

ORIGINAL SENATE  
FILE NO. SF0054

ENROLLED ACT NO. 37, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING  
2015 GENERAL SESSION

AN ACT relating to elections; providing definitions; clarifying and amending campaign reporting requirements; amending term limit provisions to comply with decisions of the Wyoming supreme court; conforming language to prior statutory changes; limiting distribution of the election code; requiring oaths as specified; amending notice of appointment provisions; amending time limits applicable to the acceptance of nominations; amending time limits for the delivery of absentee ballots; amending absentee ballot formatting; altering obligations to initial ballots; acknowledging a canvassing board's ability to validate noninitialed ballots; amending provisions related to write-in candidates; making grammatical changes; specifying the official who prints names on ballots; and providing for an effective date.

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

**Section 1.** W.S. 22-1-102(a) by creating a new paragraph (xlvii), 22-2-109(a) and (b), 22-2-113(c), 22-2-120, 22-3-103(c), 22-5-103(a)(i), 22-5-214, 22-8-111, 22-9-107, 22-9-111(b)(intro), (i) and (ii), 22-9-121(c)(i) and (ii), 22-14-103, 22-16-106(b), 22-16-122(g), 22-23-302, 22-23-303, 22-23-307(b), 22-24-107(b), 22-24-201(a)(ii) and (iii), 22-25-102(g), 22-25-105(a), 22-25-106(a)(i) through (iv), (b)(intro), (i), (ii), (iv), (c) through (e), (f)(intro) and (g), 22-25-107(a)(vi), 22-25-108(a) and (b), 22-26-112(a)(x) and 22-29-501(d) and (e) are amended to read:

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

(a) The definitions contained in this chapter apply to words and phrases used in this Election Code and govern the construction of those words and phrases unless they are

ORIGINAL SENATE  
FILE NO. SF0054

ENROLLED ACT NO. 37, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING  
2015 GENERAL SESSION

specifically modified by the context in which they appear.  
As used in this Election Code:

(xlvii) "Unsuccessful candidate" means a person who did not win the election but whose name was printed on the ballot and who received one (1) or more votes in the primary election.

**22-2-109. County clerk to publish proclamation.**

(a) Between one hundred one (101) and ninety-one (91) days before each primary election the county clerk in each county shall publish at least once in a newspaper of general circulation in the county and post in the county clerk's office and at the place where each municipality within the county regularly holds its council meetings a proclamation setting forth the date of the election, the offices to be filled at the election including the terms of the offices, the number of persons required by law to fill the offices, the filing deadline for the offices and the requirements for filing statements of campaign ~~receipts~~ contributions and expenditures. The proclamation shall also include the aforementioned information regarding offices to be filled at the general election and any other pertinent primary election information. In addition, the description of any ballot proposition submitted to the voters of the state, a political subdivision thereof, county or other district shall be included.

(b) Between forty-five (45) and thirty-five (35) days before each general election the county clerk in each county shall publish at least once in a newspaper of general circulation in the county and post in the county clerk's office and at the place where each municipality within the county regularly holds its council meetings a proclamation setting forth the date of the election, the

ORIGINAL SENATE  
FILE NO. SF0054

ENROLLED ACT NO. 37, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING  
2015 GENERAL SESSION

offices to be filled at the election including the terms of the offices, the number of persons required by law to fill the offices, the requirements for filing statements of campaign ~~receipts~~ contributions and expenditures, and any other pertinent general election information. In addition, the legislative description of each proposed constitutional amendment, or other ballot proposition submitted to the voters of the state, a political subdivision thereof, county or other district shall be included.

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

(c) Information copied from campaign ~~receipts~~ contribution and expenditure reports filed by state and local candidates may be used for political purposes but shall not be used for commercial purposes.

**22-2-120. Distribution of copies of Election Code.**

The secretary of state, not later than the first of July in general election years, shall distribute copies of the Election Code to county and municipal clerks. ~~The county clerk shall furnish copies of the Election Code to municipal clerks and election officials.~~

**22-3-103. Furnishing of oath forms; contents thereof.**

(c) Persons in the uniformed services and overseas citizens, as specified in W.S. 22-3-117, ~~may~~ shall swear or affirm to the oath under the penalty of perjury. The oath does not require the signature of an oath-taking officer.

