

ENROLLED ACT NO. 41, HOUSE OF REPRESENTATIVES

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING
2008 BUDGET SESSION

AN ACT relating to elections; providing for transmission of certifications; providing for full legal names on registrations; removing certain filing fees as specified; providing for the order of offices on nonpartisan ballots; providing for opening of ballot boxes; removing requirement that county attorneys conduct training school; removing requirements for folded ballots; clarifying time periods; repealing requirements for numbers of ballots to be printed; repealing provisions related to voting slips; modifying registration locations; modifying format for partisan ballots; modifying procedures for filling vacancies of election judges; repealing procedure after elector votes using a machine; eliminating ballot cards used in connection with a punch device from the definition of "voting device"; and providing for an effective date.

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

Section 1. W.S. 22-2-108, 22-3-103(a)(i), 22-3-104(j), 22-5-208(c), 22-6-101, 22-6-120(a)(vii), 22-6-125(a) by creating new paragraphs (vi) through (x) and by renumbering paragraphs (vi) through (ix) as (xi) through (xiv), 22-8-112(b), 22-8-113, 22-10-108(a), 22-12-107(a)(iv), 22-12-112, 22-12-115, 22-13-106, 22-16-103(c)(vi) and 22-16-106(b) are amended to read:

22-2-108. Secretary of state to certify officers to be elected.

Between the twenty-fourth day of April and the third day of May in each general election year, the secretary of state shall ~~mail~~transmit to the county clerk of each county a ~~written certificate~~certified list stating what officers, other than county and precinct officers, are to be nominated or elected at the election.

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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 require the following voter information from the applicant:

(i) His full legal name;

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

(j) A county or city clerk may establish and maintain registration facilities in a public ~~building~~area owned or occupied by a political subdivision or governmental institution, agency or entity, after giving not less than two (2) days notice by publication in a newspaper of general circulation in the county and by posting such notice in such clerk's office. ~~and on the front door of such public building.~~ The requirements of subsection (h) of this section regarding the place of registration shall not apply to a person registering in accordance with this subsection.

22-5-208. Filing fees; exception.

(c) A filing fee shall not be required of candidates for special district director, school district trustee, community college trustee, precinct committeeman ~~and committeewomen or precinct committeewoman.~~

22-6-101. Certification of candidates nominated; printing of names.

Not less than sixty (60) days before each general election the secretary of state shall ~~certify~~transmit to each

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county clerk under party headings a certified list of the name and address of each person nominated by primary election as indicated by the state canvass, the name of each person nominated by provisional or minor party convention, the name of each independent candidate qualifying for nomination by petition, and the office sought. The names of these candidates shall be printed on the official ballot of the general election.

22-6-120. Format of partisan general election ballot.

(a) The general election partisan ballot shall be printed in substantial compliance with this format:

(vii) The names of partisan party candidates, if candidates have filed, and independent candidates, if candidates have filed, shall be printed in a separate column or columns, row or rows, and the name of the party represented or the word "Independent" shall be printed directly above the candidate's name or at the end of the row. If there are a number of candidates representing a party, or independents, the county clerk at his discretion may designate a separate vertical column or columns, or row or rows to said candidates and print the name of said party or the word "Independent" at the top of the column or beginning of the row;

22-6-125. Order of offices and ballot propositions on nonpartisan ballots.

(a) The nonpartisan ballot shall contain the offices and ballot propositions to be voted on in the following order:

(vi) Candidates for municipal offices;

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(vii) Candidates for community college trustees;
(viii) Candidates for school board trustees;
(ix) Candidates for special district directors;
(x) Candidates for other offices of county subdivisions;
~~(vi)~~ (xi) Constitutional amendments;
~~(vii)~~ (xii) Initiative propositions;
~~(viii)~~ (xiii) Referendum propositions;
~~(ix)~~ (xiv) Other ballot propositions.

22-8-112. Filling vacancies.

(b) If a judge is not present when polls open, or is unable to complete his duties, the vacancy shall be filled by a registered elector appointed by those judges present at the precinct polling place when the vacancy occurs and approved by the county clerk. If a member of a counting board is not present when the polls close, or is unable to complete his duties, the vacancy shall be filled by a registered elector appointed by those members of the counting board who are present.

