

1 Page 1-line 1 After "elections;" insert "providing a process
 2 for certain recounts to be conducted by hand
 3 count; authorizing the secretary of state and
 4 county clerks to require recounts as
 5 specified; providing for hand counts to be
 6 requested by candidates as specified;
 7 specifying the costs of recounts; clarifying
 8 when a counting board is required; amending
 9 dates related to elections; amending
 10 provisions related to election recount
 11 judges;".
 12

13 Page 1-line 4 After "reporting;" insert "requiring
 14 rulemaking; creating an account; making
 15 conforming amendments; providing
 16 appropriations;".
 17

18 Page 1-line 9 After "W.S." delete balance of line.
 19

20 Page 1-line 10 Delete entirely and insert "22-1-
 21 102(a)(xl~~ii~~), 22-2-104(b) and (d), 22-8-
 22 101(d), 22-8-102, 22-8-108(a), (c), (d) and by
 23 creating a new subsection (e), 22-14-114(a),
 24 22-16-103(c)(i), 22-16-109(a) through (c) and
 25 by creating new subsections (d) through (g),
 26 22-16-110(a)(intro), 22-16-111(a)(intro),
 27 (i), (ii) and (b), 22-16-113(a)(i), (ii), (b)
 28 and (c) and 22-16-118 are amended to read:".
 29

30 Page 1-after line 10 Insert:
 31

32 **"22-1-102. Definitions.**
 33

34 (a) The definitions contained in this chapter apply to words
 35 and phrases used in this Election Code and govern the construction
 36 of those words and phrases unless they are specifically modified
 37 by the context in which they appear. As used in this Election Code:
 38

39 (xl~~ii~~) "Recount" is the counting of ballots by hand or
 40 the processing of ballots through the tabulation system for an
 41 additional time or times, ~~conducted~~ for the specific purpose of
 42 counting votes again in any specific race, based upon the criteria
 43 of W.S. 22-16-109 ~~or 22-16-111 through 22-16-113~~;
 44

1 **22-2-104. Election dates.**

2
3 (b) A primary election shall be held at the regular polling
4 places for each precinct on the first Tuesday after the ~~third-first~~
5 Monday in August in general election years for the nomination of
6 candidates for partisan and nonpartisan offices to be filled at
7 the succeeding general election and for the election of major party
8 precinct committeemen and committeewomen.

9
10 (d) Every bond election shall be held on the same day as a
11 primary election or a general election, or on the first Tuesday
12 after the first Monday in May or November, or on the first Tuesday
13 after the ~~third-first~~ Monday in August."

14
15 Page 2-line 7 After "boards" insert "or to judges appointed
16 to conduct recounts in accordance with W.S.
17 22-16-109 through 22-16-113".

18
19 Page 2-line 20 After "(d)" insert "and (e)".

20
21 Page 3-after line 2 Insert:

22
23 **"22-8-108. Appointment, composition and authority of**
24 **counting boards; when judges to count.**

25
26 (a) Unless ballots are tabulated by electronic voting
27 systems, the county clerk shall appoint a counting board for each
28 ~~paper ballot~~ polling place casting more than three hundred (300)
29 votes at the last general election, and may appoint a counting
30 board in such a polling place in which one hundred fifty (150) or
31 more such votes were cast at such election. A counting board shall
32 have three (3) members or more to facilitate the counting of votes.
33 No more than one (1) person under the age of eighteen (18) may be
34 appointed as to each counting board.

35
36 (c) The counting board ~~in a paper ballot polling place~~
37 appointed under subsection (a) of this section has no authority to
38 act until polls are declared closed as provided in W.S. 22-13-117,
39 except as provided in W.S. 22-9-125(d). A counting board in an
40 electronic voting system counting center may commence preparing
41 absentee ballots for counting at any time on election day, or
42 before election day as provided in W.S. 22-9-125(d).

43
44 (d) For a polling place where a counting board need not be
45 appointed under subsection (a) of this section, the judges of
46 election shall count the votes. This subsection shall not apply if
47 ballots are tabulated by electronic voting system.

1
2 (e) The county clerk shall appoint a counting board for the
3 purposes of completing recounts as provided in W.S. 22-16-109. The
4 counting board under this subsection shall consist of not less
5 than three (3) members. Additional counting board members may be
6 appointed if deemed necessary by the county clerk.
7

8 **22-14-114. Counting of ballots.**
9

10 (a) The following shall apply to the counting of ballots:
11

12 (i) For ballots designed to be counted by machine, each
13 individual vote shall be determined by the voting equipment and
14 shall not be determined subjectively by human tabulation except as
15 provided below:
16

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

23 (B) When being recounted by hand in accordance
24 with W.S. 22-16-109. The secretary of state may promulgate rules
25 establishing standards for counting such ballots;
26

27 (C) When counting write-in votes by candidate under W.S.
28 22-16-103(a)(iii).
29

30 (ii) For ballots not designed to be counted by machine,
31 only votes clearly marked, as provided by W.S. 22-14-104 and rules
32 promulgated pursuant to this code, shall be tallied;
33

34 (iii) For write-in votes, names which are misspelled or
35 abbreviated or the use of nicknames of candidates shall be counted
36 for the candidate if the vote is obvious to the board.
37

38 **22-16-103. County canvass procedures.**
39

40 (c) The county canvassing board shall:
41

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

1
2 **22-16-109. Recounts.**
3

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

10
11 (b) Prior to the county canvass, there shall be a recount
12 made of all the votes:

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

26
27 (ii) Cast for any federal, statewide or legislative
28 office in which the difference in the number of votes cast for the
29 winning candidate receiving the least number of votes and the
30 number of votes cast for the losing candidate receiving the
31 greatest number of votes is less than one percent (1%) of the
32 number of votes cast for the winning candidate receiving the least
33 number of votes cast for that office in the entire state or
34 district. This recount shall be made in each county in which the
35 candidates are standing for election. This recount shall be
36 conducted by a hand count;

37
38 (iii) Cast for any other office not specified in
39 paragraph (i) or (ii) of this subsection in which the difference
40 in number of votes cast for the winning candidate receiving the
41 least number of votes and the number of votes cast for the losing
42 candidate receiving the greatest number of votes is less than two
43 percent (2%) of the number of votes cast for the winning candidate
44 receiving the least number of votes cast for that office. This
45 recount shall be made in the entire district in which the
46 candidates are standing for election. This recount shall be
47 conducted by electronic voting equipment.

1
2 (c) There shall be a recount made of all the votes cast for
3 any office if a losing candidate requests one under provision of
4 W.S. 22-16-110. This recount shall be made in the entire district
5 in which the candidate is standing for election. This recount may
6 be conducted by hand count or by using electronic voting equipment
7 as determined by the candidate.
8

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

16 (e) The county clerk shall have the discretion to recount
17 any ballot proposition or race either by election district or
18 precinct. This recount may be conducted by hand or by using
19 electronic voting equipment as specified by the county clerk.
20

21 (f) If there is any discrepancy between the recount results
22 and the preliminary election results, the county canvassing board
23 shall determine the official result of the election.
24

25 (g) There is created the election recount account. Funds in
26 the account shall not revert and are continuously appropriated to
27 the secretary of state for costs related to administering hand
28 recounts. The state treasurer shall invest funds within the account
29 in accordance with law. All investment earnings from the account
30 shall be deposited in the general fund.
31

32 **22-16-110. How candidate may obtain recount; where affidavit**
33 **filed.**
34

35 (a) A candidate may obtain a recount of votes for the office
36 he is seeking by making and filing an affidavit alleging that fraud
37 or error occurred in counting, returning or canvassing the votes
38 cast in any part of the district in which he is standing for
39 election. The affidavit shall specify whether the recount should
40 be conducted using electronic voting equipment or by hand count
41 using tally sheets. The affidavit shall be filed in the same office
42 the candidate filed his application for nomination:
43

44 **22-16-111. Recount of ballot proposition.**
45

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

1
2 (i) A recount will be made:

3
4 (A) If the proposition is a statewide proposition
5 and receives a number of votes, greater or lesser, within one
6 percent (1%) of the number of votes required for passage. The one
7 percent (1%) variance shall be calculated based upon the total
8 number of votes cast on the proposition, except for constitutional
9 amendments in which case the variance shall be calculated based
10 upon the total number of votes cast in the election. This recount
11 shall be conducted by a hand count;

12
13 (B) If the ballot proposition is not a statewide
14 ballot proposition and the proposition receives a number of votes,
15 greater or lesser, within two percent (2%) of the number of votes
16 required for passage. This recount shall be conducted by a hand
17 count.

18
19 (ii) A recount will be made if requested in an affidavit
20 signed by twenty-five (25) electors registered in a district voting
21 on the question. The affidavit shall be filed with the county clerk
22 not later than two (2) days after the county canvass has been
23 completed for propositions voted on in one (1) county, and with
24 the secretary of state not later than two (2) days after the state
25 canvass has been completed for propositions voted on in more than
26 one (1) county. The affidavit shall be accompanied by a deposit ~~of~~
27 ~~one hundred dollars (\$100.00) as specified in W.S. 22-16-113(a).~~
28 The affidavit shall specify whether the recount should be conducted
29 by hand count or by electronic voting equipment.

