

HOUSE BILL NO. HB0008

Election code revisions.

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

A BILL

for

1 AN ACT relating to elections; providing for transmission of
2 certifications; providing for registration prior to an
3 election; providing for full legal names on registrations;
4 removing certain filing fees as specified; providing for
5 the order of offices on nonpartisan and partisan ballots;
6 providing for opening of ballot boxes; removing requirement
7 that county attorneys conduct training school; repealing
8 provisions for folded ballots; clarifying time periods;
9 repealing requirements for numbers of ballots to be
10 printed; repealing provisions related to voting slips; and
11 providing for an effective date.

12

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

14

15 **Section 1.** W.S. 22-2-108, 22-3-102(a)(intro),
16 22-3-103(a)(i), 22-3-104(j), 22-5-208(c), 22-6-101,

1 22-6-120(a)(vii), 22-6-125(a) by creating new paragraphs
2 (vi) through (x) and by renumbering paragraphs (vi) through
3 (ix) as (xi) through (xiv), 22-8-112(b), 22-8-113,
4 22-10-108(a), 22-12-107(a)(iv), 22-12-112, 22-12-115,
5 22-13-106, 22-16-103(c)(vi) and 22-16-106(b) are amended to
6 read:

7

8 **22-2-108. Secretary of state to certify officers to**
9 **be elected.**

10

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

17

18 **22-3-102. Qualifications; temporary registration.**

19

20 (a) A person may register to vote not less than
21 ~~thirty (30)~~eleven (11) days before an election, at any
22 election specified in W.S. 22-2-101(a)(i) through (viii) or
23 as provided by W.S. 22-3-117, who satisfies the following
24 qualifications:

1

2 **22-3-103. Furnishing of oath forms; contents thereof.**

3

4 (a) The county clerk shall furnish voter registration
5 oath forms to registry agents which forms shall require the
6 following voter information from the applicant:

7

8 (i) His full legal name;

9

10 **22-3-104. Methods of verification; signing oath; time**
11 **for proving eligibility; registration locations.**

12

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

24

1 **22-5-208. Filing fees; exception.**

2

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

7

8 **22-6-101. Certification of candidates nominated;**
9 **printing of names.**

10

11 Not less than sixty (60) days before each general election
12 the secretary of state shall ~~certify~~ transmit to each
13 county clerk under party headings a certified list of the
14 name and address of each person nominated by primary
15 election as indicated by the state canvass, the name of
16 each person nominated by provisional or minor party
17 convention, the name of each independent candidate
18 qualifying for nomination by petition, and the office
19 sought. The names of these candidates shall be printed on
20 the official ballot of the general election.

21

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

23

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

3
4 (vii) The names of partisan party candidates, if
5 candidates have filed, and independent candidates, if
6 candidates have filed, shall be printed in a separate
7 column or columns, row or rows, and the name of the party
8 represented or the word "Independent" shall be printed
9 directly above the candidate's name or at the end of the
10 row. If there are a number of candidates representing a
11 party, or independents, the county clerk at his discretion
12 may designate a separate vertical column or columns, or row
13 or rows to said candidates and print the name of said party
14 or the word "Independent" at the top of the column or
15 beginning of the row;

16
17 **22-6-125. Order of offices and ballot propositions on**
18 **nonpartisan ballots.**

19
20 (a) The nonpartisan ballot shall contain the offices
21 and ballot propositions to be voted on in the following
22 order:

23
24 (vi) Candidates for municipal offices;

1

2

(vii) Candidates for community college trustees;

3

4

(viii) Candidates for school board trustees;

5

6

(ix) Candidates for special district directors;

7

8

(x) Candidates for other offices of county

9

subdivisions;

10

11

~~(vi)~~ (xi) Constitutional amendments;

12

13

~~(vii)~~ (xii) Initiative propositions;

14

15

~~(viii)~~ (xiii) Referendum propositions;

16

17

~~(ix)~~ (xiv) Other ballot propositions.

18

19

22-8-112. Filling vacancies.

