

## SENATE FILE NO. SF0184

Prohibition on electronic voting equipment-2.

Sponsored by: Senator(s) Smith, D, Ide and Laursen, D and  
Representative(s) Lucas and Smith, S

A BILL

for

1 AN ACT relating to elections; requiring the use of paper  
2 ballots for elections; requiring hand counting of paper  
3 ballots; specifying procedures for hand counting of paper  
4 ballots; repealing provisions related to electronic voting  
5 machines and electronic pollbooks; revising procedures for  
6 the post-election ballot audit; providing for testing of  
7 hand counting, tabulating and reporting systems; providing  
8 for election observers; providing penalties; making  
9 conforming amendments; providing for rulemaking; and  
10 providing for an effective date.

11

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

13

14 **Section 1.** W.S. 22-1-102(a)(i), (iii), (xi), (xiv),  
15 (xxii), (xlii), (xliii), (xlix) and by creating new

1 paragraphs (lv) and (lvi), 22-3-111 by creating a new  
2 subsection (c), 22-6-115, 22-6-121(a)(intro), 22-6-122,  
3 22-6-130(a), 22-8-102, 22-8-107, 22-8-108(a), (b) and (c),  
4 22-8-115(a), by creating a new subsection (b) and by  
5 amending and renumbering (b) as (c), 22-9-109(a),  
6 22-9-125(d)(intro), 22-11-101.1(a), 22-11-102,  
7 22-11-103(a)(iii), (vii), (viii) and (c), 22-11-104(a),  
8 (b)(intro), (ii)(intro), (A), (iii) and (v), 22-11-105,  
9 22-11-106, 22-12-101 by creating a new subsection (c),  
10 22-12-103, 22-12-107(a)(v) and (vi), 22-12-112, 22-12-114,  
11 22-12-115, 22-13-103(b), 22-13-107, 22-13-110, 22-14-102,  
12 22-14-104, 22-14-110, 22-14-111(a)(viii), 22-14-113,  
13 22-14-114(a), 22-15-105(a), 22-15-109, 22-16-103(c)(i) and  
14 by creating a new subsection (e), 22-16-118, 22-21-109,  
15 22-22-203(b), 22-26-101(a)(ii), (iv) and (vi), 22-26-103,  
16 22-26-105 and 22-26-107(a)(intro) and by creating a new  
17 paragraph (v) are amended to read:

18

19 **22-1-102. Definitions.**

20

21 (a) The definitions contained in this chapter apply  
22 to words and phrases used in this Election Code and govern  
23 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 (i) "~~Automatic~~ Tabulating equipment" means  
5 ~~apparatus that automatically examines and counts votes~~  
6 ~~recorded on any equipment used by a person in the hand~~  
7 ~~counting process to examine~~ paper ballots ~~or ballot cards~~  
8 and ~~tabulates~~ tabulate the results. "Tabulating equipment"  
9 shall not include any equipment that can be connected to  
10 the internet in any manner or that has any type of  
11 communication ability;

12

13 (iii) "Ballot ~~card~~ box" means a ~~ballot that can~~  
14 ~~be counted using automatic tabulating equipment~~ secure  
15 container in which paper ballots are placed for hand  
16 counting by qualified election judges;

17

18 (xi) "Counting center" is the location or  
19 locations designated by the county clerk for the ~~automatic~~  
20 manual tabulating and counting of ballots;

21

22 (xiv) "~~Electronic~~ Hand count voting system" is a  
23 system ~~employing an electronic voting device in conjunction~~

1 ~~with~~ for the hand counting of paper ballots ~~or ballot~~  
2 ~~cards, or other system of secret voting and automatic~~  
3 ~~tabulating equipment~~ for the recording, tabulating and  
4 counting of votes in an election;

5  
6 (xxii) "Pollbook" means a book, ~~or hardware,~~  
7 ~~software or any combination thereof commonly referred to as~~  
8 ~~an electronic pollbook,~~ used in a polling place on election  
9 day containing information specified by law. "Pollbook"  
10 shall not include any hardware or software that can be  
11 connected to the internet in any manner;

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

18  
19 (xliii) "Retabulation" is the process of ~~running~~  
20 tabulating ballots ~~back~~ through the hand tabulation system  
21 for an additional time or times for the express purpose of  
22 reconciling the count;

23

1           (xlix) "Vote center" means a polling place at  
2 which any registered elector in the political subdivision  
3 holding the election may vote, regardless of the precinct  
4 in which he resides, ~~connected through secure internet~~  
5 ~~connections to provide voting information to and receive~~  
6 ~~voting information~~ from the ~~electronic~~ pollbook maintained  
7 by the county clerk and used as an option to traditional  
8 polling places at the discretion of the county clerk;

9

10           (lv) "Canvassing board" means the persons  
11 appointed to certify the results of an election after the  
12 counting board has counted ballots;

13

14           (lvi) "Counting board" means the persons  
15 appointed to count the ballots after the polls close, or in  
16 a mail ballot election, to count the ballots after the  
17 deadline passes.

18

19           **22-3-111. Preparation and contents of pollbooks.**

20

21           (c) No electronic pollbook shall be used by any  
22 qualified election judge for an election. Nothing in this  
23 subsection shall prohibit a county clerk from using an

1 electronic system for the purpose of preparing pollbooks  
2 for use in elections.

3  
4 **22-6-115. Specifications for paper ballots.**

5  
6 (a) Official paper ballots shall be uniform in size,  
7 printed in black ink on good quality paper through which  
8 printing cannot be read. Ballots shall be white except as  
9 otherwise provided. ~~On a voting machine~~ Each column or row  
10 containing the titles of offices and candidates for office  
11 shall be arranged to indicate clearly the office for which  
12 a candidate is running. Ballots shall be formatted to  
13 facilitate hand tabulation.

14  
15 (b) Blank ballots specifically designed for an  
16 accessible voting machine in accordance with the Help  
17 America Vote Act shall be obtained from the vendor of  
18 accessible voting machine. The voting machine shall produce  
19 ballots that can be read by human election workers.  
20 Unreadable bar codes or quick response codes that cannot be  
21 deciphered by human election workers shall not be printed  
22 on the ballot.

23

1           **22-6-121. Political party ballot position on general**  
2 **election ballot; order of candidates' names.**

3  
4           (a) Political party position shall be determined on  
5 the general election ballot according to the number of  
6 votes received by each party within the county for the  
7 office of representative in congress at the last preceding  
8 general election. The party receiving the highest number  
9 of votes shall appear first following the names of the  
10 offices to be voted for and other parties shall follow in  
11 the order of their respective numbers of such votes. The  
12 order of any provisional parties will be drawn by the  
13 secretary of state. Any independent candidates shall  
14 appear following the last party and shall be listed in  
15 alphabetical order, subject to rotation. When more than  
16 one (1) candidate is to be elected to a particular office,  
17 the names of candidates shall be printed in alphabetical  
18 order, subject to rotation, on all ballots. ~~for electronic~~  
19 ~~and machine voting systems as defined by W.S. 22-1-102.~~

20  
21           **22-6-122. Rotation of candidates' names; equal lines**  
22 **on voting machines.**

23

1 The names of candidates for each office shall be rotated on  
2 all ballots by precinct for all elections. In each county  
3 the name of each candidate shall appear substantially an  
4 equal number of times at the top, at the bottom, and in  
5 each intermediate place. ~~In a voting machine polling place,  
6 if candidates for the same office occupy more than one (1)  
7 line on the voting machine, the number of names appearing  
8 on each line shall be as nearly equal as possible.~~

9

10 **22-6-130. Post-election ballot audit.**

11

12 (a) Each county clerk shall complete an audit of the  
13 county's unofficial election results by identifying and  
14 reviewing the smallest observable percentage between the  
15 statewide candidates who received the most votes and the  
16 statewide candidates who received the second highest votes  
17 for each contest within the county not later than the first  
18 Thursday following a primary, special or general election.  
19 Not later than five (5) days before the audit the county  
20 clerk shall notify the county chairman of each political  
21 party with a candidate on the ballot of the audit, and any  
22 independent candidate on the ballot, stating the time and  
23 place of the audit under this subsection. Representatives



1 of each political party, and representatives of any  
2 independent candidate, may be present for the audit.

3 Additional contests may be added to the audit at the  
4 discretion of the county clerk. ~~Using a formula developed~~  
5 ~~by the University of Wyoming, each county clerk shall use~~  
6 ~~the smallest observable percentage to determine a~~  
7 ~~statistically significant sample size of the ballots to be~~  
8 ~~audited under this section. To ensure the timely completion~~  
9 ~~of this procedure under this subsection,~~ The number of  
10 ballots audited shall ~~not exceed~~ be not less than five  
11 percent (5%) of the total number of ballots cast.

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).~~

3

4 **22-8-107. Absentee ballot counting boards.**

5

6 If the alternate procedure for counting absentee ballots  
7 described in W.S. 22-9-125 is used, at least ~~three (3)~~ four  
8 (4) judges shall be appointed as an absentee ballot  
9 counting board in the same manner as other election judges  
10 are appointed and shall hand count ballots using the same  
11 counting method as provided in W.S. 22-14-104(b). These  
12 judges shall determine legality of absentee ballots and  
13 count absentee ballots ~~or in the case of electronic voting~~  
14 ~~systems, the ballots shall be counted~~ at the designated  
15 counting center.

16

17 **22-8-108. Appointment, composition and authority of**  
18 **counting boards; when judges to count.**

19

20 (a) The county clerk shall appoint a counting board  
21 for each paper ballot polling place casting more than three  
22 hundred (300) votes at the last general election, and may  
23 appoint a counting board in such a polling place in which

1 one hundred fifty (150) or more such votes were cast at  
2 such election. A counting board shall have ~~three (3)~~ four  
3 (4) members or more to facilitate the counting of votes and  
4 shall hand count ballots using the same counting method as  
5 provided in W.S. 22-14-104(b). No more than one (1) person  
6 under the age of eighteen (18) may be appointed as to each  
7 counting board.

8  
9 (b) A counting board shall be appointed for each  
10 designated counting center. ~~in each county using an~~  
11 ~~electronic voting system. The~~ Additional counting boards  
12 may be appointed by the county clerk depending on the  
13 number of ballots to be counted. Each board shall consist  
14 of at least ~~seven (7)~~ five (5) members who shall be the  
15 county clerk or his ~~designated deputy~~ designee, and ~~three~~  
16 ~~(3)~~ two (2) members of each ~~major~~ political party having a  
17 candidate on the ballot appointed by the county clerk from  
18 a list of registered electors pursuant to W.S. 22-8-101(b).  
19 Additional members may be appointed by the county clerk if  
20 deemed necessary by the county clerk but equal major party  
21 membership shall be assured. No more than one (1) person  
22 under the age of eighteen (18) may be appointed as to each  
23 counting board. The counting board shall hand count ballots

1 using the same counting method as provided in W.S.  
2 22-14-104(b).

3

4 (c) The counting board in a paper ballot polling  
5 place ~~has no authority to act until polls are declared~~  
6 ~~closed as provided in W.S. 22-13-117, except as provided in~~  
7 ~~W.S. 22-9-125(d). A counting board in an electronic voting~~  
8 ~~system counting center~~ may commence preparing absentee  
9 ballots for counting at any time on election day, or before  
10 election day as provided in W.S. 22-9-125(d).

11

12 **22-8-115. Oath for election officials.**

13

14 (a) ~~An~~ Each election official and election judge  
15 shall subscribe to this oath verbally and in writing before  
16 entering upon his duties at each election:

17

18 "I do solemnly swear (or affirm) that I will impartially  
19 and to the best of my knowledge and ability ~~perform~~  
20 discharge the duties of ~~my office~~ an election  
21 official/election judge according to the law, and that I  
22 will not disclose how any elector has voted unless I am  
23 required to do so as a witness in a proper judicial

1 proceeding. I will make no statement nor provide any  
2 information that in any way would reveal the actual or  
3 estimated vote count prior to the close of the polls on  
4 election day. I will studiously endeavor to prevent all  
5 frauds, deceit and abuse in the application of the election  
6 laws of this state."

7

8 (b) Each election observer shall subscribe to this  
9 oath verbally and in writing before entering upon his  
10 duties at each election:

11

12 "I do solemnly swear (or affirm) that I will make no  
13 statement nor provide any information that in any way would  
14 reveal the actual or estimated vote count prior to the  
15 close of the polls on election day."

16

17 ~~(b)~~(c) The ~~oath~~oaths under this section shall be  
18 taken before the county clerk, his deputy or a previously  
19 sworn judge of election.

20

21 **22-9-109. Form of absentee ballot.**

22

1 (a) The absentee ballot shall be in the same form  
2 prescribed by law for the official ballot or, for the  
3 transmission of Uniformed and Overseas Citizens Absentee  
4 Voting Act ballots only, a reasonable printed reproduction  
5 of the prescribed form for electronic ballots.

6

7 **22-9-125. Alternate procedures for collecting and**  
8 **counting absentee ballots.**

9

10 (d) Notwithstanding ~~subsection (b) of this section~~  
11 ~~and~~ any other mandatory procedures for counting absentee  
12 ballots under this chapter, the county clerk may choose to  
13 prepare and process absentee ballots the Thursday or Friday  
14 immediately preceding election day, provided:

15

16

#### CHAPTER 11

17

#### HAND COUNT VOTING SYSTEMS

18

19 **22-11-101.1. Definitions.**

20

21 (a) As used in this chapter, ~~"Vendor" means a person~~  
22 ~~engaged in selling, leasing, marketing, designing, building~~  
23 ~~or maintaining electronic voting systems~~ "Hand count voting

1 system" is a system for casting, tabulating, recording and  
2 reporting election results to the state or counties using  
3 manual hand counting of paper ballots and ensuring a proper  
4 chain of custody of paper ballots.

5

6 **22-11-102. Use authorized; purchase or lease.**

7

8 The board of county commissioners of each county may adopt  
9 for use, either experimentally or permanently, in any  
10 election in any or all polling places within the county,  
11 any ~~electronic~~hand count voting system authorized by law.

12

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

14

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

17

18 (iii) Permit voting either by paper ballot, ~~by~~  
19 ~~ballot card~~ or by ~~other mechanical, magnetic or electrical~~  
20 ~~means by which a vote may be recorded;~~ voting on an  
21 accessible voting machine for voters with disabilities,  
22 subject to the following:

23

1                   (A) Each polling place shall have at least  
2 one (1) accessible voting machine in accordance with the  
3 Help America Vote Act;

4  
5                   (B) An accessible voting machine under this  
6 paragraph shall:

7  
8                   (I) Be limited to a machine that can  
9 assist a voter with marking a paper ballot and shall not be  
10 used to tabulate votes;

11  
12                   (II) Not be connected to the internet  
13 or able to be connected to the internet in any manner or  
14 have any other type of communication ability;

15  
16                   (III) Comply with rules adopted by the  
17 secretary of state specifying requirements for accessible  
18 voting machines and shall be tested before each election.  
19 Before testing the accessible voting machines under this  
20 subdivision, the county clerk shall notify the county  
21 chairman of each political party having a candidate on the  
22 ballot, stating the time and place of the test. The  
23 political party representatives and representatives of



1 independent candidates may be present for the test, which  
2 shall be held at least two (2) weeks before the election.  
3 The test shall ascertain that the accessible voting  
4 machines will accurately record the votes cast for all  
5 offices and all measures. The test shall be conducted by  
6 processing a pre-audited group of paper ballots on which  
7 are recorded a predetermined number of valid votes for each  
8 candidate and on each measure. During the test a different  
9 number of votes shall be assigned to each candidate for  
10 each office, and for and against each measure. If any error  
11 is detected, the cause of it shall be ascertained and  
12 corrected and an errorless count shall be secured and  
13 certified by the county clerk before the test can be  
14 certified. Additionally, accessibility functions, such as  
15 the audio and keypad shall be tested and verified to be in  
16 working order. On completion of the count, the programs,  
17 test materials and ballots shall be sealed and retained as  
18 provided for paper ballots. Rules adopted by the secretary  
19 of state under this subdivision shall ensure accessible  
20 voting machines comply with the Help America Vote Act and  
21 any other applicable requirements under law.

22

1           (vii) ~~Provide automatic tabulating equipment~~  
2 ~~which shall~~ Reject choices recorded on a ballot exceeding  
3 the number allowed, and at a primary election, reject  
4 choices for candidates from a party other than the party  
5 for which a preference is expressed;

6  
7           (viii) ~~Be suitably designed to function safely,~~  
8 ~~efficiently and accurately, when properly operated,~~ Provide  
9 assistance in the accurate hand recording, tabulating and  
10 counting of every vote cast;

11  
12           (c) The secretary of state may from time to time as  
13 necessary promulgate rules and regulations consistent with  
14 subsection (a) of this section and with all other  
15 requirements of this Election Code to govern the  
16 characteristics of ~~electronic~~ hand counting voting systems  
17 that may be used in Wyoming. The rules shall ensure the  
18 fairness and accuracy of elections. The rules may govern  
19 both the characteristics of the systems and the procedures  
20 to be followed in using the systems. The rules shall allow  
21 the county clerks to ~~follow appropriate recommendations of~~  
22 ~~the vendors of the systems for maintenance and management~~  
23 ~~of the systems to the extent these recommendations~~ adopt

1 hand counting voting procedures that are not inconsistent  
2 with this Election Code and with the rules. The rules  
3 shall be adopted following consultation with the county  
4 clerks.

5

6 **22-11-104. Conduct of elections in which hand count**  
7 **voting systems utilized.**

8

9 (a) All provisions of the Election Code governing the  
10 conduct of elections shall apply to elections in which  
11 ~~electronic~~hand count voting systems are used, except that  
12 the county clerk of any county in which ~~an electronic~~a  
13 hand count voting system is used may make such  
14 modifications in ballot form as are necessary to facilitate  
15 the use of the ~~electronic~~hand count voting system and yet  
16 maintain the integrity of the election and the intent of  
17 the law.

