

SENATE FILE NO. SF0190

Election transparency.

Sponsored by: Senator(s) Biteman and Salazar

A BILL

for

1 AN ACT relating to elections; requiring paper ballots as  
2 specified; providing for the automatic tabulation of paper  
3 ballots; providing a process for the certain recounts to be  
4 conducted by hand counting the votes; requiring proof of  
5 United States citizenship to register to vote as specified;  
6 revising the time that absentee polling places may be open;  
7 revising dates of the primary election and the county and  
8 state canvass to allow time for hand counting as specified;  
9 creating an account; making conforming amendments;  
10 repealing conflicting provisions; providing an  
11 appropriation; and providing for an effective date.

12

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

14

15 **Section 1.** W.S. 22-13-119 is created to read:

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1           **22-13-119. Paper ballots required; exceptions.**

2

3           (a) Notwithstanding any other provision of law, each  
4 county shall provide paper ballots as the default voting  
5 method for all in-person voting in all elections in  
6 Wyoming. The county clerk shall provide all voters with a  
7 paper ballot and a process to hand mark the ballot secretly  
8 as provided in this Election Code. The paper ballots shall  
9 be designed to permit automatic tabulation under this  
10 election code, provided that the votes shall be tabulated  
11 directly from the votes marked by the voter on the paper  
12 ballot.

13

14           (b) Subsection (a) of this section shall not prohibit  
15 any county clerk from providing electronic ballot marking  
16 devices for use by electors who choose to use them.  
17 Electronic ballot marking devices shall comply with all  
18 federal accessibility requirements and shall conform with  
19 the requirements of this Election Code for voting machines  
20 and electronic voting systems. Nothing in this subsection  
21 shall authorize any county to use electronic ballot marking  
22 devices as the default method of marking ballots in the  
23 county.

1

2 (c) As used in this section, "electronic ballot  
3 marking device" means any electronic device that assists  
4 voters in marking ballots, including, without limitation,  
5 any voting machine that uses a touch screen to produce a  
6 marked paper ballot or ballot card.

7

8 **Section 2.** W.S. 22-1-102(a)(xxvii), (xlii) and by  
9 creating a new paragraph (lv), 22-2-104(b) and (d),  
10 22-3-102(a)(i), 22-3-103(a) by creating a new paragraph  
11 (ix), 22-3-117(a)(intro), 22-3-118(a)(ii), 22-8-102,  
12 22-8-108(a), (c), (d) and by creating a new subsection (e),  
13 22-9-125(a)(ii) and (b), 22-10-102, 22-11-102,  
14 22-14-114(a), 22-16-103(c)(i), 22-16-109,  
15 22-16-110(a)(intro), 22-16-111(a) and (b), 22-16-113,  
16 22-16-118, 22-21-109 and 22-22-203(b) are amended to read:

17

18 **22-1-102. Definitions.**

19

20 (a) The definitions contained in this chapter apply  
21 to words and phrases used in this Election Code and govern  
22 the construction of those words and phrases unless they are

1 specifically modified by the context in which they appear.

2 As used in this Election Code:

3

4 (xxvii) "Registration" is the entry and  
5 verification of the name, citizenship and voter information  
6 of a qualified elector on the official registry list, as  
7 provided in W.S. 22-3-104(f) and 22-3-108;

8

9 (xlii) "Recount" is the counting of ballots by  
10 hand or the processing of ballots through the tabulation  
11 system for an additional time or times, ~~conducted~~ for the  
12 specific purpose of counting votes again in any specific  
13 race, based upon the criteria of W.S. 22-16-109 ~~or~~  
14 22-16-111 through 22-16-113;

15

16 (lv) "Proof of United States citizenship" means,  
17 for purposes of voter registration, any of the following:

18

19 (A) A valid Wyoming driver's license as  
20 defined by W.S. 31-7-102(a)(xxv) or Wyoming identification  
21 card issued under W.S. 31-8-101, provided that the license  
22 or identification card does not contain any indication that  
23 the person is not a United States citizen;

