

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

SENATE FILE NO.

Election transparency.

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

A BILL

for

1 AN ACT relating to elections; requiring paper ballots as
2 specified; providing for the automatic tabulation of paper
3 ballots; providing a process for the certain recounts to be
4 conducted by hand counting the votes; revising the time
5 that absentee polling places may be open; revising dates of
6 the primary election and the county and state canvass to
7 allow time for hand counting as specified; creating an
8 account; making conforming amendments; repealing
9 conflicting provisions; providing an appropriation; and
10 providing for an effective date.

11

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

1

2 **Section 1.** W.S. 22-13-119 is created to read:

3

4 **22-13-119. Paper ballots required; exceptions.**

5

6 (a) Notwithstanding any other provision of law, each
7 county shall provide paper ballots as the default voting
8 method for all in-person voting in all elections in
9 Wyoming. The county clerk shall provide all voters with a
10 paper ballot and a process to hand mark the ballot secretly
11 as provided in this Election Code. The paper ballots shall
12 be designed to permit automatic tabulation under this
13 election code, provided that the votes shall be tabulated
14 directly from the votes marked by the voter on the paper
15 ballot.

16

17 (b) Subsection (a) of this section shall not prohibit
18 any county clerk from providing electronic ballot marking
19 devices for use by electors who choose to use them.
20 Electronic ballot marking devices shall comply with all
21 federal accessibility requirements and shall conform with
22 the requirements of this Election Code for voting machines
23 and electronic voting systems. Nothing in this subsection

1 shall authorize any county to use electronic ballot marking
2 devices as the default method of marking ballots in the
3 county.

4

5 (c) As used in this section, "electronic ballot
6 marking device" means any electronic device that assists
7 voters in marking ballots, including, without limitation,
8 any voting machine that uses a touch screen to produce a
9 marked paper ballot or ballot card.

10

11 **Section 2.** W.S. 22-1-102(a)(xlii), 22-2-104(b), (d),
12 22-8-102, 22-8-108(a), (c), (d) and by creating a new
13 subsection (e), 22-9-125(a)(ii), (b), 22-10-102, 22-11-102,
14 22-14-114(a), 22-16-103(c)(i), 22-16-109,
15 22-16-110(a)(intro), 22-16-111(a), (b), 22-16-113,
16 22-16-118, 22-21-109 and 22-22-203(b) are amended to read:

17

18 **22-1-102. Definitions.**

19

20 (a) The definitions contained in this chapter apply
21 to words and phrases used in this Election Code and govern
22 the construction of those words and phrases unless they are

1 specifically modified by the context in which they appear.

2 As used in this Election Code:

3

4 (xlii) "Recount" is the counting of ballots by
5 hand or the processing of ballots through the tabulation
6 system for an additional time or times, ~~conducted~~ for the
7 specific purpose of counting votes again in any specific
8 race, ~~based upon the criteria of~~ as provided in W.S.
9 22-16-109 ~~or 22-16-111~~ through 22-16-113;

10

11 **22-2-104. Election dates.**

12

13 (b) A primary election shall be held at the regular
14 polling places for each precinct on the first Tuesday after
15 the ~~third~~ second Monday in August in general election years
16 for the nomination of candidates for partisan and
17 nonpartisan offices to be filled at the succeeding general
18 election and for the election of major party precinct
19 committeemen and committeewomen.

20

21 (d) Every bond election shall be held on the same day
22 as a primary election or a general election, or on the
23 first Tuesday after the first Monday in May or November, or

1 on the first Tuesday after the ~~third~~second Monday in
2 August.

3

4 **22-8-102. Qualifications.**

5

6 Except as otherwise provided by this section, judges of
7 election and members of counting boards shall be registered
8 electors and shall be physically, morally and mentally
9 competent to perform their duties. The county clerk may
10 appoint persons who are at least sixteen (16) years of age
11 to serve as judges of election or members of counting
12 boards if such persons meet all other requirements for
13 qualification of an elector. A judge of election shall not
14 be a member of a counting board at the same election except
15 as provided by W.S. 22-8-108(d) and (e).

16

17 **22-8-108. Appointment, composition and authority of**
18 **counting boards; when judges to count.**

19

20 (a) Unless ballots are tabulated by electronic voting
21 systems, the county clerk shall appoint a counting board
22 for each ~~paper ballot~~ polling place casting more than three
23 hundred (300) votes at the last general election, and may

1 appoint a counting board in such a polling place in which
2 one hundred fifty (150) or more such votes were cast at
3 such election. A counting board shall have three (3)
4 members or more to facilitate the counting of votes. No
5 more than one (1) person under the age of eighteen (18) may
6 be appointed as to each counting board.

7
8 (c) The counting board ~~in a paper ballot polling~~
9 ~~place~~ appointed under subsection (a) of this section has no
10 authority to act until polls are declared closed as
11 provided in W.S. 22-13-117, except as provided in W.S. 22-
12 9-125(d). A counting board in an electronic voting system
13 counting center may commence preparing absentee ballots for
14 counting at any time on election day, or before election
15 day as provided in W.S. 22-9-125(d).

16
17 (d) For a polling place where a counting board need
18 not be appointed under subsection (a) of this section, the
19 judges of election shall count the votes. This subsection
20 shall not apply if ballots are tabulated by electronic
21 voting system.

1 (e) The county clerk shall appoint a counting board
2 for the purposes of completing recounts as provided in W.S.
3 22-16-109. The counting board under this subsection shall
4 consist of not less than three (3) members. Additional
5 counting board members may be appointed if deemed necessary
6 by the county clerk.

7
8 **22-9-125. Alternate procedures for collecting and**
9 **counting absentee ballots.**

10
11 (a) The board of county commissioners may elect to
12 adopt one (1) or both of the following alternate procedures
13 for casting, collecting and counting absentee ballots:

14
15 (ii) Direct that an absentee polling place may
16 be established in the courthouse or other public building
17 which is equipped to accommodate voters from all districts
18 and precincts within the county and shall be open the same
19 hours as the courthouse on normal business days during the
20 time period ~~allowed for absentee voting~~ beginning twenty-one
21 (21) days before the date of the election and ending at the
22 close of business on the day before the election. If this
23 alternate procedure is used, the county clerk may also

1 establish in one (1) or more public buildings within the
2 county additional satellite absentee polling places to
3 accommodate voters. A satellite absentee polling place
4 shall be open only on the dates and at the times specified
5 by the county clerk during the time period ~~allowed for~~
6 ~~absentee voting~~ beginning twenty-one (21) days before the
7 date of the election and ending at the close of business on
8 the day before the election.

9
10 (b) In the case of electronic voting systems using
11 either alternate procedure provided in subsection (a) of
12 this section, paper ballots shall be the default method of
13 voting as provided in W.S. 22-13-119. The ballots may be
14 tabulated automatically on election day and the ballot
15 counts shall be entered at the designated counting center
16 at the time the polls close on election day.

17

18 **22-10-102. Selection by county commissioners.**

19

20 Subject to the limitations of W.S. 22-13-119, the board of
21 county commissioners may adopt for use in any precinct in
22 the county a type of voting machine meeting the standards
23 specified in W.S. 22-10-101.

1

2 **22-11-102. Use authorized; purchase or lease.**

3

4 Subject to the limitations of W.S. 22-13-119, the board of
5 county commissioners of each county may adopt for use,
6 either experimentally or permanently, in any election in
7 any or all polling places within the county, any electronic
8 voting system authorized by law.

9

10 **22-14-114. Counting of ballots.**

11

12 (a) The following shall apply to the counting of
13 ballots:

14

15 (i) For ballots designed to be counted by
16 machine, including paper ballots as provided under W.S. 22-
17 13-119, each individual vote shall be determined by the
18 voting equipment and shall not be determined subjectively
19 by human tabulation except as provided below:

20

21 (A) When the intent of the voter is
22 unmistakable but the ballot was received in such damaged,
23 soiled, or other condition that it is rejected by the

1 machine. The secretary of state may promulgate rules
2 establishing standards for counting such ballots;.

3

4 (B) When being recounted by hand in
5 accordance with W.S. 22-16-109. The secretary of state may
6 promulgate rules establishing standards for counting such
7 ballots;

8

9 (C) When counting write-in votes by
10 candidate under W.S. 22-16-103(a)(iii).

11

12 (ii) For ballots not designed to be counted by
13 machine, only votes clearly marked, as provided by W.S. 22-
14 14-104 and rules promulgated pursuant to this code, shall
15 be tallied;.

16

17 (iii) For write-in votes, names which are
18 misspelled or abbreviated or the use of nicknames of
19 candidates shall be counted for the candidate if the vote
20 is obvious to the board.

21

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

23

1 (c) The county canvassing board shall:

2

3 (i) Meet as soon as all returns have been
4 received and abstracted, but if any provisional ballots
5 have been cast in the county, not before the time has
6 passed for provisional voters to document their eligibility
7 to register or to vote. The board shall meet at a time and
8 place designated by the county clerk, but no later than the
9 ~~first~~second Friday following the election;

10

11 **22-16-109. Recounts.**

12

13 (a) The county canvassing board shall make a recount
14 of precinct votes if it appears to the board that a recount
15 is required due to irregularities in that precinct. The
16 recount under this subsection may be conducted by a hand
17 count or by using electronic voting equipment as determined
18 by the county canvassing board.

19

20 (b) Prior to the county canvass, there shall be a
21 recount made of all the votes:

22

1 (i) Cast for any federal, statewide or
2 legislative office in which the difference in number of
3 votes cast for the winning candidate receiving the least
4 number of votes and the number of votes cast for the losing
5 candidate receiving the greatest number of votes is less
6 than ~~one percent (1%)~~ two percent (2%) of the number of
7 votes cast for the winning candidate receiving the least
8 number of votes cast for that office in that county. This
9 recount shall be made in the entire district in which the
10 candidates are standing for election in that county. This
11 recount shall be conducted by a hand count. A recount under
12 this subsection shall not be required if a recount is
13 required under paragraph (ii) of this subsection for the
14 same office;

15
16 (ii) Cast for any federal, statewide or
17 legislative office in which the difference in the number of
18 votes cast for the winning candidate receiving the least
19 number of votes and the number of votes cast for the losing
20 candidate receiving the greatest number of votes is less
21 than one percent (1%) of the number of votes cast for the
22 winning candidate receiving the least number of votes cast
23 for that office in the entire state or district. This

1 recount shall be made in each county in which the
2 candidates are standing for election. This recount shall be
3 conducted by a hand count;

4
5 (iii) Cast for any other office not specified in
6 paragraph (i) or (ii) of this subsection in which the
7 difference in number of votes cast for the winning
8 candidate receiving the least number of votes and the
9 number of votes cast for the losing candidate receiving the
10 greatest number of votes is less than two percent (2%) of
11 the number of votes cast for the winning candidate
12 receiving the least number of votes cast for that office.
13 This recount shall be made in the entire district in which
14 the candidates are standing for election. This recount
15 shall be conducted by electronic voting equipment.

16
17 (c) There shall be a recount made of all the votes
18 cast for any office if a losing candidate requests one
19 under provision of W.S. 22-16-110. This recount shall be
20 made in the entire district in which the candidate is
21 standing for election. This recount may be conducted by
22 hand count or by using electronic voting equipment as
23 determined by the candidate.

1

2 (d) Not later than the day following an election, the
3 secretary of state may require a recount of not more than
4 one (1) federal, statewide or legislative question or race.
5 The secretary of state shall specify which precincts are to
6 be recounted. This recount may be conducted by hand or by
7 using electronic voting equipment as specified by the
8 secretary of state.

