

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Election purity and hand count act.

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

A BILL

for

1 AN ACT relating to elections; providing for the hand
2 counting of ballots; establishing statewide standards
3 related to the handling and counting of ballots; providing
4 for the reconciling of ballot numbers; prohibiting the use
5 of voting machines for casting or tabulating ballots;
6 repealing provisions related to voting at an absentee
7 polling place; providing duties for county clerks and the
8 secretary of state; revising requirements for the post-
9 election ballot audit; requiring rulemaking; revising
10 offenses related to elections; providing penalties; making
11 conforming amendments; repealing conflicting provisions;

1 making legislative findings; specifying applicability; and
2 providing for an effective date.

3

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

5

6 **Section 1.**

7

8 (a) The legislature finds that:

9

10 (i) Public confidence in election outcomes
11 depends on processes that are transparent, verifiable, pure
12 and secure;

13

14 (ii) The use of electronic tabulation and
15 electronic voting systems has created concerns in the
16 public regarding election oversight, transparency, security
17 and cost;

18

19 (iii) Manual tabulation and counting of paper
20 ballots under uniform statewide standards will increase
21 election accuracy, transparency and voter trust;

22

1 (iv) Wyoming elections should rely on processes
2 that can be observed, audited and replicated by citizens;

3

4 (v) It is necessary to repeal statutory
5 authorizations for electronic tabulation and e-pollbooks
6 and to establish statewide standards for manual tabulation
7 and counting that maintain flexibility for improved
8 counting methods over time.

9

10 (b) The purpose of this act is to transition all
11 Wyoming elections to paper ballots that are manually
12 counted in public view under uniform statewide standards
13 ensuring purity of the vote, transparency, security,
14 accuracy, accessibility and public confidence.

15

16 **Section 2.** W.S. 22-6-201 through 22-6-210 are created
17 to read:

18

19 ARTICLE 2

20 MANUAL BALLOT COUNTING AND AUDITING

21

22 **22-6-201. Paper ballots and design standards.**

23

1 (a) All votes shall be cast on paper ballots that
2 are:

3
4 (i) Able to be read by a human;

5
6 (ii) Able to be manually tallied or hand
7 countable;

8
9 (iii) Designed in accordance with the
10 requirements of this Election Code and with statewide
11 standards established by rule of the secretary of state in
12 accordance with this Election Code. The secretary of state
13 shall use the USCase.org "Gold Standard Elections" white
14 paper guidelines to adopt rules under this paragraph.

15
16 *****
17 *****

18 **STAFF COMMENT**

19 This bill makes several references to a white paper from
20 USCase.org, including any later amendments to the white
21 paper. Deferring to that white paper for the adoption of
22 rules may constitute an unconstitutional delegation of
23 legislative authority to both USCase.org and to the
24 Secretary of State, in violation of the separation of
25 powers, Wyo. Const. Art. 2, Section 1.

26
27 Wyoming case law is clear that the Legislature must provide
28 sufficiently adequate standards or policy statements by
29 which an administrative agency may adopt rules. See,

1 Wyoming Coalition v. Wyoming Game and Fish, 875 P.2d 729
2 (1994) .
3

4 The white paper includes background information and other
5 sections that may not be directly applicable to the
6 adoption of rules by the Secretary of State. Instead of
7 referring directly to the white paper, it may be advisable
8 to take the desired provisions from the white paper and
9 list them in the statute. That approach would give clarity
10 to the Secretary of State on what portions of the white
11 paper to consider, while also removing any contention that
12 the Legislature has unlawfully delegated its authority.

13 *****
14 *****
15

16 (b) Ballots shall contain only text and marks that
17 can be interpreted by human inspection without the aid of
18 electronic tabulation devices.
19

20 (c) Ballots shall include security features
21 sufficient to prevent unauthorized duplication or
22 substitution of ballots as specified by rule of the
23 secretary of state.
24

25 (d) Accessible voting devices permitted under federal
26 law to comply with the Help America Vote Act of 2002, P.L.
27 107-252, shall be used only to produce one (1) ballot per
28 voter that shall be able to be read by a human and that
29 shall be manually counted in the same manner as all other
30 ballots.

1

2 **22-6-202. Ballot security, custody, transport and**
3 **storage.**

4

5 (a) The secretary of state shall adopt uniform
6 statewide standards for the secure production, transport,
7 storage and accounting of ballots that are consistent with
8 the provisions of this article.

9

10 (b) Each county clerk shall maintain a documented
11 chain of custody for all ballots and election materials
12 from printing or receipt of the ballots through final
13 storage of the ballots after the election.

14

15 (c) Every transfer of custody of ballots and election
16 materials shall be recorded with the date, time, persons
17 involved and the seal or container number, if applicable.

18

19 (d) All ballots and election materials shall be
20 stored in sealed containers under continuous video
21 surveillance for not less than twenty-four (24) months
22 after the election.

23

(e) All records and recordings described in this section are public records, subject to reasonable protection of:

(i) Personal voter information as required by law;

(ii) Ballot security details as determined by rule of the secretary of state as necessary to ensure the security of elections.

STAFF COMMENT

Article 6, Section 11 of the Constitution provides that: "All voters shall be guaranteed absolute privacy in the preparation of their ballots, and the secrecy of the ballot shall be made compulsory."

To the extent that subsection (e) above would make ballots a public record, it could be subject to challenge if it compromises the secrecy of ballots.

The counting procedures in 22-6-203 below, including observation by the public and providing for public recordings of the counting, may also need to take into account the need to protect ballot secrecy.

It may be possible to minimize those concerns such as by counting write-in votes separately, requiring observers to take oaths, redacting ballots that would permit identification of individuals or other possible changes.

