

SENATE FILE NO. SF0020

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 providing for a fee; clarifying requirements for petition  
4 for nomination; clarifying procedure for delivery of  
5 ballots; clarifying a provision relating to filling of  
6 vacancies in four year terms of office; repealing obsolete  
7 provisions requiring ink stamps and folded ballots;  
8 modifying provisions for spoiled ballots; providing for  
9 appointment of canvassing board members by county clerk;  
10 modifying methods for filling vacancies in municipal  
11 elections; clarifying date for submission of municipal  
12 ballot initiatives; clarifying date for qualification of  
13 petition signatures; clarifying when electioneering occurs;  
14 repealing obsolete provisions; and providing for an  
15 effective date.

16

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

2

3       **Section 1.**       W.S. 22-5-219(a), 22-5-301, 22-5-304,  
4 22-5-501(a), 22-9-107, 22-9-121(c)(i) and (ii), 22-12-108,  
5 22-13-105, 22-13-107, 22-14-103, 22-16-101, 22-16-106,  
6 22-18-111(a)(intro), 22-23-307, 22-23-308(b), 22-23-1003,  
7 22-23-1005 and 22-26-113 are amended to read:

8

9       **22-5-219. Further action by nominees or elect not**  
10 **required; exception.**

11

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

18

19       **22-5-301. Independent partisan candidates; form.**

20

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

24

## 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

1 the total number of votes cast for candidates in that  
2 particular district in the last general election for the  
3 legislative district or other district or for  
4 Representative in Congress (whichever applies according to  
5 W.S. 22-5-304) at the last general election in the  
6 political subdivision for which this petition is filed, are  
7 as follows:

8  
9 (Signature) (Printed Name) (Residence) (Date)

10  
11 1.

12  
13 2.

14  
15 VERIFICATION BY CIRCULATORS

16  
17 I, ....., do hereby certify that I am a circulator of  
18 this petition, and I solely and personally circulated this  
19 petition, that all the signatures appearing herein were  
20 made in my presence from .... (month) .... (day),  
21 ....(year) through .... (month) .... (day), ....(year), and  
22 to the best of my knowledge and belief such signatures are  
23 those of the persons whose names they purport to be.

1 ..... (Signature)

2

3 ..... (Residence Address)

4

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

7

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

23

24       **22-5-501. Qualifying as a write-in candidate.**

1

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

11

12 **22-9-107. Delivering ballots to qualified applicants.**

13

14 If the clerk determines that the applicant is entitled to  
15 vote, he shall mark the application "Accepted" and ~~as soon~~  
16 ~~as ballots are available he shall immediately deliver~~  
17 shall, not less than forty (40) days nor more than forty-  
18 five (45) days prior to the election, distribute to the  
19 applicant, or the individual designated by the applicant,  
20 the absentee ballot or ballots requested, instructions for  
21 marking the ballot and the required envelopes for use in  
22 returning the ballot.

23

1           22-9-121. Examination of absentee ballot affidavit;  
2 rejection; voting ballots.

3

4           (c) If it is sufficient:

5

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

13

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

1 affiliation shall record the vote as read on the machine. A  
2 third judge shall observe this procedure to see that the  
3 vote is correctly cast.

4  
5 **22-12-108. Delivery of ballots and stamps; breaking**  
6 **of seals.**

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

14  
15 **22-13-105. Official marking of paper and absentee**  
16 **ballots.**

17  
18 Before delivering a paper ballot to an elector ~~or voting an~~  
19 ~~absentee ballot in a voting machine precinct,~~ a judge of  
20 election or county clerk shall ~~mark~~ initial the ballot.  
21 ~~with the official ballot stamp on the back and near the top~~  
22 ~~of the ballot. In the blank spaces in the stamped imprint~~  
23 ~~the judge shall fill in the election district and precinct~~  
24 ~~numbers, the name of the county, the date, and the initials~~



1 ~~of the judge.~~ No other identifying marks shall be made on  
2 an official ballot. An elector shall cast only one (1)  
3 ballot or set of ballots at each election.

4

5 **22-13-107. Spoiled ballots.**

6

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

13

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

16

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

1 the discrepancy. If the election judges cannot determine  
2 the discrepancy, the county clerk and, if necessary, the  
3 county canvassing board, shall resolve the discrepancy.

