

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Elections - ranked choice voting.

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

A BILL

for

1 AN ACT relating to elections; requiring ranked choice
2 voting at primary and general elections as specified;
3 modifying requirements for primary and general election
4 ballots; providing a definition; modifying procedures for
5 filling of vacancies; requiring rulemaking; making
6 conforming amendments; removing obsolete language; and
7 providing for an effective date.

8

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

10

11 **Section 1.** W.S. 22-2-123 and 22-5-404 are created to
12 read:

1

2 **22-2-123. Ranked choice voting.**

3

4 (a) Ranked choice voting shall be used for primary
5 and general elections in which more than two (2) candidates
6 are running for nomination or election to one (1) public
7 office. Ranked choice voting shall allow voters to rank
8 candidates for an office in order of preference and without
9 regard to political party affiliation, the results of which
10 shall be processed in accordance with the following:

11

12 (i) Tabulation of votes shall proceed in rounds
13 until one (1) candidate is determined to have received more
14 than fifty percent (50%) of the votes. If no candidate has
15 received more than fifty percent (50%) of the votes in the
16 first round, the candidate with the fewest number of votes
17 in the round is defeated. In each subsequent round, the
18 number of votes for each remaining candidate who has not
19 been defeated in a prior round shall be counted. Each
20 continuing ballot counts as one (1) vote for its highest
21 ranked remaining candidate for that round, except that a
22 ballot that does not rank a remaining candidate, ranks more
23 than one (1) candidate at the highest ranking during the

1 round or contains two (2) or more sequential skipped
2 rankings before its highest ranking during the round shall
3 not be counted for any remaining candidate;

4

5 (ii) If no candidate has received more than
6 fifty percent (50%) of the votes at the end of any round,
7 the candidate with the fewest number of votes in the round
8 is defeated and a new round is started. Rounds shall
9 proceed until one (1) candidate has received more than
10 fifty percent (50%) of the votes for nomination in the
11 primary election or election to the office in the general
12 election.

13

14 (b) The secretary of state shall promulgate rules
15 pertaining to ranked choice voting. The rules shall
16 specify:

17

18 (i) The methods and procedures for evaluating an
19 elector's markings for preferences in a square on a ballot,
20 including how to evaluate repetitive or redundant markings
21 or instances where only one (1) square is marked on a
22 ballot;

23

1 (ii) The methods and procedures for tabulating
2 results in rounds and resolving ties among candidates in
3 accordance with subsection (a) of this section and the
4 following:

5

6 (A) Two (2) or more candidates may be
7 defeated simultaneously in any round of tabulation;

8

9 (B) A tie between candidates in the final
10 round or a tie between candidates with the fewest number of
11 votes in any round shall be determined by lot, with the
12 candidate chosen by lot being defeated.

13

14 (iii) The methods and procedures for reporting
15 the results of rounds and determining the candidate or
16 candidates who received the next largest or highest number
17 of votes in the event of vacancies;

18

19 (iv) The methods and procedures for declaring
20 the nomination of candidates and filling vacancies in
21 nominations;

22

23 (v) The procedures for auditing results;

1

2 (vi) The procedures and information required for
3 reporting results;

4

5 (vii) The instructions for voters which shall be
6 printed on ballots.

7

8 **22-5-404. Vacancies in nomination.**

9

10 (a) A vacancy in nomination for an office to be
11 filled at a general election occurs if a candidate
12 nominated at a primary election declines to accept the
13 nomination, dies, moves his residence from his constituency
14 or becomes disqualified to hold the office for any reason
15 provided by law.

16

17 (b) A vacancy in nomination shall be filled by the
18 person who is qualified and who received the next highest
19 number of votes at the primary election as shown on the
20 official canvas. If no qualified candidate exists, the
21 vacancy in nomination shall be filled by:

22

1 (i) The state central committee of the political
2 party of the former nominee for an office to be voted for
3 by the electors of the entire state;

4

5 (ii) The county central committee of the
6 political party of the former nominee for an office to be
7 voted for by the electors of a county or a subdivision
8 thereof; or

9

10 (iii) If the former nominee for any office did
11 not indicate in the application whether he is a member of
12 an existing political party or if the former nominee was a
13 write-in candidate, the nomination shall remain vacant.

14

15 (c) A candidate may withdraw only by filing a written
16 withdrawal in the filing office in which the candidate
17 filed the application for nomination. If a candidate
18 withdraws after the ballots are finalized and approved for
19 printing by a county clerk in any county where the
20 candidate's name will appear on the ballot, the county
21 clerk shall not be required to remove the candidate's name
22 from the ballot, but shall post a notice at each polling

1 place announcing that the named candidate is not the
2 party's nominee for the office designated.

