

## HOUSE BILL NO. HB0047

Election equipment-federal certification.

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

A BILL

for

1 AN ACT relating to elections; codifying the secretary of  
2 state's rules for certification of electronic voting  
3 systems; providing a definition of vendor; and providing  
4 for an effective date.

5

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

7

8 **Section 1.** W.S. 22-11-101.1 is created to read:

9

10 **22-11-101.1. Definitions.**

11

12 (a) As used in this chapter, "Vendor" means a person  
13 engaged in selling, leasing, marketing, designing, building  
14 or maintaining electronic voting systems for tabulating  
15 election results to the state or counties.

1

2           **Section 2.** W.S. 22-11-103(a)(x) and by creating new  
3 subsections (d) through (g) is amended to read:

4

5           **22-11-103. Capabilities required.**

6

7           (a) Every electronic voting system adopted for use in  
8 Wyoming shall:

9

10                   (x) Be certified by the secretary of state as  
11 provided in subsections (d) through (g) of this section.

12

13           (d) A vendor shall file in the office of the  
14 secretary of state an application for certification of an  
15 electronic voting system and the secretary of state shall  
16 approve the application before any electronic voting system  
17 to be used in an election conducted under this code may be  
18 distributed, sold or upgraded by the vendor. The  
19 application for certification of an electronic voting  
20 system shall contain the following documentation:

21

1           (i) Proof that the electronic voting system has  
2 been certified by the United States election assistance  
3 commission;

4

5           (ii) Proof that the electronic voting system  
6 meets the voluntary voting system guidelines adopted by the  
7 United States election assistance commission;

8

9           (iii) Proof that the electronic voting system  
10 complies with the provisions of this chapter;

11

12           (iv) A Wyoming certificate of good standing for  
13 the vendor from the office of the secretary of state dated  
14 not more than ninety (90) days prior to the date the  
15 application is filed;

16

17           (v) Proof of the vendor's escrow account  
18 containing the source code for the electronic voting system  
19 and system components for which certification is being  
20 sought including any source code updates; and

21

1           (vi) The checksum value associated with the  
2 escrowed source code for the electronic voting system and  
3 system components for which certification is being sought;  
4

5           (vii) All related manuals, including but not  
6 limited to, technical manuals for repair and maintenance of  
7 the electronic voting system, operations manuals for  
8 election officials, printer manuals for ballot production  
9 and all other written documents prepared by the vendor that  
10 describe the operation, use and maintenance of the  
11 electronic voting system;  
12

13           (viii) A list of applicable patents and  
14 copyrights on the electronic voting system;  
15

16           (ix) A history of the electronic voting system  
17 to include a complete description of the electronic voting  
18 system, the date the electronic voting system was produced  
19 and a complete list of the states that have used the  
20 electronic voting system;  
21

22           (x) A list of any written complaints or concerns  
23 made to the vendor by other jurisdictions including county

1 or local jurisdictions on the electronic voting system and  
2 a description of the resolution of the complaints or  
3 concerns. If there are no written complaints or concerns  
4 made to the vendor by other jurisdictions on the electronic  
5 voting system then the vendor shall provide a statement to  
6 that effect;

7  
8 (xi) A list of all denials of certification for  
9 the electronic voting system made to the vendor by other  
10 jurisdictions including state, county or local  
11 jurisdictions which shall include official documentation on  
12 the resolution of the denial of certification or a  
13 statement from the state, county or local jurisdiction  
14 explaining why the denial was not resolved.

15  
16 (e) The secretary of state may deny an application  
17 for certification of an electronic voting system as  
18 required by subsection (d) of this section or withdraw  
19 certification of an electronic voting system for any of the  
20 following reasons:

21  
22 (i) A county clerk notifies the secretary of  
23 state of and the secretary of state determines that the

1 electronic voting system fails to meet the requirements  
2 necessary for approval of certification or ongoing  
3 certification provided in subsection (d) of this section;  
4 or

5  
6 (ii) The vendor fails to notify the secretary of  
7 state of necessary enhancements or adjustments to the  
8 electronic voting system;

9  
10 (iii) Upon written request by the secretary of  
11 state, the vendor fails to submit the electronic voting  
12 system for re-examination by a voting system test  
13 laboratory certified by the United States election  
14 assistance commission or national institute of standards  
15 and technology;

16  
17 (iv) The election voting system does not produce  
18 accurate results and reports as required by law;

19  
20 (v) Changes are made in the electronic voting  
21 system that do not comply with the requirements for  
22 certification as required by subsection (d) of this  
23 section;

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

(vi) The electronic voting system is no longer used by any county in Wyoming or is no longer available for purchase or repair from the company;

(vii) The electronic voting system, vendor or its employees are found by the secretary of state to be problematic in ensuring elections as critical infrastructure;

(viii) Failure to comply with any other rule of the secretary of state.

(f) Before being used, any new electronic voting system that is purchased by either the state or county shall be certified pursuant to this section.

(g) Every county in Wyoming shall keep an inventory of all electronic voting systems being used in that county. The inventory shall include the following information:

(i) The type of electronic voting system used;

1           (ii) The quantity of each electronic voting  
2 system;

3

4           (iii) The serial number of each electronic  
5 voting system;

6

7           (iv) The software version, if applicable, of  
8 each electronic voting system; and

9

10           (v) The firmware version, if applicable, of each  
11 piece of hardware used in an electronic voting system.

12

13           **Section 2.** This act is effective July 1, 2023.

14

15

(END)