

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

Election Code revisions.

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

A BILL

for

1 AN ACT relating to elections; revising registration  
2 requirements and election timelines as specified; creating  
3 requirements for write-in candidates; allowing notification  
4 to nominated write-in candidates by electronic means;  
5 amending complaint procedures for violations of the Election  
6 Code as specified; expanding limitations on campaign  
7 contributions; authorizing organizational and formation  
8 elections throughout the year; removing archaic language; and  
9 providing for an effective date.

10

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

12

1           **Section 1.** W.S. 22-3-102(d), 22-3-117(c), 22-3-  
2 118(a)(ii) and (d), 22-5-206(b), 22-5-215, 22-6-112, 22-11-  
3 106, 22-13-103(b), 22-16-106(b), 22-25-102(a), 22-26-121(a),  
4 (f)(i) and (ii), 22-29-110(a) and (b)(intro) and 22-29-  
5 116(a)(viii) are amended to read:

6

7           **22-3-102. Qualifications; temporary registration.**

8

9           (d) An absent uniformed services or an overseas citizen  
10 voter who is qualified to register by mail, to request an  
11 absentee ballot, and to vote in Wyoming is entitled to  
12 register by mail annually using the Federal Postcard  
13 Application for the purpose of voting in ~~one (1) election~~  
14 ~~cycle, including a primary, general or special federal~~  
15 ~~election~~ any election during the calendar year for which the  
16 voter registered. The voter's name shall not appear on the  
17 permanent official registry list until the voter has  
18 registered as provided in W.S. 22-3-103 and 22-3-104.

19

20           **22-3-117. Absentee registration generally; use of**  
21 **federal postcard.**

22

1           (c) Annual registration through the Federal Postcard  
 2 Application constitutes temporary registration for the  
 3 purpose of voting in ~~one (1) election cycle, including a~~  
 4 ~~primary, general or special federal election~~ any election  
 5 during the calendar year for which the voter registered, and  
 6 the registration of such a registrant shall be maintained as  
 7 provided in W.S. 22-3-102(d). The Federal Postcard  
 8 Application shall be accepted if completed and signed by the  
 9 applicant under penalty of perjury.

10

11           **22-3-118. Proof of identity.**

12

13           (a) Unless a voter is challenged pursuant to W.S.  
 14 22-15-101 through 22-15-109, no identification shall be  
 15 required when:

16

17                   (ii) Voting in person or by mail after having  
 18 registered by mail and having ~~previously voted in a Wyoming~~  
 19 ~~federal election~~ submitted a copy of the person's acceptable  
 20 identification, as set forth in W.S. 22-1-102(a)(xxxix), at  
 21 the time of registration.

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STAFF COMMENT

Please note that 'acceptable identification' is defined in W.S. 22-1-102(a)(xxxix) and includes several types of identification beyond a state issued ID card.

\*\*\*\*\*

(d) Voters who are challenged and are unable to provide the required proof ~~under the applicable provisions of subsections (b) and (c) of this section~~ of identity shall be offered provisional ballots in accordance with W.S. 22-15-105 and permitted until the close of business on the day following the election to present documentation to the county clerk establishing their eligibility to vote. ~~in the precinct.~~

\*\*\*\*\*

STAFF COMMENT

The above provision (W.S. 22-3-118) and the repeal section conflict with another bill draft requested by the Committee, 20LSO-0026 (and the Committee should resolve the conflict prior to a sponsorship decision). The conflicting provision reads:

22-3-118. Proof of identity.

(a) ~~Unless a voter is challenged pursuant to W.S. 22-15-101 through 22-15-109, no~~ Acceptable identification shall be required when:

1 (b) Prior to voting, when a voter has registered by  
2 mail and is voting in person in his first Wyoming federal  
3 election, he shall provide: acceptable identification.

4  
5 (c) When a voter has registered by mail and he is voting  
6 by mail in his first Wyoming federal election, he shall submit  
7 with his absentee ballot: a copy of acceptable  
8 identification.

9  
10 \*\*\*\*\*  
11

12 22-5-206. Where nomination applications to be filed.

13  
14 (b) ~~Other~~ Applications for other offices that are to  
15 appear on the ballot in the county, including district  
16 attorneys, shall be filed in the office of the county clerk  
17 of the county in which the person filing for nomination  
18 resides.

19  
20 22-5-215. Nomination of partisan candidates and write-  
21 in candidates.

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23 On each party ballot the candidate or candidates equal in  
24 number to the number to be elected to each office who receive

1 the largest number of votes shall be nominated and shall be  
2 entitled to have their names printed on the ballot for the  
3 next general election. A write-in candidate shall not be  
4 nominated and shall not be entitled to have his name printed  
5 on the ballot for the next general election unless he received  
6 at least twenty-five (25) write-in votes in the primary  
7 election and is a registered voter in the political party for  
8 which he was nominated on the day of the primary election. An  
9 unsuccessful candidate for office at a primary election whose  
10 name is printed on any party ballot may not accept nomination  
11 for the same office at the next general election.

12

13 **22-6-112. Name to appear only once; exception.**

14

15 (a) No candidate's name shall appear on the partisan  
16 ballot more than once, except that of a candidate for the  
17 office of precinct committeeman or committeewoman, who may  
18 also seek another office on the same partisan primary ballot.

19

20 (b) No candidate's name shall appear on the general  
21 election ballot more than once, except that a candidate for  
22 a partisan office may also seek a nonpartisan office on the

1 same general election ballot in accordance with W.S. 22-2-  
2 116.

3

4 **22-11-106. Procedure after voter casts ballot.**

5

6 After marking his paper ballot or ballot card, the voter shall  
7 place the ballot inside the ballot envelope and return it to  
8 the judge. The judge shall ~~remove the stub and~~ deposit the  
9 envelope with the ballot inside in the ballot box. ~~The ballot~~  
10 ~~stub shall be deposited in an envelope provided for that~~  
11 ~~purpose. Ballot cards from which the ballot stub has been~~  
12 ~~detached by anyone except an election judge shall not be~~  
13 ~~deposited in the ballot box, but shall be marked "Spoiled"~~  
14 ~~and placed in the spoiled ballot envelope.~~

15

16 **22-13-103. Preservation of order; privacy of voting**  
17 **booths and machines.**

18

19 (b) To protect the privacy of the voter, voting booths  
20 and voting machines shall be kept clear of all persons except  
21 voters marking ballots, and election officials discharging  
22 their duties, ~~and challengers acting under legal authority.~~

23

1           **22-16-106. Write-in candidates.**

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

23



1           **22-25-102. Contribution of funds or election assistance**  
2 **restricted; limitation on contributions; right to**  
3 **communicate; civil penalty.**

4  
5           (a) Except as otherwise provided in this section, no  
6 organization of any kind including a corporation,  
7 partnership, trade union, professional association or civic,  
8 fraternal or religious group or other profit or nonprofit  
9 entity except a political party, political action committee  
10 or candidate's campaign committee organized under W.S.  
11 22-25-101, directly or indirectly through any officer,  
12 member, director or employee, shall contribute funds, other  
13 items of value or election assistance directly to any  
14 candidate ~~or group of candidates~~ or candidate's campaign  
15 committee or to any political party or political action  
16 committee which directly coordinates with a candidate or a  
17 candidate's campaign committee. The secretary of state shall  
18 promulgate rules to define direct contributions as prohibited  
19 by this section. No person shall solicit or receive a payment  
20 or contribution from an organization prohibited from making  
21 contributions under this subsection.

22

1           **22-26-121. Violations of election code; complaints;**  
2 **investigations and prosecutions.**

3  
4           (a) Except as otherwise provided in this section, any  
5 person may file a written complaint with the secretary of  
6 state regarding any violation of the Election Code by any  
7 statewide or legislative candidate, committee or organization  
8 or any violation of W.S. 22-25-106(d) by a county party  
9 central committee. If the secretary of state finds that the  
10 complaint has merit and suspects a violation of the Election  
11 Code, he shall refer the complaint to the Wyoming attorney  
12 general for investigation and prosecution. The attorney  
13 general may prosecute the complaint in the district court for  
14 the district in which the violation was alleged to occur or  
15 in the district court for Laramie county if the violation is  
16 reasonably believed to occur in more than one (1) judicial  
17 district.

18  
19           (f) As used in this section:

20  
21           (i) "County or municipal candidate, committee or  
22 organization" means any county or municipal candidate,  
23 candidate committee for county or municipal office, political

1 action committee for county or municipal candidate, political  
2 action committee or organization supporting or opposing a  
3 municipal initiative or referendum petition drive or ballot  
4 proposition within a county or political subdivision, county  
5 party central committee or any other person not identified in  
6 paragraph (ii) of this subsection;

7

8 (ii) "Statewide or legislative candidate,  
9 committee or organization" means any statewide or legislative  
10 candidate, candidate committee for statewide or legislative  
11 office, political action committee or organization supporting  
12 or opposing any statewide or legislative candidate or any  
13 statewide initiative or referendum petition drive or ballot  
14 proposition, or state ~~or county~~ party central committee.

15

16 **22-29-110. County clerk to publish proclamation; filing**  
17 **period.**

18

19 (a) Between one hundred one (101) and ninety-one (91)  
20 days before an organizational election held in conjunction  
21 with a primary or other August election, ~~and~~ between ninety  
22 (90) and seventy (70) days before an organizational election  
23 held in conjunction with a May, general or other November

1 election and between fifty (50) and forty (40) days before an  
2 organizational election held at any other time, the county  
3 clerk shall publish at least once in a newspaper of general  
4 circulation in each county in which all or part of the  
5 proposed district is situated a proclamation setting forth  
6 the date of the election, what county clerk is the filing  
7 officer, the question of formation, what offices are to be  
8 filled including the terms of the offices, the filing period  
9 for the offices and other pertinent election information.  
10 Minor errors in the proclamation shall not invalidate the  
11 forthcoming election.

12

13 (b) Between ninety-six (96) and eighty-one (81) days  
14 before a formation election held in conjunction with a primary  
15 or other August election, ~~and~~ between ninety (90) and seventy  
16 (70) days before a formation election held in conjunction  
17 with a May, general or other November election and between  
18 thirty-nine (39) and thirty (30) days before an  
19 organizational election held at any other time, candidates  
20 may file an application for election in the office of the  
21 county clerk. The principal act shall determine who is  
22 eligible to be a candidate. The application shall be in  
23 substantially the following form:

1

2           **22-29-116. Procedures for mail ballot elections.**

3

4           (a) Mail ballot elections shall be overseen by the  
5 county clerk as provided in W.S. 22-29-113(m). Official  
6 ballots shall be prepared and all other preelection  
7 procedures followed as otherwise provided by law or rules  
8 promulgated by the secretary of state, except that mail ballot  
9 packets shall be prepared in accordance with the following:

10

11           (viii) Once the ballot is returned, an election  
12 official shall first qualify the submitted ballot by  
13 examining the verification envelope and comparing the  
14 information on the envelope to the poll list to determine  
15 whether the ballot was submitted by a voter who has not  
16 previously voted in the election. If the ballot so qualifies,  
17 and is otherwise valid, the official shall enter the name of  
18 the registered voter in the poll book, open the  
19 return-verification envelope, ~~remove the ballot stub,~~ and  
20 deposit the ballot in an official ballot box;

21

22           **Section 2.** W.S. 22-3-118(b), (c) and (f) is repealed.

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1 \*\*\*\*\*

2 **STAFF COMMENT**

3 **The bold, italicized provisions will be repealed and read:**

4 (a) Unless a voter is challenged pursuant to W.S. 22-  
5 15-101 through 22-15-109, no identification shall be  
6 required when:

7  
8 (i) Voting in person or by mail after having  
9 registered in person; or

10  
11 (ii) Voting in person or by mail after having  
12 registered by mail and having previously voted in a Wyoming  
13 federal election.

14  
15 (b) *Prior to voting, when a voter has registered by*  
16 *mail and is voting in person in his first Wyoming federal*  
17 *election, he shall provide:*

18  
19 (i) *A current, valid photo identification; or*

20  
21 (ii) *A copy of a current utility bill, bank*  
22 *statement, paycheck, government check or other government*  
23 *document which shows his name and address.*

24  
25 (c) *When a voter has registered by mail and he is*  
26 *voting by mail in his first Wyoming federal election, he*  
27 *shall submit with his absentee ballot:*

28  
29 (i) *A copy of a current, valid photo*  
30 *identification; or*

31  
32 (ii) *A copy of a current utility bill, bank*  
33 *statement, government check, paycheck, or other government*  
34 *document which shows his name and address.*

35  
36 (d) Voters who are unable to provide the required  
37 proof under the applicable provisions of subsections (b)  
38 and (c) of this section shall be offered provisional  
39 ballots in accordance with W.S. 22-15-105 and permitted  
40 until the close of business on the day following the  
41 election to present documentation to the county clerk  
42 establishing their eligibility to vote in the precinct.

43

