

HOUSE BILL NO. HB0080

Help America Vote Act trust fund.

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

A BILL

for

1 AN ACT relating to elections; providing for a permanent
2 elections fund to pay for specified expenses in conducting
3 future elections which are subject to federal requirements
4 of the Help America Vote Act; providing an appropriation;
5 and providing for an effective date.

6

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

8

9 **Section 1.** W.S. 22-2-122 is created to read:

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11 **22-2-122. State and federal share of qualified**
12 **election expenses; permanent election fund.**

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14 (a) An account is created to consist of federal funds
15 received by the state of Wyoming under the Help America
16 Vote Act which are not expended nor obligated on or before

1 January 1, 2007. In addition, the account shall contain
2 state appropriations as may be authorized by the
3 legislature. Interest and investment income accruing from
4 the corpus of the account shall be credited to the account.
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6 (b) The purpose of the account is to fund future
7 costs of replacement and maintenance of voting systems and
8 the state wide voter registration system, and other ongoing
9 costs, which have been and will continue to be required by
10 the Help America Vote Act following the 2006 federal
11 elections. During calendar year 2005, if the entire amount
12 of federal funding authorized under the Help America Vote
13 Act is not received by the state of Wyoming and additional
14 funds are required for the replacement of voting systems in
15 counties, any portion of state appropriations made into the
16 account may be obligated and expended to complete the
17 replacement of voting systems as required under the Help
18 America Vote Act following review by the joint
19 appropriations interim committee and the joint
20 corporations, elections and political subdivisions interim
21 committee and approval by the governor.
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23 (c) Commencing in 2007, and annually thereafter, the
24 Wyoming secretary of state shall compile and document

1 requests from each county for disbursements from the
2 account and any state expenses which appear to be required
3 under the Help America Vote Act and submit his
4 recommendations in that regard to the joint appropriations
5 interim committee and the joint corporations, elections and
6 political subdivisions interim committee and the governor.
7 Disbursements and expenditures from the account shall be
8 made by the secretary of state.

9

10 **Section 2.**

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12 (a) The Wyoming legislature finds and acknowledges
13 its intent in enacting this act as follows:

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15 (i) The federal funds promised or delivered to
16 Wyoming under the Help America Vote Act and five percent
17 (5%) matching state appropriations are limited to meeting
18 federal requirements contained in that Act including
19 replacement of voting systems in most counties, creation of
20 a statewide voter registration system, maintenance of those
21 systems and meeting several other requirements commencing
22 with the 2006 elections and continuing for future federal
23 elections;

24

1 (ii) Costs of state and federal elections in
2 Wyoming are, and have always been statutorily placed on
3 county governments through the office of county clerk. The
4 creation of the account under this act seeks to ensure that
5 future additional election costs for Wyoming and Wyoming
6 counties mandated by the Help America Vote Act will be met
7 and will not turn into an unfunded mandate for Wyoming
8 counties.

9
10 **Section 3.** Ten million dollars (\$10,000,000.00) is
11 appropriated from the general fund and shall be credited to
12 the account created by this act. Federal funds received by
13 the state of Wyoming under the Help America Vote Act prior
14 to the effective date of this act which are not expended or
15 encumbered before January 1, 2007, shall be credited to the
16 account created by this act. To the extent those federal
17 funds are credited to the account or additional federal
18 funds are received to implement the Help America Vote Act
19 after the effective date of this act, funds appropriated to
20 the account under this section shall be returned to the
21 general fund on a dollar per dollar basis per those federal
22 funds received.

23

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

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6

(END)