

HOUSE BILL NO. HB0278

Elections-voting machine and voting system tests.

Sponsored by: Representative(s) Locke, Allemand, Hoeft,
Johnson, Kelly, Styvar, Webb and Webber and
Senator(s) Smith, D

A BILL

for

1 AN ACT relating to elections; clarifying the procedure for
2 testing voting machines and electronic voting systems;
3 specifying that tests shall be open to the public;
4 specifying rulemaking authority; removing the presumption
5 of proper preparation of voting machines; and providing for
6 an effective date.

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

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10 **Section 1.** W.S. 22-10-108, 22-10-110, 22-11-103(c)
11 and 22-11-104(b)(iii) are amended to read:

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13 **22-10-108. Procedure for preparing machines for**
14 **election; inspection and certification.**

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1 (a) Before preparing a voting machine for an
2 election, the county clerk shall, not later than five (5)
3 days before a test of a voting machine or not later than
4 twenty-four (24) hours before any re-test of a voting
5 machine, post a public notice in the office of the county
6 clerk and on the website of the county clerk and notify in
7 writing the county chairman of each political party having
8 a candidate on the ballot and all independent candidates,
9 stating the time and place where the voting machine will be
10 prepared for the election. ~~The political party~~
11 ~~representatives and representatives of independent~~
12 ~~candidates~~ Members of the public may be present at the
13 preparation of the voting machine for the election, to see
14 that the machine is tested for accuracy and is properly
15 prepared and that all registering counters are set at zero
16 (00000). The county clerk, in the presence of these
17 ~~representatives~~ attendees, shall prepare the voting machine
18 for the election and set all registering counters at zero
19 (00000). He shall then test each registering counter for
20 accuracy by casting votes on it until the registering
21 counter is correctly registering each vote cast on it. The
22 county clerk shall then reset each registering counter to
23 zero (00000) and shall immediately lock and seal the voting

1 machine with a numbered metal seal and make a record of the
2 number of the seal on the certificate for the machine. The
3 seal shall be so placed as to prevent operation of the
4 machine or its registering counters without breaking the
5 seal. The county clerk shall then immediately make a record
6 on the certificate for the machine of the reading shown on
7 the protective counter.

8
9 (b) Inspection of voting machines ~~may~~shall begin not
10 less than two (2) weeks before an election and continue
11 until all machines to be used are publicly tested and
12 sealed. Immediately following testing of a machine, the
13 county clerk shall make a certificate in writing stating
14 the serial number of each machine, whether the machine has
15 all the registering counters set at zero (00000), and
16 whether the machine has been tested by voting on each
17 registering counter to prove that each registering counter
18 is in perfect and accurate condition, the number registered
19 on the protective counter, and the number on the seal with
20 which the machine is sealed against operation. This
21 certificate shall be filed with the secretary of state and
22 a copy shall be kept on file in the office of the county
23 clerk.

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2 (c) No voting machine shall be used in any election
3 unless the machine is tested and prepared in accordance
4 with this section.

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6 **22-10-110. Objections.**

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8 A voting machine prepared for an election and certified by
9 the county clerk ~~shall be conclusively presumed to be~~
10 ~~properly prepared unless within two (2) days~~ may be
11 challenged after the machine is sealed and ~~certified before~~
12 the election if a complaint is filed in the district court
13 of the county stating the number of the machine and the
14 grounds for objecting to its use.

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16 **22-11-103. Capabilities required.**

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18 (c) The secretary of state may from time to time as
19 necessary promulgate rules and regulations consistent with
20 subsection (a) of this section and with all other
21 requirements of this Election Code to govern the
22 characteristics of electronic voting systems that may be
23 used in Wyoming. The rules shall ensure the fairness and

1 accuracy of elections. The rules may govern both the
2 characteristics of the systems and the procedures to be
3 followed in testing and using the systems. The rules shall
4 allow the county clerks to follow appropriate
5 recommendations of the vendors of the systems for
6 maintenance and management of the systems to the extent
7 these recommendations are not inconsistent with this
8 Election Code and with the rules. The rules shall be
9 adopted following consultation with the county clerks.

10
11 **22-11-104. Conduct of elections in which systems**
12 **utilized.**

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14 (b) The county clerk of each county using an
15 electronic voting system shall:

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17 (iii) Before testing an electronic voting system
18 for an election, not later than five (5) days before a test
19 of an electronic voting system or not later than
20 twenty-four (24) hours before any re-test of an electronic
21 voting system, post a public notice in the office of the
22 county clerk and the website of the county clerk and notify
23 the state chairman and the county chairman of each

1 political party having a candidate on the ballot, stating
2 the time and place of the test. ~~The political party~~
3 ~~representatives and representatives of independent~~
4 ~~candidates~~ Members of the public may be present for the
5 test, which shall be held at least two (2) weeks before the
6 election. The test shall ascertain that ~~the all~~ automatic
7 tabulating equipment to be used in the election will
8 accurately count the votes cast on all ballot styles that
9 may be used in the election for all offices and all
10 measures. The test shall be conducted by processing a
11 preaudited group of ~~paper ballots or ballot cards~~ all
12 ballot styles on which are recorded a predetermined number
13 of valid votes for each candidate and on each measure and
14 shall include for each office one (1) or more ballots which
15 have votes in excess of the number allowed by law in order
16 to test the ability of the automatic tabulating equipment
17 to reject such votes. If the primary method of voting in
18 the county is by an electronic ballot marking device, the
19 test shall be conducted using ballots or ballot cards that
20 are marked by an electronic ballot marking device. During
21 the test a different number of valid votes shall be
22 assigned to each candidate, including write-in candidates,
23 for an office, and for and against each measure, including

1 at least one (1) undervote and one (1) overvote in each
2 race or measure in each precinct and in each county. If any
3 error is detected, or if the test is not completed in
4 compliance with law, the cause of it shall be ascertained
5 and corrected and an errorless count shall be secured and
6 certified to by the county clerk. On completion of the
7 count, the results shall be retained by the county clerk,
8 posted to the county clerk's website and a copy of the
9 results shall be provided to any person upon request. The
10 programs, test materials and ballots shall be sealed and
11 retained as provided for paper ballots, provided that if a
12 re-test is required the seals may be broken so that an
13 errorless count can be secured and certified as provided in
14 this paragraph;

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16 **Section 2.** W.S. 22-10-110 is repealed.

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18 **Section 3.** This act is effective July 1, 2025.

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(END)