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(B) A valid tribal identification card issued by the governing body of the Eastern Shoshone tribe of Wyoming, the Northern Arapaho tribe of Wyoming or other federally recognized Indian tribe, provided that the identification card does not contain any indication that the person is not a United States citizen;

(C) A valid driver's license or identification card issued by any other state that is consistent with the requirements of the REAL ID Act as defined by W.S. 31-7-102(a)(lii) provided that the driver's license or identification card does not include any indication that the person is not a United States citizen;

(D) A valid United States passport;

(E) A certificate of United States citizenship;

(F) A certificate of naturalization;

1                   (G) A United States military draft record  
2 or a selective service registration acknowledgment card;

3  
4                   (H) A consular report of birth abroad  
5 issued by the United States department of state;

6  
7                   (J) An original or certified copy of a  
8 birth certificate in the United States bearing an official  
9 seal.

10  
11           **22-2-104. Election dates.**

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

20  
21           (d) Every bond election shall be held on the same day  
22 as a primary election or a general election, or on the  
23 first Tuesday after the first Monday in May or November, or

1 on the first Tuesday after the ~~third~~second Monday in  
2 August.

3

4 **22-3-102. Qualifications; temporary registration.**

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6 (a) A person may register to vote not less than  
7 fourteen (14) days before an election, at any election  
8 specified in W.S. 22-2-101(a)(i) through (viii) or as  
9 provided by W.S. 22-3-117, who satisfies the following  
10 qualifications:

11

12 (i) He is a citizen of the United States, as  
13 evidenced by providing proof of United States citizenship  
14 as defined by W.S. 22-1-102(a)(lv);

15

16 **22-3-103. Furnishing of oath forms; contents thereof.**

17

18 (a) The county clerk shall furnish voter registration  
19 oath forms to registry agents which forms shall require the  
20 following voter information from the applicant:

21

22 (ix) Proof of United States citizenship as  
23 defined by W.S. 22-1-102(a)(lv).

1

2           **22-3-117. Absentee registration generally; use of**  
3 **federal postcard.**

4

5           (a) Notwithstanding any other section or provision in  
6 this chapter, any citizen of the United States who is a  
7 resident of Wyoming may apply for registration by providing  
8 the information required by W.S. 22-3-103(a), proof of  
9 United States citizenship and acceptable identification to  
10 the county clerk and by completing and subscribing<sup>7</sup> the  
11 form of voter registration oath prescribed by W.S.  
12 22-3-103(b) before any person authorized by law to  
13 administer oaths. Each county clerk shall furnish the voter  
14 registration oath forms. The applicant shall mail or  
15 return the completed voter registration oath form to the  
16 county clerk in the county in which the applicant resides.  
17 In order to vote in the next election, the application must  
18 be received in the county clerk's office before the close  
19 of registration for that election, or:

20

21           **22-3-118. Proof of identity.**

22



1           (a) Unless a voter is challenged pursuant to W.S.  
2 22-15-101 through 22-15-109, and except as provided in W.S.  
3 22-9-104(a)(vi) for an absentee ballot obtained in person  
4 by the elector, no identification shall be required when:

5  
6           (ii) Voting by absentee ballot after having  
7 registered by mail and having submitted a copy of the  
8 person's acceptable identification, as set forth in W.S.  
9 22-1-102(a)(xxxix)(A), and proof of United States  
10 citizenship as defined by W.S. 22-1-102(a)(lv), at the time  
11 of registration.

12

13           **22-8-102. Qualifications.**

14

15 Except as otherwise provided by this section, judges of  
16 election and members of counting boards shall be registered  
17 electors and shall be physically, morally and mentally  
18 competent to perform their duties. The county clerk may  
19 appoint persons who are at least sixteen (16) years of age  
20 to serve as judges of election or members of counting  
21 boards if such persons meet all other requirements for  
22 qualification of an elector. A judge of election shall not

1 be a member of a counting board at the same election except  
2 as provided by W.S. 22-8-108(d) and (e).