20

21

(b) If a judge is not present when polls open, or is

22

unable to complete his duties, the vacancy shall be filled

23

by a registered elector appointed by those judges present

24

at the precinct polling place when the vacancy occurs and

1 approved by the county clerk. If a member of a counting
2 board is not present when the polls close, or is unable to
3 complete his duties, the vacancy shall be filled by a
4 registered elector appointed by those members of the
5 counting board who are present.

6

7 **22-8-113. Training schools; generally and payment for**
8 **attending.**

9

10 Not later than four (4) days before the primary and general
11 election, the county clerk under the direction of the
12 secretary of state ~~and the county attorney~~ shall conduct a
13 training school for judges of election and members of
14 counting boards to provide instruction in the performance
15 of their duties. The training school, which is also open
16 to the public, shall be held at the times and places
17 announced by the county clerk, and the secretary of state
18 shall prescribe the minimum curriculum for the school.
19 Additional schools may be held at the discretion of the
20 county clerk. Unless training is otherwise provided to the
21 satisfaction of the county clerk, all judges of election
22 and members of counting boards are obligated to attend at
23 least one (1) such school. All judges and members of the
24 counting board shall be paid not less than five dollars

1 (\$5.00) nor more than twenty-five dollars (\$25.00) as
2 determined by the board of county commissioners for
3 attending a school.

4

5 **22-10-108. Procedure for preparing machines for**
6 **election; inspection and certification.**

7

8 (a) Before preparing a voting machine for an
9 election, the county clerk shall ~~mail a written notice to~~
10 notify in writing the county chairman of each political
11 party having a candidate on the ballot, stating the time
12 and place where the voting machine will be prepared for the
13 election. The political party representatives and
14 representatives of independent candidates may be present at
15 the preparation of the voting machine for the election, to
16 see that the machine is tested for accuracy and is properly
17 prepared and that all registering counters are set at zero
18 (00000). The county clerk in the presence of these
19 representatives shall prepare the voting machine for the
20 election and set all registering counters at zero (00000).
21 He shall then test each registering counter for accuracy by
22 casting votes on it until the registering counter is
23 correctly registering each vote cast on it. The county
24 clerk shall then reset each registering counter to zero

1 (00000) and shall immediately lock and seal the voting
2 machine with a numbered metal seal and make a record of the
3 number of the seal on the certificate for the machine. The
4 seal shall be so placed as to prevent operation of the
5 machine or its registering counters without breaking the
6 seal. The county clerk shall then immediately make a
7 record on the certificate for the machine of the reading
8 shown on the protective counter.

9

10 **22-12-107. Materials for judges.**

11

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

15

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

19

20 **22-12-112. Procedure for preparing voting machines**
21 **for use.**

22

23 Before the polls open the judges shall compare ballot
24 labels on the voting machines with the sample ballots and

1 return sheets to see that they are correct, place the
2 voting machine in a proper position free from obstruction
3 and assure that the face of the machine may be viewed
4 clearly ~~except when the curtain on the machine is closed~~
5 ~~for casting ballots~~ by the voter casting the ballot but not
6 by others. Envelopes containing keys shall not be opened
7 if the numbers and records on them do not correspond to the
8 numbers and records on the machine. If the numbers do not
9 agree, the machine shall be reexamined and certified by the
10 county clerk before it may be used.

11

12 **22-12-115. Examination of ballot box.**

13

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

23

24 **22-13-106. Marking and depositing of paper ballots.**

1

2 Upon receiving a paper ballot, an elector shall proceed
3 alone directly to a voting booth and there mark the ballot.

4 ~~After being marked, the paper ballots shall be folded with~~
5 ~~the face concealed and the official endorsement visible.~~

6 The ballot shall then immediately be placed in the ballot
7 box by the elector or judge of election.

8

9 **22-16-103. County canvass procedures.**

10

11 (c) The county canvassing board shall:

12

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

16

17 **22-16-106. Write-in candidates.**

18

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

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

9
10 **Section 2.** W.S. 22-1-102(a)(xxxiv)(A),
11 22-6-117(a)(x), 22-6-129, 22-13-108 and 22-13-111 are
12 repealed.

13
14 **Section 3.** This act is effective immediately upon
15 completion of all acts necessary for a bill to become law
16 as provided by Article 4, Section 8 of the Wyoming
17 Constitution.

18
19 (END)