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

ORIGINAL SENATE  
FILE NO. SF0054

ENROLLED ACT NO. 37, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING  
2015 GENERAL SESSION

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

(i) The person, by the end of the current term of office will have served, or but for resignation, would have served eight (8) or more years in any sixteen (16) year period in the office for which the candidate is seeking nomination or election, except, that any time served in that particular office prior to January 1, 1993, shall not be counted for purposes of this term limit. This provision shall apply to the ~~offices~~ office of governor, ~~secretary of state, state auditor, state treasurer, and state superintendent of public instruction.~~

**22-5-214. Change in party affiliation.**

An elector may change his party affiliation by completing an application signed before a notarial officer or election official, and filing it with the county clerk not ~~later~~ less than fourteen (14) days before the primary election or at the polls on the day of the primary or general election, or when requesting an absentee ballot.

**22-8-111. Acceptance of appointment.**

With each notice of appointment ~~mailed~~ delivered by the county clerk there shall be a form for acceptance of the appointment. ~~Each appointee shall file his acceptance with the county clerk within twelve (12) days after the acceptance form is mailed by the county clerk. or notice that each appointee shall be required to notify the county clerk of acceptance. The county clerk shall state the date~~

ORIGINAL SENATE  
FILE NO. SF0054

ENROLLED ACT NO. 37, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING  
2015 GENERAL SESSION

by which the appointee shall be required to notify the clerk of acceptance. Failure of an appointee to ~~file an notify the county clerk of~~ acceptance within ~~twelve (12) days~~the time allotted by the county clerk results in a vacancy.

**22-9-107. Delivering ballots to qualified applicants.**

If the clerk determines that the applicant is entitled to vote, he shall mark the application "Accepted" and shall, ~~not less than forty (40) days nor not~~ more than forty-five (45) days prior to the election, distribute to the applicant, or the individual designated by the applicant, the absentee ballot or ballots requested, instructions for marking the ballot and the required envelopes for use in returning the ballot.

**22-9-111. Affidavit to be printed on inner envelope; attestation.**

(b) For all voters, as specified in W.S. 22-9-105, an oath containing the following information and meeting the following requirements shall be printed on the reverse side of the inner ballot envelope:

(i) The ~~elector shall print his~~ elector's full name;

(ii) The ~~elector shall provide his~~ elector's current residence address or if living temporarily in another state or nation, his last residence address in Wyoming;

**22-9-121. Examination of absentee ballot affidavit; rejection; voting ballots.**

ORIGINAL SENATE  
FILE NO. SF0054

ENROLLED ACT NO. 37, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING  
2015 GENERAL SESSION

(c) If it is sufficient:

(i) In a paper ballot precinct, the name of the absent elector shall be entered in the pollbook, the inner ballot envelope shall be opened by a judge of election and the ballots therein shall be removed ~~and initialed by a judge of election.~~ The ballot shall then be placed in the regular ballot box by a judge of election;

(ii) In a voting machine precinct, the inner ballot envelope shall be opened after the judges are sworn in and as activity permits, the ballots therein removed ~~initialed by a judge of election,~~ and each ballot deposited in its proper box. After the absentee ballots have been so deposited, they shall be mixed within the box, removed from the box and once the polls open and as activity permits, voted on a voting machine in the following manner: A judge of election shall read the vote for each candidate and ballot proposition. A judge of a different political party affiliation shall record the vote as read on the machine. A third judge shall observe this procedure to see that the vote is correctly cast.

**22-14-103. Counting in paper ballot precincts; discrepancies.**

Unless otherwise validated by a canvassing board pursuant to W.S. 22-13-105, ballots not initialed by a judge of election or county clerk shall not be counted. If the number of ballots is not equal to the number of voters entered in the pollbook as having voted that ballot, the election judges shall attempt to determine the discrepancy. If the election judges cannot determine the discrepancy, the county clerk and, if necessary, the county canvassing board, shall resolve the discrepancy.

ORIGINAL SENATE  
FILE NO. SF0054

ENROLLED ACT NO. 37, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING  
2015 GENERAL SESSION

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

(b) The chief election officer shall notify a write-in candidate who has been nominated for election within forty-eight (48) hours after the canvassing board meets. Notification may be made by United States postal service, any generally accepted business document delivery method evidenced by receipt of delivery or attempted delivery at the last known address of 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 timely respond will result in forfeiture of nomination. Failure of the successful write-in candidate to accept the nomination 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, ~~of proof of service or attempted delivery~~ 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.

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

(g) Not more than fourteen (14) nor less than five (5) days before the special election the county clerk shall publish at least once in a newspaper of general circulation in the county a proclamation setting forth the date of the election, the offices to be filled at the election including the terms of the offices, the number of persons required by law to fill the offices, the requirements for filing statements of campaign ~~receipts~~ contributions and expenditures, and any other pertinent information.

**22-23-302. Filing fee; application form.**





ORIGINAL SENATE  
FILE NO. SF0054

ENROLLED ACT NO. 37, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING  
2015 GENERAL SESSION

to vote for at the primary election is the number of candidates to be elected to municipal offices at the general election.

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

(b) The chief election officer shall notify a write-in candidate who has been nominated for election within forty-eight (48) hours after the canvassing board meets. Notification may be made by United States postal service, any generally accepted business document delivery method evidenced by receipt of delivery or attempted delivery at the last known address of the write-in candidate or service as provided under the Wyoming Rules of Civil Procedure. Failure of the successful write-in candidate to accept the nomination 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, ~~of proof of service or attempted delivery~~ results in the successful write-in candidate not appearing on the general election ballot, and results in a vacancy which can be filled as provided in W.S. 22-23-308. Each notification provided under this section shall inform the write-in candidate that failure to timely respond will result in forfeiture of nomination.

**22-24-107. Sponsors.**

(b) The committee of sponsors shall file receipt contribution and expenditure reports as required by W.S. 22-25-106.

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

ORIGINAL SENATE  
FILE NO. SF0054

ENROLLED ACT NO. 37, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING  
2015 GENERAL SESSION

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

(ii) File with the secretary of state a statement of ~~receipts~~contributions and expenditures setting forth the full and complete record of ~~receipts~~contributions including cash, goods or services and actual and promised expenditures, on a form prescribed by the secretary of state, on the last Friday in December of each calendar year. In addition to the annual report, while the legislature is in session, there shall be filed an interim monthly statement for each month or portion thereof that the legislature is in session, within ten (10) days of the first day of the month for the previous month;

(iii) If the total ~~receipts~~contributions and expenditures reported under paragraph (a)(ii) of this section lists any contribution in excess of one thousand dollars (\$1,000.00) from any source or sources other than an individual, the report shall include a full and complete disclosure of the funding source or sources of any nonindividual contributor which funded the advertising.

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

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

ORIGINAL SENATE  
FILE NO. SF0054

ENROLLED ACT NO. 37, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING  
2015 GENERAL SESSION

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

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

(a) The secretary of state shall prescribe the forms for reporting ~~receipts~~ contributions and expenditures for primary, general and special election campaigns, together with written instructions for completing the form and a warning that violators are subject to criminal charges and that a vacancy will exist if the forms are not completed and filed pursuant to law. Until January 1, 2010, the forms along with instructions and warning shall be distributed to the county clerk and shall be given by the county clerk to each person filing an application for nomination in his office and to each political action committee and candidate's campaign committee required to file with the county clerk. Until January 1, 2010, the county clerk shall also distribute the reporting forms to the chairmen of the county party central committees.

**22-25-106. Filing of campaign reports.**

(a) Except as otherwise provided in subsection (g) of this section and in addition to other statements required by this subsection:

(i) Every candidate shall file a fully itemized statement of ~~receipts~~ contributions at least seven (7) days

ORIGINAL SENATE  
FILE NO. SF0054

ENROLLED ACT NO. 37, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING  
2015 GENERAL SESSION

before any primary, general or special election with information required by this subsection current to any day from the eighth day up to the fourteenth day before the election;

(ii) Every candidate, whether successful or not, shall file a fully itemized statement of receipts contributions and expenditures within ten (10) days after any general or special election;

(iii) Every candidate in any primary election shall file a fully itemized statement of receipts contributions and expenditures within ten (10) days after the primary election;

(iv) Statements under this subsection shall set forth the full and complete record of receipts contributions including cash, goods or services and except for statements of receipts contributions required under paragraph (i) of this subsection, of actual and promised expenditures, including all identifiable expenses as set forth in W.S. 22-25-103. For purposes of this section, a receipt contribution is reportable when it is known and in the possession of, or the service has been furnished to, the person or organization required to submit a statement of receipts contributions or a statement of receipts contributions and expenditures. The date of each receipt contribution of twenty-five dollars (\$25.00) or more, any expenditure or obligation, the name of the person from whom received or to whom paid and the purpose of each expenditure or obligation shall be listed. All receipts contributions under twenty-five dollars (\$25.00) shall be reported but need not be itemized. Should the accumulation of receipts contributions from an individual exceed the twenty-five dollar (\$25.00) threshold, all receipts contributions from that individual shall be itemized.

ORIGINAL SENATE  
FILE NO. SF0054

ENROLLED ACT NO. 37, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING  
2015 GENERAL SESSION

~~Receipts~~Contributions, expenditures and obligations itemized in a statement filed by a political action committee, a candidate's campaign committee or by a political party central committee need not be itemized in a candidate's statement except by total with a reference to the statement;

(b) Reports of itemized statements of ~~receipt~~contributions and statements of ~~receipts~~contributions and expenditures, and statements of termination shall be made with the appropriate filing officers specified under W.S. 22-25-107 and in accordance with the following:

(i) Except as otherwise provided in this section, any political action committee, candidate's campaign committee, or any political action committee formed under ~~federal law or~~ the law of another state that contributes to a Wyoming political action committee or to a candidate's campaign committee, any organization making an independent expenditure under W.S. 22-25-102(k), and any other organization supporting or opposing any ballot proposition which expends any funds in any primary, general or special election shall file an itemized statement of ~~receipts~~contributions at least seven (7) days before the election current to any day from the eighth day up to the fourteenth day before the election and shall also file a statement of ~~receipts~~contributions and expenditures within ten (10) days after a primary, general or special election;

(ii) A committee formed after an election to defray campaign expenses incurred during a previous election and any political action or candidate's campaign committee which ~~has previously filed a statement of receipts and expenditures and~~ has not filed a statement of termination shall file an itemized statement of ~~receipts~~

ORIGINAL SENATE  
FILE NO. SF0054

ENROLLED ACT NO. 37, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING  
2015 GENERAL SESSION

contributions and expenditures on December 31 of each odd-numbered year;

(iv) In addition to the reports required under paragraphs (i) through (iii) of this subsection, a political action committee formed for the support of or opposition to any initiative or referendum petition drive or any organization supporting or opposing a petition drive shall file an itemized statement of ~~receipts~~contributions and expenditures within ten (10) days after the petition is submitted to the secretary of state pursuant to W.S. 22-24-115.

(c) All statements required by subsection (b) of this section shall be signed by both the chairman and treasurer. The statements shall set forth the full and complete record of ~~receipts~~contributions including cash, goods or services and except for statements of ~~receipts~~contributions required under paragraph (i) of this subsection, of actual and promised expenditures. The date of each ~~receipt~~contribution of twenty-five dollars (\$25.00) or more, any expenditure or obligation, the name of the person from whom received or to whom paid and the purpose of each expenditure or obligation shall be listed. Nothing in this subsection shall be construed to require the disclosure of the names of individuals paid to circulate an initiative or referendum petition. All ~~receipts~~contributions under twenty-five dollars (\$25.00) shall be reported but need not be itemized. Should the accumulation of ~~receipts~~contributions from an individual exceed the twenty-five dollar (\$25.00) threshold, all ~~receipts~~contributions from that individual shall be itemized. If the ~~receipts~~contributions, expenditures or obligations were for more than one (1) candidate, the amounts attributable to each shall be itemized separately.

ENROLLED ACT NO. 37, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING  
2015 GENERAL SESSION

(d) The chairman of each political party central committee for the state or county, or an officer of the party designated by him, shall file an itemized statement of ~~receipts~~contributions of twenty-five dollars (\$25.00) or more, and any expenditures and obligations. The statement shall be filed within ten (10) days after a general or special election. The statement shall report all ~~receipts~~contributions, expenditures and obligations relating to campaign expenses, including normal operating expenses. All ~~receipts~~contributions under twenty-five dollars (\$25.00) shall be reported but need not be itemized. Should the accumulation of ~~receipts~~contributions from an individual exceed the twenty-five dollar (\$25.00) threshold, all ~~receipts~~contributions from that individual shall be itemized. It shall attribute all campaign ~~receipts~~contributions, expenses and obligations to a specific candidate only if the campaign ~~receipts~~contributions, expenses and obligations can be specifically identified to that specific candidate to the exclusion of other candidates on the ticket. A copy of the statement shall be furnished to each candidate identified in the statement within ten (10) days after the general or special election.

(e) Amendments to the statements required by this section may be filed at any time. If inaccuracies are found in the statements filed or additional ~~receipts~~contributions or expenditures occur or become known after the statements are filed, amendments to the original statements or additional statements shall be filed within a reasonable time not to exceed ninety (90) days from the time the inaccuracies or additional ~~receipts~~contributions or expenditures became known. Any net change less than fifty dollars (\$50.00) need not be reported.

(f) In addition to the statement of ~~receipts~~contributions and expenditures required by subsection (b)

ORIGINAL SENATE  
FILE NO. SF0054

ENROLLED ACT NO. 37, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING  
2015 GENERAL SESSION

of this section, any political action committee formed for the support of any initiative or referendum petition drive or any organization supporting an initiative or referendum petition drive shall file with the secretary of state, at least thirty (30) days but no more than forty-five (45) days before the election at which the initiative or referendum proposition will be voted on, a statement signed by both the chairman and treasurer showing:

(g) Candidates for federal office, campaign committees for candidates for federal office and federal political action committees shall not be required to file ~~receipt~~contribution and expenditure reports under this section if the candidate or the committee is required to comply with federal election law reporting requirements.

**22-25-107. Where statements to be filed.**

(a) All statements required under this chapter shall be filed as follows:

(vi) Precinct committeemen and precinct committeewomen elected at the primary election shall not be required to file a statement of ~~receipts~~contributions and expenditures;

**22-25-108. Failure of candidate or committee to file statement.**

(a) Candidates shall be given notice prior to an election that failure to file, within the time required, a full and complete itemized statement of ~~receipts~~contributions if required pursuant to W.S. 22-25-107 and a statement of ~~receipts~~contributions and expenditures shall subject the candidate to civil penalties as provided in subsection (e) of this section.



ORIGINAL SENATE  
FILE NO. SF0054

ENROLLED ACT NO. 37, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING  
2015 GENERAL SESSION

(b) A candidate who fails to file the statement of ~~receipts~~contributions required by the seventh day before the election shall have his name printed on a list drafted by the appropriate filing office specified under W.S. 22-25-107. The list shall immediately be posted in the filing office and made available to the public.

**22-26-112. Misdemeanor offenses generally.**

(a) Unless a different penalty is specifically provided in this code, the following acts, if knowingly and willfully committed, are misdemeanor offenses punishable by not more than six (6) months in a county jail or a fine of not more than one thousand dollars (\$1,000.00), or both:

(x) Filing or signing a false statement of ~~receipts~~contributions and expenditures required by W.S. 22-25-106.

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

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

(e) Every political action committee shall file a fully itemized statement of ~~receipts~~contributions and expenditures within ten (10) days after any special district ballot proposition election. The statement shall

ORIGINAL SENATE  
FILE NO. SF0054

ENROLLED ACT NO. 37, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING  
2015 GENERAL SESSION

set forth the full and complete record of ~~receipts~~ contributions including cash, goods or services and of actual and promised expenditures, including all identifiable expenses as set forth in W.S. 22-25-103. The date of each ~~receipt~~ contribution of twenty-five dollars (\$25.00) or more, any expenditure or obligation, the name of the person from whom received or to whom paid and the purpose of each expenditure or obligation shall be listed. All ~~receipts~~ contributions under twenty-five dollars (\$25.00) shall be reported but need not be itemized. Should the accumulation of ~~receipts~~ contributions from an individual exceed the twenty-five dollar (\$25.00) threshold, all ~~receipts~~ contributions from that individual shall be itemized.

ORIGINAL SENATE  
FILE NO. SF0054

ENROLLED ACT NO. 37, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING  
2015 GENERAL SESSION

**Section 2.** This act is effective July 1, 2015.

(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