

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. _____

Election code - revisions.

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

A BILL

for

1 AN ACT relating to elections; providing for post election
2 audits of tabulating equipment; providing for delayed
3 preparation of annual statements; providing for timing of
4 payment of taxes, fines and fees collected by county
5 officers; providing for appointment of a secretary for
6 boards of county commissioners; modifying certain
7 publication requirements; providing for withdrawal of voter
8 registration without notarization; amending terminology;
9 providing for retention of absentee ballots after
10 acceptance; providing for a fee; providing for verification
11 of write-in candidates qualifications; providing timelines
12 for initial renewal of a mill levy proposition; repealing
13 requirement to indicate date a voter became a resident of

1 the county; repealing requirement of county clerks to
2 compile jury list information; and providing for an
3 effective date.

4

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

6

7 **Section 1.** W.S. 22-11-109 is created to read:

8

9 **22-11-109. Post election audit.**

10

11 The county clerk shall conduct a random audit of ballots by
12 processing the preaudited group of test ballots as
13 described in W.S. 22-11-104(b)(iii) on five percent (5%) of
14 the automated tabulating equipment for that county, but on
15 not less than one (1) machine, within thirty (30) days of
16 any election where the tabulating equipment was used.

17

18 **Section 2.** W.S. 1-11-106, 1-11-128, 1-11-129,
19 18-3-515, 18-3-814, 18-5-202(a), 22-3-103(a)(vii),
20 22-3-106, 22-5-213, 22-9-115, 22-11-104(b)(iii),
21 22-16-103(c) by creating a new paragraph (vi) and by
22 renumbering paragraph (vi) as (vii), 22-23-308(b),
23 29-3-106(a) and 35-2-414(d) are amended to read:

1

2 **1-11-106. Jury list; preparation of ballots for jury**
3 **box; drawing jury panel; certificate and summons.**

4

5 (a) The list of persons qualified to serve as trial
6 jurors, ~~certified and delivered to the clerk of the~~
7 ~~district court in accordance with W.S. 18-3-402 or a list~~
8 ~~of persons~~ compiled ~~under an alternate procedure~~ pursuant
9 to W.S. 1-11-129, is the base jury list for the district
10 court and the circuit court from April 1 of the year in
11 which the list is certified and delivered through March 31
12 of the following year. By order of the district judge or
13 circuit judge, for their respective courts, the base jury
14 list may be expanded by including some other source or
15 sources of names in addition to voter lists. After the list
16 is delivered and supplemented when applicable, suitable
17 ballots shall be prepared and deposited in a box known as
18 and plainly marked "jury box number one". Upon order of the
19 court, the clerk of the district court, sheriff and county
20 treasurer shall draw from jury box number one a panel of
21 trial jurors, which shall contain such number of names as
22 specified by the court.

23

1 **1-11-128. Preparation of jury lists in new counties.**

2

3 In new counties organized under the laws of Wyoming where
4 no official register of voters for the new county exists,
5 the board of county commissioners of the new county may
6 demand from the county clerk of any county from which the
7 new county was wholly or partially organized, a certified
8 list of the names and addresses of the registered voters
9 residing in that portion of the preexisting county which is
10 included in the new county. The county clerk of the new
11 county shall as soon as practicable compile and deliver to
12 the clerk of court of the new county a list of qualified
13 jurors, ~~and shall thereafter update the jury list, all as~~
14 ~~provided in W.S. 18-3-402.~~

15

16 **1-11-129. Procedure for maintaining jury lists,**
17 **ballots and jury boxes.**

18

19 The procedures for compiling and maintaining of jury lists,
20 jury ballots and jury boxes, and for drawing jurors, may be
21 ~~modified~~set by the court to permit the compilation and
22 maintenance of jury lists and ballots and for the drawing
23 of jurors by any manual, mechanical, electronic or other

1 means calculated to insure the integrity of the system and
2 a random selection process.

3

4 **18-3-515. Preparation and publication of annual**
5 **statements.**

6

7 Each board of county commissioners at their regular July
8 meeting shall ~~have prepared~~ request a statement of the
9 receipts and expenditures of the county during the
10 preceding twelve (12) months setting forth the source and
11 amount of all receipts and the purpose and the amount of
12 all expenditures to be prepared upon reconciliation of all
13 accounts by the county treasurer and county clerk, not
14 later than September 30. The statement shall be signed by
15 the chairman and clerk of the board and shall be published
16 at least ~~two (2) times~~ one (1) time in a newspaper printed
17 in the county, or if there is none, by posting the
18 statement in three (3) public places in the county.

19

20 ***** Staff note: Many of these changes have nothing to do**
21 **with elections and should be placed in a separate bill.**
22 *******

23

24 **18-3-814. Officers to pay over monies and prepare**
25 **statement for commissioners monthly; forfeiture.**

1

2 Every ~~district attorney and~~ elected or appointed county ~~or~~
3 ~~precinct~~ officer required or permitted to receive and pay
4 to the county treasurer any taxes, fines, fees or other
5 monies shall no later than the twenty-fifth day of each
6 month following the month of collection pay the same to the
7 county treasurer and take his official receipt therefor.
8 If the money has not been deposited by the twenty-fifth day
9 of the month following the month of collection, the
10 ~~district, county or precinct officer shall forfeit to the~~
11 ~~county twenty five dollars (\$25.00) a day for each day~~
12 ~~after the twenty fifth day of the month during which no~~
13 ~~deposits are made~~ elected or appointed county officer shall
14 be reported by the county treasurer to the board of county
15 commissioners at their next meeting. Each ~~district,~~
16 elected or appointed county ~~or precinct~~ officer shall
17 prepare a monthly statement showing the source of all
18 monies received by him and file it with the county clerk
19 for presentation to the board of county commissioners.

20

21 **18-5-202. Planning and zoning commission;**
22 **composition; residency requirements, terms and removal of**
23 **members; vacancies; rules; record; meetings to be public;**

1 **secretary; preparation and amendments; purpose;**
2 **certifications and hearing; amendments.**

3

4 (a) Each board of county commissioners may by
5 resolution create and establish a planning and zoning
6 commission. The commission shall be composed of five (5)
7 members appointed by the board at least three (3) of whom
8 shall reside in the unincorporated area of the county,
9 provided that this provision shall not affect the
10 membership composition of any existing commission. The
11 terms of the members appointed to the first planning and
12 zoning commission shall be of such length and so arranged
13 that the terms of one (1) member will expire each year, and
14 thereafter each member shall be appointed for a term of
15 three (3) years. Any member of the commission may be
16 removed for cause other than politics or religion and after
17 public hearing by the board of county commissioners. If a
18 vacancy occurs in the commission the board of county
19 commissioners shall fill the vacancy by appointment for the
20 unexpired term. The planning and zoning commission shall
21 organize within thirty (30) days after its establishment,
22 shall adopt rules for the transaction of its business and
23 keep a record of its actions and determinations. Three (3)

1 members shall constitute a quorum for the transaction of
 2 business. All meetings, records and accounts of the
 3 commission shall be public. ~~The county clerk shall serve as~~
 4 ~~secretary to the commission.~~ The board of county
 5 commissioners shall designate the county clerk, another
 6 county employee or a member of the planning and zoning
 7 commission to serve as secretary to the commission. The
 8 secretary shall keep the record of commission actions in
 9 accordance with statute.

10

11 **22-3-103. Furnishing of oath forms; contents thereof.**

12

13 (a) The county clerk shall furnish voter registration
 14 oath forms to registry agents which forms shall require the
 15 following voter information from the applicant:

16

17 (vii) His political party affiliation, if any.†

18 ~~and~~

19

20 **22-3-106. Request for voter registration withdrawal;**
 21 **form.**

22

1 If a voter registration applicant affirms that he is
 2 registered in another county or state, the registry agent
 3 shall require that the applicant ~~complete and sign a~~
 4 ~~"Request for Voter Registration Withdrawal" form~~ make a
 5 written withdrawal of voter registration from another
 6 county or state on the Wyoming Registration Application.
 7 ~~The registry agent shall cause notice to be sent to the~~
 8 ~~registry agent of the jurisdiction in which the applicant~~
 9 ~~was last registered. The withdrawal form shall conform in~~
 10 ~~substance to the following:~~

11
 12 ~~REQUEST~~
 13 ~~FOR~~
 14 ~~VOTER REGISTRATION WITHDRAWAL~~

15
 16 ~~I, ..., whose date of birth is ... and social security~~
 17 ~~number is (optional) ... having now registered to vote in~~
 18 ~~the County of ..., State of Wyoming, hereby request that~~
 19 ~~my registration to vote in the County of ..., State of~~
 20 ~~... be withdrawn.~~

21 ~~My previous address was:—~~
 22 ~~..... Street~~
 23 ~~..... City~~

1
.....

2 ~~Signature of requester~~

3 ~~Subscribed and sworn to before me by this day of~~

4 ~~...., (year).~~

5
.....

6 ~~Name of person receiving request~~

7
.....

