

ENROLLED ACT NO. 53, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING  
2015 GENERAL SESSION

AN ACT relating to elections; authorizing the use of electronic pollbooks; authorizing the use of vote centers; establishing a procedure for changing polling locations; providing definitions; making conforming amendments; repealing certification of pollbooks by election judges; providing an appropriation; and providing for an effective date.

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

**Section 1.** W.S. 22-1-102(a)(xxii) and by creating new paragraphs (xlvii) through (xlxi), 22-2-104(a), (b) and (e), 22-3-111(a), 22-3-112, 22-3-113, 22-6-104, 22-6-106, 22-6-122, 22-8-106, 22-8-108(a), (c) and (d), 22-9-115(b), 22-10-111, 22-11-102, 22-11-104(b)(i), (ii)(intro) and (c)(intro), 22-12-101, 22-12-107(a)(intro), 22-12-110(a)(intro), 22-13-118, 22-14-102, 22-14-105(a), (b) and (d), 22-14-111(a)(i) and by creating new paragraphs (viii) through (x), 22-15-109, 22-16-102(a), 22-16-103(c) by creating a new paragraph (viii), 22-21-108, 22-21-201(c), 22-22-102(a), 22-23-201(a), 22-23-804 and 22-23-805 are amended to read:

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

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

(xxii) "Pollbook" ~~is means~~ is means a book, or hardware, software or any combination thereof commonly referred to as an electronic pollbook, used in a precinct polling place on election day containing ~~oaths of election officials, tally~~

ORIGINAL SENATE  
FILE NO. SF0052

ENROLLED ACT NO. 53, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING  
2015 GENERAL SESSION

~~sheets, the poll list, and other~~ information specified by law;

(xlvii) "Precinct" means an area with established boundaries within a political subdivision used for casting and counting votes;

(xlviii) "Polling place" means the physical location where voters cast their ballots on election day;

(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;

(xlx) "Overvote" means a vote placed on a ballot question in excess of the allowable votes for that ballot question;

(xli) "Undervote" means a vote that could have been made on a ballot question but which was not made on that ballot question.

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

(a) A general election shall be held ~~in~~for all the precincts of this state on the Tuesday next following the first Monday in November of each even-numbered year.

(b) A primary election shall be held at the regular polling places ~~in~~for each precinct on the first Tuesday

ORIGINAL SENATE  
FILE NO. SF0052

ENROLLED ACT NO. 53, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING  
2015 GENERAL SESSION

after the third Monday in August in general election years for the nomination of candidates for partisan and nonpartisan offices to be filled at the succeeding general election and for the election of major party precinct committeemen and committeewomen.

(e) The election of members of the board of trustees of each school district and community college district shall be held ~~in~~for each district on the first Tuesday after the first Monday in November in general election years.

**22-3-111. Preparation and contents of pollbooks.**

(a) The county clerk shall prepare the necessary pollbooks ~~for each precinct~~ for statewide and political subdivision elections held on the same date. The ~~precinct~~ pollbooks shall contain the poll lists, ~~the oaths of judges of election, certificate of ballots, and a tally sheet if ballots are hand counted. On the cover of the pollbook shall be printed the words "Pollbook", the election and date of the election, the voting district and precinct numbers.~~

**22-3-112. Pollbook distribution; entering information.**

Before the polls open, the county clerk shall distribute the ~~precinct~~ pollbooks to the judges of election in the respective ~~precincts~~polling places. The judges of election shall enter in pollbooks all information required by law.

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

ORIGINAL SENATE  
FILE NO. SF0052

ENROLLED ACT NO. 53, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING  
2015 GENERAL SESSION

(a) After the polls are closed, and the judges of the election shall make printed pollbooks ~~are made to agree, the judges of election in each precinct and~~ shall return one (1) pollbook ~~containing one (1) copy of each of the poll lists~~ to the county clerk, ~~together with the election returns, and retain one (1) copy of each poll list in their possession. Judges of election may discard poll lists in their possession two (2) years after the election to which the poll lists pertain or in the event of litigation, at the conclusion of the litigation, whichever date is later.~~

(b) When electronic pollbooks are used, they shall be returned to the county clerk.

**22-6-104. Sample ballots; printing, distribution, posting.**

The officer providing the official ballot shall also print sample ballots which shall be identical to the official ballot except that it shall contain the words "SAMPLE" in large clear letters and may be printed on paper of a different color than the official ballot. The officer shall distribute copies of the sample ballot to each precinct polling place prior to opening of the polls. The judges of election shall post at least one (1) copy of the sample in the polling place during the election. The county clerk shall have the samples available in his office for the public.

**22-6-106. Replacement of lost ballots.**

Official ballots not delivered to a precinct polling place or lost, stolen or destroyed shall be replaced immediately by the official providing the ballot. Judges of election receiving replacement ballots shall sign a receipt therefor

ORIGINAL SENATE  
FILE NO. SF0052

ENROLLED ACT NO. 53, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING  
2015 GENERAL SESSION

in which they shall state under oath, before each other, that the original ballots were not delivered to the precinct or have been lost, stolen or destroyed.

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

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

**22-8-106. Number of judges in each polling place.**

At least three (3) judges shall be appointed for each ~~precinct polling place~~. Additional judges may be appointed in a ~~precinct polling place~~ as determined necessary by the county clerk.

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

(a) The county clerk shall appoint a counting board for each paper ballot ~~precinct polling place~~ casting more than three hundred (300) votes at the last general election, and may appoint a counting board in such a ~~precinct polling place~~ in which one hundred fifty (150) or more such votes were cast at such election. A counting board shall have three (3) members or more to facilitate the counting of votes. No more than one (1) person under

ORIGINAL SENATE  
FILE NO. SF0052

ENROLLED ACT NO. 53, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING  
2015 GENERAL SESSION

the age of eighteen (18) may be appointed as to each counting board.

(c) The counting board in a paper ballot ~~precinct~~ polling place has no authority to act until polls are declared closed. A counting board in an electronic voting system counting center may commence preparing absentee ballots for counting at any time on the day of the election.

(d) For a ~~precinct~~ polling place where a counting board need not be appointed, the judges of election shall count the votes.

**22-9-115. Receipt by clerk; handling procedure.**

(b) The clerk shall place completed absentee ballot envelopes in a large precinct envelope for the precinct in which they shall be voted and keep custody of them until they are delivered to the ~~precinct~~ polling place or the designated counting center. The clerk shall endorse on the precinct envelope the number of the district and precinct and the words "Envelope contains ballots of absentee qualified electors and shall be opened only on election day at the polls when the polls are open" and shall affix his signature, official title, and seal the envelope.

**22-10-111. Delivery and return; expenses.**

The county clerk shall provide for the delivery of voting machines to the ~~precincts~~ polling places at least one (1) hour before the polls open and their return to custody after the election. The expense of transporting the machines shall be paid by the authority or proportionately by the authorities conducting the election.

ORIGINAL SENATE  
FILE NO. SF0052

ENROLLED ACT NO. 53, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING  
2015 GENERAL SESSION

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

The board of county commissioners of each county may adopt for use, either experimentally or permanently, in any election in any or all ~~precincts~~ polling places within the county, any electronic voting system authorized by law.

**22-11-104. Conduct of elections in which systems utilized.**

(b) The county clerk of each county using an electronic voting system shall:

(i) Determine whether paper ballots, ballot cards or a combination of both will be used in each ~~precinct~~ polling place;

(ii) Before the day of election deliver to each ~~precinct~~ polling place using an electronic voting system:

(c) In addition to any other duties prescribed by law, election judges in ~~precincts~~ polling places using an electronic voting system shall:

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

(a) Polling places shall be designated by the county clerk, who shall publish their location at least once in a newspaper of general circulation in the county within two (2) weeks prior to a statewide election. Polling places may be located outside of the precinct if the board of county

ORIGINAL SENATE  
FILE NO. SF0052

ENROLLED ACT NO. 53, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING  
2015 GENERAL SESSION

commissioners determines and records in its minutes the reasons that it is required by the public convenience.

(b) A polling place designated pursuant to subsection (a) of this section and used in the 2014 general election shall be not be changed unless a notice describing the proposed change is posted on the county's official website in the manner provided in W.S. 18-3-516(f) and published once a week for two (2) consecutive weeks in the designated official newspaper of the county. The notice shall include the date and place of the county commissioners' meeting where the proposed change will be discussed. The county clerk shall notify the county chairman of each political party in the county not later than fifteen (15) days before the meeting. A proposed change in the location of a polling place may be adopted by the county clerk at a meeting of the county commissioners during which the proposed change is discussed.

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

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

**22-12-110. Supplies for voting machines.**

(a) When voting machines are used the county clerk shall have an appropriate official deliver to a judge of election in each ~~precinct~~polling place, before the day of election, the following supplies:

**22-13-118. Judges work schedule.**



ORIGINAL SENATE  
FILE NO. SF0052

ENROLLED ACT NO. 53, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING  
2015 GENERAL SESSION

At the discretion of the county clerk, election judges may be allowed to work at the polling ~~premise~~place on election day for a period of time less than the total amount of time the polls are open provided the polling ~~station~~place has a sufficient number of election judges on duty at all times to comply with the requirements of this title. An election judge shall not leave his polling ~~station~~place during his work shift.

**22-14-102. Who may be present after polls close; making pollbooks agree; counting votes.**

After all the votes are cast and the polls are officially declared closed, only election judges shall be permitted in a polling place. When all ballots are cast, the machine shall be locked against further voting and sealed as prescribed by law. ~~Pollbooks within a precinct shall first be made to agree before any votes are counted. When the pollbooks agree,~~ Election judges shall commence to count votes and shall continue without adjournment until counting is completed.

**22-14-105. Vote tallying in voting machine polling places.**

(a) In voting machine ~~precincts~~polling places, the judges of election shall cast all remaining absentee ballots on a voting machine in the manner prescribed by W.S. 22-9-121 and shall lock and seal the voting machines. They shall certify in writing that the machine was locked and sealed, stating the time, the number of voters voting on each machine ~~in the precinct~~ as shown on the public counters, the number on the seal, and the number registered on the protective counter.

ORIGINAL SENATE  
FILE NO. SF0052

ENROLLED ACT NO. 53, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING  
2015 GENERAL SESSION

(b) Election judges shall then determine the number of votes cast on each voting machine used in the ~~precinct~~ polling place by opening the machine or obtaining a photographic or mechanical printed return sheet from the machine.

(d) In machine ~~precincts~~ polling places, write-in votes shall be counted and the results tallied by the election judges or counting board after the regular ballots are counted.

**22-14-111. Returning records and returns to clerk.**

(a) As soon as possible after the tabulation of votes is complete, election judges shall return by messenger to the clerk who prepared the ballots for the election the following records and returns in a sealed packet:

(i) One (1) ~~copy of the sealed pollbook with one~~ ~~(1)~~ sealed copy from each electronic voting system printer pack;

(viii) Oaths of judges of election;

(ix) Reconciliation of ballots;

(x) Tally sheet if ballots are hand counted.

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

(a) The county chairman of each political party may certify poll watchers prior to the day of the election to serve in each ~~precinct~~ polling place. Not more than one (1) poll watcher from each political party may serve

ORIGINAL SENATE  
FILE NO. SF0052

ENROLLED ACT NO. 53, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING  
2015 GENERAL SESSION

simultaneously unless the chief judge determines that one (1) additional poll watcher from each political party may be accommodated in the polling ~~premises~~place without disrupting the polling process.

