

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO.

Voter qualifications-durational residency requirement.

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

A BILL

for

1 AN ACT relating to elections; requiring a qualified elector  
2 to be a bona fide resident of the state of Wyoming for not  
3 less than thirty (30) days before the date of the election  
4 in which they offer to vote; and providing for an effective  
5 date.

6

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

8

9 **Section 1.** W.S. 18-16-102(a)(ix) by creating a new  
10 subparagraph (G), 22-1-102(a)(xxvi), 22-3-102(a) by  
11 creating a new paragraph (vi), 22-3-103(b) and

1 22-29-104(a)(v) by creating a new subparagraph (G) are  
2 amended to read:

3

4 **18-16-102. Definitions.**

5

6 (a) As used in this act:

7

8 (ix) "Qualified elector" means a natural person  
9 who:

10

11 (G) Has been a bona fide resident of  
12 Wyoming for not less than thirty (30) days before the date  
13 of the election at which he offers to vote.

14

15 **22-1-102. Definitions.**

16

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

22

1           (xxvi) "Qualified elector" includes every  
2 citizen of the United States who is a bona fide resident of  
3 Wyoming, has been a bona fide resident of Wyoming for not  
4 less than thirty (30) days before the date of the election  
5 at which he offers to vote, has registered to vote and will  
6 be at least eighteen (18) years of age on the day of the  
7 election at which he may offer to vote. No person is a  
8 qualified elector who is a currently adjudicated mentally  
9 incompetent person, or who has been convicted of a felony  
10 and his civil or voting rights have not been restored. A  
11 literacy test shall not be imposed as a condition to voting  
12 in any election;

13

14           **22-3-102. Qualifications; temporary registration.**

15

16           (a) A person may register to vote not less than  
17 fourteen (14) days before an election, at any election  
18 specified in W.S. 22-2-101(a)(i) through (viii) or as  
19 provided by W.S. 22-3-117, who satisfies the following  
20 qualifications:

21

1           (vi) He has been a bona fide resident of Wyoming  
2 for not less than thirty (30) days before the date of the  
3 election at which he offers to vote.

4  
5           **22-3-103. Furnishing of oath forms; contents thereof.**

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7           (b) Following the provision of the information  
8 required in subsection (a) of this section, the form shall  
9 require the applicant's signature in full below the  
10 following oath:

11  
12 I, . . . ., do solemnly swear (or affirm) that I am a citizen  
13 of the United States; that I am a bona fide resident of the  
14 state of Wyoming and this county; I have resided in the  
15 state for not less than thirty (30) days before the date of  
16 the election; that if registered in another county or  
17 state, I hereby request that my registration be withdrawn;  
18 that I will be at least eighteen (18) years of age on or  
19 before the next election; that I am not currently  
20 adjudicated a mentally incompetent person, that I have not  
21 been convicted of a felony, or if I have been convicted of  
22 a felony, I have had my civil or voting rights restored by  
23 a competent authority; and that the voter registration

1 information contained herein is true and accurate to my  
2 best knowledge and belief.

3

4 .... (Signature in full of applicant)

5

6 Subscribed and affirmed or sworn to before me by .... this  
7 .... day of ....., (year).

8

9 .... (Signature and title of registry agent  
10 or person authorized to administer oaths)

11

12 **22-29-104. Definitions when principal act is silent.**

13

14 (a) When used in a principal act, the following  
15 definitions apply, unless the term is otherwise  
16 specifically defined in that principal act:

17

18 (v) "Qualified elector" means a natural person  
19 who:

20

21 (G) Has been a bona fide resident of  
22 Wyoming for not less than thirty (30) days before the date  
23 of the election at which he offers to vote.

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

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STAFF COMMENT

For reference, five of the six neighboring states to Wyoming do maintain durational residency requirements for voters, with Nebraska being the only state that does not require residency for any fixed period of time before a person may vote in an election. A short excerpt of each state's requirements are as follows:

- Colorado: must be a resident in the state for twenty-two days immediately prior to the election in which the person intends to vote. C.R.S. 1-2-101(1)(b).
- Idaho: must be a resident of the state and the county in which the person offers to vote thirty days prior to the day of the election. Idaho Code § 34-402.
- Montana: must be a resident of the state and the county in which the person offers to vote for at least thirty days. M.C.A 13-1-111(1)(c).
- Nebraska: must be a resident of the state but there is no additional durational residency requirement. R.R.S. Neb. § 32-110.
- South Dakota: must maintain residence in the state for at least thirty days prior to submitting a voter registration form. S.D.C.L. § 12-4-1 (note: this requirement was passed this year pursuant to South Dakota Senate Bill 139).
- Utah: must be a resident of the state in which the person offers to vote for at least thirty days immediately before the election. Utah Code Ann. § 20A-2-101.

1 Under the federal Voting Rights Act, specifically 52 U.S.C.  
2 § 10502(c), any citizen who is otherwise qualified to vote  
3 in an election for the president and vice president of the  
4 United States cannot be denied the right to vote in that  
5 election based on a durational residency requirement of the  
6 state or political subdivision in which they reside.

7  
8 While many states do have durational residency  
9 requirements, there is not a uniform way in which the  
10 federal provision has been implemented. Many states do not  
11 address the federal requirement in statute but would be  
12 otherwise required to allow voters who would not meet the  
13 state's residency requirements to vote for the president  
14 and vice president of the United States.

15  
16 However, Wisconsin is an example of a state that does  
17 include a provision to allow for presidential voting  
18 despite a durational residency requirement in the state's  
19 election code:

20  
21 "Any person who was or who is an eligible elector under ss.  
22 6.02 and 6.03, except that he or she has been a resident of  
23 this state for less than 28 consecutive days prior to the  
24 date of the presidential election, is entitled to vote for  
25 the president and vice president but for no other offices.  
26 The fact that the person was not registered to vote in the  
27 state from which he or she moved does not prevent voting in  
28 this state if the elector is otherwise qualified." Wis.  
29 Stat. § 6.15.

30  
31 The Committee may wish to consider whether or not to  
32 include similar language into this bill draft regarding  
33 durational residency requirements.

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35 \*\*\*\*\*  
36 \*\*\*\*\*  
37

38 (END)