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Election Code '94



Kathy Karpan
Secretary of State

1994 Wyoming Election Code



Published by

KATHY KARPAN

Secretary of State

The Capitol
Cheyenne, Wyoming 82002-0020

Margy White
Deputy

Carol Thompson
Elections Director
(307) 777-7186

1994 Election Dates

Filing for Office May 12 - June 3, 1994

Last day to register to vote
in Primary Election. Registration is
permitted at the polls on Primary
Election day July 18, 1994

Primary Election Day August 16, 1994

Last day to register to vote
in General Election. Registration is
permitted at the polls on General
Election day. October 10, 1994

General Election Day November 8, 1994

State of Wyoming
County Clerks
(Terms expire January 2, 1995)

Jackie Gonzales
Albany County Clerk
County Courthouse, Rm. 202
Laramie, WY 82070
Phone: 721-2541
FAX 721-2544

Ellen Cowan Whipps
Big Horn County Clerk
County Courthouse, Box 31
Basin, WY 82410
Phone: 568-2357 or 1-800-442-9262
FAX 568-9375

Vivian E. Addison
Campbell County Clerk
P. O. Box 3010
Gillette, WY 82717-3010
Phone: 682-7285
FAX 687-6325

Bill Harshman
Carbon County Clerk
P. O. Box 6
Rawlins, WY 82301
Phone: 328-2668
FAX 328-2669

Dorothy L. Taylor
Converse County Clerk
P. O. Drawer 990
Douglas, WY 82633
Phone: 358-2244
FAX 358-6703

Eva Rush
Crook County Clerk
P. O. Box 37
Sundance, WY 82729
Phone: 283-1323
FAX 283-1091

Alma Nicol
Fremont County Clerk
450 N. 2nd St., Rm. 220
Lander, WY 82520
Phone: 332-1122 or 332-1130
FAX 332-1132

Wendell E. Grapes
Goshen County Clerk
P. O. Box 160
Torrington, WY 82240
Phone: 532-4051
FAX 532-7375

Marlene Christofferson
Hot Springs County Clerk
415 Arapahoe
Thermopolis, WY 82443
Phone: 864-3515
FAX 864-5116

Beverly Roberts
Johnson County Clerk
76 North Main Street
Buffalo, WY 82834
Phone: 684-7272
FAX 684-2708

Janet C. Whitehead
Laramie County Clerk
P. O. Box 608
Cheyenne, WY 82003
Phone: 638-4266
Elections: 638-4242
FAX 638-4267

Elizabeth C. Wade
Lincoln County Clerk
P. O. Box 670
Kemmerer, WY 83101
Phone: 877-9056 or
1-800-442-9001
FAX 877-3101

MaryAnn Collins
Natrona County Clerk
P. O. Box 863
Casper, WY 82602
Phone: 235-9207 or 235-9216
Elections: 235-9217
FAX 235-9493

Suzanne Sturman
Niobrara County Clerk
P. O. Box 420
Lusk, WY 82225
Phone: 334-2211
FAX Clk of Court 334-2703

Marie Fontaine
Park County Clerk
P. O. Box 1060
Cody, WY 82414
Phone: 587-5548
FAX 587-5549

Jerry G. Orr
Platte County Clerk
P. O. Drawer 728
Wheatland, WY 82201
Phone: 322-2315
FAX 322-9571

Ronald L. Dailey
Sheridan County Clerk
224 S. Main, Suite B-2
Sheridan, WY 82801
Phone: 674-6822
Elections, Rm. B-17: 672-3573
FAX 674-4110

Mary Lankford
Sublette County Clerk
P. O. Box 250
Pinedale, WY 82941
Phone: 367-4372
FAX 367-6396

Albert B. (Bob) Vesco
Sweetwater County Clerk
P. O. Box 730
Green River, WY 82935
Phone: 872-6395
FAX 872-6337

V. Jolynn Coonce
Teton County Clerk
P. O. Box 1727
Jackson, WY 83001
Phone: 733-4430
FAX 733-4451

Lynne Fox
Uinta County Clerk
P. O. Box 810
Evanston, WY 82930
Phone: 789-1780
FAX 789-8953

Janice Wake
Washakie County Clerk
P. O. Box 260
Worland, WY 82401
Phone: 347-3131
FAX 347-9366

Paulette Thompson
Weston County Clerk
1 West Main
Newcastle, WY 82701
Phone: 746-4744
FAX 746-9505

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WYOMING ELECTION CODE

CHAPTER 1

22-1-101. Citation. This act [22-1-101 through 22-27-101] is cited as the Wyoming Election Code of 1973.

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:

(i) "Ballot" includes paper ballots, voting machine labels and punch cards;

(ii) "Ballot proposition" is any question or measure submitted to a vote of the people of the state, a subdivision thereof, county, district, city or town, and includes a constitutional amendment, initiative, referendum, bond measure, or any other question or measure required to be approved by a vote of the people;

(iii) "Convention" is an organized assemblage of electors or delegates representing a political party;

(iv) "County chairman" means the county chairman of a political party or the state chairman if the party has no chairman for the particular county;

(v) "Election," when used without qualifying adjectives, means all elections participated in by the voters of a city, town, county, district or the state;

(vi) "Envelope" means any type of container used to contain or hold election documents;

(vii) "Independent candidate" is a person who is running for nomination or election to a public office but who does not represent a political party;

(viii) "Pollbook" is a book used in a precinct on election day containing oaths of election officials, tally sheets, the poll list, and other information specified by law;

(ix) "Poll list" is the list of names of electors who vote or offer to vote at a precinct at an election as compiled by the precinct judge or clerk in the pollbook;

(x) The term "qualified elector" includes every citizen of the United States who is a bona fide resident of Wyoming, has registered to vote and will be at least eighteen (18) years of age on the day of the election at which he may offer to vote. No person is a qualified elector who is a currently adjudicated mentally incompetent person, or who has been convicted of a felony

and his civil rights have not been restored. A literacy test shall not be imposed as a condition to voting in any election;

(xi) "Registration" is the entry of the name of a qualified elector on the registry list, as provided in W.S. 22-3-108;

(xii) "Registry agent" is a county clerk, his deputies, a city clerk, his deputies, and an election judge during a primary election;

(xiii) "Registry list" is the list by precinct of registered electors in the county prepared by the county clerks;

(xiv) "Residence" is the place of a person's customary habitation. The construction of this term shall be governed by the following rules:

(A) Residence is the place where a person has a fixed habitation and to which, whenever he is absent, he has the intention of returning;

(B) A person shall not gain or lose residence merely by reason of his presence or absence while:

(I) Employed in the service of the United States or of this state; or

(II) A student at an institution of learning; or

(III) Kept at a hospital or other institution; or

(IV) Stationed at or residing on a military reservation or installation or at a transient camp maintained for relief purposes by the government of the United States in this state. No person shall be excluded as a voter solely because of his residence on a federal enclave within the state. This factor shall be considered with all others in the determination of the person's residence within the state for voting purposes.

(C) A person shall not lose his residence by leaving his home to go to another state, another district of this state, or to another country for temporary purposes, with the intent of returning, if he has not registered in the other state, district or country;

(D) A person shall not gain residence in a county if he enters it without the intent of making it his permanent residence;

(E) If a person removes to another state with the intent of making it his residence, he loses his residence in Wyoming; except that in a general election year, if his registration is valid in Wyoming when he leaves this state and he is unable to qualify under the laws of his new state of residence to vote at the primary or general election, he shall be deemed to have retained residence in Wyoming for purposes of voting by absentee ballot in the primary or general election;

(F) The place where a person's family resides is presumed to be his place of residence, but a person who takes up or continues his abode with the intention of remaining at a place other than where his family resides, shall be a resident of the place where he actually abides.

(xv) "Sticker" is a strip of paper bearing on one (1) side the printed or written name of a candidate and on the other side an adhesive substance;

(xvi) "Write-in vote" is a vote cast for a person whose name does not otherwise appear on the official ballot as a candidate for the office for

which his name is written in by the voter or a sticker bearing his name has been affixed by the voter.

CHAPTER 2 GENERAL PROVISIONS

22-2-101. Applicability and construction of Election Code generally.

(a) This Election Code applies to the following elections:

- (i) General elections;
- (ii) Primary elections;
- (iii) Special elections to fill vacancies in the office of representative in congress;
- (iv) County elections;
- (v) Municipal elections;
- (vi) School, community college and hospital district elections;
- (vii) Bond elections;
- (viii) Any special or special district election which is held at the primary or general election;
- (ix) Election of supervisors of a soil conservation district in a county whose board of county commissioners has, on or before May 1 of any year, adopted a resolution to make this Election Code apply.

(b) This Election Code shall be construed so that all legally qualified electors may register and vote, that those who are not qualified shall not vote, and that fraud and corruption in elections shall be prevented.

This highlighted section will replace the previous Section 22-2-101 on January 1, 1995.

22-2-101. Applicability and construction of Election Code generally.

(a) Chapters 1 through 28 of this Election Code apply to the following elections:

- (i) General elections;
- (ii) Primary elections;
- (iii) Special elections to fill vacancies in the office of representative in congress;
- (iv) County elections;
- (v) Municipal elections;
- (vi) School, community college and hospital district elections;
- (vii) Bond elections;
- (viii) Any special or special district election which is held at the primary or general election;
- (ix) Election of supervisors of a soil conservation district in a county whose board of county commissioners has, on or before May 1 of any year, adopted a resolution to make this Election Code apply.

(b) This Election Code shall be construed so that all legally qualified electors may register and vote, that those who are not qualified shall not vote, and that fraud and corruption in elections shall be prevented.

22-2-102. Applicability to special district elections. Except as otherwise provided in this Election Code or by a separate law, this Election Code does not apply to special district elections.

This highlighted section will replace the previous Section 22-2-102 on January 1, 1995.

22-2-102. Applicability to special district elections. Except as otherwise provided in this Election Code or by a separate law, chapters 1 through 28 of this Election Code do not apply to special district elections. Chapter 29 of this Election Code does apply to special district elections as specified therein.

22-2-103. Chief election officers. The secretary of state is the chief election officer for the state and shall maintain uniformity in the applications and operations of the election laws of Wyoming. Each county clerk is the chief election officer for the county.

22-2-104. Date of general election. A general election shall be held in all the precincts of this state on the Tuesday next following the first Monday in November of each even-numbered year.

22-2-105. Terms of office and offices voted on at general elections.

(a) The terms of office and offices voted on at general elections are as follows:

(i) Two Year Term. - At every general election there shall be elected the number of representatives in congress to which this state is entitled and members of the Wyoming house of representatives;

(ii) Four Year Term. - At the general election in 1974 and in every fourth (4th) year thereafter, there shall be elected the following officers: one (1) governor, one (1) secretary of state, one (1) state treasurer, one (1) state auditor, one (1) superintendent of public instruction, county clerks, county treasurers, county assessors, county coroners, county and prosecuting attorneys, district attorneys, sheriffs, clerks of the district court and justices of the peace. In those counties that have established a county court, the question of retention of a county court judge for the unexpired balance of or a new four (4) year term shall be submitted to the electorate of the county, as necessary. At every general election there shall be elected the necessary member or members of the Wyoming senate and county commissioners;

(iii) Six Year Term. - At the general election in 1976 and in every sixth year thereafter, there shall be elected one (1) United States senator for the term next ensuing. At the general election in 1978 and every sixth year

thereafter there shall be elected one (1) United States senator for the term next ensuing. At each general election the retention of district judges for unexpired balances of or new six (6) year terms shall be submitted to the electorate of the several judicial districts, as necessary;

(iv) **Eight Year Term.** - At every general election to the retention of a justice or justices of the Wyoming supreme court for unexpired balances of or new eight (8) year terms shall be submitted to the electorate of the entire state as necessary.

22-2-106. Election of presidential and vice-presidential electors. At the general election in 1976 and every fourth year thereafter, there shall be elected the number of electors of president and vice-president of the United States to which the state is entitled.

22-2-107. When elected state and county officers assume offices. All state and county officers elected at a general election shall assume their offices on the first Monday in January next following their election.

22-2-108. Secretary of state to certify officers to be elected. Between the twenty-fourth day of April and the third day of May in each general election year, the secretary of state shall mail to the board of county commissioners of each county a written certificate stating what officers, other than county and precinct officers, are to be nominated or elected at the election.

22-2-109. County clerk to publish proclamation.

(a) Between one hundred one (101) and ninety-one (91) days before each primary election the county clerk in each county shall publish at least once in a newspaper of general circulation in the county and post conspicuously in at least three (3) public places in each municipality a proclamation setting forth the date of the election, the offices to be filled at the election including the terms of the offices, the number of persons required by law to fill the offices, the filing deadline for the offices and the requirements for filing statements of campaign receipts and expenditures. The proclamation shall also include the aforementioned information regarding offices to be filled at the general election and any other pertinent primary election information. In addition, the description of any ballot proposition submitted to the voters of the state, a political subdivision thereof, county or other district shall be included. Additional publications of the proclamation may be published by the county clerk.

(b) Between forty-five (45) and thirty-five (35) days before each general election the county clerk in each county shall publish at least once in a newspaper of general circulation in the county and post conspicuously in at least three (3) public places in each municipality a proclamation setting forth the date of the election, the offices to be filled at the election including the terms of the offices, the number of persons required by law to fill the offices, the

requirements for filing statements of campaign receipts and expenditures, and any other pertinent general election information. In addition, the legislative description of each proposed constitutional amendment, or other ballot proposition submitted to the voters of the state, a political subdivision thereof, county or other district shall be included. Additional publications of the proclamation may be published by the county clerk.

(c) Minor errors in any proclamation shall not invalidate the forthcoming election.

22-2-110. Computing periods of time.

(a) Periods of time are computed by excluding the specific day and counting the prescribed number of days, including Saturdays, Sundays and full legal holidays. Except as provided by W.S. 22-4-115, if the first day of a time period falls on a Saturday, Sunday or full legal holiday, the preceding day which is not a Saturday, Sunday or full legal holiday shall be used. If the last day of a time period falls on a Saturday, Sunday or full legal holiday, the next day which is not a Saturday, Sunday or full legal holiday shall be used.

(b) When used to compute periods of time:

(i) "Not later than" is computed by counting the prescribed number of days;

(ii) "Not less than" is computed by counting the prescribed number of days and adding one (1) additional day to the computed time.

22-2-111. Employees entitled to time off to vote. Any person entitled to vote at any primary or general election or special election to fill a vacancy in the office of representatives in the congress of the United States is, on the day of such election, entitled to absent himself from any service or employment in which he is then engaged or employed for a period of one (1) hour, other than meal hours, the hour being at the convenience of the employer, between the time of opening and closing of the polls. Such elector shall not, because of so absenting himself, lose any pay, providing he actually casts his legal vote.

22-2-112. Hours of county clerk's office on election day. The office of county clerk shall remain open for election business on election day during normal hours of election operations. With prior notice to the public the office of county clerk may be closed to all nonelection business except the recording of documents.

22-2-113. Availability and form of computerized voter registration lists; use of copies; records.

(a) The secretary of state shall furnish at a reasonable price computerized voter registration lists to any candidate for a political office in the state, candidate's campaign committee, political party central committees and officials thereof, elected officials, political action committees and to organiza-

tions which promote voter participation. The county clerks may elect to furnish the lists and, if they do so, shall make them available to all on an equal basis. All lists are for political purposes only and are not available for commercial use. The lists shall be in the form of printouts, mailing labels or tapes as requested. The lists, labels or tapes may be reproduced for political purposes.

(b) Repealed by Laws 1991, ch. 243, 5.

(c) Information copied from campaign receipts and expenditure reports filed by state and local candidates may be used for political purposes but shall not be used for commercial purposes.

(d) All election records of the county clerk are public. The availability and dissemination of such records shall be in accordance with the Wyoming Public Records Act.

22-2-114. Repealed by Laws 1991, ch. 243, 5.

22-2-115. Renumbered as 22-21-201 by Laws 1991, ch. 243, 4.

22-2-116. Restrictions on holding more than 1 elected public office. No person may hold an elective public office in any governmental entity which either provides any funding for or receives any funding from another governmental entity in which that person holds elected public office. If a person also is elected to a public office while holding another public office such that this section is applicable, the person shall resign from the public office first held prior to assuming the new office.

22-2-117. Ballot propositions. With the exception of constitutional amendments and where provided by law, all ballot propositions shall be passed if the majority of those casting ballots on that proposition vote in favor of such proposition.

CHAPTER 3 REGISTRATION

22-3-101. When required; prior registration in effect.

(a) Registration is required before a person may vote in the following elections:

(i) Statewide, county and municipal, general, primary and special elections;

(ii) Bond elections;

(iii) School district and community college district elections.

(b) Any voter legally registered prior to May 25, 1973, is considered registered under the Election Code enacted in 1973.

22-3-102. Qualifications; temporary registration.

(a) A person may register to vote not less than thirty (30) days before an election, or at a primary election, who satisfies the following qualifications:

(i) He is a citizen of the United States;

(ii) He will be at least eighteen (18) years of age on the day of the next election;

(iii) He is actually and physically a bona fide resident in Wyoming.

(b) Members of the armed forces or merchant marine of the United States and citizens of the United States and of Wyoming who have been temporarily residing outside the United States and the District of Columbia and their spouses and dependents who are eligible to register and qualified to vote and who have been discharged from the armed forces or who have terminated their service or employment too late to register at the time and place where registration is required, shall be entitled to register for the purpose of voting at the next ensuing election, but shall not be entered on the permanent official registry list until they register before a registry agent as herein provided.

(c) A person may register to vote at a general election who meets the qualifications of paragraphs (a)(i) through (iii) of this section.

22-3-103. Furnishing of oath forms; contents thereof.

(a) The county clerk shall furnish voter registration oath forms to registry agents which shall conform in substance to the following:

REGISTRATION OATH

State of Wyoming)
) ss
County of)

I,, do solemnly swear (or affirm) that I am a citizen of the United States; that I was born on; that I have been a bona fide resident of the state of Wyoming, County of since; that my present residence address is Street, City of Ward.... (if applicable), Election District No. and Polling Precinct No.; that my mailing address (if different from my residence address) is; that I am a member of political party and my social security number (optional) is; that I am/am not now registered in another county or state; that I am not currently adjudicated a mentally incompetent person, that I have not been convicted of a felony, or if I have been convicted of a felony, I have had my rights restored by a competent authority; and that the voter registration information contained herein is true and accurate to my best knowledge and belief.

.... (Signature in full of applicant)

Subscribed and affirmed or sworn to before me by this day of, 19 ...

.... (Signature and title of registry agent
or person authorized to administer oaths)

(b) Persons in the military and overseas citizens, as specified in W.S. 22-3-117, may swear or affirm to the oath under the penalty of perjury. The oath does not require the signature of an oath-taking officer.

22-3-104. Signing, subscribing and delivery of registration oath; registration facilities in public buildings.

(a) A person registering to vote except as provided in subsection (b) or in W.S. 22-3-117 shall sign his legal name in full on the registration oath form in the presence of a registry agent in his proper polling place at a primary election or in the office of the county clerk or city clerk in the principal office building of the county or city in the presence of the registry agent. The completed and signed registration oath shall then be subscribed by the registry agent and delivered to the county clerk.

(b) A county or city clerk may establish and maintain registration facilities in a public building owned by a political subdivision or governmental institution, agency or entity, after giving not less than two (2) days notice by publication in a newspaper of general circulation in the county and by posting such notice in such clerk's office and on the front door of such public building.

(c) A person registering to vote except as provided in subsection (b) or in W.S. 22-3-117 shall sign his legal name in full on the registration oath form in the presence of a registry agent in his proper polling place at a general election or in the office of the county clerk or city clerk in the principal office building of the county or city in the presence of the registry agent. The completed and signed registration oath shall then be subscribed by the registry agent and delivered to the county clerk.

22-3-105. Investigation of voter qualifications; striking names from registry; criteria; notice; appeal.

(a) The county clerk may investigate the qualifications of any voter registration, when he has reasonable cause to believe that the voter may be unqualified. The county clerk shall, after a thorough investigation, strike from the registry lists the name of any person who is not qualified to be registered.

(b) Among the criteria he may use in determining the qualifications of any person to be registered are the following:

- (i) Location of dwelling of registrant and family;
- (ii) Occupation and location of employment;
- (iii) Location of vehicle registration;
- (iv) Driver's license;
- (v) Property owned;

(vi) Any other residency qualifications either provided by law or deemed reasonable by the clerk to render a judicious determination.

(c) The clerk shall give immediate written notice by certified return receipt mail to any person who is denied registration.

(d) Any person who is denied registration has the right to appeal to a justice of the peace, county court within the county or to the district court within five (5) days of the date of the notification. The appellant shall not be required to obtain legal counsel for any such appeal.

(e) The court shall hear and decide any such appeal within five (5) days from the date the appeal is received.

(f) The provisions of the Wyoming Administrative Procedure Act [16-3-101 through 16-3-115] are not applicable to voter registration appeals.

22-3-106. Request for voter registration withdrawal; form. If a voter registration applicant affirms that he is registered in another county or state, the registry agent shall require that the applicant complete and sign a "Request for Voter Registration Withdrawal" form. The registry agent shall mail the form to the registry agent of the jurisdiction in which the applicant was last registered. The withdrawal form shall conform in substance to the following:

REQUEST
FOR
VOTER REGISTRATION WITHDRAWAL

I, having now registered to vote in the County of, State of Wyoming, hereby request that my registration to vote in the County of, State of be withdrawn.

My previous address was:

.... Street

.... City

....

Signature of requester

Subscribed and sworn to before me by this day of, 19...

....

Name of person receiving request

....

Title

22-3-107. Information registry agent may enter on registration form. The registry agent may determine and enter on a voter registration oath form

the voting district number, polling precinct number, and school district number after the applicant signs the form.

22-3-108. Official registry list information.

(a) The official registry list shall contain at least the following information as to each registered elector:

- (i) Name in full;
- (ii) Residence by street number and name, if any;
- (iii) Voting district and precinct numbers;
- (iv) Party affiliation, if declared.

(b) The official registry list may contain the following information as to each registered elector:

- (i) Social security number, if any;
- (ii) County;
- (iii) Date of registration;
- (iv) Date of birth;
- (v) Whether resident within municipal corporate limits, and, if so, its name; and
- (vi) School district number.

22-3-109. Certification and transmittal of registry lists; posting of lists.

(a) Not less than ten (10) days before any election, the county clerk shall certify and transmit to the officer in charge of each election at his request the necessary registry lists for the precincts or areas involved in the election. Not less than ten (10) days prior to the primary and general elections the county clerks shall mail three (3) copies of the registry lists for each precinct in the county to the county chairman of each political party in the respective counties.

(b) The county clerk shall publicly post in a prominent place at the county courthouse one (1) copy of the list for each precinct.

22-3-110. Expense of preparing registry lists. The expense of preparing registry lists required by law to be provided by the county clerk in combined statewide political subdivision elections, shall be shared on an equitable basis by the governmental entities participating in the election. The expense of preparing other registry lists shall be paid by the entity holding the election.

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 registry lists, the oaths of judges of election, a tally list, and other information required by law. 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.

(b) Pollbooks shall be prepared for special district elections by the officials in charge of such elections. The county clerk shall furnish registry lists as required and requested by such officials.

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. The judges of election shall enter in pollbooks all information required by law.

22-3-113. Disposition of pollbooks after polls close. After the polls are closed and the pollbooks are made to agree, the judges of election in each precinct shall return one (1) pollbook containing one (1) copy of each of the poll lists and one (1) copy of the registry list, which may be one and the same, to the county clerk, together with the election returns, and retain one (1) such pollbook in their possession. Judges of election may discard pollbooks in their possession two (2) years after the election to which the pollbooks pertain or in the event of litigation, at the conclusion of the litigation, whichever date is later.

22-3-114. Notification by registered elector of name or address change. A registered elector who changes his name or changes his residence from one address to another shall notify the county clerk in writing of the change, including in the notification the name, address, precinct and social security number under which registered and the nature of the change.

22-3-115. Grounds for cancellation of registration.

(a) A registered elector's registration shall be cancelled for any one (1) of the following reasons:

- (i) Failure to vote in any general election;
- (ii) Death;
- (iii) Removal of residence from the county or state more than thirty (30) days prior to an election;
- (iv) Disqualification to vote.

(b) A registered elector's registration shall not be cancelled if the elector in any general election requested an absentee ballot which was rejected.

22-3-116. Notice of intent to cancel registration. When the county clerk has information that a registration should be cancelled, he shall mail a notice of intent to cancel to the elector at his address on the registry list stating the reason for cancellation. The notice shall state that cancellation shall occur within twenty (20) days unless the elector asks that his name remain on the registry list. A copy of the notice of cancellation shall be retained by the county clerk for three (3) years.

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

(a) Notwithstanding any other section or provision in this chapter, any citizen of the United States who is a resident of Wyoming and who shall be absent from his place of residence or unable because of physical disability or infirmity to appear before a registry agent and apply for registration as provided in W.S. 22-3-104 may apply for registration by completing and subscribing, the form of voter registration oath prescribed by W.S. 22-3-103 before any person authorized by law to administer oaths, which person is considered a registry agent for this purpose. Each county clerk shall furnish the form of voter registration oath to each person who applies for the same, in person, by telephone or mail, or through an agent. The completed voter registration oath shall be mailed or returned to the county clerk in the county in which the absentee applicant resides and must be received in the county clerk's office thirty (30) days before any election in order for the absentee registrant to be eligible to vote in that election.

(b) Under the Military and Overseas Absentee Voting Act, 42 U.S.C. 1973ff (1986) or any subsequent federal laws of similar purpose the following persons shall be allowed to simultaneously register and make application for an absentee ballot through the use of the Federal Postcard Application (FPCA), provided those persons are residents of this state or in the case of overseas citizens, they were last domiciled in Wyoming immediately prior to their departure from the United States and are not registered to vote in any other jurisdiction:

(i) Members of the armed forces and merchant marine and their spouses and dependents residing with them;

(ii) Overseas citizens and their spouses and dependents residing with them; and

(iii) Citizens temporarily residing outside of the United States and the District of Columbia, and their spouses and dependents residing with them;

(iv) Any other person to whom federal law requires this privilege be extended.

(c) Registration through the Federal Postcard Application constitutes temporary registration for the current election year only and the registration of such a registrant shall not be entered on the permanent registration records of the county clerk. The Federal Postcard Application shall be accepted if completed and signed by the applicant under penalty of perjury.

(d) If any person specified in subsection (b) of this section desires permanent registration, that person shall subscribe to the voter registration oath prescribed by W.S. 22-3-103. The oath shall be self-administered under penalty of perjury and does not require the signature of an oath-taking official.

CHAPTER 4 POLITICAL PARTIES

ARTICLE 1 MAJOR POLITICAL PARTIES

22-4-101. Definition; composition, election and qualifications of county central committees; certificate of election.

(a) As used in this article, major political party and political party means a political organization whose candidate for the United States House of Representatives received not less than ten percent (10%) of the total votes cast in the most recent general election.

(b) The county central committee of each political party consists of precinct committeemen and committeewomen elected in the county at the regular biennial primary election. Each political party in each precinct shall elect one (1) committeeman and one (1) committeewoman for each two hundred fifty (250) votes or major fraction thereof cast for the party's candidate for representative in congress in the last general election, but provided that no precinct shall be entitled to less than one (1) precinct committeeman and precinct committeewoman. Precinct committeemen and committeewomen shall be electors registered in the party and resident in the precinct. The county clerk shall issue a certificate of election to the precinct committeemen and committeewomen elected. The certificate shall state the term of office which shall begin on the day the primary election is canvassed and shall expire on the date the next regular biennial primary election is canvassed. If a precinct boundary line is changed for any reason, the county commissioners shall determine the number of precinct committeemen and committeewomen to which the affected precinct is entitled.

22-4-102. Tie votes for committeeman. A tie vote for precinct committeeman or committeewoman shall be broken by lots cast by the county canvassing board.

22-4-103. County central committee vacancies. A vacancy in the county central committee shall occur in case of death, resignation, or removal of residence from the precinct. A vacancy shall be filled by the county central committee by election of a registered elector resident in the precinct in which the vacancy exists and registered in the party or as provided by the party bylaws.

22-4-104. County central committee organizational meeting; notice of meetings. The county central committee shall meet and organize under the direction of the county chairman at the time and place determined by the county chairman within ten (10) days after its members have been certified

elected. The county chairman shall also publish a notice of all meetings of the county central committee in a newspaper of general county circulation not less than two (2) days prior to a meeting.

22-4-105. County central committee odd year meeting; notice; election of chairman, state committeeman and committeewoman. The county central committee shall meet at the county seat during the last fifteen (15) days of March of each odd-numbered year at a time and place determined by the county chairman. The county chairman shall deposit notice of the meeting in the office of the county clerk not less than ten (10) days before this meeting. At the meeting, the county central committee shall elect the chairman of the county central committee, one (1) state committeeman and one (1) state committeewoman and other offices as provided by the party bylaws. A state political party may provide in its rules for the election of additional state committeemen and additional state committeewomen. Neither the chairman, state committeeman or state committeewoman need be members of the county central committee.

22-4-106. County convention. The county convention of each political party shall meet during the month of March in even-numbered years.

22-4-107. County convention delegates. Delegates to the county convention of a political party are the members of the county central committee, unless a political party provides in its rules for an alternate method of selecting such delegates.

22-4-108. Delegates and alternates to state convention; county platform. The county convention shall elect from electors resident in the county and registered in the party delegates and alternates to the state convention as apportioned by the rules of the party. The county convention may also adopt a county platform.

22-4-109. Notice to state chairman of state committeeman and committeewoman. The county chairman shall immediately notify the state chairman in writing of the names and addresses of persons elected to the offices of state committeeman and committeewoman.

22-4-110. Composition of state central committee. The state central committee consists of state committeemen and committeewomen and county chairmen elected at the March meeting of the county central committees.

22-4-111. State central committee organizational meeting; notice. The state central committee shall hold an organizational meeting during the last fifteen (15) days in April of odd-numbered years, at which it shall elect from electors registered in the party a chairman, secretary and other officers

as provided in the rules of the party. The state chairman shall mail notice of the time and place of this meeting to each member of the committee not later than ten (10) days before the meeting.

22-4-112. State committeeman or committeewoman vacancies. A vacancy in the office of state committeeman or committeewoman occurring by death, resignation or removal of residence from the county shall be filled by the county central committee of the county in which the vacancy occurs within thirty (30) days of such vacancy.

22-4-113. Delegation of functions to subcommittees. The state and county central committees may delegate any lawful function to a subcommittee by majority resolution consistent with party rules, except election of its officers.

22-4-114. Representation by proxy; qualifications. A member of a political committee or subcommittee may be represented at any meeting of the committee or subcommittee by written proxy. A person holding a proxy must be a resident of the same political subdivision as the member he represents. No person shall be allowed to vote more than two (2) proxies.

22-4-115. Date of party state convention. Each political party shall hold a state convention on the first Saturday in May of even-numbered years.

22-4-116. Calling of state convention; contents of notice. The state chairman shall call a state convention by filing notice in the office of the secretary of state and of each county clerk not later than twenty (20) days before the convention. The notice shall state the total number of delegates and alternates, and the number of delegates to which each county is entitled.

22-4-117. State convention members. Members of the state convention are the delegates or their alternates chosen by the county conventions, and the delegates or their alternates chosen at large by the youth organizations of the political parties in accordance with rules of their respective party.

22-4-118. State convention powers and duties.

(a) The state convention has the following powers and duties:

(i) To nominate electors of president and vice-president of the United States;

(ii) To elect national committeemen and committeewomen;

(iii) To adopt a platform;

(iv) To select delegates and alternates to national nominating conventions;

(v) To formulate or change the rules governing the internal organizations of the party which rules must include:

(A) The time, place, manner of election and terms of office of party officers not provided by statute;

(B) The method of apportioning delegates and alternates to the state convention to each county;

(C) The method of selecting delegates and alternates to the national convention;

(D) The name, powers and duties of any standing committee of the state central committee and the state convention;

(E) Rules of conduct for county and state conventions;

(F) Powers and duties delegated to county and state committees.

(vi) To conduct such other business as it deems necessary or proper.

22-4-119. Certification and filing of rules and bylaws. The state party chairman and party secretary shall certify all rules and bylaws promulgated, revoked or amended by the state convention and file them with the secretary of state within thirty (30) days after the adjournment of the state convention.

22-4-120. Certification of presidential elector nominees and state party officers. The state party chairman and party secretary shall certify the names of nominees for presidential electors and the names of the state party officers elected to the secretary of state immediately after the state convention.

ARTICLE 2 FORMATION

22-4-201. Renumbered as 22-4-402 by Laws 1991, ch. 243, 3.

22-4-202. Renumbered as 22-4-403 by Laws 1991, ch. 243, 4.

22-4-203. Renumbered as 22-4-404 by Laws 1991, ch. 243, 4.

22-4-204. Renumbered as 22-4-405 by Laws 1991, ch. 243, 4.

22-4-205. Repealed by Laws 1991, ch. 243, 5.

22-4-206. Repealed by Laws 1991, ch. 243, 5.

22-4-207. Repealed by Laws 1991, ch. 243, 5.

22-4-208. Repealed by Laws 1991, ch. 243, 5.

ARTICLE 3
MINOR POLITICAL PARTIES

22-4-301. Definition. "Minor political party" means a political organization whose candidate for the United States house of representatives received not less than three percent (3%) nor more than ten percent (10%) of the total votes cast in the most recent general election.

22-4-302. Composition and qualifications of minor party offices. Each minor party shall provide for a sufficient number of officers to govern the party and shall have at least a state party chairman and a state party secretary. Each officer shall be a registered elector in the party. Officers shall be elected or appointed in accordance with party rules and bylaws.

22-4-303. Nomination of candidates. Minor parties may nominate candidates to be placed on the general election ballot only by party convention. Under no circumstances shall a minor political party nominate by the primary election process.

22-4-304. Certification of candidates.

(a) The chairman and secretary of the state political convention shall certify to the secretary of state the names of its party's nominees for United States senator, United States representative, all elective state offices, legislative offices and office of district attorney.

(b) The chairman and secretary of the state or county political convention shall certify to the county clerk the names of its party's nominees for elected county offices.

(c) The names certified to the secretary of state and the county clerk shall be filed no later than the day before the primary election.

(d) Persons certified as nominees shall be members of that party, as shown by their affidavits of registration, at the time their names are certified.

22-4-305. Certification and filing of rules and bylaws. The state party chairman and state party secretary shall certify all rules and bylaws promulgated, revoked or amended by the state convention and file them with the secretary of state within thirty (30) days after the adjournment of the state convention.

22-4-306. Certification of presidential elector nominees and state party officers. The state party chairman and state party secretary shall certify the names of nominees for presidential electors and the name of the state party officers elected to the secretary of state immediately after the state convention.

ARTICLE 4

FORMATION OF NEW PROVISIONAL PARTIES

22-4-401. Definition. "Provisional party" means a political organization which has filed a legally valid petition as provided in this article. The filing of a legally valid petition entitles the provisional party to participate in the next general election. If the provisional party's United States house of representatives candidate receives less than three percent (3%) of the total vote cast in that election, the provisional party loses party status.

22-4-402. Petition; form; validity.

(a) Any group of persons desiring to form a new political party within this state shall file a petition with the secretary of state not later than May 1 in any general election year in which the party seeks to qualify for the general election ballot.

(b) The petition shall be approved by the secretary of state prior to circulation and shall conform in substance to the following:

PETITION FOR FORMATION OF A POLITICAL PARTY

I know the contents of this petition including the names of the provisional party officers and request that the _____ party be printed on the ballot for the next general election. I am a registered elector for the next primary and general election. (This statement shall appear at the head of each petition page.)

PROVISIONAL PARTY OFFICERS

	NAME	ADDRESS
CHAIRPERSON	_____	_____
TREASURER	_____	_____

PETITIONERS

	(Signature)	(Printed Name)	(Residence)	(Date)
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____

VERIFICATION BY CIRCULATORS

I,, do hereby certify that I am a circulator of this petition, and I solely and personally circulated this petition, that all the signatures appearing herein were made in my presence from(month)(day), 19.... through(month)

....(day), 19...., and to the best of my knowledge and belief such signatures are those of the persons whose names they purport to be.

.... (signature)

.... (residence address)

(c) The name of the party printed on the petition shall consist of not more than two (2) words and shall not be identical to, nor similar to, the name of any existing qualified political party as determined by the secretary of state.

(d) To be valid, a petition shall contain the names and signatures of not less than eight thousand (8,000) registered electors eligible to vote in this state.

(e) The petition shall be circulated no earlier than May 1 of the year preceding the general election.

22-4-403. Circulation of petition; requirements. Copies of the petition may be circulated for signatures, but each separate page shall contain the information required to be contained in the original petition. An elector signing the petition shall also list his name, residence and the date after his signature, as provided on the petition form in W.S. 22-4-402(b).

22-4-404. Signing more than 1 petition. The signature of an elector appearing on more than one (1) petition to form a new political party for the same primary and general election shall be counted only on the petition first submitted for filing but on none thereafter.

22-4-405. Verification of signatures on petition. The secretary of state shall determine from the official list of registered electors whether sufficient valid signatures have been obtained on petitions filed with the secretary of state's office.

22-4-406. Officers and nominating procedures. A provisional party shall be subject to W.S. 22-4-302 through 22-4-306. Under no circumstances shall a provisional party nominate by the primary election process.

CHAPTER 5 NOMINATIONS

ARTICLE 1 GENERAL PROVISIONS

22-5-101. How candidates nominated. Nominations of candidates for all offices filled at a general election, except school and community college

district offices and special district offices, may be made by primary election, by petition for nomination as an independent candidate as provided in W.S. 22-5-301 through 22-5-308 or by convention as provided in W.S. 22-4-303 and 22-4-406.

22-5-102. Eligibility to be a candidate for state legislature; residency.

(a) For the purpose of meeting residency requirements of the Wyoming constitution, a person shall not be a candidate for the state legislature from a legislative district unless he has been a resident of that legislative district for at least one (1) year next preceding his election. For the 1992 general election only, a person may be a candidate for the state legislature from a legislative district if he:

(i) Is a resident of the legislative district on the date he files an application under W.S. 22-5-204 or a petition under W.S. 22-5-301; and

(ii) Has been a resident of a county for at least one (1) year next preceding his election in which any portion of that legislative district is located.

22-5-103. Term limitation; limits on ballot access; state offices.

(a) Notwithstanding any other provision of Wyoming law, the secretary of state or other authorized official shall not certify the name of any person as the nominee or candidate for the office sought, nor shall that person be elected nor serve in that office if the following will occur:

(i) The person, by the end of the current term of office will have served, or but for resignation, would have served eight (8) or more years in any sixteen (16) year period in the office for which the candidate is seeking nomination or election, except, that any time served in that particular office prior to January 1, 1993, shall not be counted for purposes of this term limit. This provision shall apply to the offices of governor, secretary of state, state auditor, state treasurer, and state superintendent of public instruction;

(ii) The person, by the end of the current term of office will have served, or but for resignation, would have served six (6) or more years in any twelve (12) year period as a state representative, except that any time served in the office of state representative prior to January 1, 1993, shall not count for purposes of this term limit;

(iii) The person, by the end of the current term of office will have served, or but for resignation, would have served twelve (12) or more years in any twenty-four (24) year period as a state senator, except that any time served as a state senator prior to January 1, 1993, shall not be counted for purposes of this term limit.

22-5-104. Term limitation; limits on ballot access; federal offices.

(a) Notwithstanding any other provision of Wyoming law, the secretary of state or other authorized official shall not accept nomination applications

or certify as a nominee or candidate for the office sought, the name of any person, if the following will occur:

(i) The person by the end of the current term of office will have served, or but for resignation, would have served as a representative from Wyoming for twelve (12) or more years in any twenty-four (24) year period to the United States Senate, except that any time served in the United States Senate, prior to January 1, 1993, shall not be counted for purposes of this term limit;

(ii) The person by the end of the current term of office will have served, or but for resignation, would have served as a representative from Wyoming to the United States House of Representatives for six (6) or more years in any twelve (12) year period of time, except that any time served in the United States House of Representatives, prior to January 1, 1993, shall not be counted for purposes of this term limit.

22-5-105. Scope of limitations. The term limits and ballot access restrictions set forth above shall apply only to the specific office referenced in which the person previously served. It is not the intent that this act preclude or prohibit a person from seeking nomination or election to any other office for which the referenced term limit or ballot access restriction is not applicable.

22-5-106. Severability. If any part of this measure or the application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application, which reasonably can be given effect without the invalid provision or applications.

ARTICLE 2 NOMINATION BY PRIMARY ELECTION

22-5-201. Date of primary election. A primary election shall be held at the regular polling places in each precinct on the first Tuesday 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.

22-5-202. Major political party participation; separate ballots; same time. Major political parties shall participate in the primary election and each shall have a separate party ballot. The primary election of major political parties shall be held at the same time and at the same polling places and shall be conducted by the same election officials.

22-5-203. Nonpartisan judicial offices; separate ballot; same time.

(a) Candidates for the nonpartisan office of justice of the peace shall be nominated only by nonpartisan primary election.

(b) A separate ballot shall be used for the nonpartisan primary election which shall be held at the same time and at the same polling places and shall be conducted by the same election officials as the partisan primary election.

22-5-204. Application for nomination or election; party registration; form.

(a) Repealed by Laws 1991, ch. 243, 5.

(b) An eligible person seeking nomination or election for a partisan office shall be registered in the party whose nomination he seeks and shall file an application in substantially the following form:

**APPLICATION FOR NOMINATION OR ELECTION
BY PARTY PRIMARY**

State of Wyoming)
) ss.
County of)

I,, certify that I was born on, 19.., that I have been a resident of the state of Wyoming since, and that I am a registered voter of Election District No., in Precinct No., in County of, (if for the office of state senator or representative) in Senate (House) District, state of Wyoming, and registered as a member of party, and I hereby request that my name be printed upon the official party ballot at the next primary election as a candidate for the office of, and hereby declare that if nominated and elected, I will qualify for the office.

Dated the day of, 19...

.... (Signature)
.... (Residence Address)

22-5-205. Nomination application form for nonpartisan office. An eligible person seeking nomination for a nonpartisan office must file an application in substantially the following form:

**APPLICATION FOR NOMINATION BY
NONPARTISAN PRIMARY**

State of Wyoming)
) ss.
County of)

I,, certify that I was born on, that I have been a resident of the State of Wyoming since, and that I am a registered voter of County and that I am eligible to be elected to such office, and I hereby request that my name be printed upon the official nonpartisan ballot at the next primary election as a candidate for the office indicated below as follows:

Justice of the peace.

I am seeking (1) the regular term or (2) the unexpired term which terminates on the day of, 19.....

Dated this day of, 19.....

.... Signature

22-5-206. Where nomination applications to be filed.

(a) Nomination applications for United States senators and representatives in congress, state offices [and] members of the legislature, shall be filed in the office of the secretary of state.

(b) Other applications shall be filed in the office of the county clerk of the county in which the person filing for nomination resides.

22-5-207. Furnishing of application forms. The secretary of state and county clerks shall provide to any qualified elector the application form required to be filed in their respective offices.

22-5-208. Filing fees; exception.

(a) Applications shall be accompanied by the following fees:

(i) Twenty-five dollars (\$25.00) for the offices of state senator, state representative, district attorney and for the offices to be voted for by electors wholly within a county;

(ii) Two hundred dollars (\$200.00) for offices to be voted for by electors of the entire state.

(b) No application is valid unless the fee is paid.

(c) A filing fee shall not be required of candidates for precinct committeeman and committeewomen.

22-5-209. Time for filing nomination applications; certified list. An application for nomination shall be filed not more than ninety-six (96) days and not later than seventy-four (74) days next preceding the primary election. Not later than sixty-eight (68) days before a primary election the secretary of state shall transmit to each county clerk a certified list of persons whose applications have been filed in the office of the secretary of state stating as to each his name, age, address, office sought and party affiliation.

22-5-210. Distribution of necessary supplies. Prior to the primary election the county clerk shall distribute to the judges of election for each precinct all necessary supplies, including a sufficient number of partisan and nonpartisan primary ballots, and voter registration forms.

22-5-211. Conduct of election; residency required to vote. Except as specifically provided otherwise, a primary election shall be conducted in the same manner as a general election, and a person may vote only in the precinct in which he resides.

22-5-212. When declaration of party affiliation required. An elector requesting a major party ballot must declare his party affiliation, or sign an application for change of affiliation before he may receive a party ballot. An elector may vote only the nonpartisan ballot and if so, is not required to declare his party affiliation. Requesting a partisan primary election ballot constitutes a declaration of party affiliation. A change in declaration of party affiliation shall be entered on the poll list and the registry list, which may be one and the same, by the county clerk.

22-5-213. Entry in pollbook. The judges of election shall check or enter in the pollbook the name of each elector voting in the primary election and his party affiliation, if declared. An elector voting only a nonpartisan ballot shall be entered in the pollbook as a nonpartisan voter.

22-5-214. Change in party affiliation. An elector may change his party affiliation by completing an application and filing it with the county clerk not later than thirty (30) days before the primary election or at the polls on the day of the primary election.

22-5-215. Nomination of partisan candidates and write-in candidates. On each party ballot the candidate or candidates equal in number to the number to be elected to each office who receive the largest number of votes shall be nominated and shall be entitled to have their names printed on the ballot for the next general election. A write-in candidate shall not be nominated and shall not be entitled to have his name printed on the ballot for the next general election unless he received at least five (5) write-in votes.

22-5-216. Nomination of nonpartisan candidates. For each nonpartisan office the candidates equal in number to twice the number to be elected to the office, who receive the largest number of votes, shall be nominated and shall be entitled to have their names printed on the nonpartisan ballot for the next general election. An elector may vote for no more than the number of candidates to be elected for each nonpartisan office.

22-5-217. Election of candidates. Partisan and nonpartisan candidates who receive the largest number of votes for each office to be filled at the general election are elected.

22-5-218. Election of major party precinct committeemen and committeewomen. The candidates equal in number to the number of offices to be filled receiving the greatest number of votes on each party ballot for the offices of major party precinct committeeman and committeewoman shall be deemed elected.

22-5-219. Further action by nominees or elect not required; exception; failure of write-in candidates to act.

(a) Candidates nominated and major party precinct committeemen and committeewomen elected at a primary election shall be deemed nominated or elected without further action with the exception of the filing requirements of W.S. 22-25-106. In addition, each write-in candidate nominated or elected at a primary election accepts by filing an application for nomination and paying the filing fee, in the office in which he would have been required to file an application for that office.

(b) The canvassing board shall notify write-in candidates who have been nominated for election within forty-eight (48) hours after the canvassing board meets. Failure of the successful write-in candidate to accept the nomination within five (5) days results in the successful write-in candidate not appearing on the general election ballot, but does not result in a vacancy which can be filled.

ARTICLE 3 NOMINATION BY PETITION

22-5-301. Independent partisan candidates; form.

(a) Independent candidates for partisan public offices may be nominated by filing a signed petition in substantially the following form:

PETITION FOR NOMINATION

I,, certify that I was born on, 19.., that I have been a resident of the State of Wyoming since, and that I am a registered voter of Election District No., in Precinct No., County of, (if for the office of state senator or representative) in Senate (House) District, State of Wyoming, and having obtained the number of signatures required by law for nomination by petition, I hereby request that my name be printed on the official ballot at the next general election as an independent candidate for the office of and declare that if nominated and elected, I will qualify for the office.

Dated the day of, 19...

.... (Signature)
.... (Residence Address)

The eligible, registered electors supporting my nomination, and numbering not less than five percent (5%) of the total number of votes cast for Representative in Congress at the last general election in the political subdivision for which this petition is filed, are as follows:

(Signature)	(Printed Name)	(Residence)	(Date)
1. _____			
2. _____			

VERIFICATION BY CIRCULATORS

I,, do hereby certify that I am a circulator of this petition, and I solely and personally circulated this petition, that all the signatures appearing herein were made in my presence from (month) (day), 19.. through (month) (day), 19..., and to the best of my knowledge and belief such signatures are those of the persons whose names they purport to be.

.... (Signature)
.... (Residence address)

22-5-302. Unsuccessful primary candidates precluded. An unsuccessful candidate for office at a primary election may not seek nomination by petition for the same office filled at the next general election.

22-5-303. Restrictions on sponsors of independent candidates. The name of a political group sponsoring an independent candidate shall not contain the name or any derivation of the name of any political party recognized under Wyoming law.

22-5-304. Qualifications and number of signers required. A petition shall be signed by registered electors, resident in the legislative district or other district or political subdivision in which the petitioner will be a candidate, and eligible to vote for him, numbering not less than five percent (5%) of the total number of votes cast for representative in congress in the last general election for the political subdivision or legislative district for which the petition is filed.

22-5-305. When petitions may be circulated; use of copies; requirements.

(a) A petition shall be circulated for signatures only during the calendar year in which the election for the office sought is to be held.

(b) Copies of the petition may be circulated for signatures, but each separate page shall contain the information required to be contained in the original petition for nomination.

(c) An elector signing a petition must also write his name, date and the residence address after his signature.

(d) The name of one (1) voter signed to more than one (1) petition for nomination to the same office shall not be counted on more than one (1) petition.

22-5-306. Where petitions to be filed; fee.

(a) Petitions for nomination of independent candidates shall be filed in the office prescribed for nomination by primary election for such office.

(b) Petitions must be accompanied by the same fee required for the same office of candidates seeking nomination by primary election. A petition not accompanied by the fee is not valid.

22-5-307. Time for filing independent petitions. Petitions filed with the secretary of state and with the county clerk shall be filed not less than seventy (70) days before a general election.

22-5-308. Determining validity of petitions. The secretary of state, or county clerk shall determine from the official list of registered electors whether sufficient valid signatures have been obtained on petitions filed in his office.

ARTICLE 4 VACANCIES IN NOMINATION

22-5-401. Vacancies in nomination for major parties; procedure for filing generally.

(a) The vacancy in nomination which occurs if a major party candidate, between primary and general elections, dies, is disqualified to hold the office for which nominated, or files a withdrawal or rejection of nomination with the officer responsible for printing ballots and voting machine labels, shall be filled by certificate filed with the officer which shall state:

(i) The cause of vacancy and name of the former nominee;

(ii) The name, age, place of residence, post office address and qualifications of the successor nominee; and

(iii) The office and term for which nominated.

(b) The certificate shall be prepared and filed by:

(i) The state central committee of the political party of the former nominee for a partisan office to be voted for by the electors of the entire state;

(ii) The county central committee of the political party of the former nominee for a partisan office to be voted for by the electors of a county or a subdivision thereof, except as provided in paragraph (iv) of this subsection;

(iii) The county bar association for the office of justice of the peace;

(iv) For nominees for the state legislature, the state central committee of the political party of the former nominee for a partisan office shall:

(A) Notify the precinct committeemen and committeewomen for that party for each precinct within the legislative district of the vacancy and arrange a meeting of those precinct committeemen and committeewomen at which a successor nominee shall be selected by them. The state central committee of each party may delegate the authority to call a meeting under this subparagraph;

(B) Prepare and file the certificate required under subsection (a) of this section.

(c) Repealed by Laws 1985, ch. 204, 2.

(d) Notwithstanding subsections (a) and (b) of this section, the vacancy in nomination created by failure of the qualified write-in nominee to accept nomination shall remain vacant.

(e) A candidate may withdraw only by filing a written withdrawal in the filing office in which he filed his application for nomination. If a candidate withdraws after the ballots are printed, the county clerk shall attempt to do one (1) of the following, depending upon circumstances including but not limited to the time frame and the type of voting device used:

(i) Reprint the ballot or ballot label, deleting the name of the candidate who has withdrawn;

(ii) Affix stickers on the ballot or ballot label with the words "candidate withdrawn" or "withdrawn"; or

(iii) Prepare special paper ballots for use by the electors containing the names of any candidates remaining in the election after the withdrawal of the particular candidate.

22-5-402. Procedure after ballots and labels printed.

(a) If any major, minor or provisional party vacancy is filled after official ballots and voting machine labels are printed, the county clerk shall attempt to do one (1) of the following, depending upon circumstances including but not limited to the time frame and the type of voting device used:

(i) Reprint the ballot or ballot label, deleting the name of the candidate who has withdrawn;

(ii) Affix stickers on the ballot or ballot label with the words "candidate withdrawn" or "withdrawn"; or

(iii) Prepare special paper ballots for use by the electors containing the names of any candidates remaining in the election after the withdrawal of the particular candidate.

22-5-403. Vacancies in nomination for minor and provisional parties; withdrawal restricted.

(a) Any vacancy in nomination which occurs if a minor or provisional party certified candidate dies, is disqualified to hold the office for which

nominated or files a withdrawal or rejection of nomination may be filled by a certification from the state party chairman and state party secretary.

(b) A candidate may withdraw only by filing a written withdrawal in the filing office in which he filed his application for nomination. If a candidate withdraws after the ballots are printed, the county clerk shall attempt to do one (1) of the following, depending upon circumstances including but not limited to the time frame and the type of voting device used:

(i) Reprint the ballot or ballot label, deleting the name of the candidate who has withdrawn;

(ii) Affix stickers on the ballot or ballot label with the words "candidate withdrawn" or "withdrawn"; or

(iii) Prepare special paper ballots for use by the electors containing the names of any candidates remaining in the election after the withdrawal of the particular candidate.

CHAPTER 6 BALLOTS

22-6-101. Certification of candidates nominated; printing of names. Not less than sixty (60) days before each general election the secretary of state shall certify to each county clerk under party headings the name and address of each person nominated by primary election as indicated by the state canvass, the name of each person nominated by provisional or minor party convention, the name of each independent candidate qualifying for nomination by petition, and the office sought. The names of these candidates shall be printed on the official ballot of the general election.

22-6-102. County clerk to print ballots and labels; exception.

(a) The county clerk shall print official ballots, and ballot labels where necessary, for his county, for all primary and general elections. For use on voting machines the county clerk shall print ballot labels in black ink on white material containing the names of candidates or other words required by law.

(b) All other ballots shall be provided by the official responsible for conducting the election.

22-6-103. Official ballots. The official ballot shall contain the name of every candidate and every ballot proposition lawfully entitled to appear on the ballot. Only official ballots shall be cast at any election.

22-6-104. Sample ballots and voting machine facsimiles; printing, distribution, posting. The officer providing the official ballot shall also print sample ballots or voting machine labels which shall be identical to the official ballot or voting machine facsimile except that it shall contain the words

"SAMPLE BALLOT" in large clear letters and may be printed on paper of a different color than the official ballot or label. The officer shall distribute copies of the sample ballot or voting machine facsimile to each precinct prior to opening of the polls. The judges of election shall post at least three (3) copies of the sample in and around the polling place during the election. The county clerk shall have the samples available in his office for the public.

22-6-105. Sample ballots and voting machine facsimiles; publication. The officer providing the official ballots shall publish sample paper ballots and voting machine facsimiles at least once in a newspaper of general circulation in the district in which each primary and general election is held within two (2) weeks prior to the election. This notice shall also state that the names of candidates will be rotated on the official ballots and will not always appear in the order indicated in the sample ballots.

22-6-106. Replacement of lost ballots or labels. Official ballots or ballot labels not delivered to a precinct 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 in which they shall state under oath, before each other, that the original ballots have been lost, stolen or destroyed.

22-6-107. Time for possession of ballots and labels. Official ballots and labels for primary and general elections shall be in the county clerk's possession forty (40) days before the election.

22-6-108. Errors or omissions; posting.

(a) The official responsible for preparing the ballot shall correct errors or omissions as soon as possible.

(b) The official shall post a copy of each ballot in his office not later than the day when the official must have the ballot in his possession.

22-6-109. Elector's petition alleging error or omission. Not later than three (3) days after the ballot is posted an elector may file a petition in district court alleging that an error or omission exists in any official ballot to be voted within the county. The court shall, as soon as practical, order the ballot corrected or dismiss the petition.

22-6-110. Ballot propositions. A ballot proposition shall be printed as nearly as possible in the manner and form prescribed by law for a constitutional amendment.

22-6-111. Only name of candidate on ballot; exception. A candidate may use the name on the ballot by which he is generally known. Professional titles and degrees shall not appear on the ballot. If in the opinion of the

officer with whom the application for nomination or election is filed the names of two (2) or more candidates for any office to be voted on at the same election are the same or so similar as to confuse the electors as to the candidates' identity, the occupation and residence address of each of these candidates shall be printed under the candidate's name on the ballot.

22-6-112. Name to appear only once; exception. No candidate's name shall appear on the partisan ballot more than once, except that of a candidate for the office of precinct committeeman or committeewoman, who may also seek another office on the same partisan primary ballot.

22-6-113. More than 1 ballot on machine. More than one (1) ballot may appear on a voting machine but if several ballots are placed on a machine they shall be clearly separated to prevent confusion.

22-6-114. Repealed by Laws 1991, ch. 243, 5.

22-6-115. Specifications for paper ballots; arrangements on voting machines. Official paper ballots shall be uniform in size, printed in black ink on good quality paper through which printing cannot be read. Ballots shall be white except as otherwise provided. On a voting machine each column or row containing the titles of offices and candidates for office shall be arranged to indicate clearly the office for which a candidate is running.

22-6-116. Printing type size of party and candidate names. On official ballots and ballot labels the political party name or title shall be printed in capital letters not less than one-fourth (1/4) of an inch in height. The names of all candidates shall be printed in the same size letters not less than one-eighth (1/8) inch nor more than one-fourth (1/4) of an inch in height. The name of each political party shall be printed in the same type size as that of every other political party.

22-6-117. Order of listing offices in partisan elections.

(a) The major party primary and general partisan election ballots shall contain the offices to be voted on in the following order:

- (i) President and vice-president of the United States, or electors therefor, or as otherwise required by an act of congress;
- (ii) United States senator;
- (iii) Representative in congress;
- (iv) Candidates for governor, secretary of state, state auditor, state treasurer, and superintendent of public instruction;
- (v) Repealed by Laws 1992, ch. 1, 7.
- (vi) Candidates for state senate;
- (vii) Candidates for state house of representatives;
- (viii) Candidates for district attorney;

- (ix) Candidates for county commissioner, coroner, attorney, sheriff, clerk, treasurer, assessor, and clerk of the district court;
- (x) Candidates for offices of county subdivisions;
- (xi) Candidates for precinct offices.

22-6-118. Primary paper ballot colors.

- (a) The primary paper ballot of political parties shall be printed on the following colored paper:
 - (i) Republican party - White;
 - (ii) Democratic party - Blue;
 - (iii) Repealed by Laws 1991, ch. 243, 5.
 - (iv) Additional parties - A different color.

22-6-119. Format of partisan primary paper ballot.

- (a) The primary paper ballot of each major political party shall be printed in substantial compliance with this format:
 - (i) Across the top shall be printed "Official Partisan Primary Election Ballot" followed by the name of the major political party;
 - (ii) On the first line shall be printed the county in which the ballot is used, the date of the election and blank lines for entry of the election district and precinct;
 - (iii) On the second line shall be printed the following instructions: "To vote for a person whose name is printed on the ballot, mark the square immediately to the right of the name of the person for whom you desire to vote. To vote for a person whose name is not printed on the ballot, write or paste his name in the blank space provided for that purpose and mark the square immediately to the right of the name of the person.";
 - (iv) Candidates for the different offices shall be arranged in separate groups. At the top of each group shall appear the title of the office. On the same line and to the right shall be printed "Vote for one" or if more than one (1) are to be voted for, "Vote for not more than", then the appropriate words and figures designating the proper number to be elected;
 - (v) Below the list of candidates in each group shall be printed blank lines for write-in candidates equal in number to the number of candidates to be voted for;
 - (vi) To the right of the name of each candidate and blank line shall be printed a square for marking the vote. No square shall appear at the top of a column;
 - (vii) The ballot shall be arranged in vertical columns separated by black lines one-twelfth of an inch wide. Each column shall, as nearly as possible, contain the same number of candidates;
 - (viii) The following ballot example is to illustrate form only:

OFFICIAL PARTISAN PRIMARY ELECTION BALLOT

..... PARTY

....County, Election District, Precinct, Date.....,

(here print instructions) _____

United States Senator	Vote for one	State Repre- sentative(s)	Vote for not more than (correct no.)
John Doe	<input type="checkbox"/>	Mary Smith	<input type="checkbox"/>
Jane Smith	<input type="checkbox"/>	John Roe	<input type="checkbox"/>
_____	<input type="checkbox"/>	Richard Smith	<input type="checkbox"/>
		_____	<input type="checkbox"/>
		_____	<input type="checkbox"/>
		_____	<input type="checkbox"/>

Representative in Congress	Vote for one	County Commissioner(s)	Vote for not more than (correct no.)
Richard Poe	<input type="checkbox"/>	Mary Roe	<input type="checkbox"/>
Mary Doe	<input type="checkbox"/>	Richard Doe	<input type="checkbox"/>
_____	<input type="checkbox"/>	_____	<input type="checkbox"/>
		_____	<input type="checkbox"/>

22-6-120. Format of partisan general election paper ballot.

(a) The general election partisan paper ballot shall be printed in substantial compliance with this format:

(i) Across the top shall be printed "Official Partisan General Election Ballot;

(ii) On the first line shall be printed the name of the county in which the ballot is used, the date of the election, and blank lines for entry of the election district and precinct number;

(iii) On the second line shall be printed the same instructions as prescribed for primary elections in W.S. 22-6-119;

(iv) The designation of offices shall be printed on the far left side of the ballot;

(v) Following each office designation and on the same line shall be printed the names of candidates for the office;

(vi) The names of candidates of each political party shall be printed in a separate vertical column and the name of the political party shall be printed at the top of the column;

(vii) The names of independent candidates shall be printed in a separate vertical column or columns and the word "Independent" shall be printed at the top of the column;

(viii) Not more than two (2) words preceding the word "Party" shall be used to designate a political party;

(ix) For offices to which more than one (1) person is to be elected, the names of candidates in each column running for the office shall be offset or staggered to prevent two (2) names from appearing directly opposite each other;

(x) Below the names of candidates for each office shall be printed blank lines for write-in candidates equal in number to the number of persons to be elected;

(xi) To the right of the name of each candidate, except those running for the office of president and vice-president of the United States and their electors, and after each blank line for write-in candidates, shall be printed a square for marking the vote. A single square shall be printed to indicate the vote for candidates for the office of president and vice-president of the United States. No square shall appear at the top of a column;

(xii) To the right of the description of any office to be filled by more than one (1) candidate shall be printed "Vote For Not More Than", then the appropriate words and figures designating the proper number to be elected;

(xiii) Vertical columns containing the names of candidates shall be separated by a blank line one-twelfth inch wide;

(xiv) The official statement of the ballot proposition shall commence on the next line;

(xv) Directly to the right of the final line of such statement shall be printed two (2) squares on the same line. Above the first square shall be printed the word "For" and above the second square shall be printed the word "Against";

(xvi) The following ballot example illustrates form only:

OFFICIAL PARTISAN GENERAL ELECTION BALLOT

County of, Election District, Precinct, Date

(here print instructions)

REPUBLICAN DEMOCRATIC THIRD PARTY INDEPENDENT

(In Presidential Elections Years Only:)

VOTE FOR ONE PAIR

For President and
Vice-President of
the United States: _____

1994 Wyoming Election Code

President of
the United
States

John Smith ☐ David Jones ☐ Ruth Roe ☐

FOR

Vice-President
of the United
States

Don Jones ☐ John Brown ☐ John Doe ☐

For United States Senator:

VOTE FOR ONE

James Jones ☐ Sue Smith ☐ Jim Jones ☐
_____ ☐ _____ ☐ _____ ☐

For Representative in Congress:

VOTE FOR ONE

John Jones ☐ John Roe ☐ Jim Doe ☐
_____ ☐ _____ ☐ _____ ☐

For Governor:

VOTE FOR ONE

Mike Smith ☐ Mary Smith ☐ Lynn Roe ☐
_____ ☐ _____ ☐ _____ ☐

For Secretary of State:

VOTE FOR ONE

Sally Smith ☐ Don Jones ☐ Pat Smith ☐
_____ ☐ _____ ☐ _____ ☐

For State Senator(s):

VOTE FOR ONE

NOT MORE THAN (Correct No.)

Mark Smith ☐ Jim Jones ☐ Sue Roe ☐
Sam Doe ☐ Sam Smith ☐ Jake Doe ☐
_____ ☐ _____ ☐ _____ ☐

For State Representative(s):

VOTE FOR ONE

NOT MORE THAN (Correct No.)

Andy Smith ☐ Meg Roe ☐ Sam Roe ☐
Mary Roe ☐ Joe Smith ☐ Pat Roe ☐
_____ ☐ _____ ☐ _____ ☐

For District Attorney:

VOTE FOR ONE

NOT MORE THAN (Correct No.)

Jan Smith	<input type="checkbox"/>	Julie Jones	<input type="checkbox"/>	Mark Roe	<input type="checkbox"/>
_____	<input type="checkbox"/>	_____	<input type="checkbox"/>	_____	<input type="checkbox"/>

For County Commissioner(s):

VOTE FOR ONE

NOT MORE THAN (Correct No.)

Phil Roe	<input type="checkbox"/>	Cal Smith	<input type="checkbox"/>	Bob Doe	<input type="checkbox"/>
John Jones	<input type="checkbox"/>	Jim Jones	<input type="checkbox"/>	Jean Roe	<input type="checkbox"/>
_____	<input type="checkbox"/>	_____	<input type="checkbox"/>	_____	<input type="checkbox"/>
_____	<input type="checkbox"/>	_____	<input type="checkbox"/>	_____	<input type="checkbox"/>

For County Attorney:

VOTE FOR ONE

Sue Doe	<input type="checkbox"/>	Bob Jones	<input type="checkbox"/>	Peg Smith	<input type="checkbox"/>
_____	<input type="checkbox"/>	_____	<input type="checkbox"/>	_____	<input type="checkbox"/>

22-6-121. Party columns on general election ballot; order of candidates' names.

(a) Political party columns shall be located on the general election ballot according to the number of votes received by each party within the county for the office of representative in congress at the last preceding general election. The party receiving the highest number of votes shall appear on the first column immediately to the right of the column containing the names of the offices to be voted for and other parties to the right in the order of their respective numbers of such votes. The order of any provisional parties will be drawn by the secretary of state. When more than one (1) candidate is to be elected to a particular office, the names of candidates shall be printed in alphabetical order, subject to rotation, on all ballots for electronic, alternate and machine voting systems as defined by W.S. 22-11-101. The following shall apply:

(i) Where columns are used the provisions of this section shall be followed;

(ii) Where lines are used the party that would be in the first column shall be on the top line and the other parties in order;

(iii) Where a sequential system is used the candidates of the party that would be in the first column shall be listed first and the candidates of the other parties in order.

22-6-122. Rotation of candidates' names; equal lines on voting machines. The names of candidates for each office shall be rotated on all paper ballots and voting machines 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, 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.

22-6-123. Nonpartisan election ballots and ballot propositions. Primary and general election ballots for nonpartisan offices and ballot propositions shall be printed on yellow paper, separate from partisan ballots. They shall contain no political party designations, but otherwise shall conform to the same general requirements for official partisan ballots except as otherwise specifically provided.

22-6-124. Ballot propositions format. Following all offices on nonpartisan ballots, ballot propositions shall be printed in the order prescribed by law. The name and official number, if any, of each ballot proposition shall be printed at the left margin in large letters. Nonpartisan ballots shall contain the same instructions as prescribed for partisan primary election ballots in W.S. 22-6-119. If the ballot contains a proposed constitutional amendment or other ballot proposition, the instructions shall also include the following: "To vote for or against a proposed constitutional amendment, initiative or referendum, or other ballot proposition, mark the square printed to the right of the proposition marked 'For' or 'Against'."

22-6-125. Order of offices and ballot propositions on nonpartisan ballots.

(a) The nonpartisan ballot shall contain the offices and ballot propositions to be voted on in the following order:

- (i) Retention of justices of the supreme court;
- (ii) Retention of district court judges;
- (iii) Retention of county court judges;
- (iv) Justice of the peace;
- (v) Constitutional amendments;
- (vi) Initiative propositions;
- (vii) Referendum propositions;
- (viii) Other ballot propositions.

22-6-126. Form of nonpartisan ballots.

(a) The official nonpartisan ballot for a general election shall be printed in substantially the following form:

OFFICIAL NONPARTISAN ELECTION BALLOT
GENERAL ELECTION

County of, Election District, Precinct Date

(here print instructions)

CANDIDATES FOR PUBLIC OFFICE

For Justice(s) of the Supreme Court

(Here designate the particular term,
such as "regular eight (8) year term",
or the "unexpired term of years").

Shall Justice John Roe be retained in office? Yes ☐ No ☐

Shall Justice Richard Roe be retained in office? Yes ☐ No ☐

For Judge(s) of the District Court

of the Judicial District

(Here designate the particular term,
such as "regular six (6) year term",
or the "unexpired term of years").

Shall Judge Jane Roe be retained in office? Yes ☐ No ☐

Shall Judge Richard Roe be retained in office? Yes ☐ No ☐

For County Court Judge

(Here designate the particular term,
such as "regular four-
year term", or the "unexpired term of years").

Shall Judge John Doe be retained in office? Yes ☐ No ☐

Shall Judge Richard Roe be retained in office? Yes ☐ No ☐

For Justice of the Peace

(Here designate the particular
term, such as "regular four-
year term", or the "unexpired
term of years").

Vote for
one

John Doe ☐

Richard Roe ☐

Align all designations of office to correspond on the ballot with the listing of
names of candidates for the proper office and term.

BALLOT PROPOSITIONS

Proposed Constitutional Amendment Number One: For ☐ Against ☐

(Ballot Statement)

Proposed Initiative Proposition Number One: For ☐ Against ☐

(Ballot Statement)

Proposed Referendum Proposition Number One: For ☐ Against ☐

(Ballot Statement)

Other Ballot Propositions: For ☐ Against ☐

(Ballot Statement For Each Proposition)

(b) The official nonpartisan ballot for a primary election shall be so identified in the title and shall omit all references to justices of the supreme court, judges of the district court and county court judges but otherwise shall be in the same form as the general election nonpartisan ballot.

22-6-127. Rotation of names on nonpartisan ballots.

(a) The names of candidates for each nonpartisan office shall be rotated on the ballot in the same manner as required by law for candidates for partisan office.

(b) Rotation is not necessary if the number of candidates is equal to or less than the number of seats up for election.

22-6-128. Ballots for other elections. Ballots for bond, school and community college districts, and special district elections shall be provided by the authority responsible for holding the election. Ballots shall conform as nearly as possible to general requirements specified by law for the general election ballot, except as otherwise specifically provided.

22-6-129. Number of ballots to be provided. The authority responsible for providing ballots shall furnish each precinct or polling place as many ballots as there are registered electors in the precinct or polling place district plus five percent (5%).

CHAPTER 7

ELECTION DISTRICTS AND PRECINCTS

22-7-101. Election districts. The board of county commissioners with the advice or recommendation of the county clerk, no later than its first meeting in February in every general election year shall divide the county into not more than thirty (30) election districts. Each district shall be designated by number. Election districts shall be changed only at this designated meeting.

22-7-102. Change in precinct boundary.

(a) A precinct boundary shall not be changed unless a notice describing all proposed changes is published once a week for three (3) consecutive weeks in a newspaper of general circulation in the county. The board shall also mail

by certified mail return receipt requested copy of this notice to the county chairman of each political party in the county not later than fifteen (15) days before the meeting at which the proposed changes will be discussed. A proposed change in a precinct boundary may be finalized by the board only at the designated meeting. Each precinct shall be designated by number.

(b) However, changes to municipal precinct boundaries due to the annexation of any territory shall be effective upon the date provided in the ordinance.

22-7-103. Establishing or altering election districts or precincts; designation of special precincts.

(a) In establishing or altering election districts or voting precincts, the board of county commissioners shall be guided by the interests and convenience of the greatest number of electors involved. Election districts and voting precincts shall coincide with the boundary of a municipality or ward therein and school and community college trustee residence areas and shall not cross municipal boundaries except in cases where the board of county commissioners finds, and specifies in the minutes of its meeting the reasons why it is not practical to conform the boundaries of the election district or precinct to the municipal boundary.

(b) For elections other than the primary and general election, the county commissioners may designate different precincts than those used in the general election.

22-7-104. Procedure following resolution altering precinct area. Within five (5) days after the adoption of a resolution dividing or consolidating a precinct, or changing a precinct boundary, the county clerk shall send a certified copy of the resolution to the secretary of state and to the county chairman of each political party and notify by mail all registered electors receiving a new precinct number.

22-7-105. Election district number to precede precinct number. Whenever they are both referred to, the election district number shall precede the voting precinct number.

CHAPTER 8

JUDGES OF ELECTION AND COUNTING BOARDS

22-8-101. Notice of election officials needed; county chairmen to submit list of names; appointment.

(a) Not later than the third Tuesday of April in each general election year, each county clerk shall notify the county chairmen of the political parties in the county of the number of election judges and counting board members and alternates needed for the ensuing two (2) year term.

(b) Not later than the third Tuesday of May in each general election year the county chairman of each political party in each county shall certify to the county clerk a list of registered electors residing in the county and affiliated with the party who are willing to serve as a judge of election or as a member of a counting board. This list shall contain the names of not less than twice the number of electors required for the judges of election and counting board in each precinct.

(c) Not later than June 30, the county clerk on each general election year shall appoint judges of election and counting boards and alternates from lists submitted by the county chairmen of political parties. The election judges of each precinct shall elect a chief judge.

22-8-102. Qualifications. Judges of election and members of counting boards shall be registered electors of the precinct and shall be physically, morally and mentally competent to perform their duties. A judge of election shall not be a member of a counting board at the same election except as provided by W.S. 22-8-108(d).

22-8-103. Terms. Judges of election and members of counting boards serve for two (2) years or until their successors are appointed.

22-8-104. Repealed by Laws 1985, ch. 119, 2.

22-8-105. When lists insufficient. If the list of nominees for judges of election and members of counting boards provided by the county chairman is insufficient, the county clerk may appoint any elector otherwise qualified to be a judge of election or a member of a counting board.

22-8-106. Number of judges in each precinct. At least three (3) judges shall be appointed for each precinct. Additional judges may be appointed in a precinct as determined necessary by the county clerk.

22-8-107. Absentee ballot counting boards. If the alternate procedure for counting absentee ballots described in W.S. 22-9-125 is used, at least three (3) judges shall be appointed as an absentee ballot counting board in the same manner as other election judges are appointed. These judges shall determine legality of absentee ballots and count absentee ballots or in the case of electronic voting systems, the ballots shall be counted at the designated counting center.

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

(a) The board of county commissioners shall appoint a counting board for each paper ballot precinct casting more than three hundred (300) votes at the last general election, and may appoint a counting board in such a pre-

cinct 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.

(b) A counting board shall be appointed for each designated counting center in each county using an electronic voting system. The board shall consist of at least seven (7) members who shall be the county clerk or his designated deputy, and three (3) members of each political party appointed by the board of county commissioners. Additional members may be appointed by the county clerk if deemed necessary by the county clerk but equal party membership shall be assured.

(c) The counting board in a paper ballot precinct 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 where a counting board need not be appointed, the judges of election shall count the votes.

22-8-109. Party representation. Judges and members of counting boards shall be divided between the participating political parties as nearly equal as possible.

22-8-110. Notice of appointment. The county clerk shall immediately mail a notice of appointment to each person selected to serve as a judge of election or a member of a counting board or alternate. The notice shall also state that attendance at the training school for election officials is desirable.

22-8-111. Acceptance of appointment. With each notice of appointment mailed by the county clerk there shall be a form for acceptance of the appointment. Each appointee shall file his acceptance with the county clerk within twelve (12) days after the acceptance form is mailed by the county clerk. The county clerk shall immediately transmit notice of the acceptance to the board of county commissioners and to the secretary of state. Failure of an appointee to file an acceptance within twelve (12) days results in a vacancy.

22-8-112. Filling vacancies.

(a) Any vacancy occurring prior to an election day shall be filled by the county clerk from the list of alternates. If no alternates exist, any elector who is qualified may be appointed. Any expedient method of notice of appointment to the county clerk, secretary of state and to the appointee may be used. Vacancies may be filled temporarily or for the term.

(b) If a judge is not present when polls open, or is unable to complete his duties, the vacancy shall be filled by a registered elector of the precinct appointed by those judges present at the precinct polling place when the vacancy occurs. If a member of a counting board is not present when the

polls close, or is unable to complete his duties, the vacancy shall be filled by a registered elector of the precinct appointed by those members of the counting board who are present.

22-8-113. Training schools; generally and payment for attending. Not later than four (4) days before the primary and general election, the county clerk under the direction of the secretary of state and the county attorney shall conduct a training school for judges of election and members of counting boards to provide instruction in the performance of their duties. The training school, which is also open to the public, shall be held at the times and places announced by the county clerk, and the secretary of state shall prescribe the minimum curriculum for the school. Additional schools may be held at the discretion of the county clerk. All judges of election and members of counting boards are obligated to attend at least one (1) such school. All judges and members of the counting board shall be paid not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00) as determined by the board of county commissioners for attending a school.

22-8-114. Training schools; mileage payment and certificate. Judges of election and members of counting boards and their alternates will be paid mileage in excess of five (5) miles at the rate authorized for county employees for attendance at training schools. The county clerk shall issue a certificate to all election officials and alternates who attend the school. This certificate expires two (2) years from the date of issue.

22-8-115. Oath for election officials.

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

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

(b) The oath shall be taken before a judge of election.

22-8-116. Compensation. Judges of election and members of counting boards shall be compensated for services at an hourly rate to be determined by the board of county commissioners at the June meeting and stated on the notice sent to each nominee. Such hourly rate shall be not less than the state minimum wage. Compensation shall begin one (1) hour before a member assumes his duties. The election official who delivers the returns shall receive additional compensation for necessary travel beyond ten (10) miles at the rate authorized for county employees.

CHAPTER 9 ABSENTEE VOTING

22-9-101. Duty to assist absent electors to vote. The state and county selective service boards, all military organizations, the adjutant general, citizens and officers of this state are charged with the duty of cooperation with election officials and absent electors to assist absent qualified electors to vote in all elections.

22-9-102. Who may vote by absentee ballot.

(a) Any qualified elector may vote by absentee ballot.

(b) A qualified elector who leaves the state with the intent to make his residence elsewhere may vote by absentee ballot in Wyoming until he has had an opportunity to qualify to vote in his new state of residence. A voter who has moved within Wyoming may vote absentee at his old residence in a general election provided that if the move is not temporary he shall also submit the forms necessary to change his registration to the new place of residence.

22-9-103. Where to apply. Applications for an absentee ballot for any election to which this Election Code applies shall be made to the appropriate county clerk.

22-9-104. How to apply; information required.

(a) A qualified elector may apply for an absentee ballot either in person, in writing, or by telephone, by furnishing the following information:

(i) Name in full, social security number (optional), date of birth, and residence by street, city and county, and zip code;

(ii) The election for which the absentee ballot is requested;

(iii) If a primary election, the political party ballot if desired;

(iv) A statement that applicant is entitled to vote in the election;

(v) If not obtained in person, the address to which the absentee ballot is to be mailed.

(b) If the foregoing information is received other than in writing, the clerk receiving the same shall reduce it to writing.

(c) Request for a ballot may be made on behalf of an absentee qualified elector if the prescribed information is furnished.

22-9-105. Application. A qualified elector may apply for an absentee ballot at anytime during the calendar year in which the election is held, but not on the day of the election.

22-9-106. Qualified absentee voter; written notification if rejected. The clerk shall mark each completed absentee ballot application with the

date and time of receipt. The clerk shall then determine if the applicant is properly qualified to vote. If the applicant is not entitled to vote, the clerk shall not issue a ballot to him and shall mark the application "rejected" and file it in a file separate from applications which are accepted. If an application is rejected, the clerk shall immediately notify the applicant in writing of the reason for rejection.

22-9-107. Delivering ballots to qualified applicants. If the clerk determines that the applicant is entitled to vote, he shall mark the application "Accepted" and as soon as ballots are available he shall immediately deliver to the applicant the absentee ballot or ballots requested and the required envelopes for use in returning the same. An absentee ballot may be delivered by mail to the registered elector only.

22-9-108. Absentee ballot book; information to be entered.

(a) For each election, the clerk shall keep an "Absentee Ballot Book" in which he shall enter the following information:

(i) The name, social security number (optional), date of birth and residence address of each absentee ballot applicant, and the ballots requested by each;

(ii) The date and time of receipt of each application;

(iii) Whether the application was accepted or rejected;

(iv) The applicant's district and precinct number;

(v) The name of the person to whom the ballot was delivered or the address to which the ballot was mailed, the date of delivery or mailing, and the type of ballot or ballots delivered or mailed;

(vi) The date the completed ballot was received by the clerk.

22-9-109. Form of absentee ballot. The absentee ballot shall be in the same form prescribed by law for the official ballot.

22-9-110. Form of absentee ballot envelopes; distribution.

(a) The secretary of state shall prescribe the form, and distribute to the clerks responsible for the respective elections a supply of the following official envelopes:

(i) The official inner ballot envelope for use in sealing and returning the completed absentee ballot;

(ii) The official outer envelope for use by the clerk in distributing absentee ballot materials.

(b) Repealed by Laws 1991, ch. 243, 5.

22-9-111. Affidavit to be printed on inner envelope; attestation.

(a) Repealed by Laws 1991, ch. 243, 5.

(b) For all voters, as specified in W.S. 22-9-105, the following shall be printed on the reverse side of the inner ballot envelope in red ink:

I,, do solemnly swear (or affirm) that I am a resident of Election District No., Precinct No., (and if a resident of a city, add: Residing at No., Street, in the city of) County of, and the State of Wyoming, and am or will be entitled to vote in the precinct at the next election and that I have not voted and will not vote again in this election.

I hereby swear or affirm, under penalty of perjury, that the above information is true and correct.

....(Date)

....(Signature of elector)

22-9-112. Instructions on outer envelope.

(a) Repealed by Laws 1991, ch. 243, 5.

(b) For all electors, as specified in W.S. 22-9-105, the following shall be printed on the reverse side of the outer envelope in red ink:

INSTRUCTIONS

This is your absentee ballot. To vote, mark the ballot in secret, then sign the affidavit on the back of the inner ballot envelope and mail or deliver the inner ballot envelope to the county clerk.

22-9-113. Completing and return of ballot. Upon receipt, a qualified elector shall mark the ballot, sign the affidavit and have it attested to according to the instructions on the outer envelope. The ballot shall then be sealed in the inner ballot envelope and mailed or delivered to the clerk.

22-9-114. Receipt by clerk; generally. The clerk shall mark on each completed inner envelope the date and time of receipt and enter this information in the absentee ballot book. From information contained in the affidavit or from other reliable sources, the clerk shall determine the district and precinct where the ballot shall be voted and shall write the number of the district and precinct on the inner envelope.

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

22-9-116. Duplicate precinct lists; generally. The clerk shall make in duplicate a precinct list indicating the names of electors voting an absentee ballot in the precinct.

22-9-117. Duplicate precinct lists; handling procedure. The duplicate list of absentee precinct electors shall be placed in the precinct envelope with the absentee ballots. The precinct envelope shall be sealed before being delivered to the precinct polling place.

22-9-118. Delivery of absentee ballots and duplicate list to precincts. The clerk shall oversee the delivery of the sealed envelope containing absentee ballots and the duplicate list of absent electors to each precinct polling place before the polls are opened. Absentee ballots returned to the county clerk not later than 7:00 p.m. on election day shall be counted.

22-9-119. Late absentee ballots. An absentee ballot received by the clerk after the polls close shall not be voted. The clerk shall write on the inner envelope of such late absentee ballot "Rejected - received after the polls closed". These late ballots shall be kept by the clerk for at least two (2) years after the election or longer if required by federal law and then destroyed.

22-9-120. Receipt of absentee ballots and lists by judges. When the absentee ballots are delivered to the polls and the polls are open, the judges of election shall open the precinct envelope and determine whether the ballots therein correspond to the names on the enclosed duplicate list. If they do, the judges shall retain one (1) list permanently, sign the other and return it in receipt to the clerk. The clerk shall retain his list in the absentee ballot book.

22-9-121. Examination of absentee ballot affidavit; rejection; voting ballots.

(a) After the judges of election are sworn in and as activity permits, the judges shall examine the affidavit on the absentee ballot envelope to determine if it is legally sufficient.

(b) If it is not, they shall write on the unopened inner envelope "REJECTED" and reasons for rejection. A rejected ballot envelope and the ballot therein shall be returned to the clerk who delivered it and retained by the clerk as required by state and federal law or until the final termination of any court action in which it may be involved, whichever is later, and then destroyed.

(c) If it is sufficient:

(i) In a paper ballot precinct, the name of the absent elector shall be entered in the pollbook, the inner ballot envelope shall be opened by a judge of election and the ballots therein shall be removed and stamped with the regular rubber stamp and initialed by a judge of election. The ballot shall then be placed in the regular ballot box by a judge of election;

(ii) In a voting machine precinct, the inner ballot envelope shall be opened after the judges are sworn in and as activity permits, the ballots therein removed and stamped with the regular rubber stamp, initialed by a judge of election, and each ballot deposited in its proper box. After the absentee ballots have been so deposited, they shall be mixed within the box, removed from the box and once the polls open and as activity permits, voted on a voting machine in the following manner: A judge of election shall read the vote for each candidate and ballot proposition. A judge of a different political party affiliation shall record the vote as read on the machine. A third judge shall observe this procedure to see that the vote is correctly cast.

22-9-122. Return of inner ballot envelopes. The opened inner ballot envelopes shall be returned to and retained by the clerk.

22-9-123. Multiple voting prohibited. A person shall not vote by absentee ballot and in person at the same election. If more than one (1) absentee ballot is received by a clerk from the same person for the same election, none of the ballots shall be counted.

22-9-124. Violations. If a person violates the provisions of this chapter outside the state of Wyoming, he shall be punishable as though the violation had occurred within the state and may be prosecuted in the county where the absentee ballot was delivered or mailed to the clerk.

22-9-125. Alternate procedure for counting absentee ballots. The board of county commissioners may direct that absentee ballots shall be delivered to and counted by at least three (3) judges appointed for that purpose under W.S. 22-8-107 instead of the procedures specified in this chapter for the delivery of absentee ballots to the separate precincts or designated counting centers. However, if this alternate procedure is used, the judges shall record the results by precinct and shall immediately certify the results to the secretary of state and the county clerk. In the case of electronic voting systems using this alternate procedure, the ballots shall be counted at the designated counting center.

CHAPTER 10

VOTING MACHINES

22-10-101. Criteria for approval.

(a) To be approved for use in Wyoming a voting machine shall:

(i) Require secret voting, except for electors receiving assistance as provided by law;

(ii) Permit an elector to cast any vote he is entitled to cast at any election and permit voting for a write-in candidate for any office;

(iii) Preclude an elector from casting any vote he is not entitled to cast at any election;

(iv) Permit an elector to change any vote before his vote is registered;

(v) Permit an elector by one (1) device to vote simultaneously for candidates of one (1) political party for president, vice-president and presidential electors;

(vi) Permit adjustment at a primary election to assure that an elector will vote only the political party or nonpartisan ballot he is entitled to vote;

(vii) Have separate voting devices for candidates and ballot propositions, which shall be arranged in separate rows or columns, so that one (1) or more adjacent rows or columns may be assigned to the candidates of each political party at a primary election;

(viii) Have a public counter visible outside the machine which shall show at all times during an election the number of electors who have voted on the machine, and a protective counter which cannot be reset and which will record the total number of movements of the registering mechanism;

(ix) Have locks and seals to permit the machine to be locked to prevent any movement of the registering mechanism;

(x) Have the capacity to contain the names of candidates constituting the tickets of not less than five (5) political parties and independent groups and not less than fifteen (15) ballot propositions;

(xi) Be constructed so that an elector may readily learn how to operate, it may expeditiously cast his vote, and when operated properly shall register and accurately record every vote cast;

(xii) Be durably constructed of good quality material in a neat and workmanlike manner and shall be safely transportable.

22-10-102. Selection by county commissioners. The board of county commissioners may adopt for use in any precinct in the county a type of voting machine meeting the standards specified in W.S. 22-10-101.

22-10-103. Lease or purchase of machines. The board of county commissioners may lease such approved voting machines for use in any precinct in the county or purchase them for cash or in annual installments not to exceed ten (10) years.

22-10-104. Submission of purchasing bonds question to electors. The board of county commissioners may submit to the electors of the county the question whether the board of county commissioners shall be authorized to issue registered coupon bonds of the county in an amount which, together with the existing indebtedness of the county shall not exceed two percent (2%) of the taxable property in the county as shown by the last general assessment, and bearing a rate of interest not exceeding ten percent (10%) per

annum, and payable in not to exceed twenty (20) years, for the purchase of voting machines to be used in countywide elections and for the construction of necessary storage facilities and the building site therefor.

22-10-105. Rental fees; generally. When the expense of an election held in a county is chargeable in whole or in part to the state, a political subdivision thereof or other governmental entity other than the county, the state, subdivision or other governmental entity shall pay to the county a fee per day fixed by the board of county commissioners for use of voting machines. When the expense is divided by law among two (2) or more entities participating in the election, the rental fee expense shall be shared proportionately.

22-10-106. Rental fees; where paid. All moneys paid to the county for the rental of voting machines shall be paid into the county fund used to acquire and maintain voting machines.

22-10-107. Custody and maintenance. The board of county commissioners shall have custody of voting machines and keep them in repair. The county clerk shall have custody and care of keys and seals for the voting machines.

22-10-108. Procedure for preparing machines for election; inspection and certification.

(a) Before preparing a voting machine for an election, the county clerk shall mail a written notice to the county chairman of each political party having a candidate on the ballot, stating the time and place where the voting machine will be prepared for the election. The political party representatives and representatives of independent candidates may be present at the preparation of the voting machine for the election, to see that the machine is tested for accuracy and is properly prepared and that all registering counters are set at zero (00000). The county clerk in the presence of these representatives shall prepare the voting machine for the election and set all registering counters at zero (00000). He shall then test each registering counter for accuracy by casting votes on it until the registering counter is correctly registering each vote cast on it. The county clerk shall then reset each registering counter to zero (00000) and shall immediately lock and seal the voting machine with a numbered metal seal and make a record of the number of the seal on the certificate for the machine. The seal shall be so placed as to prevent operation of the machine or its registering counters without breaking the seal. The county clerk shall then immediately make a record on the certificate for the machine of the reading shown on the protective counter.

(b) Inspection of voting machines may begin two (2) weeks before an election and continue until all machines to be used are sealed. Immediately following testing of a machine, the county clerk shall make a certificate in

writing stating the serial number of each machine, whether the machine has all the registering counters set at zero (00000), and whether the machine has been tested by voting on each registering counter to prove that each registering counter is in perfect and accurate condition, the number registered on the protective counter, and the number on the seal with which the machine is sealed against operation. This certificate shall be kept on file in the office of the county clerk.

22-10-109. Key in sealed envelope; matters to be printed thereon.

(a) When all voting machines to be used in an election are locked and sealed, the key to each machine shall be enclosed in a sealed envelope on which shall be printed:

(i) The number or designation of the election district and precinct in which the machine is to be used;

(ii) The number of the seal with which the machine is sealed;

(iii) The number registered on the protective counter as reported by the county clerk;

(iv) The signature of the clerk and the signatures of two (2) representatives, if any, placed across the seal.

22-10-110. Presumption of proper preparation; objections. A voting machine prepared for an election and certified by the county clerk shall be conclusively presumed to be properly prepared unless within two (2) days after the machine is sealed and certified a complaint is filed in the district court of the county stating the number of the machine and the grounds for objecting to its use.

22-10-111. Delivery and return; expenses. The county clerk shall provide for the delivery of voting machines to the precincts 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.

CHAPTER 11

ELECTRONIC VOTING SYSTEMS

22-11-101. Definitions.

(a) As used in this chapter:

(i) "Electronic voting system" is a system employing a voting device in conjunction with ballot labels, paper ballots or ballot cards and automatic tabulating equipment for the recording, tabulating and counting of votes in an election;

(ii) "Voting device" is a device in which paper ballots or ballot cards are used in connection with a punch device for the piercing of ballots by the

voter, a device for marking ballots with ink or other substance, or any other method for recording votes on ballots in such manner that the votes may be tabulated and counted by automatic tabulating equipment;

(iii) "Automatic tabulating equipment" is an apparatus which automatically tabulates and counts votes recorded on paper ballots or ballot cards;

(iv) "Paper ballot" is an official ballot conforming in layout and format to the electronic voting system in use and, as nearly as possible, fulfills the requirements for ballots in chapter 6 of this Election Code;

(v) "Ballot card (punch card)" is a tabulating card on which votes may be recorded;

(vi) "Ballot label" is the booklet or guide containing the names of offices, candidates and questions to be voted on, which is used in conjunction with the voting device and voting card, or paper ballot;

(vii) "Counting center" is the location or locations designated by the county clerk for the automatic tabulating and counting of ballots;

(viii) "Alternate voting system" is any voting system that does not use paper ballots.

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 within the county, any electronic voting system authorized by law. The purchase or lease of any authorized electronic voting system shall be governed by the conditions specified by law for the purchase or lease of voting machines.

22-11-103. Capabilities required.

(a) Every electronic or alternate voting system adopted for use in Wyoming shall:

(i) Provide for voting in secrecy;

(ii) Permit each voter to vote at any election for all candidates and offices, and on any question, for which he is lawfully entitled to vote;

(iii) Permit voting either by paper ballot or by ballot card;

(iv) Permit each voter, at presidential elections, by one (1) mark or punch to vote for candidates of one (1) party for president, vice-president and presidential electors or to write in a name for president;

(v) Provide for replacement of spoiled ballots;

(vi) Permit both absentee and write-in voting;

(vii) Provide automatic tabulating equipment which shall reject choices recorded on a ballot exceeding the number allowed, and at a primary election reject choices for candidates from a party other than the party for which a preference is expressed;

(viii) Be suitably designed to function safely, efficiently and accurately, when properly operated, in recording, tabulating and counting every vote cast;

(ix) Permit substitutions on short notice through stickers or labels or other means; and

(x) Be certified by the secretary of state.

(b) If a voting system has been purchased that does not permit short notice substitutions of names, paper ballots may be used for that office.

(c) The secretary of state may from time to time as necessary promulgate rules and regulations consistent with subsection (a) of this section and with all other requirements of this Election Code to govern the characteristics of electronic voting systems and alternate voting systems that may be used in Wyoming. The rules shall ensure the fairness and accuracy of elections. The rules may govern both the characteristics of the systems and the procedures to be followed in using the systems. The rules shall allow the county clerks to follow appropriate recommendations of the vendors of the systems for maintenance and management of the systems to the extent these recommendations are not inconsistent with this Election Code and with the rules. The rules shall be adopted following consultation with the county clerks.

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

(a) All provisions of the Election Code governing the conduct of elections shall apply to elections in which electronic voting systems are used, except that the county clerk of any county in which an electronic voting system is used may make such modifications in ballot or ballot label form as are necessary to facilitate the use of the electronic voting system and yet maintain the integrity of the election and the intent of the law.

(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;

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

(A) A sufficient number of voting devices and ballots;

(B) Four (4) facsimile diagrams of the entire face of the voting device as it will appear on election day;

(C) Other appropriate instructional materials or devices; and

(D) All other materials required by law.

(iii) Before testing an electronic voting system for an election, mail a written notice to the county chairman of each political party having a candidate on the ballot, stating the time and place of the test. The political party representatives and representatives of independent candidates may be present for the test, which shall be held at least two (2) weeks before the election. The test shall ascertain that the automatic tabulating equipment will accurately count the votes cast for all offices and all measures. The test shall be conducted by processing a preaudited group of paper ballots or ballot cards on which are recorded a predetermined number of valid votes for each candidate

and on each measure and shall include for each office one (1) or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. During the test a different number of valid votes shall be assigned to each candidate for an office, and for and against each measure. If any error is detected, the cause of it shall be ascertained and corrected and an errorless count shall be secured and certified to by the county clerk. The tabulating equipment shall pass the same test before and after the ballot count on an election day before the election returns are certified by the election judges. On completion of the count, the programs, test materials and ballots shall be sealed and retained as provided for paper ballots;

(iv) Designate one (1) or more counting centers;

(v) Provide adequate security for the delivery of all ballots to the designated counting center;

(vi) Provide that if any ballot is damaged or defective so that it cannot be properly counted by the automatic tabulating equipment, a true, duplicate copy shall be made by counting board members and substituted for the damaged or defective ballot. All duplicate ballots shall be clearly labeled "Duplicate" and shall bear a serial number which shall be recorded on the damaged or defective ballot. Damaged or defective ballots shall be delivered with the returns to the county clerk.

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

(i) Display facsimile diagrams of the voting device in the same manner as provided for voting machines;

(ii) Provide adequate instruction in the use of the voting device to each voter before he enters the voting booth. Additional instruction may be provided as specified by law.

22-11-105. Spoiled ballots. Any voter who spoils his paper ballot or ballot card may return it and secure a replacement, but not more than twice. The word "Spoiled" shall be written across the face of the voided ballot, and it shall be placed in an envelope for spoiled ballots. Spoiled ballots shall be delivered with the returns to the county clerk.

22-11-106. Procedure after voter casts ballot. After marking his paper ballot or ballot card, the voter shall place the ballot inside the ballot envelope and return it to the judge. The judge shall remove the stub and deposit the envelope with the ballot inside in the ballot box. The ballot stub shall be deposited in an envelope provided for that purpose. Ballot cards from which the ballot stub has been detached by anyone except an election judge shall not be deposited in the ballot box, but shall be marked "Spoiled" and placed in the spoiled ballot envelope.

22-11-107. Failure of automatic tabulating equipment. If the automatic tabulating equipment fails during the ballot count, the counting board shall use an alternate method of counting the ballots.

CHAPTER 12

POLLING PLACE REGULATIONS

BEFORE POLLS OPEN

22-12-101. Designation and notice of polling places; external location. 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 commissioners determines and records in its minutes the reasons that it is required by the public convenience.

22-12-102. Schools to be available for polling places. School and community college districts shall make schools available for polling places if an authority conducting an election determines that use of schools is necessary.

22-12-103. Furnishing of booths. The county clerk in all elections shall furnish each polling place with sufficient booths, paper ballots or voting machines and supplies to permit convenient and secret marking of ballots.

22-12-104. Printed instruction cards. The county clerk shall provide printed instruction cards to guide electors preparing ballots. These cards shall be printed in large clear type and indicate how to obtain a ballot, how to prepare the ballot for deposit in the ballot box, how to obtain a new ballot in place of one spoiled, and a statement of acts constituting a violation by voters of the Election Code.

22-12-105. Posting instruction card and sample ballot. Before the polls are opened, the judges of election shall post in each booth one (1) instruction card. They shall post elsewhere in the polling place at least three (3) instruction cards and three (3) sample ballots.

22-12-106. Contents of voting booths. Voting booths shall contain nothing except voting instructions and materials necessary for marking ballots.

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 the following materials:

(i) Pollbooks and a list of registered electors residing in the precinct;

- (ii) At primary elections, registration applications;
- (iii) A map of the precinct boundaries;
- (iv) Ballot boxes in the number required by law with secure locks and keys and one (1) opening sufficient to admit a single folded ballot;
- (v) Voting machines, where required;
- (vi) The number of ballots required by law;
- (vii) Ink pads;
- (viii) A rubber stamp containing the words "Official Ballot" and blank lines for indicating the district and precinct, the name of the county or municipality, the date of the election, and the initials of the judge furnishing the ballot;
- (ix) Copies of the Election Code;
- (x) Other necessary supplies.

22-12-108. Delivery of ballots and stamps; breaking of seals. Ballots and stamps shall be delivered under seal and a receipt therefor signed by a judge of election shall be filed with the county clerk. Seals shall be broken on the morning of election day by the chief judge in the presence of the other judges before the polls are opened.

22-12-109. Distribution of copies of Election Code. The secretary of state, not later than the first of July in general election years, shall distribute copies of the Election Code to county clerks. The county clerk shall furnish copies of the Election Code to city clerks and election officials.

22-12-110. Supplies for voting machines.

(a) When voting machines are used the county clerk shall deliver to a judge of election in each precinct, before the day of election, the following supplies:

- (i) The key to each machine sealed in an envelope;
- (ii) At least four (4) facsimile diagrams of the entire face of the voting machine as it will appear on election day;
- (iii) Other appropriate instructional devices.

22-12-111. Displaying facsimile voting machine diagrams. The judges shall display not less than two (2) facsimile diagrams of the voting machine inside the polls and two (2) outside the polls on election day.

22-12-112. Procedure for preparing voting machines for use. Before the polls open the judges shall compare ballot labels on the voting machines with the sample ballots and return sheets to see that they are correct, place the voting machine in a proper position free from obstruction and assure that the face of the machine may be viewed clearly except when the curtain on the machine is closed for casting ballots. Envelopes containing keys shall not be opened if the numbers and records on them do not correspond to the numbers

and records on the machine. If the numbers do not agree, the machine shall be reexamined and certified by the county clerk before it may be used.

22-12-113. Setting of registering counters. The judges shall see that all registering counters are set at zero (00000) and that the voting machines are in proper condition. If the machine is equipped with a mechanical or photographic printout device, the election board shall determine that counters are set at zero (00000) by using the printout device. Any count on a machine shall be noted and certified by the judges to permit subtraction of this count when votes are canvassed.

22-12-114. Certification of voting machines. The judges shall certify that keys are delivered, that numbers on registering counters and seals correspond with those on key envelopes, that counters are set at zero (00000) or counts certified, that ballot labels are proper and that the machines are ready for voting.

22-12-115. Examination of ballot box. Before the polls are open, the judges of election shall open and examine the ballot box to determine that it is empty and relock it. The ballot box shall not again be opened until the polls are closed. It shall not be removed from the presence of the judges of election or counting board until all ballots are counted and recorded.

CHAPTER 13

POLLING PLACE REGULATIONS

DURING VOTING HOURS

22-13-101. Poll hours; opening proclamation. Polls shall be open at seven (7:00) a.m. and close at seven (7:00) p.m., local time. A judge of election shall proclaim aloud at seven (7:00) a.m. at the polls that the polls are open.

22-13-102. Who may vote. Every qualified elector may vote. An elector otherwise qualified may vote at his old precinct of residence if he has moved to another precinct within the same county too late to gain voting residence or the elector may vote at his new precinct as a challenged elector in accordance with chapter 15 of the Election Code.

22-13-103. Preservation of order; space around voting booths and machines.

(a) Judges of election have the duty and authority to preserve order at the polls by any necessary and suitable means.

(b) Except where physically impossible, a space of twenty (20) feet around voting booths and voting machines shall be kept clear of all persons except

voters marking ballots, election officials discharging their duties and challengers acting under legal authority.

22-13-104. Procedure before elector permitted to vote.

(a) Before a qualified elector is permitted to vote a judge of election may enter the following notations by his name on the poll list:

(i) In the space provided for the purpose in the left-hand margin of the list and adjacent to the elector's name, his number in regular succession of the persons receiving a paper ballot, or, in a voting machine precinct, the number on the voter slip given to the person before he is permitted to enter the machine to vote. When an elector is permitted to register at the polls, or a judge of election obtains verification from the county clerk that the person's name is on the registry list, his name shall first be entered on the poll list in the space provided following the list of registered electors. In a special district election, the judges of election shall prepare a poll list by entering the full name and residence address of each person voting or offering to vote, his number in regular succession of the persons receiving a paper ballot or, if a voting machine is used, the number or letter of the voting machine on which the elector casts his ballot;

(ii) In the space wherein the party designation is indicated on the list for a primary election, a judge of election shall circle the letter "D" printed on the registry list if the Democratic Party ballot is cast, the letter "R" if the Republican Party ballot is cast, and the letters "NP" if only a nonpartisan ballot is cast. If an elector casts a partisan ballot for a party other than the party in which he is registered, a judge of election shall draw an "X" through the letter on the registry list indicating the elector's registration and shall enter next to it the letter indicating the new declaration of party affiliation;

(iii) After his name, place the letter "A" if an elector votes by absentee ballot;

(iv) If a person offering to vote is challenged, a judge of election shall write the word "challenged" and the name of the challengers after the name of the elector. If a person challenged is permitted to vote on his affidavit, under W.S. 22-15-105, the word "sworn" shall be written after the names of the challengers;

(v) If an elector changes his name or his residence address within the precinct, the new name or address shall be written by the name or address printed on the registry list.

(b) A person offering to vote at an election whose name does not appear on the precinct list may vote as a challenged elector in accordance with chapter 15 of the Election Code if a judge of an election obtains verification from the county clerk before the polls close stating that the person is entitled to vote in the county.

(c) Repealed by Laws 1991, ch. 243, 5.

22-13-105. Official marking of paper and absentee ballots. Before delivering a paper ballot to an elector or voting an absentee ballot in a voting machine precinct, a judge of election shall mark the ballot with the official ballot stamp on the back and near the top of the ballot. In the blank spaces in the stamped imprint the judge shall fill in the election district and precinct numbers, the name of the county, the date, and the initials of the judge. No other identifying marks shall be made on an official ballot. An elector shall cast only one (1) ballot or set of ballots at each election.

22-13-106. Marking, folding and depositing of paper ballots. Upon receiving a paper ballot, an elector shall proceed alone directly to a voting booth and there mark the ballot. After being marked, the paper ballots shall be folded with the face concealed and the official endorsement visible. The ballot shall then immediately be placed in the ballot box by the elector or judge of election.

22-13-107. Spoiled ballots. An elector spoiling a paper ballot by mistake or accident may receive another ballot by returning the rejected ballot to a judge of election, not more than twice. Spoiled ballots shall immediately be cancelled by a judge of election and delivered with the returns to the county clerk or official conducting the election.

22-13-108. Voter slips. Where voting machines are used, the pollbook judge shall issue each elector a voter's slip that may create a cross-reference between the identity of the elector and voting machine the elector uses. Immediately upon receiving the voting slip, the elector shall proceed to any vacant voting machine and hand his voter slip to the judge in charge of that machine. The voting machine judge shall retain the slips until the polls are closed and return them to the county clerk with the other election supplies.

22-13-109. Instruction in use of voting machine. Before closing the curtain of the voting booth, an elector desiring instruction on the use of the machine may summon two (2) judges of different political parties. The judges shall instruct on use of the machine but may not attempt to influence the vote. They may not remain in the booth after the elector has drawn the curtain. A voting machine or other device may be used in the polling place solely for instruction purposes.

22-13-110. Entering write-in votes. Write-in votes may be entered on a voting machine in the manner indicated by instructions posted on the voting booth.

22-13-111. Procedure after elector votes on machine. After each elector has voted on a voting machine, a judge of election shall see that he has placed his voter slip on the spindle or in the envelope, that the ballot labels

are intact, that the machine is not damaged, and that counter compartments remain locked.

22-13-112. Voting machine malfunction. Voting machines failing to function during voting hours shall be immediately repaired or replaced, as determined by the county clerk or other authority conducting the election.

22-13-113. Persons permitted in voting booth; time limit.

(a) Not more than one (1) person may occupy a voting booth at any time, except that any elector who requires assistance to vote because of blindness, disability or inability to read or write may be given assistance by a person of the elector's choice, other than the elector's employer or an agent of that employer or an officer or agent of the elector's union.

(b) A person may remain in the booth for not more than five (5) minutes.

22-13-114. Papers to assist marking permitted. An elector may use a written or printed paper to assist in marking his ballot.

22-13-115. Repealed by Laws 1990, ch. 42. 1, 2; 1991, ch. 243, 5.

22-13-116. Judges not to leave polls. Judges of election shall not leave the polling premises while the polls are open.

22-13-117. Announcement that polls will close; electors allowed to vote; proclamation of closing. At 6:30 p.m. the judges of election shall announce that the polls will close in thirty (30) minutes. Electors present and waiting to vote at 7:00 p.m. shall be permitted to enter the polls and vote. No other elector shall be admitted to vote after 7:00 p.m. After all ballots are cast, the polls shall be declared closed by a judge of election making an official proclamation of closing.

CHAPTER 14

POLLING PLACE REGULATIONS

AFTER POLLS CLOSE

22-14-101. "Precinct official" defined. As used in W.S. 22-14-101 through 22-14-113, "precinct official" means a judge of election or a member of a counting board.

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 precinct officials counting votes shall be permitted in a polling place except that in voting machine precincts, challengers may re-

main until all remaining absentee ballots are recorded on the voting machines. 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, precinct officials shall commence to count votes and shall continue without adjournment until counting is completed.

22-14-103. Counting in paper ballot precincts; discrepancies. Folded paper ballots and punch card ballots shall be counted as soon as the ballot box is opened. Ballots not marked with the official rubber stamp or not initialed by a judge of election or found so folded as to bear the appearance of having been voted by one (1) person shall not be counted. If the number of ballots is not equal to the number of voters entered in the pollbook as having voted that ballot, the precinct officials shall attempt to determine the discrepancy. If the precinct officials cannot determine the discrepancy, the county clerk and, if necessary, the county canvassing board, shall resolve the discrepancy.

22-14-104. Entry of paper ballot votes on tally list. Paper ballots shall be opened by precinct officials and every vote for a candidate or ballot proposition entered on a tally list by a vertical mark, except that every fifth mark shall diagonally cross the preceding four (4). Precinct officials may determine the order of tallying candidates and ballot propositions. A vote which is not clearly marked except when the intent of the voter is obvious to the election officials shall not be tallied for that office or question but votes clearly marked on the remainder of the ballot shall be tallied. Ballots contained in separate ballot boxes shall be counted and tallied separately.

22-14-105. Vote tallying in voting machine precincts.

(a) In voting machine precincts, 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.

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

(c) After the voting machine is opened or the printed return sheet obtained, a precinct official shall read and clearly announce the designating number or letter on each counter for each candidate or ballot proposition and the results shown by the counter numbers. The vote shall be verified by another precinct official.

(d) In machine precincts, write-in votes shall be counted and the results tallied by the precinct officials after the regular ballots are counted.

(e) After the vote has been tallied from a voting machine and before the official count is certified, the judges of election shall subtract any vote recorded on a machine when the machine was inspected prior to opening the polls.

(f) This section does not vitiate the provisions of W.S. 22-9-125 permitting an alternate procedure for counting absentee ballots.

22-14-106. Certifying information in pollbooks; form.

(a) When the votes have been counted, precinct officials shall certify the following information in the pollbooks:

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

(ii) The full name of each candidate receiving votes;

(iii) The office;

(iv) The number of votes cast for each candidate;

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

(b) The certificate shall be in substantially the following form and shall be signed by the precinct officials:

At an election held in polling precinct No. in election district No. in County, Wyoming, on the day of, A.D. the total number of persons voting was and the following named persons received the number of votes annexed to their respective names for the following offices: (Here insert the names of candidates voted for with office and number of votes received, in figures; in voting machine precincts, insert the name of each candidate and the vote he received.)

At the same election the following ballot propositions received the number of votes indicated for and against: (Here list ballot propositions on the ballot according to official designation or number and indicate the number of votes for and against each proposition.)

Dated at this day of, A.D.

Precinct Officials

ATTEST:

Precinct Officials

22-14-107. Tabulation of count. The unofficial tabulation indicating the vote by precinct shall immediately be transmitted by the county clerk to the secretary of state. These unofficial tabulations shall be tabulated by the secretary of the state.

22-14-108. Repealed by Laws 1991, ch. 243, 5.

22-14-109. Repealed by Laws 1991, ch. 243, 5.

22-14-110. Sealing paper ballots and voting machine records. Paper ballots shall be sealed by the election officials in an envelope after being counted and tallied. One (1) copy of each voting machine record shall be sealed in a separate envelope showing the district, precinct and machine number and endorsed by the precinct officials. These envelopes shall then be sealed in a single large container. The district and precinct number shall be written on each container.

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

(a) As soon as possible after the tabulation of votes is complete, precinct officials 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 voting machine printer pack;

(ii) All ballots cast;

(iii) Spoiled or rejected ballots;

(iv) Ballots not cast;

(v) Oaths of challenged voters;

(vi) Affidavits, registration application forms and oaths where required;

(vii) Tally sheets.

22-14-112. Repealed by Laws 1991, ch. 243, 5.

22-14-113. Return of voting machine keys and supplies.

(a) Keys to voting machines shall be returned to the county clerk in an envelope sealed and signed by a precinct official and endorsed by a precinct official of different political party affiliation. On this envelope shall be recorded the number of the seal with which the machine was closed.

(b) All voting supplies, ballot boxes and voting machines shall be returned to the county clerk as soon as possible after the vote has been returned.

CHAPTER 15 CHALLENGING

22-15-101. Right to vote may be challenged. Registration is evidence of a person's right to vote at any election, but this right may be challenged at the polls in the manner prescribed by law.

22-15-102. County chairmen may certify challengers; qualifications.

(a) The county chairman of each political party may certify challengers to serve in each precinct. Not more than two (2) challengers from each political party may serve simultaneously.

(b) Challengers must belong to the political party they represent and be registered electors residing in the county. Challengers may serve only at the precinct designated on the certificate. Challengers are authorized to observe polling place activities to discharge their right to impose challenges.

22-15-103. Challenges to be on grounds specified by law; other restrictions. Challengers are authorized only to challenge electors on grounds specified by law. They shall not remain in the polls after the absentee ballots are cast, shall not perform any duties of a judge of election and shall not interfere with the conduct of the election except to the extent necessary to assert challenges.

22-15-104. Grounds for challenge.

(a) A person offering to vote may be challenged for the following reasons:

- (i) Not a qualified voter;
- (ii) Not entitled to vote in the precinct;
- (iii) Name does not appear on registry of electors;
- (iv) Not the person he represents himself to be;
- (v) Has already voted.

22-15-105. Challenged person may vote; generally. A person challenged on any ground except not being registered to vote may vote if he subscribes this oath in writing before a judge of election:

"I do solemnly swear (or affirm) that I am the person I represent myself to be and that I am a qualified elector entitled to vote in this precinct at this election."

Signature of voter

Signature of judge

Precinct and District No.

22-15-106. Where name not on registry. A person challenged on the ground that his name does not appear on the registry list may vote by signing the oath contained in W.S. 22-15-105 and if a judge of election obtains verification from the county clerk that the person is entitled to vote in that election within that county.

22-15-107. Information entered in pollbook; completed oaths.

(a) The judges of election shall enter in the pollbook after the name of any challenged person permitted to vote the word "Sworn" and the name of the challenger.

(b) After the polls close, the judges shall deliver completed oaths of challenged voters to the county clerk, who shall keep them with the pollbook.

22-15-108. Duty of judges to challenge. It is the duty of the judges to challenge electors whenever existence of legal grounds for doing so is known or apparent to the judges.

CHAPTER 16

CANVASS AND RECOUNT

22-16-101. County canvassing board; compensation. The county canvassing board is the county clerk and two (2) electors of different political parties resident in the county appointed by the board of county commissioners. The two (2) electors shall receive the same compensation as election judges.

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.

(b) The county clerk shall send a messenger to obtain returns not filed in his office within a reasonable length of time.

22-16-103. Summary of votes cast. The county clerk shall summarize the number of votes cast in each precinct for every candidate and upon each ballot proposition by examining the pollbooks, tally sheets and certificates from each precinct.

22-16-104. Meeting of county canvassing board. The county canvassing board shall meet as soon as all returns have been received and abstracted but no later than the first Friday following the election. The county clerk shall designate the time and place of this meeting. The abstracts shall be reviewed and certified by the canvassing board after discrepancies and ties have been resolved.

22-16-105. Tie votes. A tie vote shall be decided at an open meeting by lots cast by the county canvassing board or other authority holding the election, except in elections for members of the state legislature, which shall be determined as provided in W.S. 22-16-118.

22-16-106. Certified results. The certified results of the county canvass shall be posted in the office of the county clerk and copies made available to interested persons.

22-16-107. Results furnished secretary of state. Immediately upon completion of the county canvass, the county clerk shall notify the secretary of state of the election results. A copy of the county abstract, after being certified by the county canvassing boards, shall immediately be mailed by the county clerk to the secretary of state.