(b) A poll watcher shall belong to the political party he represents and shall be a registered elector residing in the county. A poll watcher shall serve only at the ~~precinct~~polling place designated on the certificate. A poll watcher is authorized to observe voter turn out and registration and may make written memoranda but shall not challenge voters, conduct electioneering activities or disrupt the polling process.

(c) The chief judge may remove a poll watcher from the polling ~~premises~~place for disturbing the polling place, or for any other violation of the Election Code.

**22-16-102. Abstract of vote; returns not filed.**

(a) The county clerk shall prepare an abstract of the vote of all precincts in the county following a county primary, special or general election. The abstract shall contain all items required in W.S. 22-16-103(c)(viii).

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

(c) The county canvassing board shall:

(viii) Ensure abstracts contain the following information:

(A) For primary elections, the total ballots cast by party, including unaffiliated votes;

ORIGINAL SENATE  
FILE NO. SF0052

ENROLLED ACT NO. 53, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING  
2015 GENERAL SESSION

(B) The number of electors voting in person and by absentee ballot by precinct at the election;

(C) The full name of each of the following receiving votes:

(I) Candidates printed on the ballot;

(II) Valid write-in candidates; and

(III) Nominated or elected write-in candidates.

(D) The offices receiving votes;

(E) The number of votes cast for each of the following receiving votes:

(I) Candidates printed on the ballot;

(II) Valid write-in candidates;

(III) Nominated or elected write-in candidates;

(IV) The number of overvotes; and

(V) The number of undervotes.

(F) The official designation or number of each ballot proposition and the number of votes for and against it stated in figures; and

(G) The number of provisional ballots cast.

ORIGINAL SENATE  
FILE NO. SF0052

ENROLLED ACT NO. 53, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING  
2015 GENERAL SESSION

**22-21-108. Who is entitled to vote.**

Any qualified elector in the political subdivision shall be entitled to vote on the bond question in person or by absentee ballot, ~~in~~for the precinct in which he is registered, as provided by law.

**22-21-201. State bond elections.**

(c) Precincts may be consolidated for the purpose of any special election held under this section at the discretion of the county clerk. Three (3) judges shall be appointed for the polling place ~~in each precinct~~ in such special elections, and additional judges may be appointed if deemed necessary by the county clerk.

**22-22-102. Date of election of trustees; terms; interim vacancies.**

(a) The election of members of the board of trustees of each school district and community college district shall be held at the regular polling places ~~in~~for each district on the Tuesday next following the first Monday in November in general election years. Terms of office shall run for four (4) years beginning at 12:00 noon on the first day in December following the election.

**22-23-201. Conduct; who may vote.**

(a) Except as provided in W.S. 22-23-202 municipal primary and general elections are held at the same time, in the same manner, at the same polling places, and are conducted by the same ~~precinct~~election officials, using the same poll lists, as the statewide primary and general elections.

ORIGINAL SENATE  
FILE NO. SF0052

ENROLLED ACT NO. 53, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING  
2015 GENERAL SESSION

**22-23-804. Ballots.**

The municipal clerk shall provide ballots for the special election and shall deliver to each ~~precinct~~-polling place ballots equal in number to the number of electors registered in the precinct plus twenty-five percent (25%).

**22-23-805. Poll lists.**

Precinct poll lists for the special election shall be obtained by the municipal clerk from the county clerk and shall be paid for by the municipality. The municipal clerk shall furnish copies of the precinct poll lists to the judges of election. A copy of the precinct registry list shall be posted at each ~~precinct~~-polling place during the special election.

**Section 2.** W.S. 22-14-106 is repealed.

**Section 3.** There is appropriated sixty-four thousand dollars (\$64,000.00) from the general fund to the secretary of state's office. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2016. This appropriation shall only be expended for the purpose of development of an electronic pollbook interface. Notwithstanding any other provision of law, 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, 2016. This appropriation shall not be included in the secretary of state's office 2017-2018 standard biennial budget request.

ORIGINAL SENATE  
FILE NO. SF0052

ENROLLED ACT NO. 53, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING  
2015 GENERAL SESSION

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

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(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk