

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

Election revisions.

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

A BILL

for

1 AN ACT relating to elections; providing for any voter to
2 vote for any candidate at primary elections; requiring
3 ranked-choice voting at general elections as specified;
4 modifying requirements for primary and general election
5 ballots; providing a definition; amending definitions
6 relating to qualifications of political parties;
7 eliminating election of precinct committeemen and
8 committeewomen at primary elections; modifying procedures
9 for filling vacancies; requiring rulemaking; making
10 conforming amendments; repealing and removing obsolete
11 language; and providing for effective dates.

12

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

2

3 **Section 1.** W.S. 22-5-221, 22-5-404 and 22-6-130 are
4 created to read:

5

6 **22-5-221. Top four nonpartisan open primary.**

7

8 (a) A qualified elector meeting the requirements of
9 W.S. 22-2-119 may cast a vote in the primary election for
10 any candidate for each elective office within the precinct
11 for which the elector resides and each national legislative
12 office, without regard to limitations based on the
13 political party or political group affiliation of either
14 the voter or the candidate.

15

16 (b) Except as otherwise provided in this subsection,
17 the top four (4) candidates for each elective office within
18 the state and each national legislative office shall be
19 nominated in the primary election and shall be entitled to
20 have their names printed on the ballot for the next general
21 election. If less than four (4) candidates run for an
22 elective office, then all candidates running for that

1 office shall have their names printed on the ballot for the
2 next general election.

3

4 (c) Where there is more than one (1) candidate to be
5 elected to an office, the number of candidates who shall be
6 nominated at the primary election and shall be entitled to
7 have their names printed on the ballot for the next general
8 election shall be equal to or less than four (4) times the
9 number of open seats for the elective office.

10

11 *****
12 *****
13 STAFF COMMENT
14
15 Alaska's legislation did not specify how to handle races
16 where there was more than one open seat. The above
17 subsection (c) is a placeholder and can be amended or
18 deleted at the Committee's discretion.
19
20 *****
21 *****
22

23 **22-5-404. Vacancies in nomination.**

24

25 (a) A vacancy in nomination for an office to be
26 filled at a general election occurs if, prior to the
27 general election, a candidate nominated at a primary
28 election declines to accept the nomination, dies, moves his

1 residence from his constituency or becomes disqualified to
2 hold the office for any reason provided by law.

3

4 (b) A vacancy in nomination shall be filled by the
5 person who is qualified and who received the next highest
6 number of votes at the primary election as shown on the
7 official canvass, regardless of political party. If no
8 qualified candidate exists, the vacancy in nomination shall
9 be filled by:

10

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

14

15 (ii) The county central committee of the
16 political party of the former nominee for an office to be
17 voted for by the electors of a county or a subdivision
18 thereof; or

19

20 (iii) If the former nominee for any office did
21 not indicate in the nominee's application whether the
22 former nominee is a member of an existing political party
23 as provided in W.S. 22-5-204(d), or if the former nominee

1 was a write-in candidate, the nomination shall remain
2 vacant and no new nominee shall be included on the general
3 ballot to fill the vacancy.

4

5 **22-6-130. Ranked-choice general elections.**

6

7 (a) As used in this section:

8

9 (i) "Continuing candidate" means a candidate who
10 has not been defeated in a ranked-choice calculation.

11

12 (ii) "Inactive ballot" means a ballot that is no
13 longer tabulated, either in whole or in part, because it
14 does not rank any continuing candidate, contains an
15 overvote at the highest continuing ranking or contains two
16 (2) or more sequential skipped rankings before its highest
17 continuing ranking;

18

19 (iii) "Overvote" means an instance where a voter
20 has assigned the same ranking to more than one (1)
21 candidate;

22

1 (iv) "Ranking" or "ranked" means the number
2 assigned by a voter to a candidate to express the voter's
3 choice for that candidate; a ranking of one (1) is the
4 highest ranking, followed by two (2), then three (3), and
5 additional rankings in numerical order;

6

7 (v) "Round" means an instance of the sequence of
8 voting tabulation in a general election;

9

10 (vi) "Skipped ranking" means a blank ranking on
11 a ballot on which a voter has ranked another candidate at a
12 subsequent ranking.

13

14 (b) All general elections shall be conducted by
15 ranked-choice voting as specified by this section.

16

17 (c) When counting ballots in a general election, the
18 election counting board shall initially tabulate each
19 validly cast ballot as one (1) vote for the highest-ranked
20 continuing candidate on that ballot or as an inactive
21 ballot. If a candidate is highest-ranked on more than one-
22 half (1/2) of the active ballots in the initial tabulation,
23 that candidate is elected and the tabulation is complete.

1 Otherwise, tabulation proceeds in sequential rounds as
2 follows:

3

4 (i) If two (2) or fewer continuing candidates
5 remain, the candidate with the greatest number of votes is
6 elected and the tabulation is complete; otherwise, the
7 tabulation continues under paragraph (ii) of this
8 subsection;

9

10 (ii) If the candidate with the fewest votes is
11 defeated, votes cast for the defeated candidate shall cease
12 counting for the defeated candidate and those votes shall
13 be added to the totals of each ballot's next-highest-ranked
14 continuing candidate or the ballot shall be considered an
15 inactive ballot under paragraph (a)(ii) of this section,
16 and a new round begins under paragraph (i) of this
17 subsection.

18

19 (d) When counting general election ballots:

20

21 (i) A ballot containing an overvote shall be
22 considered an inactive ballot once the overvote is

1 encountered at the highest ranking for a continuing
2 candidate;

3

4 (ii) If a ballot skips a ranking, then the
5 election board shall count the next ranking. If the next
6 ranking is another skipped ranking, the ballot shall be
7 considered an inactive ballot once the second skipped
8 ranking is encountered;

9

10 (iii) In the event of a tie between the final
11 two (2) continuing candidates, the procedures in W.S. 22-
12 16-105 shall apply to determine the winner of the general
13 election. In the event of a tie between two (2) candidates
14 with the fewest votes, the tie shall be resolved by lot to
15 determine which candidate is defeated in that tabulation.

16

17 (e) Once determined to be an inactive ballot, an
18 inactive ballot shall not be counted for any candidate in
19 the current and in any subsequent tabulation.

20

21 (f) The secretary of state shall promulgate rules
22 pertaining to ranked-choice voting. The rules shall
23 specify:

1

2 (i) The methods and procedures for evaluating an
3 elector's markings for preferences on a ballot, including
4 how to evaluate repetitive or redundant markings;

5

6 (ii) The methods and procedures for reporting
7 the results of rounds and determining the candidate or
8 candidates who received the next largest or highest number
9 of votes in the event of vacancies in accordance with W.S.
10 22-5-404;

11

12 (iii) The methods and procedures for declaring
13 the nomination of candidates and filling vacancies in
14 nominations in accordance with W.S. 22-5-404;

15

16 (iv) The procedures for auditing results;

17

18 (v) The procedures and information required for
19 reporting results;

20

21 (vi) The instructions for voters that shall be
22 printed on ballots.

23

1 **Section 2.** W.S. 18-3-524(d), 22-1-102(a)(liii)(A) and
 2 by creating a new paragraph (liv), 22-2-104(b), 22-2-
 3 117(a), 22-4-101(b) and (e), 22-4-103, 22-4-402(a) and (b),
 4 22-4-406, 22-5-101, 22-5-102(a)(i), 22-5-204(b)(intro)(iii)
 5 and by creating a new subsection (d), 22-5-208(c), 22-5-
 6 209, 22-5-213, 22-5-215, 22-5-219(a), 22-5-220, 22-6-101,
 7 22-6-112(a), 22-6-116, 22-6-117(a)(intro) and by creating
 8 new paragraphs (xii) through (xxiv), 22-6-119(a)(intro) and
 9 (i), 22-6-120(a)(vii), (xi) and (xii), 22-6-123, 22-6-124,
 10 22-10-101(a)(vii), 22-10-108(a), 22-11-103(a)(vii), 22-11-
 11 104(b)(iii), 22-16-103(c)(viii)(A), (F) and (G) and by
 12 creating a new subparagraph (H), 22-16-117, 22-16-121(a),
 13 22-18-111(c)(i) and (iii)(A), 22-20-107, 22-23-103(c)(i),
 14 22-23-202(a)(v)(B), 22-23-304, 22-23-401 and 22-25-
 15 102(c)(i)(B) and (ii)(B) are amended to read:

16

17 **18-3-524. Appointments to fill vacancies; term.**

18

19 (d) For purposes of this section, a person shall be
 20 considered to "represent" a political party if ~~he was a~~
 21 ~~nominee of that political party~~ the person's party
 22 affiliation was indicated as provided in W.S. 22-5-204(d)
 23 or 22-6-120(a)(vii) when elected to office or ~~when~~ if the

1 person was appointed to fill a vacancy in office of a
2 person whose party affiliation was indicated as provided in
3 W.S. 22-5-204(d) or 22-6-120(a) (vii).

4
5 **22-1-102. Definitions.**

6
7 (a) The definitions contained in this chapter apply
8 to words and phrases used in this Election Code and govern
9 the construction of those words and phrases unless they are
10 specifically modified by the context in which they appear.
11 As used in this Election Code:

12
13 (liii) "Candidate" means any person who
14 knowingly seeks nomination or election to public office by:

15
16 (A) Filing an application for nomination by
17 primary election; ~~nomination by political party convention~~
18 ~~or by petition for nomination;~~

19
20 (liv) "Ranked-choice voting" means the voting
21 procedure specified in W.S. 22-6-130.

1 **22-2-104. Election dates.**

2

3 (b) A primary election shall be held at the regular
4 polling places for each precinct on the first Tuesday after
5 the third Monday in August in general election years for
6 the nomination of candidates for ~~partisan and nonpartisan~~
7 offices to be filled at the succeeding general election.
8 ~~and for the election of major party precinct committeemen~~
9 ~~and committeewomen.~~

10

11 **22-2-117. Vote required for election; ratification.**

12

13 (a) ~~Partisan and nonpartisan~~ Candidates who receive
14 the largest number of votes for each office to be filled at
15 the general election are elected, subject to ranked-choice
16 voting procedures as specified in W.S. 22-6-130.

17

18 **22-4-101. Application; composition, election and**
19 **qualifications of county central committees.**

20

21 (b) The county central committee of each political
22 party consists of precinct committeemen and committeewomen
23 elected in ~~the county at the regular biennial primary~~

1 ~~election~~ accordance with the party bylaws, which shall
2 comply with this chapter. Except as provided in subsection
3 (c) of this section, each political party in each precinct
4 shall elect one (1) committeeman and one (1) committeewoman
5 for each two hundred fifty (250) votes or major fraction
6 thereof cast for the party's candidate for representative
7 in congress in the last general election, but provided that
8 no precinct shall be entitled to less than one (1) precinct
9 committeeman and precinct committeewoman. Precinct
10 committeemen and committeewomen shall be electors
11 registered in the party and ~~resident~~ reside in the
12 precinct. ~~If a precinct boundary line is changed for any~~
13 ~~reason, the county commissioners shall determine the number~~
14 ~~of precinct committeemen and committeewomen to which the~~
15 ~~affected precinct is entitled.~~

16

17 (e) The term of office for all precinct committeemen
18 and committeewomen shall be two (2) years and shall begin
19 ~~on the first Monday in January of the year following their~~
20 ~~election.~~ as provided in the party bylaws.

21

22 **22-4-103. County central committee vacancies.**

23

1 ~~A vacancy in the county central committee shall occur in~~
2 ~~the case of death, resignation, failure of a qualified~~
3 ~~candidate to be elected to a precinct committeeman or~~
4 ~~committeewoman position, or removal of residence from the~~
5 ~~precinct.~~ A vacancy in a county central committee shall be
6 determined and filled ~~by the county central committee by~~
7 ~~election of a registered elector resident in the precinct~~
8 ~~in which the vacancy exists and registered in the party or~~
9 as provided by the party bylaws.

10
11 **22-4-402. Petition; form; validity.**

12
13 (a) Any group of persons desiring to form a new
14 political party within this state shall file a petition
15 with the secretary of state not later than June 1 in any
16 general election year in which the party seeks to qualify
17 for the ~~general~~ primary election ballot.

18
19 (b) The petition shall be approved by the secretary
20 of state prior to circulation and shall conform in
21 substance to the following:

22
23 PETITION FOR FORMATION

1

2

OF A POLITICAL PARTY

3

4

5

6

7

8

9

I know the contents of this petition including the names of the provisional party officers and request that the _____ party be printed on the ballot for the next ~~general~~primary election. I am a registered elector for the next primary and general election. (This statement shall appear at the head of each petition page.)

10

11

PROVISIONAL PARTY OFFICERS

12

13

NAME

ADDRESS

14

15

CHAIRPERSON _____

16

17

TREASURER _____

18

19

PETITIONERS

20

21

(Signature) (Printed Name)

22

1 (Residence)

2 (Date)

3

4 1.

5 _____

6

7 2.

8 _____

9

10 VERIFICATION BY CIRCULATORS

11

12 I,, do hereby certify that I am a circulator
13 of this petition, and I solely and personally circulated
14 this petition, that all the signatures appearing herein
15 were made in my presence from(month)(day),
16(year) through(month)(day),(year), and
17 to the best of my knowledge and belief such signatures are
18 those of the persons whose names they purport to be.

19

20 (signature)

21

22 (residence address)

23

1 **22-4-406. Officers and nominating procedures.**

2

3 A provisional party shall be subject to W.S. 22-4-302 and
4 W.S. 22-4-305 through 22-4-307. ~~Under no circumstances~~
5 ~~shall a provisional party nominate by the primary election~~
6 ~~process.~~

7

8 **22-5-101. How candidates nominated.**

9

10 Nominations of candidates for all offices filled at a
11 general election, except school and community college
12 district offices and special district offices, ~~may~~ shall be
13 made by primary election. ~~, by petition for nomination as an~~
14 ~~independent candidate as provided in W.S. 22-5-301 through~~
15 ~~22-5-308 or by convention as provided in W.S. 22-4-303 and~~
16 ~~22-4-406.~~

17

18 **22-5-102. Eligibility to be a candidate for state**
19 **legislature; residency.**

20

21 (a) For the purpose of meeting residency requirements
22 of the Wyoming constitution, a person shall not be a
23 candidate for the state legislature from a legislative

1 district unless he has been a resident of that legislative
2 district for at least one (1) year next preceding his
3 election. In any general election year in which a plan of
4 legislative districts is required but has not been enacted
5 into law at least one (1) year prior to the applicable
6 filing periods, a person may be a candidate for the state
7 legislature from a legislative district if he:

8

9 (i) Is a resident of the legislative district on
10 the date he files an application under W.S. 22-5-204; ~~or a~~
11 ~~petition under W.S. 22-5-301;~~ and

12

13 **22-5-204. Application for nomination or election;**
14 **form.**

15

16 (b) An eligible person seeking nomination or election
17 for ~~a partisan~~ office shall satisfy all of the following:

18

19 (iii) File an application in substantially the
20 following form:

21

22 APPLICATION FOR NOMINATION OR ELECTION BY ~~PARTY~~-PRIMARY

23

1 State of Wyoming)

2) ss

3 County of)

4

5 I,, swear or affirm that I was born on,

6(year), that I have been a resident of the state of

7 Wyoming since, and that I am a registered voter of

8 Election District No., in Precinct No., residing

9 at, in County of, (if for the office of state

10 senator or representative) in Senate (House) District,

11 state of Wyoming, ~~and registered as a member of party,~~

12 (if for the office of governor) and that I resided at the

13 physical residential addresses listed below during the past

14 five (5) years, and I hereby request that my name be

15 printed upon the official ~~party~~-ballot at the next primary

16 election as a candidate for the office of, and hereby

17 declare that if nominated and elected, I will qualify for

18 the office.

19

20 (If for the office of governor) I have resided at the

21 following physical residential addresses during the past

22 five (5) years:

23

1 (Residence) (Date)

2

3 1.

4

5 2.

6

7 (If the applicant desires to list party affiliation
8 pursuant to W.S. 22-5-204(d)) I swear and affirm that I am
9 registered as a member of the party.

10

11 Dated the day of,(year).

12

13(Signature)

14 (Residence Address)

15

16 (d) An applicant for partisan office may indicate in
17 the application whether the applicant is a member of an
18 existing qualified political party and whether the
19 applicant desires to have that membership indicated on the
20 ballot.

21

22 **22-5-208. Filing fees; exception.**

23

1 (c) A filing fee shall not be required of candidates
2 for special district director, school district trustee, or
3 community college trustee, ~~precinct committeeman or~~
4 ~~precinct committeewoman.~~

5

6 **22-5-209. Time for filing nomination applications;**
7 **certified list; names on ballot.**

8

9 An application for nomination shall be filed not more than
10 ninety-six (96) days and not later than eighty-one (81)
11 days next preceding the primary election. Not later than
12 sixty-eight (68) days before a primary election the
13 secretary of state shall transmit to each county clerk a
14 certified list of persons whose applications have been
15 filed in the office of the secretary of state stating as to
16 each his name, age, address, office sought and party
17 affiliation, if declared.

18

19 **22-5-213. Entry in pollbook.**

20

21 The judges of election shall check or enter in the pollbook
22 the name of each elector voting in the primary election and
23 his party affiliation, if declared. ~~An elector voting only~~

1 ~~a nonpartisan ballot shall be entered in the pollbook as an~~
2 ~~unaffiliated voter.~~

3

4 **22-5-215. Nomination of candidates and write-in**
5 **candidates.**

6

7 ~~On each party ballot the candidate or candidates equal in~~
8 ~~number to the number to be elected to each office who~~
9 ~~receive the largest number of votes~~ Candidates for each
10 elected office shall be nominated and shall be entitled to
11 have their names printed on the ballot for the next general
12 election, which shall be conducted pursuant to the
13 procedures set forth in W.S. 22-6-130. A write-in candidate
14 shall not be nominated and shall not be entitled to have
15 his name printed on the ballot for the next general
16 election unless ~~he received~~ the candidate's name was
17 written by the electors on at least twenty-five (25)
18 ~~write-in votes in the primary election and is a registered~~
19 ~~voter in the political party for which he was nominated on~~
20 ~~the day of the primary election~~ primary election ballots
21 for the office and the candidate otherwise qualifies under
22 W.S. 22-5-221. An unsuccessful candidate for office at a
23 primary election whose name is printed on any ~~party~~ ballot

1 ~~may~~ shall not accept nomination for the same office at the
2 next general election.

3

4 **22-5-219. Further action by nominees not required;**
5 **exception.**

6

7 (a) Candidates nominated ~~and major party precinct~~
8 ~~committeemen and committeewomen elected~~ at a primary
9 election shall be deemed nominated ~~or elected~~ without
10 further action. In addition, each write-in candidate
11 nominated at a primary election shall comply with the
12 provisions of W.S. 22-16-106.

13

14 **22-5-220. Withdrawal of nomination application**
15 **restricted.**

16

17 A candidate may withdraw a nomination application prior to
18 the primary election only by filing a written withdrawal in
19 the filing office in which he filed his application for
20 nomination. If a candidate withdraws after the ~~party~~
21 ballots are finalized and approved for printing by a county
22 clerk in any county where the candidate's name will appear
23 on the ~~party~~ ballot, the county clerk shall not be required

1 to remove the candidate's name from the ~~party~~ ballot, but
2 shall post a notice at each polling place announcing that
3 the named candidate has withdrawn from nomination for the
4 office designated.

5

6 **22-6-101. Certification of candidates nominated;**
7 **printing of names.**

8

9 Not less than sixty (60) days before each general election
10 the secretary of state shall transmit to each county clerk
11 ~~under party headings~~ a certified list of the name and
12 address of each person nominated by primary election as
13 indicated by the state canvass, ~~the name of each person~~
14 ~~nominated by provisional or minor party convention, the~~
15 ~~name of each independent candidate qualifying for~~
16 ~~nomination by petition,~~ and the office sought. The names
17 of these candidates shall be printed on the official ballot
18 of the general election.

19

20 **22-6-112. Name to appear only once.**

21

22 (a) No candidate's name shall appear on the ~~partisan~~
23 ballot more than once. ~~, except that of a candidate for the~~

1 ~~office of precinct committeeman or committeewoman, who may~~
2 ~~also seek the office of president or vice president of the~~
3 ~~United States or another office on the same partisan~~
4 ~~primary ballot.~~

5

6 **22-6-116. Printing type size and candidate names.**

7

8 On official ballots the ~~political party name or title shall~~
9 ~~be printed in capital letters not less than one-eighth~~
10 ~~(1/8) inch nor more than one-fourth (1/4) of an inch in~~
11 ~~height.~~ The names of all candidates shall be printed in
12 the same size letters not less than one-eighth (1/8) inch
13 nor more than one-fourth (1/4) of an inch in height. The
14 name of each political party, if declared, shall be printed
15 next to the candidate's name in the same type size as that
16 of every other political party that appears on the ballot
17 if declared by a candidate.

18

19 **22-6-117. Order of listing offices.**

20

21 (a) The ~~major party~~ primary and general ~~partisan~~
22 election ballots shall contain the offices and ballot
23 propositions to be voted on in the following order:

1

2

(xii) Retention of justices of the supreme

3

court;

4

5

(xiii) Retention of district court judges;

6

7

(xiv) Retention of circuit court judges;

8

9

(xv) Retention of full-time magistrates;

10

11

(xvi) Candidates for municipal offices;

12

13

(xvii) Candidates for community college

14

trustees;

15

16

(xviii) Candidates for school board trustees;

17

18

(xix) Candidates for special district directors;

19

20

(xx) Candidates for other offices of county

21

subdivisions;

22

23

(xxi) Constitutional amendments;

1

2

(xxii) Initiative propositions;

3

4

(xxiii) Referendum propositions;

5

6

(xxiv) Other ballot propositions.

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 (i) Across the top shall be printed "Official
15 Primary Election Ballot"; ~~followed by the name of the major~~
16 ~~political party;~~

17

18 **22-6-120. Format of general election ballot.**

19

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

22

1 (vii) The names of ~~partisan party~~ candidates, if
2 candidates have filed, ~~and independent candidates, if~~
3 ~~candidates have filed,~~ shall be printed in a separate
4 column or columns, row or rows, and the name of the party
5 represented, if declared, or the word "Independent", if
6 declared, shall be printed ~~directly above~~ next to the
7 candidate's name; ~~or at the end of the row. If there are a~~
8 ~~number of candidates representing a party, or independents,~~
9 ~~the county clerk at his discretion may designate a separate~~
10 ~~vertical column or columns, or row or rows to said~~
11 ~~candidates and print the name of said party or the word~~
12 ~~"Independent" at the top of the column or beginning of the~~
13 ~~row;~~

14
15 (xi) Adjacent to the name of each candidate,
16 except those running for the office of president and
17 vice-president of the United States and their electors, and
18 adjacent to each blank line for write-in candidates, shall
19 be printed a square for marking ~~the vote~~ the voter's
20 preference as determined by W.S. 22-6-130. A single square
21 shall be printed to indicate the vote or preference for
22 candidates for the office of president and vice-president

1 of the United States. No square shall appear at the top of
2 a column;

3

4 (xii) Adjacent to the description of any office
5 to be filled by more than one (1) candidate shall be
6 printed:

7

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

12

13 (B) For an office for which more than two (2)
14 candidates are running for election and as required by W.S.
15 22-6-130, the instructions specified by rule of the
16 secretary of state for ranked-choice voting.

17

18 **22-6-123. Nonpartisan offices on primary or general**
19 **election ballots and ballot propositions.**

20

21 Primary and general election ballots ~~for~~ containing
22 nonpartisan offices ~~and ballot propositions~~ shall be
23 ~~printed on yellow paper or paper with yellow demarcation as~~

1 ~~provided by rule and regulation of the secretary of state,~~
2 ~~separate from partisan ballots. They shall~~ contain no
3 political party designations for those offices, but
4 otherwise shall conform to the same general requirements
5 for official ~~partisan~~ ballots except as otherwise
6 specifically provided.

7

8 **22-6-124. Ballot propositions format.**

9

10 Following all offices on ~~nonpartisan~~ ballots, ballot
11 propositions shall be printed in the order prescribed by
12 law. The name and official number, if any, of each ballot
13 proposition shall be printed adjacent to the proposition in
14 large letters. ~~Nonpartisan ballots shall contain the same~~
15 ~~instructions as prescribed for partisan primary election~~
16 ~~ballots in W.S. 22-6-119.~~ If the ballot contains a
17 proposed constitutional amendment or other ballot
18 proposition, the instructions shall also include the
19 following: "To vote for or against a proposed
20 constitutional amendment, initiative or referendum, or
21 other ballot proposition, mark the square printed adjacent
22 to the proposition marked 'For' or 'Against'." For
23 retention of justices of the supreme court, district court

1 judges, circuit court judges and full-time magistrates, the
2 following shall be printed on the ballot: "Shall
3 Justice/Judge/Magistrate . . . be retained in office?".

4

5 **22-10-101. Criteria for approval.**

6

7 (a) To be approved for use in Wyoming a voting
8 machine shall:

9

10 (vii) Have separate voting devices for
11 candidates and ballot propositions, which shall be arranged
12 in separate rows or columns, so that one (1) or more
13 adjacent rows or columns may be assigned to the candidates
14 ~~of each political party~~ at a primary election;

15

16 **22-10-108. Procedure for preparing machines for**
17 **election; inspection and certification.**

18

19 (a) Before preparing a voting machine for an
20 election, the county clerk shall notify in writing the
21 county chairman of each political party ~~having a~~ registered
22 with the secretary of state and each candidate on the
23 ballot and all independent candidates, stating the time and

1 place where the voting machine will be prepared for the
2 election. The political party representatives, candidates
3 and representatives of ~~independent~~ candidates may be
4 present at the preparation of the voting machine for the
5 election, to see that the machine is tested for accuracy
6 and is properly prepared and that all registering counters
7 are set at zero (00000). The county clerk in the presence
8 of these representatives and candidates shall prepare the
9 voting machine for the election and set all registering
10 counters at zero (00000). ~~He~~ The county clerk shall then
11 test each registering counter for accuracy by casting votes
12 on it until the registering counter is correctly
13 registering each vote cast on it. The county clerk shall
14 then reset each registering counter to zero (00000) and
15 shall immediately lock and seal the voting machine with a
16 numbered metal seal and make a record of the number of the
17 seal on the certificate for the machine. The seal shall be
18 so placed as to prevent operation of the machine or its
19 registering counters without breaking the seal. The county
20 clerk shall then immediately make a record on the
21 certificate for the machine of the reading shown on the
22 protective counter.

23

1 **22-11-103. Capabilities required.**

2

3 (a) Every electronic voting system adopted for use in
4 Wyoming shall:

5

6 (vii) Provide automatic tabulating equipment
7 which shall reject choices recorded on a ballot exceeding
8 the number allowed; ~~and at a primary election reject~~
9 ~~choices for candidates from a party other than the party~~
10 ~~for which a preference is expressed;~~

11

12 **22-11-104. Conduct of elections in which systems**
13 **utilized.**

14

15 (b) The county clerk of each county using an
16 electronic voting system shall:

17

18 (iii) Before testing an electronic voting system
19 for an election, notify the county chairman of each
20 political party ~~having a~~ registered with the secretary of
21 state and each candidate on the ballot, stating the time
22 and place of the test. ~~The~~ Political party representatives,
23 candidates and representatives of ~~independent~~ candidates

1 may be present for the test, which shall be held at least
2 two (2) weeks before the election. The test shall
3 ascertain that the automatic tabulating equipment will
4 accurately count the votes cast for all offices and all
5 measures. The test shall be conducted by processing a
6 preaudited group of paper ballots or ballot cards on which
7 are recorded a predetermined number of valid votes for each
8 candidate and on each measure and shall include for each
9 office one (1) or more ballots which have votes in excess
10 of the number allowed by law in order to test the ability
11 of the automatic tabulating equipment to reject such votes.
12 During the test a different number of valid votes shall be
13 assigned to each candidate for an office, and for and
14 against each measure. If any error is detected, the cause
15 of it shall be ascertained and corrected and an errorless
16 count shall be secured and certified to by the county
17 clerk. On completion of the count, the programs, test
18 materials and ballots shall be sealed and retained as
19 provided for paper ballots;

20

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

22

23 (c) The county canvassing board shall:

1

2 (viii) Ensure abstracts contain the following
3 information:

4

5 (A) For primary elections, the total
6 ballots cast; ~~by party, including unaffiliated votes;~~

7

8 (F) The official designation or number of
9 each ballot proposition and the number of votes for and
10 against it stated in figures; ~~and~~

11

12 (G) The number of provisional ballots cast; ~~and~~

13

14
15 (H) For general elections in which ranked-
16 choice voting was used, the results of each round in which
17 votes were tabulated and any other information required by
18 rule 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 general elections in
6 which ranked-choice voting was used, the abstract shall
7 also contain the results of each round in which votes were
8 tabulated and any other information required by rule of the
9 secretary of state.

10

11 **22-16-121. Certificates of nomination and election**
12 **following state or county canvass.**

13

14 (a) When the state canvass is concluded, the
15 secretary of state shall issue a certificate of nomination
16 to each candidate nominated at a primary election and
17 certify the names of nominees as provided in W.S. 22-6-101.
18 When the county canvass is concluded, the county clerk
19 shall issue a certificate of nomination to each candidate
20 nominated at a primary election. ~~or by petition.~~

21

22 **22-18-111. Vacancies in other offices; temporary**
23 **appointments.**

1

2 (c) For purposes of this section:

3

4 (i) A person shall be considered to represent a
5 political party if ~~he was a nominee of that political party~~
6 the person's party affiliation was indicated as provided in
7 W.S. 22-5-204(d) or 22-6-120(a)(vii) when elected to office
8 or ~~when~~ if the person was appointed to fill a vacancy in
9 office of a person whose party affiliation was indicated as
10 provided in W.S. 22-5-204(d) or 22-6-120(a)(vii);

11

12 (iii) If a vacancy occurs in the office of a
13 member of the state legislature:

14

15 (A) For vacancies other than resignations,
16 the board of county commissioners of the county or counties
17 in which the vacancy occurs shall immediately notify in
18 writing the chairman of the state central committee of the
19 political party which the former incumbent represented at
20 the time of his election under W.S. 22-6-120(a)(vii), or at
21 the time of his appointment if not elected to office. For
22 resignations, the governor shall notify the appropriate
23 state central committee or the appropriate board of county

1 commissioners in accordance with W.S. 28-1-106. For all
2 vacancies in which the incumbent represented a political
3 party at the time of his election or appointment to the
4 office, the state central committee of the political party
5 of the former incumbent shall notify the precinct
6 committeemen and committeewomen for that party for each
7 precinct within the legislative district which is vacant
8 and arrange a meeting of those precinct committeemen and
9 committeewomen at which they will select a list of three
10 (3) persons qualified to hold the office to fill the
11 vacancy. Only those persons serving as committeemen and
12 committeewomen at least thirty (30) days prior to the
13 vacancy, or if the vacancy occurs within thirty (30) days
14 after the first Monday in January in odd-numbered years,
15 those precinct committeemen and committeewomen ~~elected at~~
16 ~~the immediate past primary election~~ currently serving
17 pursuant to the party's bylaws and those selected by
18 appointment prior to December 2 of the year in which the
19 election occurred for vacant positions, shall be authorized
20 to vote under this subparagraph. The meeting shall be held
21 not later than fifteen (15) days after the state central
22 committee is notified of the vacancy. The state central
23 committee of each political party shall establish

1 procedures for conducting the vote required under this
2 subparagraph and may delegate the authority to call the
3 meeting required under this subparagraph;

4

5 **22-20-107. Statement of purpose on ballot.**

6

7 The county clerk shall print on the official ~~nonpartisan~~
8 general election ballot for the next general election the
9 statement of purpose of each proposed amendment certified
10 to him by the secretary of state.

11

12 **22-23-103. Division of city into wards; residency.**

13

14 (c) In any general election year in which city wards
15 are redrawn but not enacted into law at least one (1) year
16 prior to the applicable filing periods, a person may be a
17 candidate for a ward if he:

18

19 (i) Is a resident of the city on the date he
20 files an application under W.S. 22-5-204; ~~or a petition~~
21 ~~under W.S. 22-5-301;~~ and

22

1 **22-23-202. Optional mode of election for towns;**
2 **procedures by charter ordinance.**

3

4 (a) Any municipality may, by charter ordinance
5 enacted pursuant to article 13, section 1(c) of the Wyoming
6 constitution, elect not to conduct its elections for office
7 or for municipal ballot propositions in the same manner as
8 statewide elections, in which case the charter ordinance
9 shall at a minimum provide:

10

11 (v) That the municipal clerk is responsible for:

12

13 (B) Preparing the ballots in substantially
14 the same form as the general election ~~nonpartisan~~ ballot;

15

16 **22-23-304. Ballot form.**

17

18 The county clerk shall prepare the municipal primary ballot
19 as provided in chapter 6 of this title for ~~nonpartisan~~
20 ballots.

21

22 **22-23-401. Preparation of ballots; cost.**

23

1 The county clerk shall prepare ballots which shall be in
2 substantially the same form as the general election
3 ~~nonpartisan~~ ballot for the municipal general election. The
4 name of every candidate legally qualified to appear on the
5 ballot and all municipal ballot propositions to be voted on
6 at the election shall be printed thereon. The cost of
7 preparing the municipal ballots shall be determined by the
8 county clerk and paid by the municipality.

9

10 **22-25-102. Contribution of funds or election**
11 **assistance restricted; limitation on contributions; right**
12 **to communicate; civil penalty.**

13

14 (c) Except as otherwise provided in this section, no
15 individual other than the candidate, or the candidate's
16 immediate family shall contribute directly or indirectly:

17

18 (i) To any candidate for statewide political
19 office, or to any candidate for statewide political
20 office's candidate's campaign committee:

21

22 (B) Except as otherwise provided in this
23 subparagraph, no contribution for the general election may

1 be given prior to the date for the primary election. This
2 subparagraph shall not apply to any candidate unopposed in
3 the primary election. ~~or nominated in accordance with W.S.~~
4 ~~22-4-303 or 22-5-301.~~

5

6 (ii) To any candidate for nonstatewide political
7 office, or to any candidate for nonstatewide political
8 office's candidate's campaign committee:

9

10 (B) Except as otherwise provided in this
11 subparagraph, no contribution for the general election may
12 be given prior to the date for the primary election. This
13 subparagraph shall not apply to any candidate unopposed in
14 the primary election. ~~or nominated in accordance with W.S.~~
15 ~~22-4-303 or 22-5-301.~~

16

17 **Section 3.** W.S. 22-1-102(a)(lii), 22-4-101(d),
18 22-4-303, 22-4-304, 22-5-202, 22-5-203(b), 22-5-204(b)(ii),
19 22-5-205, 22-5-212, 22-5-218, 22-5-301 through 22-5-308,
20 22-5-401 through 22-5-403, 22-6-112(b), 22-6-117(a)(xi),
21 22-6-118, 22-6-121(a)(intro), 22-6-125 through 22-6-127,
22 22-9-104(a)(iii), 22-10-101(a)(vi) and 22-25-107(a)(vi) are
23 repealed.

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STAFF COMMENT

For the Committee's reference, the repealed statutes are included below:

22-1-102. Definitions.

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

(lii) "Unsuccessful candidate" means a person who did not win the election but whose name was printed on the ballot and who received one (1) or more votes in the primary election;

22-4-101. Application; composition, election and qualifications of county central committees; certificate of election.

(d) No later than forty-five (45) days after the date of the primary election, the county canvassing board or a canvassing board appointed by the county clerk consisting of two (2) electors and the county clerk, shall provide to each county chairman the certified election results for precinct committeemen and committeewomen and a list of persons who received write-in votes for precinct committeemen or committeewomen.

22-4-303. Nomination of candidates.

Minor parties may nominate candidates to be placed on the general election ballot only by party convention. Under no circumstances shall a minor political party nominate by the primary election process.

22-4-304. Certification of candidates; fees.

1 (a) The chairman and secretary of the state political
2 convention shall certify to the secretary of state the
3 names of its party's nominees for United States senator,
4 United States representative, all elective state offices
5 and legislative offices.
6

7 (b) The chairman and secretary of the state or county
8 political convention shall certify to the county clerk the
9 names of its party's nominees for elected county offices
10 and office of the district attorney.
11

12 (c) The names certified to the secretary of state or
13 the county clerk shall be filed no later than the day
14 before the primary election.
15

16 (d) Persons certified as nominees shall be members of
17 that party, as shown by their affidavits of registration,
18 at the time their names are certified to the secretary of
19 state or the county clerk.
20

21 (e) Each certification made under this section shall
22 be accompanied by the same application and fee required for
23 the same office of a candidate seeking nomination by
24 primary election. A certification not accompanied by the
25 application and fee is not valid.
26

27 **22-4-305. Certification and filing of rules and**
28 **bylaws.**
29

30 The state party chairman and state party secretary shall
31 certify all rules and bylaws promulgated, revoked or
32 amended by the state convention and file them with the
33 secretary of state within thirty (30) days after the
34 adjournment of the state convention.
35

36 **22-4-306. Certification of presidential elector**
37 **nominees and party officers.**
38

39 The state party chairman and state party secretary shall
40 certify the names of nominees for presidential electors and
41 the name of the state and county party officers elected to
42 the secretary of state immediately after the state
43 convention.
44

1 **22-4-307. Calling of state convention, contents of**
2 **notice.**

3
4 The state chairman shall call a state convention by filing
5 notice in the office of the secretary of state and of each
6 county clerk not later than twenty (20) days before the
7 convention. The notice shall state the eligibility
8 requirements for voting at the convention.
9

10 **22-5-202. Major political party participation;**
11 **separate ballots; same time.**

12
13 Major political parties shall participate in the primary
14 election and each shall have a separate party ballot. The
15 primary election of major political parties shall be held
16 at the same time and at the same polling places and shall
17 be conducted by the same election officials.
18

19 **22-5-203. Nonpartisan judicial offices; separate**
20 **ballot; same time.**

21
22 (b) A separate ballot shall be used for the
23 nonpartisan primary election which shall be held at the
24 same time and at the same polling places and shall be
25 conducted by the same election officials as the partisan
26 primary election.
27

28 **22-5-204. Application for nomination or election;**
29 **party registration; form.**

30
31 (b) An eligible person seeking nomination or election
32 for a partisan office shall:

33
34 (ii) Be registered in the party whose nomination
35 he seeks; and
36

37 **22-5-205. Nomination application form for nonpartisan**
38 **office.**

39
40 (a) An eligible person seeking nomination for a
41 nonpartisan office must file an application in
42 substantially the following form:

43
44 APPLICATION FOR NOMINATION BY NONPARTISAN PRIMARY
45

1 State of Wyoming)
2
3) ss
4
5 County of)
6

7 I,, swear or affirm that I was born on, that I
8 have been a resident of the State of Wyoming since,
9 and that I am a registered voter of County, residing
10 at, and that I am eligible to be elected to such
11 office, and I hereby request that my name be printed upon
12 the official nonpartisan ballot at the next primary
13 election as a candidate for the office indicated below as
14 follows:

15
16 (Name of office).
17

18 I am seeking (1) the regular term or (2) the unexpired term
19 which terminates on the day of,(year).
20

21 Dated this day of,(year).
22

23 Signature
24

25 (b) A nomination application that is required to be filed
26 with the secretary of state may be electronically filed as
27 provided under W.S. 9-2-2501 if the application is
28 accompanied by the proper filing fee.
29

30 **22-5-212. When declaration of party affiliation**
31 **required.**
32

33 An elector requesting a major party ballot must declare his
34 party affiliation, or sign an application for change of
35 affiliation before he may receive a party ballot. An
36 elector may vote only the nonpartisan ballot and if so, is
37 not required to declare his party affiliation. Requesting a
38 partisan primary election ballot constitutes a declaration
39 of party affiliation. A change in declaration of party
40 affiliation shall be entered on the poll list by the
41 election judge.
42

43 **22-5-218. Election of major party precinct**
44 **committeemen and committeewomen.**
45

1 The candidates equal in number to the number of offices to
2 be filled receiving the greatest number of votes on each
3 party ballot for the offices of major party precinct
4 committeeman and committeewoman shall be deemed elected.

5
6 **22-5-301. Independent partisan candidates; form.**

7
8 (a) Independent candidates for partisan public offices may
9 be nominated by filing a signed petition in substantially
10 the following form:

11
12 PETITION FOR NOMINATION

13
14 I,, swear or affirm that I was born on,
15(year), that I have been a resident of the State of
16 Wyoming since, and that I am a registered voter of
17 Election District No., in Precinct No., County of
18, residing at, (if for the office of state senator
19 or representative, commissioner or other district office)
20 in Senate (House) (Commissioner or other) District,
21 State of Wyoming, (if for the office of governor) and that
22 I resided at the physical residential addresses listed
23 below during the past five (5) years, and having obtained
24 the number of signatures required by law for nomination by
25 petition, I hereby request that my name be printed on the
26 official ballot at the next general election as an
27 independent candidate for the office of and declare
28 that if nominated and elected, I will qualify for the
29 office.

30
31 (If for the office of United States senator or
32 representative in congress) I have not, at any time when
33 knowingly seeking nomination or election to this office,
34 claimed or been currently claiming any residence or
35 received the benefits of residency from any other state,
36 excluding the benefits of residency related to or
37 incidental from maintaining a residence at or near the
38 United States capital.

39
40 (If for the office of governor) I have resided at the
41 following physical residential addresses during the past
42 five (5) years:

43
44 (Residence) (Date)

45

1 1.

2

3 2.

