

SENATE FILE NO. SF0023

Mail ballot elections.

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

A BILL

for

1 AN ACT relating to elections; providing for special mail  
2 ballot elections after an election is declared null and  
3 void; providing procedures for special mail ballot  
4 elections; and providing for an effective date.

5

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

7

8 **Section 1.** W.S. 22-16-123 is created to read:

9

10 **22-16-123. Special mail ballot elections; procedures.**

11

12 (a) A special mail ballot election, as provided in  
13 this section, may be held in response to a determination  
14 under W.S. 22-16-122(a).

15

1           (b) In a special mail ballot election, official  
2 ballots shall be prepared and all other pre-election  
3 procedures followed as otherwise provided by law or rules  
4 promulgated by the secretary of state, except that special  
5 mail ballot packets shall be prepared as follows:

6  
7           (i) The election official shall mail to each  
8 qualified elector entitled to vote in the special mail  
9 ballot election, at the last address appearing in the  
10 registration records, a special mail ballot packet, which  
11 shall be marked "DO NOT FORWARD-ADDRESS CORRECTION  
12 REQUESTED," or any other similar statement which is in  
13 accordance with United States postal service regulations.  
14 Packets shall be mailed not sooner than twenty-five (25)  
15 days and not later than fifteen (15) days before an  
16 election for elections held in accordance with W.S.  
17 22-16-122(d) or (e). Packets shall be mailed not sooner  
18 than forty-five (45) days and not later than forty (40)  
19 days before an election for elections held in accordance  
20 with W.S. 22-16-122(f) unless the court order provides  
21 otherwise;

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23           (ii) The ballot or ballot label shall contain  
24 the following warning:

1

2

## WARNING

3

4 The criminal laws regulating the conduct of elections  
5 contained in chapter 26 of the Wyoming Election Code of  
6 1973, as amended, apply with equal force to elections by  
7 mail.

8

9 (iii) Not sooner than twenty-five (25) days and  
10 not later than 4:00 p.m. on election day for elections held  
11 in accordance with W.S. 22-16-122(f), mail ballots shall be  
12 made available at the election official's office for voters  
13 entitled to vote in the election but whose address has  
14 changed or who did not receive their ballot in the mail and  
15 for voters allowed by law to register and vote the day of  
16 the election;

17

18 (iv) A voter may obtain a replacement ballot if  
19 the ballot was destroyed, spoiled, lost or for some other  
20 reason not received by the voter. In order to obtain a  
21 replacement ballot, the voter shall sign a sworn statement  
22 specifying the reason for requesting the replacement  
23 ballot. The statement shall be presented to the election  
24 official no later than 4:00 p.m. on election day. The

1 election official shall keep a record of each replacement  
2 ballot issued in accordance with this paragraph. A  
3 replacement ballot may be transmitted directly to the  
4 applicant at the election official's office or may be  
5 mailed to the voter at the address provided in the  
6 application. Replacement ballots may be cast no later than  
7 5:00 p.m. on election day;

8

9 (v) Upon receipt of a ballot, the voter shall  
10 mark the ballot, sign and complete the return-verification  
11 envelope and comply with the instructions provided with the  
12 ballot. The voter may return the marked ballot to the  
13 election official by United States mail or by depositing  
14 the ballot at the office of the election official or the  
15 designated depository no later than 5:00 p.m. on election  
16 day;

17

18 (vi) Once the ballot is returned, it shall not  
19 be returned to the voter. The election official shall  
20 first qualify the submitted ballot by examining the  
21 verification envelope and comparing the information on the  
22 envelope to the poll list to determine whether the ballot  
23 was submitted by a voter who has not previously voted in  
24 the election. If the ballot so qualifies and is otherwise

1 valid, the official shall place a number next to the  
2 voter's name in the poll book. The election official shall  
3 then open and separate the ballot from the envelope and  
4 place the ballot in a ballot box so as to keep the voter's  
5 ballot private;

6

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

18

19 (viii) The election official shall provide a  
20 minimum of one (1) polling place on the day of election  
21 which may be the election official's office and shall be  
22 open between the hours of 7:00 a.m. and 7:00 p.m.

23

1           **Section 2.** W.S. 22-16-122(d), (e) and by creating a  
2 new subsection (f) is amended to read:

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4           **22-16-122. Election declared null and void; special**  
5 **election.**

6

7           (d) The special election shall be held if necessary  
8 no later than the third Tuesday after the primary election  
9 and may be held by a special mail ballot election as  
10 provided in W.S. 22-16-123. Any candidate may appeal the  
11 decision of the canvassing board in the same manner as he  
12 would contest an election under this act. However, this  
13 appeal shall be filed in the district court no later than  
14 the first Monday following the meeting of the canvassing  
15 board whose decision is being appealed. The special  
16 election shall be conducted by the county clerk as nearly  
17 as possible in the manner of a primary election, except  
18 that registration at the polls shall not be permitted. If  
19 the election is held as a special mail ballot election, the  
20 election shall be held as provided in W.S. 22-16-123.

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22           (e) The special election shall be held if necessary  
23 on the third Tuesday after the general election and may be  
24 held by a special mail ballot election as provided in W.S.

1 22-16-123. Not more than fourteen (14) nor less than five  
2 (5) days before the special election the county clerk shall  
3 publish at least once in a newspaper of general circulation  
4 in the county a proclamation setting forth the date of the  
5 election, the offices to be filled at the election  
6 including the terms of the offices, the number of persons  
7 required by law to fill the offices, the requirements for  
8 filing statements of campaign receipts and expenditures,  
9 and any other pertinent information. The special election  
10 shall be conducted by the county clerk as nearly as  
11 possible in the manner of a general election. If the  
12 election is held as a special mail ballot election, the  
13 election shall be held as provided in W.S. 22-16-123.

14

15 (f) A court ordered election may be held by special  
16 mail ballot election as determined by the county clerk.

17

18 **Section 3.** This act is effective immediately upon  
19 completion of all acts necessary for a bill to become law  
20 as provided by Article 4, Section 8 of the Wyoming  
21 Constitution.

22

23

(END)