

## HOUSE BILL NO. HB0115

Elections administration.

Sponsored by: Representative(s) Chestek and Zwonitzer, Dn  
and Senator(s) Rothfuss

A BILL

for

1 AN ACT relating to elections; specifying membership of the  
2 state canvassing board; providing that the state canvassing  
3 board is responsible for supervising elections in Wyoming;  
4 making conforming amendments; providing for the transfer of  
5 functions and positions; specifying applicability;  
6 authorizing rulemaking; and providing for effective dates.

7

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

9

10 **Section 1.** W.S. 7-19-106(a)(xi), 15-11-105(b)(v),  
11 22-1-102(a)(xxix), (xxxix)(A) and by creating a new  
12 paragraph (liv), 22-2-103, 22-2-108, 22-2-113(a) and (e),  
13 22-2-120, 22-2-121(a)(intro), (b) through (d), (e)(intro),  
14 (f) and (g), 22-2-122(b) and (c), 22-3-102(e), 22-4-116,  
15 22-4-119(b), 22-4-120, 22-4-304(a), (c) and (d), 22-4-305

1 through 22-4-307, 22-4-402(a) through (c), 22-4-405,  
2 22-5-103(a)(intro), 22-5-204(c), 22-5-205(b), 22-5-206(a),  
3 22-5-207, 22-5-209, 22-5-307, 22-5-308, 22-6-101,  
4 22-6-107(a), 22-6-118(a)(intro), 22-6-121(a)(intro),  
5 22-6-123, 22-7-104, 22-8-113, 22-9-110(a)(intro),  
6 22-9-125(c), (d)(i) and (vi), 22-11-103(a)(x) and (c),  
7 22-14-107, 22-14-114, 22-16-103(a)(iii), 22-16-106(b) and  
8 (d), 22-16-108, 22-16-111(a)(ii), 22-16-115, 22-16-116,  
9 22-16-118, 22-16-120, 22-16-121(a), 22-16-122(h),  
10 22-16-123(b)(intro) and (vii), 22-17-110, 22-17-112(a),  
11 22-18-104, 22-18-106, 22-18-107, 22-18-109,  
12 22-18-111(a)(i), 22-19-102(a), 22-19-104 through 22-19-106,  
13 22-21-103, 22-23-307(b), 22-24-201(a)(i) and (ii),  
14 22-24-318(a), 22-24-415(a), 22-25-102(a) and (g),  
15 22-25-105, 22-25-107(a)(ii) through (v), (vii), (c)(i) and  
16 (e), 22-25-108(f)(i) and (h), 22-25-110(b), 22-26-121(a),  
17 (c) and (d), 22-29-106(d), 22-29-113(a), 22-29-114(a),  
18 22-29-115(b), 22-29-116(a)(intro) and (ix) and 22-29-501(d)  
19 are amended to read:

20

21 **7-19-106. Access to, and dissemination of,**  
22 **information.**

23

1           (a) Criminal history record information shall be  
2 disseminated by criminal justice agencies in this state,  
3 whether directly or through any intermediary, only to:

4  
5           (xi) The ~~secretary of~~ state canvassing board,  
6 through the electronic voter registration system, for  
7 confirmation of the existence or nonexistence of felony  
8 conviction records of registered voters and of individuals  
9 seeking to register to vote. If the criminal history record  
10 information indicates that the subject's voting rights have  
11 been restored, that information shall also be provided.  
12 Notwithstanding subsection (c) of this section and W.S.  
13 7-19-108, the subject's fingerprints shall not be required  
14 and no fee shall be charged. The necessary identifying  
15 information shall be provided to the division and the  
16 disclosures made in accordance with the terms agreed upon  
17 by the ~~secretary of~~ state canvassing board and the attorney  
18 general;

19  
20           **15-11-105. Officers in city or town with city manager**  
21 **government; terms; legislative authority; method of**  
22 **selection; alternative method.**

23

1           (b) Councilmen in a municipality adopting the city  
2 manager form of government shall be elected at large,  
3 unless a petition requesting an alternate method of  
4 selection by wards, or by a combination of wards and at  
5 large, is approved at a special election on the question by  
6 a majority vote of the electors voting on the question:

7

8           (v) The method approved by a plurality vote  
9 shall be proclaimed adopted by the mayor. A copy of the  
10 proclamation shall be mailed to the county clerk and the  
11 ~~secretary of state~~ canvassing board;

12

13           **22-1-102. Definitions.**

14

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

20

21           (xxix) "Registry list" is the list by precinct  
22 of the names, addresses, party affiliations and precinct  
23 and district numbers of the registered electors in the

1 county prepared by the ~~secretary of state~~ canvassing board  
2 or county clerks for distribution as provided in W.S.  
3 22-2-113;

4

5 (xxxix) "Acceptable identification" means:

6

7 (A) For purposes of voter registration, one  
8 (1) of the identification documents or other proof of  
9 identity as specified by rule of the ~~secretary of state~~  
10 canvassing board as adequate proof of the identity of a  
11 voter;

12

13 (liv) "State canvassing board" means the state  
14 canvassing board as provided under W.S. 22-16-115.

15

16 **22-2-103. State canvassing board duties; chief**  
17 **election officers.**

18

19 (a) The ~~secretary of state is the chief election~~  
20 ~~officer for the state and~~ canvassing board shall oversee  
21 elections as provided in this Election Code. The state  
22 canvassing board shall maintain uniformity in the  
23 applications and operations of the election laws of

1 Wyoming. Each county clerk is the chief election officer  
2 for the county.

3

4 (b) The state canvassing board may hire an executive  
5 director. The executive director shall serve at the  
6 pleasure of the board and shall:

7

8 (i) Administer and carry out the policies of the  
9 board;

10

11 (ii) Direct and supervise the technical and  
12 administrative activities of the board;

13

14 (iii) Subject to the availability of funding,  
15 employ technical, professional and other employees  
16 necessary to carry out the functions and duties of the  
17 executive director.

18

19 **22-2-108. State canvassing board to certify officers**  
20 **to be elected.**

21

22 Between the twenty-fourth day of April and the third day of  
23 May in each general election year, the ~~secretary of~~ state

1 canvassing board shall transmit to the county clerk of each  
2 county a certified list stating what officers, other than  
3 county and precinct officers, are to be nominated or  
4 elected at the election.

5

6 **22-2-113. Availability and form of registry lists;**  
7 **use of copies; election record; purging.**

8

9 (a) The ~~secretary of~~ state canvassing board shall  
10 furnish at a reasonable price registry lists to any  
11 candidate for a political office in the state, candidate's  
12 campaign committee, political party central committees and  
13 officials thereof, elected officials, political action  
14 committees, individuals promoting or opposing a ballot  
15 issue or candidate and to organizations which promote voter  
16 participation. The county clerks may elect to furnish the  
17 lists and, if they do so, shall make them available to all  
18 on an equal basis. All lists are for political purposes  
19 only and are not available for commercial use. The lists  
20 may be in the form of printouts, mailing labels or other  
21 electronic format as available. The lists may be reproduced  
22 for political purposes.

23

1           (e) The county clerks shall purge and update voter  
2 registration information on the voter registration system  
3 not later than the fifteenth day of February each year and  
4 shall notify the ~~secretary of~~ state canvassing board upon  
5 completion, but not later than February 15 of each year.

6

7           **22-2-120. Publication of Election Code.**

8

9 The ~~secretary of~~ state canvassing board, not later than the  
10 first of July in general election years, shall publish the  
11 Election Code on the ~~secretary of state's~~ board's official  
12 website.

13

14           **22-2-121. State canvassing board to prepare forms;  
15 rules; advice.**

16

17           (a) In carrying out ~~his~~ responsibilities under title  
18 22, the ~~secretary of~~ state canvassing board shall prepare:

19

20           (b) The ~~secretary of~~ state canvassing board shall  
21 promulgate such rules as are necessary to maintain uniform  
22 voting and vote counting procedures and orderly voting.

23



1           (c) The ~~secretary of~~ state canvassing board shall  
2 have the authority to issue a directive to the county  
3 election officers necessary to ensure voter registration  
4 and elector participation when a uniformed services or  
5 emergency personnel elector could not otherwise vote.

6

7           (d) The ~~secretary of~~ state canvassing board is  
8 authorized to adopt rules and regulations necessary to  
9 comply with the requirements of the Help America Vote Act  
10 of 2002, ~~Public Law~~ P.L. 107-252, including a state-based  
11 administrative complaint procedure, which shall not be  
12 subject to the Wyoming Administrative Procedure Act.

13

14           (e) The ~~secretary of~~ state canvassing board is  
15 authorized to adopt rules and regulations necessary to  
16 comply with the requirements of the Military and Overseas  
17 Voter Empowerment Act of 2009, P.L. 111-84, and shall have  
18 the authority to issue directives to county election  
19 officers necessary to ensure compliance with the act.  
20 Directives authorized under this subsection may include:

21

22           (f) The ~~secretary of~~ state canvassing board shall  
23 have the authority to issue directives to county election

1 officers necessary to ensure the proper conduct of  
2 elections, including voter registration and elector  
3 participation when there is a declared natural disaster or  
4 other impending or declared emergency which interferes with  
5 an election.

6

7 (g) The ~~secretary of~~ state canvassing board shall  
8 adopt rules and regulations that allow for the counting of  
9 ballots at a central counting center. The rules shall  
10 specify procedures for delivering ballots to the central  
11 counting center.

12

13 **22-2-122. State and federal share of qualified**  
14 **election expenses; election readiness account.**

15

16 (b) Funds in the account shall only be used for  
17 replacement and maintenance of voting systems and other  
18 ongoing election costs as allowed by the Help America Vote  
19 Act (HAVA). Disbursements and expenditures from the account  
20 shall be made at the discretion of the ~~secretary of~~ state  
21 canvassing board in consultation with the county clerks.

22

1           (c) ~~Commencing in 2019, and annually thereafter,~~ The  
2 ~~secretary of~~ state canvassing board shall annually document  
3 disbursements and expenditures from the account. No later  
4 than November 15 of each year, the ~~secretary of~~ state  
5 canvassing board shall report any disbursements and  
6 expenditures from the account to the joint appropriations  
7 committee, the joint corporations, elections and political  
8 subdivisions interim committee and the governor.

9

10           **22-3-102. Qualifications; temporary registration.**

11

12           (e) The ~~secretary of~~ state canvassing board is  
13 authorized to provide for the verification of certain voter  
14 registration data in accordance with the following:

15

16           (i) The ~~secretary of~~ state canvassing board and  
17 the director of the department of transportation shall  
18 enter into an agreement to match voter registration data  
19 with information maintained by the department regarding  
20 driver's licenses, in order to verify the information  
21 provided on applications for voter registration;

22

1           (ii) The ~~secretary of~~ state canvassing board and  
2 the attorney general shall enter into an agreement to  
3 compare data in the voter registration system with  
4 information maintained by the division of criminal  
5 investigation regarding state felony convictions in order  
6 to deny voter registration to, and remove from voter  
7 registration lists, individuals who are not qualified  
8 electors;

9

10           (iii) The ~~secretary of~~ state canvassing board  
11 and the director of the department of health shall enter  
12 into an agreement to match information in the voter  
13 registration system with death records in the office of  
14 vital records services within the department of health in  
15 order to remove names of deceased individuals from voter  
16 registration lists;

17

18           (iv) The ~~secretary of~~ state canvassing board,  
19 the state board of parole and the department of corrections  
20 shall enter into an agreement to match information in the  
21 voter registration system with records regarding  
22 restoration of voting rights maintained by the state board

1 of parole or the department of corrections in order to  
2 verify voter qualifications;

3

4 (v) The ~~secretary of state~~ canvassing board and  
5 the supreme court shall enter into an agreement to match  
6 information in the voter registration system with other  
7 records in order to generate jury lists.

8

9 **22-4-116. Calling of state convention; contents of**  
10 **notice.**

11

12 The state chairman shall call a state convention by filing  
13 notice in the office of the ~~secretary of state~~ canvassing  
14 board and of each county clerk not later than twenty (20)  
15 days before the convention. The notice shall state the  
16 total number of delegates and alternates, and the number of  
17 delegates to which each county is entitled.

18

19 **22-4-119. Certification and filing of rules and**  
20 **bylaws.**

21

22 (b) The state party chairman and party secretary  
23 shall certify all rules and bylaws promulgated, revoked or

1 amended by the state convention and file them with the  
2 ~~secretary of~~ state canvassing board within thirty (30) days  
3 after the adjournment of the state convention.

4

5 **22-4-120. Certification of presidential elector**  
6 **nominees and party officers.**

7

8 The state party chairman and party secretary shall certify  
9 the names of nominees for presidential electors and the  
10 names of the state and county party officers elected or  
11 appointed to the ~~secretary of~~ state canvassing board  
12 immediately after their selection.

13

14 **22-4-304. Certification of candidates; fees.**

15

16 (a) The chairman and secretary of the state political  
17 convention shall certify to the ~~secretary of~~ state  
18 canvassing board the names of its party's nominees for  
19 United States senator, United States representative, all  
20 elective state offices and legislative offices.

21

1           (c) The names certified to the ~~secretary of~~ state  
2 canvassing board or the county clerk shall be filed no  
3 later than the day before the primary election.

4

5           (d) Persons certified as nominees shall be members of  
6 that party, as shown by their affidavits of registration,  
7 at the time their names are certified to the ~~secretary of~~  
8 state canvassing board or the county clerk.

9

10           **22-4-305. Certification and filing of rules and**  
11 **bylaws.**

12

13 The state party chairman and state party secretary shall  
14 certify all rules and bylaws promulgated, revoked or  
15 amended by the state convention and file them with the  
16 ~~secretary of~~ state canvassing board within thirty (30) days  
17 after the adjournment of the state convention.

18

19           **22-4-306. Certification of presidential elector**  
20 **nominees and party officers.**

21

22 The state party chairman and state party secretary shall  
23 certify the names of nominees for presidential electors and

1 the name of the state and county party officers elected to  
2 the ~~secretary of state~~ canvassing board immediately after  
3 the state convention.

4

5 **22-4-307. Calling of state convention, contents of**  
6 **notice.**

7

8 The state chairman shall call a state convention by filing  
9 notice in the office of the ~~secretary of state~~ canvassing  
10 board and of each county clerk not later than twenty (20)  
11 days before the convention. The notice shall state the  
12 eligibility requirements for voting at the convention.

13

14 **22-4-402. Petition; form; validity.**

15

16 (a) Any group of persons desiring to form a new  
17 political party within this state shall file a petition  
18 with the ~~secretary of state~~ canvassing board not later than  
19 June 1 in any general election year in which the party  
20 seeks to qualify for the general election ballot.

21



1 (b) The petition shall be approved by the secretary  
 2 ~~of~~-state canvassing board prior to circulation and shall  
 3 conform in substance to the following:

4

5

PETITION FOR FORMATION

6

OF A POLITICAL PARTY

7

8 I know the contents of this petition including the  
 9 names of the provisional party officers and request that  
 10 the \_\_\_\_\_ party be printed on the ballot for the next  
 11 general election. I am a registered elector for the next  
 12 primary and general election. (This statement shall appear  
 13 at the head of each petition page.)

14

15

PROVISIONAL PARTY OFFICERS

16

	NAME	ADDRESS
--	------	---------

17 CHAIRPERSON \_\_\_\_\_

18 TREASURER \_\_\_\_\_

19

PETITIONERS

20 (Signature) (Printed Name)

21 (Residence) (Date)

22 1. \_\_\_\_\_

23 2. \_\_\_\_\_

1

2

VERIFICATION BY CIRCULATORS

3

4

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

11

12

..... (signature)

13

..... (residence address)

14

15

(c) The name of the party printed on the petition shall consist of not more than two (2) words and shall not be identical to, nor similar to, the name of any existing qualified political party as determined by the ~~secretary of~~ state canvassing board, nor to the word "independent".

20

21

**22-4-405. Verification of signatures on petition.**

22

1 The ~~secretary of~~ state canvassing board shall determine  
2 from the official list of registered electors whether  
3 sufficient valid signatures have been obtained on petitions  
4 filed with the ~~secretary of state's office~~ state canvassing  
5 board.

6

7 **22-5-103. Limits on ballot access; state offices.**

8

9 (a) Notwithstanding any other provision of Wyoming  
10 law, the ~~secretary of~~ state canvassing board or other  
11 authorized official shall not certify the name of any  
12 person as the nominee or candidate for the office sought,  
13 nor shall that person be elected nor serve in that office  
14 if the following will occur:

15

16 **22-5-204. Application for nomination or election;**  
17 **party registration; form.**

18

19 (c) A nomination application that is required to be  
20 filed with the ~~secretary of~~ state canvassing board may be  
21 electronically filed as provided under W.S. 9-2-2501 if the  
22 application is accompanied by the proper filing fee.

23

1           **22-5-205. Nomination application form for nonpartisan**  
2 **office.**

3

4           (b) A nomination application that is required to be  
5 filed with the ~~secretary of state~~ canvassing board may be  
6 electronically filed as provided under W.S. 9-2-2501 if the  
7 application is accompanied by the proper filing fee.

8

9           **22-5-206. Where nomination applications to be filed.**

10

11           (a) Nomination applications for United States  
12 senators and representatives in congress, state offices,  
13 members of the legislature, circuit court judges, and state  
14 district court judges shall be filed in the office of the  
15 ~~secretary of state~~ canvassing board.

16

17           **22-5-207. Furnishing of application forms.**

18

19 The ~~secretary of state~~ canvassing board and county clerks  
20 shall provide the application form required to be filed in  
21 their respective offices.

22

1           **22-5-209. Time for filing nomination applications;**  
2 **certified list.**

3

4 An application for nomination shall be filed not more than  
5 ninety-six (96) days and not later than eighty-one (81)  
6 days next preceding the primary election. Not later than  
7 sixty-eight (68) days before a primary election the  
8 ~~secretary of~~ state canvassing board shall transmit to each  
9 county clerk a certified list of persons whose applications  
10 have been filed in the office of the ~~secretary of~~ state  
11 canvassing board stating as to each his name, age, address,  
12 office sought and party affiliation.

13

14           **22-5-307. Time for filing independent petitions.**

15

16 Petitions filed with the ~~secretary of~~ state canvassing  
17 board and with the county clerk shall be filed not less  
18 than seventy (70) days before a general election.

19

20           **22-5-308. Determining validity of petitions.**

21

22 The ~~secretary of~~ state, canvassing board or county clerk  
23 shall determine from the official list of registered

1 electors whether sufficient valid signatures have been  
2 obtained on petitions filed in ~~his~~the applicable office.

3

4 **22-6-101. Certification of candidates nominated;**  
5 **printing of names.**

6

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

17

18 **22-6-107. Time for possession of ballots and labels.**

19

20 (a) Official ballots for primary and general  
21 elections shall be in the county clerk's possession  
22 forty-five (45) days before the election. If a clerk is  
23 unable to obtain ballots on time, the ~~secretary of~~ state

1 canvassing board shall provide by rule and regulation for  
2 the clerk to obtain and use substitute ballots.

3

4 **22-6-118. Primary ballot colors.**

5

6 (a) The primary ballot of political parties shall be  
7 printed on the following colored paper or on paper with the  
8 following color demarcation as provided by rule and  
9 regulation of the ~~secretary of state~~ canvassing board:

10

11 **22-6-121. Political party ballot position on general  
12 election ballot; order of candidates' names.**

13

14 (a) Political party position shall be determined on  
15 the general election ballot according to the number of  
16 votes received by each party within the county for the  
17 office of representative in congress at the last preceding  
18 general election. The party receiving the highest number  
19 of votes shall appear first following the names of the  
20 offices to be voted for and other parties shall follow in  
21 the order of their respective numbers of such votes. The  
22 order of any provisional parties will be drawn by the  
23 ~~secretary of state~~ canvassing board. Any independent

1 candidates shall appear following the last party and shall  
2 be listed in alphabetical order, subject to rotation. When  
3 more than one (1) candidate is to be elected to a  
4 particular office, the names of candidates shall be printed  
5 in alphabetical order, subject to rotation, on all ballots  
6 for electronic and machine voting systems as defined by  
7 W.S. 22-1-102.

8

9 **22-6-123. Nonpartisan election ballots and ballot**  
10 **propositions.**

11

12 Primary and general election ballots for nonpartisan  
13 offices and ballot propositions shall be printed on yellow  
14 paper or paper with yellow demarcation as provided by rule  
15 and regulation of the ~~secretary of state~~ canvassing board,  
16 separate from partisan ballots. They shall contain no  
17 political party designations, but otherwise shall conform  
18 to the same general requirements for official partisan  
19 ballots except as otherwise specifically provided.

