

## HOUSE BILL NO. HB0038

Election offenses and penalties.

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

A BILL

for

1 AN ACT relating to elections; amending elements and  
2 penalties for registration offenses and false voting;  
3 specifying procedures for investigating and prosecuting  
4 registration offenses and false voting; and providing for  
5 an effective date.

6

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

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9       **Section 1.** W.S. 22-26-102(a)(intro), (i) and by  
10 creating new subsections (b) through (e),  
11 22-26-106(a)(intro), (i), (iii) and by creating new  
12 subsections (b) through (e) and 22-26-121(a) and by  
13 creating a new subsection (c) are amended to read:

14

15       **22-26-102. Registration offenses.**

1

2 (a) Registration offenses consist of performing any  
3 of the following acts ~~with the intent to deceive a~~  
4 ~~registration official or to subvert the registration~~  
5 ~~requirements of the law or rights of a qualified elector~~ in  
6 connection with or related to the election process or an  
7 election:

8

9 (i) Signing or offering to sign an application  
10 to register when not a qualified elector or to register  
11 under a false name or residence address;

12

13 (b) Unless otherwise provided in subsection (c) of  
14 this section, registration offenses are misdemeanor  
15 offenses punishable by a fine of not more than two hundred  
16 dollars (\$200.00).

17

18 (c) Registration offenses committed with the intent  
19 to deceive a registration official are high misdemeanor  
20 offenses punishable by not more than one (1) year  
21 imprisonment, a fine of not more than five thousand dollars  
22 (\$5,000.00), or both.

23

1       (d) Second or subsequent offenses under subsection  
2 (c) of this section are felony offenses punishable by not  
3 more than five (5) years imprisonment, a fine of not more  
4 than ten thousand dollars (\$10,000.00), or both.

5  
6       (e) The county sheriff shall investigate registration  
7 offenses at the request of a county clerk who has  
8 reasonable cause to believe that a person has committed a  
9 registration offense. After an investigation and a finding  
10 that the allegation has merit, the county sheriff shall  
11 refer the matter to the district attorney for prosecution  
12 in the appropriate courts of this state.

13  
14       **22-26-106. False voting.**

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16       (a) False voting consists of performing any of the  
17 following acts in connection with or related to the  
18 election process or an election:

19  
20               (i) Voting, or offering to vote, ~~with the~~  
21 ~~knowledge of when~~ not ~~being~~ a qualified elector entitled to  
22 vote at the election;

23

1           (iii) ~~Knowingly~~Voting, or offering to vote, in  
2 a precinct other than that in which qualified to vote;

3  
4           **(b) Unless otherwise provided in subsection (c) of**  
5 **this section, false voting is a misdemeanor offense**  
6 **punishable by a fine of not more than two hundred dollars**  
7 **(\$200.00).**

8  
9           **(c) False voting committed with the knowledge of not**  
10 **being a qualified elector entitled to vote at the election**  
11 **or in that precinct is a high misdemeanor offense**  
12 **punishable by not more than one (1) year imprisonment, a**  
13 **fine of not more than five thousand dollars (\$5,000.00), or**  
14 **both.**

15  
16           **(d) Second or subsequent offenses under subsection**  
17 **(c) of this section are felony offenses punishable by not**  
18 **more than five (5) years imprisonment, a fine of not more**  
19 **than ten thousand dollars (\$10,000.00), or both.**

20  
21           **(e) The county sheriff shall investigate acts of**  
22 **false voting at the request of a county clerk who has**  
23 **reasonable cause to believe that a person has committed**

1 false voting. After an investigation and a finding that  
2 the allegation has merit, the county sheriff shall refer  
3 the matter to the district attorney for prosecution in the  
4 appropriate courts of this state.

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6 **22-26-121. Complaint by aggrieved elector; chief**  
7 **election officials.**

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9 (a) Except as otherwise provided in subsection (c) of  
10 this section, any qualified elector aggrieved by any  
11 violation of the Wyoming Election Code of 1973, as amended,  
12 may file a written complaint of the violation with the  
13 secretary of state or with the district attorney for the  
14 county in which the elector resides. If the secretary of  
15 state or the district attorney fails or refuses for any  
16 reason to take action on or prosecute the elector's  
17 complaint, the elector may file the complaint with the  
18 Wyoming attorney general. If the attorney general finds  
19 that the elector's complaint has merit, he may prosecute  
20 the complaint in the appropriate courts of this state.

21  
22 (c) A complaint of a violation of W.S. 22-26-102 or  
23 22-26-106 shall be filed with the county clerk for the

1 county in which the elector resides and be investigated by  
2 the county sheriff as provided in those sections. If the  
3 county clerk or other appropriate official specified in  
4 W.S. 22-26-102(e) or 22-26-106(e) fails or refuses for any  
5 reason to take action on the elector's complaint, the  
6 elector may file a complaint with the Wyoming attorney  
7 general.

8

9 **Section 2.** W.S. 22-26-101(a) (i) and (v) is repealed.

10

11 **Section 3.** This act is effective July 1, 2018.

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13

(END)