

ORIGINAL SENATE
FILE NO. 0070

ENROLLED ACT NO. 47, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

AN ACT relating to elections; modifying provisions relating to voter registration and administration of elections generally; providing additional definitions; modifying voter oath and other forms relating to voting; modifying duties of election officials; and providing for an effective date.

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

Section 1. W.S. 22-1-102(a)(xxiii), (xxvii), (xxix) and by creating a new paragraph (xlvi), 22-2-113(a) and (e), 22-3-103, 22-3-104(d)(intro) and (f), 22-3-105(a), 22-3-106, 22-3-109 through 22-3-111, 22-3-113, 22-3-117(a) and (d), 22-5-212, 22-9-104(a)(i), 22-9-106, 22-9-108(a)(intro) and (ii), 22-9-111(b), 22-9-114, 22-9-120, 22-12-107(a)(i) and (ii), 22-13-104(a)(intro), 22-15-104(a)(iii), 22-15-106, 22-23-805, 22-23-806 and 22-29-116(a)(v) are amended to read:

22-1-102. Definitions.

(a) The definitions contained in this chapter apply to words and phrases used in this Election Code and govern the construction of those words and phrases unless they are specifically modified by the context in which they appear. As used in this Election Code:

(xxiii) "Poll list" is the list of ~~names of electors who vote or offer to vote at a precinct at an election~~ registered voters as compiled by the ~~precinct judge or clerk in the pollbook; for use by election judges at the polls.~~ The poll list shall:

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(A) Include the names and residence addresses of electors registered in the precinct;

(B) Indicate the precinct and various districts in which each elector resides;

(C) Indicate political party affiliation of the electors, if any;

(D) Indicate which electors have registered by mail and must show identification;

(E) Indicate which electors have submitted absentee ballots in the election prior to the printing of the poll list;

(F) Provide for the notation of:

(I) A sequential number for each elector voting at the polls;

(II) Electors who cast provisional ballots;

(III) Electors who cast absentee ballots if the absentee ballots are processed and counted at the polls;

(IV) Electors who change political party affiliation at the polls.

(G) Provide for the recording of the same information for electors who register at the polls;

(H) Provide other space as required for election management purposes.

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(xxvii) "Registration" is the entry and verification of the name and voter information of a qualified elector on the official registry list, as provided in W.S. 22-3-104(f) and 22-3-108;

(xxix) "Registry list" is the list by precinct of the names, addresses, party affiliations and precinct and district numbers of the registered electors in the county prepared by the secretary of state or county clerks for distribution as provided in W.S. 22-2-113;

(xlvi) "Voter registration system" means the single, uniform, official, interactive, computerized, statewide voter registration system containing the registration information of every legally registered elector in the state.

22-2-113. Availability and form of registry lists; use of copies; election record; purging.

(a) The secretary of state shall furnish at a reasonable price ~~computerized voter registration~~ registry lists to any candidate for a political office in the state, candidate's campaign committee, political party central committees and officials thereof, elected officials, political action committees, individuals promoting or opposing a ballot issue or candidate and to organizations which promote voter participation. The county clerks may elect to furnish the lists and, if they do so, shall make them available to all on an equal basis. All lists are for political purposes only and are not available for commercial use. The lists shall be in the form of printouts, mailing labels, tapes or other electronic format as available. The lists may be reproduced for political purposes.

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(e) The county clerks shall purge, and update and ~~submit~~ voter registration ~~lists~~ information on the voter registration system not later than the fifteenth day of February each year. ~~to the secretary of state.~~

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

(a) The county clerk shall furnish voter registration oath forms to registry agents which forms shall ~~conform in substance to~~ require the following voter information from the applicant:

(i) His full name;

(ii) His current residence address or if living temporarily in another state or nation, his last residence address in Wyoming;

(iii) His postal address if different from his residence address;

(iv) His date of birth;

(v) Acceptable identification as defined pursuant to W.S. 22-1-102(a)(xxxix);

(vi) His Wyoming driver's license number, or if he has no current, valid Wyoming driver's license, a statement to that effect and the last four digits of his social security number, or if he has neither, a statement to that effect;

(vii) His political party affiliation, if any;
and

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(viii) The date he became a resident of the county.

(b) Following the provision of the information required in subsection (a) of this section, the form shall require the applicant's signature in full below the following oath:

REGISTRATION OATH

~~State of Wyoming)~~
~~_____) ss~~
~~County of)~~

I,, do solemnly swear (or affirm) that I am a citizen of the United States; ~~that I was born on; that I have been~~ am a bona fide resident of the state of Wyoming, County of since; ~~that my current residence address is Street, City of Ward (if applicable), Election District No. Polling Precinct No., House District No.... and Senate District No....; that my mailing address (if different from my residence address) is; that I am a member of political party and the number of my current, valid Wyoming driver's license is, or I have no valid Wyoming driver's license and the last four digits of my social security number are, or I have no valid Wyoming driver's license or social security number; and this county; that I will be at least eighteen (18) years of age on or before the next election; that I am not now registered in another county or state; that I am not currently adjudicated a mentally incompetent person, that I have not been convicted of a felony, or if I have been convicted of a felony, I have had my civil or voting rights restored by a competent authority; and that the voter registration~~

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information contained herein is true and accurate to my best knowledge and belief.

.... (Signature in full of applicant)

Subscribed and affirmed or sworn to before me by this day of, (year).

.... (Signature and title of registry agent or person authorized to administer oaths)

22-3-104. Methods of verification; signing oath; time for proving eligibility; registration locations.

(d) ~~When~~ An applicant registers may only register to vote in person or by mail at which time he shall provide the information required by W.S. 22-3-103(a) and sign the registration oath as required by W.S. 22-3-103(b).

(f) A person shall be registered to vote as follows:

(i) Registration before the secretary of state has certified that the voter registration system is operational is effective upon receipt and acceptance by the county clerk or election judge of the completed and signed registration oath subscribed by the registry agent, or by a person authorized to administer oaths if the voter is registering by mail;

(ii) Registration after the secretary of state has certified that the voter registration system is operational is effective:

(A) At the polls for the purpose of voting. Upon verification of the information, the voter shall continue to be registered. Upon failure of verification,

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the voter's registration shall be revoked in accordance with W.S. 22-3-105;

(B) For registration, other than at the polls, after the voter registration information has been entered onto the voter registration system and verified.

22-3-105. Investigation of voter qualifications; striking names from registry; criteria; notice; appeal.

(a) The county clerk may investigate the qualifications of any voter registration, when he has reasonable cause to believe that the voter may be unqualified. The county clerk shall, after a thorough investigation, strike from the ~~registry~~ voter registration lists the name of any person who is not qualified to be registered.

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

If a voter registration applicant affirms that he is registered in another county or state, the registry agent shall require that the applicant complete and sign a "Request for Voter Registration Withdrawal" form. The registry agent shall ~~mail the form~~ cause notice to be sent to the registry agent of the jurisdiction in which the applicant was last registered. The withdrawal form shall conform in substance to the following:

REQUEST
FOR
VOTER REGISTRATION WITHDRAWAL

I,, whose date of birth is and social security number is (optional) having now registered to vote in

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the County of, State of Wyoming, hereby request that my registration to vote in the County of, State of be withdrawn.

My previous address was:

..... Street

..... City

.....

Signature of requester

Subscribed and sworn to before me by this day of, (year).

.....

Name of person receiving request

.....

Title

22-3-109. Certification and transmittal of poll lists; posting of registry lists.

(a) Not less than ten (10) days before any election, the county clerk shall certify and transmit to the officer in charge of each election at his request the necessary ~~registry-poll~~ lists for the precincts or areas involved in the election. Not less than ten (10) days prior to the primary and general elections the county clerks shall ~~mail deliver~~ three (3) copies of the ~~registry-poll~~ lists for each precinct in the county to the county chairman of each political party in the respective counties.

(b) The county clerk shall publicly post in a prominent place at the county courthouse one (1) copy of the ~~registry~~ list for each precinct.

22-3-110. Expense of preparing poll lists.

The expense of preparing ~~registry-poll~~ lists required by law to be provided by the county clerk in combined

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statewide political subdivision elections, shall be shared on an equitable basis by the governmental entities participating in the election. The expense of preparing other ~~registry-poll~~ lists shall be paid by the entity holding the election.

22-3-111. Preparation and contents of pollbooks.

(a) The county clerk shall prepare the necessary pollbooks for each precinct for statewide and political subdivision elections held on the same date. The precinct pollbooks shall contain the ~~registry-poll~~ lists, the oaths of judges of election, certificate of ballots, and a tally sheet if ballots are hand counted. On the cover of the pollbook shall be printed the words "Pollbook", the election and date of the election, the voting district and precinct numbers.

(b) Pollbooks shall be prepared for special district elections by the officials in charge of such elections. The county clerk shall furnish ~~registry-poll~~ lists as required and requested by such officials.

22-3-113. Disposition of pollbooks after polls close.

After the polls are closed and the pollbooks are made to agree, the judges of election in each precinct shall return one (1) pollbook containing one (1) copy of each of the poll lists ~~and one (1) copy of the registry list, which may be one and the same,~~ to the county clerk, together with the election returns, and retain one (1) ~~such pollbook-copy of each poll list~~ in their possession. Judges of election may discard ~~pollbooks-poll lists~~ in their possession two (2) years after the election to which the ~~pollbooks-poll lists~~ pertain or in the event of litigation, at the conclusion of the litigation, whichever date is later.

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22-3-117. Absentee registration generally; use of federal postcard.

(a) Notwithstanding any other section or provision in this chapter, any citizen of the United States who is a resident of Wyoming may apply for registration by providing the information required by W.S. 22-3-103(a) and acceptable identification to and completing and subscribing, the form of voter registration oath prescribed by W.S. ~~22-3-103~~ 22-3-103(b) before any person authorized by law to administer oaths, ~~which person is considered a registry agent for this purpose.~~ Each county clerk shall furnish the voter registration oath forms. The applicant shall mail or return the completed voter registration oath form to the county clerk in the county in which the applicant resides. In order to vote in the next election, the application must be received in the county clerk's office before the close of registration for that election or be accompanied by an absentee ballot request for elections where a voter may register at the polls.

(d) If any person specified in subsection (b) of this section desires permanent registration, that person shall provide the information required by W.S. 22-3-103(a) and subscribe to the voter registration oath prescribed by W.S. ~~22-3-103~~ 22-3-103(b). The oath shall be self-administered under penalty of perjury and notwithstanding W.S. 22-3-104 does not require the signature of an oath-taking official.

22-5-212. When declaration of party affiliation required.

An elector requesting a major party ballot must declare his party affiliation, or sign an application for change of affiliation before he may receive a party ballot. An

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elector may vote only the nonpartisan ballot and if so, is not required to declare his party affiliation. Requesting a partisan primary election ballot constitutes a declaration of party affiliation. A change in declaration of party affiliation shall be entered on the poll list ~~and the registry list, which may be one and the same,~~ by the ~~county clerk~~ election judge.

22-9-104. How to apply; information required.

(a) A qualified elector may apply for an absentee ballot either in person, in writing, or by telephone, by furnishing the following information:

(i) Name in full, social security number (optional), date of birth, and current Wyoming residence address by street, city, ~~and~~ county, and zip code or last Wyoming residence address and month and year of leaving Wyoming to live temporarily in another state or nation, if applicable;

22-9-106. Qualified absentee voter; written notification if rejected.

The clerk shall mark each completed absentee ballot application with the date ~~and time~~ of receipt. The clerk shall then determine if the applicant is properly qualified to vote. If the applicant is not entitled to vote, the clerk shall not issue a ballot to him and shall mark the application "rejected" and file it in a file separate from applications which are accepted. If an application is rejected, the clerk shall immediately notify the applicant in writing of the reason for rejection.

22-9-108. Absentee ballot record; information to be entered.

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(a) For each election, the clerk shall keep an "Absentee Ballot ~~Book~~ Record" in which he shall enter the following information:

(ii) The date ~~and time~~ of receipt of each application;

22-9-111. Affidavit to be printed on inner envelope; attestation.

