

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO. \_\_\_\_\_

Election code - revisions.

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

A BILL

for

1 AN ACT relating to elections; clarifying notification  
2 procedures for nominations and write in candidates;  
3 clarifying requirements for petition for nomination;  
4 clarifying procedure for delivery of ballots; clarifying a  
5 provision relating to filling of vacancies in four year  
6 terms of office; repealing obsolete provisions requiring  
7 ink stamps and folded ballots; modifying provisions for  
8 spoiled ballots; providing for appointment of canvassing  
9 board members by county clerk; modifying methods for  
10 filling vacancies in municipal elections; clarifying date  
11 for submission of municipal ballot initiatives; clarifying  
12 date for qualification of petition signatures; clarifying

1 when electioneering occurs; repealing obsolete provisions;  
2 and providing for an effective date.

3

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

5

6       **Section 1.** W.S. 22-5-219(a), 22-5-301(a), 22-5-304,  
7 22-9-107, 22-9-121(c), 22-12-108, 22-13-105, 22-13-107, 22-  
8 14-103, 22-16-101, 22-16-106(a) and (b), 22-16-113, 22-18-  
9 111(a)(intro), 22-23-307, 22-23-308(b), 22-23-1005 are  
10 amended to read:

11

12       **22-5-219. Further action by nominees or elect not**  
13 **required; exception.**

14

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

21

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

23



1

2

..... (Residence Address)

3

4

The eligible, registered electors supporting my

5

nomination, and numbering not less than two percent (2%) of

6

the total number of votes cast for candidates in that

7

particular district in the last general election for the

8

legislative district or other district or for

9

Representative in Congress (whichever applies according to

10

W.S. 22-5-304) at the last general election in the

11

political subdivision for which this petition is filed, are

12

as follows:

13

14

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

15

16

1.

17

18

2.

19

20

VERIFICATION BY CIRCULATORS

21

22

I, ....., do hereby certify that I am a circulator of

23

this petition, and I solely and personally circulated this

1 petition, that all the signatures appearing herein were  
 2 made in my presence from .... (month) .... (day),  
 3 ....(year) through .... (month) .... (day), ....(year), and  
 4 to the best of my knowledge and belief such signatures are  
 5 those of the persons whose names they purport to be.

6

7 ..... (Signature)

8

9 .....(Residence Address)

10

11 **22-5-304. Qualifications and number of signers**  
 12 **required.**

13

14 A petition shall be signed by registered electors, resident  
 15 in the legislative district or other district ~~or political~~  
 16 ~~subdivision~~ in which the petitioner will be a candidate,  
 17 and eligible to vote for him, numbering not less than two  
 18 percent (2%) of the total number of votes cast for  
 19 candidates in that particular district in the last general  
 20 election for the legislative district or other district for  
 21 which the petition is filed. All other petitions shall be  
 22 signed by registered electors, resident in the political  
 23 subdivision in which the petitioner will be a candidate,

1 and eligible to vote for him, numbering not less than two  
2 percent (2%) of the total number of votes cast for  
3 representative in congress in the last general election for  
4 the political subdivision ~~or legislative district~~ for which  
5 the petition is filed.

6  
7 **22-9-107. Delivering ballots to qualified applicants.**

8  
9 If the clerk determines that the applicant is entitled  
10 to vote, he shall mark the application "Accepted" and ~~as~~  
11 ~~soon as ballots are available he shall immediately deliver~~  
12 shall, no less than forty (40) days nor more than forty-  
13 five (45) days prior to the election, distribute to the  
14 applicant, or the individual designated by the applicant,  
15 the absentee ballot or ballots requested, instructions for  
16 marking the ballot and the required envelopes for use in  
17 returning the ballot.

18  
19 **22-9-121. Examination of absentee ballot affidavit;**  
20 **rejection; voting ballots.**

21  
22 (c) If it is sufficient:  
23

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

8  
9           (ii) In a voting machine precinct, the inner  
10 ballot envelope shall be opened after the judges are sworn  
11 in and as activity permits, the ballots therein removed ~~and~~  
12 ~~stamped with the regular rubber stamp~~, initialed by a judge  
13 of election, and each ballot deposited in its proper box.  
14 After the absentee ballots have been so deposited, they  
15 shall be mixed within the box, removed from the box and  
16 once the polls open and as activity permits, voted on a  
17 voting machine in the following manner: A judge of election  
18 shall read the vote for each candidate and ballot  
19 proposition. A judge of a different political party  
20 affiliation shall record the vote as read on the machine. A  
21 third judge shall observe this procedure to see that the  
22 vote is correctly cast.

23

1           **22-12-108. Delivery of ballots and stamps; breaking**  
2 **of seals.**

3

4 Ballots ~~and stamps~~ shall be delivered under seal or  
5 otherwise properly secured and a receipt therefor signed by  
6 a judge of election shall be filed with the county clerk.  
7 Seals shall be broken on the morning of election day by the  
8 chief judge in the presence of the other judges before the  
9 polls are opened.