1 **22-6-203. Publicly conducted manual counting of**
2 **ballots.**

3

4 (a) Manual counting of ballots shall be conducted in
5 public view at the designated counting centers for each
6 county or precinct.

7

8 (b) Observers from political parties, candidates and
9 the public shall be permitted to observe the manual
10 counting of ballots under conditions established by rule of
11 the secretary of state that allow meaningful observation of
12 the counting process without interfering with the process.

13

14 (c) Areas where counting is occurring shall be
15 recorded with video and audio equipment, and recordings of
16 the counting shall be retained by the county clerk for not
17 less than sixty (60) months. Recordings under this
18 subsection shall be made publicly available on the website
19 of the county clerk.

20

21 (d) Before counting begins under this section the
22 election judges shall, subject to observation and recording
23 under subsections (b) and (c) of this section, verify that

1 all containers are sealed, shall note the seal numbers and
2 shall document the total number of ballots received by
3 ballot category as provided in W.S. 22-6-204(b)(v).

4

5 (e) Counting shall begin as soon as practicable after
6 the closing of the polls and shall continue without undue
7 delay until all ballots are fully tallied, counted,
8 reconciled and reported.

9

10 (f) Count totals by precinct and ballot type shall be
11 made public not later than one (1) hour after the
12 completion of tallying, counting and reconciling under this
13 section.

14

15 **22-6-204. Statewide standards for manual counting of**
16 **ballots.**

17

18 (a) All ballots shall be counted by hand using a
19 nationally recognized hand counting methodology and in
20 accordance with uniform statewide counting standards
21 adopted by the secretary of state. The secretary of state
22 shall use the USCase.org "Gold Standard Elections" white
23 paper guidelines to adopt rules under this subsection.

1

2 (b) The uniform statewide counting standards adopted
3 by the secretary of state shall include at minimum:

4

5 (i) Ballot security features to prevent the use
6 of fraudulent printers and duplication systems;

7

8 (ii) Counting teams, including not less than
9 four (4) members who represent not less than two (2)
10 different political affiliations, with balanced
11 representation of political parties to the extent
12 practicable;

13

14 (iii) Oaths of impartiality administered to all
15 counting personnel;

16

17 (iv) Standardized training in ballot handling,
18 determining voter intent, dispute resolution, tally
19 recording, reconciliation and custody documentation;

20

21 (v) Requiring ballots to be separated and
22 counted in three (3) categories:

23

1 (A) Absentee voting;

2

3 (B) Early voting;

4

5 (C) In-person voting on the day of
6 election.

7

8 (vi) Independent tallies conducted by not less
9 than two (2) recorders per team, reconciled and signed
10 before finalizing the vote count;

11

12 (vii) Batch processing procedures allowing
13 verification and identification of discrepancies;

14

15 (viii) Reconciliation of ballots at each
16 transfer of ballots, including matching totals of issued,
17 cast, spoiled, provisional and unused ballots;

18

19 (ix) Documentation linking all tally sheets,
20 reconciliation forms and chain-of-custody records;

21

22 (x) Requiring all documentation to be duplicated
23 and available to be held as copies by head judges;

1

2 (xi) Requiring uniform incident logging for
3 errors, corrections and disputes;

4

5 (xii) Prohibiting the use of any apparatus that
6 automatically examines and counts votes recorded on paper
7 ballots or ballot cards and that tabulates the results.
8 Nothing in this paragraph shall prohibit the use of simple
9 calculators that are used solely for arithmetic operations
10 to sum manually counted tallies.

11

12 (c) Each county shall use a manual counting method
13 that is consistent with the uniform statewide counting
14 standards under this section and that is approved by the
15 secretary of state.

16

17 **22-6-205. Counting for absentee voting, early voting**
18 **and provisional ballots.**

19

20 (a) Ballots from absentee voting and early voting
21 shall be separately verified, stored by precinct and
22 counted under the same security and manual counting

1 standards as ballots from in-person voting on the day of
2 election.

3

4 (b) The outer envelope for each absentee ballot shall
5 be logged upon receipt with a unique identifier, date and
6 time and voter record linkage. Poll books shall be updated
7 to reflect the receipt of the absentee ballot.

8

9 (c) Signatures and voter eligibility shall be
10 verified before separation of the ballot from identifying
11 information.

12

13 (d) Ballots failing verification shall be documented,
14 segregated and excluded from counting pending review by
15 election judges.

16

17 (e) Verified ballots shall be manually counted and
18 included in precinct-level results.

19

20 (f) Provisional ballots shall be stored separately
21 and shall be manually counted after eligibility is
22 confirmed.

23

1 **22-6-206. Timelines for counting; reporting of**
2 **results.**

3
4 (a) Manual counting shall begin as soon as
5 practicable after the close of polls and shall continue
6 without undue delay until all ballots are fully tallied,
7 counted, reconciled and reported.

8
9 (b) The secretary of state may authorize by rule an
10 early start of counting for ballots cast and secured prior
11 to election day, subject to vote secrecy and custody
12 restrictions. The secretary of state shall use the
13 USCase.org "Gold Standard Elections" white paper guidelines
14 to adopt rules under this subsection.

15
16 (c) Each county clerk shall report verified precinct
17 results to the secretary of state as soon as practicable
18 after tallying, counting and reconciling is complete. The
19 secretary of state may establish timelines by rule that are
20 consistent with the requirements of this article.

21
22 (d) Counties shall complete counting within the time
23 limits established under subsection (c) of this section,

1 except in extraordinary circumstances documented in the
2 public record.

3
4 **22-6-207. Rulemaking; training.**

5
6 (a) The secretary of state shall adopt rules
7 necessary to implement this article, including establishing
8 uniform statewide standards for ballot design, chain of
9 custody, manual counting, reconciliation, training and
10 public observation. The secretary of state shall use the
11 USCase.org "Gold Standard Elections" white paper guidelines
12 to adopt rules under this subsection.

13
14 (b) The secretary of state shall establish a
15 standardized curriculum for county clerks to train election
16 officials, judges and counting teams.

17
18 (c) Training sessions conducted under this section
19 shall be open to the public for observation. No person
20 shall conduct counting activities under this article unless
21 the person has completed the training required under this
22 section.

1 **22-6-208. Meetings and notice requirements.**

2

3 (a) Except as provided in subsection (e) of this
4 section, any meeting of the county clerk or the secretary
5 of state concerning the counting, auditing, canvassing or
6 recounting of ballots shall be publicly noticed not less
7 than seven (7) calendar days before the meeting.

8

9 (b) Notice under subsection (a) of this section for a
10 meeting of the county clerk shall be posted on the county
11 website, at the county clerk's office and shall be
12 published in a newspaper of general circulation in the
13 county.

14

15 (c) For county matters, the county clerk shall
16 provide notice of the meeting to the chairmen of all major
17 political parties within the county.

18

19 (d) For state matters, the secretary of state shall
20 provide notice of the meeting to the state chairmen of all
21 major political parties recognized in Wyoming.

22

1 (e) Emergency meetings may be held only to address
2 urgent issues and shall be publicly noticed as soon as
3 practicable with a statement of the emergency that required
4 the emergency meeting.

5
6 (f) All meetings under this section shall be open to
7 the public. Any minutes or recordings of a meeting under
8 this section shall be made available to the public not
9 later than seventy-two (72) hours after the adjournment of
10 the meeting.

11
12 **22-6-209. Recounts.**

13
14 (a) Any recount required by law shall be performed
15 manually in accordance with the same standards and
16 procedures as the initial count.

17
18 (b) Recounts shall be conducted publicly, recorded on
19 video and audio as provided by W.S. 22-6-203(c) and the
20 recordings shall be retained for not less than eight (8)
21 years.

22
23 **22-6-210. Prohibited practices and penalties.**

1

2 (a) No person shall use electronic voting equipment
3 including, but not limited to, tabulators, automated
4 counting equipment, e-pollbooks or scanners in any vote
5 counting conducted under this article. Nothing in this
6 subsection shall prohibit the use of simple calculators
7 that are used solely for arithmetic operations to sum
8 manually counted tallies.

9

10 (b) Any election official or county clerk who
11 knowingly violates this article or rules adopted under this
12 article shall be guilty of a misdemeanor punishable by a
13 fine of not more than five thousand dollars (\$5,000.00) per
14 violation. Nothing in this subsection shall prohibit
15 prosecution for any violation of chapter 26 of this title
16 resulting from a violation of this article.

17

18 (c) The attorney general or any county attorney may
19 enforce this section through civil or criminal proceedings.

20

21 **Section 3.** W.S. 22-1-102(a)(xi) through (xlix) and by
22 creating new paragraphs (lvii) through (lxx), 22-2-121(b),
23 (g), 22-3-113(a), 22-3-117(a)(i), (ii), 22-5-202, 22-6-115,

1 22-6-119(a) (iii), 22-6-121(a), 22-6-122, 22-6-130,
2 22-8-108(b), (c), 22-8-113, 22-8-115(a), 22-9-109(a),
3 22-9-121(c) (i), 22-12-103, 22-12-107(a) (x), 22-12-115,
4 22-13-103(b), 22-13-110, 22-14-102, 22-14-107,
5 22-14-113(b), 22-14-114(a), 22-15-105(a), 22-15-109(b),
6 22-16-103(c) (iv), 22-16-109(a), 22-16-122(a) (intro),
7 (c) (intro), 22-21-109, 22-22-203(b), 22-22-302, 22-26-103,
8 22-26-105, 22-26-106(a) by creating a new paragraph (v),
9 22-26-112(a) by creating a new paragraph (xi),
10 22-26-113(a) (intro), 22-26-114, 22-26-119 and
11 22-29-114(e) (intro) are amended to 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 (xi) "Counting center" or "hand counting center"
22 is the ~~location or locations designated~~ precinct

1 established by the county clerk for the ~~automatic~~
2 ~~tabulating and~~ manual counting and tallying of ballots;

3

4 (xxii) "Pollbook" means a paper book, ~~or~~
5 ~~hardware, software or any combination thereof commonly~~
6 ~~referred to as an electronic pollbook,~~ used in a polling
7 place on election day containing information specified by
8 law;

9

10 (xxxii) "Tally sheet" means the ~~document used to~~
11 ~~tabulate hand counted paper ballots~~ official form used by
12 counting teams and tally judges to record vote totals for
13 each candidate and ballot measure and that shall be signed
14 by all team members participating in the manual count;

15

16 (xxxiv) "Voting device" means:

17

18 (B) A device for marking the ballots with
19 ink or another substance; ~~or~~

20

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

~~purpose of counting votes again in any specific race, based upon the criteria of W.S. 22-16-109 or 22-16-111~~ second or subsequent count of ballots performed by hand to verify results or resolve discrepancies as required by law;

(xlix) "Vote center" means a polling place at which any registered elector in the political subdivision holding the election may vote, regardless of the precinct in which he resides; ~~connected through secure internet connections to provide voting information to and receive voting information from the electronic pollbook maintained by the county clerk and used as an option to traditional polling places at the discretion of the county clerk;~~

(lvii) "Ballot reconciliation" means the process of comparing the total number of ballots that are issued, cast, spoiled, voted as provisional ballots and that are unused ballots to verify that the totals match the number of ballots originally received by a precinct or counting center;

