

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;

22

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 (c) If any special mail ballot packet mailed under
2 paragraph (b)(i) of this section to a physical address, not
3 including a post office box, is returned by the postal
4 service, the county clerk, or the secretary of state if the
5 election involves more than one (1) county, shall
6 investigate the validity of the address. If the county
7 clerk or secretary of state determines that the address is
8 not at a location that a voter could habitate, the county
9 clerk or secretary of state shall remove the address from
10 the registration records until the county clerk or
11 secretary of state receives proof that the address is
12 habitable by a voter.

13

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

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17 **22-16-122. Election declared null and void; special**
18 **election.**

19

20 (d) The special election shall be held if necessary
21 no later than the third Tuesday after the primary election
22 and may be held by a special mail ballot election as
23 provided in W.S. 22-16-123. Any candidate may appeal the
24 decision of the canvassing board in the same manner as he

1 would contest an election under this act. However, this
2 appeal shall be filed in the district court no later than
3 the first Monday following the meeting of the canvassing
4 board whose decision is being appealed. The special
5 election shall be conducted by the county clerk as nearly
6 as possible in the manner of a primary election, except
7 that registration at the polls shall not be permitted. If
8 the election is held as a special mail ballot election, the
9 election shall be held as provided in W.S. 22-16-123.

10

11 (e) The special election shall be held if necessary
12 on the third Tuesday after the general election and may be
13 held by a special mail ballot election as provided in W.S.
14 22-16-123. Not more than fourteen (14) nor less than five
15 (5) days before the special election the county clerk shall
16 publish at least once in a newspaper of general circulation
17 in the county a proclamation setting forth the date of the
18 election, the offices to be filled at the election
19 including the terms of the offices, the number of persons
20 required by law to fill the offices, the requirements for
21 filing statements of campaign receipts and expenditures,
22 and any other pertinent information. The special election
23 shall be conducted by the county clerk as nearly as
24 possible in the manner of a general election. If the

1 election is held as a special mail ballot election, the
2 election shall be held as provided in W.S. 22-16-123.

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4 (f) A court ordered election may be held by special
5 mail ballot election as determined by the county clerk or
6 by the secretary of state if the election involves more
7 than one (1) county.

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9 **Section 3.** This act is effective immediately upon
10 completion of all acts necessary for a bill to become law
11 as provided by Article 4, Section 8 of the Wyoming
12 Constitution.

13

14

(END)