

ORIGINAL SENATE  
FILE NO. SF0028

ENROLLED ACT NO. 66, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING  
2026 BUDGET SESSION

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

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

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

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

(a) Before preparing a voting machine for an election, the county clerk shall, not later than two (2) days before a test of a voting machine or not later than twenty-four (24) hours before any re-test of a voting machine, post a public notice in the office of the county clerk and on the website of the county clerk and notify in writing the county chairman of each political party having a candidate on the ballot and all independent candidates, stating the time and place where the voting machine will be prepared for the election. The political party representatives, ~~and~~ representatives of independent candidates, at the county clerk's discretion not less than three (3) members of the public, but not more than a number that will ensure the orderly testing of machines, and members of the public may be present at the preparation of the voting machine for the election, to see that the machine is tested for accuracy and is properly prepared and that all registering counters are set at zero (00000). The county clerk, in the presence of these ~~representatives~~ attendees, shall prepare the voting machine for the

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election and set all registering counters at zero (00000). He shall then test each registering counter for accuracy by casting votes on it until the registering counter is correctly registering each vote cast on it. The county clerk shall then reset each registering counter to zero (00000) and shall immediately lock and seal the voting machine with a numbered metal seal and make a record of the number of the seal on the certificate for the machine. The seal shall be so placed as to prevent operation of the machine or its registering counters without breaking the seal. The county clerk shall then immediately make a record on the certificate for the machine of the reading shown on the protective counter.

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

(c) No voting machine shall be used in any election unless the individual machine is tested and prepared in accordance with this section. Every voting machine used in an election, including but not limited to all electronic ballot marking devices, shall be individually tested.

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

A voting machine prepared for an election and certified by the county clerk ~~shall be conclusively presumed to be properly prepared unless within two (2) days~~ may be challenged within five (5) days after the machine is sealed by filing a complaint in the district court, and ~~certified before the election if~~ a complaint is filed in the district court of the county stating the number of the machine and the grounds for objecting to its use.

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

(c) The secretary of state may from time to time as necessary promulgate rules and regulations consistent with subsection (a) of this section and with all other requirements of this Election Code to govern the characteristics of electronic voting systems that may be used in Wyoming. The rules shall ensure the fairness and accuracy of elections. The rules may govern both the characteristics of the systems and the procedures to be followed in testing and using the systems. The rules shall allow the county clerks to follow appropriate recommendations of the vendors of the systems for maintenance and management of the systems to the extent these recommendations are not inconsistent with this Election Code and with the rules. The rules shall be adopted following consultation with the county clerks.

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

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

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(iii) Before testing an electronic voting system for an election, not later than two (2) days before a test of an electronic voting system or not later than twenty-four (24) hours before any re-test of an electronic voting system, post a public notice in the office of the county clerk and the website of the county clerk and notify the state chairman and the county chairman of each political party having a candidate on the ballot, stating the time and place of the test. The political party representatives, ~~and~~—representatives of independent candidates, at the county clerk's discretion not less than three (3) members of the public, but not more than a number that will ensure the orderly testing of machines, and members of the public may be present for the test, which shall be held at least two (2) weeks before the election. The test shall ascertain that ~~the~~all automatic tabulating equipment to be used in the election will accurately count the votes cast on all ballot styles that may be used in the election for all offices and all measures. The test shall be conducted by processing a preaudited group of ~~paper ballots or all~~ ballot ~~cards~~styles on which are recorded a predetermined number of valid votes for each candidate and on each measure and shall include for each office one (1) or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. If the county use an electronic ballot marking device in any way, the test shall also be conducted using ballots or ballot cards on each machine that are marked by an electronic ballot marking device. During the test a different number of valid votes shall be assigned to each candidate, including write-in candidates, for an office, and for and against each measure, including at least one (1) undervote and one (1) overvote in each race or measure in each ballot

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style for each machine type capable of recording an undervote or overvote. If any error is detected, or if the test is not completed in compliance with law, the cause of it shall be ascertained and corrected and an errorless count shall be secured and certified to by the county clerk. On completion of the count, the results, reported in the same manner official election results are reported, shall be retained by the county clerk, posted to the county clerk's website and a copy of the results, reported in the same manner official election results are reported, shall be provided to any person upon request. The programs, test materials and ballots shall be sealed and retained as provided for paper ballots, provided that if a re-test is required the seals may be broken so that an errorless count can be secured and certified as provided in this paragraph;

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**Section 2.** This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk