

## HOUSE BILL NO. HB0050

Ballot harvesting-prohibition.

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

A BILL

for

1 AN ACT relating to elections; prohibiting a person from  
2 delivering ballots of other electors to the county clerk;  
3 providing exceptions; specifying that ballots shall not be  
4 tabulated as specified; providing a penalty; and providing  
5 for an effective date.

6

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

8

9 **Section 1.** W.S. 22-9-113 and 22-26-101(a) by creating  
10 a new paragraph (xii) are amended to read:

11

12 **22-9-113. Completing and return of ballot.**

13

14 (a) Upon receipt, a qualified elector shall mark the  
15 ballot and sign the affidavit. The ballot shall then be

1 sealed in the inner ballot envelope and mailed or delivered  
2 to the clerk subject to subsections (b) and (c) of this  
3 section.

4

5 (b) No person shall deliver a ballot to the clerk  
6 unless the person is the qualified elector who is casting  
7 the ballot, the person is immediate family of the qualified  
8 elector or the person is an employee of a residential care  
9 facility authorized to deliver a ballot under subsection  
10 (c) of this section. This subsection shall not apply to  
11 ballots that are mailed to the clerk.

12

13 (c) An employee of a residential care facility,  
14 including nursing homes, assisted living facilities, adult  
15 family homes and community-based residential facilities or  
16 a bona fide caregiver may deliver absentee ballots on  
17 behalf of not more than five (5) qualified electors per  
18 election residing in that facility as provided in this  
19 subsection. For each absentee ballot delivered on behalf of  
20 a qualified elector under this subsection, the employee  
21 shall concurrently file an affidavit with the county clerk  
22 on a form prescribed by the secretary of state attesting  
23 under penalty of perjury that, among other requirements

1       specified by the secretary of state, the employee is  
2       authorized to deliver the ballot on behalf of the qualified  
3       elector under this subsection. Not later than thirty (30)  
4       days following each election, the county clerk shall  
5       transmit copies of all affidavits received under this  
6       subsection pertaining to that election to the secretary of  
7       state.

8

9           (d) If a county clerk, county canvassing board member  
10       or other election official becomes aware of a violation of  
11       subsection (b) or (c) of this section before ballot  
12       tabulation, any ballot that is delivered in violation of  
13       subsection (b) or (c) of this section shall not be  
14       tabulated. If a ballot is improperly delivered to the  
15       county clerk in violation of this section, the county clerk  
16       shall attempt to provide notice to the qualified elector  
17       that the qualified elector's ballot has not been tabulated.

18

19           **22-26-101. Felony offenses generally.**

20

21           (a) The following acts in connection with or related  
22       to the election process or an election, if knowingly and  
23       willfully committed, are felony offenses punishable by not

1 more than five (5) years' imprisonment in the state  
2 penitentiary or a fine of not more than ten thousand  
3 dollars (\$10,000.00), or both:

4

5 (xii) Violating W.S. 22-9-113(b).

6

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

11

12 (END)