3

4 **22-8-108. Appointment, composition and authority of**  
5 **counting boards; when judges to count.**

6

7 (a) Unless ballots are tabulated by electronic voting  
8 systems, the county clerk shall appoint a counting board  
9 for each ~~paper ballot~~ polling place casting more than three  
10 hundred (300) votes at the last general election, and may  
11 appoint a counting board in such a polling place in which  
12 one hundred fifty (150) or more such votes were cast at  
13 such election. A counting board shall have three (3)  
14 members or more to facilitate the counting of votes. No  
15 more than one (1) person under the age of eighteen (18) may  
16 be appointed as to each counting board.

17

18 (c) The counting board ~~in a paper ballot polling~~  
19 ~~place~~ appointed under subsection (a) of this section has no  
20 authority to act until polls are declared closed as  
21 provided in W.S. 22-13-117, except as provided in W.S.  
22 22-9-125(d). A counting board in an electronic voting  
23 system counting center may commence preparing absentee

1 ballots for counting at any time on election day, or before  
2 election day as provided in W.S. 22-9-125(d).

3

4 (d) For a polling place where a counting board need  
5 not be appointed under subsection (a) of this section, the  
6 judges of election shall count the votes. This subsection  
7 shall not apply if ballots are tabulated by electronic  
8 voting system.

9

10 (e) The county clerk shall appoint a counting board  
11 for the purposes of completing recounts as provided in W.S.  
12 22-16-109. The counting board under this subsection shall  
13 consist of not less than three (3) members. Additional  
14 counting board members may be appointed if deemed necessary  
15 by the county clerk.

16

17 **22-9-125. Alternate procedures for collecting and**  
18 **counting absentee ballots.**

19

20 (a) The board of county commissioners may elect to  
21 adopt one (1) or both of the following alternate procedures  
22 for casting, collecting and counting absentee ballots:

23

1           (ii) Direct that an absentee polling place may  
2 be established in the courthouse or other public building  
3 which is equipped to accommodate voters from all districts  
4 and precincts within the county and shall be open the same  
5 hours as the courthouse on normal business days during the  
6 time period ~~allowed for absentee voting~~ beginning twenty-one  
7 (21) days before the date of the election and ending at the  
8 close of business on the day before the election. If this  
9 alternate procedure is used, the county clerk may also  
10 establish in one (1) or more public buildings within the  
11 county additional satellite absentee polling places to  
12 accommodate voters. A satellite absentee polling place  
13 shall be open only on the dates and at the times specified  
14 by the county clerk during the time period ~~allowed for~~  
15 ~~absentee voting~~ beginning twenty-one (21) days before the  
16 date of the election and ending at the close of business on  
17 the day before the election.

18

19           (b) In the case of electronic voting systems using  
20 either alternate procedure provided in subsection (a) of  
21 this section, paper ballots shall be the default method of  
22 voting as provided in W.S. 22-13-119. The ballots may be  
23 tabulated automatically on election day and the ballot

1 counts shall be entered at the designated counting center  
2 at the time the polls close on election day.

3

4 **22-10-102. Selection by county commissioners.**

5

6 Subject to the limitations of W.S. 22-13-119, the board of  
7 county commissioners may adopt for use in any precinct in  
8 the county a type of voting machine meeting the standards  
9 specified in W.S. 22-10-101.

10

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

12

13 Subject to the limitations of W.S. 22-13-119, the board of  
14 county commissioners of each county may adopt for use,  
15 either experimentally or permanently, in any election in  
16 any or all polling places within the county, any electronic  
17 voting system authorized by law.

18

19 **22-14-114. Counting of ballots.**

20

21 (a) The following shall apply to the counting of  
22 ballots:

23

1           (i) For ballots designed to be counted by  
2 machine, including paper ballots as provided under W.S.  
3 22-13-119, each individual vote shall be determined by the  
4 voting equipment and shall not be determined subjectively  
5 by human tabulation except as provided below:

6  
7           (A) When the intent of the voter is  
8 unmistakable but the ballot was received in such damaged,  
9 soiled, or other condition that it is rejected by the  
10 machine. The secretary of state may promulgate rules  
11 establishing standards for counting such ballots;:-

12  
13           (B) When being recounted by hand in  
14 accordance with W.S. 22-16-109. The secretary of state may  
15 promulgate rules establishing standards for counting such  
16 ballots;

17  
18           (C) When counting write-in votes by  
19 candidate under W.S. 22-16-103(iii).

20  
21           (ii) For ballots not designed to be counted by  
22 machine, only votes clearly marked, as provided by W.S.

1 22-14-104 and rules promulgated pursuant to this code,  
2 shall be tallied;~~i-~~

3

4 (iii) For write-in votes, names which are  
5 misspelled or abbreviated or the use of nicknames of  
6 candidates shall be counted for the candidate if the vote  
7 is obvious to the board.

8

9 **22-16-103. County canvass procedures.**

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11 (c) The county canvassing board shall:

12

13 (i) Meet as soon as all returns have been  
14 received and abstracted, but if any provisional ballots  
15 have been cast in the county, not before the time has  
16 passed for provisional voters to document their eligibility  
17 to register or to vote. The board shall meet at a time and  
18 place designated by the county clerk, but no later than the  
19 ~~first~~second Friday following the election;

20

21 **22-16-109. Recounts.**

22

1           (a) The county canvassing board shall make a recount  
2 of precinct votes if it appears to the board that a recount  
3 is required due to irregularities in that precinct. The  
4 recount under this subsection may be conducted by a hand  
5 count or by using electronic voting equipment as determined  
6 by the county canvassing board.

7

8           (b) Prior to the county canvass, there shall be a  
9 recount made of all the votes:

10

11                   (i) Cast for any federal, statewide or  
12 legislative office in which the difference in number of  
13 votes cast for the winning candidate receiving the least  
14 number of votes and the number of votes cast for the losing  
15 candidate receiving the greatest number of votes is less  
16 than ~~one percent (1%)~~ two percent (2%) of the number of  
17 votes cast for the winning candidate receiving the least  
18 number of votes cast for that office in that county. This  
19 recount shall be made in the entire district in which the  
20 candidates are standing for election in that county. This  
21 recount shall be conducted by a hand count. A recount under  
22 this subsection shall not be required if a recount is



1 required under paragraph (ii) of this subsection for the  
2 same office;

3  
4 (ii) Cast for any federal, statewide or  
5 legislative office in which the difference in the number of  
6 votes cast for the winning candidate receiving the least  
7 number of votes and the number of votes cast for the losing  
8 candidate receiving the greatest number of votes is less  
9 than one percent (1%) of the number of votes cast for the  
10 winning candidate receiving the least number of votes cast  
11 for that office in the entire state or district. This  
12 recount shall be made in each county in which the  
13 candidates are standing for election. This recount shall be  
14 conducted by a hand count;

15  
16 (iii) Cast for any other office not specified in  
17 paragraph (i) or (ii) of this subsection in which the  
18 difference in number of votes cast for the winning  
19 candidate receiving the least number of votes and the  
20 number of votes cast for the losing candidate receiving the  
21 greatest number of votes is less than two percent (2%) of  
22 the number of votes cast for the winning candidate  
23 receiving the least number of votes cast for that office.

1 This recount shall be made in the entire district in which  
2 the candidates are standing for election. This recount  
3 shall be conducted by electronic voting equipment.

4

5 (c) There shall be a recount made of all the votes  
6 cast for any office if a losing candidate requests one  
7 under provision of W.S. 22-16-110. This recount shall be  
8 made in the entire district in which the candidate is  
9 standing for election. This recount may be conducted by  
10 hand count or by using electronic voting equipment as  
11 determined by the candidate.

12

13 (d) Not later than the day following an election, the  
14 secretary of state may require a recount of not more than  
15 one (1) federal, statewide or legislative question or race.  
16 The secretary of state shall specify which precincts are to  
17 be recounted. This recount may be conducted by hand or by  
18 using electronic voting equipment as specified by the  
19 secretary of state.

20

21 (e) The county clerk shall have the discretion to  
22 recount any ballot proposition or race either by precinct,  
23 election district or precinct. This recount may be

1 conducted by hand or by using electronic voting equipment  
2 as specified by the county clerk.

3

4 (f) If there is any discrepancy between the recount  
5 results and the preliminary election results, the county  
6 canvassing board shall determine the official result of the  
7 election.

8

9 (g) There is created the election recount account.  
10 Funds in the account shall not revert and are continuously  
11 appropriated to the secretary of state for costs related to  
12 administering hand recounts. The state treasurer shall  
13 invest funds within the account in accordance with law. All  
14 investment earnings from the account shall be deposited in  
15 the general fund.

16

17 **22-16-110. How candidate may obtain recount; where**  
18 **affidavit filed.**

19

20 (a) A candidate may obtain a recount of votes for the  
21 office he is seeking by making and filing an affidavit  
22 alleging that fraud or error occurred in counting,  
23 returning or canvassing the votes cast in any part of the

1 district in which he is standing for election. The  
2 affidavit shall specify whether the recount should be  
3 conducted using electronic voting equipment or by hand  
4 count using tally sheets. The affidavit shall be filed in  
5 the same office the candidate filed his application for  
6 nomination:

7

8 **22-16-111. Recount of ballot proposition.**

9

10 (a) A recount of votes of a ballot proposition may be  
11 obtained ~~in one (1) of the following manners~~ as follows:

12

13 (i) A recount will be made:

14

15 (A) If the proposition is a statewide  
16 proposition and receives a number of votes, greater or  
17 lesser, within one percent (1%) of the number of votes  
18 required for passage. The one percent (1%) variance shall  
19 be calculated based upon the total number of votes cast on  
20 the proposition, except for constitutional amendments in  
21 which case the variance shall be calculated based upon the  
22 total number of votes cast in the election. This recount  
23 shall be conducted by a hand count;

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(B) If the ballot proposition is not a statewide ballot proposition and the proposition receives a number of votes, greater or lesser, within two percent (2%) of the number of votes required for passage. The two percent (2%) variance shall be calculated based upon the total number of votes cast on the proposition, except for constitutional amendments in which case the variance shall be calculated based upon the total number of votes cast in the election. This recount shall be conducted by a hand count.

(ii) A recount will be made if requested in an affidavit signed by twenty-five (25) electors registered in a district voting on the question. The affidavit shall be filed with the county clerk not later than two (2) days after the county canvass has been completed for propositions voted on in one (1) county, and with the secretary of state not later than two (2) days after the state canvass has been completed for propositions voted on in more than one (1) county. The affidavit shall be accompanied by a deposit ~~of one hundred dollars (\$100.00)~~ as specified in W.S. 22-16-113(a). The affidavit shall

1 specify whether the recount should be conducted by hand  
2 count or by electronic voting equipment.

3

4 (b) The county in which the recount is taken shall  
5 pay the costs of the recount if the recount is required by  
6 ~~subsection~~paragraph (a)(i) of this section; and the  
7 signers of the affidavit referred to in ~~subsection~~  
8 paragraph (a)(ii) of this section shall be jointly and  
9 severally liable for the costs of the recount requested by  
10 them ~~up to five hundred dollars (\$500.00)~~ per county  
11 recounted if the results of the election are not changed by  
12 the recount.

13

14 **22-16-113. Recount deposit; expense of recount.**

15

16 (a) An affidavit requesting a recount must be  
17 accompanied by the following deposit:

18

19 (i) If the ~~difference in number of votes cast as~~  
20 ~~calculated pursuant to W.S. 22-16-109(b) is one percent~~  
21 ~~(1%) or greater but less than five percent (5%), five~~  
22 ~~hundred dollars (\$500.00)~~ affidavit requests the recount be  
23 conducted by electronic voting equipment, an amount

1 determined by the county clerk not to exceed one thousand  
2 dollars (\$1,000.00);

3

4 (ii) If the ~~difference in number of votes cast~~  
5 ~~as calculated pursuant to W.S. 22-16-109(b) is five percent~~  
6 ~~(5%) or greater, three thousand dollars (\$3,000.00)~~  
7 affidavit requests the recount be conducted by hand count,  
8 an amount determined by the county clerk not to exceed five  
9 thousand dollars (\$5,000.00).

10

11 (b) If the recount shows sufficient error to change  
12 the result of the election, the county in which the recount  
13 is taken shall pay expenses of the recount and the deposit  
14 shall be returned. Otherwise the applicant or applicants  
15 seeking the recount shall be liable for the actual cost of  
16 conducting the recount up to a maximum of the amount  
17 deposited under subsection (a) of this section, per county  
18 recounted. Every county clerk shall issue a complete  
19 accounting of all costs of the recount to the candidate  
20 requesting the recount, and shall refund any surplus to the  
21 candidate. If the actual cost of conducting the recount  
22 exceeds five thousand dollars (\$5,000.00), the county clerk  
23 may seek reimbursement of reasonable expenses from the

1 secretary of state. Reasonable expenses are limited to  
2 facility fee rental, wages, per diem of twenty-five dollars  
3 (\$25.00) per day and mileage for election judges and county  
4 clerk staff. The secretary of state shall reimburse those  
5 reasonable expenses from the election recount account. If  
6 requesting reimbursement from the secretary of state, the  
7 county clerk shall provide a complete accounting of all  
8 costs of the recount and the deposit paid by the candidate.

9  
10 (c) If the recount is initiated by the county clerk,  
11 county canvassing board or required by W.S. 22-16-109(b),  
12 the cost of the recount shall be paid by the county in  
13 which the recount is taken regardless of the result of the  
14 recount. If the recount is initiated by the secretary of  
15 state under W.S. 22-16-109(d), the cost of the recount  
16 shall be paid by the secretary of state regardless of the  
17 result of the recount.

18  
19 **22-16-118. Meeting of state canvassing board.**

20  
21 The state canvassing board shall meet no later than the  
22 ~~second~~third Wednesday following the election. The  
23 secretary of state shall send a messenger to obtain



1 official county abstracts not filed in a reasonable length  
2 of time. The canvassing board shall meet at the time and  
3 place set by the secretary of state. The board shall review  
4 the state abstracts prepared by the secretary of state,  
5 compare them with the tabulation and materials prepared by  
6 the secretary of state, resolve any tie votes, and certify  
7 the abstract as the official state canvass.

8

9 **22-21-109. Supplies; regulations; costs.**

10

11 Subject to the limitations of W.S. 22-13-119, the county  
12 clerk may utilize voting machines or electronic voting  
13 systems at any bond election and may prescribe the form of  
14 the ballot, the duties of election officials, and other  
15 reasonable regulations pertaining thereto. The political  
16 subdivision holding the bond election shall pay the actual  
17 costs of the election or an equitably proportioned share of  
18 a concurrent election, as determined by the county clerk.

19

20 **22-22-203. Determining validity of application;**  
21 **placement on ballot; procedure for multi-county districts.**

22

1           (b) Subject to the limitations of W.S. 22-13-119,  
2 each county clerk in each election involving a school or  
3 community college district which crosses county boundaries  
4 shall determine whether voting machines, electronic voting  
5 system, paper ballots, or a combination thereof, shall be  
6 used to ~~insure~~ensure that each qualified elector votes  
7 only for the candidate or candidates from the school  
8 district and trustee residence area, if any, and from the  
9 community college district and subdistrict, if any, for  
10 which he is entitled to vote.

11

12           **Section 3.** W.S. 22-8-108(b) and 22-16-111(c) are  
13 repealed.

14

15           **Section 4.** There is appropriated two hundred thousand  
16 dollars (\$200,000.00) from the general fund to the election  
17 recount account under W.S. 22-16-109(g), as created by  
18 section 2 of this act.

19

20           **Section 5.** This act is effective July 1, 2025.

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(END)