18

19 (b) The county clerk of each county using ~~an~~  
20 ~~electronic~~a hand count voting system shall:

21

1           (ii) Before the day of election deliver to each  
2 polling place using ~~an electronic~~ a hand count voting  
3 system:

4

5           (A) A sufficient number of ~~voting devices~~  
6 hand count tabulation and recording forms and ballots;

7

8           (iii) Before ~~testing an electronic voting system~~  
9 ~~for an~~ each election, notify the county chairman of each  
10 political party having a candidate on the ballot, stating  
11 the time and place of ~~the~~ a test of the hand counting,  
12 tabulating and reporting procedure that will be used in the  
13 county. The political party representatives and  
14 representatives of independent candidates may be present  
15 for the test, which shall be held at least two (2) weeks  
16 before the election. The test shall ascertain that the  
17 ~~automatic tabulating equipment~~ paper ballots and the hand  
18 counting, tabulating and reporting procedure that will be  
19 used in the county will accurately count the votes cast for  
20 all offices and all measures. The test shall also  
21 demonstrate the chain of custody of paper ballots including  
22 the use of ballot boxes, tally sheets, tally summary sheets  
23 and ballot box keys. The test shall be conducted by

1 processing a preaudited group of paper ballots. ~~or ballot~~  
2 ~~cards on which are recorded a predetermined number of valid~~  
3 ~~votes for each candidate and on each measure and shall~~  
4 ~~include for each office one (1) or more ballots which have~~  
5 ~~votes in excess of the number allowed by law in order to~~  
6 ~~test the ability of the automatic tabulating equipment to~~  
7 ~~reject such votes. During the test a different number of~~  
8 ~~valid votes shall be assigned to each candidate for an~~  
9 ~~office, and for and against each measure. If any error is~~  
10 ~~detected, the cause of it shall be ascertained and~~  
11 ~~corrected and an errorless count shall be secured and~~  
12 ~~certified to by the county clerk.~~ On completion of the  
13 ~~count, the programs~~ test, all test materials and ballots  
14 shall be sealed and retained as provided for paper ballots;  
15

16 (v) Provide adequate security for the delivery  
17 of all ballots to ~~the~~ a designated counting center, if  
18 applicable;

19

20 **22-11-105. Spoiled ballots.**

21

22 Any voter who spoils his paper ballot ~~or ballot card~~ may  
23 return it and secure a replacement. The word "Spoiled"

1 shall be written across the face of the voided ballot, and  
2 it shall be placed in an envelope for spoiled ballots.  
3 Spoiled ballots shall be delivered with the returns to the  
4 county clerk.

5

6 **22-11-106. Procedure after voter marks paper ballot.**

7

8 After marking the paper ballot, the voter shall place the  
9 ballot ~~in the voting machine. If the votes are being~~  
10 ~~counted at a central counting center as authorized by W.S.~~  
11 ~~22-14-114(b), the voter shall instead place the paper~~  
12 ~~ballot~~ in the ballot box.

13

14 **22-12-101. Designation and notice of polling places;**  
15 **external location; change in location.**

16

17 (c) The county clerk shall establish a private area  
18 in each polling place for the hand counting of ballots.

19

20 **22-12-103. Furnishing of booths.**

21

22 The county clerk in all elections shall furnish each  
23 polling place with sufficient booths, paper ballots ~~or~~

1 ~~voting machines~~ and supplies to permit convenient and  
2 secret marking of ballots.

3

4 **22-12-107. Materials for judges.**

5

6 (a) Before election day the county clerk shall cause  
7 to be delivered to one (1) of the judges of election in  
8 each polling place the following materials:

9

10 (v) Accessible voting machines, ~~where to the~~  
11 extent required by W.S. 22-11-103(a)(iii);

12

13 (vi) The number of ballots required by law and  
14 any related hand tabulation equipment or supplies;

15

16 **22-12-112. Procedure for preparing ballots and ballot**  
17 **boxes for use.**

18

19 Before the polls open the judges shall compare ballots ~~on~~  
20 ~~the voting machines~~ with the sample ballots and return  
21 sheets to see that they are correct. ~~, place the voting~~  
22 ~~machine in a proper position free from obstruction and~~  
23 ~~assure that the face of the machine may be viewed clearly~~

1 ~~by the voter casting the ballot but not by others.~~

2 Envelopes containing keys shall not be opened if the  
3 numbers and records on them do not correspond to the  
4 numbers and records on the machine ballot box. If the  
5 numbers do not agree, the machine ballot box shall be  
6 reexamined and certified by the county clerk ~~before it may~~  
7 ~~be used.~~

8

9 **22-12-114. Certification of ballots and ballot box**  
10 **keys.**

11

12 The judges shall certify that ballot box keys are  
13 delivered, ~~that numbers on registering counters and seals~~  
14 ~~correspond with those on key envelopes, that counters are~~  
15 ~~set at zero (00000) or counts certified,~~ that ballots are  
16 proper ~~and that the machines are ready for voting.~~

17

18 **22-12-115. Examination of ballot box.**

19

20 Before the polls are open, the judges of election shall  
21 open and examine the ballot box to determine that it is  
22 empty and relock it. The ballot box shall not again be  
23 opened ~~until the polls are closed,~~ except when necessitated



1 ~~by operation of the voting equipment at the direction of~~  
2 ~~the county clerk~~ required by law and only in the presence  
3 of two (2) or more election judges with different political  
4 party affiliations. ~~It~~ The ballot box shall not be removed  
5 from the presence of the judges of election or counting  
6 board until all ballots are counted and recorded.

7

8 **22-13-103. Preservation of order; privacy of voting**  
9 **booths and machines.**

10

11 (b) To protect the privacy of the voter, voting  
12 booths ~~and voting machines~~ shall be kept clear of all  
13 persons except voters marking ballots and election  
14 officials discharging their duties.

15

16 **22-13-107. Spoiled or rejected ballots.**

17

18 (a) An elector spoiling a paper ballot by mistake or  
19 accident may receive another ballot by returning the  
20 rejected ballot to a judge of election. Spoiled ballots  
21 shall immediately be cancelled by a judge of election, the  
22 word "spoiled" shall be written across the face of the

1 ballot and the ballot shall be delivered with the returns  
2 to the county clerk or official conducting the election.

3

4 (b) A ballot may be rejected as provided in this  
5 subsection. For any rejected ballot, the word "rejected"  
6 shall be written across the face of the voided ballot and  
7 the ballot shall be placed in an envelope for rejected  
8 ballots. Rejected ballots shall be delivered with the  
9 returns to the county clerk. Ballots shall be rejected and  
10 not counted if any of the following apply:

11

12 (i) The initials of proper election judges are  
13 missing from the ballot;

14

15 (ii) The number of votes on the ballot for all  
16 offices and all questions exceed the number authorized by  
17 law;

18

19 (iii) The ballot is an absentee ballot without  
20 completed and signed affidavit;

21

22 (iv) The ballot was voted with unlawful  
23 assistance as provided by law.

1

2           **22-13-110. Write-in votes.**

3

4 Write-in votes ~~may be entered on a voting machine in the~~  
5 ~~manner indicated by instructions posted on the voting booth~~  
6 ~~or indicated on the voting machine~~ on paper ballots shall  
7 be verified and tallied at a polling place or counting  
8 center as provided in W.S. 22-14-110 and 22-14-114(b).

9

10           **22-14-102. Who may be present after all votes are**  
11 **cast and polls close; making pollbooks agree; counting**  
12 **votes.**

13

14           (a) After all the votes are cast and the polls are  
15 officially declared closed, only election judges and  
16 election observers under oath shall be permitted in a  
17 polling place.

18

19           ~~(b) When all ballots are cast, the machine shall be~~  
20 ~~locked against further voting and sealed as prescribed by~~  
21 ~~law. Except as otherwise provided by~~ Subject to W.S.  
22 22-14-114(b), election judges ~~shall commence to count at~~  
23 the polling place shall begin hand counting and recording

1 of votes one (1) hour before the closing of the polls and  
2 shall continue without adjournment until counting is  
3 completed.

4

5 **22-14-104. Entry of paper ballot votes.**

6

7 (a) Paper ballots shall be ~~opened by the counting~~  
8 ~~board and every vote for a candidate or ballot proposition~~  
9 ~~shall be entered on a list~~ hand counted as provided in this  
10 section. A vote which is not clearly marked shall not be  
11 tallied for that office or question but votes clearly  
12 marked on the remainder of the ballot shall be tallied.

13

14 (b) Paper ballots shall be counted and recorded  
15 subject to the following:

16

17 (i) Counting shall be conducted by two (2)  
18 counting teams consisting of two (2) election judges each.  
19 Each member of each counting team shall be from a different  
20 political party;

21

22 (ii) One (1) counting team shall designate one  
23 (1) judge to read each vote and the second judge shall

1 observe to verify that the vote was read correctly. Any  
2 write-in candidate shall be read by calling out the  
3 applicable office and then the name written in on the  
4 ballot for that office;

5

6 (iii) Each member of the second counting team  
7 shall record each vote as it is read on separate tally  
8 sheets, including any write-in votes;

9

10 (iv) When all votes are counted in the precinct,  
11 the four (4) election judges shall transfer the totals of  
12 all tally sheets, including any write-in votes, onto a  
13 summary tally sheet. The results on the summary tally sheet  
14 shall be provided to the county clerk.

15

16 (c) The secretary of state may adopt rules for the  
17 hand counting of paper ballots in accordance with this  
18 section and this Election Code.

19

20 **22-14-110. Sealing paper ballots and voting machine**  
21 **records.**

22

1 Paper ballots shall be sealed by the election judges in an  
2 envelope after being counted and tallied, unless the  
3 ballots are being counted at a central counting center as  
4 authorized by W.S. 22-14-114(b). ~~One (1) copy of each~~  
5 ~~voting machine record shall be sealed in a separate~~  
6 ~~envelope showing the district, precinct and machine number~~  
7 ~~and endorsed by the election judges.~~ These envelopes shall  
8 then be sealed in a single large container. The district  
9 and precinct number shall be written on each container.

10

11 **22-14-111. Returning records and returns to clerk.**

12

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

23

1           (viii) Oaths of ~~judges of~~ election judges and  
2 election observers;

3  
4           **22-14-113. Return of voting supplies.**

5  
6           (a) Keys to ~~voting machines~~ ballot boxes shall be  
7 returned to the county clerk in an envelope sealed and  
8 signed by an election judge and endorsed by an election  
9 judge of a different political party affiliation. ~~On this~~  
10 ~~envelope shall be recorded the number of the seal with~~  
11 ~~which the machine was closed.~~

12  
13           (b) All voting supplies, ballot boxes and accessible  
14 voting machines shall be returned to the county clerk as  
15 soon as possible after the vote has been returned.

16  
17           **22-14-114. Counting of write-in votes; transporting**  
18 **of ballots.**

19  
20           (a) ~~For ballots designed to be counted by machine,~~  
21 ~~each individual vote shall be determined by the voting~~  
22 ~~equipment and shall not be determined subjectively by human~~  
23 ~~tabulation except when the intent of the voter is~~

1 ~~unmistakable but the ballot was received in such damaged,~~  
2 ~~soiled, or other condition that it is rejected by the~~  
3 ~~machine. The secretary of state may promulgate rules~~  
4 ~~establishing standards for counting such ballots. For~~  
5 ~~ballots not designed to be counted by machine, only votes~~  
6 ~~clearly marked, as provided by W.S. 22-14-104 and rules~~  
7 ~~promulgated pursuant to this code, shall be tallied. For~~  
8 write-in votes, names ~~which~~that are misspelled or  
9 abbreviated or the use of nicknames of candidates shall be  
10 counted for the candidate if the vote is obvious to the  
11 counting board or election judges. The secretary of state  
12 may by rule specify standards for counting write-in votes  
13 under this subsection.

14

15 **22-15-105. Challenged person may vote; generally.**

16

17 (a) If a person offering to vote is challenged, and  
18 the challenge is not resolved in accordance with W.S.  
19 22-15-106, an election judge shall offer the voter a ballot  
20 clearly marked "provisional." ~~and which cannot be~~  
21 automatically tabulated Provisional ballots shall be  
22 securely stored separately from other ballots and shall



1 only be counted as provided in subsection (d) of this  
2 section.

3

4 **22-15-109. Election observers; certification;**  
5 **qualification; authority; removal.**

6

7 (a) The county chairman of each political party may  
8 certify ~~poll watchers~~ election observers prior to the day  
9 of the election to serve in each polling place. Not more  
10 than one (1) ~~poll watcher~~ election observer from each  
11 political party may serve simultaneously unless the chief  
12 judge determines that one (1) additional ~~poll watcher~~  
13 election observer from each political party may be  
14 accommodated in the polling place without disrupting the  
15 polling process.

16

17 (b) ~~A poll watcher~~ An election observer shall belong  
18 to the political party he represents, ~~and~~ shall be a  
19 registered elector residing in the county. ~~A poll watcher~~  
20 and shall subscribe to an oath as provided in W.S.  
21 22-8-115(b). An election observer shall serve only at the  
22 polling place designated on the certificate. ~~A poll watcher~~  
23 An election observer is authorized to observe voter turn

1 out, ~~and voter~~ registration and hand tabulation procedures  
2 and may make written memoranda but shall not challenge  
3 voters or election judges, conduct electioneering  
4 activities or disrupt the polling or counting process.

5

6 (c) The chief judge may remove ~~a poll watcher an~~  
7 election observer from the polling place for disturbing the  
8 polling place, or for any other violation of the Election  
9 Code.

10

11 **22-16-103. County canvass procedures.**

12

13 (c) The county canvassing board shall:

14

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

23

1       (e) The county canvassing board shall not certify the  
2 election if there are any outstanding irregularities in any  
3 precinct.

