

## HOUSE BILL NO. HB0053

Poll watchers-polling stations observation.

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

A BILL

for

1 AN ACT relating to elections; amending the appointment and  
2 authority of poll watchers to observe polling locations;  
3 making conforming amendments; authorizing rulemaking; and  
4 providing for an effective date.

5

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

7

8       **Section 1.** W.S. 22-1-102(a)(xxiv), 22-9-125 by  
9 creating a new subsection (e), 22-12-101 by creating a new  
10 subsection (c), 22-14-102 and 22-15-109 are amended to  
11 read:

12

13       **22-1-102. Definitions.**

14

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

6  
7 (xxiv) "Poll watcher" means a person certified  
8 by the county chairman of a political party to observe  
9 voter turn out, ~~and~~ voter registration and vote counting. A  
10 "poll watcher" is not an election official;

11  
12 **22-9-125. Alternate procedures for collecting and**  
13 **counting absentee ballots.**

14  
15 (e) The responsibilities of poll watchers specified  
16 in W.S. 22-15-109 shall apply to any alternate procedures  
17 implemented under this section.

18  
19 **22-12-101. Designation and notice of polling places;**  
20 **external location; change in location.**

1       (c) The responsibilities of poll watchers specified  
2 in W.S. 22-15-109 shall apply to the designation and notice  
3 of polling places under this chapter.

4  
5       **22-14-102. Who may be present after all votes are**  
6 **cast and polls close; making pollbooks agree; counting**  
7 **votes.**

8  
9 After all the votes are cast and the polls are officially  
10 declared closed, only election judges and poll watchers  
11 shall be permitted in a polling place. When all ballots are  
12 cast, the machine shall be locked against further voting  
13 and sealed as prescribed by law. Except as otherwise  
14 provided by W.S. 22-14-114(b), election judges shall  
15 commence to count votes and shall continue without  
16 adjournment until counting is completed. The  
17 responsibilities of poll watchers specified in W.S.  
18 22-15-109 shall apply to the procedures implemented and  
19 used under this chapter.

20  
21       **22-15-109. Poll                   watchers;                   certification;**  
22 **qualification; authority; removal.**

1           (a) The county chairman of each political party ~~may~~  
2   having a candidate on the ballot shall certify voluntary  
3 poll watchers prior to the day of the election to serve in  
4 ~~each~~-polling ~~place~~-places. The county chairmen of each  
5 political party that does not have a candidate on the  
6 ballot may certify volunteer poll watchers prior to the day  
7 of the election to serve in polling places. Except as  
8 otherwise provided in this subsection, not more than one  
9 (1) poll watcher from each political party may serve  
10 simultaneously unless the chief judge determines that one  
11 (1) additional poll watcher from each political party may  
12 be accommodated in the polling place without disrupting the  
13 polling process. At polling places where multiple precincts  
14 are served, there may be one (1) poll watcher for each  
15 political party for each precinct served. More than one (1)  
16 poll watcher may be present at the polling place for the  
17 purposes of poll watchers switching shifts.

18  
19           (b) A poll watcher shall belong to the political  
20 party he represents and shall be a registered elector  
21 residing in the county. A poll watcher shall serve only at  
22 the polling ~~place~~-places designated on the certificate by  
23 the county chairman in accordance with subsection (a) of

1 this section. A poll watcher is authorized to observe  
2 ~~voter turn out and registration and~~ every aspect of the  
3 election. A poll watcher shall have the authority to be  
4 located close enough to hear and see the voters as they  
5 check in with election judges. A poll watcher may make  
6 written memoranda but shall not challenge voters, attempt  
7 to discern for whom an elector has voted, conduct  
8 electioneering activities or disrupt the polling process. A  
9 poll watcher shall not be prevented from observing all  
10 activities and processes at polling places. Poll watchers  
11 shall be allowed to observe polling place setup procedures  
12 before the polls open and shut-down procedures after the  
13 polls close on election day and during any absentee voting  
14 period established under W.S. 22-9-125, 22-12-101 and  
15 22-14-102.

16

17 (c) The chief judge may remove a poll watcher from  
18 the polling place for disturbing the polling place, or for  
19 any other violation of the Election Code. A county chairman  
20 of a political party may, before or on the date of the  
21 election, designate another certified poll watcher to  
22 replace a poll watcher removed under this subsection and  
23 shall notify the county clerk of the substitution. No poll

1 watcher shall be denied the ability to watch the polls for  
2 failure of a political party to provide a poll watching  
3 schedule to the clerk before the election.

4  
5 (d) For purposes of this section, certifications of  
6 poll watchers under subsection (a) of this section shall be  
7 considered delivered to the county clerk if sent  
8 electronically by close of business the day before the  
9 commencement of early voting and by close of business the  
10 day before the opening of the polls on election day.  
11 Certifications made before the start of early voting may be  
12 amended at any time until the opening of polls on election  
13 day. The certification shall identify the training  
14 completed by the poll watchers.

15  
16 (e) Poll watchers shall be provided chairs at the  
17 polling places. Poll watchers shall not be restricted to a  
18 chair.

19  
20 (f) The county clerk may require poll watchers to  
21 wear identification badges consistent with the size and  
22 format of all other poll worker badges, to include the poll  
23 watcher's name, party, polling location and the words "poll

1 watcher". The county clerk shall require poll watchers to  
2 pick up identification badges at the polling place on the  
3 day of the election unless the county clerk allows poll  
4 watchers to pick up identification badges before the day of  
5 the election at a location other than the polling place.

6  
7 (g) The secretary of state shall have the authority  
8 to promulgate rules to ensure that poll watchers may carry  
9 out their responsibilities under this section.

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

15  
16 (END)