

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Election offenses-intimidation.

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

A BILL

for

1 AN ACT relating to elections; creating the misdemeanor
2 offense of election intimidation; creating the felony
3 offense of aggravated election intimidation; providing for
4 penalties; repealing an inconsistent provision; and
5 providing for an effective date.

6

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

8

9 **Section 1.** W.S. 22-26-122 is created to read:

10

11 **22-26-122. Election intimidation.**

12

1 (a) Election intimidation consists of:

2

3 (i) Inducing, or attempting to induce, fear in
4 an election official or elector by use of verbal threats of
5 force, violence, harm or loss, or any form of economic
6 retaliation, with the intent to impede or prevent the free
7 exercise of the elective franchise or the impartial
8 administration of the Election Code; or

9

10 (ii) Soliciting the contribution of funds, other
11 items of value or election assistance to the campaign of
12 any candidate, candidate's committee, political action
13 committee or sponsors of a ballot proposition, by use of
14 verbal threats of physical violence or any form of economic
15 or official retaliation.

16

17 (b) It is not a defense to a prosecution under this
18 section that the defendant did not in fact possess the
19 ability to carry out the threat made.

20

21 **Section 2.** W.S. 22-17-101(a)(v), 22-26-101(a)(x),
22 22-26-111(a)(i) and (ii) and 22-26-112(a) by creating a new
23 paragraph (xi) are amended to read:

1

2 **22-17-101. Right to contest elections; exception;**
3 **grounds.**

4

5 (a) A qualified elector may contest the right of a
6 person declared elected to an office in the elector's
7 county, municipality, district or precinct, other than the
8 office of state legislator, United States president and
9 vice-president and presidential elector, on the following
10 grounds:

11

12 (v) The person whose election is contested
13 violated the provisions of W.S. 22-26-101 through ~~22-26-121~~
14 22-26-122.

15

16 **22-26-101. Felony offenses generally.**

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18 (a) The following acts in connection with or related
19 to the election process or an election, if knowingly and
20 willfully committed, are felony offenses punishable by not
21 more than five (5) years' imprisonment in the state
22 penitentiary or a fine of not more than ten thousand
23 dollars (\$10,000.00), or both:

1

2

(x) Aggravated election intimidation under W.S.

3

22-26-111;

4

5

22-26-111. Aggravated election intimidation.

6

7

(a) Aggravated election intimidation consists of:

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9

(i) Inducing, or attempting to induce, fear in an election official or elector by use ~~of threats~~ of force, violence, harm or loss, ~~or any form of economic retaliation, for the purpose of impeding or preventing~~ with the intent to impede or prevent the free exercise of the elective franchise or the impartial administration of the Election Code; or

16

17

(ii) Soliciting the contribution of funds, other items of value or election assistance to the campaign of any candidate, candidate's committee, political action committee or sponsors of a ballot proposition, by use ~~of threats~~ of physical violence. ~~or any form of economic or official retaliation.~~

23

1 **22-26-112. Misdemeanor offenses generally.**

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

8

9 (xi) Election intimidation under W.S. 22-26-122.

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11 **Section 3.** W.S. 22-26-111(b) is repealed.

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13 *****

14

STAFF COMMENT

15

For reference the repealed provision reads:

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17 (b) It is not a defense to a prosecution under this
18 section that the defendant did not in fact possess the
19 ability to carry out the threat made.

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21 Considering the change to aggravated election intimidation,
22 this subsection was repealed as a person must actually use
23 physical force or otherwise carry out a threat made to meet
24 the elements of that crime.

25

26

27 **Section 4.** This act is effective July 1, 2024.

28

29

(END)