

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. _____

Mail ballot elections

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

A BILL

for

1 AN ACT relating to elections; providing for special mail
2 ballot elections after an election is declared null and
3 void; providing procedures for special mail ballot
4 elections; and providing for an effective date.

5

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

7

8 **Section 1.** W.S. 22-16-123 is created to read:

9

10 **22-16-123. Special mail ballot elections; procedures.**

11

1 (a) A special mail ballot election, as provided in
2 this section, may be held in response to a determination
3 under W.S. 22-16-122(a).

4

5 (b) In a special mail ballot election, official
6 ballots shall be prepared and all other pre-election
7 procedures followed as otherwise provided by law or rules
8 promulgated by the secretary of state, except that special
9 mail ballot packets shall be prepared as follows:

10

11 (i) The election official shall mail to each
12 qualified elector entitled to vote in the special mail
13 ballot election, at the last address appearing in the
14 registration records, a special mail ballot packet, which
15 shall be marked "DO NOT FORWARD-ADDRESS CORRECTION
16 REQUESTED", or any other similar statement which is in
17 accordance with United States postal service regulations.
18 Packets shall be mailed not sooner than twenty-five (25)
19 days and not later than fifteen (15) days before an
20 election for elections held in accordance with W.S. 22-16-
21 122(d) or (e). Packets shall be mailed not sooner than
22 forty-five (45) days and not later than forty (40) days
23 before an election for elections held in accordance with

1 W.S. 22-16-122(f) unless the court order provides
2 otherwise;

3

4 (ii) The ballot or ballot label shall contain
5 the following warning:

6

7

WARNING

8

9 The criminal laws regulating the conduct of elections
10 contained in chapter 26 of the Wyoming Election Code of
11 1973, as amended, apply with equal force to elections by
12 mail.

13

14 (iii) Not sooner than twenty-five (25) days and
15 not later than 4:00 p.m. on election day for elections held
16 in accordance with W.S. 22-16-122(f), mail ballots shall be
17 made available at the election official's office for voters
18 entitled to vote in the election but whose address has
19 changed or who did not receive their ballot in the mail and
20 for voters allowed by law to register and vote the day of
21 the election;

22

1 (iv) A voter may obtain a replacement ballot if
2 the ballot was destroyed, spoiled, lost or for some other
3 reason not received by the voter. In order to obtain a
4 replacement ballot, the voter shall sign a sworn statement
5 specifying the reason for requesting the replacement
6 ballot. The statement shall be presented to the election
7 official no later than 4:00 p.m. on election day. The
8 election official shall keep a record of each replacement
9 ballot issued in accordance with this paragraph. A
10 replacement ballot may be transmitted directly to the
11 applicant at the election official's office or may be
12 mailed to the voter at the address provided in the
13 application. Replacement ballots may be cast no later than
14 5:00 p.m. on election day;

15

16 (v) Upon receipt of a ballot, the voter shall
17 mark the ballot, sign and complete the return-verification
18 envelope and comply with the instructions provided with the
19 ballot. The voter may return the marked ballot to the
20 election official by United States mail or by depositing
21 the ballot at the office of the election official or the
22 designated depository no later than 5:00 p.m. on election
23 day;

1

2 (vi) Once the ballot is returned, it shall not
3 be returned to the voter. The election official shall
4 first qualify the submitted ballot by examining the
5 verification envelope and comparing the information on the
6 envelope to the poll list to determine whether the ballot
7 was submitted by a voter who has not previously voted in
8 the election. If the ballot so qualifies and is otherwise
9 valid, the official shall place a number next to the
10 voter's name in the poll book. The election official shall
11 then open and separate the ballot from the envelope and
12 place the ballot in a ballot box so as to keep the voter's
13 ballot private;

14

15 (vii) All deposited ballots shall be counted as
16 provided in this act and rules promulgated by the secretary
17 of state. A special mail ballot shall be valid and counted
18 only if is returned in the return-verification envelope,
19 the affidavit on the envelope is signed by the voter to
20 whom the ballot was issued and the information on the
21 envelope is verified as provided in paragraph (vi) of this
22 subsection. If the election official determines that a
23 voter to whom a replacement ballot has been issued has

1 voted more than once, the official shall only count the
2 first ballot received from that voter;

3

4 (viii) The election official shall provide a
5 minimum of one (1) polling place on the day of election
6 which may be the election official's office and shall be
7 open for not less than five (5) consecutive hours at any
8 time between the hours of 9:00 a.m. and 5:00 p.m. as set
9 forth in the notice of election.

10

11 **Section 2.** W.S. 22-16-122(d), (e) and by creating a
12 new subsection (f) are amended to read:

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14 **22-16-122. Election declared null and void; special**
15 **election.**

16

17 (d) The special election shall be held if necessary
18 no later than the third Tuesday after the primary election
19 and may be held by a special mail ballot election as
20 provided in W.S. 22-16-123. Any candidate may appeal the
21 decision of the canvassing board in the same manner as he
22 would contest an election under this act. However, this
23 appeal shall be filed in the district court no later than

1 the first Monday following the meeting of the canvassing
2 board whose decision is being appealed. The special
3 election shall be conducted by the county clerk as nearly
4 as possible in the manner of a primary election, except
5 that registration at the polls shall not be permitted. If
6 the election is held as a special mail ballot election, the
7 election shall be held as provided is W.S. 22-16-123.

8
9 (e) The special election shall be held if necessary
10 on the third Tuesday after the general election and may be
11 held by a special mail ballot election as provided in W.S.
12 22-16-123. Not more than fourteen (14) nor less than five
13 (5) days before the special election the county clerk shall
14 publish at least once in a newspaper of general circulation
15 in the county a proclamation setting forth the date of the
16 election, the offices to be filled at the election
17 including the terms of the offices, the number of persons
18 required by law to fill the offices, the requirements for
19 filing statements of campaign receipts and expenditures,
20 and any other pertinent information. The special election
21 shall be conducted by the county clerk as nearly as
22 possible in the manner of a general election. If the

1 election is held as a special mail ballot election, the
2 election shall be held as provided is W.S. 22-16-123.

3

4 (f) A court ordered election shall be conducted as
5 deemed necessary by the county clerk.

6

7 **Section 2.** This act is effective immediately upon
8 completion of all acts necessary for a bill to become law
9 as provided by Article 4, Section 8 of the Wyoming
10 Constitution.

11

12

(END)