20

21 **22-7-104. Procedure following resolution altering**  
22 **precinct area.**

23



1 Within five (5) days after the adoption of a resolution  
2 dividing or consolidating a precinct, or changing a  
3 precinct boundary, the county clerk shall send a certified  
4 copy of the resolution to the ~~secretary of state~~ canvassing  
5 board and to the county chairman of each political party  
6 and notify by mail all registered electors receiving a new  
7 precinct number.

8

9 **22-8-113. Training schools; generally and payment for**  
10 **attending.**

11

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

1 all judges of election and members of counting boards are  
2 obligated to attend at least one (1) such school. All  
3 judges and members of the counting board shall be paid not  
4 less than ten dollars (\$10.00) as determined by the board  
5 of county commissioners for attending a school.

6

7 **22-9-110. Form of absentee ballot envelopes;**  
8 **distribution.**

9

10 (a) The ~~secretary of~~ state canvassing board shall  
11 prescribe the form, and distribute to the clerks  
12 responsible for the respective elections a supply of the  
13 following official envelopes:

14

15 **22-9-125. Alternate procedures for collecting and**  
16 **counting absentee ballots.**

17

18 (c) If either alternate voting procedure provided in  
19 subsection (a) of this section is sought to be used, the  
20 ~~secretary of~~ state canvassing board is authorized to adopt  
21 rules and regulations to guard against abuses of the  
22 elective franchise to include such matters as contained in  
23 W.S. 22-26-113 through 22-26-115.

1

2 (d) Notwithstanding subsection (b) of this section  
3 and any other mandatory procedures for counting absentee  
4 ballots under this chapter, the county clerk may choose to  
5 prepare and process absentee ballots the Thursday or Friday  
6 immediately preceding election day, provided:

7

8 (i) Any county clerk electing to use this method  
9 of preparing and processing absentee ballots shall first  
10 notify the ~~secretary of state~~ canvassing board;

11

12 (vi) The ~~secretary of state~~ canvassing board  
13 shall adopt rules for the preparing and processing of  
14 absentee ballots under this subsection.

15

16 **22-11-103. Capabilities required.**

17

18 (a) Every electronic voting system adopted for use in  
19 Wyoming shall:

20

21 (x) Be certified by the ~~secretary of state~~  
22 canvassing board.

23

1           (c) The ~~secretary of~~ state canvassing board may ~~from~~  
2 ~~time to time as necessary~~ promulgate rules and regulations  
3 consistent with subsection (a) of this section and with all  
4 other requirements of this Election Code to govern the  
5 characteristics of electronic voting systems that may be  
6 used in Wyoming. The rules shall ensure the fairness and  
7 accuracy of elections. The rules may govern both the  
8 characteristics of the systems and the procedures to be  
9 followed in using the systems. The rules shall allow the  
10 county clerks to follow appropriate recommendations of the  
11 vendors of the systems for maintenance and management of  
12 the systems to the extent these recommendations are not  
13 inconsistent with this Election Code and with the rules.  
14 The rules shall be adopted following consultation with the  
15 county clerks.

16

17           **22-14-107. Tabulation of count.**

18

19 The unofficial tabulation indicating the vote by precinct  
20 shall immediately be transmitted by the county clerk to the  
21 ~~secretary of~~ state canvassing board. These unofficial  
22 tabulations shall be tabulated by the ~~secretary of the~~  
23 state canvassing board. The ~~secretary of~~ state canvassing

1 board shall provide procedures for such transmittal through  
2 rule and regulation.

3

4 **22-14-114. Counting of ballots.**

5

6 (a) For ballots designed to be counted by machine,  
7 each individual vote shall be determined by the voting  
8 equipment and shall not be determined subjectively by human  
9 tabulation except when the intent of the voter is  
10 unmistakable but the ballot was received in such damaged,  
11 soiled, or other condition that it is rejected by the  
12 machine. The ~~secretary of~~ state canvassing board may  
13 promulgate rules establishing standards for counting such  
14 ballots. For ballots not designed to be counted by machine,  
15 only votes clearly marked, as provided by W.S. 22-14-104  
16 and rules promulgated pursuant to this code, shall be  
17 tallied. For write-in votes, names which are misspelled or  
18 abbreviated or the use of nicknames of candidates shall be  
19 counted for the candidate if the vote is obvious to the  
20 board.

21

22 (b) At the request of a county clerk, ballots may be  
23 received from a polling place and counted at a central

1 counting center in accordance with rules promulgated by the  
2 ~~secretary of~~ state canvassing board pursuant to W.S.  
3 22-2-121(g).

4

5 **22-16-103. County canvass procedures.**

6

7 (a) Prior to the county canvass, the county clerk  
8 shall:

9

10 (iii) Count write-in votes by candidate if the  
11 total vote for write-in candidates may affect the result of  
12 an election. For offices elected from districts involving  
13 more than one (1) county, the ~~secretary of~~ state canvassing  
14 board shall direct the county clerks to count write-in  
15 votes by candidate if on the basis of unofficial returns it  
16 appears the total write-in votes may affect the result of  
17 an election.

18

19 **22-16-106. Write-in candidates.**

20

21 (b) The ~~chief election officer~~ county clerk or the  
22 state canvassing board shall notify a write-in candidate  
23 who has been nominated at a primary election within

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

19

20 (d) A write-in candidate elected to public office at  
21 a general or special election may decline election before  
22 taking the oath of office by filing written notice with the  
23 county clerk where the candidate resides and the [secretary](#)

1 ~~of~~—state canvassing board. Notice provided under this  
2 subsection shall immediately create a vacancy in the office  
3 which shall be filled in the manner prescribed in W.S.  
4 22-18-101 through 22-18-112.

5

6 **22-16-108. Results furnished.**

7

8 Immediately upon completion of the county canvass, the  
9 county clerk shall notify the ~~secretary of~~—state canvassing  
10 board of the election results. A copy of the county  
11 abstract, after being certified by the county canvassing  
12 boards, shall immediately be delivered by the county clerk  
13 to the ~~secretary of~~—state canvassing board. The ~~secretary~~  
14 ~~of~~—state canvassing board shall provide procedures for such  
15 transmittal and notification through rule and regulation.

16

17 **22-16-111. Recount of ballot proposition.**

18

19 (a) A recount of votes of a ballot proposition may be  
20 obtained in one (1) of the following manners:

21

22 (ii) A recount will be made if requested in an  
23 affidavit signed by twenty-five (25) electors registered in



1 a district voting on the question. The affidavit shall be  
2 filed with the county clerk not later than two (2) days  
3 after the county canvass has been completed for  
4 propositions voted on in one (1) county, and with the  
5 ~~secretary of~~ state canvassing board not later than two (2)  
6 days after the state canvass has been completed for  
7 propositions voted on in more than one (1) county. The  
8 affidavit shall be accompanied by a deposit of one hundred  
9 dollars (\$100.00).

