# Certification Page
# Regular and Emergency Rules

Revised May 2014

☐ Emergency Rules *(After completion all of Sections 1 and 2 proceed to Section 5 below)* ☑ Regular Rules

## 1. General Information

| | | |
|---|---|---|
| a. Agency/Board Name<br>Secretary of State | | |
| b. Agency/Board Address<br>200 W 24th St | c. City<br>Cheyenne | d. Zip Code<br>82002 |
| e. Name of Contact Person<br>Debra Lee | f. Contact Telephone Number<br>307-777-5860 | |
| g. Contact Email Address<br>debra.lee@wyo.gov | h. Adoption Date<br>June 19, 2015 | |
| i. Program<br>Election Procedures | | |

## 2. Rule Type and Information: For each chapter listed, indicate if the rule is New, Amended, or Repealed.

If "New," provide the Enrolled Act numbers and years enacted:

c. Provide the Chapter Number, Short Title, and Rule Type of Each Chapter being Created/Amended/Repealed
*(Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification)*

| Chapter Number: | Chapter Name: | |
|---|---|---|
| 26 | Special District Elections | ☑ New ☑ Amended ☐ Repealed |
| | | ☐ New ☐ Amended ☐ Repealed |
| | | ☐ New ☐ Amended ☐ Repealed |
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| | | ☐ New ☐ Amended ☐ Repealed |
| | | ☐ New ☐ Amended ☐ Repealed |

d. ☑ The Statement of Reasons is attached to this certification.

e. If applicable, describe the emergency which requires promulgation of these rules without providing notice or an opportunity for a public hearing:

## 3. State Government Notice of Intended Rulemaking

| | |
|---|---|
| a. Date on which the Notice of Intent containing all of the information required by W.S. 16-3-103(a) was filed with the **Secretary of State**: | 4/23/2015 |
| b. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy were provided to the **Legislative Service Office**: | 4/23/2015 |
| c. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy were provided to the **Attorney General**: | 4/23/2015 |

## 4. Public Notice of Intended Rulemaking

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. ☑ Yes ☐ No ☐ N/A

b. A public hearing was held on the proposed rules. ☐ Yes ☑ No

| If "Yes:" | Date: | Time: | City: | Location: |
|---|---|---|---|---|
| | | | | |

## 5. Final Filing of Rules

| | |
|---|---|
| a. Date on which the Certification Page with original signatures and final rules were sent to the **Attorney General's Office for the Governor's signature**: | 6/19/2015 |
| b. Date on which final rules were sent to the **Legislative Service Office:** | 6/19/2015 |
| c. Date on which a PDF of the final rules was electronically sent to the **Secretary of State**: | 6/19/2015 |

## 6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct.

| | |
|---|---|
| *Signature of Authorized Individual* (Blue ink as per Rules on Rules, Section 7) | Karen Wheeler |
| *Printed Name of Signatory* | Karen Wheeler |
| *Signatory Title* | Deputy Secretary of State |
| *Date of Signature* | 6/19/2015 |

## 7. Governor's Certification

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

| | |
|---|---|
| *Governor's Signature* | |
| *Date of Signature* | |

**Attorney General:** 1. Statement of Reasons; 2. Original Certification Page; 3. Summary of Comments (regular rules); 4. Hard copy of rules: clean and strike/underscore; and 5. Memo to Governor documenting emergency (for emergency rules only).

**LSO:** 1. Statement of Reasons; 2. Copy of Certification Page; 3. Summary of Comments (regular rules); 4. Hard copy of rules: clean and strike/underscore; 5. Electronic copy of rules (PDFs) emailed to Cross.Carlson@wyoleg.gov: clean and strike/underscore; and 6. Memo to Governor documenting emergency (for emergency rules only).

**SOS:** 1. PDF of clean copy of rules; and 2. Hard copy of Certification Page as delivered by the AG.

# Wyoming Secretary of State

Edward F. Murray, III
Secretary of State

Karen Wheeler
Deputy Secretary of State

STATEMENT OF REASONS

The Secretary of State is proposing to repeal its Special District Election Rules, Chapters 1-6 to remove outdated processes and language, which have been implemented in Wyoming Statute Title 22, Chapter 29. The current rules were adopted in 1995 and new rules are needed to clarify election procedures that are not covered in Statute. These new Special District rules will be placed under the Election Procedures Program since they cover only the election aspects of Special Districts.

Public notice is hereby given on April 28, 2015, that the Office of the Secretary of State will accept written comments regarding these rules. Please submit written comments to the Secretary of State no later than June 12, 2015.

A public hearing on these Rules has not been scheduled.

State Capitol
200 West 24th Street

Email: secofstate@wyo.gov
Website: http://soswy.state.wy.us

Cheyenne, WY 82002
Phone: (307) 777-7378

Wyoming Secretary of State
**Special District Elections**

# CHAPTER 26

**Section 1. Authority**

The secretary of state has authority to promulgate these rules after consultation with the county clerks under W.S. 22-29-114.

**Section 2. Purpose.**

These rules shall set forth procedures for the formation and succeeding special district elections.

**Section 3. Applicability.**

These rules shall apply to the special districts outlined in W.S. 22-29-103.

**Section 4. Definitions.**

(a) As used in these rules:

(i) "Absentee voting" means the procedure by which an elector casts a ballot by requesting and completing the official district ballot when the election is other than a mail ballot election;

(ii) "Conventional election" means the type of special district election held in accordance with W.S. Title 22, Chapter 29 (a.k.a. The Special District Elections Act of 1994);

(iii) "District secretary" means the director of the district who is responsible for the compilation of minutes, notice of meetings, and other logistical matters of the district;

(iv) "Election judge" means one who presides over the polling place, handing out ballots, giving instructions, challenging, and collecting and securing ballots.

**Section 5. Proclamation.**

Unless Chapter 29 of the Election Code or the Special District's principal act requires otherwise, the following procedures shall be followed:

(a) Not more than 120 and not less than 100 days before an election, the election official shall publish at least once in a newspaper of general circulation in the district a proclamation setting forth:

(i) The date of the election;

(ii) The offices to be filled at the election including the terms of the offices;

(iii) The terms and unexpired terms of offices to be filled;

(iv) The number of persons required by law to fill the offices;

(v) The filing period;

(vi) The address of the filing office and;

(vii) Whether the election shall be a conventional election or a mail ballot election.

(b) If the election is a conventional election then the proclamation shall:

(i) Give the address of the polling place(s) and;

(ii) State the hours that the polling place(s) will be open.

(c) If the election is a mail ballot election, then the proclamation shall state:

(i) That there will be no polling places;

(ii) Anyone entitled to vote shall receive a ballot with a return envelope stating the date and time the ballot must physically be in the hands of the election official.

(d) If the election involves a ballot proposition, the proclamation shall include a description of the ballot proposition.

(e) Additional proclamations may be made by the election official.

(f) Minor errors in any proclamation shall not invalidate the forthcoming election.

**Section 6. Conduct of special district elections**.

Chapter 29 of the Wyoming Election Code requires the special district or districts to allow absentee voting if not held in conjunction with any other type of election governed by the Election Code. Absentee voting shall be consistent with procedures for mail ballot elections. In a conventional election, those already registered may request absentee ballots through the day before the election. In tandem with absentee voting, the election may be conducted in one of two ways:

(a) A conventional election day election requires:

(i) Polling places staffed by election judges who distribute ballots to the voters or operate an electronic voting system and;

(ii) Districts using an electronic voting system or alternate voting system shall follow the Election Code requirements for security, sealing the machine after the pre-election test, polling place regulations of the voting system and resealing of machines after the polling is completed.

(b) A mail ballot election where all the persons or entities determined to be eligible to vote are mailed ballots, which when voted, are returned to the election official and shall be safeguarded until the deadline for voting passes, which deadline shall be called election day.

(c) In applying the statutes and rules, these shall be applied in the following order: principle act, Chapter 29 of the Wyoming Election Code and these rules for the purpose of clarification.