

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Elections-hand counting for recounts.

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

A BILL

for

1 AN ACT relating to elections; providing a process for
2 certain recounts to be conducted by hand counting the
3 votes; authorizing the secretary of state and county clerks
4 to require recounts; providing for hand counts to be
5 requested by candidates; specifying the costs of recounts;
6 clarifying when a counting board is required to be
7 appointed; amending dates related to elections; amending
8 provisions related to election recount judges; specifying
9 requirements for the hand count; requiring rulemaking;
10 creating an account; making conforming amendments;
11 providing appropriations; and providing for an effective
12 date.

1

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

3

4 **Section 1.** W.S. 22-1-102(a)(xlii), 22-2-104(b) and
5 (d), 22-8-101(d), 22-8-102, 22-8-108(a), (c), (d) and by
6 creating a new subsection (e), 22-14-114(a),
7 22-16-103(c)(i), 22-16-109(a) through (c) and by creating
8 new subsections (d) through (g), 22-16-110(a)(intro),
9 22-16-111(a)(intro), (i), (ii) and (b), 22-16-113(a)(i),
10 (ii), (b) and (c), 22-16-118 and 22-21-103 are amended to
11 read:

12

13 **22-1-102. Definitions.**

14

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

20

21 (xlii) "Recount" is the counting of ballots by
22 hand or the processing of ballots through the tabulation
23 system for an additional time or times, ~~conducted~~ for the

1 specific purpose of counting votes again in any specific
2 race, based upon the criteria of W.S. 22-16-109 ~~or~~
3 ~~22-16-111~~ through 22-16-113;

4
5 **22-2-104. Election dates.**

6
7 (b) A primary election shall be held at the regular
8 polling places for each precinct on the first Tuesday after
9 the ~~third~~ first Monday in August in general election years
10 for the nomination of candidates for partisan and
11 nonpartisan offices to be filled at the succeeding general
12 election and for the election of major party precinct
13 committeemen and committeewomen.

14
15 *****
16 *****
17 **STAFF COMMENT**
18 **This bill is based on the engrossed version of 2026 HB 52.**
19 **The introduced version of the bill did not change the date**
20 **of the primary election. The 2026 bill was based on 2025 HB**
21 **232, which did revise the date of the primary election.**
22 *****
23 *****
24

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

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

3
4 **22-8-101. Notice of election officials needed; county**
5 **chairmen to submit list of names; municipal clerks list of**
6 **names appointment.**

7
8 (d) Not later than June 30, the county clerk on each
9 general election year shall appoint judges of election and
10 counting boards and alternates from lists submitted by the
11 county chairmen of the major and minor political parties.
12 This subsection shall not apply to judges appointed by the
13 county clerk to serve on audit boards. This subsection
14 shall not apply to judges appointed to conduct recounts in
15 accordance with W.S. 22-16-109 through 22-16-113.

16
17 **22-8-102. Qualifications.**

18
19 Except as otherwise provided by this section, judges of
20 election and members of counting boards shall be registered
21 electors and shall be physically, morally and mentally
22 competent to perform their duties. The county clerk may
23 appoint persons who are at least sixteen (16) years of age

1 to serve as judges of election or members of counting
2 boards if such persons meet all other requirements for
3 qualification of an elector. A judge of election shall not
4 be a member of a counting board at the same election except
5 as provided by W.S. 22-8-108(d) and (e) and except as
6 provided in this section. For the 2026 primary and general
7 elections, a judge of election shall not be a member of a
8 counting board at the same election except as provided by
9 W.S. 22-8-108(d) or for the purposes of a hand count audit.

10
11 **22-8-108. Appointment, composition and authority of**
12 **counting boards; when judges to count.**

13
14 (a) Unless ballots are tabulated by electronic voting
15 systems, the county clerk shall appoint a counting board
16 for each ~~paper ballot~~ polling place casting more than three
17 hundred (300) votes at the last general election, and may
18 appoint a counting board in such a polling place in which
19 one hundred fifty (150) or more such votes were cast at
20 such election. A counting board shall have three (3)
21 members or more to facilitate the counting of votes. No
22 more than one (1) person under the age of eighteen (18) may
23 be appointed as to each counting board.

1

2 (c) The counting board ~~in a paper ballot polling~~
3 ~~place~~ appointed under subsection (a) of this section has no
4 authority to act until polls are declared closed as
5 provided in W.S. 22-13-117, except as provided in W.S. 22-
6 9-125(d). A counting board in an electronic voting system
7 counting center may commence preparing absentee ballots for
8 counting at any time on election day, or before election
9 day as provided in W.S. 22-9-125(d).

10

11 (d) For a polling place where a counting board need
12 not be appointed under subsection (a) of this section, the
13 judges of election shall count the votes. This subsection
14 shall not apply if ballots are tabulated by electronic
15 voting system.

16

17 (e) The county clerk shall appoint a counting board
18 for the purposes of completing recounts as provided in W.S.
19 22-16-109. The counting board under this subsection shall
20 consist of not less than three (3) members. Additional
21 counting board members may be appointed if deemed necessary
22 by the county clerk.

23

1 **22-14-114. Counting of ballots.**

2

3 (a) The following shall apply to the counting of
4 ballots:

5

6 (i) For ballots designed to be counted by
7 machine, each individual vote shall be determined by the
8 voting equipment and shall not be determined subjectively
9 by human tabulation except as provided below:

10

11 (A) When the intent of the voter is
12 unmistakable but the ballot was received in such damaged,
13 soiled, or other condition that it is rejected by the
14 machine. The secretary of state may promulgate rules
15 establishing standards for counting ~~such~~the ballots;:-

16

17 (B) When being recounted by hand in
18 accordance with W.S. 22-16-109. The secretary of state may
19 promulgate rules establishing standards for counting the
20 ballots;

21

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

1

2 (ii) For ballots not designed to be counted by
3 machine, only votes clearly marked, as provided by W.S. 22-
4 14-104 and rules promulgated pursuant to this code, shall
5 be tallied; ~~;~~

6

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

11

12 **22-16-103. County canvass procedures.**

13

14 (c) The county canvassing board shall:

15

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

23

1 **22-16-109. Recounts.**

2

3 (a) The county canvassing board shall make a recount
4 of precinct votes if it appears to the board that a recount
5 is required due to irregularities in that precinct. The
6 recount under this subsection may be conducted by a hand
7 count or by using electronic voting equipment as determined
8 by the county canvassing board.

9

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

12

13 (i) Cast for any federal, statewide or
14 legislative office in which the difference in number of
15 votes cast for the winning candidate receiving the least
16 number of votes and the number of votes cast for the losing
17 candidate receiving the greatest number of votes is less
18 than ~~one percent (1%)~~ two percent (2%) of the number of
19 votes cast for the winning candidate receiving the least
20 number of votes cast for that office in that county. This
21 recount shall be made in the entire district in which the
22 candidates are standing for election in that county. This
23 recount shall be conducted by a hand count. A recount under

1 this subsection shall not be required if a recount is
2 required under paragraph (ii) of this subsection for the
3 same office;

4
5 (ii) Cast for any federal, statewide or
6 legislative office in which the difference in the number of
7 votes cast for the winning candidate receiving the least
8 number of votes and the number of votes cast for the losing
9 candidate receiving the greatest number of votes is less
10 than one percent (1%) of the number of votes cast for the
11 winning candidate receiving the least number of votes cast
12 for that office in the entire state or district. This
13 recount shall be made in each county in which the
14 candidates are standing for election. This recount shall be
15 conducted by a hand count;

16
17 (iii) Cast for any other office not specified in
18 paragraph (i) or (ii) of this subsection in which the
19 difference in number of votes cast for the winning
20 candidate receiving the least number of votes and the
21 number of votes cast for the losing candidate receiving the
22 greatest number of votes is less than two percent (2%) of
23 the number of votes cast for the winning candidate

1 receiving the least number of votes cast for that office.
2 This recount shall be made in the entire district in which
3 the candidates are standing for election. This recount
4 shall be conducted by electronic voting equipment.

5
6 (c) There shall be a recount made of all the votes
7 cast for any office if a losing candidate requests one
8 under provision of W.S. 22-16-110. This recount shall be
9 made in the entire district in which the candidate is
10 standing for election. This recount may be conducted by
11 hand count or by using electronic voting equipment as
12 determined by the candidate.

13
14 (d) Not later than the day following an election, the
15 secretary of state may require a recount of not more than
16 one (1) federal, statewide or legislative question or race.
17 The secretary of state shall specify which precincts are to
18 be recounted. This recount may be conducted by hand or by
19 using electronic voting equipment as specified by the
20 secretary of state.

21
22 (e) Each county clerk shall have the discretion to
23 recount any ballot proposition or race either by election

1 district or precinct. This recount may be conducted by hand
2 or by using electronic voting equipment as specified by the
3 county clerk.

4
5 (f) If there is any discrepancy between the recount
6 results and the preliminary election results, the county
7 canvassing board shall determine the official result of the
8 election.

9
10 (g) There is created the election recount account.
11 Funds in the account shall not revert and are continuously
12 appropriated to the secretary of state for costs related to
13 administering hand recounts. The state treasurer shall
14 invest funds within the account in accordance with law. All
15 investment earnings from the account shall be deposited in
16 the general fund.

17
18 **22-16-110. How candidate may obtain recount; where**
19 **affidavit filed.**

20
21 (a) A candidate may obtain a recount of votes for the
22 office he is seeking by making and filing an affidavit
23 alleging that fraud or error occurred in counting,

1 returning or canvassing the votes cast in any part of the
2 district in which he is standing for election. The
3 affidavit shall specify whether the recount should be
4 conducted using electronic voting equipment or by hand
5 count. The affidavit shall be filed in the same office the
6 candidate filed his application for nomination:
7

8 **22-16-111. Recount of ballot proposition.**
9

10 (a) A recount of votes of a ballot proposition may be
11 obtained ~~in one (1) of the following manners~~ as follows:
12

13 (i) A recount will be made:
14

15 (A) If the proposition is a statewide
16 proposition and receives a number of votes, greater or
17 lesser, within one percent (1%) of the number of votes
18 required for passage. The one percent (1%) variance shall
19 be calculated based upon the total number of votes cast on
20 the proposition, except for constitutional amendments in
21 which case the variance shall be calculated based upon the
22 total number of votes cast in the election. This recount
23 shall be conducted by a hand count;

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(B) If the ballot proposition is not a statewide ballot proposition and the proposition receives a number of votes, greater or lesser, within two percent (2%) of the number of votes required for passage. This recount shall be conducted by a hand count.

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

(b) The county in which the recount is taken shall pay the costs of the recount if the recount is required by

1 ~~subsection~~ paragraph (a)(i) of this section; and the
2 signers of the affidavit referred to in ~~subsection~~
3 paragraph (a)(ii) of this section shall be jointly and
4 severally liable for the costs of the recount requested by
5 them ~~up to five hundred dollars (\$500.00)~~ per county
6 recounted if the results of the election are not changed by
7 the recount.

8
9 **22-16-113. Recount deposit; expense of recount.**

10
11 (a) An affidavit requesting a recount must be
12 accompanied by the following deposit:

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

21
22 (ii) If the ~~difference in number of votes cast~~
23 ~~as calculated pursuant to W.S. 22-16-109(b) is five percent~~

1 ~~(5%) or greater, three thousand dollars (\$3,000.00)~~
2 affidavit requests the recount be conducted by hand count,
3 an amount determined by the county clerk not to exceed five
4 thousand dollars (\$5,000.00).

5
6 (b) If the recount shows sufficient error to change
7 the result of the election, the county in which the recount
8 is taken shall pay expenses of the recount and the deposit
9 shall be returned. Otherwise the applicant or applicants
10 seeking the recount shall be liable for the actual cost of
11 conducting the recount up to a maximum of the amount
12 deposited under subsection (a) of this section, per county
13 recounted. Every county clerk shall issue a complete
14 accounting of all costs of the recount to the candidate
15 requesting the recount, and shall refund any surplus to the
16 candidate. If the actual cost of conducting the recount
17 exceeds five thousand dollars (\$5,000.00), the county clerk
18 may seek reimbursement of reasonable expenses from the
19 secretary of state. Reasonable expenses are limited to
20 market facility rental fees, excluding facility rental fees
21 for facilities owned by the county or the state, wages at a
22 rate consistent with the compensation under W.S. 22-8-116,
23 per diem of twenty-five dollars (\$25.00) per day and

1 mileage for election judges and county clerk staff. The
2 secretary of state shall reimburse those reasonable
3 expenses from the election recount account. If requesting
4 reimbursement from the secretary of state, the county clerk
5 shall provide a complete accounting of all costs of the
6 recount and the deposit paid by the candidate.

7
8 (c) If the recount is initiated by the county clerk
9 or county canvassing board, ~~or required by W.S.~~
10 ~~22-16-109(b),~~ the cost of the recount shall be paid by the
11 county in which the recount is taken regardless of the
12 result of the recount. If the recount is initiated by the
13 secretary of state under W.S. 22-16-109(d) or required by
14 W.S. 22-16-109(b), the cost of the recount shall be paid by
15 the secretary of state regardless of the result of the
16 recount.

17
18 **22-16-118. Meeting of state canvassing board.**

19
20 The state canvassing board shall meet no later than the
21 ~~second~~ third Wednesday following the election. The
22 secretary of state shall send a messenger to obtain
23 official county abstracts not filed in a reasonable length

1 of time. The canvassing board shall meet at the time and
2 place set by the secretary of state. The board shall review
3 the state abstracts prepared by the secretary of state,
4 compare them with the tabulation and materials prepared by
5 the secretary of state, resolve any tie votes, and certify
6 the abstract as the official state canvass.

7

8 **22-21-103. How bond question to be submitted to**
9 **electors; contents.**

10

11 Each bond question shall be submitted to a vote of the
12 qualified electors of the political subdivision. Every bond
13 election shall be held on the same day as a primary
14 election or a general election, or on the Tuesday next
15 following the first Monday in May or November, or on the
16 Tuesday next following the ~~third~~first Monday in August.
17 Not less than one hundred ten (110) days before a bond
18 election, the political subdivision shall provide written
19 notification to the county clerk specifying the date of the
20 election and the bond question. The bond question shall
21 state the purpose of the bonds, the maximum principal
22 amount thereof, the maximum number of years allowed for the
23 indebtedness and the maximum rate of interest to be paid

1 thereon. The secretary of state may promulgate reasonable
2 rules for conducting bond elections where the election is
3 not held at the same time as the general or primary
4 election.

5
6 **Section 2.** W.S. 22-8-108(b) and 22-16-111(c) are
7 repealed.

8
9 *****
10 *****
11 **STAFF COMMENT**
12 **The text of the repealed subsections is included below for**
13 **the review of the Committee:**

14
15 **22-8-108. Appointment, composition and authority of**
16 **counting boards; when judges to count.**

17
18 (b) A counting board shall be appointed for each
19 designated counting center in each county using an
20 electronic voting system. The board shall consist of at
21 least seven (7) members who shall be the county clerk or
22 his designated deputy, and three (3) members of each major
23 political party appointed by the county clerk. Additional
24 members may be appointed by the county clerk if deemed
25 necessary by the county clerk but equal major party
26 membership shall be assured. No more than one (1) person
27 under the age of eighteen (18) may be appointed as to each
28 counting board.

29
30 **22-16-111. Recount of ballot proposition.**

31
32 (c) The result of the recount shall be the official
33 result of the election.

34
35 *****
36 *****
37

STAFF COMMENT

The engrossed version of 2026 HB 52 included a one-time hand count audit for the 2026 primary and general elections. This bill would be effective after the 2026 elections, so that audit procedure is not included in this draft.

Section 3.

(a) There is appropriated two hundred thousand dollars (\$200,000.00) from the general fund to the election recount account under W.S. 22-16-109(g), as created by section 1 of this act.

(b) There is appropriated three hundred thousand dollars (\$300,000.00) from the general fund to the secretary of state for purposes of the secretary of state providing training to county clerks, the county clerks' staff and election volunteers. This appropriation shall be for the period of July 1, 2027 and ending June 30, 2028. This appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2028.