10

11 **22-16-115. State canvassing board.**

12

13 (a) The state canvassing board ~~is~~ shall consist of  
14 the governor, secretary of state, state auditor, ~~and~~ state  
15 treasurer and one (1) additional member appointed as  
16 provided under this section. The state canvassing board  
17 shall elect a chairman from among its members.

18

19 (b) The member appointed under this section shall be  
20 appointed as follows:

21

22 (i) If a majority of the elected members of the  
23 state canvassing board are from the same political party,

1 the appointed member shall be appointed jointly by the  
2 house and senate floor leaders of the largest political  
3 party that does not hold a majority of the elected members  
4 of the board;

5  
6 (ii) If no more than two (2) of the elected  
7 members of the state canvassing board are from the same  
8 political party, the appointed member shall be appointed by  
9 the governor with the advice and consent of the senate, in  
10 accordance with W.S. 28-12-101 through 28-12-103.

11  
12 (c) If a vacancy in the appointed member of the board  
13 occurs, a successor shall be appointed under subsection (b)  
14 of this section for the remainder of the term. The governor  
15 may remove the appointed member only for misconduct or  
16 malfeasance in office. The appointed member shall be  
17 appointed for a term of four (4) years coinciding with the  
18 terms in office of the four elected members of the board.

19  
20 **22-16-116. Statewide abstract; discrepancies with**  
21 **county abstracts.**

22

1 From the unofficial tabulations delivered directly to ~~his~~  
2 ~~office~~ the state canvassing board, the ~~secretary of state~~  
3 board shall tabulate a statewide abstract by counties of  
4 votes for president and vice-president, state officers,  
5 justice of the supreme court, United States senator,  
6 representative in congress, district court judges, circuit  
7 court judges, members of the state legislature and the  
8 votes for and against ballot propositions voted on by  
9 electors of a district larger than a county. The unofficial  
10 tabulation shall then be reconciled to the official  
11 abstracts of the county canvassing boards and the ~~secretary~~  
12 ~~of state~~ canvassing board shall prepare the state abstract  
13 from the official county abstracts.

14

15 **22-16-118. Meeting of state canvassing board.**

16

17 The state canvassing board shall meet no later than the  
18 second Wednesday following the election. The ~~secretary of~~  
19 state canvassing board shall send a messenger to obtain  
20 official county abstracts not filed in a reasonable length  
21 of time. The state canvassing board shall meet at the time  
22 and place set by the ~~secretary of state~~ chairman of the  
23 board. The board shall review the state abstracts, prepared

1 ~~by the secretary of state,~~ compare them with the tabulation  
2 and any other materials, ~~prepared by the secretary of~~  
3 ~~state,~~ resolve any tie votes, and certify the abstract as  
4 the official state canvass.

5

6 **22-16-120. Filing of state abstract.**

7

8 When the canvass by the state canvassing board is completed  
9 and certified, the ~~secretary of state~~ board shall file the  
10 official state abstract ~~in his office~~ with the minutes of  
11 the state canvassing board meeting signed by the members of  
12 the state canvassing board. The ~~secretary of state~~ board  
13 shall cause a copy of the official state canvass to be  
14 posted in the office and on the website of the ~~secretary of~~  
15 ~~state~~ board and shall make additional copies available to  
16 the public.

17

18 **22-16-121. Certificates of nomination and election**  
19 **following state or county canvass.**

20

21 (a) When the state canvass is concluded, the  
22 ~~secretary of~~ state canvassing board shall issue a  
23 certificate of nomination to each candidate nominated at a

1 primary election and certify the names of nominees as  
2 provided in W.S. 22-6-101. When the county canvass is  
3 concluded, the county clerk shall issue a certificate of  
4 nomination to each candidate nominated at a primary  
5 election or by petition.

6

7 **22-16-122. Election declared null and void; special**  
8 **election.**

9

10 (h) A court ordered election may be held by special  
11 mail ballot election as determined by the county clerk or  
12 by the ~~secretary of state~~ canvassing board if the election  
13 involves more than one (1) county.

14

15 **22-16-123. Special mail ballot elections; procedures.**

16

17 (b) In a special mail ballot election, official  
18 ballots shall be prepared and all other pre-election  
19 procedures followed as otherwise provided by law or rules  
20 promulgated by the ~~secretary of state~~ canvassing board,  
21 except that special mail ballot packets shall be prepared  
22 as follows:

23

1           (vii) All deposited ballots shall be counted as  
2 provided in this act and rules promulgated by the ~~secretary~~  
3 ~~of~~-state canvassing board. A special mail ballot shall be  
4 valid and counted only if it is returned in the  
5 return-verification envelope, the affidavit on the envelope  
6 is signed by the voter to whom the ballot was issued and  
7 the information on the envelope is verified as provided in  
8 paragraph (vi) of this subsection. If the election official  
9 determines that a voter to whom a replacement ballot has  
10 been issued has voted more than once, the official shall  
11 only count the first ballot received from that voter;

12

13           **22-17-110. Contesting election of state legislator;**  
14 **commencement.**

15

16 A contest of the election of a member of the state  
17 legislature shall be commenced within thirty (30) days  
18 after his election has been certified by the state  
19 canvassing board by serving him personally or at his  
20 mailing address with a notice of intent to contest setting  
21 forth the grounds for the contest. A copy of that notice  
22 must be filed by the contestant with the ~~secretary of~~-state  
23 canvassing board within thirty (30) days after the

1 contested member's election has been certified by the state  
2 canvassing board.

3

4 **22-17-112. Contesting election of state legislator;**  
5 **handling of depositions by state canvassing board;**  
6 **additional depositions.**

7

8 (a) A copy of a notice to take a deposition with  
9 proof of service, and the deposition, shall be sealed and  
10 mailed to the ~~secretary of state~~ canvassing board by the  
11 person requesting the deposition with an endorsement  
12 showing the names of the contesting parties, the  
13 legislative office contested, and the nature of the papers.  
14 The ~~secretary of state~~ canvassing board shall then deliver  
15 each such sealed notice for deposition to the presiding  
16 officer of the branch of the legislature to which the  
17 contest relates on the first day of its session.

18

19 **22-18-104. Filling vacancy of congressman; procedure.**

20

21 The governor shall call such special election by issuing a  
22 writ of election to the county clerk of each county voting

1 for the office and to the ~~secretary of~~ state canvassing  
2 board. The writ shall specify the day of the election.

3

4 **22-18-106. Filling vacancy of congressman;**  
5 **nominations by state central committees; independent**  
6 **candidates.**

7

8 An elector qualified to hold the office of representative  
9 in congress shall be nominated by the state central  
10 committee of the respective parties to fill a vacancy for  
11 the unexpired term of that office. Nominations from such  
12 parties shall be filed with the ~~secretary of~~ state  
13 canvassing board and fees paid within seven (7) days after  
14 the vacancy is officially declared. Independent candidates  
15 shall file an application and pay the filing fee with the  
16 ~~secretary of~~ state canvassing board within seven (7) days  
17 after the vacancy is officially declared.

