

HOUSE BILL NO. HB0101

Elections-vote centers and electronic pollbooks.

Sponsored by: Representative(s) Paxton, Byrd, Gingery and
Throne and Senator(s) Johnson

A BILL

for

1 AN ACT relating to elections; authorizing the use of
2 electronic pollbooks; authorizing the use of vote centers;
3 providing definitions; making conforming amendments;
4 repealing certification of poll books by election judges;
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. 22-1-102(a)(xxii) and by creating new
10 paragraphs (xlvii) through (xlix), 22-2-104(a), (b) and
11 (e), 22-3-111(a), 22-3-112, 22-3-113, 22-6-104, 22-6-106,
12 22-6-122, 22-8-106, 22-8-108(a), (c) and (d), 22-9-115(b),
13 22-10-111, 22-11-102, 22-11-104(b)(i), (ii)(intro) and
14 (c)(intro), 22-12-107(a)(intro), 22-12-110(a)(intro),
15 22-13-118, 22-14-102, 22-14-105(a), (b) and (d),
16 22-14-111(a)(i) and by creating new paragraphs (viii)

1 through (x), 22-15-109, 22-16-102(a), 22-16-103(c) by
2 creating a new paragraph (viii), 22-21-108, 22-21-201(c),
3 22-22-102(a), 22-23-201(a), 22-23-804 and 22-23-805 are
4 amended to read:

5

6 **22-1-102. Definitions.**

7

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

13

14 (xxii) "Pollbook" ~~is means~~ a book, or hardware,
15 software or a combination of the two (2) commonly referred
16 to as an electronic pollbook, used in a ~~precinct polling~~
17 place on election day containing ~~eaths of election~~
18 ~~officials, tally sheets, the poll list, and other~~
19 information specified by law;

20

21 (xlvii) "Precinct" means an area with
22 established boundaries within a political subdivision used
23 for casting and counting votes;

24

1 (xlviii) "Polling place" means the physical
2 location where voters cast their ballots on election day;

3
4 (xlix) "Vote center" means a polling place at
5 which any registered elector in the political subdivision
6 holding the election may vote, regardless of the precinct
7 in which he resides, connected through secure internet
8 connections to provide voting information to and receive
9 voting information from the computerized registration book
10 maintained by the county clerk and used as an option to
11 traditional polling places at the discretion of the county
12 clerk.

13
14 **22-2-104. Election dates.**

15
16 (a) A general election shall be held ~~in~~for all the
17 precincts of this state on the Tuesday next following the
18 first Monday in November of each even-numbered year.

19
20 (b) A primary election shall be held at the regular
21 polling places ~~in~~for each precinct on the first Tuesday
22 after the third Monday in August in general election years
23 for the nomination of candidates for partisan and
24 nonpartisan offices to be filled at the succeeding general

1 election and for the election of major party precinct
2 committeemen and committeewomen.

3

4 (e) The election of members of the board of trustees
5 of each school district and community college district
6 shall be held ~~in~~for each district on the first Tuesday
7 after the first Monday in November in general election
8 years.

9

10 **22-3-111. Preparation and contents of pollbooks.**

11

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

21

22 **22-3-112. Pollbook distribution; entering**
23 **information.**

24

1 Before the polls open, the county clerk shall distribute
2 the ~~precinct~~ pollbooks to the judges of election in the
3 respective ~~precincts~~ polling places. The judges of election
4 shall enter in pollbooks all information required by law.

5

6 **22-3-113. Disposition of pollbooks after polls close.**

7

8 (a) After the polls are closed, and the judges of the
9 election shall make printed pollbooks ~~are made to agree,~~
10 ~~the judges of election in each precinct and~~ shall return
11 one (1) pollbook ~~containing one (1) copy of each of the~~
12 ~~poll lists~~ to the county clerk, ~~together with the election~~
13 ~~returns, and retain one (1) copy of each poll list in their~~
14 ~~possession. Judges of election may discard poll lists in~~
15 ~~their possession two (2) years after the election to which~~
16 ~~the poll lists pertain or in the event of litigation, at~~
17 ~~the conclusion of the litigation, whichever date is later.~~

18

19 (b) When electronic pollbooks are used, they shall be
20 returned to the county clerk.

