

ENROLLED ACT NO. 15, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2011 GENERAL SESSION

AN ACT relating to elections; clarifying notification procedures for nominations and write in candidates; providing for a fee; clarifying requirements for petition for nomination; clarifying procedure for delivery of ballots; clarifying a provision relating to filling of vacancies in four year terms of office; repealing obsolete provisions requiring ink stamps and folded ballots; modifying provisions for spoiled ballots; providing for appointment of canvassing board members by county clerk; clarifying date for submission of municipal ballot initiatives; clarifying date for qualification of petition signatures; clarifying when electioneering occurs; repealing obsolete provisions; and providing for an effective date.

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

Section 1. W.S. 22-5-219(a), 22-5-301, 22-5-304, 22-5-501(a), 22-9-107, 22-9-121(c)(i) and (ii), 22-12-108, 22-13-105, 22-13-107, 22-14-103, 22-16-101, 22-16-106, 22-18-111(a)(intro), 22-23-307, 22-23-1003, 22-23-1005 and 22-26-113 are amended to read:

22-5-219. Further action by nominees or elect not required; exception.

(a) Candidates nominated and major party precinct committeemen and committeewomen elected at a primary election shall be deemed nominated or elected without further action. In addition, each write-in candidate nominated ~~or elected~~ at a primary election shall comply with the provisions of W.S. 22-16-106.

22-5-301. Independent partisan candidates; form.

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(a) Independent candidates for partisan public offices may be nominated by filing a signed petition in substantially the following form:

PETITION FOR NOMINATION

I,, swear or affirm that I was born on,(year), that I have been a resident of the State of Wyoming since, and that I am a registered voter of Election District No., in Precinct No., County of, residing at, (if for the office of state senator or representative, commissioner or other district office) in Senate (House) (Commissioner or other) District, State of Wyoming, and having obtained the number of signatures required by law for nomination by petition, I hereby request that my name be printed on the official ballot at the next general election as an independent candidate for the office of and declare that if nominated and elected, I will qualify for the office.

Dated the day of,(year).

..... (Signature)

..... (Residence Address)

The eligible, registered electors supporting my nomination, and numbering not less than ~~two percent (2%) of the total number of votes cast for Representative in Congress at the last general election in the political subdivision for which this petition is filed~~ the number required under W.S. 22-5-304, are as follows:

(Signature) (Printed Name) (Residence) (Date)

1.

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2.

VERIFICATION BY CIRCULATORS

I,, do hereby certify that I am a circulator of this petition, and I solely and personally circulated this petition, that all the signatures appearing herein were made in my presence from (month) (day),(year) through (month) (day),(year), and to the best of my knowledge and belief such signatures are those of the persons whose names they purport to be.

..... (Signature)

.....(Residence Address)

22-5-304. Qualifications and number of signers required.

(a) For a statewide partisan office, a petition shall be signed by registered electors, resident in the ~~legislative district or other district or political subdivision in which the petitioner will be a candidate,~~ state and eligible to vote for ~~him~~ the petitioner, numbering not less than two percent (2%) of the total number of votes cast for representative in congress in the last general election for the ~~political subdivision or legislative district for which the petition is filed~~ entire state.

(b) For a countywide partisan office, a petition shall be signed by registered electors, resident in the county and eligible to vote for the petitioner, numbering not less than two percent (2%) of the total number of votes

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cast for representative in congress in the last general election for the entire county.

(c) For a district partisan election, a petition shall be signed by registered electors, resident in the district and eligible to vote for the petitioner, numbering not less than two percent (2%) of the total number of votes cast for the office in that particular district in the last general election. If a district's boundaries have changed since the last general election, then the required number of petition signatures shall not be less than two percent (2%) of the number of registered voters in the current district boundaries at the close of day on the day immediately preceding the primary election.

22-5-501. Qualifying as a write-in candidate.

(a) Each person requesting to have all votes cast for him as a write-in candidate counted, shall file an application for candidacy together with the appropriate filing fee with the appropriate filing officer not later than two (2) days after the election in which the person desires to have the write-in votes counted. Candidates whose votes did not affect the nomination who wish to have those votes counted shall follow the procedure set out in W.S. 22-16-106(c).

22-9-107. Delivering ballots to qualified applicants.

If the clerk determines that the applicant is entitled to vote, he shall mark the application "Accepted" and ~~as soon as ballots are available he shall immediately deliver~~ shall, not less than forty (40) days nor more than forty-five (45) days prior to the election, distribute to the applicant, or the individual designated by the applicant, the absentee ballot or ballots requested, instructions for

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marking the ballot and the required envelopes for use in returning the ballot.

22-9-121. Examination of absentee ballot affidavit; rejection; voting ballots.

(c) If it is sufficient:

(i) In a paper ballot precinct, the name of the absent elector shall be entered in the pollbook, the inner ballot envelope shall be opened by a judge of election and the ballots therein shall be removed ~~and stamped with the regular rubber stamp~~ and initialed by a judge of election. The ballot shall then be placed in the regular ballot box by a judge of election;

(ii) In a voting machine precinct, the inner ballot envelope shall be opened after the judges are sworn in and as activity permits, the ballots therein removed, ~~and stamped with the regular rubber stamp,~~ initialed by a judge of election, and each ballot deposited in its proper box. After the absentee ballots have been so deposited, they shall be mixed within the box, removed from the box and once the polls open and as activity permits, voted on a voting machine in the following manner: A judge of election shall read the vote for each candidate and ballot proposition. A judge of a different political party affiliation shall record the vote as read on the machine. A third judge shall observe this procedure to see that the vote is correctly cast.

22-12-108. Delivery of ballots and stamps; breaking of seals.

Ballots ~~and stamps~~ shall be delivered under seal or otherwise properly secured and a receipt therefor signed by

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a judge of election shall be filed with the county clerk. Seals shall be broken on the morning of election day by the chief judge in the presence of the other judges before the polls are opened.

22-13-105. Official marking of paper and absentee ballots.

Before delivering a paper ballot to an elector ~~or voting an absentee ballot in a voting machine precinct,~~ a judge of election or county clerk shall ~~mark~~ initial the ballot. ~~with the official ballot stamp on the back and near the top of the ballot. In the blank spaces in the stamped imprint the judge shall fill in the election district and precinct numbers, the name of the county, the date, and the initials of the judge.~~ No other identifying marks shall be made on an official ballot. An elector shall cast only one (1) ballot or set of ballots at each election.

22-13-107. Spoiled ballots.

An elector spoiling a paper ballot by mistake or accident may receive another ballot by returning the rejected ballot to a judge of election, ~~not more than twice.~~ Spoiled ballots shall immediately be cancelled by a judge of election and delivered with the returns to the county clerk or official conducting the election.

22-14-103. Counting in paper ballot precincts; discrepancies.

~~Folded paper ballots and punch card ballots shall be counted as soon as the ballot box is opened. Ballots not marked with the official rubber stamp or not initialed by a judge of election or found so folded as to bear the appearance of having been voted by one (1) person~~ or county

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clerk shall not be counted. If the number of ballots is not equal to the number of voters entered in the pollbook as having voted that ballot, the election judges shall attempt to determine the discrepancy. If the election judges cannot determine the discrepancy, the county clerk and, if necessary, the county canvassing board, shall resolve the discrepancy.

22-16-101. County canvassing board; compensation.

The county canvassing board is the county clerk and two (2) electors of different political parties resident in the county appointed by the ~~board of county commissioners~~ county clerk. The two (2) electors shall receive the same compensation as election judges.

22-16-106. Write-in candidates.

(a) Each write-in candidate nominated ~~or elected~~ at a primary election, who has not previously filed an application, accepts by filing an application for nomination and paying the filing fee, in the office in which he would have been required to file an application for that office.

(b) The chief election officer shall notify a write-in ~~candidates~~ candidate who ~~have~~ has 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 the last known address of the write-in candidate or service as provided under the Wyoming Rules of Civil Procedure. Each notification provided under this section shall inform the write-in candidate that failure to timely respond will result in forfeiture of nomination.

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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.

(c) Any person may request to have the votes cast for any write-in candidate, whose votes did not affect the election, counted by filing a request together with an administrative fee, set by rule and regulation, with the appropriate election officers not later than two (2) days after the election in which the write-in votes occurred.

22-18-111. Vacancies in other offices; temporary appointments.

(a) Any vacancy in any other elective office in the state except representative in congress or the board of trustees of a school or community college district, shall be filled by the governing body, or as otherwise provided in this section, by appointment of a temporary successor. to ~~The person appointed shall~~ serve until a successor for the remainder of the unexpired term is elected at the next general election and takes office on the first Monday of the following January. Provided, if a vacancy in a four (4) year term of office occurs in the term's second or subsequent years after the first day for filing an application for nomination pursuant to W.S. 22-5-209, no election to fill the vacancy shall be held and the temporary successor appointed shall serve until the first Monday in January following the second general election thereafter the remainder of the unexpired term. The following apply:

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22-23-307. Candidates nominated; certificate of nomination.

(a) The candidates equal to twice the number to be elected to each office who receive the highest number of votes are nominated to run for the office at the next general election and shall be issued a certificate of nomination by the county clerk. A write-in candidate shall not be nominated and shall not be entitled to have his name printed on the ballot for the next general election unless he received at least three (3) votes.

(b) The chief election officer shall notify a write-in candidate who has 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 the last known address of the write-in candidate or service as 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, and results in a vacancy which can be filled as provided in W.S. 22-23-308. Each notification provided under this section shall inform the write-in candidate that failure to timely respond will result in forfeiture of nomination.

22-23-1003. Adoption by governing body or submission to electors.

An ordinance proposed by a valid initiative petition shall either be adopted within twenty (20) days by the governing body or submitted to a vote of the municipal electors at a

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special election to be held not more than sixty (60) nor less than twenty (20) days thereafter, ~~unless the primary or general municipal election occurs within ninety (90) days, in which case the measure shall be submitted at the primary or general election~~ The ordinance proposed may also be submitted to a vote of the municipal electors at a primary or general election only if a valid initiative petition is received not less than one hundred ten (110) days before the election if for a primary and not less than seventy (70) days before the election if for a general election.

22-23-1005. Ordinance adopted by governing body subject to referendum vote.

An ordinance adopted by a municipal governing body shall be subject to a referendum vote if a petition signed by ten percent (10%) of the qualified electors registered in the city or town is filed with the municipal clerk not later than twenty (20) days after the ordinance is first published after adoption as provided by law. To be counted the electors shall be registered voters when the completed petition is submitted for verification. The referendum petition shall set forth the ordinance in full and shall contain the signatures and residence addresses of persons signing the petition.

22-26-113. Electioneering too close to a polling place.

Electioneering too close to a polling place ~~on election day,~~ or absentee polling place under W.S. 22-9-125 when voting is being conducted, consists of any form of campaigning, including the display of campaign signs or distribution of campaign literature, the soliciting of signatures to any petition or the canvassing or polling of

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voters, except exit polling by news media, within one hundred (100) yards of the building in which the polling place is located.

Section 2. W.S. 22-5-216 and 22-12-107(a)(vii) and (viii) are repealed.

Section 3. This act is effective July 1, 2011.

(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