18

19 **22-18-107. Filling vacancy of congressman;**  
20 **certification of candidates.**

21

22 Within five (5) days after the end of the candidate filing  
23 period, the ~~secretary of~~ state canvassing board shall



1 certify to the clerks of counties voting to fill the  
2 vacancy the name of each candidate qualified to appear on  
3 the ballot, and his party affiliation or independent  
4 status.

5

6 **22-18-109. Conduct of special election; preparation**  
7 **of ballot.**

8

9 A special election to fill a vacancy shall be conducted by  
10 the county clerk as nearly as possible in the manner of a  
11 general election. The county clerk shall have twelve (12)  
12 days to prepare the special election ballot after the  
13 ~~secretary of state's~~ state canvassing board's certification  
14 under W.S. 22-18-107. The candidate who receives a  
15 plurality of the votes at a special election shall be  
16 issued a certificate of election as provided by law.

17

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

20

21 (a) Any vacancy in any other elective office in the  
22 state except representative in congress or the board of  
23 trustees of a school or community college district, shall

1 be filled by the governing body, or as otherwise provided  
2 in this section, by appointment of a temporary successor.  
3 The person appointed shall serve until a successor for the  
4 remainder of the unexpired term is elected at the next  
5 general election and takes office on the first Monday of  
6 the following January. Provided, if a vacancy in a four  
7 (4) year term of office occurs in the term's second or  
8 subsequent years after the first day for filing an  
9 application for nomination pursuant to W.S. 22-5-209, no  
10 election to fill the vacancy shall be held and the  
11 temporary successor appointed shall serve the remainder of  
12 the unexpired term. The following apply:

13

14 (i) If a vacancy occurs in the office of United  
15 States senator or in any state office other than the  
16 governor, member of the state legislature, the office of  
17 justice of the supreme court and the office of district  
18 court judge, the governor shall immediately notify in  
19 writing the chairman of the state central committee of the  
20 political party which the last incumbent represented at the  
21 time of his election under W.S. 22-6-120(a)(vii), or at the  
22 time of his appointment if not elected to office. The  
23 chairman shall call a meeting of the state central

1 committee to be held not later than fifteen (15) days after  
2 he receives notice of the vacancy. At the meeting the  
3 state central committee shall select and transmit to the  
4 governor the names of three (3) persons qualified to hold  
5 the office. Within five (5) days after receiving these  
6 three (3) names, the governor shall fill the vacancy by  
7 temporary appointment of one (1) of the three (3) to hold  
8 the office. If the incumbent who has vacated office did  
9 not represent a political party at the time of his  
10 election, or at the time of his appointment if not elected  
11 to office, the governor shall notify in writing the  
12 chairman of all state central committees of parties  
13 registered with the ~~secretary of state~~ canvassing board.  
14 The state central committees shall submit to the governor,  
15 within fifteen (15) days after notice of the vacancy, the  
16 name of one (1) person qualified to hold the office. The  
17 governor shall also cause to be published in a newspaper of  
18 general circulation in the state notice of the vacancy in  
19 office. Persons qualified to hold the office who do not  
20 belong to a party may, within fifteen (15) days after  
21 publication of the vacancy in office, submit a petition  
22 signed by one hundred (100) registered voters, seeking  
23 consideration for appointment to the office. Within five

1 (5) days after receiving the names of persons qualified to  
2 hold the office, the governor shall fill the vacancy by  
3 temporary appointment to the office, from the names  
4 submitted or from those petitioning for appointment;

5

6 **22-19-102. Nomination.**

7

8 (a) In a general election year, the state convention  
9 of a political party nominating candidates for president  
10 and vice-president of the United States shall nominate the  
11 party's candidates for presidential electors and file  
12 certificates of nomination for these candidates with the  
13 ~~secretary of state~~ canvassing board not later than thirty  
14 (30) days following termination of the state convention.

15

16 **22-19-104. Certificate of election; directive.**

17

18 Immediately upon filing of the certificate of the state  
19 canvassing board stating the result of the election, the  
20 governor shall issue a certificate of election to  
21 candidates elected to the office of presidential elector.  
22 The certificate shall direct the elector to attend a  
23 meeting with the governor ~~in the office of the secretary of~~

1 ~~state~~ at 12:00 noon on the Monday following the second  
2 Wednesday in December of presidential election years.

3

4 **22-19-105. Vacancy in nomination.**

5

6 A vacancy in nomination for the office of presidential  
7 elector occurring before the general election shall be  
8 filled by the state central committee of the political  
9 party whose vacancy is to be filled or by an independent  
10 candidate's remaining electors, by certifying the name of  
11 the person filling the vacancy to the ~~secretary of~~ state  
12 canvassing board.

13

14 **22-19-106. Certified electors to meet; vacancies.**

15

16 Certified electors shall convene in the office of the  
17 ~~secretary of state~~ governor at 12:00 noon on the Monday  
18 following the second Wednesday in December of presidential  
19 election years. A vacancy in the office of elector for any  
20 cause including nonattendance shall be filled and certified  
21 by a majority of electors present.

22

1           **22-21-103. How bond question to be submitted to**  
2 **electors; contents.**

3

4 Each bond question shall be submitted to a vote of the  
5 qualified electors of the political subdivision. Every bond  
6 election shall be held on the same day as a primary  
7 election or a general election, or on the Tuesday next  
8 following the first Monday in May or November, or on the  
9 Tuesday next following the third Monday in August. Not less  
10 than one hundred ten (110) days before a bond election, the  
11 political subdivision shall provide written notification to  
12 the county clerk specifying the date of the election and  
13 the bond question. The bond question shall state the  
14 purpose of the bonds, the maximum principal amount thereof,  
15 the maximum number of years allowed for the indebtedness  
16 and the maximum rate of interest to be paid thereon. The  
17 ~~secretary of~~ state canvassing board may promulgate  
18 reasonable rules for conducting bond elections where the  
19 election is not held at the same time as the general or  
20 primary election.

21

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

1

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

21

22           **22-24-201. Paid advertising; penalty.**

23

1           (a) Any group of persons who are associated for the  
2 purpose of raising, collecting or spending money for paid  
3 advertising in any communication media or for printed  
4 literature to support, oppose or otherwise influence  
5 legislation by the legislature of the state of Wyoming,  
6 which is or was the subject of a statewide initiative or  
7 referendum within the past four (4) years, shall:

8

9           (i) File a statement of formation listing the  
10 names and addresses of its chairman and treasurer with the  
11 ~~secretary of state~~ canvassing board within ten (10) days  
12 after formation and prior to the publication, dissemination  
13 or broadcast of any paid advertising from the group;

14

15           (ii) File with the ~~secretary of state~~ canvassing  
16 board a statement of contributions and expenditures setting  
17 forth the full and complete record of contributions  
18 including cash, goods or services and actual and promised  
19 expenditures, on a form prescribed by the ~~secretary of~~  
20 state canvassing board, on the last Friday in December of  
21 each calendar year. In addition to the annual report,  
22 while the legislature is in session, there shall be filed  
23 an interim monthly statement for each month or portion



1 thereof that the legislature is in session, within ten (10)  
2 days of the first day of the month for the previous month;

3

4 **22-24-318. Ballot proposition; procedure for placing**  
5 **on ballot; publication requirements.**

6

7 (a) The secretary of state shall provide notice of  
8 the initiative ballot proposition to the state canvassing  
9 board. Except as required under subsection (b) of this  
10 section, the same procedure for placing constitutional  
11 amendment questions on the ballot shall be used to place  
12 the initiative ballot proposition on the ballot.

13

14 **22-24-415. Ballot proposition; procedure for placing**  
15 **on ballot; publication requirements.**

16

17 (a) The secretary of state shall provide notice of  
18 the referendum ballot proposition to the state canvassing  
19 board. Except as required under subsection (b) of this  
20 section, the same procedure for placing constitutional  
21 amendment questions on the ballot shall be used to place  
22 the referendum ballot proposition on the ballot.

23

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

4  
5           (a) Except as otherwise provided in this section, no  
6 organization except a political party, political action  
7 committee or candidate's campaign committee, directly or  
8 indirectly through any officer, member, director or  
9 employee, shall contribute funds, other items of value or  
10 election assistance directly to any candidate or  
11 candidate's campaign committee or to any political party or  
12 political action committee which directly coordinates with  
13 a candidate or a candidate's campaign committee. The  
14 ~~secretary of~~ state canvassing board shall promulgate rules  
15 to define direct coordination as prohibited by this  
16 section. No person shall solicit or receive a payment or  
17 contribution from an organization prohibited from making  
18 contributions under this subsection.

19  
20           (g) The prohibitions in this section do not apply to  
21 contributions of funds or other items of value to political  
22 parties for the purpose of supporting multi-state or  
23 national political party conferences or conventions. Any

1 contribution made pursuant to this subsection shall also  
2 comply with all applicable federal election commission  
3 regulations governing contributions to political parties.  
4 Any political party which receives funds to sponsor such  
5 conferences or conventions shall file an itemized statement  
6 of contributions and expenditures with the ~~secretary of~~  
7 state canvassing board within ten (10) days after the  
8 conference or convention.

9

10 **22-25-105. Campaign reporting forms; instructions and**  
11 **warning.**

12

13 (a) The ~~secretary of~~ state canvassing board shall  
14 prescribe the forms for reporting contributions and  
15 expenditures for primary, general and special election  
16 campaigns, together with written instructions for  
17 completing the form and a warning that violators are  
18 subject to criminal charges and civil penalties if the  
19 forms are not completed and filed pursuant to law. The  
20 forms along with instructions and warning shall be  
21 distributed to the county clerk and shall be made  
22 available, whether in electronic or paper form, by the  
23 county clerk to each person filing an application for

1 nomination in his office and to each political action  
2 committee and candidate's campaign committee required to  
3 file with the county clerk.

4

5 (b) The ~~secretary of~~ state canvassing board shall  
6 promulgate rules to allow the forms required pursuant to  
7 subsection (a) of this section and any other forms and  
8 reports required to be filed with ~~him~~ the board pursuant to  
9 this chapter to be filed electronically.

10

11 **22-25-107. Where reports to be filed.**

12

13 (a) All reports required under this chapter shall be  
14 filed as follows:

15

16 (ii) Any candidate for a state legislative or  
17 district judgeship office and any political action  
18 committee or candidate's campaign committee supporting or  
19 opposing such a candidate, shall file with the ~~secretary of~~  
20 state canvassing board;

21

22 (iii) Any candidate for statewide office shall  
23 file with the ~~secretary of~~ state canvassing board;

1

2 (iv) A county party central committee shall file  
3 with the ~~secretary of~~ state canvassing board;

4

5 (v) A state party central committee shall file  
6 with the ~~secretary of~~ state canvassing board;

7

8 (vii) Any political action committee or  
9 organization supporting or opposing any statewide  
10 initiative or referendum petition drive, any statewide  
11 ballot proposition or any candidate for statewide office  
12 and any organization causing an electioneering  
13 communication or an independent expenditure to be made and  
14 filing pursuant to W.S. 22-25-106(b)(i) or (h) shall file  
15 reports required by this section with the ~~secretary of~~  
16 state canvassing board.

17

18 (c) Any reports required under this chapter to be  
19 filed with:

20

21 (i) The ~~secretary of~~ state canvassing board,  
22 shall be filed electronically as provided under W.S.  
23 9-2-2501;

1

2 (e) The ~~secretary of~~ state canvassing board shall  
3 maintain a searchable database of reports filed pursuant to  
4 this chapter available to the public on or through the  
5 Internet as defined in W.S. 9-2-3219(a)(iii). The ~~secretary~~  
6 ~~of~~ state canvassing board shall be responsible for the  
7 provision of training and instruction for filers on how to  
8 access and use the campaign finance electronic filing  
9 system. The training shall be for the purpose of educating  
10 filers about use of the system, and is not intended to  
11 assist filers with filing their reports.

12

13 **22-25-108. Failure of persons to file reports;**  
14 **notice; penalties; reconsideration.**

15

16 (f) The appropriate filing office or the county  
17 attorney, for reports required to be filed with the county  
18 clerk, shall issue a final order imposing the civil penalty  
19 specified in this subsection against any person failing to  
20 comply with W.S. 22-25-106 twenty-one (21) days from the  
21 date the notice was sent under subsection (b) of this  
22 section. The final order shall be sent to the person at  
23 their address of record and shall notify the person of the

1 right to request reconsideration of the order as provided  
2 in subsection (h) of this section. The filing office or  
3 county attorney shall impose the following civil penalty in  
4 the final order after giving due consideration to the  
5 willfulness of the failure to file, the person's level of  
6 experience with reporting requirements under this act,  
7 efforts made to obscure the identity of the person required  
8 to file and any other factor evidencing an intent to evade  
9 reporting requirements under this act:

10

11 (i) Up to five hundred dollars (\$500.00) per day  
12 beginning on the date of the final order and ending when  
13 the report is filed for a failure to file a report with the  
14 ~~secretary of state~~ canvassing board;

15

16 (h) Any person may, within twenty (20) days of the  
17 date of a final order issued pursuant to subsection (f) of  
18 this section, request reconsideration of the order and  
19 submit documentation to the appropriate filing office or  
20 county attorney showing good cause for a failure to file a  
21 report. The filing office or county attorney may, after a  
22 decision finding good cause, waive any civil penalty  
23 imposed under this section provided that the person files

1 the report within the time specified in the decision. A  
2 decision to not waive an imposed penalty by the ~~secretary~~  
3 ~~of~~ state canvassing board is subject to the contested case  
4 procedures of the Wyoming Administrative Procedure Act. A  
5 decision to not waive an imposed penalty by the county  
6 attorney is appealable to a circuit court of appropriate  
7 jurisdiction.