9

10 (e) The county clerk shall have the discretion to
11 recount any ballot proposition or race either by precinct,
12 election district or precinct. This recount may be
13 conducted by hand or by using electronic voting equipment
14 as specified by the county clerk.

15

16 (f) If there is any discrepancy between the recount
17 results and the preliminary election results, the county
18 canvassing board shall determine the official result of the
19 election.

20

21 (g) There is created the election recount account.
22 Funds in the account shall not revert and are continuously
23 appropriated to the secretary of state for costs related to

1 administering hand recounts. The state treasurer shall
2 invest funds within the account in accordance with law. All
3 investment earnings from the account shall be deposited in
4 the general fund.

5
6 **22-16-110. How candidate may obtain recount; where**
7 **affidavit filed.**

8
9 (a) A candidate may obtain a recount of votes for the
10 office he is seeking by making and filing an affidavit
11 alleging that fraud or error occurred in counting,
12 returning or canvassing the votes cast in any part of the
13 district in which he is standing for election. The
14 affidavit shall specify whether the recount should be
15 conducted using electronic voting equipment or by hand
16 count. The affidavit shall be filed in the same office the
17 candidate filed his application for nomination:

18
19 **22-16-111. Recount of ballot proposition.**

20
21 (a) A recount of votes of a ballot proposition may be
22 obtained ~~in one (1) of the following manners~~ as follows:
23

1 (i) A recount will be made:

2

3 (A) If the proposition is a statewide
4 proposition and receives a number of votes, greater or
5 lesser, within one percent (1%) of the number of votes
6 required for passage. The one percent (1%) variance shall
7 be calculated based upon the total number of votes cast on
8 the proposition, except for constitutional amendments in
9 which case the variance shall be calculated based upon the
10 total number of votes cast in the election. This recount
11 shall be conducted by a hand count;

12

13 (B) If the ballot proposition is not a
14 statewide ballot proposition and the proposition receives a
15 number of votes, greater or lesser, within two percent (2%)
16 of the number of votes required for passage. The two
17 percent (2%) variance shall be calculated based upon the
18 total number of votes cast on the proposition, except for
19 constitutional amendments in which case the variance shall
20 be calculated based upon the total number of votes cast in
21 the election. This recount shall be conducted by a hand
22 count.

23

1 (ii) A recount will be made if requested in an
2 affidavit signed by twenty-five (25) electors registered in
3 a district voting on the question. The affidavit shall be
4 filed with the county clerk not later than two (2) days
5 after the county canvass has been completed for
6 propositions voted on in one (1) county, and with the
7 secretary of state not later than two (2) days after the
8 state canvass has been completed for propositions voted on
9 in more than one (1) county. The affidavit shall be
10 accompanied by a deposit ~~of one hundred dollars (\$100.00)~~
11 as specified in W.S. 22-16-113(a). The affidavit shall
12 specify whether the recount should be conducted by hand
13 count or by electronic voting equipment.

14

15 (b) The county in which the recount is taken shall
16 pay the costs of the recount if the recount is required by
17 ~~subsection~~ paragraph (a)(i) of this section; and the
18 signers of the affidavit referred to in ~~subsection~~
19 paragraph (a)(ii) of this section shall be jointly and
20 severally liable for the costs of the recount requested by
21 them ~~up to five hundred dollars (\$500.00) per~~ for each
22 county recounted if the results of the election are not
23 changed by the recount.

1

2 **22-16-113. Recount deposit; expense of recount.**

3

4 (a) An affidavit requesting a recount must be
5 accompanied by the following deposit:

6

7 (i) If the ~~difference in number of votes cast as~~
8 ~~calculated pursuant to W.S. 22-16-109(b) is one percent~~
9 ~~(1%) or greater but less than five percent (5%), five~~
10 ~~hundred dollars (\$500.00)~~ affidavit requests that the
11 recount be conducted by electronic voting equipment, an
12 amount determined by the county clerk not to exceed one
13 thousand dollars (\$1,000.00);

14

15 (ii) If the ~~difference in number of votes cast~~
16 ~~as calculated pursuant to W.S. 22-16-109(b) is five percent~~
17 ~~(5%) or greater, three thousand dollars (\$3,000.00)~~
18 affidavit requests that the recount be conducted by hand
19 count, an amount determined by the county clerk not to
20 exceed five thousand dollars (\$5,000.00).