(lviii) "Chain of custody" means the continuous documentation of the possession, transfer and storage of

1 ballots and related election materials from printing
2 through final archival storage;

3
4 (lix) "Counting team" means a group of trained
5 election workers assigned to manually count ballots in
6 public view;

7
8 (lx) "Early voting" means absentee voting before
9 election day where an elector requests a ballot in person
10 from the county clerk, completes the ballot on site and
11 returns the ballot to the clerk by hand;

12
13 (lxi) "Election judge" means a person appointed
14 and sworn under Wyoming law to oversee and manage the
15 conduct of elections, including counting, custody and
16 reconciliation of ballots and certification of results;

17
18 (lxii) "Election worker" means a paid or unpaid
19 volunteer assisting with duties necessary to conduct an
20 election, including ballot handling and manual counting of
21 ballots;

22

1 (lxiii) "Hand counting" or "manual counting"
2 means the process of reading and tallying votes on paper
3 ballots by human inspection;

4
5 (lxiv) "Provisional ballot" means a ballot cast
6 by a voter whose eligibility to vote has not been verified;

7
8 (lxv) "Public observation" means members of the
9 public, poll watchers and representatives of political
10 parties authorized to be present and observe counting and
11 reconciliation activities without interfering with the
12 conduct of the election;

13
14 (lxvi) "Reconciliation record" means the written
15 document that shows the verification of ballot totals at
16 each stage of the election process, including the total
17 number of ballots procured, issued, collected and counted;

18
19 (lxvii) "USCase.org 'Gold Standard Elections'
20 white paper guidelines" means the USCase.org "Gold Standard
21 Elections" white paper guidelines as revised on April 11,
22 2025 or thereafter and published on the website of the
23 United States council on accurate and secure elections;

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(lxviii) "Vote secrecy" means that the ballot is kept secret for the period beginning the moment the voter picks up a ballot through the moment the voter puts the ballot in the ballot box. "Vote secrecy" shall not include any requirement to keep a ballot secret after the ballot is deposited in the ballot box or any requirement to protect the handwriting of the voter;

(lxix) "Voter intent standard" means the criteria, as established by rule of the secretary of state using the USCase.org "Gold Standard Elections" white paper guidelines, used to determine a voter's intended choice on a ballot when markings are unclear or incomplete.

STAFF COMMENT
The term "voter intent standard" is not used elsewhere in the bill draft. It may be advisable to move this definition to W.S. 22-6-204 or to another section to require the Secretary of State to establish statewide voter intent standards by rule.

22-2-121. Chief election officer to prepare forms; rules; advice.

1

2 (b) The secretary of state shall promulgate such
3 rules as are necessary to maintain uniform manual voting
4 and ~~vote~~manual counting procedures and orderly voting. The
5 secretary of state shall use the USCase.org "Gold Standard
6 Elections" white paper guidelines to adopt rules under this
7 subsection.

8

9 (g) The secretary of state shall adopt rules and
10 regulations that allow for the ~~counting of ballots at a~~
11 ~~central counting center. The rules shall specify procedures~~
12 ~~for delivering ballots to the central counting center~~
13 manual counting of ballots at a hand counting center. The
14 secretary of state shall use the USCase.org "Gold Standard
15 Elections" white paper guidelines to adopt rules under this
16 subsection.

17

18 **22-3-113. Disposition of pollbooks after polls close.**

19

20 (a) After the polls are closed, judges of the
21 election shall ~~make~~confirm that the printed pollbooks
22 agree and shall return one (1) pollbook to the county
23 clerk.

1

2 **22-3-117. Absentee registration generally; use of**
3 **federal postcard.**

4

5 (a) Notwithstanding any other section or provision in
6 this chapter, any citizen of the United States who is a
7 resident of Wyoming may apply for registration by providing
8 the information required by W.S. 22-3-103(a), acceptable
9 identification, proof of United States citizenship and
10 proof of residence and by completing and subscribing the
11 form of voter registration oath prescribed by W.S. 22-3-
12 103(b) before any person authorized by law to administer
13 oaths. Each county clerk shall furnish the voter
14 registration oath forms. The applicant shall mail or
15 return the completed voter registration oath form to the
16 county clerk in the county in which the applicant resides.
17 In order to vote in the next election, the application must
18 be received in the county clerk's office before the close
19 of registration for that election, or:

20

21 (i) Be received by mail or email and processed
22 by the county clerk during the closed period described in
23 W.S. 22-3-102(a) if it is accompanied by an absentee ballot

1 request for elections where a voter may register at the
2 polls; or

3

4 (ii) Be made at the county clerk's office during
5 the closed period described in W.S. 22-3-102(a) if the
6 voter simultaneously votes at the county clerk's office; ~~or~~

7

8 **22-5-202. Major political party participation;**
9 **separate ballots; same time.**

10

11 Major political parties shall participate in the primary
12 election and each shall have a separate party ballot. The
13 primary election of major political parties shall be held
14 at the same time and at the same polling places and shall
15 be conducted by the same election officials. The results of
16 the primary election shall be counted manually in
17 accordance with the procedures specified in this Election
18 Code.

19

20 **22-6-115. Specifications for paper ballots;**
21 **arrangements on voting machines.**

22

1 Official paper ballots shall be uniform in size, printed in
2 black ink on good quality paper through which printing
3 cannot be read. Ballots shall be white, ~~except as otherwise~~
4 ~~provided. On a voting machine each column or row containing~~
5 ~~the titles of offices and candidates for office shall be~~
6 ~~arranged~~ shall be formatted to indicate clearly the office
7 for which a candidate is running and shall be suitable for
8 manual counting in accordance with W.S. 22-6-201.

10 **22-6-119. Format of primary ballot.**

12 (a) The primary ballot of each major political party
13 shall be printed in substantial compliance with this
14 format:

16 (iii) On the second line shall be printed the
17 following instructions: "To vote for a person whose name is
18 printed on the ballot, mark the square immediately adjacent
19 to the name of the person for whom you desire to vote. To
20 vote for a person whose name is not printed on the ballot,
21 write the person's name in the blank space provided for
22 that purpose and mark the square immediately adjacent to
23 the name of the person. Ballots will be manually counted.";

1

2 **22-6-121. Political party ballot position on general**
3 **election ballot; order of candidates' names.**

4

5 (a) Political party position shall be determined on
6 the general election ballot according to the number of
7 votes received by each party within the county for the
8 office of representative in congress at the last preceding
9 general election. The party receiving the highest number
10 of votes shall appear first following the names of the
11 offices to be voted for and other parties shall follow in
12 the order of their respective numbers of such votes. The
13 order of any provisional parties will be drawn by the
14 secretary of state. Any independent candidates shall
15 appear following the last party and shall be listed in
16 alphabetical order, subject to rotation. When more than one
17 (1) candidate is to be elected to a particular office, the
18 names of candidates shall be printed in alphabetical order,
19 subject to rotation, on all ballots. ~~for electronic and~~
20 ~~machine voting systems as defined by W.S. 22-1-102.~~

21

22 **22-6-122. Rotation of candidates' names; equal lines**
23 **on voting machines.**

1
2 The names of candidates for each office shall be rotated on
3 all ballots by precinct for all elections. In each county
4 the name of each candidate shall appear substantially an
5 equal number of times at the top, at the bottom, and in
6 each intermediate place. ~~In a voting machine polling place,~~
7 If candidates for the same office occupy more than one (1)
8 line on the ~~voting machine ballot~~, the number of names
9 appearing on each line shall be as nearly equal as
10 possible.

11
12 **22-6-130. Post-election ballot audit; ballot**
13 **reconciliation.**

14
15 (a) Each county clerk shall complete an audit of the
16 county's unofficial election results by identifying and
17 reviewing ~~the smallest observable percentage~~ not less than
18 ten percent (10%) of the cast ballots in each contest in
19 the county between the statewide candidates who received
20 the most votes and the statewide candidates who received
21 the second highest votes. ~~for each contest within the~~
22 ~~county not later than the first Thursday following a~~
23 ~~primary, special or general election.~~ Additional contests

1 may be added to the audit at the discretion of the county
2 clerk. ~~Using a formula developed by the University of~~
3 ~~Wyoming, each county clerk shall use the smallest~~
4 ~~observable percentage to determine a statistically~~
5 ~~significant sample size of the ballots to be audited under~~
6 ~~this section. To ensure the timely completion of this~~
7 ~~procedure under this subsection, the number of ballots~~
8 ~~audited shall not exceed five percent (5%) of the total~~
9 ~~number of ballots cast.~~

10
11 (b) Each county clerk shall ~~conduct an audit of the~~
12 ~~election using the statistically significant ballot sample~~
13 ~~size and the corresponding ballots for the contests~~
14 ~~selected for audit determined under subsection (a) of this~~
15 ~~section. Each county clerk shall provide the audit results~~
16 ~~to the secretary of state not later than one (1) day before~~
17 ~~the meeting of the state canvassing board as provided in~~
18 ~~W.S. 22-16-118~~ ensure that the total number of ballots is
19 reconciled at each stage of the election process.

20 Reconciliation includes determining:

21
22 (i) The starting number of ballots procured or
23 printed in preparation for an election;

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23

(ii) The starting number of ballots issued to each polling location;

(iii) The total number of ballots printed on demand, including any ballot produced by an accessible voting device permitted under federal law to comply with the Help America Vote Act of 2002, P.L. 107-252;

(iv) The number of ballots distributed by mail or in-person, categorized by whether the ballot was distributed for absentee voting, early voting or in-person voting on the day of the election;

(v) The number of ballots cast by any method;

(vi) The number of spoiled ballots;

(vii) The number of ballots remaining at the close of polls that were not issued or cast; and

(viii) The number of provisional ballots.

1 (c) The total number of ballots accounted for under
2 subsection (b) of this section shall equal the initial
3 total of blank ballots provided, plus any ballot printed on
4 demand as provided by paragraph (b)(iii) of this section.
5 Reconciliation shall be conducted by hand and documented,
6 ensuring no discrepancies exist before proceeding to the
7 audit under subsection (a) of this section.

8
9 (d) If there is discrepancy in counting under
10 subsection (a) of this section or in reconciliation under
11 subsections (b) and (c) of this section, the secretary of
12 state shall be immediately notified and an investigation
13 shall be initiated by the county canvassing board to
14 identify the cause of the discrepancy. If the reason for
15 the discrepancy cannot be determined beyond a reasonable
16 doubt the county canvassing board shall declare any
17 affected part of the election results to be null and void
18 and the provisions of W.S. 22-16-122 shall apply to the
19 election.

20
21 (e) For purposes of this section, the audit under
22 subsection (a) of this section shall include recording and
23 verifying the votes cast for each race appearing on a

1 ballot. Reconciliation under subsections (b) and (c) of
2 this section means reconciling and confirming the total
3 number of ballots issued compared to the number of ballots
4 that were not issued, the number of ballots that were cast,
5 the number of ballots that were spoiled and the number of
6 provisional ballots.

7
8 (f) Each county clerk shall provide the audit results
9 under subsection (a) of this section and the full and
10 completed reconciliation of ballot totals under subsections
11 (b) and (c) of this section to the secretary of state not
12 later than three (3) days before the meeting of the state
13 canvassing board as provided in W.S. 22-16-118. Audit
14 results and reconciliation reports filed with the secretary
15 of state under this subsection shall be made publicly
16 available on the website of the secretary of state.

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

20
21 (b) A counting board shall be appointed for each
22 designated counting center in each county. ~~using an~~
23 ~~electronic voting system.~~ The board shall consist of at

1 least seven (7) members who shall be the county clerk or
2 his designated deputy, and three (3) members of each major
3 political party appointed by the ~~county clerk~~ central
4 committee of each party. Additional members may be
5 appointed by the county clerk if deemed necessary by the
6 county clerk but equal major party membership shall be
7 assured. No more than one (1) person under the age of
8 eighteen (18) may be appointed as to each counting board.
9 All ballots shall be counted manually by the counting
10 board.

11
12 (c) The counting board ~~in a paper ballot polling~~
13 ~~place~~ has no authority to act until polls are declared
14 closed as provided in W.S. 22-13-117, except as provided in
15 ~~W.S. 22-9-125(d). A counting board in an electronic voting~~
16 ~~system counting center may commence preparing absentee~~
17 ~~ballots for counting at any time on election day, or before~~
18 ~~election day as provided in W.S. 22-9-125(d)~~ W.S. 22-6-
19 206(b).

20
21 **22-8-113. Training schools; generally and payment for**
22 **attending.**

1 Not later than four (4) days before the primary and general
2 election, the county clerk under the direction of the
3 secretary of state shall conduct a training school for
4 judges of election and members of counting boards to
5 provide instruction in the performance of their duties.
6 The training school, which is also open to the public,
7 shall be held at the times and places announced by the
8 county clerk, and the secretary of state shall prescribe
9 the minimum curriculum for the school including manual hand
10 counting procedures as provided in W.S. 22-6-207.
11 Additional schools may be held at the discretion of the
12 county clerk. ~~Unless training is otherwise provided to the~~
13 ~~satisfaction of the county clerk,~~ All judges of election
14 and members of counting boards are obligated to attend at
15 least one (1) such school. All judges and members of the
16 counting board, unless the judge or member is volunteering,
17 shall be paid not less than ten dollars (\$10.00) as
18 determined by the board of county commissioners for
19 attending a school.

20

21 **22-8-115. Oath for election officials.**

22

1 (a) An election official shall subscribe to this oath
2 in writing before entering upon his duties at each
3 election:

4
5 "I do solemnly swear (or affirm) that I will impartially
6 and to the best of my knowledge and ability perform the
7 election duties of my office or role. I will studiously
8 endeavor to prevent all frauds, deceit and abuse in the
9 application of the election laws of this state."

10
11 **22-9-109. Form of absentee ballot.**

12
13 (a) The absentee ballot shall be in the same form
14 prescribed by law for the official ballot. ~~or a reasonable~~
15 ~~printed reproduction of the prescribed form for electronic~~
16 ~~ballots.~~

17
18 **22-9-121. Examination of absentee ballot affidavit;**
19 **rejection; voting ballots.**

20
21 (c) If it is sufficient:
22

1 (i) In ~~a paper ballot~~ each precinct, the name of
2 the absent elector shall be entered in the pollbook, the
3 inner ballot envelope shall be opened by a judge of
4 election and the ballots therein shall be removed. The
5 ballot shall then be placed in the regular ballot box by a
6 judge of election and manually counted in the same manner
7 as other ballots;

8

9 **22-12-103. Furnishing of booths.**

10

11 The county clerk in all elections shall furnish each
12 polling place with sufficient booths, paper ballots ~~or~~
13 ~~voting machines~~ and supplies to permit convenient and
14 secret marking of ballots.

15

16 **22-12-107. Materials for judges.**

17

18 (a) Before election day the county clerk shall cause
19 to be delivered to one (1) of the judges of election in
20 each polling place the following materials:

21

22 (x) Materials necessary for hand counting
23 ballots and other necessary supplies.

1

2 **22-12-115. Examination of ballot box.**

3

4 Not earlier than twenty-four (24) hours before the polls
5 are open, the judges of election shall open and examine the
6 ballot box to determine that it is empty and relock it with
7 a tamper resistant device before the polls are open. The
8 ballot box shall not again be opened until the polls are
9 closed., ~~except when necessitated by operation of the~~
10 ~~voting equipment at the direction of the county clerk and~~
11 ~~only in the presence of two (2) or more election judges~~
12 ~~with different political party affiliations~~. It shall not
13 be removed from the presence of the judges of election or
14 counting board until all ballots are counted and recorded
15 as required by law and in the presence of two (2) or more
16 election judges with different political party affiliation.

17

18 **22-13-103. Preservation of order; privacy of voting**
19 **booths.**

20

21 (b) To protect the privacy of the voter, voting
22 booths ~~and voting machines~~ shall be kept clear of all

1 persons except voters marking ballots and election
2 officials discharging their duties.

4 **22-13-110. Entering write-in votes.**

6 Write-in votes may be entered on ~~a voting machine~~ the
7 ballot in the manner indicated by instructions posted on
8 the voting booth or ~~indicated on the voting machine~~
9 provided on the ballot.

11 **22-14-102. Who may be present after all votes are**
12 **cast and polls close; making pollbooks agree; counting**
13 **votes.**

15 After all the votes are cast and the polls are officially
16 declared closed, only election judges and authorized
17 observers as provided in W.S. 22-15-109 shall be permitted
18 in a polling place. ~~When all ballots are cast, the machine~~
19 ~~shall be locked against further voting and sealed as~~
20 ~~prescribed by law. Except as otherwise provided by W.S. 22-~~
21 ~~14-114(b), election judges shall commence to count votes~~
22 ~~and shall continue without adjournment until counting is~~
23 ~~completed~~ Election judges shall ensure reconciliation of

1 all ballots as provided in W.S. 22-6-130(b) and (c) and
2 shall then secure all ballots within locked boxes secured
3 with tamper proof devices for transfer to the precinct
4 polling center. Hand counting of ballots shall commence
5 immediately upon arrival at the counting center as provided
6 in W.S. 22-6-201 through 22-6-210.

7
8 **22-14-107. Tabulation of count.**

9
10 The unofficial tabulation indicating the vote by precinct,
11 based on hand count results, shall immediately be
12 transmitted by the county clerk to the secretary of state.
13 These unofficial tabulations shall be tabulated by the
14 secretary of the state. The secretary of state shall
15 provide procedures for such transmittal through rule and
16 regulation.

17
18 **22-14-113. Return of voting machine keys and**
19 **supplies.**

20
21 (b) All voting supplies, ballot boxes, ~~and voting~~
22 ~~machines~~ hand counting materials and hand tallying

1 materials shall be returned to the county clerk as soon as
2 possible after the vote has been returned.

3
4 **22-14-114. Counting of ballots.**

5
6 (a) ~~For ballots designed to be counted by machine,~~
7 ~~each individual vote shall be determined by the voting~~
8 ~~equipment and shall not be determined subjectively by human~~
9 ~~tabulation except when the intent of the voter is~~
10 ~~unmistakable but the ballot was received in such damaged,~~
11 ~~soiled, or other condition that it is rejected by the~~
12 ~~machine. The secretary of state may promulgate rules~~
13 ~~establishing standards for counting such ballots. For~~
14 ~~ballots not designed to be counted by machine,~~ Only votes
15 clearly marked, as provided by W.S. 22-14-104 and rules
16 promulgated pursuant to this code, shall be tallied. For
17 write-in votes, names which are misspelled or abbreviated
18 or the use of nicknames of candidates shall be counted for
19 the candidate if the vote is obvious to the ~~board~~-counting
20 team.

21
22 **22-15-105. Challenged person may vote; generally.**

1 (a) If a person offering to vote is challenged, and
2 the challenge is not resolved in accordance with W.S.
3 22-15-106, an election judge shall offer the voter a ballot
4 clearly marked "provisional" and which ~~cannot be~~
5 ~~automatically tabulated~~ shall be securely stored separately
6 from other ballots. Provisional ballots shall be counted
7 separately from other ballots after the voter has been
8 verified by election officials.

9
10 **22-15-109. Poll watchers; certification;**
11 **qualification; authority; removal.**

12
13 (b) A poll watcher shall belong to the political
14 party he represents and shall be a registered elector
15 residing in the county. A poll watcher shall serve only at
16 the polling place designated on the certificate. A poll
17 watcher is authorized to observe voter turn out, ~~and~~
18 registration and hand counting procedures and may make
19 written memoranda but shall not challenge voters, conduct
20 electioneering activities, interfere with ballot counting
21 or disrupt the polling process.

22
23 **22-16-103. County canvass procedures.**

1

2 (c) The county canvassing board shall:

3

4 (iv) ~~Count and tabulate~~ Hand count and tally

5 the votes on the provisional ballots which were determined

6 to have been cast by qualified electors;

7

8 **22-16-109. Recounts.**

9

10 (a) The county canvassing board shall ~~make a~~ perform11 a manual recount of precinct votes if it appears to the

12 board that a recount is required due to irregularities in

13 that precinct. The recount shall be conducted using the14 hand counting procedures provided in W.S. 22-6-201 through15 22-6-210.

16

17 **22-16-122. Election declared null and void; special**18 **election.**

19

20 (a) If a canvassing board is unable to determine

21 which candidate has been elected or nominated, the

22 canvassing board shall declare any part of the election

23 results to be null and void as to that office and the

1 county clerk shall call a special election to make a
2 decision. For purposes of this section, a canvassing board
3 shall be unable to determine which candidate is nominated
4 or elected if there is a discrepancy reported under W.S.
5 22-6-130(d) and the discrepancy resulted in a material
6 error in the election or if:

7
8 (c) If only certain precincts are allowed to vote in
9 the special election, the votes received in the special
10 election shall be hand counted and added to the unofficial
11 results not declared null and void for that office from the
12 initial primary, general election or other special
13 election.

14
15 **22-21-109. Supplies; regulations; costs.**

16
17 The county clerk ~~may utilize voting machines or electronic~~
18 ~~voting systems~~ shall use paper ballots that are counted by
19 hand at any bond election and may prescribe the form of the
20 ballot, the duties of election officials, and other
21 reasonable regulations pertaining thereto. The political
22 subdivision holding the bond election shall pay the actual

1 costs of the election or an equitably proportioned share of
2 a concurrent election, as determined by the county clerk.

3
4 **22-22-203. Determining validity of application;**
5 **placement on ballot; procedure for multi-county districts.**

6
7 (b) Each county clerk in each election involving a
8 school or community college district which crosses county
9 boundaries shall ~~determine whether voting machines,~~
10 ~~electronic voting system, paper ballots, or a combination~~
11 ~~thereof, shall be used to insure~~ use paper ballots that are
12 counted by hand to ensure that each qualified elector votes
13 only for the candidate or candidates from the school
14 district and trustee residence area, if any, and from the
15 community college district and subdistrict, if any, for
16 which he is entitled to vote.

17
18 **22-22-302. Conduct of elections.**

19
20 Unless specifically otherwise provided, a school or
21 community college district election shall be governed by
22 the laws regulating statewide elections and in
23 even-numbered years be conducted and canvassed by the same

1 election officials, using the same poll lists, using paper
2 ballots that are counted by hand and at the same times and
3 polling places, as county elections.

4
5 **22-26-103. Unlawful opening of ballot box.**

6
7 Unlawful opening of a ballot box or tampering with ballot
8 counting materials consists of opening, inspecting,
9 removing or altering the contents of a ballot box or
10 ~~inspecting or removing the contents thereof~~ tampering with
11 hand count records or tally sheets without lawful
12 authority, or conspiring with others ~~so to open a ballot~~
13 ~~box~~ to engage in the conduct prohibited by this section.

14
15 **22-26-105. Unlawful possession of key.**

16
17 Unlawful possession of a key consists of the possession at
18 any time of a key to a ~~voting machine or~~ ballot box, ~~or~~
19 ~~making a duplicate thereof,~~ or tampering with a physical
20 lock on a box that is securing ballots, unless authorized
21 by law.

22
23 **22-26-106. False voting.**

1

2 (a) False voting consists of performing any of the
3 following acts in connection with or related to the
4 election process or an election:

5

6 (v) Changing voting results including by
7 inserting unlawful ballots in a ballot box or by tampering
8 with hand count records, hand count tally sheets, vote
9 reconciliation forms or other official election logs.

10

11 **22-26-112. Misdemeanor offenses generally.**

12

13 (a) Unless a different penalty is specifically
14 provided in this code, the following acts, if knowingly and
15 willfully committed, are misdemeanor offenses punishable by
16 not more than six (6) months in a county jail or a fine of
17 not more than one thousand dollars (\$1,000.00), or both:

18

19 (xi) Interfering with the hand counting of
20 ballots or with the reconciliation of ballots and tally
21 sheets.

22

1 **22-26-113. Electioneering too close to a polling**
2 **place.**

3
4 (a) Electioneering too close to a polling place ~~or~~
5 ~~absentee polling place under W.S. 22-9-125~~ when voting is
6 being conducted, consists of any form of campaigning,
7 including the display of campaign signs or distribution of
8 campaign literature, the soliciting of signatures to any
9 petition or the canvassing or polling of voters, except
10 exit polling by news media, within one hundred (100) yards
11 on the day of a primary, general or special election and
12 within one hundred (100) feet on all other days, of any
13 public entrance to the building in which the polling place
14 is located. This section shall not apply to bumper stickers
15 affixed to a vehicle while parked within or passing through
16 the distance specified in this subsection, provided that:

17

18 **22-26-114. Disturbing polling place.**

19

20 Disturbing a polling place consists of creating any
21 disorder or disruption at a polling place on election day,
22 ~~or absentee polling place under W.S. 22-9-125,~~ or
23 interfering with the orderly conduct of an election.

1

2 **22-26-119. Violation of Election Code by officials.**

3

4 Violation of the Election Code by an official consists of
5 the ~~willful~~ violation of the Election Code by any official
6 or by any deputy or assistant official, or the ~~willful~~
7 failure or refusal of any official or assistant to perform
8 an act or duty required of him by the Election Code,
9 including the failure to track ballot totals at any time
10 starting at the beginning of the election, failure to
11 ensure compliance with hand count procedures, tampering
12 with hand count tally sheets or neglecting any duty for
13 hand counting as prescribed by law. Any official, deputy or
14 assistant who commits a violation of the Election Code is
15 guilty of a felony and, in addition to the penalty
16 prescribed by W.S. 22-26-101, is subject to removal from
17 office in a proceeding instituted for that purpose.

18

19 **22-29-114. Election procedures for elections other**
20 **than mail ballot elections; canvass, recount and contests.**

21

22 (e) Any special district election conducted by the
23 county clerk shall be canvassed by the county canvassing

1 board or a canvassing board appointed by the county clerk,
2 consisting of two (2) electors and the county clerk. If
3 more than one (1) county is involved, the election shall be
4 canvassed in accordance with chapter 16 of the Wyoming
5 Election Code of 1973, as amended, by a canvassing board
6 drawn from the membership of the appropriate county
7 canvassing boards appointed by the appropriate county
8 commissioners. The commissioners shall notify the county
9 clerks of the canvassing board appointments. Any special
10 district election not conducted by a county clerk shall be
11 canvassed by a special district canvassing board. The
12 special district canvassing board shall consist of the
13 district secretary and two (2) electors appointed by the
14 district board. Any canvass shall be conducted in
15 accordance with chapter 16 of the Wyoming Election Code of
16 1973, as amended. The canvass shall be conducted within
17 seven (7) business days of the election and shall include a
18 manual review of all hand counted ballots to ensure
19 accuracy. The canvassing board shall have the authority to
20 call for a special election in accordance with W.S.
21 22-16-122 if any discrepancies in the hand count are
22 identified and cannot be resolved beyond a reasonable
23 doubt. The canvassing board shall:

1

2 **Section 4.** W.S. 22-1-102(a)(i), (iii), (xiv),
3 (xxxiv)(C), (xliii), (liv), 22-3-113(b), 22-3-117(a)(iii),
4 22-6-113, 22-8-107, 22-9-121(c)(ii), 22-9-125, 22-10-101
5 through 22-10-111, 22-11-101.1, 22-11-102 through
6 22-11-109, 22-12-107(a)(v), 22-12-110, 22-12-112 through
7 22-12-114, 22-13-109, 22-13-112, 22-14-105, 22-14-110,
8 22-14-111(a)(i), 22-14-113(a), 22-26-101(a)(iii), (xi) and
9 22-26-104 are repealed.

10

11 **Section 5.** This act is effective immediately upon
12 completion of all acts necessary for a bill to become law
13 as provided by Article 4, Section 8 of the Wyoming
14 Constitution.

15

16 (END)