30
31 (b) The county in which the recount is taken shall pay the
32 costs of the recount if the recount is required by ~~subsection~~
33 ~~paragraph~~ (a)(i) of this section; and the signers of the affidavit
34 referred to in ~~subsection-paragraph~~ (a)(ii) of this section shall
35 be jointly and severally liable for the costs of the recount
36 requested by them ~~up to five hundred dollars (\$500.00) per county~~
37 recounted if the results of the election are not changed by the
38 recount.

39
40 **22-16-113. Recount deposit; expense of recount.**

41
42 (a) An affidavit requesting a recount must be accompanied by
43 the following deposit:

44
45 (i) ~~If the difference in number of votes cast as~~
46 ~~calculated pursuant to W.S. 22-16-109(b) is one percent (1%) or~~
47 ~~greater but less than five percent (5%), five hundred dollars~~

1 ~~(\$500.00)~~ affidavit requests the recount be conducted by
2 electronic voting equipment, an amount determined by the county
3 clerk not to exceed one thousand dollars (\$1,000.00);
4

5 (ii) If the ~~difference in number of votes cast as~~
6 ~~calculated pursuant to W.S. 22-16-109(b) is five percent (5%) or~~
7 ~~greater, three thousand dollars (\$3,000.00)~~ affidavit requests the
8 recount be conducted by hand count, an amount determined by the
9 county clerk not to exceed five thousand dollars (\$5,000.00).
10

11 (b) If the recount shows sufficient error to change the
12 result of the election, the county in which the recount is taken
13 shall pay expenses of the recount and the deposit shall be
14 returned. Otherwise the applicant or applicants seeking the
15 recount shall be liable for the actual cost of conducting the
16 recount up to a maximum of the amount deposited under subsection
17 (a) of this section, per county recounted. Every county clerk
18 shall issue a complete accounting of all costs of the recount to
19 the candidate requesting the recount, and shall refund any surplus
20 to the candidate. If the actual cost of conducting the recount
21 exceeds five thousand dollars (\$5,000.00), the county clerk may
22 seek reimbursement of reasonable expenses from the secretary of
23 state. Reasonable expenses are limited to market facility rental
24 fees, excluding facility rental fees for facilities owned by the
25 county or the state, wages at a rate consistent with the
26 compensation under W.S. 22-8-116, per diem of twenty-five dollars
27 (\$25.00) per day and mileage for election judges and county clerk
28 staff. The secretary of state shall reimburse those reasonable
29 expenses from the election recount account. If requesting
30 reimbursement from the secretary of state, the county clerk shall
31 provide a complete accounting of all costs of the recount and the
32 deposit paid by the candidate.
33

34 (c) If the recount is initiated by the county clerk or county
35 canvassing board, ~~or required by W.S. 22-16-109(b),~~ the cost of
36 the recount shall be paid by the county in which the recount is
37 taken regardless of the result of the recount. If the recount is
38 initiated by the secretary of state under W.S. 22-16-109(d) or
39 required by W.S. 22-16-109(b), the cost of the recount shall be
40 paid by the secretary of state regardless of the result of the
41 recount.
42

43 **22-16-118. Meeting of state canvassing board.**
44

45 The state canvassing board shall meet no later than the second
46 third Wednesday following the election. The secretary of state
47 shall send a messenger to obtain official county abstracts not

1 filed in a reasonable length of time. The canvassing board shall
2 meet at the time and place set by the secretary of state. The board
3 shall review the state abstracts prepared by the secretary of
4 state, compare them with the tabulation and materials prepared by
5 the secretary of state, resolve any tie votes, and certify the
6 abstract as the official state canvass.

7
8 **Section 2.** W.S. 22-8-108(b) and 22-16-111(c) are
9 repealed.".

10
11 Page 3-line 4 Delete "**Section 2.**" and insert "**Section 3.**".

12
13 Page 6-after line 14 Insert:

14
15 **"Section 4.** There is appropriated two hundred thousand
16 dollars (\$200,000.00) from the general fund to the election recount
17 account under W.S. 22 16 109(g), as created by section 1 of this
18 act.".

19
20 Page 6-lines 16 through 19 Delete entirely and insert:

21
22 **"Section 5.**

23
24 (a) Except as provided by subsection (b) of this section,
25 this act is effective January 1, 2027.

26
27 (b) Sections 3 and 5 of this act are effective immediately
28 upon completion of all acts necessary for a bill to become law as
29 provided by Article 4, Section 8 of the Wyoming Constitution."
30 WEBBER, HOEFT, LUCAS