Administrative Rule Review Report – ARR13-059
Legislative Service Office
September 3, 2013

AGENCY	Secretary of State
DATE SUBMITTED:	August 29, 2013
SUBJECT:	Chapter 2 – Identification for Election Purposes; Chapter 3 – Uniformed and Overseas Citizens' Absentee Voting; Chapter 4 – Using Provisional Ballots; Chapter 5 – Assuring Accessibility of Polling Places; Chapter 8 – Optical Scan Voting Machines; Chapter 9 – Direct Recording Electronic Devices; Chapter 10 – AutoMARKS; Chapter 12 – Certification of Voting Equipment; Chapter 14 – Polling Places; Chapter 15 – Election Results; Chapter 16 – Voter Registration; Chapter 18 – Candidates; Chapter 19 – Write-In Votes; Chapter 20 – Possession of Ballots; Chapter 21 – Campaign Finance; Chapter 22 – Ballot Preparation; Chapter 23 – Voter Registration System; Chapter 24 – Petitions; Chapter 25 – Post Election Audit
NATURE OF RULES:	Legislative, procedural
STATUTORY AUTHORITY:	W.S. 22-2-121(b) and (d)

DETERMINATION OF PROCEDURAL COMPLIANCE BASED UPON INFORMATION SUBMITTED BY THE SECRETARY OF STATE TO LSO: Apparently complete to date. Notice of the proposed adoption of new rules was provided by the LSO as required by W.S. 28-9-103(d). No comments have been received to date.

SUMMARY OF RULES: These rules amend chapters 2, 4, 5, 8, 9, 10, 12, 18, 20, 23 and 25 of the existing rules to remove and update outdated and unnecessary language. Chapter 3 of the rules is amended to remove and update outdated and unnecessary language and to provide the process of absentee voting pursuant to the Uniformed and Oversees Citizens Absentee Voting Act as amended by the Military and Overseas Voter Empowerment Act of 2009. Chapter 14 is amended to clarify the procedure for securing ballots if the bin is full. Chapter 15 is amended to clarify the procedures for reporting election night results. Chapter 16 is amended to clarify use and access of the statewide voter registration system. Chapter 19 is amended to specify procedures for write-in candidates including providing procedures in case of a tie. Chapter 21 is amended to provide a process for the Secretary of State to create an on-line account for a candidate if a candidate has not created the account by July 1. Chapter 22 is amended to provide for preparation of ballots when there are no candidates for a party and to specify that all statutes related to write-in spaces for any office must be followed. Chapter 24 is amended to specify the procedures for independent candidate petitions.

FINDINGS: The rules appear to be within the scope of statutory authority and legislative intent.

STAFF RECOMMENDATION: That the rules be placed on the Consent List and be approved by the Council as submitted by the Agency.

Josh Anderson
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