21

22 **22-6-104. Sample ballots and voting machine**
23 **facsimiles; printing, distribution, posting.**

24

1 The officer providing the official ballot shall also print
2 sample ballots or voting machine labels which shall be
3 identical to the official ballot or voting machine
4 facsimile except that it shall contain the words "SAMPLE
5 BALLOT" in large clear letters and may be printed on paper
6 of a different color than the official ballot or label. The
7 officer shall distribute copies of the sample ballot or
8 voting machine facsimile to each ~~precinct~~polling place
9 prior to opening of the polls. The judges of election shall
10 post at least three (3) copies of the sample in and around
11 the polling place during the election. The county clerk
12 shall have the samples available in his office for the
13 public.

14

15 **22-6-106. Replacement of lost ballots or labels.**

16

17 Official ballots or ballot labels not delivered to a
18 ~~precinct~~polling place or lost, stolen or destroyed shall
19 be replaced immediately by the official providing the
20 ballot. Judges of election receiving replacement ballots
21 shall sign a receipt therefor in which they shall state
22 under oath, before each other, that the original ballots
23 were not delivered to the ~~precinct~~polling place or have
24 been lost, stolen or destroyed.

1

2 **22-6-122. Rotation of candidates' names; equal lines**
3 **on voting machines.**

4

5 The names of candidates for each office shall be rotated on
6 all ballots by precinct for all elections. In each county
7 the name of each candidate shall appear substantially an
8 equal number of times at the top, at the bottom, and in
9 each intermediate place. In a voting machine ~~precinct~~
10 polling place, if candidates for the same office occupy
11 more than one (1) line on the voting machine, the number of
12 names appearing on each line shall be as nearly equal as
13 possible.

14

15 **22-8-106. Number of judges in each polling place.**

16

17 At least three (3) judges shall be appointed for each
18 ~~precinct~~polling place. Additional judges may be appointed
19 in a ~~precinct~~polling place as determined necessary by the
20 county clerk.

21

22 **22-8-108. Appointment, composition and authority of**
23 **counting boards; when judges to count.**

24

1 (a) The county clerk shall appoint a counting board
2 for each paper ballot ~~precinct~~polling place casting more
3 than three hundred (300) votes at the last general
4 election, and may appoint a counting board in such a
5 ~~precinct~~polling place in which one hundred fifty (150) or
6 more such votes were cast at such election. A counting
7 board shall have three (3) members or more to facilitate
8 the counting of votes. No more than one (1) person under
9 the age of eighteen (18) may be appointed as to each
10 counting board.

11

12 (c) The counting board in a paper ballot ~~precinct~~
13 polling place has no authority to act until polls are
14 declared closed. A counting board in an electronic voting
15 system counting center may commence preparing absentee
16 ballots for counting at any time on the day of the
17 election.

18

19 (d) For a ~~precinct~~polling place where a counting
20 board need not be appointed, the judges of election shall
21 count the votes.

22

23 **22-9-115. Receipt by clerk; handling procedure.**

24

1 (b) The clerk shall place completed absentee ballot
2 envelopes in a large precinct envelope for the precinct in
3 which they shall be voted and keep custody of them until
4 they are delivered to the ~~precinct~~polling place or the
5 designated counting center. The clerk shall endorse on the
6 precinct envelope the number of the district and precinct
7 and the words "Envelope contains ballots of absentee
8 qualified electors and shall be opened only on election day
9 at the polls when the polls are open" and shall affix his
10 signature, official title, and seal the envelope.

11

12 **22-10-111. Delivery and return; expenses.**

13

14 The county clerk shall provide for the delivery of voting
15 machines to the ~~precincts~~polling places at least one (1)
16 hour before the polls open and their return to custody
17 after the election. The expense of transporting the
18 machines shall be paid by the authority or proportionately
19 by the authorities conducting the election.

20

21 **22-11-102. Use authorized; purchase or lease.**

22

23 The board of county commissioners of each county may adopt
24 for use, either experimentally or permanently, in any

1 election in any or all ~~precincts~~polling places within the
2 county, any electronic voting system authorized by law.

3

4 **22-11-104. Conduct of elections in which systems**
5 **utilized.**

6

7 (b) The county clerk of each county using an
8 electronic voting system shall:

9

10 (i) Determine whether paper ballots, ballot
11 cards or a combination of both will be used in each
12 ~~precinct~~polling place;

13

14 (ii) Before the day of election deliver to each
15 ~~precinct~~polling place using an electronic voting system:

16

17 (c) In addition to any other duties prescribed by
18 law, election judges in ~~precincts~~polling places using an
19 electronic voting system shall:

20

21 **22-12-107. Materials for judges.**

22

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

4

5 **22-12-110. Supplies for voting machines.**

6

7 (a) When voting machines are used the county clerk
8 shall have an appropriate official deliver to a judge of
9 election in each ~~precinct~~polling place, before the day of
10 election, the following supplies:

11

12 **22-13-118. Judges work schedule.**

13

14 At the discretion of the county clerk, election judges may
15 be allowed to work at the polling ~~premise~~place on election
16 day for a period of time less than the total amount of time
17 the polls are open provided the polling ~~station~~place has a
18 sufficient number of election judges on duty at all times
19 to comply with the requirements of this title. An election
20 judge shall not leave his polling ~~station~~place during his
21 work shift.

22

23 **22-14-102. Who may be present after polls close;**
24 **making pollbooks agree; counting votes.**

1

2 After all the votes are cast and the polls are officially
3 declared closed, only election judges shall be permitted in
4 a polling place. When all ballots are cast, the machine
5 shall be locked against further voting and sealed as
6 prescribed by law. ~~Pollbooks within a precinct shall first~~
7 ~~be made to agree before any votes are counted. When the~~
8 ~~pollbooks agree,~~ Election judges shall commence to count
9 votes and shall continue without adjournment until counting
10 is completed.

11

12 **22-14-105. Vote tallying in voting machine polling**
13 **places.**

14

15 (a) In voting machine ~~precincts~~ polling places, the
16 judges of election shall cast all remaining absentee
17 ballots on a voting machine in the manner prescribed by
18 W.S. 22-9-121 and shall lock and seal the voting machines.
19 They shall certify in writing that the machine was locked
20 and sealed, stating the time, the number of voters voting
21 on each machine ~~in the precinct~~ as shown on the public
22 counters, the number on the seal, and the number registered
23 on the protective counter.

24

1 (b) Election judges shall then determine the number
2 of votes cast on each voting machine used in the ~~precinct~~
3 polling place by opening the machine or obtaining a
4 photographic or mechanical printed return sheet from the
5 machine.

6
7 (d) In machine ~~precincts~~ polling places, write-in
8 votes shall be counted and the results tallied by the
9 election judges or counting board after the regular ballots
10 are counted.

11

12 **22-14-111. Returning records and returns to clerk.**

13

14 (a) As soon as possible after the tabulation of votes
15 is complete, election judges shall return by messenger to
16 the clerk who prepared the ballots for the election the
17 following records and returns in a sealed packet:

18

19 (i) One (1) ~~copy of the sealed pollbook with one~~
20 ~~(1)~~ sealed copy from each electronic voting system printer
21 pack;

22

23 (viii) Oaths of judges of election;

24

1 (ix) Reconciliation of ballots;

2

3 (x) Tally sheet if ballots are hand counted.

4

5 22-15-109. Poll watchers; certification;
6 qualification; authority; removal.

7

8 (a) The county chairman of each political party may
9 certify poll watchers prior to the day of the election to
10 serve in each ~~precinct~~polling place. Not more than one

11 (1) poll watcher from each political party may serve
12 simultaneously unless the chief judge determines that one
13 (1) additional poll watcher from each political party may
14 be accommodated in the polling ~~premises~~place without
15 disrupting the polling process.

16

17 (b) A poll watcher shall belong to the political
18 party he represents and shall be a registered elector
19 residing in the county. A poll watcher shall serve only at
20 the ~~precinct~~polling place designated on the certificate.

21 A poll watcher is authorized to observe voter turn out and
22 registration and may make written memoranda but shall not
23 challenge voters, conduct electioneering activities or
24 disrupt the polling process.

1

2 (c) The chief judge may remove a poll watcher from
3 the polling ~~premises~~place for disturbing the polling
4 place, or for any other violation of the Election Code.

5

6 **22-16-102. Abstract of vote; returns not filed.**

7

8 (a) The county clerk shall prepare an abstract of the
9 vote of all precincts in the county following a county
10 primary, special or general election. The abstract shall
11 contain all items required in W.S. 22-16-103(c)(vi).

12

13 **22-16-103. County canvass procedures.**

14

15 (c) The county canvassing board shall:

16

17 (viii) Ensure abstracts contain the following
18 information:

19

20 (A) For primary elections, the total
21 ballots cast by party, including unaffiliated votes;

22

23 (B) The number of electors voting in person
24 and by absentee ballot by precinct at the election;

1

2

(C) The full name of each of the following

3

receiving votes:

4

5

(I) Candidates printed on the ballot;

6

7

(II) Valid write-in candidates; and

8

9

(III) Nominated or elected write-in

10

candidates.

11

12

(D) The offices receiving votes;

13

14

(E) The number of votes cast for each of

15

the following receiving votes:

16

17

(I) Candidates printed on the ballot;

18

19

(II) Valid write-in candidates;

20

21

(III) Nominated or elected write-in

22

candidates;

23

24

(IV) The number of over votes; and

1

2

(V) The number of under votes.

3

4

5

(F) The official designation or number of each ballot proposition and the number of votes for and against it stated in figures; and

6

7

8

(G) The number of provisional ballots cast.

9

10 **22-21-108. Who is entitled to vote.**

11

12 Any qualified elector in the political subdivision shall be
13 entitled to vote on the bond question in person or by
14 absentee ballot, ~~in~~for the precinct in which he is
15 registered, as provided by law.

16

17 **22-21-201. State bond elections.**

18

19 (c) Precincts may be consolidated for the purpose of
20 any special election held under this section at the
21 discretion of the county clerk. Three (3) judges shall be
22 appointed for the polling place ~~in each precinct~~ in such
23 special elections, and additional judges may be appointed
24 if deemed necessary by the county clerk.

1

2 **22-22-102. Date of election of trustees; terms;**
3 **interim vacancies.**

4

5 (a) The election of members of the board of trustees
6 of each school district and community college district
7 shall be held at the regular polling places ~~in~~for each
8 district on the Tuesday next following the first Monday in
9 November in general election years. Terms of office shall
10 run for four (4) years beginning at 12:00 noon on the first
11 day in December following the election.

12

13 **22-23-201. Conduct; who may vote.**

14

15 (a) Except as provided in W.S. 22-23-202 municipal
16 primary and general elections are held at the same time, in
17 the same manner, at the same polling places, and are
18 conducted by the same ~~precinct~~election officials, using
19 the same poll lists, as the statewide primary and general
20 elections.

21

22 **22-23-804. Ballots.**

23

1 The municipal clerk shall provide ballots for the special
2 election and shall deliver to each ~~precinct~~-polling place
3 ballots equal in number to the number of electors
4 registered in the precinct plus twenty-five percent (25%).

5

6 **22-23-805. Poll lists.**

7

8 Precinct poll lists for the special election shall be
9 obtained by the municipal clerk from the county clerk and
10 shall be paid for by the municipality. The municipal clerk
11 shall furnish copies of the precinct poll lists to the
12 judges of election. A copy of the precinct registry list
13 shall be posted at each ~~precinct~~-polling place during the
14 special election.

15

16 **Section 2.** W.S. 22-14-106 is repealed.

17

18 **Section 3.** This act is effective July 1, 2014.

19

20

(END)