21

22 (b) If the recount shows sufficient error to change
23 the result of the election, the county in which the recount

1 is taken shall pay expenses of the recount and the deposit
2 shall be returned. Otherwise the applicant or applicants
3 seeking the recount shall be liable for the actual cost of
4 conducting the recount up to a maximum of the amount
5 deposited under subsection (a) of this section, ~~per~~for
6 each county recounted. Every county clerk shall issue a
7 complete accounting of all costs of the recount to the
8 ~~candidate~~applicant or applicants requesting the recount,
9 and shall refund any surplus to the ~~candidate~~applicant or
10 applicants. If the actual cost of conducting the recount
11 exceeds five thousand dollars (\$5,000.00), the county clerk
12 may seek reimbursement of reasonable expenses from the
13 secretary of state. Reasonable expenses are limited to
14 facility fee rental, wages, per diem of twenty-five dollars
15 (\$25.00) per day and mileage for election judges and county
16 clerk staff. The secretary of state shall reimburse those
17 reasonable expenses from the election recount account to
18 the extent funds are available in the account. If
19 requesting reimbursement from the secretary of state, the
20 county clerk shall provide a complete accounting of all
21 costs of the recount and the deposit paid by the applicant
22 or applicants.

23

(c) If the recount is initiated by the county clerk,
county canvassing board or required by W.S. 22-16-109(b),
the cost of the recount shall be paid by the county in
which the recount is taken regardless of the result of the
recount. If the recount is initiated by the secretary of
state under W.S. 22-16-109(d), the cost of the recount
shall be paid by the secretary of state regardless of the
result of the recount.

22-16-118. Meeting of state canvassing board.

The state canvassing board shall meet no later than the
~~second~~third Wednesday following the election. The
secretary of state shall send a messenger to obtain
official county abstracts not filed in a reasonable length
of time. The canvassing board shall meet at the time and
place set by the secretary of state. The board shall review
the state abstracts prepared by the secretary of state,
compare them with the tabulation and materials prepared by
the secretary of state, resolve any tie votes, and certify
the abstract as the official state canvass.

22-21-109. Supplies; regulations; costs.

1

2 Subject to the limitations of W.S. 22-13-119, the county
3 clerk may utilize voting machines or electronic voting
4 systems at any bond election and may prescribe the form of
5 the ballot, the duties of election officials, and other
6 reasonable regulations pertaining thereto. The political
7 subdivision holding the bond election shall pay the actual
8 costs of the election or an equitably proportioned share of
9 a concurrent election, as determined by the county clerk.

10

11 **22-22-203. Determining validity of application;**
12 **placement on ballot; procedure for multi-county districts.**

13

14 (b) Subject to the limitations of W.S. 22-13-119,
15 each county clerk in each election involving a school or
16 community college district which crosses county boundaries
17 shall determine whether voting machines, electronic voting
18 system, paper ballots, or a combination thereof, shall be
19 used to ~~insure~~ensure that each qualified elector votes
20 only for the candidate or candidates from the school
21 district and trustee residence area, if any, and from the
22 community college district and subdistrict, if any, for
23 which he is entitled to vote.

1

2 **Section 3.** W.S. 22-8-108(b) and 22-16-111(c) are
3 repealed.

4

5 **Section 4.** There is appropriated two hundred thousand
6 dollars (\$200,000.00) from the general fund to the election
7 recount account under W.S. 22-16-109(g), as created by
8 section 2 of this act.

9

10 **Section 5.** This act is effective July 1, 2026.

11

12 (END)