8

9 **22-25-110. Campaign advertising in communications**  
10 **media.**

11

12 (b) For purposes of this section, "campaign  
13 literature or campaign advertising" does not include small  
14 campaign items such as tickets, bumper stickers, pens,  
15 pencils, buttons, rulers, nail files, balloons and yard  
16 signs displaying the name of the candidate or office sought  
17 and any other items specified by rule of the ~~secretary of~~  
18 state canvassing board.

19

20 **22-26-121. Violations of election code; complaints;**  
21 **investigations and prosecutions.**

22



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

16

17           (c) Complaints that the ~~secretary of~~ state canvassing  
18 board violated the Election Code shall be filed with the  
19 attorney general for investigation and prosecution.  
20 Complaints that the county clerk violated the Election Code  
21 shall be filed with the district attorney for the county  
22 for investigation and prosecution.

23

1           (d) The ~~secretary of~~ state canvassing board or the  
2 county clerk may refer any suspected violation of the  
3 Election Code to the appropriate prosecuting authority as  
4 provided in this section.

5

6           **22-29-106. Requirements for signers of petition;**  
7 **signer's withdrawal prohibited; chief petitioners**  
8 **designated.**

9

10           (d) The ~~secretary of~~ state canvassing board shall,  
11 after consultation with the county clerks, develop uniform  
12 petition forms which shall be used by special districts.

13

14           **22-29-113. General provisions relating to special**  
15 **district elections.**

16

17           (a) In a special district election not held in  
18 conjunction with a general or statewide special election,  
19 absentee voting shall be conducted in accordance with rules  
20 promulgated by the ~~secretary of~~ state canvassing board  
21 under W.S. 22-29-114 which shall be consistent with  
22 procedures for mail ballot elections.

23

1           **22-29-114. Election procedures for elections other**  
2 **than mail ballot elections; canvass, recount and contests.**

3  
4           (a) The ~~secretary of~~ state canvassing board, after  
5 consultation with the county clerks, shall promulgate rules  
6 setting forth election procedures for special districts to  
7 follow for the formation and succeeding elections. These  
8 rules shall apply to mail ballot elections but shall  
9 conform with W.S. 22-29-115 and 22-29-116. These rules  
10 shall include the designation of polling places,  
11 appointment of election judges, polling place hours, filing  
12 periods, filing offices, ballot preparation, appointment of  
13 a canvassing board, term commencement, other provisions  
14 relating to canvass, recount, contests and other election  
15 procedures.

16  
17           **22-29-115. Mail ballot elections; definitions;**  
18 **general provisions.**

19  
20           (b) The ~~secretary of~~ state canvassing board, after  
21 consultation with the county clerks, shall establish  
22 procedures for conducting mail ballot elections.

23

1           **22-29-116. Procedures for mail ballot elections.**

2

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

10

11           (ix) All deposited ballots shall be counted as  
12 provided in this act and by rules promulgated by the  
13 ~~secretary of state~~ canvassing board. A mail ballot shall be  
14 valid and counted only if it is returned in the  
15 return-verification envelope, the affidavit on the envelope  
16 is signed and completed by the voter to whom the ballot was  
17 issued and the information on the envelope is verified in  
18 accordance with paragraph (viii) of this subsection. If the  
19 election official determines that a voter to whom a  
20 replacement ballot has been issued has voted more than  
21 once, the official shall not count any ballot cast by that  
22 voter.

23

1           **22-29-501. Political action committees.**

2

3           (d) The ~~secretary of~~ state canvassing board shall  
4 prescribe and furnish the forms for reporting contributions  
5 and expenditures for special district ballot proposition  
6 elections together with written instructions for completing  
7 the form and a warning that violators are subject to civil  
8 and criminal charges. The forms along with instructions and  
9 warning shall be distributed to the county clerk and shall  
10 be given by the county clerk to each political action  
11 committee upon formation.

12

13           **Section 2.**

14

15           (a) The additional member of the state canvassing  
16 board as provided by W.S. 22-16-115 shall be appointed not  
17 later than March 1, 2024 and the term of that appointed  
18 member shall expire at the same time as the term of the  
19 elected members of the state canvassing board as provided  
20 by W.S. 22-16-115(c). Once the additional member is  
21 appointed, the board may take any action authorized by this  
22 section. On July 1, 2024, the functions within the  
23 secretary of state's office that administer elections shall

1 be transferred to the state canvassing board as provided by  
2 this act. All positions, personnel, property, equipment,  
3 funding, authority and obligations related to elections  
4 transferred to the state canvassing board by this act shall  
5 be under the control of the state canvassing board on July  
6 1, 2024.

7

8 (b) Notwithstanding any conflicting provision of law,  
9 on July 1, 2024, the governor shall transfer to the state  
10 canvassing board those positions, personnel, property,  
11 funds and equipment within the secretary of state's office  
12 as necessary to implement the provisions of this act. The  
13 secretary of state and the state canvassing board shall  
14 work collaboratively to develop recommendations to the  
15 governor regarding which positions, personnel, property,  
16 funds and equipment shall be transferred to implement this  
17 act. Any unexpended, unobligated funds and any positions  
18 identified under this subsection as of July 1, 2024 shall  
19 be transferred to the state canvassing board on July 1,  
20 2024.

21

22 (c) The secretary of state and the state canvassing  
23 board shall work collaboratively to develop appropriate

1 budget requests for the 2025-2026 biennial budget that  
2 reflect the transfer of positions, personnel, property,  
3 equipment and authority mandated by this act.

4

5 (d) Nothing in this act shall be construed to impair  
6 existing contracts, agreements or other obligations of the  
7 secretary of state related to elections that the secretary  
8 of state entered into before July 1, 2024. The state  
9 canvassing board shall, to the greatest extent possible,  
10 fulfill existing agreements, contracts and other  
11 obligations related to elections entered into before July  
12 1, 2024. The validity of any rule, regulation, contract,  
13 agreement or other obligation relating to elections is not  
14 affected by this act through June 30, 2024.

15

16 (e) The state canvassing board shall have the  
17 authority to prepare, propose and adopt elections rules as  
18 authorized by section 1 of this act, provided that the  
19 rules shall not be effective before July 1, 2024. The board  
20 may adopt rules that are substantially similar to the rules  
21 previously adopted by the secretary of state. The board may  
22 take other actions prior to July 1, 2024 as are necessary

1 to execute the duties the board will assume under this act  
2 on July 1, 2024.

3

4 **Section 3.**

5

6 (a) Except as provided in subsection (b) of this  
7 section, this act is effective immediately upon completion  
8 of all acts necessary for a bill to become law as provided  
9 by Article 4, Section 8 of the Wyoming Constitution.

10

11 (b) Section 1 of this act is effective July 1, 2024.

12

13

(END)