment for re-examination by ITA or EAC upon written request by the secretary of state;

(vi) The equipment does not produce accurate results and reports as required by law;

(vii) Changes are made in the equipment that do not comply with the requirements for certification; or

(viii) The equipment is no longer used by any county in Wyoming or is no longer available for purchase or repair from the company.

**Section 6. Procedure for Withdrawal of Certification of Voting Equipment.**

(a) At any time after the certification of equipment, the secretary of state may withdraw such certification by complying with the following procedures:

(i) Written notice of the grounds for possible withdrawal is given to the vendor. Such notice shall include the following information:

(A) The reason(s) for possible withdrawal of certification; and

(B) The date upon which certification may be withdrawn.

(ii) The vendor shall have thirty (30) days to respond to the notice of grounds for withdrawal of certification. The vendor's response shall contain one or more of the following:

(A) A description of the corrective measures taken;

(B) An explanation as to why the problem is not significant and the reason corrective measures do not need to be taken; or

(C) An explanation as to why there is no problem with the equipment.

(iii) After receiving the vendor's response, the secretary of state shall determine whether:

(A) The vendor's corrective measures are satisfactory;

(B) The explanations offered are satisfactory;

(C) Further explanation is necessary; or

(D) Withdrawal of certification is required.

(iv) The secretary of state shall notify the vendor and counties of its decision in writing within five (5) business days after it makes its determination.

(b) If the secretary of state determines that use of the equipment or software in question could jeopardize an election, the secretary of state may enter an emergency order immediately rescinding certification.

#### **Section 7. Upgrades and Modifications in Equipment and Software.**

The vendor shall notify the secretary of state in writing of all planned upgrades, patches, and modifications to the equipment. No upgrades, patches, or modifications shall be applied without written approval by the secretary of state.

#### **Section 8. Purchasing New Equipment.**

(a) Any new equipment or software that is purchased by either the state or county must be certified pursuant to these rules. All systems, equipment and services sold by any vendor must be tested and certified under the standards provided by HAVA and NASED/EAC, warranted to meet the requirements of HAVA for future federal elections, and acknowledged to have been tested and certified under standards separately adopted and implemented in various states for use in future elections in those states.

(b) Any updates, patches or add-ons offered to the state or county shall also be certified by the vendor to meet the standards set out in these rules.

(c) In order to facilitate compliance with HAVA and state election laws, no county shall purchase any new equipment, trade old equipment for new equipment, or install any updates, patches or add-ons without the prior written notification to the Secretary of State.

(d) Counties must keep an inventory of all equipment and must keep track of all items purchased with HAVA funds, including items that were purchased with HAVA funds and later traded.

(e) Counties shall verify on a form, provided by the Secretary of State, the serial numbers of all equipment that is being used in the county to conduct a federal election. Counties shall keep a copy of the form and shall mail the original to the Secretary of State. This form shall be updated within two (2) weeks of the purchase, trade or installation of any new equipment, or immediately if purchased within two (2) weeks prior to an election.

Wyoming Secretary of State  
**Rules for Voter Registration**

**CHAPTER 16**

Section 1. **Authority.**

The Secretary of State, pursuant to W.S. 22-2-121, is authorized to promulgate such rules as are necessary to maintain uniform voting, to maintain orderly voting and to comply with the requirements of the Help America Vote Act of 2002 (HAVA), Public Law 107-252.

Section 2. **Purpose.**

These rules are promulgated to establish standards and procedures for voter registration.

Section 3. **Applicability.**

These rules apply to all voters and local election officials with responsibilities as designated in W.S. 22-8-101, *et seq.*

Section 4. **Completion of Voter Registration Application.**

(a) **Party Affiliation.** Voters must select one of the currently recognized political parties or select “unaffiliated” on the voter registration (VR) application. If a recognized party loses status, the affiliation of the voter will remain in the voter registration database, but will appear as unaffiliated on all reports unless the voter formally changes his affiliation to a currently recognized party.

(b) The uniform statewide voter registration application form will be prescribed by the Secretary of State and can be found on-line. This form may be filled in on-line or printed and filled in prior to signing, but it shall only be signed in front of a registry agent.

Section 5. **Voter Registration Drives.**

(a) County clerks may not accept batches of voter registration applications. An individual must submit his voter registration application in person or by mail, and said application must comply with the requirements of W.S. 22-3-103.

(b) County clerks may not conduct voter registration drives except in a public area that is owned or occupied by a political subdivision or governmental institution, agency, or entity.

(c) All copies of identification submitted in accordance with W.S. 22-3-117(a) and 22-3-118(c) shall be attached to the voter registration application and shall be kept confidential in accordance with other voter registration information. All copies shall be retained for no less than twenty-four (24) months, or until a voter votes in person and presents identification at the polls, after which said documents can be destroyed.

**Section 6. Adding a Voter to the Voter Registration System**

(a) In order to preserve historical data on voters, when a voter exists in the Voter Registration System, whether active or inactive, county clerks shall not create a new/duplicate record when registering the voter. Instead, county clerks must update the current active record or reactivate the existing inactive record.

(b) The county clerk shall process all potential duplicate voter records prior to conducting absentee voting in any federal or statewide election by:

(i) Marking in the statewide Voter Registration System the duplicate voting records as not a match; or

(ii) Merging the duplicate voting records in the statewide Voter Registration System that are a match.

**Section 7. Cancelling a Voter Registration.**

When the county clerk has information that a registration should be cancelled, he shall mail a notice to cancel pursuant to W.S. 22-3-116. The notice shall state that the cancellation shall occur within twenty (20) days from the date the notice was mailed unless the elector asks that his name remain on the registry list. A felon who requests to remain on the list must provide proof that he is a qualified elector.

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Wyoming Secretary of State  
**Rules for Wyoming's Campaign Finance Information System (WYCFIS)**

**CHAPTER 21**

Section 1.     **Authority.**

The Secretary of State, pursuant to W.S. 22-25-105 (a) and (b) and W.S. 22-2-121, is authorized to promulgate such rules as are necessary to implement the electronic campaign finance disclosure filing information system established by the legislature and to maintain uniform voting procedures.

Section 2.     **Purpose.**

These rules are promulgated to establish the forms, instructions and procedures for reporting receipts and expenditures for primary, general and special elections.

Section 3.     **Applicability.**

These rules shall apply to all candidates, candidate campaign committees, political action committees, political parties, organizations supporting or opposing any ballot proposition or any other persons, committees or organizations required by law to file campaign finance disclosure statements pursuant to W.S. 22-25-101, *et seq.*

Section 4.     **Definitions.**

(a)     “Account” means the on-line account established by any person, committee, or organization for the reporting of campaign contributions and expenditures.

(b)     “Committee” means a candidate’s campaign committee or a political action committee (PAC).

(c)     “Contribution” as used in the campaign finance disclosure system, means the same as the term “receipts” in the Wyoming Election Code.

(d)     “Person” means any candidate, candidate campaign committee, political action committee, political party, organization supporting or opposing any ballot proposition, or any other person, committee or organization required by law to file campaign finance disclosure statements pursuant to W.S. 22-25-101, *et seq.*

(e)     “Responsible party” means a candidate, committee officer, chairman, treasurer or other person who is legally required under W.S. 22-25-106 to sign and file campaign finance disclosure reports.

(f) “WYCFIS” means the electronic Wyoming Campaign Finance Information System.

**Section 5. Establishing an Account.**

(a) All persons who are required by law to sign and electronically file campaign finance disclosure reports using WYCFIS must establish an on-line account.

(b) All required information requested in the on-line application form must be provided.

(c) All persons must provide a current active email address because the Secretary of State’s Office will use the email address to send notifications. All persons are required to keep email addresses current.

(d) If the filing is in compliance with the law and these Rules, the Secretary of State’s Office shall approve the account.

(e) The Secretary of State’s Office shall review all applications for compliance with the law and these rules. Any application that is incomplete or does not contain all required information shall be rejected. In addition, the Secretary of State’s Office may reject any application for the following reasons:

(i) Non qualified person;

(ii) Fictitious names;

(iii) Obscene language; or

(iv) Other inappropriate items as determined by the Secretary of State’s Office in its discretion.

(f) If the original purpose for the candidate’s committee changes, i.e. a candidate’s committee chooses to continue to support the candidate but for a different office, a new committee account for the new purpose or office must be established.

(g) The Secretary of State’s Office may remove an account from active status if the responsible party fails to file the required reports. Removing an account from active status does not absolve the responsible party’s statutory obligation to file campaign finance disclosure reports. To reactivate the account, the responsible party must notify the Secretary of State’s Office in writing of his intent to file a report. Once the account is reactivated, the responsible party may file his report.

**Section 6. Signing the Application.**

(a) Electronic applications shall be considered to be signed when the responsible party types his or her name on the form and checks the box that states (or language similar to):

“I have read and understand the Terms and Conditions of Wyoming’s Campaign Finance Information System. By checking this box, I declare under penalty of perjury that I am the person named, and the foregoing information is true and correct to the best of my knowledge. **WARNING:** Any person who knowingly makes a false statement or misrepresentation on this form may be subject to a fine or imprisonment.”

(b) Typed signatures must be the same as previously entered on the application form in WYCFIS.

**Section 7. Filing Deadlines.**

(a) An application to set up an on-line filing may be filed at any time, but must be established before any campaign finance disclosure reports can be filed.

(b) Campaign finance disclosure reports must be electronically filed not later than midnight on the last day for filing a required campaign finance disclosure report.

(c) Write-in Candidates.

(i) A write-in candidate for any election:

(A) Must file his receipts report seven (7) days before the election if he receives contributions.

(B) Does not need to file the receipts report seven (7) days before the election if he receives no contributions.

(C) Must file his receipts and expenditures report within ten (10) days of the election if he is nominated or elected, regardless of whether he has received or expended funds.

(d) Special Elections held pursuant to W.S. 22-16-122.

(i) A Special Election shall be considered a continuation of the election, whether primary or general, for purposes of campaign finance disclosure reporting.

(ii) In a Special Election, persons shall report their receipts and expenditures using the amendment process in WYCFIS.

(iii) Contributions received or expended for a Special Election must be designated as such as instructed in WYCFIS.

**Section 8. Reporting Requirements.**

(a) Any committee that receives regularly scheduled payroll deductions or automatic monthly contributions from individuals may report those contributions cumulatively by individual at each required reporting period, providing the documentation is retained by the committee as a permanent record.

(b) Any person may transfer funds from his campaign account to any other campaign account. Such transfer of funds is considered to be an expenditure and the receipt of such funds is a contribution. Both must be reported.

**Section 9. Closing an Account.**

(a) At the end of an election cycle, all active individual candidate and organization accounts will be administratively closed. A new candidate account for the next election cycle may be opened, starting January 1 of the new election cycle.

(b) Committee accounts will remain open and be subject to all statutorily required ongoing reports until the account is closed by the responsible party, pursuant to W.S. 22-25-106.

(c) Thirty (30) days after the primary election, the Secretary of State's Office may administratively close the candidate account of any candidate who was not successful in the primary. As noted in Section 5(f) above, administratively closing an account does not absolve the candidate from filing any required campaign finance disclosure reports.

Wyoming Secretary of State  
**Rules for Ballot Preparation**

**CHAPTER 22**

Section 1. **Authority.**

The Secretary of State, pursuant to W.S. 22-2-121, is authorized to promulgate such rules as are necessary to maintain uniform voting and vote counting procedures and orderly voting.

Section 2. **Purpose.**

These rules are promulgated to establish standards and procedures for the preparation of ballots.

Section 3. **Applicability.**

These rules apply to all persons and election officials with responsibilities for preparing ballots, as designated in W.S. 22-6-101, *et seq.*

Section 4. **Order of Listing on Ballot**

(a) General partisan election ballots shall contain the offices to be voted on in the order established by W.S. 22-6-117.

(b) Party position on the general election ballot for each office is determined by the number of votes received by each party within the county for the office of representative in congress at the last preceding general election, as set forth in W.S. 22-6-121.

(c) If the minor or provisional party does not have a candidate for a particular office, the ballot shall not list the party nor state, "No candidate filed."

Wyoming Secretary of State  
**Closing the Election in the Statewide Voter Registration System**

**CHAPTER 23**

Section 1.     **Authority.**

The Secretary of State, pursuant to W.S. 22-2-121, is authorized to promulgate such rules as are necessary to maintain uniform voting and vote counting procedures and orderly voting and to comply with the requirements of the Help America Vote Act of 2002 (HAVA), Public Law 107-252.

Section 2.     **Purpose.**

These rules are promulgated to establish standards and procedures for the reporting of election data for purposes of complying with HAVA requirements.

Section 3.     **Applicability.**

These rules apply to all chief election persons as designated in W.S. 22-2-103.

Section 4.     **Procedures for Closing the Election.**

(a)     The County Clerk must check the Completed Election Day Registrations box in the Statewide Voter Registration System to finalize the general election day registration reporting process.