4  
5 **22-16-101. County canvassing board; compensation.**

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

12  
13 **22-16-106. Write-in candidates.**

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

21  
22 (b) The chief election officer shall notify a write-  
23 in ~~candidates~~ candidate who ~~have~~ has been nominated for  
24 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. Each notification provided under this  
7 section shall inform the write-in candidate that failure to  
8 timely respond will result in forfeiture of nomination.  
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, but does not result in a  
14 vacancy which can be filled.

15

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

22

23 **22-18-111. Vacancies in other offices; temporary**  
24 **appointments.**

1

2 (a) Any vacancy in any other elective office in the  
3 state except representative in congress or the board of  
4 trustees of a school or community college district, shall  
5 be filled by the governing body, or as otherwise provided  
6 in this section, by appointment of a temporary successor.

7 ~~to~~ The person appointed shall serve until a successor for  
8 the remainder of the unexpired term is elected at the next  
9 general election and takes office on the first Monday of  
10 the following January. Provided, if a vacancy in a four  
11 (4) year term of office occurs in the term's second or  
12 subsequent years after the first day for filing an  
13 application for nomination pursuant to W.S. 22-5-209, no  
14 election to fill the vacancy shall be held and the  
15 temporary successor appointed shall serve ~~until the first~~  
16 ~~Monday in January following the second general election~~  
17 ~~thereafter~~ the remainder of the unexpired term. The  
18 following apply:

19

20 **22-23-307. Candidates nominated; certificate of**  
21 **nomination.**

22

23 (a) The candidates equal to twice the number to be  
24 elected to each office who receive the highest number of

1 votes are nominated to run for the office at the next  
2 general election and shall be issued a certificate of  
3 nomination by the county clerk. A write-in candidate shall  
4 not be nominated and shall not be entitled to have his name  
5 printed on the ballot for the next general election unless  
6 he received at least three (3) votes.

7  
8 (b) The chief election officer shall notify a write-  
9 in candidate who has been nominated for election within  
10 forty-eight (48) hours after the canvassing board meets.  
11 Notification may be made by United States postal service,  
12 any generally accepted business document delivery method  
13 evidenced by receipt of delivery or attempted delivery at  
14 the last known address of the write-in candidate or service  
15 as provided under the Wyoming Rules of Civil Procedure.  
16 Failure of the successful write-in candidate to accept the  
17 nomination within five (5) days, as computed pursuant to  
18 W.S. 22-2-110, of proof of service or attempted delivery  
19 results in the successful write-in candidate not appearing  
20 on the general election ballot, and results in a vacancy  
21 which can be filled as provided in W.S. 22-23-308. Each  
22 notification provided under this section shall inform the  
23 write-in candidate that failure to timely respond will  
24 result in forfeiture of nomination.

1

2       **22-23-308. Vacancies in nomination.**

3

4       (b) A vacancy in nomination ~~shall~~ may be filled by  
5 the ~~municipal clerk notifying the person who received the~~  
6 ~~next highest number of votes at the municipal primary~~  
7 ~~election as shown on the official county canvass, or, if no~~  
8 ~~other candidate exists, the vacancy in nomination may be~~  
9 ~~filled by the~~ governing body of the municipality.

10

11       **22-23-1003. Adoption by governing body or submission**  
12 **to electors.**

13

14 An ordinance proposed by a valid initiative petition shall  
15 either be adopted within twenty (20) days by the governing  
16 body or submitted to a vote of the municipal electors at a  
17 special election to be held not more than sixty (60) nor  
18 less than twenty (20) days thereafter. ~~, unless the primary~~  
19 ~~or general municipal election occurs within ninety (90)~~  
20 ~~days, in which case the measure shall be submitted at the~~  
21 ~~primary or general election~~ The ordinance proposed may  
22 also be submitted to a vote of the municipal electors at a  
23 primary or general election only if a valid initiative  
24 petition is received not less than one hundred ten (110)

1 days before the election if for a primary and not less than  
2 seventy (70) days before the election if for a general  
3 election.

4

5       **22-23-1005. Ordinance adopted by governing body**  
6 **subject to referendum vote.**

7

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

19

20       **22-26-113. Electioneering too close to a polling**  
21 **place.**

22

23 Electioneering too close to a polling place ~~on election~~  
24 ~~day,~~ or absentee polling place under W.S. 22-9-125 when

1 voting is being conducted, consists of any form of  
2 campaigning, including the display of campaign signs or  
3 distribution of campaign literature, the soliciting of  
4 signatures to any petition or the canvassing or polling of  
5 voters, except exit polling by news media, within one  
6 hundred (100) yards of the building in which the polling  
7 place is located.

8

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

11

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

13

14 (END)