

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Pen and paper ballots.

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

A BILL

for

1 AN ACT relating to elections; requiring counties to use pen
2 and paper as the default method to mark ballots for
3 elections in Wyoming; providing an exception; making
4 conforming amendments; and providing for an effective date.

5

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

7

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

9

10 **22-13-119. Paper ballots required; exceptions.**

11

1 (a) Notwithstanding any other provision of law, each
2 county shall provide paper ballots and pens as the default
3 method to mark ballots for all in-person voting in all
4 elections in Wyoming. The county clerk shall provide all
5 voters with a paper ballot and a pen to mark the ballot
6 secretly as provided in this Election Code.

7
8 (b) Subsection (a) of this section shall not prohibit
9 any county clerk from providing electronic ballot marking
10 devices for use by persons with disabilities. Electronic
11 ballot marking devices shall comply with all federal
12 accessibility requirements, including under the Help
13 America Vote Act of 2002, P.L. 107-252, and shall conform
14 with the requirements of this Election Code for voting
15 machines and electronic voting systems. Nothing in this
16 subsection shall authorize any county to use electronic
17 ballot marking devices as the default method of marking
18 ballots in the county.

19
20 (c) As used in this section:

21

1 (i) "Disability" has the meaning stated in the
2 Americans with Disabilities Act of 1990, as amended by the
3 Americans with Disabilities Amendments Act of 2008;

4
5 (ii) "Electronic ballot marking device" means
6 any electronic device that assists voters in marking
7 ballots, including, without limitation, any voting machine
8 that uses a touch screen to produce a marked paper ballot
9 or ballot card.

10
11 **Section 2.** W.S. 22-10-102, 22-11-102, 22-21-109 and
12 22-22-203(b) are amended to read:

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14 **22-10-102. Selection by county commissioners.**

15
16 Subject to the limitations of W.S. 22-13-119, the board of
17 county commissioners may adopt for use in any precinct in
18 the county a type of voting machine meeting the standards
19 specified in W.S. 22-10-101.

20
21 **22-11-102. Use authorized; purchase or lease.**

22

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

6
7 **22-21-109. Supplies; regulations; costs.**

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

17
18 **22-22-203. Determining validity of application;**
19 **placement on ballot; procedure for multi-county districts.**

20
21 (b) Subject to the limitations of W.S. 22-13-119,
22 each county clerk in each election involving a school or
23 community college district which crosses county boundaries

1 shall determine whether voting machines, electronic voting
2 system, paper ballots, or a combination thereof, shall be
3 used to ~~insure~~ensure that each qualified elector votes
4 only for the candidate or candidates from the school
5 district and trustee residence area, if any, and from the
6 community college district and subdistrict, if any, for
7 which he is entitled to vote.

8

9 **Section 3.** This act is effective immediately upon
10 completion of all acts necessary for a bill to become law
11 as provided by Article 4, Section 8 of the Wyoming
12 Constitution.

13

14 (END)