

SENATE FILE NO. SF0052

Elections-vote centers and electronic pollbooks.

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

A BILL

for

1 AN ACT relating to elections; authorizing the use of
2 electronic pollbooks; authorizing the use of vote centers;
3 establishing a procedure for changing polling locations;
4 providing definitions; making conforming amendments;
5 repealing certification of pollbooks by election judges;
6 and providing for an effective date.

7

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

9

10 **Section 1.** W.S. 22-1-102(a)(xxii) and by creating new
11 paragraphs (xlvii) through (xlxi), 22-2-104(a), (b) and
12 (e), 22-3-111(a), 22-3-112, 22-3-113, 22-6-104, 22-6-106,
13 22-6-122, 22-8-106, 22-8-108(a), (c) and (d), 22-9-115(b),
14 22-10-111, 22-11-102, 22-11-104(b)(i), (ii)(intro) and
15 (c)(intro), 22-12-101, 22-12-107(a)(intro),

1 22-12-110(a) (intro), 22-13-118, 22-14-102, 22-14-105(a),
2 (b) and (d), 22-14-111(a) (i) and by creating new paragraphs
3 (viii) through (x), 22-15-109, 22-16-102(a), 22-16-103(c)
4 by creating a new paragraph (viii), 22-21-108,
5 22-21-201(c), 22-22-102(a), 22-23-201(a), 22-23-804 and
6 22-23-805 are amended to read:

7

8 **22-1-102. Definitions.**

9

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

15

16 (xxii) "Pollbook" ~~is~~ means a book, or hardware,
17 software or any combination thereof commonly referred to as
18 an electronic pollbook, used in a ~~precinct~~ polling place on
19 election day containing ~~oaths of election officials, tally~~
20 ~~sheets, the poll list, and other~~ information specified by
21 law;

22

1 (xlvii) "Precinct" means an area with
2 established boundaries within a political subdivision used
3 for casting and counting votes;

4
5 (xlviii) "Polling place" means the physical
6 location where voters cast their ballots on election day;

7
8 (xlix) "Vote center" means a polling place at
9 which any registered elector in the political subdivision
10 holding the election may vote, regardless of the precinct
11 in which he resides, connected through secure internet
12 connections to provide voting information to and receive
13 voting information from the electronic pollbook maintained
14 by the county clerk and used as an option to traditional
15 polling places at the discretion of the county clerk;

16
17 (xlx) "Overvote" means a vote placed on a ballot
18 question in excess of the allowable votes for that ballot
19 question;

20
21 (xli) "Undervote" means a vote that could have
22 been made on a ballot question but which was not made on
23 that ballot question.

1

2 **22-2-104. Election dates.**

3

4 (a) A general election shall be held ~~in~~for all the
5 precincts of this state on the Tuesday next following the
6 first Monday in November of each even-numbered year.

7

8 (b) A primary election shall be held at the regular
9 polling places ~~in~~for each precinct on the first Tuesday
10 after the third Monday in August in general election years
11 for the nomination of candidates for partisan and
12 nonpartisan offices to be filled at the succeeding general
13 election and for the election of major party precinct
14 committeemen and committeewomen.

15

16 (e) The election of members of the board of trustees
17 of each school district and community college district
18 shall be held ~~in~~for each district on the first Tuesday
19 after the first Monday in November in general election
20 years.

21

22 **22-3-111. Preparation and contents of pollbooks.**

23

1 (a) The county clerk shall prepare the necessary
 2 pollbooks ~~for each precinct~~ for statewide and political
 3 subdivision elections held on the same date. The ~~precinct~~
 4 pollbooks shall contain the poll lists ~~, the oaths of~~
 5 ~~judges of election, certificate of ballots, and a tally~~
 6 ~~sheet if ballots are hand counted. On the cover of the~~
 7 ~~pollbook shall be printed the words "Pollbook", the~~
 8 ~~election and date of the election, the voting district and~~
 9 ~~precinct numbers.~~

10

11 **22-3-112. Pollbook distribution; entering**
 12 **information.**

13

14 Before the polls open, the county clerk shall distribute
 15 the ~~precinct~~ pollbooks to the judges of election in the
 16 respective ~~precincts~~ polling places. The judges of election
 17 shall enter in pollbooks all information required by law.

18

19 **22-3-113. Disposition of pollbooks after polls close.**

20

21 (a) After the polls are closed, ~~and the judges of the~~
 22 election shall make printed pollbooks ~~are made to agree,~~
 23 ~~the judges of election in each precinct~~ and shall return

1 one (1) pollbook ~~containing one (1) copy of each of the~~
2 ~~poll lists~~ to the county clerk, ~~together with the election~~
3 ~~returns, and retain one (1) copy of each poll list in their~~
4 ~~possession. Judges of election may discard poll lists in~~
5 ~~their possession two (2) years after the election to which~~
6 ~~the poll lists pertain or in the event of litigation, at~~
7 ~~the conclusion of the litigation, whichever date is later.~~

8
9 (b) When electronic pollbooks are used, they shall be
10 returned to the county clerk.

11
12 **22-6-104. Sample ballots; printing, distribution,**
13 **posting.**

14
15 The officer providing the official ballot shall also print
16 sample ballots which shall be identical to the official
17 ballot except that it shall contain the words "SAMPLE" in
18 large clear letters and may be printed on paper of a
19 different color than the official ballot. The officer shall
20 distribute copies of the sample ballot to each ~~precinct~~
21 polling place prior to opening of the polls. The judges of
22 election shall post at least one (1) copy of the sample in
23 the polling place during the election. The county clerk

1 shall have the samples available in his office for the
2 public.

3

4 **22-6-106. Replacement of lost ballots.**

5

6 Official ballots not delivered to a ~~precinct~~polling place
7 or lost, stolen or destroyed shall be replaced immediately
8 by the official providing the ballot. Judges of election
9 receiving replacement ballots shall sign a receipt therefor
10 in which they shall state under oath, before each other,
11 that the original ballots were not delivered to the
12 precinct or have been lost, stolen or destroyed.

13

14 **22-6-122. Rotation of candidates' names; equal lines**
15 **on voting machines.**

16

17 The names of candidates for each office shall be rotated on
18 all ballots by precinct for all elections. In each county
19 the name of each candidate shall appear substantially an
20 equal number of times at the top, at the bottom, and in
21 each intermediate place. In a voting machine ~~precinct~~
22 polling place, if candidates for the same office occupy
23 more than one (1) line on the voting machine, the number of

1 names appearing on each line shall be as nearly equal as
2 possible.

3

4 **22-8-106. Number of judges in each polling place.**

5

6 At least three (3) judges shall be appointed for each
7 ~~precinct~~ polling place. Additional judges may be appointed
8 in a ~~precinct~~ polling place as determined necessary by the
9 county clerk.

10

11 **22-8-108. Appointment, composition and authority of**
12 **counting boards; when judges to count.**

13

14 (a) The county clerk shall appoint a counting board
15 for each paper ballot ~~precinct~~ polling place casting more
16 than three hundred (300) votes at the last general
17 election, and may appoint a counting board in such a
18 ~~precinct~~ polling place in which one hundred fifty (150) or
19 more such votes were cast at such election. A counting
20 board shall have three (3) members or more to facilitate
21 the counting of votes. No more than one (1) person under
22 the age of eighteen (18) may be appointed as to each
23 counting board.

1

2 (c) The counting board in a paper ballot ~~precinct~~
3 polling place has no authority to act until polls are
4 declared closed. A counting board in an electronic voting
5 system counting center may commence preparing absentee
6 ballots for counting at any time on the day of the
7 election.

8

9 (d) For a ~~precinct~~polling place where a counting
10 board need not be appointed, the judges of election shall
11 count the votes.

12

13 **22-9-115. Receipt by clerk; handling procedure.**

14

15 (b) The clerk shall place completed absentee ballot
16 envelopes in a large precinct envelope for the precinct in
17 which they shall be voted and keep custody of them until
18 they are delivered to the ~~precinct~~polling place or the
19 designated counting center. The clerk shall endorse on the
20 precinct envelope the number of the district and precinct
21 and the words "Envelope contains ballots of absentee
22 qualified electors and shall be opened only on election day

1 at the polls when the polls are open" and shall affix his
2 signature, official title, and seal the envelope.

3

4 **22-10-111. Delivery and return; expenses.**

5

6 The county clerk shall provide for the delivery of voting
7 machines to the ~~precincts~~polling places at least one (1)
8 hour before the polls open and their return to custody
9 after the election. The expense of transporting the
10 machines shall be paid by the authority or proportionately
11 by the authorities conducting the election.

12

13 **22-11-102. Use authorized; purchase or lease.**

14

15 The board of county commissioners of each county may adopt
16 for use, either experimentally or permanently, in any
17 election in any or all ~~precincts~~polling places within the
18 county, any electronic voting system authorized by law.

19

20 **22-11-104. Conduct of elections in which systems**
21 **utilized.**

22

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

3
4 (i) Determine whether paper ballots, ballot
5 cards or a combination of both will be used in each
6 ~~precinct~~ polling place;

7
8 (ii) Before the day of election deliver to each
9 ~~precinct~~ polling place using an electronic voting system:

10
11 (c) In addition to any other duties prescribed by
12 law, election judges in ~~precincts~~ polling places using an
13 electronic voting system shall:

14
15 **22-12-101. Designation and notice of polling places;**
16 **external location; change in location.**

17
18 (a) Polling places shall be designated by the county
19 clerk, who shall publish their location at least once in a
20 newspaper of general circulation in the county within two
21 (2) weeks prior to a statewide election. Polling places may
22 be located outside of the precinct if the board of county

1 commissioners determines and records in its minutes the
2 reasons that it is required by the public convenience.

3
4 (b) A polling place designated pursuant to subsection
5 (a) of this section and used in the 2014 general election
6 shall be not be changed unless a notice describing the
7 proposed change is posted on the county's official website
8 in the manner provided in W.S. 18-3-516(f) and published
9 once a week for two (2) consecutive weeks in the designated
10 official newspaper of the county. The notice shall include
11 the date and place of the county commissioners' meeting
12 where the proposed change will be discussed. The county
13 clerk shall mail by certified mail return receipt requested
14 a copy of the published notice to the county chairman of
15 each political party in the county not later than fifteen
16 (15) days before the meeting. A proposed change in the
17 location of a polling place may be adopted by the county
18 clerk at a meeting of the county commissioners during which
19 the proposed change is discussed.

20
21 **22-12-107. Materials for judges.**

22

1 (a) Before election day the county clerk shall cause
2 to be delivered to one (1) of the judges of election in
3 each ~~precinct~~polling place the following materials:
4

5 **22-12-110. Supplies for voting machines.**
6

7 (a) When voting machines are used the county clerk
8 shall have an appropriate official deliver to a judge of
9 election in each ~~precinct~~polling place, before the day of
10 election, the following supplies:
11

12 **22-13-118. Judges work schedule.**
13

14 At the discretion of the county clerk, election judges may
15 be allowed to work at the polling ~~premise~~place on election
16 day for a period of time less than the total amount of time
17 the polls are open provided the polling ~~station~~place has a
18 sufficient number of election judges on duty at all times
19 to comply with the requirements of this title. An election
20 judge shall not leave his polling ~~station~~place during his
21 work shift.
22

1 **22-14-102. Who may be present after polls close;**
2 **making pollbooks agree; counting votes.**

3

4 After all the votes are cast and the polls are officially
5 declared closed, only election judges shall be permitted in
6 a polling place. When all ballots are cast, the machine
7 shall be locked against further voting and sealed as
8 prescribed by law. ~~Pollbooks within a precinct shall first~~
9 ~~be made to agree before any votes are counted. When the~~
10 ~~pollbooks agree,~~ Election judges shall commence to count
11 votes and shall continue without adjournment until counting
12 is completed.

13

14 **22-14-105. Vote tallying in voting machine polling**
15 **places.**

16

17 (a) In voting machine ~~precincts~~ polling places, the
18 judges of election shall cast all remaining absentee
19 ballots on a voting machine in the manner prescribed by
20 W.S. 22-9-121 and shall lock and seal the voting machines.
21 They shall certify in writing that the machine was locked
22 and sealed, stating the time, the number of voters voting
23 on each machine ~~in the precinct~~ as shown on the public

1 counters, the number on the seal, and the number registered
2 on the protective counter.

3

4 (b) Election judges shall then determine the number
5 of votes cast on each voting machine used in the ~~precinct~~
6 polling place by opening the machine or obtaining a
7 photographic or mechanical printed return sheet from the
8 machine.

9

10 (d) In machine ~~precincts~~ polling places, write-in
11 votes shall be counted and the results tallied by the
12 election judges or counting board after the regular ballots
13 are counted.

14

15 **22-14-111. Returning records and returns to clerk.**

16

17 (a) As soon as possible after the tabulation of votes
18 is complete, election judges shall return by messenger to
19 the clerk who prepared the ballots for the election the
20 following records and returns in a sealed packet:

21

1 (i) One (1) ~~copy of the sealed pollbook with one~~
2 ~~(1)~~ sealed copy from each electronic voting system printer
3 pack;

4
5 (viii) Oaths of judges of election;

6
7 (ix) Reconciliation of ballots;

8
9 (x) Tally sheet if ballots are hand counted.

10
11 **22-15-109. Poll watchers; certification;**
12 **qualification; authority; removal.**

13
14 (a) The county chairman of each political party may
15 certify poll watchers prior to the day of the election to
16 serve in each ~~precinct~~ polling place. Not more than one
17 (1) poll watcher from each political party may serve
18 simultaneously unless the chief judge determines that one
19 (1) additional poll watcher from each political party may
20 be accommodated in the polling ~~premises~~ place without
21 disrupting the polling process.

22

1 (b) A poll watcher shall belong to the political
2 party he represents and shall be a registered elector
3 residing in the county. A poll watcher shall serve only at
4 the ~~precinct~~ polling place designated on the certificate.
5 A poll watcher is authorized to observe voter turn out and
6 registration and may make written memoranda but shall not
7 challenge voters, conduct electioneering activities or
8 disrupt the polling process.

9

10 (c) The chief judge may remove a poll watcher from
11 the polling ~~premises~~ place for disturbing the polling
12 place, or for any other violation of the Election Code.

13

14 **22-16-102. Abstract of vote; returns not filed.**

15

16 (a) The county clerk shall prepare an abstract of the
17 vote of all precincts in the county following a county
18 primary, special or general election. The abstract shall
19 contain all items required in W.S. 22-16-103(c)(viii).

20

21 **22-16-103. County canvass procedures.**

22

23 (c) The county canvassing board shall:

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(viii) Ensure abstracts contain the following information:

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

(B) The number of electors voting in person and by absentee ballot by precinct at the election;

(C) The full name of each of the following receiving votes:

(I) Candidates printed on the ballot;

(II) Valid write-in candidates; and

(III) Nominated or elected write-in candidates.

(D) The offices receiving votes;

1 (E) The number of votes cast for each of
2 the following receiving votes:

3
4 (I) Candidates printed on the ballot;

5
6 (II) Valid write-in candidates;

7
8 (III) Nominated or elected write-in
9 candidates;

10
11 (IV) The number of overvotes; and

12
13 (V) The number of undervotes.

14
15 (F) The official designation or number of
16 each ballot proposition and the number of votes for and
17 against it stated in figures; and

18
19 (G) The number of provisional ballots cast.

20
21 **22-21-108. Who is entitled to vote.**

22

1 Any qualified elector in the political subdivision shall be
2 entitled to vote on the bond question in person or by
3 absentee ballot, ~~in~~for the precinct in which he is
4 registered, as provided by law.

5

6 **22-21-201. State bond elections.**

7

8 (c) Precincts may be consolidated for the purpose of
9 any special election held under this section at the
10 discretion of the county clerk. Three (3) judges shall be
11 appointed for the polling place ~~in each precinct~~ in such
12 special elections, and additional judges may be appointed
13 if deemed necessary by the county clerk.

14

15 **22-22-102. Date of election of trustees; terms;**
16 **interim vacancies.**

17

18 (a) The election of members of the board of trustees
19 of each school district and community college district
20 shall be held at the regular polling places ~~in~~for each
21 district on the Tuesday next following the first Monday in
22 November in general election years. Terms of office shall

1 run for four (4) years beginning at 12:00 noon on the first
2 day in December following the election.

3

4 **22-23-201. Conduct; who may vote.**

5

6 (a) Except as provided in W.S. 22-23-202 municipal
7 primary and general elections are held at the same time, in
8 the same manner, at the same polling places, and are
9 conducted by the same ~~precinct~~election officials, using
10 the same poll lists, as the statewide primary and general
11 elections.

12

13 **22-23-804. Ballots.**

14

15 The municipal clerk shall provide ballots for the special
16 election and shall deliver to each ~~precinct~~ polling place
17 ballots equal in number to the number of electors
18 registered in the precinct plus twenty-five percent (25%).

19

20 **22-23-805. Poll lists.**

21

22 Precinct poll lists for the special election shall be
23 obtained by the municipal clerk from the county clerk and

1 shall be paid for by the municipality. The municipal clerk
2 shall furnish copies of the precinct poll lists to the
3 judges of election. A copy of the precinct registry list
4 shall be posted at each ~~precinct~~-polling place during the
5 special election.

6

7 **Section 2.** W.S. 22-14-106 is repealed.

8

9 **Section 3.** This act is effective July 1, 2015.

10

11

(END)