10

11           **22-13-105. Official marking of paper and absentee**  
12 **ballots.**

13

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



1

2           **22-13-107. Spoiled ballots.**

3

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

10

11           **22-14-103. Counting in paper ballot precincts;**  
12 **discrepancies.**

13

14 ~~Folded paper ballots and punch card ballots shall be~~  
15 ~~counted as soon as the ballot box is opened.~~ Ballots not  
16 ~~marked with the official rubber stamp or not~~ initialed by a  
17 judge of election ~~or found so folded as to bear the~~  
18 ~~appearance of having been voted by one (1) person~~ shall not  
19 be counted. If the number of ballots is not equal to the  
20 number of voters entered in the pollbook as having voted  
21 that ballot, the election judges shall attempt to determine  
22 the discrepancy. If the election judges cannot determine

1 the discrepancy, the county clerk and, if necessary, the  
2 county canvassing board, shall resolve the discrepancy.

3

4 **22-16-101. County canvassing board; compensation.**

5

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

11

12 **22-16-106. Write-in candidates.**

13

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

20

21 (b) The chief election officer shall notify a write-  
22 in ~~candidates~~ candidate who ~~have~~ has been nominated for  
23 election within forty-eight (48) hours after the canvassing

1 board meets. Notification may be made by United States  
2 postal service, any generally accepted business document  
3 delivery method evidenced by receipt of delivery or  
4 attempted delivery at the last known address of the write-  
5 in candidate or service as provided under the Wyoming Rules  
6 of Civil Procedure. Failure of the successful write-in  
7 candidate to accept the nomination within five (5) days, as  
8 computed pursuant to W.S. 22-2-110, of proof of service or  
9 attempted delivery results in the successful write-in  
10 candidate not appearing on the general election ballot, but  
11 does not result in a vacancy which can be filled.

12

13 **22-18-111. Vacancies in other offices; temporary**  
14 **appointments.**

15

16 (a) Any vacancy in any other elective office in the  
17 state except representative in congress or the board of  
18 trustees of a school or community college district, shall  
19 be filled by the governing body, or as otherwise provided  
20 in this section, by appointment of a temporary successor.  
21 ~~to~~ The person appointed shall serve until a successor for  
22 the remainder of the unexpired term is elected at the next  
23 general election and takes office on the first Monday of

1 the following January. Provided, if a vacancy in a four  
2 (4) year term of office occurs in the term's second or  
3 subsequent years after the first day for filing an  
4 application for nomination pursuant to W.S. 22-5-209, ~~the~~  
5 no election to fill the vacancy shall be held and the  
6 temporary successor appointed shall serve ~~until the first~~  
7 ~~Monday in January following the second general election~~  
8 ~~thereafter~~ the remainder of the unexpired term. The  
9 following apply:

10

11 **22-23-307. Candidates nominated; certificate of**  
12 **nomination.**

13

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

22

1       (b) The chief election officer may notify a write-in  
2 candidate who has been nominated for election within forty-  
3 eight (48) hours after the canvassing board meets.  
4 Notification may be made by United States postal service,  
5 any generally accepted business document delivery method  
6 evidenced by receipt of delivery or attempted delivery at  
7 the last known address of the write-in candidate or service  
8 as provided under the Wyoming Rules of Civil Procedure.  
9 Failure of the successful write-in candidate to accept the  
10 nomination within five (5) days, as computed pursuant to  
11 W.S. 22-2-110, of proof of service or attempted delivery  
12 results in the successful write-in candidate not appearing  
13 on the general election ballot, and results in a vacancy  
14 which can be filled as provided in W.S. 22-23-308.

15  
16       **22-23-308. Vacancies in nomination.**

17  
18       (b) A vacancy in nomination shall be filled by the  
19 ~~municipal clerk notifying the person who received the next~~  
20 ~~highest number of votes at the municipal primary election~~  
21 ~~as shown on the official county canvass, or, if no other~~  
22 ~~candidate exists, the vacancy in nomination may be filled~~  
23 ~~by the~~ governing body of the municipality.

1

2           **22-23-1003. Adoption by governing body or submission**  
3 **to electors.**

4

5 An ordinance proposed by a valid initiative petition shall  
6 either be adopted within twenty (20) days by the governing  
7 body or submitted to a vote of the municipal electors at a  
8 special election to be held not more than sixty (60) nor  
9 less than twenty (20) days thereafter. ~~7, unless the primary~~  
10 ~~or general municipal election occurs within ninety (90)~~  
11 ~~days, in which case the measure shall be submitted at the~~  
12 ~~primary or general election.~~ The ordinance proposed may  
13 also be submitted to a vote of the municipal electors at a  
14 primary or general election only if a valid initiative  
15 petition is received not less than one hundred ten (110)  
16 days before the election if for a primary and not less than  
17 seventy (70) days before the election if for a general  
18 election.

19

20           **22-23-1005. Ordinance adopted by governing body**  
21 **subject to referendum vote.**

22

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

12

13 **22-26-113. Electioneering too close to a polling**  
14 **place.**

15

16 Electioneering too close to a polling place ~~on election~~  
17 ~~day,~~ or absentee polling place under W.S. 22-9-125 when  
18 voting is being conducted, consists of any form of  
19 campaigning, including the display of campaign signs or  
20 distribution of campaign literature, the soliciting of  
21 signatures to any petition or the canvassing or polling of  
22 voters, except exit polling by news media, within one

1 hundred (100) yards of the building in which the polling  
2 place is located.

3

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

6

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

8

9

(END)