4

5 Dated the day of,(year).

6

7 (Signature)

8

9 The eligible, registered electors supporting my nomination,
10 and numbering not less than the number required under W.S.
11 22-5-304, are as follows:

12

13 (Signature) (Printed Name) (Residence) (Date)

14

15 1.

16

17 2.

18

19 VERIFICATION BY CIRCULATORS

20

21 I,, do hereby certify that I am a circulator of this
22 petition, and I solely and personally circulated this
23 petition, that all the signatures appearing herein were
24 made in my presence from (month) (day),
25(year) through (month) (day),(year), and
26 to the best of my knowledge and belief such signatures are
27 those of the persons whose names they purport to be.

28

29 (Signature)

30

31 (b) The petition shall be approved by the appropriate
32 filing office prior to circulation.

33

34 **22-5-302. Unsuccessful primary candidates precluded.**

35

36 An unsuccessful candidate for office at a primary election,
37 whose name is printed on any party ballot, may not seek
38 nomination by petition for the same office at the next
39 general election.

40

41 **22-5-303. Restrictions on sponsors of independent**
42 **candidates.**

43

44 The name of a political group sponsoring an independent
45 candidate shall not contain the name or any derivation of

1 the name of any political party recognized under Wyoming
2 law.

3
4 **22-5-304. Qualifications and number of signers**
5 **required.**

6
7 (a) For a statewide partisan office, a petition shall
8 be signed by registered electors, resident in the state and
9 eligible to vote for the petitioner, numbering not less
10 than two percent (2%) of the total number of votes cast for
11 representative in congress in the last general election for
12 the entire state.

13
14 (b) For a countywide partisan office, a petition
15 shall be signed by registered electors, resident in the
16 county and eligible to vote for the petitioner, numbering
17 not less than two percent (2%) of the total number of votes
18 cast for representative in congress in the last general
19 election for the entire county.

20
21 (c) For a district partisan election, a petition
22 shall be signed by registered electors, resident in the
23 district and eligible to vote for the petitioner, numbering
24 not less than two percent (2%) of the total number of votes
25 cast for the office in that particular district in the last
26 general election. If a district's boundaries have changed
27 since the last general election, then the required number
28 of petition signatures shall not be less than two percent
29 (2%) of the number of registered voters in the current
30 district boundaries at the close of day on the day
31 immediately preceding the primary election.

32
33 **22-5-305. When petitions may be circulated; use of**
34 **copies; requirements.**

35
36 (a) A petition shall be circulated for signatures
37 only during the calendar year in which the election for the
38 office sought is to be held.

39
40 (b) Copies of the petition may be circulated for
41 signatures, but each separate page shall contain the
42 information required to be contained in the original
43 petition for nomination.

44

1 (c) An elector signing a petition must also print on
2 the petition:

3
4 (i) The elector's first and last name;

5
6 (ii) The date of signing the petition; and

7
8 (iii) The elector's physical residential
9 address.

10
11 (d) The signature of an elector who has signed a
12 petition in accordance with this section shall only count
13 once per candidate toward the number of signatures required
14 under W.S. 22-5-304.

15
16 **22-5-306. Where petitions to be filed; fee.**

17
18 (a) Petitions for nomination of independent
19 candidates shall be filed in the office prescribed for
20 nomination by primary election for such office.

21
22 (b) Petitions must be accompanied by the same fee
23 required for the same office of candidates seeking
24 nomination by primary election. A petition not accompanied
25 by the fee is not valid.

26
27 **22-5-307. Time for filing independent petitions.**

28
29 Petitions filed with the secretary of state and with the
30 county clerk shall be filed not less than seventy (70) days
31 before a general election.

32
33 **22-5-308. Determining validity of petitions.**

34
35 The secretary of state, or county clerk shall determine
36 from the official list of registered electors whether
37 sufficient valid signatures have been obtained on petitions
38 filed in his office.

39
40 **22-5-401. Vacancies in nomination for major parties;
41 procedure for filing generally.**

42
43 (a) The vacancy in nomination which occurs if a major
44 party candidate, between primary and general elections,
45 dies, is disqualified to hold the office for which

1 nominated, or files a withdrawal or rejection of nomination
2 with the office where the candidate filed for nomination
3 for election, shall be filled by certificate filed with the
4 office which shall state:

5
6 (i) The cause of vacancy and name of the former
7 nominee;

8
9 (ii) The name, age, place of residence, post
10 office address and qualifications of the successor nominee;
11 and

12
13 (iii) The office and term for which nominated.

14
15 (b) The certificate shall be prepared and filed by:

16
17 (i) The state central committee of the political
18 party of the former nominee for a partisan office to be
19 voted for by the electors of the entire state;

20
21 (ii) The county central committee of the
22 political party of the former nominee for a partisan office
23 to be voted for by the electors of a county or a
24 subdivision thereof, except as provided in paragraph (iv)
25 of this subsection;

26
27 (iii) Repealed By Laws 2004, Chapter 42, § 2 and
28 Chapter 94, § 4.

29
30 (iv) For nominees for the state legislature, the
31 state central committee of the political party of the
32 former nominee for a partisan office shall:

33
34 (A) Notify the precinct committeemen and
35 committeewomen for that party for each precinct within the
36 legislative district of the vacancy and arrange a meeting
37 of those precinct committeemen and committeewomen at which
38 a successor nominee shall be selected by them. The state
39 central committee of each party may delegate the authority
40 to call a meeting under this subparagraph;

41
42 (B) Prepare and file the certificate
43 required under subsection (a) of this section.

44
45 (c) Repealed by Laws 1985, ch. 204, § 2.

1
2 (d) Notwithstanding subsections (a) and (b) of this
3 section, the vacancy in nomination created by failure of
4 the qualified write-in nominee to accept nomination shall
5 remain vacant.
6

7 (e) A candidate may withdraw only by filing a written
8 withdrawal in the filing office in which he filed his
9 application for nomination. If a candidate withdraws after
10 the ballots are finalized and approved for printing by a
11 county clerk in any county where the candidate's name will
12 appear on the ballot, the county clerk shall not be
13 required to remove the candidate's name from the ballot,
14 but shall post a notice at each polling place announcing
15 that the named candidate is not the party's nominee for the
16 office designated.
17

18 (i) Repealed By Laws 1998, ch. 100, § 5.
19

20 (ii) Repealed By Laws 1998, ch. 100, § 5.
21

22 (iii) Repealed By Laws 1998, ch. 100, § 5.
23

24 **22-5-402. Procedure after ballots and labels printed.**
25

26 (a) If any major, minor or provisional party vacancy
27 is filled after official ballots are finalized and approved
28 for printing by a county clerk in any county where the
29 candidate's name will appear on the ballot, the county
30 clerk shall not be required to add the new candidate's name
31 to the ballot.
32

33 (i) Repealed By Laws 1998, ch. 100, § 5.
34

35 (ii) Repealed By Laws 1998, ch. 100, § 5.
36

37 (iii) Repealed By Laws 1998, ch. 100, § 5.
38

39 **22-5-403. Vacancies in nomination for minor and**
40 **provisional parties; withdrawal restricted.**
41

42 (a) Any vacancy in nomination which occurs if a minor
43 or provisional party certified candidate dies, is
44 disqualified to hold the office for which nominated or
45 files a withdrawal or rejection of nomination may be filled

1 by a certification from the state party chairman and state
2 party secretary.

