

HOUSE BILL NO. HB0048

Pen and paper ballots.

Sponsored by: Joint Corporations, Elections & Political Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to elections; requiring counties to use pen
2 and paper as the default method to mark ballots for
3 elections in Wyoming; providing an exception; making
4 conforming amendments; and providing for an effective date.

5

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

7

8 **Section 1.** W.S. 22-13-119 is created to read:

9

10 **22-13-119. Paper ballots required; exceptions.**

11

12 (a) Notwithstanding any other provision of law, each
13 county shall provide paper ballots and pens as the default
14 method to mark ballots for all in-person voting in all
15 elections in Wyoming. The county clerk shall provide all

1 voters with a paper ballot and a pen to mark the ballot
2 secretly as provided in this Election Code.

3

4 (b) Subsection (a) of this section shall not prohibit
5 any county clerk from providing electronic ballot marking
6 devices for use by persons with disabilities. Electronic
7 ballot marking devices shall comply with all federal
8 accessibility requirements, including under the Help
9 America Vote Act of 2002, P.L. 107-252, and shall conform
10 with the requirements of this Election Code for voting
11 machines and electronic voting systems. Nothing in this
12 subsection shall authorize any county to use electronic
13 ballot marking devices as the default method of marking
14 ballots in the county.

15

16 (c) As used in this section:

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18 (i) "Disability" has the meaning stated in the
19 Americans with Disabilities Act of 1990, as amended by the
20 Americans with Disabilities Amendments Act of 2008;

21

22 (ii) "Electronic ballot marking device" means
23 any electronic device that assists voters in marking

1 ballots, including, without limitation, any voting machine
2 that uses a touch screen to produce a marked paper ballot
3 or ballot card.

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5 **Section 2.** W.S. 22-10-102, 22-11-102, 22-21-109 and
6 22-22-203(b) are amended to read:

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8 **22-10-102. Selection by county commissioners.**

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

14

15 **22-11-102. Use authorized; purchase or lease.**

16

17 Subject to the limitations of W.S. 22-13-119, the board of
18 county commissioners of each county may adopt for use,
19 either experimentally or permanently, in any election in
20 any or all polling places within the county, any electronic
21 voting system authorized by law.

22

23 **22-21-109. Supplies; regulations; costs.**

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2 Subject to the limitations of W.S. 22-13-119, the county
3 clerk may utilize voting machines or electronic voting
4 systems at any bond election and may prescribe the form of
5 the ballot, the duties of election officials, and other
6 reasonable regulations pertaining thereto. The political
7 subdivision holding the bond election shall pay the actual
8 costs of the election or an equitably proportioned share of
9 a concurrent election, as determined by the county clerk.

10

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

13

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

1

2 **Section 3.** This act is effective immediately upon
3 completion of all acts necessary for a bill to become law
4 as provided by Article 4, Section 8 of the Wyoming
5 Constitution.

6

7 (END)