

# Wyoming Secretary of State

## Chuck Gray



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**TO:** HONORABLE COUNTY CLERKS

**FROM:** CHUCK GRAY  
SECRETARY OF STATE

**DATE:** OCTOBER 24, 2023

**SUBJECT:** DIRECTIVE NO. 2023-01 – INTERPRETATION OF HEA 70

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### A. INTRODUCTION AND AUTHORITY

Pursuant to the power and duties granted by the Wyoming Constitution, as elaborated upon by W.S. 22-2-103, which states that the Secretary of State is the chief election officer for the state and shall maintain uniformity in the applications and operations of the election laws of Wyoming, and W.S. 22-2-121(a)(i), which states that the Secretary of State shall provide written directives and instructions relating to and based on the election laws, I, Secretary of State Chuck Gray, hereby issue Directive No. 2023-01, to provide uniform interpretation and guidance in the implementation of House Enrolled Act 70, “Political party affiliation declaration and changes,” which became law on March 2, 2023.

Specifically, this Directive provides uniform interpretation regarding the prohibition of registered voters from changing political party affiliation during a primary election, as specified, while allowing new registrants to register and affiliate with a major party during a primary election, as specified.

### B. STATUTORY INTERPRETATION

House Enrolled Act 70 (“the Act”) amends W.S. 22-5-212 to provide that “[a]n elector requesting a major party ballot shall declare or change party affiliation in accordance with W.S. 22-5-214 before receiving a party ballot,” and that any change in party affiliation “shall be in accordance with the requirements of W.S. 22-5-214[.]” The Act also amends W.S. 22-5-214, adding a new subsection (a) which reads as follows:

(a) For a primary election, an elector may declare or change party affiliation by completing an application signed before a notarial officer or election official and filing it with the county clerk before the first day on which an application for nomination may be filed under W.S. 22-5-209.

Finally, the Act amends W.S. 22-3-115(a)(vi) to provide that a registered elector's registration shall be cancelled upon written request of the elector "at any time except for the period for which party changes are prohibited as specified in W.S. 22-5-214."

The Act does not amend W.S. 22-3-102 or W.S. 22-3-103, which provide the qualifications and process for new registrants to register to vote and affiliate with a political party. Specifically, W.S. 22-3-103(a)(vii) provides that county clerks shall issue voter registration oath forms requiring, among other information, a new registrant's political party affiliation, if any. House Enrolled Act 70 does not amend W.S. 22-3-102 or W.S. 22-3-103. Thus, it does not affect a new registrant's ability to affiliate with a party upon application under W.S. 22-3-103(a)(vii).

As written, the Act prevents registered voters from changing party affiliation from one major political party to another during the period specified in W.S. 22-5-214. The Act also prevents registered voters who are unaffiliated or affiliated with a minor political party from affiliating with a major political party during the period prescribed by W.S. 22-5-214. **Therefore, I hereby direct and instruct each of you to prohibit a registered elector that is affiliated with a major political party, affiliated with a minor political party, or unaffiliated, from changing or declaring their party affiliation to a major political party during the period for which party changes are prohibited as specified in W.S. 22-5-214.**

As written, the Act does not prevent an unregistered voter, or new registrant who otherwise meets the qualifications to register to vote, from registering and declaring an affiliation with a political party within the time period that party changes are otherwise prohibited as specified in W.S. 22-5-214. **Therefore, I hereby direct and instruct each of you to permit an unregistered elector who otherwise meets the qualifications to register to vote, to declare an affiliation with a major political party upon registration, during the period for which party changes are otherwise prohibited as specified in W.S. 22-5-214.**

### C. ILLUSTRATIONS

The following illustrations are meant to further explain and clarify the application of House Enrolled Act 70. Unless otherwise specified, each illustration assumes that the first day on which an application for nomination may be filed under W.S. 22-5-209 is May 16th, that the date of the primary election is August 20th, and that an elector meets all other qualifications to register to vote:

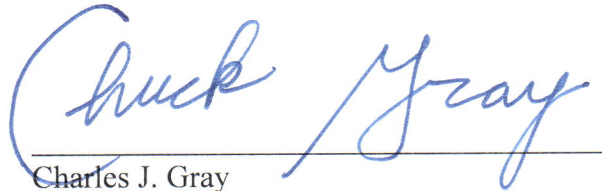
1. John is registered to vote in Johnson County as a Democrat. On June 1st, John requests to change his affiliation from Democrat to Republican. This shall **not** be allowed.
2. Rachel is registered to vote in Washakie County, but is unaffiliated. On June 1st, Rachel requests to affiliate with the Democratic Party to vote in the Democratic primary. This shall **not** be allowed.
3. Jane is registered to vote in Albany County as a Libertarian. On the date of the primary election, she requests to cancel her party affiliation at the polls, and re-register as a Democrat. This shall **not** be allowed.
4. Sam turns 18 on June 1st. On the date of the primary election, he registers for the first time as a Democrat to vote in the Democratic primary election. This shall be allowed.
5. Joni is a registered Republican but she cancels her voter registration on May 2nd.

- Joni re-registers to vote on August 1st as a Democrat. Joni shall be allowed to register as a Democrat and vote as a Democrat in the primary election.
6. Jim is over the age of 18, but is not registered to vote in Crook County. He registers to vote on August 1st as a Republican. Jim shall be allowed to register as a Republican and vote as a Republican in the primary election.

#### **D. CONCLUSION**

This Directive is necessary to ensure the proper conduct of the upcoming 2024 Primary Election. I will determine any questions regarding how to interpret this Directive or how it applies to other provisions of the Election code at my sole discretion.

SIGNED THIS 24TH DAY OF OCTOBER, 2023.



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Charles J. Gray  
Wyoming Secretary of State