

SENATE FILE NO. SF0108

Election purity and hand count-2.

Sponsored by: Senator(s) Laursen, D and Ide and
Representative(s) Brady and Smith

A BILL

for

1 AN ACT relating to elections; providing for the hand
2 counting of ballots; establishing statewide standards
3 related to the handling and counting of ballots; providing
4 for the reconciling of ballot numbers; prohibiting the use
5 of voting machines for casting or tabulating ballots;
6 providing duties for county clerks and the secretary of
7 state; revising requirements for the post-election ballot
8 audit; requiring rulemaking; revising offenses related to
9 elections; providing penalties; making conforming
10 amendments; repealing conflicting provisions; making
11 legislative findings; specifying applicability; and
12 providing for an effective date.

13

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

15

1 **Section 1.**

2

3 (a) The legislature finds that:

4

5 (i) Public confidence in election outcomes
6 depends on processes that are transparent, verifiable, pure
7 and secure;

8

9 (ii) The use of electronic tabulation and
10 electronic voting systems has created concerns in the
11 public regarding election oversight, transparency, security
12 and cost;

13

14 (iii) Manual tabulation and counting of paper
15 ballots under uniform statewide standards will increase
16 election accuracy, transparency and voter trust;

17

18 (iv) Wyoming elections should rely on processes
19 that can be observed, audited, and replicated by citizens;

20

1 (v) It is necessary to repeal statutory
2 authorizations for electronic tabulation and e-pollbooks
3 and to establish statewide standards for manual tabulation
4 and counting that maintain flexibility for improved
5 counting methods over time.

6

7 (b) The purpose of this act is to transition all
8 Wyoming elections to paper ballots that are manually
9 counted in public view under uniform statewide standards
10 ensuring purity of the vote, transparency, security,
11 accuracy, accessibility and public confidence.

12

13 **Section 2.** W.S. 22-6-201 through 22-6-210 are created
14 to read:

15

16

ARTICLE 2

17

MANUAL BALLOT COUNTING AND AUDITING

18

19 **22-6-201. Paper ballots and design standards.**

20

21 (a) All votes shall be cast on paper ballots that
22 are:

1

2 (i) Able to be read by a human;

3

4 (ii) Able to be manually tallied or hand
5 countable;

6

7 (iii) Designed in accordance with the
8 requirements of this Election Code and with statewide
9 standards established by rule of the secretary of state in
10 accordance with this Election Code. The secretary of state
11 shall use the USCase.org "Gold Standard Elections" white
12 paper guidelines to adopt rules under this paragraph.

13

14 (b) Ballots shall contain only text and marks that
15 can be interpreted by human inspection without the aid of
16 electronic tabulation devices.

17

18 (c) Ballots shall include security features
19 sufficient to prevent unauthorized duplication or
20 substitution of ballots as specified by rule of the
21 secretary of state.

1

2 (d) Accessible voting devices permitted under federal
3 law to comply with the Help America Vote Act of 2002, P.L.
4 107-252, shall be used only to produce one (1) ballot per
5 voter that shall be able to be read by a human and that
6 shall be manually counted in the same manner as all other
7 ballots.

8

9 **22-6-202. Ballot security, custody, transport and**
10 **storage.**

11

12 (a) The secretary of state shall adopt uniform
13 statewide standards for the secure production, transport,
14 storage and accounting of ballots that are consistent with
15 the provisions of this article.

16

17 (b) Each county clerk shall maintain a documented
18 chain of custody for all ballots and election materials
19 from printing or receipt of the ballots through final
20 storage of the ballots after the election.

21

1 (c) Every transfer of custody of ballots and election
2 materials shall be recorded with the date, time, persons
3 involved and the seal or container number, if applicable.

4

5 (d) All ballots and election materials shall be
6 stored in sealed containers under continuous video
7 surveillance for not less than twenty-four (24) months
8 after the election.

9

10 (e) All records and recordings described in this
11 section are public records, subject to reasonable
12 protection of:

13

14 (i) Personal voter information as required by
15 law;

16

17 (ii) Ballot security details as determined by
18 rule of the secretary of state as necessary to ensure the
19 security of elections.

20

21 **22-6-203. Publicly conducted manual counting of**
22 **ballots.**

23

1 (a) Manual counting of ballots shall be conducted in
2 public view at the designated counting centers for each
3 county or precinct.

4

5 (b) Observers from political parties, candidates and
6 the public shall be permitted to observe the manual
7 counting of ballots under conditions established by rule of
8 the secretary of state that allow meaningful observation of
9 the counting process without interference.

10

11 (c) Areas where counting is occurring shall be
12 recorded with video and audio equipment, and recordings of
13 the counting shall be retained by the county clerk for not
14 less than sixty (60) months. Recordings under this
15 subsection shall be made publicly available on the website
16 of the county clerk.

17

18 (d) Before counting begins under this section,
19 election judges shall verify publicly that all containers
20 are sealed, shall note the seal numbers and shall document
21 the total number of ballots received by ballot category as
22 provided in W.S. 22-6-204(b)(v).

23

1 (e) Counting shall begin as soon as practicable after
2 the closing of the polls and shall continue without undue
3 delay until all ballots are fully tallied, counted,
4 reconciled and reported.

5

6 (f) Count totals by precinct and ballot type shall be
7 made public not later than one (1) hour after the
8 completion of counting under this section.

9

10 **22-6-204. Statewide standards for manual counting of**
11 **ballots.**

12

13 (a) All ballots shall be counted by hand using a
14 nationally recognized hand counting methodology and in
15 accordance with uniform statewide counting standards
16 adopted by the secretary of state. The secretary of state
17 shall use the USCASE.org "Gold Standard Elections" white
18 paper guidelines to adopt rules under this subsection.

19

20 (b) The uniform statewide counting standards adopted
21 by the secretary of state shall include at minimum:

22

1 (i) Ballot security features to prevent the use
2 of fraudulent printers and duplication systems;

3

4 (ii) Counting teams, including not less than
5 four (4) members of not less than two (2) different
6 political affiliations, with balanced representation of
7 political parties to the extent practicable;

8

9 (iii) Oaths of impartiality administered to all
10 counting personnel;

11

12 (iv) Standardized training in ballot handling,
13 determining voter intent, dispute resolution, tally
14 recording, reconciliation and custody documentation;

15

16 (v) Requiring ballots to be separated and
17 counted in three (3) categories:

18

19 (A) Absentee voting;

20

21 (B) Early voting;

22

1 (C) In-person voting on the day of
2 election.

3

4 (vi) Independent tallies by not less than two
5 (2) recorders per team, reconciled and signed before
6 finalizing the vote count;

7

8 (vii) Batch processing procedures allowing
9 verification and identification of discrepancies;

10

11 (viii) Reconciliation of ballots at each
12 transfer of ballots, including matching totals of issued,
13 cast, spoiled, provisional and unused ballots;

14

15 (ix) Documentation linking all tally sheets,
16 reconciliation forms and chain-of-custody records;

17

18 (x) Requiring all documentation to be duplicated
19 and available to be held as copies by head judges;

20

21 (xi) Requiring uniform incident logging for
22 errors, corrections and disputes;

23

1 (xii) Prohibiting the use of any apparatus that
2 automatically examines and counts votes recorded on paper
3 ballots or ballot cards and tabulates the results. Nothing
4 in this paragraph shall prohibit the use of simple
5 calculators that are used solely for arithmetic operations
6 to sum manually counted tallies.

7

8 (c) Each county shall use a manual counting method
9 that is consistent with the uniform statewide counting
10 standards under this section and that is approved by the
11 secretary of state.

12

13 **22-6-205. Counting for absentee voting, early voting**
14 **and provisional ballots.**

15

16 (a) Ballots from absentee voting and early voting
17 shall be separately verified, stored by precinct and
18 counted under the same security and manual counting
19 standards as ballots from in-person voting on the day of
20 election.

21

22 (b) The outer envelope for each absentee ballot shall
23 be logged upon receipt with a unique identifier, date and

1 time and voter record linkage. Poll books shall be updated
2 to reflect the receipt of the absentee ballot.

3

4 (c) Signatures and voter eligibility shall be
5 verified before separation of the ballot from identifying
6 information.

7

8 (d) Ballots failing verification shall be documented,
9 segregated and excluded from counting pending review by
10 election judges.

11

12 (e) Verified ballots shall be manually counted and
13 included in precinct-level results.

14

15 (f) Provisional ballots shall be stored separately
16 and shall be manually counted after eligibility is
17 confirmed.

18

19 **22-6-206. Timelines for counting; reporting of**
20 **results.**

21

22 (a) Manual counting shall begin as soon as
23 practicable after the close of polls and shall continue

1 without undue delay until all ballots are fully tallied,
2 counted, reconciled and reported.

3

4 (b) The secretary of state may authorize by rule an
5 early start of counting for ballots cast and secured prior
6 to election day, subject to secrecy and custody
7 restrictions. The secretary of state shall use the
8 USCase.org "Gold Standard Elections" white paper guidelines
9 to adopt rules under this subsection.

10

11 (c) Each county clerk shall report verified precinct
12 results to the secretary of state as soon as practicable
13 after counting is complete. The secretary of state may
14 establish counting and reporting timelines by rule that are
15 consistent with the requirements of this article.

16

17 (d) Counties shall complete counting within the time
18 limits established under subsection (c) of this section,
19 except in extraordinary circumstances documented in the
20 public record.

21

22 **22-6-207. Rulemaking; training.**

23

1 (a) The secretary of state shall adopt rules
2 necessary to implement this article, including establishing
3 uniform statewide standards for ballot design, chain of
4 custody, manual counting, reconciliation, training and
5 public observation. The secretary of state shall use the
6 USCase.org "Gold Standard Elections" white paper guidelines
7 to adopt rules under this subsection.

8

9 (b) The secretary of state shall establish a
10 standardized curriculum for county clerks to train election
11 officials, judges and counting teams.

12

13 (c) Training sessions conducted under this section
14 shall be open to the public for observation. No person
15 shall conduct counting activities under this article unless
16 the person has completed the training required under this
17 section.

18

19 **22-6-208. Meetings and notice requirements.**

20

21 (a) Except as provided in subsection (e) of this
22 section, any meeting of the county clerk or the secretary
23 of state concerning the counting, auditing, canvassing or

1 recounting of ballots shall be publicly noticed not less
2 than seven (7) calendar days before the meeting.

3

4 (b) Notice under subsection (a) of this section for a
5 meeting of the county clerk shall be posted on the county
6 website, at the county clerk's office and shall be
7 published in a newspaper of general circulation in the
8 county.

9

10 (c) For county matters, the county clerk shall
11 provide notice of the meeting to the chairmen of all major
12 political parties within the county.

13

14 (d) For state matters, the secretary of state shall
15 provide notice of the meeting to the state chairmen of all
16 major political parties recognized in Wyoming.

17

18 (e) Emergency meetings may be held only to address
19 urgent issues and shall be publicly noticed as soon as
20 practicable with a statement of the emergency that required
21 the emergency meeting.

22

1 (f) All meetings under this section shall be open to
2 the public. Any minutes or recordings of a meeting under
3 this section shall be made available to the public not
4 later than seventy-two (72) hours after the adjournment of
5 the meeting.

6

7 **22-6-209. Recounts.**

8

9 (a) Any recount required by law shall be performed
10 manually in accordance with the same standards and
11 procedures as the initial count.

12

13 (b) Recounts shall be conducted publicly, recorded on
14 video and audio as provided by W.S. 22-6-203(c) and the
15 recordings shall be retained for not less than eight (8)
16 years.

17

18 **22-6-210. Prohibited practices and penalties.**

19

20 (a) No person shall use electronic voting equipment
21 including, but not limited to, tabulators, automated
22 counting equipment, e-pollbooks or scanners in any election
23 conducted under this article. Nothing in this subsection

1 shall prohibit the use of simple calculators that are used
2 solely for arithmetic operations to sum manually counted
3 tallies.

4

5 (b) Any election official or county clerk who
6 knowingly violates this article or rules adopted under this
7 article shall be a misdemeanor punishable by a fine of not
8 more than five thousand dollars (\$5,000.00) per violation.
9 Nothing in this subsection shall prohibit prosecution for
10 any violation of chapter 26 of this title resulting from a
11 violation of this article.

12

13 (c) The attorney general or any county attorney may
14 enforce this section through civil or criminal proceedings.

15

16 **Section 3.** W.S. 22-1-102(a)(xi), (xxii), (xxxii),
17 (xxxiv)(B), (xlii), (xlix) and by creating new paragraphs
18 (lvii) through (lxx), 22-2-121(b) and (g), 22-3-113(a),
19 22-3-117(a)(i) and (ii), 22-5-202, 22-6-115,
20 22-6-119(a)(iii), 22-6-121(a), 22-6-122, 22-6-130,
21 22-8-108(b) and (c), 22-8-113, 22-8-115(a), 22-9-109(a),
22 22-9-121(c)(i), 22-12-103, 22-12-107(a)(x), 22-12-115,
23 22-13-103(b), 22-13-110, 22-14-102, 22-14-107,

1 22-14-113(b), 22-14-114(a), 22-15-105(a), 22-15-109(b),
 2 22-16-103(c)(iv), 22-16-109(a), 22-16-122(a)(intro) and
 3 (c), 22-21-109, 22-22-203(b), 22-22-302, 22-26-103,
 4 22-26-105, 22-26-106(a) by creating a new paragraph (v),
 5 22-26-112(a) by creating a new paragraph (xi),
 6 22-26-113(a)(intro), 22-26-114, 22-26-119 and
 7 22-29-114(e)(intro) are amended to read:

8

9 **22-1-102. Definitions.**

10

11 (a) The definitions contained in this chapter apply
 12 to words and phrases used in this Election Code and govern
 13 the construction of those words and phrases unless they are
 14 specifically modified by the context in which they appear.
 15 As used in this Election Code:

16

17 (xi) "Counting center" or "hand counting center"
 18 is the ~~location or locations designated~~ precinct
 19 established by the county clerk for the ~~automatic~~
 20 ~~tabulating and manual~~ counting and tallying of ballots;

21

22 (xxii) "Pollbook" means a paper book, ~~or~~
 23 ~~hardware, software or any combination thereof commonly~~

1 ~~referred to as an electronic pollbook,~~ used in a polling
2 place on election day containing information specified by
3 law;

4
5 (xxxii) "Tally sheet" means the ~~document used to~~
6 ~~tabulate hand counted paper ballots~~ official form used by
7 counting teams and tally judges to record vote totals for
8 each candidate and ballot measure and that are required to
9 be signed by all team members participating in the manual
10 count;

11
12 (xxxiv) "Voting device" means:

13
14 (B) A device for marking the ballots with
15 ink or another substance; ~~or~~

16
17 (xlii) "Recount" or "manual recount" is the
18 ~~processing of ballots through the tabulation system for an~~
19 ~~additional time or times, conducted for the specific~~
20 ~~purpose of counting votes again in any specific race, based~~
21 ~~upon the criteria of W.S. 22-16-109 or 22-16-111~~ second or
22 subsequent count of ballots performed by hand to verify
23 results or resolve discrepancies as required by law;

1

2 (xlix) "Vote center" means a polling place at
3 which any registered elector in the political subdivision
4 holding the election may vote, regardless of the precinct
5 in which he resides;~~;~~ ~~connected through secure internet~~
6 ~~connections to provide voting information to and receive~~
7 ~~voting information from the electronic pollbook maintained~~
8 ~~by the county clerk and used as an option to traditional~~
9 ~~polling places at the discretion of the county clerk;~~

10

11 (lvii) "Ballot reconciliation" means the process
12 of comparing the total number of ballots that are issued,
13 cast, spoiled, voted as provisional ballots and that are
14 unused ballots to verify that the totals match the number
15 of ballots originally received by a precinct or counting
16 center;

17

18 (lviii) "Chain of custody" means the continuous
19 documentation of the possession, transfer and storage of
20 ballots and related election materials from printing
21 through final archival storage;

22

1 (lix) "Counting team" means a group of trained
2 election workers assigned to manually count ballots in
3 public view;

4
5 (lx) "Early voting" means absentee voting before
6 election day where an elector requests a ballot in person
7 from the county clerk, completes the ballot on site and
8 returns the ballot to the clerk by hand;

