

SENATE FILE NO. SF0153

Election security.

Sponsored by: Senator(s) Boner, Barlow, Biteman and Salazar
and Representative(s) Bear, Chadwick,
Haroldson, Locke, Neiman and Olsen

A BILL

for

1 AN ACT relating to elections; requiring post-election
2 ballot audits; changing the time absentee ballots may be
3 distributed to applicants before the election; requiring
4 that electronic voting systems have an air gap; providing
5 that election records and returns be transported in a
6 sealed and locked container as specified; providing
7 definitions; providing an appropriation; and providing for
8 an effective date.

9

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

11

12 **Section 1.** W.S. 22-6-130 is created to read:

13

14 **22-6-130. Post-election ballot audit.**

15

1 (a) Each county clerk shall review the county's
2 unofficial election results and identify the smallest
3 observable percentage between the statewide candidates who
4 received the most votes and the statewide candidates who
5 received the second highest votes for each contest not
6 later than the first Thursday following a primary, special
7 or general election. Each county clerk shall use the
8 smallest observable percentage to determine a statistically
9 significant sample size of the ballots for each contest
10 audited under this section. To ensure the timely completion
11 of this procedure under this subsection, the number of
12 ballots audited shall not exceed five percent (5%) of the
13 total number of ballots cast.

14

15 (b) Each county clerk shall conduct an audit of the
16 election using the statistically significant ballot sample
17 size and the corresponding ballots for the contests
18 selected for audit determined under subsection (a) of this
19 section. Each county clerk shall provide the audit results
20 to the secretary of state not later than one (1) day before
21 the meeting of the state canvassing board as provided in
22 W.S. 22-16-118.

23

1 **Section 2.** W.S. 22-1-102(a) by creating a new
2 paragraph (liv), 22-9-107, 22-11-103(a) by creating a new
3 paragraph (xi), 22-11-104(b) by creating a new paragraph
4 (vii), 22-14-111(a)(intro) and by creating a new subsection
5 (b) and 22-14-114(b) are amended to read:

6

7 **22-1-102. Definitions.**

8

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

14

15 (liv) "Air gap" means a security measure where
16 electronic voting systems and computers used within those
17 systems are physically isolated from any network and are
18 not directly or indirectly connected to the internet nor
19 connected to any other system, network or device that is
20 connected to the internet.

21

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

23

1 If the clerk determines that the applicant is entitled to
2 vote, he shall mark the application "Accepted" and shall,
3 not more than forty-five (45) days prior to the election
4 for applicants with rights under the Uniformed and Overseas
5 Citizens Absentee Voting Act, 42 U.S.C. 1973ff, and not
6 more than twenty-eight (28) days prior to the election for
7 all other applicants or the individual designated by the
8 applicant, distribute to the applicant, or the individual
9 designated by the applicant, the absentee ballot or ballots
10 requested, instructions for marking the ballot and the
11 required envelopes for use in returning the ballot.

12

13 **22-11-103. Capabilities required.**

14

15 (a) Every electronic voting system adopted for use in
16 Wyoming shall:

17

18 (xi) Have and use an air gap.

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 (vii) Ensure that every electronic voting system
5 used in the county has and uses an air gap.

6
7 **22-14-111. Returning records and returns to clerk.**

8
9 (a) Unless the votes are being counted at a central
10 counting center as authorized by W.S. 22-14-114(b), an
11 election ~~judges~~ judge or peace officer as defined under
12 W.S. 7-2-101(a)(iv)(A) or (B) shall, as soon as possible
13 after the tabulation of votes is complete, return ~~by~~
14 ~~messenger~~ to the clerk who prepared the ballots for the
15 election the following records and returns in a sealed
16 packet and locked container with a numbered seal that
17 includes a number or other identifier that is unique to
18 that seal:

19
20 (b) The number or unique identifier on the numbered
21 seal on the sealed and locked container required under
22 subsection (a) of this section shall be documented by an
23 election judge before departing the polling place and

1 documented by the county clerk upon arriving at the county
2 clerk's office.

3

4 **22-14-114. Counting of ballots.**

5

6 (b) At the request of a county clerk, an election
7 judge shall place the ballots ~~may be received~~ from a
8 polling place in a sealed and locked container with a
9 numbered seal and an election judge or a peace officer as
10 defined under W.S. 7-2-101(a)(iv)(A) or (B) shall transport
11 the ballots to be counted at a central counting center in
12 accordance with rules promulgated by the secretary of state
13 pursuant to W.S. 22-2-121(g).

14

15 **Section 3.** There is appropriated one hundred thousand
16 dollars (\$100,000.00) from the general fund to the state
17 treasurer's office to be distributed to each county clerk
18 in accordance with this section for purposes of obtaining
19 an election consultant or attending training, including
20 professional development training on election
21 administration and security. Distributions shall be made on
22 the effective date of this act in equal amounts with each
23 county clerk receiving three thousand dollars (\$3,000.00).

1 From the remainder of the appropriation available for
2 distribution under this section, each county clerk shall
3 receive an amount in the proportion which the population of
4 the county bears to the total state population. For
5 purposes of this distribution, population shall be
6 determined using the 2020 decennial federal census as
7 reported by the economic analysis division within the
8 department of administration and information and as defined
9 in W.S. 8-1-102(a)(xv). This appropriation shall not be
10 transferred or expended for any other purpose and any
11 unexpended, unobligated funds remaining from this
12 appropriation on December 31, 2024 shall revert as provided
13 by law.

14

15 **Section 4.** This act is effective immediately upon
16 completion of all acts necessary for a bill to become law
17 as provided by Article 4, Section 8 of the Wyoming
18 Constitution.

19

20

(END)