

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Poll watchers-polling stations observation.

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

A BILL

for

1 AN ACT relating to elections; amending the appointment and
2 authority of poll watchers to observe polling locations;
3 making conforming amendments; authorizing rulemaking; and
4 providing for an effective date.

5

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

7

8 **Section 1.** W.S. 22-1-102(a)(xxiv), 22-9-125 by
9 creating a new subsection (e), 22-12-101 by creating a new
10 subsection (c), 22-14-102 and 22-15-109 are amended to
11 read:

12

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

2

3 (a) The definitions contained in this chapter apply
4 to words and phrases used in this Election Code and govern
5 the construction of those words and phrases unless they are
6 specifically modified by the context in which they appear.
7 As used in this Election Code:

8

9 (xxiv) "Poll watcher" means a person certified
10 by the county chairman of a political party to observe
11 voter turn out, ~~and~~ voter registration and vote counting. A
12 "poll watcher" is not an election official;

13

14 **22-9-125. Alternate procedures for collecting and**
15 **counting absentee ballots.**

16

17 (e) The responsibilities of poll watchers specified
18 in W.S. 22-15-109 shall apply to any alternate procedures
19 implemented under this section.

20

21 **22-12-101. Designation and notice of polling places;**
22 **external location; change in location.**

23

1 (c) The responsibilities of poll watchers specified
2 in W.S. 22-15-109 shall apply to the designation and notice
3 of polling places under this chapter.

4
5 **22-14-102. Who may be present after all votes are**
6 **cast and polls close; making pollbooks agree; counting**
7 **votes.**

8
9 After all the votes are cast and the polls are officially
10 declared closed, only election judges and poll watchers
11 shall be permitted in a polling place. When all ballots are
12 cast, the machine shall be locked against further voting
13 and sealed as prescribed by law. Except as otherwise
14 provided by W.S. 22-14-114(b), election judges shall
15 commence to count votes and shall continue without
16 adjournment until counting is completed. The
17 responsibilities of poll watchers specified in W.S.
18 22-15-109 shall apply to the procedures implemented and
19 used under this chapter.

20
21 **22-15-109. Poll watchers; certification;**
22 **qualification; authority; removal.**

1 (a) The county chairman of each political party ~~may~~
2 having a candidate on the ballot shall certify voluntary
3 poll watchers prior to the day of the election to serve in
4 ~~each~~-polling ~~place~~-places. The county chairmen of each
5 political party that does not have a candidate on the
6 ballot may certify volunteer poll watchers prior to the day
7 of the election to serve in polling places. Except as
8 otherwise provided in this subsection, not more than one
9 (1) poll watcher from each political party may serve
10 simultaneously unless the chief judge determines that one
11 (1) additional poll watcher from each political party may
12 be accommodated in the polling place without disrupting the
13 polling process. At polling places where multiple precincts
14 are served, there may be one (1) poll watcher for each
15 political party for each precinct served. More than one (1)
16 poll watcher may be present at the polling place for the
17 purposes of poll watchers switching shifts.

18

19 (b) A poll watcher shall belong to the political
20 party he represents and shall be a registered elector
21 residing in the county. A poll watcher shall serve only at
22 the polling ~~place~~-places designated on the certificate by
23 the county chairman in accordance with subsection (a) of

1 this section. A poll watcher is authorized to observe ~~voter~~
2 ~~turn out and registration and~~ every aspect of the election.
3 A poll watcher shall have the authority to be located close
4 enough to hear and see the voters as they check in with
5 election judges. A poll watcher may make written memoranda
6 but shall not challenge voters, attempt to discern for whom
7 an elector has voted, conduct electioneering activities or
8 disrupt the polling process. A poll watcher shall not be
9 prevented from observing all activities and processes at
10 polling places. Poll watchers shall be allowed to observe
11 polling place setup procedures before the polls open and
12 shut-down procedures after the polls close on election day
13 and during any absentee voting period established under
14 W.S. 22-9-125, 22-12-101 and 22-14-102.

15
16 (c) The chief judge may remove a poll watcher from
17 the polling place for disturbing the polling place, or for
18 any other violation of the Election Code. A county chairman
19 of a political party may, before or on the date of the
20 election, designate another certified poll watcher to
21 replace a poll watcher removed under this subsection and
22 shall notify the county clerk of the substitution. No poll
23 watcher shall be denied the ability to watch the polls due

1 to the failure of a political party to provide a poll
2 watching schedule to the clerk before the election.

3
4 (d) For purposes of this section, certifications of
5 poll watchers under subsection (a) of this section shall be
6 considered delivered to the county clerk if sent
7 electronically by close of business the day before the
8 commencement of early voting and by close of business the
9 day before the opening of the polls on election day.
10 Certifications made before the start of early voting may be
11 amended at any time until the opening of polls on election
12 day. The certification shall identify the training
13 completed by the poll watchers.

14
15 (e) Poll watchers shall be provided chairs at the
16 polling places. Poll watchers shall not be restricted to a
17 chair.

18
19 (f) The county clerk may require poll watchers to
20 wear identification badges consistent with the size and
21 format of all other poll worker badges, to include the poll
22 watcher's name, party, polling location and the words "poll
23 watcher". If identification badges are required by the

1 county clerk under this subsection, the county clerk shall
2 require poll watchers to pick up identification badges at
3 the polling place on the day of the election unless the
4 county clerk allows poll watchers to pick up identification
5 badges before the day of the election at a location other
6 than the polling place.

7
8 (g) The secretary of state shall have the authority
9 to promulgate rules to ensure that poll watchers may carry
10 out their responsibilities under this section.

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

16
17 (END)