

SENATE FILE NO. SF0112

Open ranked preference elections.

Sponsored by: Senator(s) Rothfuss and Case and
Representative(s) Zwonitzer

A BILL

for

1 AN ACT relating to elections; providing for primary
2 elections allowing any voter to vote for any candidate;
3 requiring ranked pairs voting at primary and general
4 elections as specified; modifying requirements for primary
5 and general election ballots; amending definitions relating
6 to qualifications of political parties; eliminating
7 election of precinct committeemen and committeewomen at
8 primary elections; modifying procedures for filling of
9 vacancies in nomination; requiring rulemaking; making
10 conforming amendments; removing obsolete language; and
11 providing for effective dates.

12

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

14

1 **Section 1.** W.S. 22-2-122 and 22-5-404 are created to
2 read:

3

4 **22-2-122. Ranked pairs voting.**

5

6 (a) Ranked pairs voting shall be used for all
7 elections in which more than two (2) candidates are running
8 for nomination or election to one (1) public office.

9

10 (b) The secretary of state shall promulgate rules
11 pertaining to ranked pairs voting. The rules shall specify:

12

13 (i) The methods and procedures for evaluating an
14 elector's markings for preferences in a square on a ballot,
15 including how to evaluate repetitive or redundant markings
16 or instances where only one (1) square is marked on a
17 ballot;

18

19 (ii) The methods and procedures for tabulating
20 preferences and resolving ties among candidates comparison
21 majorities in accordance with W.S. 22-1-102(a)(liii);

22

1 (iii) The methods and procedures for declaring
2 the nomination of candidates and filling vacancies in
3 nominations;

4

5 (iv) The procedures for auditing results;

6

7 (v) The procedures and information required for
8 reporting results;

9

10 (vi) The instructions for voters which shall be
11 printed on ballots.

12

13 **22-5-404. Vacancies in nomination.**

14

15 (a) A vacancy in nomination for an office to be
16 filled at a general election occurs if a candidate
17 nominated at a primary election declines to accept the
18 nomination, dies, moves his residence from his constituency
19 or becomes disqualified to hold the office for any reason
20 provided by law.

21

22 (b) A vacancy in nomination shall be filled by the
23 person who received the next highest number of votes or, if

1 ranked pairs voting was used, the next most preference
2 majorities as specified in W.S. 22-1-102(a)(liii). If no
3 qualified candidate exists, the vacancy in nomination shall
4 be filled by:

5

6 (i) The state central committee of the political
7 party of the former nominee for an office to be voted for
8 by the electors of the entire state;

9

10 (ii) The county central committee of the
11 political party of the former nominee for an office to be
12 voted for by the electors of a county or a subdivision
13 thereof; or

14

15 (iii) If the former nominee for any office did
16 not indicate in the application whether he is a member of
17 an existing political party as provided in W.S.
18 22-5-204(d), or if the former nominee was a write-in
19 candidate, the nomination shall remain vacant.

20

21 **Section 2.** W.S. 18-3-524(d), 22-1-102(a)(xvii),
22 (xviii), (xxv) and by creating a new paragraph (liii),
23 22-2-104(b), 22-2-117(a), 22-4-101(b) and (e), 22-4-103,

1 22-4-406, 22-5-101, 22-5-102(a)(i), 22-5-204(b) and by
 2 creating a new subsection (d), 22-5-208(c), 22-5-209,
 3 22-5-213, 22-5-215, 22-5-219(a), 22-5-220, 22-6-101,
 4 22-6-112, 22-6-116, 22-6-117(a)(intro) and by creating new
 5 paragraphs (xii) through (xxiv), 22-6-119(a)(intro), (i),
 6 (iii), (iv) through (vi) and by creating a new subsection
 7 (b), 22-6-120(a)(vii), (x) through (xii), 22-6-123,
 8 22-6-124, 22-10-101(a)(vii) and (x), 22-10-108(a),
 9 22-11-103(a)(vii), 22-11-104(b)(iii), 22-16-103(c)(viii)(A)
 10 and by creating a new subparagraph (H), 22-16-117,
 11 22-16-121(a), 22-17-108, 22-18-106, 22-18-107,
 12 22-18-111(c), 22-19-108, 22-20-107, 22-23-103(c)(i),
 13 22-23-202(a)(v)(B) and (vii), 22-23-304, 22-23-307(a),
 14 22-23-308(b), 22-23-401 and 22-29-113(b)(ii) are amended to
 15 read:

16

17 **18-3-524. Appointments to fill vacancies; term.**

18

19 (d) For purposes of this section a person shall be
 20 considered to "represent" a political party if ~~he was a~~
 21 ~~nominee of that political party~~ his party affiliation was
 22 indicated as provided in W.S. 22-5-204(d) or
 23 22-6-120(a)(vii) when elected to office, or when appointed

1 to fill a vacancy in office of a person whose party
2 affiliation was indicated as provided in W.S. 22-5-204(d)
3 or 22-6-120(a)(vii).

4

5 **22-1-102. Definitions.**

6

7 (a) The definitions contained in this chapter apply
8 to words and phrases used in this Election Code and govern
9 the construction of those words and phrases unless they are
10 specifically modified by the context in which they appear.
11 As used in this Election Code:

12

13 (xvii) "Major political party" means a political
14 organization whose candidate for any one (1) of the offices
15 of the United States president, United States house of
16 representatives, governor or secretary of state, received
17 not less than ten percent (10%) of the total votes cast for
18 that office in either of the two (2) most recent general
19 ~~election~~ elections in the state;

20

21 (xviii) "Minor political party" means a
22 political organization whose candidate for any one (1) of
23 the offices of the United States president, United States

1 house of representatives, governor or secretary of state,
2 received not less than two percent (2%) nor more than ten
3 percent (10%) of the total votes cast for that office in
4 either of the two (2) most recent general election
5 elections in the state;

6
7 (xxv) "Provisional party" means a political
8 organization which has filed a legally valid petition as
9 provided under article 4 of chapter 4 of this code. The
10 filing of a legally valid petition entitles the provisional
11 party to participate in the next general election. If the
12 provisional party's candidate for any one (1) of the
13 offices of the United States president, United States house
14 of representatives, governor or secretary of state,
15 receives not less than two percent (2%) of the total votes
16 cast for that office in that election in the state, the
17 provisional party does not lose party status;

18
19 (liii) "Ranked pairs voting" means a voting
20 procedure used in all primary and general elections in
21 which more than two (2) candidates are running for
22 nomination or election to one (1) public office. "Ranked
23 pairs voting" allows voters to rank candidates for an

1 office in order of preference and without regard to
2 political party affiliation, the results of which shall be
3 analyzed in accordance with the following:

4

5 (A) Each candidate for an office is
6 compared with each other candidate for the office to create
7 candidate comparisons;

8

9 (B) Tallies for each candidate comparison
10 are calculated by awarding a candidate one (1) point for
11 each voter that registered a preference for the candidate
12 over the other candidate;

13

14 (C) In each candidate comparison, the
15 candidate who receives the most points earns a preference
16 majority;

17

18 (D) The difference in points for each
19 candidate represents a margin of preference majorities;

20

21 (E) All preference majorities are ranked
22 from the greatest margin of preference majority to the
23 smallest margin of preference majority;

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(F) The total number of each candidate's preference majorities are counted and the candidate with the most preference majorities is the preferred candidate;

(G) In the event candidates earn the same number of preference majorities, the candidate with the greatest margin of preference majority as determined by subparagraph (E) of this paragraph is the preferred candidate;

(H) Subparagraphs (A) through (G) of this paragraph shall be repeated to determine the second preferred candidate and so on as necessary, provided that each candidate already preferred is removed from the candidate comparisons.

22-2-104. Election dates.

(b) A primary election shall be held at the regular polling places in each precinct on the first Tuesday after the third Monday in August in general election years for the nomination of candidates for ~~partisan and nonpartisan~~

1 offices to be filled at the succeeding general election.
2 ~~and for the election of major party precinct committeemen~~
3 ~~and committeewomen.~~

4

5 **22-2-117. Vote required for election; ratification.**

6

7 (a) ~~Partisan and nonpartisan~~ Except as otherwise
8 provided by this subsection, candidates who receive the
9 largest number of votes for each office to be filled at the
10 general election are elected. For an office for which more
11 than two (2) candidates are running for election, the
12 candidate who receives the most preference majorities as
13 specified in W.S. 22-1-102(a)(liii) at the general election
14 is elected.

15

16 **22-4-101. Application; composition, election and**
17 **qualifications of county central committees.**

18

19 (b) The county central committee of each political
20 party consists of precinct committeemen and committeewomen
21 elected in ~~the county at the regular biennial primary~~
22 ~~election~~ accordance with the party bylaws which shall
23 comply with this chapter. Except as provided in subsection

1 (c) of this section, each political party in each precinct
2 shall elect one (1) committeeman and one (1) committeewoman
3 for each two hundred fifty (250) votes or major fraction
4 thereof cast for the party's candidate for representative
5 in congress in the last general election, but provided that
6 no precinct shall be entitled to less than one (1) precinct
7 committeeman and precinct committeewoman. Precinct
8 committeemen and committeewomen shall be electors
9 registered in the party and resident in the precinct. ~~If a~~
10 ~~precinct boundary line is changed for any reason, the~~
11 ~~county commissioners shall determine the number of precinct~~
12 ~~committeemen and committeewomen to which the affected~~
13 ~~precinct is entitled.~~

14

15 (e) ~~Except for the term beginning after the canvass~~
16 ~~of the 2014 primary election,~~ The term of office for all
17 precinct committeemen and committeewomen shall be two (2)
18 years and shall begin ~~on the first Monday in January of the~~
19 ~~year following their election. The term for committeemen~~
20 ~~and committeewomen elected at the 2014 primary election~~
21 ~~shall end on the first Monday in January of 2017~~ as
22 provided in the party bylaws.

23

1 **22-4-103. County central committee vacancies.**

2

3 ~~A vacancy in the county central committee shall occur in~~
4 ~~the case of death, resignation, failure of a qualified~~
5 ~~candidate to be elected to a precinct committeeman or~~
6 ~~committeewoman position, or removal of residence from the~~
7 ~~precinct.~~ A vacancy in a county central committee shall be
8 determined and filled ~~by the county central committee by~~
9 ~~election of a registered elector resident in the precinct~~
10 ~~in which the vacancy exists and registered in the party or~~
11 as provided by the party bylaws.

12

13 **22-4-406. Officers and nominating procedures.**

14

15 A provisional party shall be subject to W.S. 22-4-302
16 through 22-4-307. ~~Under no circumstances shall a~~
17 ~~provisional party nominate by the primary election process.~~

18

19 **22-5-101. How candidates nominated.**

20

21 Nominations of candidates for all offices filled at a
22 general election, except school and community college
23 district offices and special district offices, may be made

1 by primary election, ~~by petition for nomination as an~~
2 ~~independent candidate as provided in W.S. 22-5-301 through~~
3 ~~22-5-308 or by convention as provided in W.S. 22-4-303 and~~
4 ~~22-4-406.~~

5

6 **22-5-102. Eligibility to be a candidate for state**
7 **legislature; residency.**

8

9 (a) For the purpose of meeting residency requirements
10 of the Wyoming constitution, a person shall not be a
11 candidate for the state legislature from a legislative
12 district unless he has been a resident of that legislative
13 district for at least one (1) year next preceding his
14 election. In any general election year in which a plan of
15 legislative districts is required but has not been enacted
16 into law at least one (1) year prior to the applicable
17 filing periods, a person may be a candidate for the state
18 legislature from a legislative district if he:

19

20 (i) Is a resident of the legislative district on
21 the date he files an application under W.S. 22-5-204; ~~or a~~
22 ~~petition under W.S. 22-5-301;~~ and

23

1 official ~~party~~-ballot at the next primary election as a
 2 candidate for the office of, and hereby declare that
 3 if nominated and elected, I will qualify for the office.

4

5 (If desired pursuant to W.S. 22-5-204(d) by the
 6 applicant) I swear and affirm that I am registered as a
 7 member of ... party.

8

9 Dated the day of,(year).

10

11(Signature)

12 (Residence Address)

13

14 (d) An applicant for partisan office may indicate in
 15 the application whether he is a member of an existing party
 16 and whether the applicant wishes to have that membership
 17 indicated on the ballot.

18

19 **22-5-208. Filing fees; exception.**

20

21 (c) A filing fee shall not be required of candidates
 22 for special district director, school district trustee, ~~or~~ or

1 community college trustee, ~~precinct committeeman or~~
2 ~~precinct committeewoman.~~

3

4 **22-5-209. Time for filing nomination applications;**
5 **certified list; names on ballot.**

6

7 An application for nomination shall be filed not more than
8 ninety-six (96) days and not later than eighty-one (81)
9 days next preceding the primary election. Not later than
10 sixty-eight (68) days before a primary election the
11 secretary of state shall transmit to each county clerk a
12 certified list of persons whose applications have been
13 filed in the office of the secretary of state stating as to
14 each his name, age, address, office sought, and party
15 affiliation if declared. The county clerk shall print the
16 names on the primary election ballot.

17

18 **22-5-213. Entry in pollbook.**

19

20 The judges of election shall check or enter in the pollbook
21 the name of each elector voting in the primary election and
22 his party affiliation, if declared. ~~An elector voting only~~

1 ~~a nonpartisan ballot shall be entered in the pollbook as an~~
2 ~~unaffiliated voter.~~

3

4 **22-5-215. Nomination of candidates and write-in**
5 **candidates.**

6

7 On each ~~party~~ ballot the candidate or candidates equal in
8 number to twice the number to be elected to each office who
9 receive the largest number of votes or, if ranked pairs
10 voting is used, who are preferred as determined by W.S.
11 22-1-102(a)(liii), shall be nominated and shall be entitled
12 to have their names printed on the ballot for the next
13 general election. A write-in candidate shall not be
14 nominated and shall not be entitled to have his name
15 printed on the ballot for the next general election unless
16 ~~he received~~ his name was written by the electors on at
17 least twenty-five (25) ~~write-in votes. An unsuccessful~~
18 ~~candidate for office at a primary election whose name is~~
19 ~~printed on any party ballot may not accept nomination for~~
20 ~~the same office at the next general election~~ primary
21 election ballots.

22

1 **22-5-219. Further action by nominees not required;**
2 **exception.**

3
4 (a) Candidates nominated ~~and major party precinct~~
5 ~~committeemen and committeewomen elected~~ at a primary
6 election shall be deemed nominated ~~or elected~~ without
7 further action. In addition, each write-in candidate
8 nominated at a primary election shall comply with the
9 provisions of W.S. 22-16-106.

10

11 **22-5-220. Withdrawal of nomination application**
12 **restricted.**

13

14 A candidate may withdraw a nomination application prior to
15 the primary election only by filing a written withdrawal in
16 the filing office in which he filed his application for
17 nomination. If a candidate withdraws after the ~~party~~
18 ballots are finalized and approved for printing by a county
19 clerk in any county where the candidate's name will appear
20 on the ~~party~~ ballot, the county clerk shall not be required
21 to remove the candidate's name from the ~~party~~ ballot, but
22 shall post a notice at each polling place announcing that

1 the named candidate has withdrawn from nomination for the
2 office designated.

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 shall transmit to each county clerk
9 ~~under party headings~~ a certified list of the name and
10 address of each person nominated by primary election as
11 indicated by the state canvass, ~~the name of each person~~
12 ~~nominated by provisional or minor party convention, the~~
13 ~~name of each independent candidate qualifying for~~
14 ~~nomination by petition,~~ and the office sought. The names
15 of these candidates shall be printed on the official ballot
16 of the general election.

17

18 **22-6-112. Name to appear only once.**

19

20 No candidate's name shall appear on the ~~partisan~~ ballot
21 more than once, ~~except that of a candidate for the office~~
22 ~~of precinct committeeman or committeewoman, who may also~~
23 ~~seek another office on the same partisan primary ballot.~~

1

2 **22-6-116. Printing type size and candidate names.**

3

4 On official ballots the ~~political party name or title shall~~
5 ~~be printed in capital letters not less than one-eighth~~
6 ~~(1/8) inch nor more than one-fourth (1/4) of an inch in~~
7 ~~height.~~ The names of all candidates shall be printed in
8 the same size letters not less than one-eighth (1/8) inch
9 nor more than one-fourth (1/4) of an inch in height. The
10 name of each political party, if declared, shall be printed
11 next to the candidate's name in the same type size as that
12 of every other political party.

13

14 **22-6-117. Order of listing offices.**

15

16 (a) The ~~major party~~ primary and general ~~partisan~~
17 election ballots shall contain the offices and ballot
18 propositions to be voted on in the following order:

19

20 (xii) Retention of justices of the supreme
21 court;

22

23 (xiii) Retention of district court judges;

1

2

(xiv) Retention of circuit court judges;

3

4

(xv) Retention of magistrates;

5

6

(xvi) Candidates for municipal offices;

7

8

(xvii) Candidates for community college

9

trustees;

10

11

(xviii) Candidates for school board trustees;

12

13

(xix) Candidates for special district directors;

14

15

(xx) Candidates for other offices of county

16

subdivisions;

17

18

(xxi) Constitutional amendments;

19

20

(xxii) Initiative propositions;

21

22

(xxiii) Referendum propositions;

23

1 (xxiv) Other ballot propositions.

2

3 **22-6-119. Format of primary ballot.**

4

5 (a) The primary ballot ~~of each major political party~~
6 shall be printed in substantial compliance with this
7 format:

8

9 (i) Across the top shall be printed "Official
10 Primary Election Ballot"; ~~followed by the name of the major~~
11 ~~political party;~~

12

13 (iii) On the second line shall be printed the
14 following instructions:

15

16 (A) Except as provided in subparagraph (B)
17 of this paragraph: "To vote for a person whose name is
18 printed on the ballot, mark the square immediately adjacent
19 to the name of the person for whom you desire to vote. To
20 vote for a person whose name is not printed on the ballot,
21 write his name in the blank space provided for that purpose
22 and mark the square immediately adjacent to the name of the
23 person.";

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(B) For an office for which more than two (2) candidates are running for nomination and in accordance with ranked pairs voting, the instructions specified by rule of the secretary of state.

(iv) Candidates for the different offices shall be arranged in separate groups. At the top of each group shall appear the title of the office. Adjacent to the title of the office shall be printed:

(A) Except as otherwise provided by subparagraph (B) of this paragraph, "Vote for one" or if more than one (1) are to be voted for, "Vote for not more than", then the appropriate words and figures designating the proper number to be elected;

(B) For an office for which more than two (2) candidates are running for nomination and in accordance with ranked pairs voting, the instructions specified by rule of the secretary of state.

1 (v) Below the list of candidates in each group
2 shall be printed blank lines for write-in candidates equal
3 in number to the number of candidates to be voted for or,
4 if ranked pairs voting is used, not more than one (1)
5 write-in candidate per number of candidates to be voted
6 for;

7
8 (vi) Adjacent to the name of each candidate and
9 blank line shall be printed a square for marking the vote
10 or, if ranked pairs voting is used, the voter's preference
11 as determined by W.S. 22-1-102(a)(liii). No square shall
12 appear at the top of a column;

13
14 (b) For an office for which more than two (2)
15 candidates are running for nomination and in accordance
16 with ranked pairs voting, a primary ballot shall allow
17 voters to mark their preference for up to as many choices
18 as there are candidates.

19

20 **22-6-120. Format of general election ballot.**

21

22 (a) The general election ballot shall be printed in
23 substantial compliance with this format:

1

2 (vii) The names of ~~partisan party~~ candidates, if
3 candidates have filed, ~~and independent candidates, if~~
4 ~~candidates have filed,~~ shall be printed in a separate
5 column or columns, row or rows, and the name of the party
6 represented or the word "Independent", if declared, shall
7 be printed ~~directly above~~ next to the candidate's name; ~~or~~
8 ~~at the end of the row. If there are a number of candidates~~
9 ~~representing a party, or independents, the county clerk at~~
10 ~~his discretion may designate a separate vertical column or~~
11 ~~columns, or row or rows to said candidates and print the~~
12 ~~name of said party or the word "Independent" at the top of~~
13 ~~the column or beginning of the row;~~

14

15 (x) Below the names of candidates for each
16 office shall be printed blank lines for write-in candidates
17 equal in number to the number of persons to be elected or,
18 if ranked pairs voting is used, not more than one (1)
19 write-in candidate per number of persons to be elected;

20

21 (xi) Adjacent to the name of each candidate,
22 except those running for the office of president and
23 vice-president of the United States and their electors, and

1 adjacent to each blank line for write-in candidates, shall
2 be printed a square for marking the vote or, if ranked
3 pairs voting is used, the voter's preference as determined
4 by W.S. 22-1-102(a)(liii). A single square shall be printed
5 to indicate the vote or preference for candidates for the
6 office of president and vice-president of the United
7 States. No square shall appear at the top of a column;

8

9 (xii) Adjacent to the description of any office
10 to be filled by more than one (1) candidate shall be
11 printed:

12

13 (A) Except as provided in subparagraph (B)
14 of this paragraph, "Vote For Not More Than", then the
15 appropriate words and figures designating the proper number
16 to be elected;

17

18 (B) For an office for which more than two
19 (2) candidates are running for election and in accordance
20 with ranked pairs voting, the instructions specified by
21 rule of the secretary of state.

22

1 **22-6-123. Nonpartisan offices on primary or general**
2 **election ballots and ballot propositions.**

3
4 Primary and general election ballots ~~for~~ containing
5 nonpartisan offices and ballot propositions shall ~~be~~
6 ~~printed on yellow paper or paper with yellow demarcation as~~
7 ~~provided by rule and regulation of the secretary of state,~~
8 ~~separate from partisan ballots.~~ They shall contain no
9 political party designations, but otherwise shall conform
10 to the same general requirements for official partisan
11 ballots except as otherwise specifically provided.

12
13 **22-6-124. Ballot propositions format.**

14
15 Following all offices on ~~nonpartisan~~ ballots, ballot
16 propositions shall be printed in the order prescribed by
17 law. The name and official number, if any, of each ballot
18 proposition shall be printed adjacent to the proposition in
19 large letters. ~~Nonpartisan ballots shall contain the same~~
20 ~~instructions as prescribed for partisan primary election~~
21 ~~ballots in W.S. 22-6-119.~~ If the ballot contains a proposed
22 constitutional amendment or other ballot proposition, the
23 instructions shall also include the following: "To vote for

1 or against a proposed constitutional amendment, initiative
 2 or referendum, or other ballot proposition, mark the square
 3 printed adjacent to the proposition marked 'For' or
 4 'Against'." For retention of justices of the supreme court,
 5 district court judges, circuit court judges and
 6 magistrates, the following shall be printed on the ballot:
 7 "Shall Justice/Judge/Magistrate . . . be retained in
 8 office?".

9

10 **22-10-101. Criteria for approval.**

11

12 (a) To be approved for use in Wyoming a voting
 13 machine shall:

14

15 (vii) Have separate voting devices for
 16 candidates and ballot propositions, which shall be arranged
 17 in separate rows or columns, so that one (1) or more
 18 adjacent rows or columns may be assigned to the candidates
 19 ~~of each political party~~ at a primary election;

20

21 (x) Have the capacity to contain ~~the names of~~
 22 ~~candidates constituting the tickets of not less than five~~

1 ~~(5) political parties and independent groups and~~ not less
2 than fifteen (15) ballot propositions;

3
4 **22-10-108. Procedure for preparing machines for**
5 **election; inspection and certification.**

6
7 (a) Before preparing a voting machine for an
8 election, the county clerk shall notify in writing the
9 county chairman of each political party ~~having a registered~~
10 with the secretary of state and each candidate on the
11 ballot and all independent candidates, stating the time and
12 place where the voting machine will be prepared for the
13 election. The political party representatives, candidates
14 and representatives of ~~independent~~ candidates may be
15 present at the preparation of the voting machine for the
16 election, to see that the machine is tested for accuracy
17 and is properly prepared and that all registering counters
18 are set at zero (00000). The county clerk in the presence
19 of these representatives shall prepare the voting machine
20 for the election and set all registering counters at zero
21 (00000). He shall then test each registering counter for
22 accuracy by casting votes on it until the registering
23 counter is correctly registering each vote cast on it. The

1 county clerk shall then reset each registering counter to
2 zero (00000) and shall immediately lock and seal the voting
3 machine with a numbered metal seal and make a record of the
4 number of the seal on the certificate for the machine. The
5 seal shall be so placed as to prevent operation of the
6 machine or its registering counters without breaking the
7 seal. The county clerk shall then immediately make a record
8 on the certificate for the machine of the reading shown on
9 the protective counter.

10

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

12

13 (a) Every electronic voting system adopted for use in
14 Wyoming shall:

15

16 (vii) Provide automatic tabulating equipment
17 which shall reject choices recorded on a ballot exceeding
18 the number allowed; ~~and at a primary election reject~~
19 ~~choices for candidates from a party other than the party~~
20 ~~for which a preference is expressed;~~

21

22 **22-11-104. Conduct of elections in which systems**
23 **utilized.**

1

2 (b) The county clerk of each county using an
3 electronic voting system shall:

4

5 (iii) Before testing an electronic voting system
6 for an election, notify the county chairman of each
7 political party ~~having a~~ registered with the secretary of
8 state and each candidate on the ballot, stating the time
9 and place of the test. ~~The~~ Political party representatives,
10 candidates and representatives of ~~independent~~ candidates
11 may be present for the test, which shall be held at least
12 two (2) weeks before the election. The test shall
13 ascertain that the automatic tabulating equipment will
14 accurately count the votes cast for all offices and all
15 measures. The test shall be conducted by processing a
16 preaudited group of paper ballots or ballot cards on which
17 are recorded a predetermined number of valid votes for each
18 candidate and on each measure and shall include for each
19 office one (1) or more ballots which have votes in excess
20 of the number allowed by law in order to test the ability
21 of the automatic tabulating equipment to reject such votes.
22 During the test a different number of valid votes shall be
23 assigned to each candidate for an office, and for and

1 against each measure. If any error is detected, the cause
2 of it shall be ascertained and corrected and an errorless
3 count shall be secured and certified to by the county
4 clerk. On completion of the count, the programs, test
5 materials and ballots shall be sealed and retained as
6 provided for paper ballots;

7

8 **22-16-103. County canvass procedures.**

9

10 (c) The county canvassing board shall:

11

12 (viii) Ensure abstracts contain the following
13 information:

14

15 (A) For primary elections, the total
16 ballots cast; ~~by party, including unaffiliated votes;~~

17

18 (F) The official designation or number of
19 each ballot proposition and the number of votes for and
20 against it stated in figures; ~~and~~

21

22 (H) For elections in which ranked pairs
23 voting was used, the order in which each candidate was

1 ranked, candidate comparison majorities and any other
2 information required by rule of the secretary of state.

3
4 **22-16-117. Content of state abstract.**

5
6 The state abstract of an election shall indicate by county
7 the number of ballots cast by each political party, if
8 known, the total votes cast for each candidate, the names
9 of all write-in candidates receiving a sufficient number of
10 votes to affect the result of the election and the number
11 of votes for each, and the number of votes received for and
12 against each ballot proposition. For elections in which
13 ranked pairs voting was used, the order in which each
14 candidate was ranked, candidate comparison majorities and
15 any other information required by rule of the secretary of
16 state.

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 shall issue a certificate of nomination
23 to each candidate nominated at a primary election and

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

5

6 **22-17-108. Court judgment in contests.**

7

8 A judgment of the court in an election contest shall
9 confirm or annul the election or declare elected a
10 qualified candidate receiving the highest number of legal
11 votes or, if ranked pairs voting was used, the most
12 preference majorities as specified in W.S.
13 22-1-102(a)(liii), or declare the result of the election on
14 each contested ballot proposition. The election of a
15 candidate receiving the highest number of legal votes or
16 the most preference majorities but disqualified for any
17 other legal reason shall be declared null and void and a
18 vacancy will be declared to exist. For offices to be filled
19 by more than one (1) candidate, the election shall not be
20 declared null and void but the qualified candidates
21 receiving the highest number of legal votes or the most
22 preference majorities shall be declared elected.

23

1 **22-18-106. Filling vacancy of congressman.**

2

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

13

14 **22-18-107. Filling vacancy of congressman;**
15 **certification of candidates.**

16

17 Within five (5) days after the end of the candidate filing
18 period, the secretary of state shall certify to the clerks
19 of counties voting to fill the vacancy the name of each
20 candidate qualified to appear on the ballot~~, and his party~~
21 ~~affiliation or independent status.~~

22

1 **22-18-111. Vacancies in other offices; temporary**
2 **appointments.**

3
4 (c) For purposes of this section a person shall be
5 considered to "represent" a political party if ~~he was a~~
6 ~~nominee of that political party~~ his party affiliation was
7 indicated as provided in W.S. 22-5-204(d) or
8 22-6-120(a)(vii) when elected to office, or when appointed
9 to fill a vacancy in office of a person whose party
10 affiliation was indicated as provided in W.S. 22-5-204(d)
11 or 22-6-120(a)(vii).

12
13 **22-19-108. How electors to vote.**

14
15 All Wyoming electors shall vote for the candidates for the
16 office of president and vice-president receiving the
17 highest number of votes or, if ranked pairs voting is used,
18 the most preference majorities as specified in W.S.
19 22-1-102(a)(liii), in the Wyoming general election.

20
21 **22-20-107. Statement of purpose on ballot.**

22

1 The county clerk shall print on the official ~~nonpartisan~~
2 general election ballot for the next general election the
3 statement of purpose of each proposed amendment certified
4 to him by the secretary of state.

5

6 **22-23-103. Division of city into wards; residency.**

7

8 (c) In any general election year in which city wards
9 are redrawn but not enacted into law at least one (1) year
10 prior to the applicable filing periods, a person may be a
11 candidate for a ward if he:

12

13 (i) Is a resident of the city on the date he
14 files an application under W.S. 22-5-204; ~~or a petition~~
15 ~~under W.S. 22-5-301;~~ and

16

17 **22-23-202. Optional mode of election for towns;**
18 **procedures by charter ordinance.**

19

20 (a) Any municipality may, by charter ordinance
21 enacted pursuant to article 13, section 1(c) of the Wyoming
22 constitution, elect not to conduct its elections for office
23 or for municipal ballot propositions in the same manner as

1 statewide elections, in which case the charter ordinance
2 shall at a minimum provide:

3

4 (v) That the municipal clerk is responsible for:

5

6 (B) Preparing the ballots in substantially
7 the same form as the general election ~~nonpartisan~~ ballot;

8

9 (vii) The manner in which election results are
10 certified and persons receiving the highest number of votes
11 or, if ranked pairs voting was used, the most preference
12 majorities as specified in W.S. 22-1-102(a)(liii), are
13 notified.

14

15 **22-23-304. Ballot form.**

16

17 The county clerk shall prepare the municipal primary ballot
18 as provided in chapter 6 of this title for ~~nonpartisan~~
19 ballots.

20

21 **22-23-307. Candidates nominated; certificate of**
22 **nomination.**

23

1 (a) The candidates equal to twice the number to be
2 elected to each office who receive the highest number of
3 votes or, if ranked pairs voting is used, the most
4 preference majorities as specified in W.S.
5 22-1-102(a)(liii), are nominated to run for the office at
6 the next general election and shall be issued a certificate
7 of nomination by the county clerk. A write-in candidate
8 shall not be nominated and shall not be entitled to have
9 his name printed on the ballot for the next general
10 election unless he received at least three (3) votes.

11

12 **22-23-308. Vacancies in nomination.**

13

14 (b) A vacancy in nomination shall be filled by the
15 municipal clerk notifying the person who received the next
16 highest number of votes or, if ranked pairs voting was
17 used, the next most preference majorities as specified in
18 W.S. 22-1-102(a)(liii), at the municipal primary election
19 as shown on the official county canvass, or, if no other
20 candidate exists, the vacancy in nomination may be filled
21 by the governing body of the municipality.

22

1 **22-23-401. Preparation of ballots and voting machine**
2 **labels; cost.**

3
4 The county clerk shall prepare ballots which shall be in
5 substantially the same form as the general election
6 ~~nonpartisan~~ ballot for the municipal general election. The
7 name of every candidate legally qualified to appear on the
8 ballot and all municipal ballot propositions to be voted on
9 at the election shall be printed thereon. The cost of
10 preparing the municipal ballots shall be determined by the
11 county clerk and paid by the municipality.

12
13 **22-29-113. General provisions relating to special**
14 **district elections.**

15
16 (b) In a special district election the following
17 rules shall apply:

18
19 (ii) The person or persons receiving the largest
20 number of votes or, if ranked pairs voting is used, the
21 most preference majorities as specified in W.S.
22 22-1-102(a)(liii), is elected to office;

23

1 **Section 3.** W.S. 22-1-102(a)(lii), 22-4-101(d),
2 22-4-303, 22-4-304, 22-5-202, 22-5-203, 22-5-205, 22-5-212,
3 22-5-218, 22-5-301 through 22-5-308, 22-5-401 through
4 22-5-403, 22-6-117(a)(xi), 22-6-118, 22-6-121, 22-6-125
5 through 22-6-127, 22-9-104(a)(iii), 22-10-101(a)(vi),
6 22-18-108, 22-18-111(a)(iii)(A) and (B) and
7 22-25-107(a)(vi) are repealed.

8

9 **Section 4.** The secretary of state shall promulgate
10 rules and regulations necessary to implement this act by
11 July 1, 2017.

12

13 **Section 5.**

14

15 (a) Except as provided in subsection (b) of this
16 section, this act is effective July 1, 2017.

17

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

22

23

(END)