9
10 (lxi) "Election judge" means a person appointed
11 and sworn under Wyoming law to oversee and manage the
12 conduct of elections, including counting, custody and
13 reconciliation of ballots and certification of results;

14
15 (lxii) "Election worker" means a paid or unpaid
16 volunteer assisting with duties necessary to conduct an
17 election, including ballot handling and manual counting of
18 ballots;

19
20 (lxiii) "Hand counting" or "manual counting"
21 means the process of reading and tallying votes on paper
22 ballots by human inspection;

23

1 (lxiv) "Provisional ballot" means a ballot cast
2 by a voter whose eligibility to vote has not been verified;

3
4 (lxv) "Public observation" means members of the
5 public, poll watchers and representatives of political
6 parties authorized to be present and observe counting and
7 reconciliation activities without interfering with the
8 conduct of the election;

9
10 (lxvi) "Reconciliation record" means the written
11 document that shows the verification of ballot totals at
12 each stage of the election process, including the total
13 number of ballots procured, issued, collected and counted;

14
15 (lxvii) "Tally judge" means an election judge
16 responsible for verifying and recording vote totals from
17 counting teams, reconciling independent tallies and
18 certifying precinct results for transmittal to the county
19 clerk;

20
21 (lxviii) "USCase.org "Gold Standard Elections"
22 white paper guidelines" means the USCase.org "Gold Standard
23 Elections" white paper guidelines as revised on April 11,

1 2025 or thereafter and published on the website of the
2 United States council on accurate and secure elections;

3
4 (lxix) "Voter ballot security," "voter ballot
5 secrecy," "vote security" or "vote secrecy" means that the
6 ballot is kept secret for the period beginning the moment
7 the voter picks up a ballot through the moment the voter
8 puts the ballot in the ballot box. "Voter secrecy" shall
9 not include any requirement to keep a ballot secret after
10 the ballot is deposited in the ballot box or any
11 requirement to protect the handwriting of the voter;

12
13 (lxx) "Voter intent standard" means criteria
14 established by rule of the secretary of state to use the
15 USCase.org "Gold Standard Elections" white paper guidelines
16 to determine a voter's intended choice on a ballot when
17 markings are unclear or incomplete and that is required to
18 be applied uniformly across all counties.

19
20 **22-2-121. Chief election officer to prepare forms;**
21 **rules; advice.**

22

1 (b) The secretary of state shall promulgate such
2 rules as are necessary to maintain uniform manual voting
3 and ~~vote~~manual counting procedures and to provide for
4 orderly voting. The secretary of state shall use the
5 USCase.org "Gold Standard Elections" white paper guidelines
6 to adopt rules under this subsection.

7
8 (g) The secretary of state shall adopt rules and
9 regulations that allow for the ~~counting of ballots at a~~
10 ~~central counting center. The rules shall specify procedures~~
11 ~~for delivering ballots to the central counting center~~
12 manual counting of ballots at a hand counting center. The
13 secretary of state shall use the USCase.org "Gold Standard
14 Elections" white paper guidelines to adopt rules under this
15 subsection.

16
17 **22-3-113. Disposition of pollbooks after polls close.**

18
19 (a) After the polls are closed, judges of the
20 election shall ~~make~~confirm that the printed pollbooks
21 agree and shall return one (1) pollbook to the county
22 clerk.

23

1 **22-3-117. Absentee registration generally; use of**
2 **federal postcard.**

3
4 (a) Notwithstanding any other section or provision in
5 this chapter, any citizen of the United States who is a
6 resident of Wyoming may apply for registration by providing
7 the information required by W.S. 22-3-103(a), acceptable
8 identification, proof of United States citizenship and
9 proof of residence and by completing and subscribing the
10 form of voter registration oath prescribed by W.S.
11 22-3-103(b) before any person authorized by law to
12 administer oaths. Each county clerk shall furnish the voter
13 registration oath forms. The applicant shall mail or
14 return the completed voter registration oath form to the
15 county clerk in the county in which the applicant resides.
16 In order to vote in the next election, the application must
17 be received in the county clerk's office before the close
18 of registration for that election, or:

19
20 (i) Be received by mail or email and processed
21 by the county clerk during the closed period described in
22 W.S. 22-3-102(a) if it is accompanied by an absentee ballot

1 request for elections where a voter may register at the
2 polls; or

3

4 (ii) Be made at the county clerk's office during
5 the closed period described in W.S. 22-3-102(a) if the
6 voter simultaneously votes at the county clerk's office; ~~or~~

7

8 **22-5-202. Major political party participation;**
9 **separate ballots; same time.**

10

11 Major political parties shall participate in the primary
12 election and each shall have a separate party ballot. The
13 primary election of major political parties shall be held
14 at the same time and at the same polling places and shall
15 be conducted by the same election officials. The results of
16 the primary election shall be counted manually in
17 accordance with the procedures specified in this Election
18 Code.

19

20 **22-6-115. Specifications for paper ballots.**

21

22 Official paper ballots shall be uniform in size, printed in
23 black ink on good quality paper through which printing

1 cannot be read. Ballots shall be white, ~~except as otherwise~~
2 ~~provided. On a voting machine each column or row containing~~
3 ~~the titles of offices and candidates for office shall be~~
4 ~~arranged~~ shall be formatted to indicate clearly the office
5 for which a candidate is running and shall be suitable for
6 manual counting in accordance with W.S. 22-6-201.

7

8 **22-6-119. Format of primary ballot.**

9

10 (a) The primary ballot of each major political party
11 shall be printed in substantial compliance with this
12 format:

13

14 (iii) On the second line shall be printed the
15 following instructions: "To vote for a person whose name is
16 printed on the ballot, mark the square immediately adjacent
17 to the name of the person for whom you desire to vote. To
18 vote for a person whose name is not printed on the ballot,
19 write the person's name in the blank space provided for
20 that purpose and mark the square immediately adjacent to
21 the name of the person. Ballots will be manually counted.";

22

1 **22-6-121. Political party ballot position on general**
2 **election ballot; order of candidates' names.**

3
4 (a) Political party position shall be determined on
5 the general election ballot according to the number of
6 votes received by each party within the county for the
7 office of representative in congress at the last preceding
8 general election. The party receiving the highest number
9 of votes shall appear first following the names of the
10 offices to be voted for and other parties shall follow in
11 the order of their respective numbers of such votes. The
12 order of any provisional parties will be drawn by the
13 secretary of state. Any independent candidates shall
14 appear following the last party and shall be listed in
15 alphabetical order, subject to rotation. When more than
16 one (1) candidate is to be elected to a particular office,
17 the names of candidates shall be printed in alphabetical
18 order, subject to rotation, on all ballots. ~~for electronic~~
19 ~~and machine voting systems as defined by W.S. 22-1-102.~~

20
21 **22-6-122. Rotation of candidates' names.**

22

1 The names of candidates for each office shall be rotated on
2 all ballots by precinct for all elections. In each county
3 the name of each candidate shall appear substantially an
4 equal number of times at the top, at the bottom, and in
5 each intermediate place. ~~In a voting machine polling place,~~
6 If candidates for the same office occupy more than one (1)
7 line on the ~~voting machine~~ ballot, the number of names
8 appearing on each line shall be as nearly equal as
9 possible.

10

11 **22-6-130. Post-election ballot audit; ballot**
12 **reconciliation.**

13

14 (a) Each county clerk shall complete an audit of the
15 county's unofficial election results by identifying and
16 reviewing ~~the smallest observable percentage~~ not less than
17 ten percent (10%) of the cast ballots in each contest in
18 the county between the statewide candidates who received
19 the most votes and the statewide candidates who received
20 the second highest votes. ~~for each contest within the~~
21 ~~county not later than the first Thursday following a~~
22 ~~primary, special or general election.~~ Additional contests
23 may be added to the audit at the discretion of the county

1 clerk. ~~Using a formula developed by the University of~~
2 ~~Wyoming, each county clerk shall use the smallest~~
3 ~~observable percentage to determine a statistically~~
4 ~~significant sample size of the ballots to be audited under~~
5 ~~this section. To ensure the timely completion of this~~
6 ~~procedure under this subsection, the number of ballots~~
7 ~~audited shall not exceed five percent (5%) of the total~~
8 ~~number of ballots cast.~~

9
10 (b) Each county clerk shall ~~conduct an audit of the~~
11 ~~election using the statistically significant ballot sample~~
12 ~~size and the corresponding ballots for the contests~~
13 ~~selected for audit determined under subsection (a) of this~~
14 ~~section. Each county clerk shall provide the audit results~~
15 ~~to the secretary of state not later than one (1) day before~~
16 ~~the meeting of the state canvassing board as provided in~~
17 ~~W.S. 22-16-118~~ ensure that the total number of ballots is
18 reconciled at each stage of the election process.
19 Reconciliation includes determining:

20
21 (i) The starting number of ballots procured or
22 printed in preparation for an election;
23

1 (ii) The starting number of ballots issued to
2 each polling location;

3
4 (iii) The total number of ballots printed on
5 demand, including any ballot produced by an accessible
6 voting device permitted under federal law to comply with
7 the Help America Vote Act of 2002, P.L. 107-252;

8
9 (iv) The number of ballots distributed by mail
10 or in-person, categorized by whether the ballot was
11 distributed for absentee voting, early voting or in-person
12 voting on the day of the election;

13
14 (v) The number of ballots cast by any method;

15
16 (vi) The number of spoiled ballots;

17
18 (vii) The number of ballots remaining at the
19 close of polls that were not issued or case; and

20
21 (viii) The number of provisional ballots.

22

1 (c) The total number of ballots accounted for under
2 subsection (b) of this section shall equal the initial
3 total of blank ballots provided, plus any ballot printed on
4 demand as provided by paragraph (b)(iii) of this section.
5 Reconciliation shall be conducted by hand and documented,
6 ensuring no discrepancies exist before proceeding to the
7 audit under subsection (a) of this section.

8
9 (d) If there is discrepancy in counting under
10 subsection (a) of this section or in reconciliation under
11 subsections (b) and (c) of this section, the secretary of
12 state shall be immediately notified and an investigation
13 shall be initiated by the county canvassing board to
14 identify the cause of the discrepancy. If the reason for
15 the discrepancy cannot be determined beyond a reasonable
16 doubt the county canvassing board shall declare any
17 affected part of the election results to be null and void
18 and the provisions of W.S. 22-16-122 shall apply to the
19 election.

20
21 (e) For purposes of this section, the audit under
22 subsection (a) of this section shall include recording and
23 verifying the votes cast for each race appearing on a

1 ballot. Reconciliation under subsections (b) and (c) of
2 this section means reconciling and confirming the total
3 number of ballots issued compared to the number of ballots
4 that were not issued, the number of ballots that were cast,
5 the number of ballots that were spoiled and the number of
6 provisional ballots.

7
8 (f) Each county clerk shall provide the audit results
9 under subsection (a) of this section and the full and
10 completed reconciliation of ballot totals under subsections
11 (b) and (c) of this section to the secretary of state not
12 later than three (3) days before the meeting of the state
13 canvassing board as provided in W.S. 22-16-118. Audit
14 results and reconciliation reports filed with the secretary
15 of state under this subsection shall be made publicly
16 available on the website of the secretary of state.

17
18 **22-8-108. Appointment, composition and authority of**
19 **counting boards; when judges to count.**

20
21 (b) A counting board shall be appointed for each
22 designated counting center in each county. ~~using an~~
23 ~~electronic voting system.~~ The board shall consist of at

1 least seven (7) members who shall be the county clerk or
2 his designated deputy, and three (3) members of each major
3 political party appointed by the ~~county clerk~~ central
4 committee of each party. Additional members may be
5 appointed by the ~~county clerk~~ central committee of each
6 party if deemed necessary by the county clerk but equal
7 major party membership shall be assured. No more than one
8 (1) person under the age of eighteen (18) may be appointed
9 as to each counting board. All ballots shall be counted
10 manually by the counting board.

11

12 (c) The counting board ~~in a paper ballot polling~~
13 ~~place~~ has no authority to act until polls are declared
14 closed as provided in W.S. 22-13-117, except as provided in
15 ~~W.S. 22-9-125(d). A counting board in an electronic voting~~
16 ~~system counting center may commence preparing absentee~~
17 ~~ballots for counting at any time on election day, or before~~
18 ~~election day as provided in W.S. 22-9-125(d)~~ 22-6-206(b) .

19

20 **22-8-113. Training schools; generally and payment for**
21 **attending.**

22

1 Not later than four (4) days before the primary and general
2 election, the county clerk under the direction of the
3 secretary of state shall conduct a training school for
4 judges of election and members of counting boards to
5 provide instruction in the performance of their duties.
6 The training school, which is also open to the public,
7 shall be held at the times and places announced by the
8 county clerk, and the secretary of state shall prescribe
9 the minimum curriculum for the school including manual hand
10 counting procedures as provided in W.S. 22-6-207.
11 Additional schools may be held at the discretion of the
12 county clerk. ~~Unless training is otherwise provided to the~~
13 ~~satisfaction of the county clerk,~~ All judges of election
14 and members of counting boards are obligated to attend at
15 least one (1) such school. All judges and members of the
16 counting board, unless the judge or member is volunteering,
17 shall be paid not less than ten dollars (\$10.00) as
18 determined by the board of county commissioners for
19 attending a school.

20

21 **22-8-115. Oath for election officials.**

22

1 (a) An election official shall subscribe to this oath
2 in writing before entering upon his duties at each
3 election:

4

5 "I do solemnly swear (or affirm) that I will impartially
6 and to the best of my knowledge and ability perform the
7 election duties of my office or role. I will studiously
8 endeavor to prevent all frauds, deceit and abuse in the
9 application of the election laws of this state."

10

11 **22-9-109. Form of absentee ballot.**

12

13 (a) The absentee ballot shall be in the same form
14 prescribed by law for the official ballot. ~~or a reasonable~~
15 ~~printed reproduction of the prescribed form for electronic~~
16 ~~ballots.~~

17

18 **22-9-121. Examination of absentee ballot affidavit;**
19 **rejection; voting ballots.**

20

21 (c) If it is sufficient:

22

1 (i) In ~~a paper ballot~~ each precinct, the name of
2 the absent elector shall be entered in the pollbook, the
3 inner ballot envelope shall be opened by a judge of
4 election and the ballots therein shall be removed. The
5 ballot shall then be placed in the regular ballot box by a
6 judge of election and manually counted in the same manner
7 as other ballots;

8

9 **22-12-103. Furnishing of booths.**

10

11 The county clerk in all elections shall furnish each
12 polling place with sufficient booths, paper ballots ~~or~~
13 ~~voting machines~~ and supplies to permit convenient and
14 secret marking of ballots.

15

16 **22-12-107. Materials for judges.**

17

18 (a) Before election day the county clerk shall cause
19 to be delivered to one (1) of the judges of election in
20 each polling place the following materials:

21

22 (x) Materials necessary for hand counting
23 ballots and other necessary supplies.

1

2 **22-12-115. Examination of ballot box.**

3

4 Not earlier than twenty-four (24) hours before the polls
5 are open, the judges of election shall open and examine the
6 ballot box to determine that it is empty and relock it with
7 a tamper resistant device before the polls are open. The
8 ballot box shall not again be opened until the polls are
9 closed., ~~except when necessitated by operation of the~~
10 ~~voting equipment at the direction of the county clerk and~~
11 ~~only in the presence of two (2) or more election judges~~
12 ~~with different political party affiliations~~. It shall not
13 be removed from the presence of the judges of election or
14 counting board until all ballots are counted and recorded
15 as required by law and in the presence of two (2) or more
16 election judges with different political party affiliation.

17

18 **22-13-103. Preservation of order; privacy of voting**
19 **booths.**

20

21 (b) To protect the privacy of the voter, voting
22 booths ~~and voting machines~~ shall be kept clear of all

1 persons except voters marking ballots and election
2 officials discharging their duties.

3

4 **22-13-110. Entering write-in votes.**

5

6 Write-in votes may be entered ~~on a voting machine~~ on the
7 ballot in the manner indicated by instructions posted on
8 the voting booth or ~~indicated on the voting machine~~
9 provided on the ballot.

10

11 **22-14-102. Who may be present after all votes are**
12 **cast and polls close; making pollbooks agree; counting**
13 **votes.**

14

15 After all the votes are cast and the polls are officially
16 declared closed, only election judges and authorized
17 observers as provided in W.S. 22-15-109 shall be permitted
18 in a polling place. ~~When all ballots are cast, the machine~~
19 ~~shall be locked against further voting and sealed as~~
20 ~~prescribed by law. Except as otherwise provided by W.S.~~
21 ~~22-14-114(b), election judges shall commence to count votes~~
22 ~~and shall continue without adjournment until counting is~~
23 ~~completed~~ Election judges shall ensure reconciliation of

1 all ballots as provided in W.S. 22-6-130(b) and (c) and
2 shall then secure all ballots within locked boxes secured
3 with tamper proof devices for transfer to the precinct
4 polling center. Hand counting of ballots shall commence
5 immediately upon arrival at the counting center as provided
6 in W.S. 22-6-201 through 22-6-210.

7
8 **22-14-107. Tabulation of count.**

9
10 The unofficial tabulation indicating the vote by precinct,
11 based on hand count results, shall immediately be
12 transmitted by the county clerk to the secretary of state.
13 These unofficial tabulations shall be tabulated by the
14 secretary of the state. The secretary of state shall
15 provide procedures for such transmittal through rule and
16 regulation.

17
18 **22-14-113. Return of voting supplies.**

19
20 (b) All voting supplies, ballot boxes, ~~and voting~~
21 ~~machines~~ hand counting materials and hand tallying
22 materials shall be returned to the county clerk as soon as
23 possible after the vote has been returned.

1

2 **22-14-114. Counting of ballots.**

3

4 (a) ~~For ballots designed to be counted by machine,~~
5 ~~each individual vote shall be determined by the voting~~
6 ~~equipment and shall not be determined subjectively by human~~
7 ~~tabulation except when the intent of the voter is~~
8 ~~unmistakable but the ballot was received in such damaged,~~
9 ~~soiled, or other condition that it is rejected by the~~
10 ~~machine. The secretary of state may promulgate rules~~
11 ~~establishing standards for counting such ballots. For~~
12 ~~ballots not designed to be counted by machine, Only~~ votes
13 clearly marked, as provided by W.S. 22-14-104 and rules
14 promulgated pursuant to this code, shall be tallied. For
15 write-in votes, names which are misspelled or abbreviated
16 or the use of nicknames of candidates shall be counted for
17 the candidate if the vote is obvious to the ~~board~~counting
18 team.

19

20 **22-15-105. Challenged person may vote; generally.**

21

22 (a) If a person offering to vote is challenged, and
23 the challenge is not resolved in accordance with W.S.

1 22-15-106, an election judge shall offer the voter a ballot
2 clearly marked "provisional" and which ~~cannot be~~
3 ~~automatically tabulated~~ shall be securely stored separately
4 from other ballots. Provisional ballots shall be counted
5 separately from other ballots after the voter has been
6 verified by election officials.

7

8 **22-15-109. Poll watchers; certification;**
9 **qualification; authority; removal.**

10

11 (b) A poll watcher shall belong to the political
12 party he represents and shall be a registered elector
13 residing in the county. A poll watcher shall serve only at
14 the polling place designated on the certificate. A poll
15 watcher is authorized to observe voter turn out, ~~and~~
16 registration and hand counting procedures and may make
17 written memoranda but shall not challenge voters, conduct
18 electioneering activities, interfere with ballot counting
19 or disrupt the polling process.

20

21 **22-16-103. County canvass procedures.**

22

23 (c) The county canvassing board shall:

1

2 (iv) ~~Count and tabulate~~ Hand count and tally the
3 votes on the provisional ballots which were determined to
4 have been cast by qualified electors;

5

6 **22-16-109. Recounts.**

7

8 (a) The county canvassing board shall ~~make a~~ perform
9 a manual recount of precinct votes if it appears to the
10 board that a recount is required due to irregularities in
11 that precinct. The recount shall be conducted using the
12 hand counting procedures provided in W.S. 22-6-201 through
13 22-6-210.

14

15 **22-16-122. Election declared null and void; special**
16 **election.**

17

18 (a) If a canvassing board is unable to determine
19 which candidate has been elected or nominated, the
20 canvassing board shall declare any part of the election
21 results to be null and void as to that office and the
22 county clerk shall call a special election to make a
23 decision. For purposes of this section, a canvassing board

1 shall be unable to determine which candidate is nominated
2 or elected if there is a discrepancy reported under W.S.
3 22-6-130(d) and the discrepancy resulted in a material
4 error in the election or if:

5
6 (c) If only certain precincts are allowed to vote in
7 the special election, the votes received in the special
8 election shall be hand counted and added to the unofficial
9 results not declared null and void for that office from the
10 initial primary, general election or other special
11 election.

12

13 **22-21-109. Supplies; regulations; costs.**

14

15 The county clerk ~~may utilize voting machines or electronic~~
16 ~~voting systems~~ shall use paper ballots that are counted by
17 hand at any bond election and may prescribe the form of the
18 ballot, the duties of election officials, and other
19 reasonable regulations pertaining thereto. The political
20 subdivision holding the bond election shall pay the actual
21 costs of the election or an equitably proportioned share of
22 a concurrent election, as determined by the county clerk.

23

1 **22-22-203. Determining validity of application;**
2 **placement on ballot; procedure for multi-county districts.**

3
4 (b) Each county clerk in each election involving a
5 school or community college district which crosses county
6 boundaries shall ~~determine whether voting machines,~~
7 ~~electronic voting system, paper ballots, or a combination~~
8 ~~thereof, shall be used to insure~~ use paper ballots that are
9 counted by hand to ensure that each qualified elector votes
10 only for the candidate or candidates from the school
11 district and trustee residence area, if any, and from the
12 community college district and subdistrict, if any, for
13 which he is entitled to vote.

14
15 **22-22-302. Conduct of elections.**

16
17 Unless specifically otherwise provided, a school or
18 community college district election shall be governed by
19 the laws regulating statewide elections and in
20 even-numbered years be conducted and canvassed by the same
21 election officials, using the same poll lists, using paper
22 ballots that are counted by hand and at the same times and
23 polling places, as county elections.

1

2 **22-26-103. Unlawful opening of ballot box; tampering**
3 **with ballot counting materials.**

4

5 Unlawful opening of a ballot box or tampering with ballot
6 counting materials consists of opening, inspecting,
7 removing or altering the contents of a ballot box or
8 ~~inspecting or removing the contents thereof~~ tampering with
9 hand count records or tally sheets without lawful
10 authority, or conspiring with others ~~so to open a ballot~~
11 ~~box~~ to violate the provisions of this section.

12

13 **22-26-105. Unlawful possession of key.**

14

15 Unlawful possession of a key consists of the possession at
16 any time of a key to a ~~voting machine or~~ ballot box, ~~or~~
17 ~~making a duplicate thereof,~~ or tampering with a physical
18 lock on a box that is securing ballots, unless authorized
19 by law.

20

21 **22-26-106. False voting.**

22

1 (a) False voting consists of performing any of the
2 following acts in connection with or related to the
3 election process or an election:

4

5 (v) Changing voting results including by
6 inserting unlawful ballots in a ballot box or by tampering
7 with hand count records, hand count tally sheets, vote
8 reconciliation forms or other official election logs.

9

10 **22-26-112. Misdemeanor offenses generally.**

11

12 (a) Unless a different penalty is specifically
13 provided in this code, the following acts, if knowingly and
14 willfully committed, are misdemeanor offenses punishable by
15 not more than six (6) months in a county jail or a fine of
16 not more than one thousand dollars (\$1,000.00), or both:

17

18 (xi) Interfering with the hand counting of
19 ballots or with the reconciliation of ballots and tally
20 sheets.

21

22 **22-26-113. Electioneering too close to a polling**
23 **place.**

1

2 (a) Electioneering too close to a polling place ~~or~~
3 ~~absentee polling place under W.S. 22-9-125~~ when voting is
4 being conducted, consists of any form of campaigning,
5 including the display of campaign signs or distribution of
6 campaign literature, the soliciting of signatures to any
7 petition or the canvassing or polling of voters, except
8 exit polling by news media, within one hundred (100) yards
9 on the day of a primary, general or special election and
10 within one hundred (100) feet on all other days, of any
11 public entrance to the building in which the polling place
12 is located. This section shall not apply to bumper stickers
13 affixed to a vehicle while parked within or passing through
14 the distance specified in this subsection, provided that:

15

16 **22-26-114. Disturbing polling place.**

17

18 Disturbing a polling place consists of creating any
19 disorder or disruption at a polling place on election day,
20 ~~or absentee polling place under W.S. 22-9-125,~~ or
21 interfering with the orderly conduct of an election.

22

23 **22-26-119. Violation of Election Code by officials.**

1

2 Violation of the Election Code by an official consists of
3 the ~~willful~~-violation of the Election Code by any official
4 or by any deputy or assistant official, or the ~~willful~~
5 failure or refusal of any official or assistant to perform
6 an act or duty required of him by the Election Code,
7 including the failure to track ballot totals at any time
8 starting at the beginning of the election, failure to
9 ensure compliance with hand count procedures, tampering
10 with hand count tally sheets or neglecting any duty for
11 hand counting as prescribed by law. Any official, deputy or
12 assistant who commits a violation of the Election Code is
13 guilty of a felony and, in addition to the penalty
14 prescribed by W.S. 22-26-101, is subject to removal from
15 office in a proceeding instituted for that purpose.

16

17 **22-29-114. Election procedures for elections other**
18 **than mail ballot elections; canvass, recount and contests.**

19

20 (e) Any special district election conducted by the
21 county clerk shall be canvassed by the county canvassing
22 board or a canvassing board appointed by the county clerk,
23 consisting of two (2) electors and the county clerk. If

1 more than one (1) county is involved, the election shall be
2 canvassed in accordance with chapter 16 of the Wyoming
3 Election Code of 1973, as amended, by a canvassing board
4 drawn from the membership of the appropriate county
5 canvassing boards appointed by the appropriate county
6 commissioners. The commissioners shall notify the county
7 clerks of the canvassing board appointments. Any special
8 district election not conducted by a county clerk shall be
9 canvassed by a special district canvassing board. The
10 special district canvassing board shall consist of the
11 district secretary and two (2) electors appointed by the
12 district board. Any canvass shall be conducted in
13 accordance with chapter 16 of the Wyoming Election Code of
14 1973, as amended. The canvass shall be conducted within
15 seven (7) business days of the election and shall include a
16 manual review of all hand counted ballots to ensure
17 accuracy. The canvassing board shall have the authority to
18 call for a special election in accordance with W.S.
19 22-16-122 if any discrepancies in the hand count are
20 identified and cannot be resolved beyond a reasonable
21 doubt. The canvassing board shall:

22