4  
5           **22-16-118. Meeting of state canvassing board.**

6  
7 The state canvassing board shall meet no later than the  
8 ~~second~~ Wednesday following the ~~election~~certification of  
9 all county elections. The secretary of state shall send a  
10 messenger to obtain official county abstracts not filed in  
11 a reasonable length of time. The canvassing board shall  
12 meet at the time and place set by the secretary of state.  
13 The board shall review the state abstracts prepared by the  
14 secretary of state, compare them with the tabulation and  
15 materials prepared by the secretary of state, resolve any  
16 tie votes, and certify the abstract as the official state  
17 canvass. The state canvassing board shall not certify the  
18 election if there are any outstanding irregularities in any  
19 county.

20  
21           **22-21-109. Supplies; regulations; costs.**

22

1 The county clerk ~~may utilize voting machines or electronic~~  
2 ~~voting systems~~ shall use hand counted paper ballots at any  
3 bond election and may prescribe the form of the ballot, the  
4 duties of election officials, and other reasonable  
5 regulations pertaining thereto. The political subdivision  
6 holding the bond election shall pay the actual costs of the  
7 election or an equitably proportioned share of a concurrent  
8 election, as determined by the county clerk.

9

10 **22-22-203. Determining validity of application;**  
11 **placement on ballot; procedure for multi-county districts.**

12

13 (b) Each county clerk in each election involving a  
14 school or community college district which crosses county  
15 boundaries shall ~~determine whether voting machines,~~  
16 ~~electronic voting system,~~ use paper ballots, ~~or a~~  
17 ~~combination thereof,~~ shall be used and hand count results  
18 to ~~insure~~ ensure that each qualified elector votes only for  
19 the candidate or candidates from the school district and  
20 trustee residence area, if any, and from the community  
21 college district and subdistrict, if any, for which he is  
22 entitled to vote.

23

1           **22-26-101. Felony offenses generally.**

2

3           (a) The following acts in connection with or related  
4 to the election process or an election, if knowingly and  
5 willfully committed, are felony offenses punishable by not  
6 more than five (5) years' imprisonment in the state  
7 penitentiary or a fine of not more than ten thousand  
8 dollars (\$10,000.00), or both:

9

10           (ii) Unlawful ~~opening of~~ interference with a  
11 ballot box as provided in W.S. 22-26-103;

12

13           (iv) Unlawful possession of a ballot box key as  
14 provided in W.S. 22-26-105;

15

16           (vi) Falsifying election documents or results;

17

18           **22-26-103. Unlawful interference with ballot box.**

19

20           (a) Unlawful ~~opening of~~ interference with a ballot  
21 box consists of any of the following:

22

1           (i) Opening a ballot box ~~or inspecting or~~  
2 ~~removing the contents thereof~~ without lawful authority; ~~or~~

3  
4           (ii) An election judge knowingly causing or  
5 permitting any ballot to be in the ballot box at the  
6 opening for the polls and before voting commences;

7  
8           (iii) An election judge knowingly placing or  
9 permitting any ballot, or paper having the semblance of a  
10 ballot, to be placed in a ballot box at any election unless  
11 the ballot is offered by a qualified elector as provided by  
12 law;

13  
14           (iv) Knowingly removing any legal ballot from a  
15 ballot box for the purpose of changing the true and lawful  
16 count of any election or in any other manner knowingly  
17 changing the true and lawful count of any election;

18  
19           (v) Knowingly placing or attempting to place or  
20 causing to be placed any false or fraudulent ballot in a  
21 ballot box at any election;

22

1           (vi) On the day of an election, willfully  
2 concealing, breaking or destroying any ballot box used or  
3 intended to be used at an election or willfully concealing  
4 or removing any ballot box from the custody of the election  
5 judges;

6  
7           (vii) Conspiring with others so to ~~open~~  
8 interfere with a ballot box under this section.

9  
10           **22-26-105. Unlawful possession of key.**

11  
12 Unlawful possession of a key consists of the possession at  
13 any time of a key to a ~~voting machine or~~ ballot box, or  
14 making a duplicate thereof, unless authorized by law.

15  
16           **22-26-107. Falsifying election documents or results.**

17  
18           (a) Falsifying election documents or results consists  
19 of performing any of the following acts with the intent to  
20 deceive or mislead an elector or an election official:

21  
22           (v) Falsifying hand tabulation results or tally  
23 sheets.

1

2           **Section 2.** W.S. 22-1-102(a)(xxxiv) and (liv),  
3 22-3-113(b), 22-6-113, 22-9-121(c)(ii), 22-9-125(b),  
4 22-10-101 through 22-10-111, 22-11-103(a)(iv), (vi), (xi)  
5 and (d) through (g), 22-11-104(b)(i), (iv), (vi), (vii) and  
6 (c), 22-11-107 through 22-11-109, 22-12-110, 22-12-113,  
7 22-13-109, 22-13-112, 22-14-105, 22-14-111(a)(i),  
8 22-26-101(a)(iii) and 22-26-104 are repealed.

9

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

11

12

(END)