8 ~~Title~~

9

10 ***** Staff note: Wyoming Registration Application is not**
11 **defined. The statute should at least state where this**
12 **document can be located. *****
13

14 **22-5-213. Entry in pollbook.**

15

16 The judges of election shall check or enter in the pollbook
17 the name of each elector voting in the primary election and
18 his party affiliation, if declared. An elector voting only
19 a nonpartisan ballot shall be entered in the pollbook as a
20 ~~nonpartisan~~ an unaffiliated voter.

21

22 **22-9-115. Receipt by clerk; handling procedure.**

23

24 (a) After an absentee ballot has been accepted by the
25 clerk, it shall not be returned to the voter.

1

2 **(b)** The clerk shall place completed absentee ballot
3 envelopes in a large precinct envelope for the precinct in
4 which they shall be voted and keep custody of them until
5 they are delivered to the precinct or the designated
6 counting center. The clerk shall endorse on the precinct
7 envelope the number of the district and precinct and the
8 words "Envelope contains ballots of absentee qualified
9 electors and shall be opened only on election day at the
10 polls when the polls are open" and shall affix his
11 signature, official title, and seal the envelope.

12

13 **22-11-104. Conduct of elections in which systems**
14 **utilized.**

15

16 (b) The county clerk of each county using an
17 electronic voting system shall:

18

19 (iii) Before testing an electronic voting system
20 for an election, ~~mail a written notice to~~ notify the county
21 chairman of each political party having a candidate on the
22 ballot, stating the time and place of the test. The
23 political party representatives and representatives of

1 independent candidates may be present for the test, which
2 shall be held at least two (2) weeks before the election.
3 The test shall ascertain that the automatic tabulating
4 equipment will accurately count the votes cast for all
5 offices and all measures. The test shall be conducted by
6 processing a preaudited group of paper ballots or ballot
7 cards on which are recorded a predetermined number of valid
8 votes for each candidate and on each measure and shall
9 include for each office one (1) or more ballots which have
10 votes in excess of the number allowed by law in order to
11 test the ability of the automatic tabulating equipment to
12 reject such votes. During the test a different number of
13 valid votes shall be assigned to each candidate for an
14 office, and for and against each measure. If any error is
15 detected, the cause of it shall be ascertained and
16 corrected and an errorless count shall be secured and
17 certified to by the county clerk. ~~The tabulating equipment~~
18 ~~shall pass the same test before and after the ballot count~~
19 ~~on an election day before the election returns are~~
20 ~~certified by the election judges.~~ On completion of the
21 count, the programs, test materials and ballots shall be
22 sealed and retained as provided for paper ballots;

23

1 **22-16-103. County canvass procedures.**

2

3 (c) The county canvassing board shall:

4

5 (vi) Review and certify successful write-in
6 candidates after determination of the number of votes for
7 candidates and verification of candidate qualification;

8

9 ~~(vi)~~ (vii) Cause minutes of the meeting to be
10 taken, signed by the canvassing board and filed with the
11 county clerk.

12

13 **22-23-308. Vacancies in nomination.**

14

15 (b) A vacancy in nomination shall be filled by the
16 municipal clerk notifying the person who received the next
17 highest number of votes at the municipal primary election
18 as shown on the official county canvass, or, if no other
19 candidate exists, the vacancy in nomination may be filled
20 by the governing body of the municipality. The vacancy in
21 nomination created by failure of the qualified write-in
22 nominee to accept nomination shall remain vacant.

23

1 **29-3-106. Lien statement to be filed; \$750 minimum;**
2 **place and time of filing.**

3

4 (a) To perfect the lien provided by this chapter, a
5 lien statement shall be filed with the county clerk and
6 notice by certified mail shall be given by the county
7 clerk. The lien statement shall be accompanied by the
8 filing fee as set forth in W.S. 18-3-402 plus ten dollars
9 (\$10.00) for each certified mailing to be sent by the
10 county clerk.

11

12 **35-2-414. Administration of finances; assessment and**
13 **levy of tax.**

14

15 (d) If the proposition to authorize a mill levy is
16 approved, the same proposition or a proposition to impose a
17 mill levy in a different amount, not to exceed three (3)
18 mills, shall be submitted to the voters, until defeated, at
19 the second general election following the election at which
20 the proposition was initially approved and at the general
21 election held every four (4) years thereafter. If the
22 proposition to impose or continue the tax is defeated, the

1 proposition shall not again be submitted to the electors
2 for at least twenty-three (23) months.

3

4 **Section 3.** W.S. 18-3-402(a)(xix) and
5 22-3-103(a)(viii) are repealed.

6

7 **Section 4.** This act is effective July 1, 2010.

8

9

(END)