(b)     The County Clerk must certify the election in the Statewide Voter Registration System by December 31 on even numbered years or on an alternate date if directed by the Secretary of State if required to meet federal mandates.

Wyoming Secretary of State  
**Rules for Petitions**

**CHAPTER 24**

Section 1. **Authority.**

The Secretary of State, pursuant to W.S. 22-2-121, is authorized to promulgate such rules as are necessary to maintain uniform voting.

Section 2. **Purpose.**

These rules are promulgated to establish standards and procedures for petitions.

Section 3. **Applicability.**

These rules apply to all persons and election officials with responsibilities as designated in W.S. 22-4-101, *et seq.*, 22-5-101 *et seq.*, and 22-24-101, *et seq.*

Section 4. **Independent Candidate Petitions.**

(a) Independent candidates for partisan office are nominated by filing a petition with the Secretary of State or the County Clerk not less than seventy (70) days before a general election.

(b) The petition for nomination shall be in substantially the same form as found in W.S. 22-5-301. Petitions that do not substantially follow this form shall be rejected.

(c) Independent candidates shall seek prior approval of their petition from the appropriate filing office prior to collecting signatures.

Section 5. **Counting of Signatures on Petitions.**

(a) A registered elector who signs more than one (1) independent candidate's petition for nomination to the same office shall not be counted on more than one (1) petition.

(b) If a registered elector does sign more than one (1) independent candidate's petition for the same office, the applicable filing office shall credit the signature to the candidate who files his petition first.

(c) For all petitions, other than those specified in statute, if the registered elector was not registered to vote on the day he signed the petition, his signature shall not be counted.

(d) If the date the petition was signed does not coincide with the verification dates of the circulator, the signature is not counted.

**Section 6. Curing Defective Petitions.**

(a) Petitions must have at least the minimum number of required signatures before being submitted to the appropriate filing office.

(b) Once the filing office determines that there are at least a minimum number of required signatures, the filing office will accept the petition for signature checking.

(c) After checking signatures, if the number of allowable signatures does not meet the number required, a petition may be cured by submitting additional signatures until the last date for filing occurs.

Wyoming Secretary of State  
**Post Election Audit**

**CHAPTER 25**

Section 1. **Authority.**

The Secretary of State, pursuant to W.S. 22-2-121, is authorized to promulgate such rules as are necessary to maintain uniform voting and vote counting procedures and orderly voting and to comply with the requirements of the Help America Vote Act of 2002 (HAVA), Public Law 107-252.

Section 2. **Purpose.**

These rules are promulgated for purposes of complying with HAVA requirements and to establish standards and procedures for the post election audit of ballots using the automated tabulating equipment used to tabulate votes. These procedures are for the purpose of spot checking the operation of the automated tabulating equipment and not for the purpose of validating the conduct or outcome of any specific election. Specific election results are regulated through the canvassing process.

Section 3. **Applicability.**

These rules apply to all chief election persons as designated in W.S. 22-2-103.

Section 4. **Procedures for Conducting a Post Election Audit of Ballots.**

(a) The County Clerk must conduct a random audit of ballots within thirty (30) days of any election in which tabulating equipment was used.

(b) The County Clerk shall notify each political party of the time and date of the post election audit. Other witnesses may also be present.

(c) The post election audit of ballots may be scheduled when the County Canvass Board meets.

(d) The post election audit must be conducted on five percent (5%) of each type of automated tabulating equipment, but not on less than one machine.

(i) The Clerk shall randomly select five percent (5%) of the voting equipment to be tested.

(ii) The post election audit shall be conducted with a preaudited group of test ballots as described in W.S. 22-11-104(b)(iii).

(iii) The post election audit shall not be performed on the official election cards used in the election unless:

- (A) Another set of election cards is not available; and
- (B) The election has been certified by the County and the State Canvassing Board; and
- (C) No legal actions are pending against the election.

(iv) At a minimum, tests shall be conducted to determine whether the tabulating machines accurately count ballots cast and whether the tabulating machines reject votes in excess of the number allowed by law to be cast.

(e) No canvassing data shall be erased in order to conduct the post election ballot audit.

(f) Certification of the Post Election audit shall be on file in the County Clerk's Office and copies shall go to the political party chairman having had candidates on the ballot and to the independent candidates on the ballot or their representatives.

(g) Should a voting machine fail the post audit test, the County Clerk shall notify the Secretary of State in writing of the audit problem.