3
4 (b) A candidate may withdraw only by filing a written
5 withdrawal in the filing office in which he filed his
6 application for nomination. If a candidate withdraws after
7 the ballots are finalized and approved for printing by a
8 county clerk in any county where the candidate's name will
9 appear on the ballot, the county clerk shall not be
10 required to remove the candidate's name from the ballot,
11 but shall post a notice at each polling place announcing
12 that the named candidate is not the party's nominee for the
13 office designated.

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

16
17 (ii) Repealed By Laws 1998, ch. 100, § 5.

18
19 (iii) Repealed By Laws 1998, ch. 100, § 5.

20
21 **22-6-112. Name to appear only once; exception.**

22
23 (b) No candidate's name shall appear on the general
24 election ballot more than once, except that a candidate for
25 a partisan office may also seek the office of president or
26 vice president of the United States or a nonpartisan office
27 on the same general election ballot in accordance with W.S.
28 22-2-116.

29
30 **22-6-117. Order of listing offices in partisan**
31 **elections.**

32
33 (a) The major party primary and general partisan
34 election ballots shall contain the offices to be voted on
35 in the following order:

36
37 (xi) Candidates for precinct offices.

38
39 **22-6-118. Primary ballot colors.**

40
41 (a) The primary ballot of political parties shall be
42 printed on the following colored paper or on paper with the
43 following color demarcation as provided by rule and
44 regulation of the secretary of state:

- 1 (i) Republican party-White;
2
3 (ii) Democratic party-Blue;
4
5 (iii) Repealed by Laws 1991, ch. 243, § 5.
6
7 (iv) Additional major parties - A different
8 color for each major party.
9

10 **22-6-121. Political party ballot position on general**
11 **election ballot; order of candidates' names.**
12

13 (a) Political party position shall be determined on
14 the general election ballot according to the number of
15 votes received by each party within the county for the
16 office of representative in congress at the last preceding
17 general election. The party receiving the highest number
18 of votes shall appear first following the names of the
19 offices to be voted for and other parties shall follow in
20 the order of their respective numbers of such votes. The
21 order of any provisional parties will be drawn by the
22 secretary of state. Any independent candidates shall
23 appear following the last party and shall be listed in
24 alphabetical order, subject to rotation. When more than
25 one (1) candidate is to be elected to a particular office,
26 the names of candidates shall be printed in alphabetical
27 order, subject to rotation, on all ballots for electronic
28 and machine voting systems as defined by W.S. 22-1-102.
29
30

31 **22-6-125. Order of offices and ballot propositions on**
32 **nonpartisan ballots.**
33

34 (a) The nonpartisan ballot shall contain the offices
35 and ballot propositions to be voted on in the following
36 order:
37

- 38 (i) Retention of justices of the supreme court;
39
40 (ii) Retention of district court judges;
41
42 (iii) Retention of circuit court judges;
43
44 (iv) Retention of magistrates;
45

- 1 (v) Repealed By Laws 2004, Chapter 42, § 2 and
- 2 Chapter 94, § 4.
- 3
- 4 (vi) Candidates for municipal offices;
- 5
- 6 (vii) Candidates for community college trustees;
- 7
- 8 (viii) Candidates for school board trustees;
- 9
- 10 (ix) Candidates for special district directors;
- 11
- 12 (x) Candidates for other offices of county
- 13 subdivisions;
- 14
- 15 (xi) Constitutional amendments;
- 16
- 17 (xii) Initiative propositions;
- 18
- 19 (xiii) Referendum propositions;
- 20
- 21 (xiv) Other ballot propositions.

22-6-126. Form of nonpartisan ballots.

25 (a) The official nonpartisan ballot for a general
26 election shall be printed in substantially the following
27 form:

28
29 OFFICIAL NONPARTISAN ELECTION BALLOT GENERAL ELECTION

30
31 County of, Election District, Precinct
32 Date

33
34 (here print instructions)

35
36 CANDIDATES FOR PUBLIC OFFICE

37
38 For Justice(s) of the Supreme Court
39 (Here designate the particular
40 term, such as "regular eight (8)
41 year term", or the "unexpired term of years").
42 Shall Justice John Roe be retained in office? Yes__ No__
43 Shall Justice Richard Roe be retained in office? Yes__
44 No__

1 For Judge(s) of the District Court of the Judicial
 2 District
 3 (Here designate the particular
 4 term, such as "regular six (6)
 5 year term", or the "unexpired term of years").
 6 Shall Judge Jane Roe be retained in office? Yes__ No__
 7 Shall Judge Richard Roe be retained in office? Yes__ No__

9 For Circuit Court Judge
 10 (Here designate the particular
 11 term, such as "regular four
 12 year term", or the "unexpired term of years").
 13 Shall Judge John Roe be retained in office? Yes__ No__
 14 Shall Judge Richard Roe be retained in office? Yes__ No__

16 For Magistrate
 17 (Here designate the particular
 18 term, such as "regular four (4)
 19 year term", or the "unexpired term of years").
 20 Shall Magistrate John Doe be retained in office? Yes__ No__
 21 Shall Magistrate Richard Roe be retained in office? Yes__
 22 No__

24 Align all designations of office to correspond on the
 25 ballot with the listing of names of candidates for the
 26 proper office and term.

28 **BALLOT PROPOSITIONS**
 29 Proposed Constitutional Amendment Letter A: For Against
 30 (Ballot Statement) _____
 31 Proposed Initiative Proposition Number One: For Against
 32 (Ballot Statement) _____
 33 Proposed Referendum Proposition Number One: For Against
 34 (Ballot Statement) _____
 35 Other Ballot Propositions: _____ For _____ Against
 36 (Ballot Statement For Each Proposition) _____

38 (b) The official nonpartisan ballot for a primary
 39 election shall be so identified in the title and shall omit
 40 all references to justices of the supreme court, judges of
 41 the district court and circuit court judges but otherwise
 42 shall be in the same form as the general election
 43 nonpartisan ballot.

44
 45 **22-6-127. Rotation of names on nonpartisan ballots.**

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(a) The names of candidates for each nonpartisan office shall be rotated on the ballot in the same manner as required by law for candidates for partisan office.

(b) Rotation is not necessary if the number of candidates is equal to or less than the number of seats up for election.

22-9-104. How to apply; information required.

(a) A qualified elector may apply for an absentee ballot either in person, in writing, or by telephone, by furnishing the following information:

(iii) If a primary election, the political party ballot if desired;

22-10-101. Criteria for approval.

(a) To be approved for use in Wyoming a voting machine shall:

(vi) Permit adjustment at a primary election to assure that an elector will vote only the political party or nonpartisan ballot he is entitled to vote;

22-25-107. Where reports to be filed.

(a) All reports required under this chapter shall be filed as follows:

(vi) Precinct committeemen and precinct committeewomen elected at the primary election shall not be required to file a statement of contributions and expenditures;