3

4 **Section 2.** W.S. 22-1-102(a) by creating a new
5 paragraph (liv), 22-6-119(a)(iii) through (vi) and by
6 creating a new subsection (b), 22-6-120(a)(x) through
7 (xii), 22-16-103(c)(viii)(F) and by creating a new
8 subparagraph (H) and 22-16-117 are amended to read:

9

10 **22-1-102. Definitions.**

11

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

16 As used in this Election Code:

17

18 (liv) "Ranked choice voting" means the voting
19 procedure specified in W.S. 22-2-123.

20

21 **22-6-119. Format of primary ballot.**

22

1 (a) The primary ballot of each major political party
2 shall be printed in substantial compliance with this
3 format:

4

5 (iii) On the second line shall be printed the
6 following instructions:

7

8 (A) Except as provided in subparagraph (B)
9 of this paragraph: "To vote for a person whose name is
10 printed on the ballot, mark the square immediately adjacent
11 to the name of the person for whom you desire to vote. To
12 vote for a person whose name is not printed on the ballot,
13 write his name in the blank space provided for that purpose
14 and mark the square immediately adjacent to the name of the
15 person.";

16

17 (B) For an office for which more than two
18 (2) candidates are running for nomination for one (1)
19 office and as required by W.S. 22-2-123, the instructions
20 specified by rule of the secretary of state.

21

22 (iv) Candidates for the different offices shall
23 be arranged in separate groups. At the top of each group

1 shall appear the title of the office. Adjacent to the title
2 of the office shall be printed:

3
4 (A) Except as otherwise provided by
5 subparagraph (B) of this paragraph, "Vote for one" or if
6 more than one (1) are to be voted for, "Vote for not more
7 than", then the appropriate words and figures designating
8 the proper number to be elected;

9
10 (B) For an office for which more than two
11 (2) candidates are running for nomination for one (1)
12 office and as required by W.S. 22-2-123, the instructions
13 specified by rule of the secretary of state.

14
15 (v) Below the list of candidates in each group
16 shall be printed blank lines for write-in candidates equal
17 in number to the number of candidates to be voted for or,
18 if ranked choice voting is used, not more than one (1)
19 write-in candidate per number of persons to be elected at
20 the general election;

21
22 (vi) Adjacent to the name of each candidate and
23 blank line shall be printed a square for marking the vote

1 or, if ranked choice voting is used, the voter's preference
2 as determined by W.S. 22-2-123. No square shall appear at
3 the top of a column;

4
5 (b) When more than two (2) candidates are running for
6 nomination for one (1) office, a primary ballot shall allow
7 voters to mark their preference for up to as many choices
8 as there are candidates in accordance with ranked choice
9 voting and rules promulgated by the secretary of state
10 pursuant to W.S. 22-2-123.

11

12 **22-6-120. Format of general election ballot.**

13

14 (a) The general election ballot shall be printed in
15 substantial compliance with this format:

16

17 (x) Below the names of candidates for each
18 office shall be printed blank lines for write-in candidates
19 equal in number to the number of persons to be elected or,
20 if ranked choice voting is used, not more than one (1)
21 write-in candidate per number of persons to be elected;

22

1 (xi) Adjacent to the name of each candidate,
2 except those running for the office of president and
3 vice-president of the United States and their electors, and
4 adjacent to each blank line for write-in candidates, shall
5 be printed a square for marking the vote or, if ranked
6 choice voting is used, the voter's preference as determined
7 by W.S. 22-2-123. A single square shall be printed to
8 indicate the vote or preference for candidates for the
9 office of president and vice-president of the United
10 States. No square shall appear at the top of a column;

11

12 (xii) Adjacent to the description of any office
13 to be filled by more than one (1) candidate shall be
14 printed:

15

16 (A) Except as provided in subparagraph (B)
17 of this paragraph, "Vote For Not More Than", then the
18 appropriate words and figures designating the proper number
19 to be elected;

20

21 (B) For an office for which more than two
22 (2) candidates are running for election and as required by

1 W.S. 22-2-123, the instructions specified by rule of the
2 secretary of state.

3

4 **22-16-103. County canvass procedures.**

5

6 (c) The county canvassing board shall:

7

8 (viii) Ensure abstracts contain the following
9 information:

10

11 (F) The official designation or number of
12 each ballot proposition and the number of votes for and
13 against it stated in figures; ~~and~~

14

15 (H) For elections in which ranked choice
16 voting was used, the results of each round in which votes
17 were tabulated and any other information required by rule
18 of the secretary of state.

19

20 **22-16-117. Content of state abstract.**

21

22 The state abstract of an election shall indicate by county
23 the number of ballots cast by each political party, if

1 known, the total votes cast for each candidate, the names
 2 of all write-in candidates receiving a sufficient number of
 3 votes to affect the result of the election and the number
 4 of votes for each, and the number of votes received for and
 5 against each ballot proposition. For elections in which
 6 ranked choice voting was used, the abstract shall contain
 7 the results of each round in which votes were tabulated and
 8 any other information required by rule of the secretary of
 9 state.

10

11 **Section 3.** W.S. 22-5-401 and 22-5-403 are repealed.

12

13 *****
 14 *****

15 **STAFF COMMENT**

16 **For the Committees reference the repealed statutes are**
 17 **included below:**

18

19 **22-5-401. Vacancies in nomination for major parties;**
 20 **procedure for filing generally.**

21

22 (a) The vacancy in nomination which occurs if a major
 23 party candidate, between primary and general elections,
 24 dies, is disqualified to hold the office for which
 25 nominated, or files a withdrawal or rejection of nomination
 26 with the office where the candidate filed for nomination
 27 for election, shall be filled by certificate filed with the
 28 office which shall state:

29

30 (i) The cause of vacancy and name of the former
 31 nominee;

32

1 (ii) The name, age, place of residence, post
2 office address and qualifications of the successor nominee;
3 and
4

5 (iii) The office and term for which nominated.
6

7 (b) The certificate shall be prepared and filed by:
8

9 (i) The state central committee of the political
10 party of the former nominee for a partisan office to be
11 voted for by the electors of the entire state;
12

13 (ii) The county central committee of the
14 political party of the former nominee for a partisan office
15 to be voted for by the electors of a county or a
16 subdivision thereof, except as provided in paragraph (iv)
17 of this subsection;
18

19 (iii) Repealed By Laws 2004, Chapter 42, § 2 and
20 Chapter 94, § 4.
21

22 (iv) For nominees for the state legislature, the
23 state central committee of the political party of the
24 former nominee for a partisan office shall:
25

26 (A) Notify the precinct committeemen and
27 committeewomen for that party for each precinct within the
28 legislative district of the vacancy and arrange a meeting
29 of those precinct committeemen and committeewomen at which
30 a successor nominee shall be selected by them. The state
31 central committee of each party may delegate the authority
32 to call a meeting under this subparagraph;
33

34 (B) Prepare and file the certificate
35 required under subsection (a) of this section.
36

37 (c) Repealed by Laws 1985, ch. 204, § 2.
38

39 (d) Notwithstanding subsections (a) and (b) of this
40 section, the vacancy in nomination created by failure of
41 the qualified write-in nominee to accept nomination shall
42 remain vacant.
43

44 (e) A candidate may withdraw only by filing a written
45 withdrawal in the filing office in which he filed his

1 application for nomination. If a candidate withdraws after
2 the ballots are finalized and approved for printing by a
3 county clerk in any county where the candidate's name will
4 appear on the ballot, the county clerk shall not be
5 required to remove the candidate's name from the ballot,
6 but shall post a notice at each polling place announcing
7 that the named candidate is not the party's nominee for the
8 office designated.

9

10 (i) Repealed By Laws 1998, ch. 100, § 5.

11

12 (ii) Repealed By Laws 1998, ch. 100, § 5.

13

14 (iii) Repealed By Laws 1998, ch. 100, § 5.

15

16 **22-5-403. Vacancies in nomination for minor and**
17 **provisional parties; withdrawal restricted.**

18

19 (a) Any vacancy in nomination which occurs if a minor
20 or provisional party certified candidate dies, is
21 disqualified to hold the office for which nominated or
22 files a withdrawal or rejection of nomination may be filled
23 by a certification from the state party chairman and state
24 party secretary.

25

26 (b) A candidate may withdraw only by filing a written
27 withdrawal in the filing office in which he filed his
28 application for nomination. If a candidate withdraws after
29 the ballots are finalized and approved for printing by a
30 county clerk in any county where the candidate's name will
31 appear on the ballot, the county clerk shall not be
32 required to remove the candidate's name from the ballot,
33 but shall post a notice at each polling place announcing
34 that the named candidate is not the party's nominee for the
35 office designated.

36

37 (i) Repealed By Laws 1998, ch. 100, § 5.

38

39 (ii) Repealed By Laws 1998, ch. 100, § 5.

40

41 (iii) Repealed By Laws 1998, ch. 100, § 5.

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