(b) For all voters, as specified in W.S. 22-9-105, an oath meeting the following requirements shall be printed on the reverse side of the inner ballot envelope: ~~in red ink:~~

~~I,, do solemnly swear (or affirm) that I am a resident of Election District No., Precinct No., (and if a resident of a city, add: Residing at No., Street, in the city of) County of, and the State of Wyoming, and am or will be entitled to vote in the precinct at the next election and that I have not voted and will not vote again in this election~~

(i) The elector shall print his full name;

(ii) The elector shall provide his current residence address or if living temporarily in another state or nation, his last residence address in Wyoming;

(iii) The elector shall provide his district and precinct numbers;

(iv) Under the above information shall be the following:

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(A) "I hereby swear or affirm, under penalty of perjury, that I am entitled to vote in the precinct at the next election and that I have not voted and will not vote again in this election, and that the above information is true and correct.

....(Date)

....(Signature of elector)"

22-9-114. Receipt by clerk; generally.

The clerk shall mark on each completed inner envelope the date and time of receipt and enter this information in the absentee ballot ~~book~~record. From information contained in the affidavit or from other reliable sources, the clerk shall determine the district and precinct where the ballot shall be voted and shall write the number of the district and precinct on the inner envelope.

22-9-120. Receipt of absentee ballots and lists by judges.

When the absentee ballots are delivered to the polls and the polls are open, the judges of election shall open the precinct envelope and determine whether the ballots therein correspond to the names on the enclosed duplicate list. If they do, the judges shall retain one (1) list permanently, sign the other and return it in receipt to the clerk. The clerk shall retain his list in the absentee ballot ~~book~~record.

22-12-107. Materials for judges.

(a) Before election day the county clerk shall cause to be delivered to one (1) of the judges of election in each precinct the following materials:

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(i) Pollbooks; ~~and a list of registered electors residing in the precinct;~~

(ii) At ~~general and primary elections~~ any election specified in W.S. 22-2-101(a)(i) through (viii), registration applications;

22-13-104. Procedure before elector permitted to vote.

(a) Before a qualified elector is permitted to vote ~~a judge of an~~ election ~~may enter the following notations~~ judge shall record the applicable information as listed in W.S. 22-1-202(a)(xxiii) by his name on the poll list. ~~+~~

22-15-104. Grounds for challenge.

(a) A person offering to vote may be challenged for the following reasons:

(iii) Name does not appear on ~~registry of electors~~ poll list and the person cannot meet the requirements to register at the polls;

22-15-106. Where name not on poll list.

A person challenged on the ground that his name does not appear on the ~~registry~~ poll list may vote if a judge of election obtains verification from the county clerk that the person is entitled to vote in that election within that county.

22-23-805. Poll lists.

Precinct ~~registry~~ poll lists for the special election shall be obtained by the municipal clerk from the county clerk

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and shall be paid for by the municipality. The municipal clerk shall furnish copies of the precinct ~~registry-poll~~ lists to the judges of election. A copy of the precinct registry list shall be posted at each precinct polling place during the special election.

22-23-806. Entries in and delivery of pollbook; elector not on lists.

The judges of election shall make the same entries in the pollbook as are required for statewide elections. Following the election the pollbook shall be delivered to the municipal clerk. If the name of a person offering to vote at a special municipal election is not on the ~~registry-poll~~ lists, he may qualify to vote by signing an affidavit and if a judge of election obtains verification from the county clerk as provided in W.S. 22-15-105 and 22-15-106.

22-29-116. Procedures for mail ballot elections.

(a) Official ballots shall be prepared and all other preelection procedures followed as otherwise provided by law or rules promulgated by the secretary of state, except that mail ballot packets shall be prepared in accordance with the following:

(v) No sooner than twenty-five (25) days and no later than 4:00 p.m. on election day, mail ballots shall be made available at the election official's office for voters entitled to vote in the election but who are not otherwise listed on the county voter registration records ~~or the registration list~~ if otherwise authorized to vote;

Section 2. W.S. 22-3-104(d)(i) through (iii) and (e) and 22-13-104(a)(i) through (v) and (b) are repealed.

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Section 3. This act is effective July 1, 2005.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk