

SENATE FILE NO. SF0153

Election security.

Sponsored by: Senator(s) Boner, Barlow, Biteman and Salazar
and Representative(s) Bear, Chadwick,
Haroldson, Locke, Neiman and Olsen

A BILL

for

1 AN ACT relating to elections; requiring post-election
2 ballot audits; changing the time absentee ballots may be
3 distributed to applicants before the election; requiring
4 that electronic voting systems have an air gap; providing
5 that election records and returns be transported in a
6 sealed and locked container as specified; providing
7 definitions; providing an appropriation; and providing for
8 an effective date.

9

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

11

12 **Section 1.** W.S. 22-6-130 is created to read:

13

14 **22-6-130. Post-election ballot audit.**

15

1 (a) Each county clerk shall complete an audit of the
2 county's unofficial election results by identifying and
3 reviewing the smallest observable percentage between the
4 statewide candidates who received the most votes and the
5 statewide candidates who received the second highest votes
6 for each contest within the county not later than the first
7 Thursday following a primary, special or general election.
8 Additional contests may be added to the audit at the
9 discretion of the county clerk. Using a formula developed
10 each election cycle by the appropriate department at the
11 University of Wyoming, each county clerk shall use the
12 smallest observable percentage to determine a statistically
13 significant sample size of the ballots to be audited under
14 this section. To ensure the timely completion of this
15 procedure under this subsection, the number of ballots
16 audited shall not exceed five percent (5%) of the total
17 number of ballots cast.

18

19 (b) Each county clerk shall conduct an audit of the
20 election using the statistically significant ballot sample
21 size and the corresponding ballots for the contests
22 selected for audit determined under subsection (a) of this
23 section. Each county clerk shall provide the audit results

1 to the secretary of state not later than one (1) day before
2 the meeting of the state canvassing board as provided in
3 W.S. 22-16-118.

4

5 **Section 2.** W.S. 22-1-102(a) by creating a new
6 paragraph (liv), 22-9-107, 22-11-103(a) by creating a new
7 paragraph (xi), 22-11-104(b) by creating a new paragraph
8 (vii), 22-14-111(a)(intro) and by creating a new subsection
9 (b) and 22-14-114(b) are amended to read:

10

11 **22-1-102. Definitions.**

12

13 (a) The definitions contained in this chapter apply
14 to words and phrases used in this Election Code and govern
15 the construction of those words and phrases unless they are
16 specifically modified by the context in which they appear.
17 As used in this Election Code:

18

19 (liv) "Air gap" means a security measure where
20 electronic voting systems and computers used within those
21 systems are physically isolated from any network and are
22 not directly or indirectly connected to the internet nor

1 connected to any other system, network or device that is
2 connected to the internet.

3

4 **22-9-107. Delivering ballots to qualified applicants.**

5

6 If the clerk determines that the applicant is entitled to
7 vote, he shall mark the application "Accepted" and shall,
8 not more than forty-five (45) days prior to the election
9 for applicants with rights under the Uniformed and Overseas
10 Citizens Absentee Voting Act, 52 U.S.C. § 20301 et seq.,
11 and not more than twenty-eight (28) days prior to the
12 election for all other applicants or the individual
13 designated by the applicant, distribute to the applicant,
14 or the individual designated by the applicant, the absentee
15 ballot or ballots requested, instructions for marking the
16 ballot and the required envelopes for use in returning the
17 ballot.

18

19 **22-11-103. Capabilities required.**

20

21 (a) Every electronic voting system adopted for use in
22 Wyoming shall:

23

1 (xi) Have and use an air gap.

2

3 **22-11-104. Conduct of elections in which systems**
4 **utilized.**

5

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

8

9 (vii) Ensure that every electronic voting system
10 used in the county has and uses an air gap.

11

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

13

14 (a) Unless the votes are being counted at a central
15 counting center as authorized by W.S. 22-14-114(b), an
16 election ~~judges~~ judge or peace officer as defined under
17 W.S. 7-2-101(a)(iv)(A) or (B) and acting under the
18 authority of the county clerk shall, as soon as possible
19 after the tabulation of votes is complete, return ~~by~~
20 ~~messenger~~ to the clerk who prepared the ballots for the
21 election the following records and returns in a sealed
22 ~~packet~~ and locked container with a numbered seal that

1 includes a number or other identifier that is unique to
2 that seal:

3
4 (b) The number or unique identifier on the numbered
5 seal on the sealed and locked container required under
6 subsection (a) of this section shall be documented by an
7 election judge before departing the polling place and
8 documented by the county clerk upon arriving at the county
9 clerk's office.

10

11 **22-14-114. Counting of ballots.**

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13 (b) At the request of a county clerk, an election
14 judge shall place the ballots ~~may be received~~ from a
15 polling place in a sealed and locked container with a
16 numbered seal and an election judge or a peace officer as
17 defined under W.S. 7-2-101(a)(iv)(A) or (B) shall transport
18 the ballots to be counted at a central counting center in
19 accordance with rules promulgated by the secretary of state
20 pursuant to W.S. 22-2-121(g).

21

22 **Section 3.** There is appropriated one hundred thousand
23 dollars (\$100,000.00) from the general fund to the state

1 treasurer's office to be distributed to each county clerk
2 in accordance with this section for purposes of obtaining
3 an election consultant or attending training, including
4 professional development training on election
5 administration and security. Distributions shall be made on
6 the effective date of this act in equal amounts with each
7 county clerk receiving three thousand dollars (\$3,000.00).
8 From the remainder of the appropriation available for
9 distribution under this section, each county clerk shall
10 receive an amount in the proportion which the population of
11 the county bears to the total state population. For
12 purposes of this distribution, population shall be
13 determined using the 2020 decennial federal census as
14 reported by the economic analysis division within the
15 department of administration and information and as defined
16 in W.S. 8-1-102(a)(xv). This appropriation shall not be
17 transferred or expended for any other purpose and any
18 unexpended, unobligated funds remaining from this
19 appropriation on December 31, 2024 shall revert as provided
20 by law.

21

22 **Section 4.** This act is effective immediately upon
23 completion of all acts necessary for a bill to become law

1 as provided by Article 4, Section 8 of the Wyoming
2 Constitution.

3

4

(END)