

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 county and state canvass to allow  
8 time for hand counting as specified; creating an account;  
9 making conforming amendments; repealing conflicting  
10 provisions; providing an appropriation; and providing for  
11 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:

16

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 persons with disabilities. Electronic  
17 ballot marking devices shall comply with all federal  
18 accessibility requirements and shall conform with the  
19 requirements of this Election Code for voting machines and  
20 electronic voting systems. Nothing in this subsection shall  
21 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:

3

4 (i) "Disability" has the meaning stated in the  
5 Americans with Disabilities Act of 1990, as amended by the  
6 Americans with Disabilities Amendments Act of 2008;

7

8 (ii) "Electronic ballot marking device" means  
9 any electronic device that assists voters in marking  
10 ballots, including, without limitation, any voting machine  
11 that uses a touch screen to produce a marked paper ballot  
12 or ballot card.

13

14 **Section 2.** W.S. 22-1-102(a)(xxvii), (xlii) and by  
15 creating a new paragraph (lv), 22-3-102(a)(i), 22-3-103(a)  
16 by creating a new paragraph (ix), 22-3-117(a)(intro),  
17 22-3-118(a)(ii), 22-8-102, 22-8-108(a), (c), (d) and by  
18 creating a new subsection (e), 22-9-125(a)(ii) and (b),  
19 22-10-102, 22-11-102, 22-14-114(a), 22-16-103(c)(i),  
20 22-16-109, 22-16-110(a)(intro), 22-16-111(a) and (b),  
21 22-16-113, 22-16-118, 22-21-109 and 22-22-203(b) are  
22 amended to read:

23

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

2

3           (a) The definitions contained in this chapter apply  
4 to words and phrases used in this Election Code and govern  
5 the construction of those words and phrases unless they are  
6 specifically modified by the context in which they appear.  
7 As used in this Election Code:

8

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

13

14           (xlii) "Recount" is the counting of ballots by  
15 hand or the processing of ballots through the tabulation  
16 system for an additional time or times, ~~conducted~~ for the  
17 specific purpose of counting votes again in any specific  
18 race, based upon the criteria of W.S. 22-16-109 ~~or~~  
19 ~~22-16-111~~ through 22-16-113;

20

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

23

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

6  
7           (B) A valid tribal identification card  
8 issued by the governing body of the Eastern Shoshone tribe  
9 of Wyoming, the Northern Arapaho tribe of Wyoming or other  
10 federally recognized Indian tribe, provided that the  
11 identification card does not contain any indication that  
12 the person is not a United States citizen;

13  
14           (C) A valid driver's license or  
15 identification card issued by any other state that is  
16 consistent with the requirements of the REAL ID Act as  
17 defined by W.S. 31-7-102(a)(lii) provided that the driver's  
18 license or identification card does not include any  
19 indication that the person is not a United States citizen;

20  
21           (D) A valid United States passport;  
22

1                   (E) A certificate of United States  
2 citizenship;

3

4                   (F) A certificate of naturalization;

5

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

8

9                   (H) A consular report of birth abroad  
10 issued by the United States department of state;

11

12                   (J) An original or certified copy of a  
13 birth certificate in the United States bearing an official  
14 seal.

15

16           **22-3-102. Qualifications; temporary registration.**

17

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

23

1 (i) He is a citizen of the United States, as  
2 evidenced by providing proof of United States citizenship  
3 as defined by W.S. 22-1-102(a)(lv);  
4

5 **22-3-103. Furnishing of oath forms; contents thereof.**  
6

7 (a) The county clerk shall furnish voter registration  
8 oath forms to registry agents which forms shall require the  
9 following voter information from the applicant:  
10

11 (ix) Proof of United States citizenship as  
12 defined by W.S. 22-1-102(a)(lv).  
13

14 **22-3-117. Absentee registration generally; use of**  
15 **federal postcard.**  
16

17 (a) Notwithstanding any other section or provision in  
18 this chapter, any citizen of the United States who is a  
19 resident of Wyoming may apply for registration by providing  
20 the information required by W.S. 22-3-103(a), proof of  
21 United States citizenship and acceptable identification to  
22 the county clerk and by completing and subscribing, the  
23 form of voter registration oath prescribed by W.S.

1 22-3-103(b) before any person authorized by law to  
2 administer oaths. Each county clerk shall furnish the voter  
3 registration oath forms. The applicant shall mail or  
4 return the completed voter registration oath form to the  
5 county clerk in the county in which the applicant resides.  
6 In order to vote in the next election, the application must  
7 be received in the county clerk's office before the close  
8 of registration for that election, or:

9

10 **22-3-118. Proof of identity.**

11

12 (a) Unless a voter is challenged pursuant to W.S.  
13 22-15-101 through 22-15-109, and except as provided in W.S.  
14 22-9-104(a)(vi) for an absentee ballot obtained in person  
15 by the elector, no identification shall be required when:

16

17 (ii) Voting by absentee ballot after having  
18 registered by mail and having submitted a copy of the  
19 person's acceptable identification, as set forth in W.S.  
20 22-1-102(a)(xxxix)(A), and proof of United States  
21 citizenship as defined by W.S. 22-1-102(a)(lv), at the time  
22 of registration.

23



1           **22-8-102. Qualifications.**

2

3 Except as otherwise provided by this section, judges of  
4 election and members of counting boards shall be registered  
5 electors and shall be physically, morally and mentally  
6 competent to perform their duties. The county clerk may  
7 appoint persons who are at least sixteen (16) years of age  
8 to serve as judges of election or members of counting  
9 boards if such persons meet all other requirements for  
10 qualification of an elector. A judge of election shall not  
11 be a member of a counting board at the same election except  
12 as provided by W.S. 22-8-108(d) and (e).

13

14           **22-8-108. Appointment, composition and authority of**  
15 **counting boards; when judges to count.**

16

17           (a) Unless ballots are tabulated by electronic voting  
18 systems, the county clerk shall appoint a counting board  
19 for each ~~paper ballot~~ polling place casting more than three  
20 hundred (300) votes at the last general election, and may  
21 appoint a counting board in such a polling place in which  
22 one hundred fifty (150) or more such votes were cast at  
23 such election. A counting board shall have three (3)

1 members or more to facilitate the counting of votes. No  
2 more than one (1) person under the age of eighteen (18) may  
3 be appointed as to each counting board.

4

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

13

14 (d) For a polling place where a counting board need  
15 not be appointed under subsection (a) of this section, the  
16 judges of election shall count the votes. This subsection  
17 shall not apply if ballots are tabulated by electronic  
18 voting system.

19

20 (e) The county clerk shall appoint a counting board  
21 for the purposes of completing recounts as provided in W.S.  
22 22-16-109. The counting board under this subsection shall  
23 consist of not less than three (3) members. Additional

1 counting board members may be appointed if deemed necessary  
2 by the county clerk.

3

4 **22-9-125. Alternate procedures for collecting and**  
5 **counting absentee ballots.**

6

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

10

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

1 by the county clerk during the time period ~~allowed for~~  
2 ~~absentee voting~~ beginning fourteen (14) days before the  
3 date of the election and ending at the close of business on  
4 the day before the election.

5  
6 (b) In the case of electronic voting systems using  
7 either alternate procedure provided in subsection (a) of  
8 this section, paper ballots shall be the default method of  
9 voting as provided in W.S. 22-13-119. The ballots may be  
10 tabulated automatically on election day and the ballot  
11 counts shall be entered at the designated counting center  
12 at the time the polls close on election day.

13

14 **22-10-102. Selection by county commissioners.**

15

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

20

21 **22-11-102. Use authorized; purchase or lease.**

22

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

6

7 **22-14-114. Counting of ballots.**

8

9 (a) The following shall apply to the counting of  
10 ballots:

11

12 (i) For ballots designed to be counted by  
13 machine, including paper ballots as provided under W.S.  
14 22-13-119, each individual vote shall be determined by the  
15 voting equipment and shall not be determined subjectively  
16 by human tabulation except as provided below:

17

18 (A) When the intent of the voter is  
19 unmistakable but the ballot was received in such damaged,  
20 soiled, or other condition that it is rejected by the  
21 machine. The secretary of state may promulgate rules  
22 establishing standards for counting such ballots ;

23

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

5  
6                   (C) When counting write-in votes by  
7 candidate under W.S. 22-16-103(iii).

