

ENROLLED ACT NO. 36, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

AN ACT relating to elections; revising registration requirements and election timelines as specified; creating requirements for write-in candidates; allowing notification to nominated write-in candidates by electronic means; amending complaint procedures for violations of the Election Code as specified; expanding limitations on campaign contributions; amending provisions relating to publishing notice of special district organizational and formation elections; modifying post voting procedures; and providing for an effective date.

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

Section 1. W.S. 22-3-102(d), 22-3-117(a)(i) and (c), 22-3-118(a)(ii) and (d), 22-5-206(b), 22-5-215, 22-6-107(a), 22-6-112, 22-11-106, 22-13-103(b), 22-16-106(b), 22-25-102(a), 22-26-121(a), (f)(i) and (ii), 22-29-110(a) and (b)(intro) and 22-29-116(a)(viii) are amended to read:

22-3-102. Qualifications; temporary registration.

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

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

ENROLLED ACT NO. 36, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

(a) Notwithstanding any other section or provision in this chapter, any citizen of the United States who is a resident of Wyoming may apply for registration by providing the information required by W.S. 22-3-103(a) and acceptable identification to and completing and subscribing, the form of voter registration oath prescribed by W.S. 22-3-103(b) before any person authorized by law to administer oaths. Each county clerk shall furnish the voter registration oath forms. The applicant shall mail or return the completed voter registration oath form to the county clerk in the county in which the applicant resides. In order to vote in the next election, the application must be received in the county clerk's office before the close of registration for that election, or:

(i) Be received by mail or email and processed by the county clerk during the closed period described in W.S. 22-3-102(a) if it is accompanied by an absentee ballot request for elections where a voter may register at the polls;

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

22-3-118. Proof of identity.

ENROLLED ACT NO. 36, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

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

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

(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.~~

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

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

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

On each party ballot the candidate or candidates equal in number to the number to be elected to each office who receive the largest number of votes shall be nominated and shall be entitled to have their names printed on the ballot for the next general election. A write-in candidate shall not be nominated and shall not be entitled to have his name printed

ENROLLED ACT NO. 36, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

on the ballot for the next general election unless he received at least twenty-five (25) write-in votes in the primary election and is a registered voter in the political party for which he was nominated on the day of the primary election. An unsuccessful candidate for office at a primary election whose name is printed on any party ballot may not accept nomination for the same office at the next general election.

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

(a) Official ballots for primary and general elections shall be in the county clerk's possession ~~forty—(40)~~ forty-five (45) days before the election. If a clerk is unable to obtain ballots on time, the secretary of state shall provide by rule and regulation for the clerk to obtain and use substitute ballots.

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

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

(b) No candidate's name shall appear on the general election ballot more than once, except that a candidate for a partisan office may also seek the office of president or vice president of the United States or a nonpartisan office on the same general election ballot in accordance with W.S. 22-2-116.

22-11-106. Procedure after voter marks paper ballot.

ENROLLED ACT NO. 36, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

After marking ~~his~~the paper ballot, ~~or ballot card,~~ the voter shall place the ballot ~~inside the ballot envelope and return it to the judge.~~ ~~The judge shall remove the stub and deposit the envelope with the ballot inside in the ballot box.~~ ~~The ballot stub shall be deposited in an envelope provided for that purpose.~~ ~~Ballot cards from which the ballot stub has been detached by anyone except an election judge shall not be deposited in the ballot box, but shall be marked "Spoiled" and placed in the spoiled ballot envelope~~ in the voting machine. If the votes are being counted at a central counting center as authorized by W.S. 22-14-114(b), the voter shall instead place the paper ballot in the ballot box.

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

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

22-16-106. Write-in candidates.

(b) The chief election officer shall notify a write-in candidate who has been nominated at a primary election within forty-eight (48) hours after the canvassing board meets. Notification may be ~~made~~delivered by United States postal service, ~~any generally accepted business document delivery method evidenced by receipt of delivery or attempted delivery at~~ or other generally accepted mail delivery method to the last known address of the write-in candidate, email or other electronic means that provide actual notice to the write-in candidate, or service as provided under the Wyoming Rules of Civil Procedure. Each notification provided under this section shall inform the write-in candidate that failure to

ENROLLED ACT NO. 36, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

timely respond will result in forfeiture of nomination. Failure of the successful write-in candidate to accept the nomination in the manner prescribed in subsection (a) of this section within five (5) days after delivery, attempted delivery or service under the Wyoming Rules of Civil Procedure, as computed pursuant to W.S. 22-2-110, results in the successful write-in candidate not appearing on the general election ballot, but does not result in a vacancy which can be filled.

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

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

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

ENROLLED ACT NO. 36, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

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

(f) As used in this section:

(i) "County or municipal candidate, committee or organization" means any county or municipal candidate, candidate committee for county or municipal office, political action committee for county or municipal candidate, political action committee or organization supporting or opposing a municipal initiative or referendum petition drive or ballot proposition within a county or political subdivision, county party central committee or any other person not identified in paragraph (ii) of this subsection;

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

ENROLLED ACT NO. 36, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

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

(a) Between one hundred one (101) and ninety-one (91) days before an organizational election held in conjunction with a primary or other August election, ~~and~~ between ninety (90) and seventy (70) days before an organizational election held in conjunction with a May, general, ~~or other~~ November election or mail ballot election held at any other time, the county clerk shall publish at least once in a newspaper of general circulation in each county in which all or part of the proposed district is situated a proclamation setting forth the date of the election, what county clerk is the filing officer, the question of formation, what offices are to be filled including the terms of the offices, the filing period for the offices and other pertinent election information. Minor errors in the proclamation shall not invalidate the forthcoming election.

(b) Between ninety-six (96) and eighty-one (81) days before a formation election held in conjunction with a primary or other August election, ~~and~~ between ninety (90) and seventy (70) days before a formation election held in conjunction with a May, general, ~~or other~~ November election or mail ballot election held at any other time, candidates may file an application for election in the office of the county clerk. The principal act shall determine who is eligible to be a candidate. The application shall be in substantially the following form:

APPLICATION FOR ELECTION
SPECIAL DISTRICT DIRECTOR

I, the undersigned, swear or affirm that I was born on ,
(year); that I have been a resident of district since

ENROLLED ACT NO. 36, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

....., residing at; that I am an elector or landowner (check which one for eligibility) of said district and I do hereby request that my name,, be printed on the ballot of the formation (or other) election to be held on day of, (year) as a candidate for the office of director for a term of years. I hereby declare that if I am elected, I will qualify for the office.

Dated

Signature of Candidate

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

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

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

Section 2. W.S. 22-3-118(b), (c) and (f) and 22-9-104(a)(iv) are repealed.

ORIGINAL SENATE
FILE NO. SF0020

ENGROSSED

ENROLLED ACT NO. 36, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

Section 3. This act is effective July 1, 2020.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk