

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Ballot harvesting-prohibition.

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

A BILL

for

1 AN ACT relating to elections; prohibiting a person from
2 delivering ballots of other electors to the county clerk;
3 providing exceptions; specifying that ballots shall not be
4 tabulated as specified; providing a penalty; and providing
5 for an effective date.

6

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

8

9 **Section 1.** W.S. 22-9-113 and 22-26-101(a) by creating
10 a new paragraph (xii) are amended to read:

11

12 **22-9-113. Completing and return of ballot.**

1

2 (a) Upon receipt, a qualified elector shall mark the
3 ballot and sign the affidavit. The ballot shall then be
4 sealed in the inner ballot envelope and mailed or delivered
5 to the clerk subject to subsections (b) and (c) of this
6 section.

7

8 (b) No person shall deliver a ballot to the clerk
9 unless the person is the qualified elector who is casting
10 the ballot, the person is immediate family of the qualified
11 elector or the person is an employee of a residential care
12 facility authorized to deliver a ballot under subsection
13 (c) of this section. This subsection shall not apply to
14 ballots that are mailed to the clerk.

15

16 (c) An employee of a residential care facility,
17 including nursing homes, assisted living facilities, adult
18 family homes and community-based residential facilities, or
19 a bona fide caregiver may deliver absentee ballots on
20 behalf of not more than five (5) qualified electors per
21 election residing in that facility as provided in this
22 subsection. For each absentee ballot delivered on behalf of
23 a qualified elector under this subsection, the employee

1 shall concurrently file an affidavit with the county clerk
2 on a form prescribed by the secretary of state attesting
3 under penalty of perjury that, among other requirements
4 specified by the secretary of state, the employee is
5 authorized to deliver the ballot on behalf of the qualified
6 elector under this subsection. Not later than thirty (30)
7 days following each election, the county clerk shall
8 transmit copies of all affidavits received under this
9 subsection pertaining to that election to the secretary of
10 state.

11
12 (d) If a county clerk, county canvassing board member
13 or other election official becomes aware of a violation of
14 subsection (b) or (c) of this section before ballot
15 tabulation, any ballot that is delivered in violation of
16 subsection (b) or (c) of this section shall not be
17 tabulated. If a ballot is improperly delivered to the
18 county clerk in violation of this section, the county clerk
19 shall attempt to provide notice to the qualified elector
20 that the qualified elector's ballot has not been tabulated.

21
22 **22-26-101. Felony offenses generally.**
23

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

7

8 (xii) Violating W.S. 22-9-113(b).

9

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

14

15 (END)