8  
9                   (ii) For ballots not designed to be counted by  
10 machine, only votes clearly marked, as provided by W.S.  
11 22-14-104 and rules promulgated pursuant to this code,  
12 shall be tallied;;

13  
14                   (iii) For write-in votes, names which are  
15 misspelled or abbreviated or the use of nicknames of  
16 candidates shall be counted for the candidate if the vote  
17 is obvious to the board.

18  
19                   **22-16-103. County canvass procedures.**

20  
21                   (c) The county canvassing board shall:  
22

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

8

9           **22-16-109. Recounts.**

10

11           (a) The county canvassing board shall make a recount  
12 of precinct votes if it appears to the board that a recount  
13 is required due to irregularities in that precinct. The  
14 recount under this subsection may be conducted by a hand  
15 count or by using electronic voting equipment as determined  
16 by the county canvassing board.

17

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

20

21           (i) Cast for any federal, statewide or  
22 legislative office in which the difference in number of  
23 votes cast for the winning candidate receiving the least

1 number of votes and the number of votes cast for the losing  
2 candidate receiving the greatest number of votes is less  
3 than ~~one percent (1%)~~ two percent (2%) of the number of  
4 votes cast for the winning candidate receiving the least  
5 number of votes cast for that office in that county. This  
6 recount shall be made in the entire district in which the  
7 candidates are standing for election in that county. This  
8 recount shall be conducted by a hand count. A recount under  
9 this subsection shall not be required if a recount is  
10 required under paragraph (ii) of this subsection for the  
11 same office;

12  
13 (ii) Cast for any federal, statewide or  
14 legislative office in which the difference in the number of  
15 votes cast for the winning candidate receiving the least  
16 number of votes and the number of votes cast for the losing  
17 candidate receiving the greatest number of votes is less  
18 than one percent (1%) of the number of votes cast for the  
19 winning candidate receiving the least number of votes cast  
20 for that office in the entire state or district. This  
21 recount shall be made in each county in which the  
22 candidates are standing for election. This recount shall be  
23 conducted by a hand count;



1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

(iii) Cast for any other office not specified in paragraph (i) or (ii) of this subsection in which the difference in number of votes cast for the winning candidate receiving the least number of votes and the number of votes cast for the losing candidate receiving the greatest number of votes is less than two percent (2%) of the number of votes cast for the winning candidate receiving the least number of votes cast for that office. This recount shall be made in the entire district in which the candidates are standing for election. This recount shall be conducted by electronic voting equipment.

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

(d) Not later than the day following an election, the secretary of state may require a recount of not more than

1 one (1) federal, statewide or legislative question or race.  
2 The secretary of state shall specify which precincts are to  
3 be recounted. This recount may be conducted by hand or by  
4 using electronic voting equipment as specified by the  
5 secretary of state.

6

7 (e) The county clerk shall have the discretion to  
8 recount any ballot proposition either by precinct, election  
9 district or precinct. This recount may be conducted by hand  
10 or by using electronic voting equipment as specified by the  
11 county clerk.

12

13 (f) If there is any discrepancy between the recount  
14 results and the preliminary election results, the county  
15 canvassing board shall determine the official result of the  
16 election.

17

18 (g) There is created the election recount account.  
19 Funds in the account shall not revert and are continuously  
20 appropriated to the secretary of state for costs related to  
21 administering hand recounts. The state treasurer shall  
22 invest funds within the account in accordance with law. All

1 investment earnings from the account shall be deposited in  
2 the general fund.

3

4 **22-16-110. How candidate may obtain recount; where**  
5 **affidavit filed.**

6

7 (a) A candidate may obtain a recount of votes for the  
8 office he is seeking by making and filing an affidavit  
9 alleging that fraud or error occurred in counting,  
10 returning or canvassing the votes cast in any part of the  
11 district in which he is standing for election. The  
12 affidavit shall specify whether the recount should be  
13 conducted using electronic voting equipment or by hand  
14 count using tally sheets. The affidavit shall be filed in  
15 the same office the candidate filed his application for  
16 nomination:

17

18 **22-16-111. Recount of ballot proposition.**

19

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

22

23 (i) A recount will be made:

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

(A) If the proposition is a statewide proposition and receives a number of votes, greater or lesser, within one percent (1%) of the number of votes required for passage. The one percent (1%) 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;

(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.

1           (ii) A recount will be made if requested in an  
2 affidavit signed by twenty-five (25) electors registered in  
3 a district voting on the question. The affidavit shall be  
4 filed with the county clerk not later than two (2) days  
5 after the county canvass has been completed for  
6 propositions voted on in one (1) county, and with the  
7 secretary of state not later than two (2) days after the  
8 state canvass has been completed for propositions voted on  
9 in more than one (1) county. The affidavit shall be  
10 accompanied by a deposit ~~of one hundred dollars (\$100.00)~~  
11 as specified in W.S. 22-16-113(a). The affidavit shall  
12 specify whether the recount should be conducted by hand  
13 count or by electronic voting equipment.

14

15           (b) The county in which the recount is taken shall  
16 pay the costs of the recount if the recount is required by  
17 ~~subsection~~ paragraph (a)(i) of this section; and the  
18 signers of the affidavit referred to in ~~subsection~~  
19 paragraph (a)(ii) of this section shall be jointly and  
20 severally liable for the costs of the recount requested by  
21 them ~~up to five hundred dollars (\$500.00)~~ per county  
22 recounted if the results of the election are not changed by  
23 the recount.

1

2

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

3

4

5

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

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

(b) If the recount shows sufficient error to change the result of the election, the county in which the recount

1 is taken shall pay expenses of the recount and the deposit  
2 shall be returned. Otherwise the applicant or applicants  
3 seeking the recount shall be liable for the actual cost of  
4 conducting the recount up to a maximum of the amount  
5 deposited under subsection (a) of this section, per county  
6 recounted. Every county clerk shall issue a complete  
7 accounting of all costs of the recount to the candidate  
8 requesting the recount, and shall refund any surplus to the  
9 candidate. If the actual cost of conducting the recount  
10 exceeds five thousand dollars (\$5,000.00), the county clerk  
11 may seek reimbursement of reasonable expenses from the  
12 secretary of state. Reasonable expenses are limited to  
13 wages, per diem of twenty-five dollars (\$25.00) per day and  
14 mileage for election judges and county clerk staff. The  
15 secretary of state shall reimburse those reasonable  
16 expenses from the election recount account. If requesting  
17 reimbursement from the secretary of state, the county clerk  
18 shall provide a complete accounting of all costs of the  
19 recount and the deposit paid by the candidate.

20

21 (c) If the recount is initiated by the county clerk,  
22 county canvassing board or required by W.S. 22-16-109(b),  
23 the cost of the recount shall be paid by the county in

1 which the recount is taken regardless of the result of the  
2 recount. If the recount is initiated by the secretary of  
3 state under W.S. 22-16-109(d), the cost of the recount  
4 shall be paid by the secretary of state regardless of the  
5 result of the recount.

6

7 **22-16-118. Meeting of state canvassing board.**

8

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

19

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

21

22 Subject to the limitations of W.S. 22-13-119, the county  
23 clerk may utilize voting machines or electronic voting



1 systems at any bond election and may prescribe the form of  
2 the ballot, the duties of election officials, and other  
3 reasonable regulations pertaining thereto. The political  
4 subdivision holding the bond election shall pay the actual  
5 costs of the election or an equitably proportioned share of  
6 a concurrent election, as determined by the county clerk.

7  
8 **22-22-203. Determining validity of application;**  
9 **placement on ballot; procedure for multi-county districts.**

10  
11 (b) Subject to the limitations of W.S. 22-13-119,  
12 each county clerk in each election involving a school or  
13 community college district which crosses county boundaries  
14 shall determine whether voting machines, electronic voting  
15 system, paper ballots, or a combination thereof, shall be  
16 used to ~~insure~~ensure that each qualified elector votes  
17 only for the candidate or candidates from the school  
18 district and trustee residence area, if any, and from the  
19 community college district and subdistrict, if any, for  
20 which he is entitled to vote.

21  
22 **Section 3.** W.S. 22-8-108(b) and 22-16-111(c) are  
23 repealed.

1

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

6

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

8

9

(END)