22-8-113. Training schools; generally and payment for attending.

Not later than four (4) days before the primary and general election, the county clerk under the direction of the secretary of state ~~and the county attorney~~ shall conduct a training school for judges of election and members of

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counting boards to provide instruction in the performance of their duties. The training school, which is also open to the public, shall be held at the times and places announced by the county clerk, and the secretary of state shall prescribe the minimum curriculum for the school. Additional schools may be held at the discretion of the county clerk. Unless training is otherwise provided to the satisfaction of the county clerk, all judges of election and members of counting boards are obligated to attend at least one (1) such school. All judges and members of the counting board shall be paid not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00) as determined by the board of county commissioners for attending a school.

22-10-108. Procedure for preparing machines for election; inspection and certification.

(a) Before preparing a voting machine for an election, the county clerk shall ~~mail a written notice to~~ notify in writing the county chairman of each political party having a candidate on the ballot, stating the time and place where the voting machine will be prepared for the election. The political party representatives and representatives of independent candidates may be present at the preparation of the voting machine for the election, to see that the machine is tested for accuracy and is properly prepared and that all registering counters are set at zero (00000). The county clerk in the presence of these representatives shall prepare the voting machine for the election and set all registering counters at zero (00000). He shall then test each registering counter for accuracy by casting votes on it until the registering counter is correctly registering each vote cast on it. The county clerk shall then reset each registering counter to zero (00000) and shall immediately lock and seal the voting

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machine with a numbered metal seal and make a record of the number of the seal on the certificate for the machine. The seal shall be so placed as to prevent operation of the machine or its registering counters without breaking the seal. The county clerk shall then immediately make a record on the certificate for the machine of the reading shown on the protective counter.

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:

(iv) Ballot boxes in the number required by law with secure locks and keys and one (1) opening sufficient to admit a single ~~folded~~ ballot;

22-12-112. Procedure for preparing voting machines for use.

Before the polls open the judges shall compare ballot labels on the voting machines with the sample ballots and return sheets to see that they are correct, place the voting machine in a proper position free from obstruction and assure that the face of the machine may be viewed clearly ~~except when the curtain on the machine is closed for casting ballots by the voter casting the ballot but not by others~~. Envelopes containing keys shall not be opened if the numbers and records on them do not correspond to the numbers and records on the machine. If the numbers do not agree, the machine shall be reexamined and certified by the county clerk before it may be used.

22-12-115. Examination of ballot box.

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Before the polls are open, the judges of election shall open and examine the ballot box to determine that it is empty and relock it. The ballot box shall not again be opened until the polls are closed, except when necessitated by operation of the voting equipment at the direction of the county clerk and only in the presence of two (2) or more election judges with different political party affiliations. It shall not be removed from the presence of the judges of election or counting board until all ballots are counted and recorded.

22-13-106. Marking and depositing of paper ballots.

Upon receiving a paper ballot, an elector shall proceed alone directly to a voting booth and there mark the ballot. ~~After being marked, the paper ballots shall be folded with the face concealed and the official endorsement visible.~~ The ballot shall then immediately be placed in the ballot box by the elector or judge of election.

22-16-103. County canvass procedures.

(c) The county canvassing board shall:

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

22-16-106. Write-in candidates.

(b) The chief election officer shall notify write-in candidates who have been nominated for election within forty-eight (48) hours after the canvassing board meets. Notification may be made by United States postal service, any generally accepted business document delivery method evidenced by receipt of delivery or attempted delivery at

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the last known address of the write-in candidate or service as ~~accepted~~provided under the Wyoming Rules of Civil Procedure. Failure of the successful write-in candidate to accept the nomination within five (5) days, as computed pursuant to W.S. 22-2-110, of proof of service or attempted delivery results in the successful write-in candidate not appearing on the general election ballot, but does not result in a vacancy which can be filled.

Section 2. W.S. 22-1-102(a)(xxxiv)(A), 22-6-117(a)(x), 22-6-129, 22-13-108 and 22-13-111 are repealed.

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk