

**HB0238****Ballot harvesting prohibition.**

Sponsored By: Representative(s) Johnson, Davis, Guggenmos, Haroldson, Knapp, Lucas, Pendergraft, Smith, S, Wasserburger and Webb and Senator(s) Hutchings, Ide, McKeown, Pearson and Steinmetz

AN ACT relating to elections; prohibiting a person from delivering ballots of other electors to the county clerk; providing exceptions; specifying that ballots shall not be tabulated as specified; providing a penalty; and providing for an effective date.

1/17/2025 Bill Number Assigned  
1/20/2025 H Received for Introduction  
1/27/2025 H Introduced and Referred to H02 - Appropriations  
1/29/2025 H02 - Appropriations:Recommend Amend and Do Pass 6-1-0-0-0

**ROLL CALL**

**Ayes:** Representative(s) Allemand, Angelos, Bear, Haroldson, Pendergraft, Smith

**Nays:** Representative Sherwood

**Ayes** 6    **Nays** 1    **Excused** 0    **Absent** 0    **Conflicts** 0

1/29/2025 H Placed on General File

**HB0238HS001/ADOPTED**

Page 1-line 3 Delete "an exception" and insert "exceptions".

Page 2-line 4 Delete "subsection (b)" and insert "subsections (b) and (c)".

Page 2-line 8 Delete "or" and insert ",".

Page 2-line 9 After "elector" insert "or the person is an employee of a residential care facility authorized to deliver a ballot under subsection (c) of this section".

Page 2-after line 10 Insert the following and renumber as necessary:

"(c) An employee of a residential care facility, including nursing homes, assisted living facilities, adult family homes and community-based residential facilities may deliver an absentee ballot on behalf of a qualified elector residing in that facility as provided in this subsection. For each absentee ballot delivered on behalf of a qualified elector under this subsection, the employee shall concurrently file an affidavit with the county clerk on a form prescribed by the secretary of state attesting under penalty of perjury that, among other requirements specified by the secretary of state, the employee is authorized to deliver the ballot on behalf of the qualified elector under this subsection. Not later than thirty (30) days following each election, the county clerk shall transmit all affidavits received under this subsection pertaining to that election to the secretary of state."

Page 2-line 12 Delete "(c)" and insert "(d)".

Page 2-line 14 Delete "subsection (b)" and insert "subsections (b) and (c)".

Page 2-line 15 Delete "subsection (b)" and insert "subsections (b) and (c)". BEAR, CHAIRMAN

2/3/2025 H COW:Passed

**HB0238H2001/FAILED**

Page 1-line 4 After "penalty;" insert "making conforming amendments;".

Page 1-line 9 After "22-9-113" insert ", 22-9-119".

Page 2-line 16 After "tabulated." insert "The county clerk shall provide notice to any person whose ballot is not tabulated due to a violation of this section and shall allow the person seven (7) days from the date of notification of a rejected ballot to cast a substitute ballot, regardless of whether that period will extend beyond election day.".

Page 2-after line 16 Insert:

**"22-9-119. Late absentee ballots.**

Except as provided by W.S. 22-9-113, an absentee ballot received by the clerk after the polls close shall not be voted. The clerk shall write on the inner envelope of such late absentee ballot "Rejected-received after the polls closed". These late ballots shall be kept by the clerk for at least two (2) years after the election or longer if required by federal law and then destroyed.". PROVENZA

**ROLL CALL**

**Ayes:** Representative(s) Andrew, Brown, L, Byron, Campbell, E, Chestek, Connolly, Davis, Eklund, Erickson, Filer, Harshman, Jarvis, Larsen, Larson, Lawley, Nicholas, Posey, Provenza, Sherwood, Singh, Storer, Thayer, Washut, Williams, Wylie, Yin

**Nays:** Representative(s) Angelos, Bear, Brady, Bratten, Brown, G, Campbell, K, Clouston, Geringer, Guggenmos, Haroldson, Heiner, Hoeft, Johnson, Kelly, Knapp, Lien, Locke, Lucas, Mccann, Neiman, Ottman, Pendergraft, Rodriguez-Williams, Schmid, Smith, Strock, Styvar, Tarver, Wasserburger, Webb, Webber, Wharff, Winter

**Excused:** Representative(s) Allemand, Banks, Riggins

**Ayes 26 Nays 33 Excused 3 Absent 0 Conflicts 0**

2/4/2025 H 2nd Reading:Passed

**HB0238H3001/FAILED**

Page 1-line 4 After "penalty;" insert "making conforming amendments;".

Page 1-line 9 After "22-9-113" insert ", 22-9-119".

Page 2-line 15 Before "any" insert "the clerk shall provide notice to the qualified elector that the qualified elector's ballot is spoiled and".

Page 2-line 16

After "tabulated." insert "The county clerk shall allow the qualified elector whose ballot is not tabulated due to a violation of this section to cast a substitute ballot until the close of business on the day following the election.".

Page 2-after line 16

Insert:

**"22-9-119. Late absentee ballots.**

Except as provided by W.S. 22-9-113, an absentee ballot received by the clerk after the polls close shall not be voted. The clerk shall write on the inner envelope of such late absentee ballot "Rejected-received after the polls closed". These late ballots shall be kept by the clerk for at least two (2) years after the election or longer if required by federal law and then destroyed.". STORER

**ROLL CALL**

**Ayes:** Representative(s) Campbell, E, Chestek, Nicholas, Posey, Provenza, Sherwood, Storer

**Nays:** Representative(s) Allemand, Andrew, Angelos, Banks, Bear, Brady, Bratten, Brown, G, Byron, Campbell, K, Clouston, Connolly, Davis, Eklund, Erickson, Filer, Geringer, Guggenmos, Haroldson, Harshman, Heiner, Hoeft, Jarvis, Johnson, Kelly, Knapp, Larsen, Larson, Lawley, Lien, Locke, Lucas, Mccann, Neiman, Ottman, Pendergraft, Rodriguez-Williams, Schmid, Singh, Smith, Strock, Styvar, Tarver, Thayer, Washut, Wasserburger, Webb, Webber, Wharff, Williams, Winter, Wylie, Yin

**Excused:** Representative(s) Brown, L, Riggins

**Ayes 7 Nays 53 Excused 2 Absent 0 Conflicts 0**

**HB0238H3002/ADOPTED**

Delete the Storer third reading amendment (HB0238H3001/A) entirely and further amend as follows:

Page 2-line 16

After "tabulated." insert "If a ballot is improperly delivered to the county clerk in violation of this section, the county clerk may provide notice to the qualified elector that the qualified elector's ballot has not been tabulated.". KNAPP

**ROLL CALL**

**Ayes:** Representative(s) Allemand, Andrew, Angelos, Banks, Bear, Brady, Bratten, Brown, G, Byron, Campbell, E, Campbell, K, Clouston, Connolly, Davis, Eklund, Erickson, Filer, Geringer, Guggenmos, Haroldson, Harshman, Heiner, Hoeft, Jarvis, Johnson, Kelly, Knapp, Larsen, Larson, Lawley, Lien, Locke, Lucas, Mccann, Neiman, Nicholas, Ottman, Pendergraft, Rodriguez-Williams, Schmid, Sherwood, Singh, Smith, Strock, Styvar, Tarver, Thayer, Washut, Wasserburger, Webb, Webber, Wharff, Williams, Winter, Wylie, Yin

**Nays:** Representative(s) Chestek, Posey, Provenza, Storer

**Excused:** Representative(s) Brown, L, Riggins

**Ayes 56 Nays 4 Excused 2 Absent 0 Conflicts 0**

2/5/2025

H 3rd Reading:Passed 52-8-2-0-0

**ROLL CALL**

**Ayes:** Representative(s) Allemand, Andrew, Angelos, Banks, Bear, Brady, Bratten, Brown, G, Byron, Campbell, E, Campbell, K, Clouston, Connolly, Davis, Eklund, Erickson, Filer, Geringer, Guggenmos, Haroldson, Harshman, Heiner, Hoeft, Johnson, Kelly, Knapp, Larsen, Larson, Lawley, Lien, Locke, Lucas, Mccann, Neiman, Ottman, Pendergraft, Rodriguez-Williams, Schmid, Singh, Smith, Strock, Styvar, Tarver, Thayer, Washut, Wasserburger, Webb, Webber, Wharff, Williams, Winter, Wylie

**Nays:** Representative(s) Chestek, Jarvis, Nicholas, Posey, Provenza, Sherwood, Storer, Yin

**Excused:** Representative(s) Brown, L, Riggins

**Ayes** 52      **Nays** 8      **Excused** 2      **Absent** 0      **Conflicts** 0

2/5/2025      S Received for Introduction

2/10/2025      S Introduced and Referred to S07 - Corporations

2/20/2025      S07 - Corporations:Recommend Amend and Do Pass 4-1-0-0-0

#### **ROLL CALL**

**Ayes:** Senator(s) Boner, Dockstader, Landen, Steinmetz

**Nays:** Senator Case

**Ayes** 4      **Nays** 1      **Excused** 0      **Absent** 0      **Conflicts** 0

2/20/2025      S Placed on General File

2/28/2025      S COW:S Did not consider for COW