22-16-108. Recounts.

(a) The county canvassing board shall make a recount of precinct votes if it appears to the board that a recount is required due to irregularities in that precinct.

(b) There shall be a recount made of all the votes cast for any office in which the difference in number of votes cast for the winning candidate receiving the least number of votes and the number of votes cast for the losing candidate receiving the greatest number of votes is less than one percent (1%) of the number of votes cast for the winning candidate receiving the least number of votes cast for that office. This recount shall be made in the entire district in which the candidates are standing for election.

(c) There shall be a recount made of all the votes cast for any office if a losing candidate requests one under provision of W.S. 22-16-109. This recount shall be made in the entire district in which the candidate is standing for election.

22-16-109. How candidate may obtain recount; where affidavit filed.

(a) A candidate may obtain a recount of votes for the office he is seeking by making and filing an affidavit alleging that fraud or error occurred in counting, returning or canvassing the votes cast in any part of the district in which he is standing for election. The affidavit shall be filed in the same office the candidate filed his application for nomination:

(i) Not later than two (2) days after the county canvass has been completed if the office is certified by the county canvassing board;

(ii) Not later than two (2) days after the state canvass has been completed if the office is certified by the state canvassing board.

22-16-110. Recount of ballot proposition.

(a) A recount of votes of a ballot proposition may be obtained in one (1) of the following manners:

(i) A recount will be made if the proposition receives a number of votes, greater or lesser, within one percent (1%) of the number of votes required for passage. The one percent (1%) variance shall be calculated based upon the total number of votes cast on the proposition, except for constitutional amendments in which case the variance shall be calculated based upon the total number of votes cast in the election;

(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).

(b) The county in which the recount is taken shall pay the costs of the recount if the recount is required by subsection(a)(i) of this section; and the signers of the affidavit referred to in subsection (a)(ii) of this section shall be jointly and severally liable for the costs of the recount requested by them up to five hundred dollars (\$500.00) per county recounted if the results of the election are not changed by the recount.

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

22-16-111. Precincts to be recounted; recount official result.

(a) The number of precincts to be recounted shall be as follows:

(i) If the recount is requested by a candidate, all precincts in which that candidate was voted upon for that office shall be recounted;

(ii) If the recount is required by W.S. 22-16-108(b), all precincts in which that candidate was voted upon for that office shall be recounted;

(iii) If the recount is initiated by the state or county canvassing board because of possible irregularities in the counting of votes in a precinct, the recount shall be made in the precincts designated by the canvassing board initiating the recount.

(b) If the recount indicates a different vote, the result of the recount shall be the official result.

22-16-112. Recount deposit; expense of recount. An affidavit requesting a recount must be accompanied by a deposit of one hundred dollars (\$100.00). If the recount shows sufficient error to change the result of the election, the county in which the recount is taken shall pay expenses of the recount and the deposit shall be returned. Otherwise the applicant or applicants seeking the recount shall be liable for the actual cost of conducting the recount up to a maximum of five hundred dollars (\$500.00) per county recounted. Every county clerk shall issue a complete accounting of all costs of the recount to the candidate requesting the recount, and shall refund any surplus to the candidate. If the recount is initiated by the county canvassing

board or required by W.S. 22-16-108(b), the cost of the recount shall be paid by the county in which the recount is taken regardless of the result of the recount.

22-16-113. Certificates of election or nomination after recount. When the time within which to request a recount has expired without one being requested, or when a recount has been completed, the county clerk shall immediately prepare and mail certificates of election or nomination to each candidate nominated or elected to a county or precinct office. A candidate shall file his statement of campaign receipts and expenditures when required before receiving a certificate of election or nomination or a vacancy will be declared to exist.

22-16-114. State canvassing board. The state canvassing board is the governor, secretary of state, state auditor and state treasurer.

22-16-115. Statewide abstract; discrepancies with county abstracts. From the unofficial tabulations mailed directly to his office, the secretary of state shall tabulate a statewide abstract by counties of votes for president and vice-president, state officers, justice of the supreme court, United States senator, representative in congress, district court judges, members of the state legislature and the votes for and against ballot propositions voted on by electors of a district larger than a county. The unofficial tabulation shall then be compared to the official abstracts of the county canvassing boards. If a county abstract differs substantially from the unofficial tabulation from that county, the difference shall be reconciled with the assistance of the county clerk, who may review the pollbooks and other election returns. If the discrepancy is not sufficient to change the result of the election, the county abstract is official. After discrepancies are resolved, the secretary of state shall prepare the state abstract from the county abstracts.

22-16-116. Content of state abstract. The state abstract of an election shall indicate by county the number of ballots cast by each political party, if known, the total votes cast for each candidate, the names of all persons receiving votes and the number of votes for each, and the number of votes received for and against each ballot proposition.

22-16-117. Meeting of state canvassing board. The state canvassing board shall meet no later than the second Wednesday following the election. The secretary of state shall send a messenger to obtain official county abstracts not filed in a reasonable length of time. The canvassing board shall meet at the time and place set by the secretary of state. The board shall review the state abstracts prepared by the secretary of state, compare them with the tabulation and materials prepared by the secretary of state, resolve any tie votes, and certify the abstract as the official state canvass.

22-16-118. Tie vote in state abstract. A tie vote for an office contained in the state abstract shall be resolved at an open meeting by lots cast by the state canvassing board.

22-16-119. Filing of state abstract. When the canvass by the state canvassing board is completed and certified, the secretary of state shall file the abstract in his office with the minutes of the state canvassing board meeting signed by the members of the state canvassing board. The secretary of state shall cause a copy of the state canvass to be posted in the office of the secretary of state and shall make additional copies available to the public.

22-16-120. Certificates of nomination and election following state or county canvass.

(a) When the state canvass is concluded, the secretary of state shall immediately issue a certificate of nomination to each candidate nominated at a primary election and certify the names of nominees as provided in W.S. 22-6-101, provided the candidate has complied with W.S. 22-25-106. When the county canvass is concluded, the county clerk shall immediately issue a certificate of nomination to each candidate nominated at a primary election or by petition, provided the candidate has complied with W.S. 22-25-106.

(b) The governor shall issue a certificate of election to a candidate duly elected to an office to be filled by electors of the state, a subdivision thereof larger than a county, and members of the state legislature provided the nominee has complied with W.S. 22-25-106. The county clerk shall issue a certificate of election to each candidate duly elected to a county or precinct office in the county and to members elected to boards of trustees of hospital, school or community college districts and city or town councils, provided the candidate has complied with W.S. 22-25-106.

22-16-121. Election declared null and void; special election.

(a) If a canvassing board is unable to determine which candidate has been elected or nominated, the canvassing board shall declare the election to be null and void as to that office and the county clerk shall call a special election to make a decision. For purposes of this section, a canvassing board shall be unable to determine which candidate is nominated or elected if:

(i) A material error in the conduct of the election has occurred; and
(ii) The error involves a number of votes that is equal to or greater than the number of votes separating the winning and losing candidates.

(b) In a contest involving multiple candidates, no candidate who has clearly won or lost the contest shall be placed on the ballot in the special election.

(c) Any candidate may appeal the decision of the canvassing board to call or not to call a special election in the same manner as he would contest an election under this act [22-1-101 through 22-27-101].

(d) The special election shall be held if necessary no later than the third Tuesday after the primary election. Any candidate may appeal the decision of the canvassing board in the same manner as he would contest an election under this act. However, this appeal shall be filed in the district court no later than the first Monday following the primary election. The special election shall be conducted by the county clerk as nearly as possible in the manner of a primary election, except that registration at the polls shall not be permitted.

(e) The special election shall be held if necessary on the third Tuesday after the general election. Not more than fourteen (14) nor less than five (5) days before the special election the county clerk shall proceed as provided by W.S. 22-2-109. The special election shall be conducted by the county clerk as nearly as possible in the manner of a general election.

CHAPTER 17

CONTESTS

22-17-101. Right to contest elections; exception; grounds.

(a) A qualified elector may contest the right of a person declared elected to an office in the elector's county, city, district or precinct, other than the office of state legislator, on the following grounds:

(i) Misconduct or material negligence of an election official which affected the result of the election;

(ii) The person whose election is contested is not eligible to hold the office;

(iii) The person whose election is contested offered to give a bribe to a voter or election official to procure his election;

(iv) Illegal votes were counted or legal votes were not counted;

(v) The person whose election is contested violated the provisions of W. S. 22-26-101 through 22-26-121.

22-17-102. Commencement by verified petition; contents.

(a) Election contests for offices other than state legislators may be commenced by the contestant filing with the clerk of the district court of the county, within fifteen (15) days after the results of the election have been certified by the canvassing board, a verified petition setting forth specifically:

(i) The name of the contestant and that he is a registered elector in the county, district or precinct in which the office is to be exercised;

(ii) The name of the person whose election is being contested;

(iii) The office;

(iv) The grounds for the contest.

22-17-103. Summons; conduct of suit. Summons shall be issued against the person whose election is being contested and the suit conducted as a civil action.

22-17-104. Judgment for costs. If the proceedings in an election contest are dismissed for insufficiency, or want of prosecution, or if the election is confirmed by the court, judgment shall be rendered for costs against the party contesting the election and in favor of the party whose election was contested. If the election is annulled and set aside, judgment for costs shall be rendered against the party whose election was contested and in favor of the party contesting the election.

22-17-105. Ballot propositions contestable; nature of action. A ballot proposition which may by law be submitted to a vote of the people of a county, city or town, district, or other political subdivision may be contested by a petition of five (5) registered electors of the county, city or town, district or other political subdivision filed in the district court of the county not later than fifteen (15) days after the results of the election have been certified by the canvassing board. A ballot proposition contest is a civil action.

22-17-106. Grounds for contesting ballot propositions.

(a) A ballot proposition may be contested for any of the following reasons:

- (i) Misconduct or material negligence of an election official which affected the result of the election;
- (ii) The election result was influenced by a bribe;
- (iii) Illegal votes were counted or legal votes were not counted.

22-17-107. Defense of contested ballot proposition.

(a) A contested ballot proposition shall be defended by the following officers:

- (i) Statewide proposition - attorney general;
- (ii) Countywide proposition - county attorney;
- (iii) Municipal proposition - city attorney;
- (iv) School or community college district or other special district proposition - the appropriate school board, community college board or special district governing body.

22-17-108. Court judgment in contests. A judgment of the court in an election contest shall confirm or annul the election or declare elected a qualified candidate receiving the highest number of legal votes, or declare the result of the election on each contested ballot proposition. The election of a candidate receiving the highest number of legal votes but disqualified for any other legal reason shall be declared null and void and a vacancy will be declared to exist. For offices to be filled by more than one (1) candidate, the election shall not be declared null and void but the qualified candidates receiving the highest number of legal votes shall be declared elected.

22-17-109. Contesting election of state legislator; generally. The election of a member of the state legislature may be contested by a registered elector of the legislator's county or district, upon any of the grounds specified by law for the contest of the election of other elected officials. The state senate and house of representatives respectively shall hear and determine contests of the election of their members. Each house is authorized to provide its own rules for resolving contests of its members.

22-17-110. Contesting election of state legislator; commencement. A contest of the election of a member of the state legislature shall be commenced within fifteen (15) days after his election has been certified by the canvassing board by serving him personally or at his mailing address with a notice of intent to contest setting forth the grounds for the contest. A copy of the notice must be filed by the contestant with the secretary of state before the next session of the legislature begins.

22-17-111. Contesting election of state legislator; taking of depositions. In a contest of the election of a member of the state legislature, depositions may be taken by either party after service of the notice of intent to contest. Depositions shall be taken as in a civil action and the officer taking depositions has the power to compel the attendance of witnesses and the production of papers, objects, and other evidence, by subpoena.

22-17-112. Contesting election of state legislator; handling of depositions by secretary of state; additional depositions.

(a) A copy of a notice to take a deposition with proof of service, and the deposition, shall be sealed and mailed to the secretary of state by the person requesting the deposition with an endorsement showing the names of the contesting parties, the legislative office contested, and the nature of the papers. The secretary of state shall then deliver each such sealed notice for deposition to the presiding officer of the branch of the legislature to which the contest relates on the first day of its session.

(b) Each house of the legislature may take additional depositions and subpoena and examine witnesses.

22-17-113. Contesting election of state legislator; legislative determination final. A determination by either house of the legislature of the result of an election contest affecting one (1) of its members is final and conclusive and is not subject to judicial review.

CHAPTER 18 VACANCIES

22-18-101. When deemed to occur.

(a) A vacancy shall occur in an elective office if during his term the

incumbent either:

- (i) Dies;
- (ii) Resigns;
- (iii) Is determined by a court having jurisdiction to be insane or mentally incompetent;
- (iv) Is disqualified from holding office for any reason specified by law;
- (v) Is convicted of a crime involving moral turpitude or constituting a breach of his oath of office;
- (vi) Refuses to take the oath of office or to give or renew an official bond if required by law; or
- (vii) Has his election voided by court decision.

(b) A vacancy exists in an elective office, if upon expiration of the term for which a person was elected a successor has not been elected and qualified.

(c) A vacancy exists in an elective office and shall be filled in the same manner as it is filled when a vacancy occurs after the term of office has begun if, after a person has been elected to an office at an election, but before the time for the taking of the oath for that office, the person:

- (i) Dies; or
- (ii) Resigns. A person may resign an office before taking the oath for that office and before the term of office begins in the same manner that he may resign after taking the oath of office.

(d) If a person who has died is elected, a vacancy in office shall occur and the office shall be filled in the same manner as it is filled when a vacancy occurs after the term of office has begun.

22-18-102. Determination of existence. The officer or governmental body having the power to fill a vacancy in the office shall determine whether a vacancy exists in the office.

22-18-103. Filling vacancy of congressman; generally. A vacancy in the office of representative in congress shall be filled for the unexpired term at a special election called for the purpose by the governor, provided the vacancy does not occur within six (6) months of the next general election.

22-18-104. Filling vacancy of congressman; procedure. The governor shall call such special election by issuing a writ of election to the board of county commissioners of each county voting for the office and to the secretary of state. The writ shall specify the day of the election.

22-18-105. Filling vacancy of congressman; whether filled at general or special election. If the vacancy in the office of representative in congress occurs within six (6) months prior to the next general election, the vacancy shall be filled at the general election. Otherwise the special election

shall occur not more than forty (40) days after the vacancy occurs. The governor shall declare the vacancy and issue the writ of election within five (5) days after the vacancy occurs.

22-18-106. Filling vacancy of congressman; nominations by state central committees. An elector qualified to hold the office of representative in congress shall be nominated by the state central committee of the respective parties to fill a vacancy for the unexpired term of that office. Nominations from such parties shall be filed with the secretary of state and fees paid within fifteen (15) days after the vacancy is officially declared.

22-18-107. Filling vacancy of congressman; certification of candidates. Within twenty (20) days after the vacancy is declared, the secretary of state shall certify to the clerks of counties voting to fill the vacancy the name of each candidate qualified to appear on the ballot, and his party affiliation or the name of a group or organization sponsoring an independent candidate.

22-18-108. Filling vacancy of congressman; party requirements. A candidate for the unexpired term of the office of representative in congress may seek election only as a candidate of the political party in which he was registered on the date the vacancy occurred.

22-18-109. Conduct of special election. A special election to fill a vacancy shall be conducted by the county clerk as nearly as possible in the manner of a general election. The candidate who receives a plurality of the votes at a special election shall be issued a certificate of election as provided by law.

22-18-110. Supreme court justices and district court judges. A vacancy in the office of justice of the supreme court or judge of any district court shall be filled by a qualified person appointed by the governor under section 4, of article 5 of the constitution of Wyoming.

22-18-111. Vacancies in other offices; temporary appointments.

(a) Any vacancy in any other elective office in the state except representative in congress or the board of trustees of a school or community college district, shall be filled by the governing body, or as otherwise provided in this section, by appointment of a temporary successor to serve until a successor for the remainder of the unexpired term is elected at the next general election and takes office on the first Monday of the following January. If a vacancy in a four (4) year term of office occurs after the first day for filing an application for nomination pursuant to W.S. 22-5-209, the temporary successor appointed shall serve until the first Monday in January following the second general election thereafter. The following apply:

(i) If a vacancy occurs in the office of United States senator or in

any state office other than the office of justice of the supreme court and the office of district court judge, the governor shall immediately notify in writing the chairman of the state central committee of the political party to which the last incumbent belonged, who shall call a meeting of the state central committee to be held not later than ten (10) days after he receives notice of the vacancy. At the meeting the state central committee shall select and transmit to the governor the names of three (3) persons qualified to fill the vacancy. Within five (5) days after receiving these three (3) names, the governor shall fill the vacancy by temporary appointment of one (1) of the three (3) to hold the office;

(ii) If a vacancy occurs in a county elective office, except as provided in W.S. 18-3-524, the board of county commissioners of the county in which the vacancy occurs shall immediately notify in writing the chairman of the county central committee of the political party to which the last incumbent belonged, who shall call a meeting of the county central committee to be held not later than ten (10) days after he receives notice of the vacancy. At the meeting the county central committee shall select and transmit to the board of county commissioners the names of three (3) persons qualified to fill the vacancy. Within five (5) days after receiving these three (3) names, the board of county commissioners shall fill the vacancy by appointment of one (1) of the three (3) to hold the office;

(iii) If a vacancy occurs in the office of a member of the state legislature:

(A) The state central committee of the political party of the former incumbent shall notify the precinct committeemen and committeewomen for that party for each precinct within the legislative district which is vacant and arrange a meeting of those precinct committeemen and committeewomen at which they will select a list of three (3) persons qualified to fill the vacancy. The meeting shall be held not later than ten (10) days after the state central committee is notified of the vacancy. The state central committee of each political party shall establish procedures for conducting the vote required under this subparagraph and may delegate the authority to call the meeting required under this subparagraph;

(B) The state central committee of the political party of the former incumbent shall submit the list selected under subparagraph (A) of this paragraph to the board of county commissioners for each county in which the legislative district is located. Within five (5) days after receiving the list of three (3) names, the board of county commissioners shall fill the vacancy by appointment of one (1) of the three (3) to hold the office;

(C) If the legislative district is in more than one (1) county, the vacancy shall be filled by the combined vote of the boards of county commissioners for those counties. The vote of each county commissioner in attendance shall be weighted so that the total vote of the commissioners from each county shall be in proportion to the population of the legislative district within that county according to the most recent decennial census.

(iv) A vacancy in the office of any hospital district trustee or in any other special district office shall be filled by temporary appointment by the governing body of the hospital or special district;

(v) A vacancy in a municipal office shall be filled as provided by W.S. 15-1-107.

(b) The trustees of a school or community college district shall fill a vacancy in office by temporary appointment in a manner provided by law. If the trustees fail to appoint a qualified person to fill a vacancy within thirty (30) days from the date the vacancy occurs, or if, for any reason, the entire membership of the board of trustees of a school or community college district is depleted, the board of county commissioners of the county or counties involved, within ten (10) days of either occurrence, shall appoint a qualified person to fill each vacancy until the next election at which time an election shall be held to fill the unexpired term, and each appointee shall serve until his successor is elected and qualified. Each appointee shall be a resident of the trustee residence area, or election subdistrict, if any, previously represented.

This highlighted section will replace the preceding section January 1, 1995.

22-18-111. Vacancies in other offices; temporary appointments.

(a) Any vacancy in any other elective office in the state except representative in congress or the board of trustees of a school or community college district, shall be filled by the governing body, or as otherwise provided in this section, by appointment of a temporary successor to serve until a successor for the remainder of the unexpired term is elected at the next general election and takes office on the first Monday of the following January. If a vacancy in a four (4) year term of office occurs after the first day for filing an application for nomination pursuant to W.S. 22-5-209, the temporary successor appointed shall serve until the first Monday in January following the second general election thereafter. The following apply:

(i) If a vacancy occurs in the office of United States senator or in any state office other than the office of justice of the supreme court and the office of district court judge, the governor shall immediately notify in writing the chairman of the state central committee of the political party to which the last incumbent belonged, who shall call a meeting of the state central committee to be held not later than ten (10) days after he receives notice of the vacancy. At the meeting the state central committee shall select and transmit to the governor the names of three (3) persons qualified to fill the vacancy. Within five (5) days after receiving these three (3) names, the governor shall fill the vacancy by temporary appointment of one (1) of the three (3) to hold the office;

(ii) If a vacancy occurs in a county elective office, except as provided in W.S. 18-3-524, the board of county commissioners of the county

in which the vacancy occurs shall immediately notify in writing the chairman of the county central committee of the political party to which the last incumbent belonged, who shall call a meeting of the county central committee to be held not later than ten (10) days after he receives notice of the vacancy. At the meeting the county central committee shall select and transmit to the board of county commissioners the names of three (3) persons qualified to fill the vacancy. Within five (5) days after receiving these three (3) names, the board of county commissioners shall fill the vacancy by appointment of one (1) of the three (3) to hold the office;

(iii) If a vacancy occurs in the office of a member of the state legislature:

(A) The state central committee of the political party of the former incumbent shall notify the precinct committeemen and committee women for that party for each precinct within the legislative district which is vacant and arrange a meeting of those precinct committeemen and committee women at which they will select a list of three (3) persons qualified to fill the vacancy. The meeting shall be held not later than ten (10) days after the state central committee is notified of the vacancy. The state central committee of each political party shall establish procedures for conducting the vote required under this subparagraph and may delegate the authority to call the meeting required under this subparagraph;

(B) The state central committee of the political party of the former incumbent shall submit the list selected under subparagraph (A) of this paragraph to the board of county commissioners for each county in which the legislative district is located. Within five (5) days after receiving the list of three (3) names, the board of county commissioners shall fill the vacancy by appointment of one (1) of the three (3) to hold the office;

(C) If the legislative district is in more than one (1) county, the vacancy shall be filled by the combined vote of the boards of county commissioners for those counties. The vote of each county commissioner in attendance shall be weighted so that the total vote of the commissioners from each county shall be in proportion to the population of the legislative district within that county according to the most recent decennial census.

(iv) A vacancy in the office of any hospital district trustee or in any other special district office shall be filled by temporary appointment by the governing body of the hospital or special district, both subject to chapter 29 of this act;

(v) A vacancy in a municipal office shall be filled as provided by W.S. 15-1-107.

(b) The trustees of a school or community college district shall fill a vacancy in office by temporary appointment in a manner provided by law. If the trustees fail to appoint a qualified person to fill a vacancy

within thirty (30) days from the date the vacancy occurs, or if, for any reason, the entire membership of the board of trustees of a school or community college district is depleted, the board of county commissioners of the county or counties involved, within ten (10) days of either occurrence, shall appoint a qualified person to fill each vacancy until the next election at which time an election shall be held to fill the unexpired term, and each appointee shall serve until his successor is elected and qualified. Each appointee shall be a resident of the trustee residence area, or election subdistrict, if any, previously represented.

22-18-112. Certificate of appointment. The officer or governmental body filling a vacancy by temporary appointment shall issue a "Certificate of Appointment" to the person filling the vacancy. The certificate shall be lawful authority to hold the office.

CHAPTER 19

PRESIDENTIAL ELECTORS

22-19-101. When elected; number. At a general election for president and vice-president of the United States, electors for president and vice-president of the United States shall be elected equal in number to senators and representatives in congress allotted to the state of Wyoming.

22-19-102. Nomination. In a general election year, the state convention of a political party nominating candidates for president and vice-president of the United States shall nominate the party's candidates for presidential electors and file certificates of nomination for these candidates with the secretary of state not later than thirty (30) days following termination of the state convention.

22-19-103. How names of electors and candidates to appear; crediting of votes. The names of presidential electors shall appear in each general election proclamation and notice with the names of their presidential and vice-presidential candidates but need not appear on the ballot. The surnames of the presidential and vice-presidential candidates shall be printed on the general election ballot in boldface letters not less than one-eighth inch nor more than one-fourth of an inch in height. The first names shall be printed in the same size letters, in lightface type. The number of votes received by presidential and vice-presidential candidates is the number of votes credited to their electors.

22-19-104. Certificate of election; directive. Immediately upon filing of the certificate of the state canvassing board stating the result of the election, the governor shall issue a certificate of election to candidates elected to

the office of presidential elector. The certificate shall direct the elector to attend a meeting with the governor in the office of the secretary of state at 12:00 noon on the Monday following the second Wednesday in December of presidential election years.

22-19-105. Vacancy in nomination. A vacancy in nomination for the office of presidential elector occurring before the general election shall be filled by the state central committee of the political party whose vacancy is to be filled by certifying the name of the person filling the vacancy to the secretary of state.

22-19-106. Certified electors to meet; vacancies. Certified electors shall convene in the office of the secretary of state at 12:00 noon on the Monday following the second Wednesday in December of presidential election years. A vacancy in the office of elector for any cause including nonattendance shall be filled and certified by a majority of electors present.

22-19-107. College of electors; duties. When all electors are present and vacancies filled they shall constitute the college of electors of the state of Wyoming and shall perform duties as required by the constitution and laws of the United States.

22-19-108. How electors to vote. All Wyoming electors shall vote for the candidates for the office of president and vice-president receiving the highest number of votes in the Wyoming general election.

22-19-109. Compensation and mileage. An elector shall receive fifty dollars (\$50.00) compensation and mileage at the present rate for state employees.

CHAPTER 20

CONSTITUTIONAL AMENDMENTS

ARTICLE 1

AMENDMENTS TO WYOMING CONSTITUTION

22-20-101. Ratification of proposed amendment or new constitution. A proposed amendment to the constitution of the state of Wyoming submitted by a two-thirds vote of each of the houses of the state legislature or a proposed new constitution submitted by a constitutional convention may be ratified by a majority of the electors voting at the next general election. Voting on a proposed amendment or new constitution shall be regulated by general election laws.

22-20-102. Transmittal to secretary of state; numbering and endorsement; ballot statement.

(a) A proposed amendment shall be transmitted to the office of the secretary of state by the house in which it originates or by a constitutional convention. The secretary of state shall number each proposed amendment serially in the order received from the legislature or convention and shall endorse upon a proposed amendment, a brief statement of the purpose of the amendment. If the bill proposing the amendment provides this statement, it shall be adopted by the secretary of state.

(b) The number and statement endorsed on a proposed amendment are part of the amendment for purposes of reference in submitting the amendment to the electors and shall constitute the ballot statement of the amendment.

22-20-103. Transmittal to county clerk; posting. The secretary of state shall mail a certified copy of a proposed amendment and statement of its purpose filed in his office to each county clerk not less than sixty (60) days prior to the election at which the proposed amendment is submitted to the electors. The county clerk shall immediately post in his office the copy of a proposed amendment and statement of its purpose received from the secretary of state. The copy shall remain posted until after the election at which the amendment is submitted to the vote of the electors.

22-20-104. Publication by secretary of state; supplemental publication by clerk.

(a) The secretary of state shall publish each proposed amendment and a notice that it will be submitted to the electors at the next general election, once a week for at least twelve (12) consecutive weeks prior to the election in a newspaper of general circulation published in each county and, if possible, once each week for three (3) consecutive weeks within thirty (30) days prior to the election in one (1) other newspaper of general circulation in each county.

(b) The clerk may supplement publication thereof by radio or television broadcasts or both. The broadcasts shall identify the proposed amendment or other question, by number and statement of purpose as prescribed by law, and shall state the name of the newspaper in which the published notice will appear and the date on which it will appear.

22-20-105. Pamphlet. The secretary of state shall print a pamphlet containing every proposed amendment and deliver copies of the pamphlet upon request to any person or organization.

22-20-106. Publication expense. The expense of publication of notice of proposed amendments and voter pamphlets shall be paid out of the general fund of the state.

22-20-107. Statement of purpose on ballot. The county clerk shall print on the official nonpartisan general election ballot for the next general election the statement of purpose of each proposed amendment certified to him by the secretary of state.

22-20-108. Proclamation of adoption; effective date. The governor shall issue a proclamation of adoption not later than ten (10) days after the adoption of each proposed amendment has been officially certified by the state canvassing board. A proposed amendment is effective on the date it is proclaimed adopted by the governor.

22-20-109. Publication in session laws. Each constitutional amendment proposed by the legislature, and if possible each proposed by a constitutional convention, and each constitutional amendment adopted by the vote of the people, shall be published in the next session laws.

ARTICLE 2 AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES

22-20-201. Proclamation of governor calling state convention.

(a) If the congress of the United States of America enacts any law requiring any question of repealing, amending or altering the constitution of the United States of America, or any part thereof, to be submitted to a convention of delegates chosen by the qualified electors of the state and does not prescribe the manner and method of calling, holding and conducting the convention and of canvassing the returns of the votes of the delegates thereto and determining, declaring and publishing the result of the vote of the delegates to the convention on any question voted upon, for which the convention is called, it is the duty of the governor to make a public proclamation:

- (i) Calling the state convention;
- (ii) Calling for the election of delegates to the state convention;
- (iii) Specifying the place where and the time when the convention shall be held;
- (iv) Specifying the number of delegates (who shall be qualified electors) of which the convention shall consist; and
- (v) Specifying the method and manner by and in which delegates to the convention shall be elected.

22-20-202. Election of delegates to county and state conventions. In each of the election precincts in each of the counties of this state there shall be held a meeting of the qualified electors of the precinct at the time fixed by the proclamation. A qualified elector in the precinct shall preside at each

precinct meeting, and an election shall be held in which not less than one (1) delegate from each precinct and (1) one additional delegate for each six hundred (600) or major portion thereof of the inhabitants of the precinct shall be elected as delegates to a convention to be held at the county seat of the county. Upon the day fixed by the governor for holding the county convention the delegates thereto shall assemble and elect one (1) delegate for each county, and one (1) delegate for each five thousand (5000) or major fraction thereof of the inhabitants of the county as delegates to the state convention specified in W.S. 22-20-201.

22-20-203. Convening of county convention; presiding officer; certification of results. It is the duty of the chairman of the board of county commissioners or some other member of the board in each county to convene the county convention and preside over it until the delegates chosen thereto select a chairman of the convention. It is the duty of the chairman and secretary of the convention to certify, under oath, to the secretary of state and to the state convention, the names of the delegates to the state convention chosen by the county convention.

22-20-204. Rules of practice for county conventions; convention ballots.

(a) The rules of practice, procedure and conduct of the business of the several county conventions specified in W.S. 22-20-202 are those prescribed by "Robert's Rules of Parliamentary Procedure and Order"

(b) The vote on the selection of delegates to the county and state conventions shall be by written or printed ballot.

22-20-205. Determining apportionment of representation at convention. In the apportionment of representation in the county and state conventions, the last census enumeration taken by the United States government is the basis upon which the right to representation in the conventions shall be determined.

22-20-206. Board of commissioners to act as election commissioners. For the purpose of providing the necessary facilities and conveniences for conducting each of the meetings and conventions provided for by this chapter, the board of county commissioners of the several counties of this state are appointed election commissioners of their respective counties. It is their duty to do all things necessary and proper to facilitate the qualified electors of their respective counties in expressing their will upon any question submitted to them by the congress of the United States of America.

22-20-207. Costs and expenses to be borne by county. All costs incurred in carrying out the provisions of this chapter in each county shall be borne and paid by the county in which the costs accrued.

22-20-208. Convening of state convention; costs and expenses; certification of results.

(a) If the governor issues a proclamation calling a state convention, it is the duty of the secretary of state to convene the convention and make all necessary arrangements.

(b) The costs incidental to the holding of the state convention shall be borne and paid by the state.

(c) It is the duty of the officers of the state convention to certify, under oath, to the secretary of state, the result of the vote cast at the convention on each question submitted thereto. When the result of the vote of the delegates to the state convention is certified to the secretary of state, it is then the duty of the secretary of state to certify the result to the president and secretary of state of the United States, and to the president of the senate and the speaker of the house of representatives of the congress of the United States.

22-20-209. Procedure when congress directs manner of holding convention. If congress, either in the resolution submitting the question or by statute, prescribes the manner in which the conventions shall be constituted, the provisions of this chapter are inoperative, and the convention shall be constituted and shall operate as the resolution or act of congress directs. All officers of the state who may be authorized or directed by the resolution or statute to take any action to constitute a convention for this state are authorized and directed to act in accordance therewith and in obedience thereto with the same force and effect as if acting under a statute of this state.

CHAPTER 21 BOND ELECTIONS

ARTICLE 1 POLITICAL SUBDIVISIONS

22-21-101. Political Subdivision Bond Election Law. This chapter including W.S. 22-21-101 through 22-21-112, shall be known as the "Political Subdivision Bond Election Law," and each election required by law to authorize the issuance of bonds shall be conducted under the provisions hereof, except that statewide bond elections shall be conducted as provided in W.S. 22-21-201.

22-21-102. Definitions.

(a) As used in this chapter:

(i) "Political subdivision" includes any county, city, town, school district, community college district, hospital district, water conservancy district, cemetery district, fire protection district, or any other political subdivi-

sion of the state constituting a body corporate, whether incorporated under general act, special charter, or otherwise;

(ii) Bond means any bond, note, certificate of indebtedness, coupon, or other obligation for the payment of money, issued by any political subdivision, including any bond payable from taxes, revenues or other sources.

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

Each bond question shall be submitted to a vote of the qualified electors of the political subdivision. Notwithstanding any other provisions of law, no special bond election shall be held during the period between a primary election and a general election nor within thirty (30) days of either such election but may be held on the same day as a primary election or a general election. The governing body calling the election shall provide written notification to the county clerk, specifying the date of the election and the bond question, not later than forty-five (45) days prior to the election date. The bond question shall state the purpose of the bonds, the maximum principal amount thereof, the maximum number of years allowed for the indebtedness and the maximum rate of interest to be paid thereon.

This highlighted section replaces the previous Section 22-21-103 on January 1, 1995.

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

Each bond question shall be submitted to a vote of the qualified electors of the political subdivision. Notwithstanding any other provisions of law, no special bond election shall be held during the period between a primary election and a general election nor within thirty (30) days of either such election but may be held on the same day as a primary election or a general election. The governing body calling the election shall provide written notification to the county clerk, specifying the date of the election and the bond question. However, if the political subdivision specifies the date of the election to be a primary or general statewide election, then the political subdivision shall provide notice to the county clerk by the close of the filing periods as provided in W.S. 22-5-209 if for a primary election, and in W.S. 22-22-102, if for a general election. The bond question shall state the purpose of the bonds, the maximum principal amount thereof, the maximum number of years allowed for the indebtedness and the maximum rate of interest to be paid thereon. The secretary of state may promulgate reasonable rules for conducting bond elections where the election is not held at the same time as the general or primary election.

22-21-104. Publication or posting of election notice; contents.

The county clerk shall publish notice of the election at least once in a newspaper of general circulation in the political subdivision not less than thirty (30) nor more than forty (40) days before the election. If there is no newspaper of

general circulation in the political subdivision, notice shall be posted at each polling place in the political subdivision not less than thirty (30) nor more than forty (40) days before the election. Any notice of election hereunder shall specify the name of the political subdivision, the date, time and place of election, the question or questions to be submitted, and the fact that only qualified electors of the political subdivision may vote thereon. If a bond election is being held within a political subdivision at the same time and place as a regular or other election, the notice of bond election may, at the discretion of the county clerk, be combined with and given in the same manner as the notice of the regular or other election in such political subdivision.

22-21-105. Election districts. The political subdivision may be divided by the governing body into convenient subdivisions for the purpose of such election or the governing body may adopt the election districts and precincts established for general or other elections.

22-21-106. Irregularities. No irregularity in any election on the creation of an indebtedness shall invalidate the election, unless it is determined that the irregularity would change the result.

22-21-107. Contests; procedure. Any five (5) qualified electors of the political subdivision may contest an election on the question of the creation of an indebtedness upon filing in the district court of any county in which the political subdivision is wholly or partially located, within ten (10) days after the result of the election shall have been determined, a petition in like form as in other cases of contested elections in the district court. The political subdivision shall be made defendant, and process shall be served upon the clerk of the governing body or other chief clerical officer as in other civil actions. No civil action contesting the results of such an election or alleging election irregularities may be commenced after the expiration of such ten (10) day period.

22-21-108. Who is entitled to vote. Any registered elector in the political subdivision shall be entitled to vote on the bond question in person or by absentee ballot, in the precinct in which he is registered, as provided by law.

22-21-109. Supplies; regulations; costs. The county clerk conducting such election shall provide, at each polling place, one (1) ballot box and one (1) set of ballots which shall be printed on white paper. The county clerk may utilize voting machines at any bond election and may prescribe the form of ballot label, the duties of election officials, and other reasonable regulations pertaining thereto. The political subdivision holding the bond election shall pay the actual costs of the election or an equitably proportioned share of a concurrent election, as determined by the county clerk.

22-21-110. Ballot canvass; results certified; declaration; effect of defeat. Immediately after the closing of the polls, the election officials at each polling place shall proceed to canvass the ballots. The results disclosed by the canvass shall be certified by the election officials to the clerk of the political subdivision. If the majority of the ballots cast on a bond question is in favor of the issuance of the bonds, the proposal shall be approved, and the governing body of the political subdivision, in the manner provided by law, shall then proceed to declare the results of said election, and complete the printing, execution, advertising, and sale of the bonds, but if the majority is opposed to such issuance, the proposal to issue bonds for the same general purpose shall not again be submitted to election within the same calendar year.

22-21-111. Authority granted. Nothing herein contained shall be construed as authorizing any type of project or the issuance of bonds for any purpose not otherwise authorized by the laws specifically applicable to the political subdivision in question.

22-21-112. Effect on prior bond elections. This act [22-1-101 through 22-27-101] shall have no effect on any bond election heretofore conducted, and any bonds authorized at such an election which have not been delivered may be sold and delivered as if this act had not been adopted.

ARTICLE 2 STATE

22-21-201. State bond elections.

(a) Notwithstanding any other provisions of law, no special bond election shall be held during the period between a primary election and a general election nor within thirty (30) days of either such election but may be held on the same day as a primary election or a general election. A statewide bond election shall be conducted as nearly as possible in the same manner as a general election.

(b) The proclamation of such an election shall be published as provided in W.S. 22-2-109. No other notice of such election need be published.

(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.

(d) The question submitted at such a bond election shall be deemed adopted, if a majority of the electors voting thereon approve the proposition.

**CHAPTER 22
SCHOOL ELECTIONS**

**ARTICLE 2
GENERAL PROVISIONS**

22-22-101. Cost of school or community college district elections. The cost of a school or community college district election or equitably proportioned shares of a concurrent election as determined by the county clerk shall be paid by the appropriate board from the funds of the school district or community college district.

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

(a) Effective January 1, 1988, 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 each district on the Tuesday next following the first Monday in November in general election years. Except as otherwise provided in this subsection and subsection (c) of this section, terms of office shall run for four (4) years beginning at 12:00 noon on the first day in December following the election. This subsection shall not terminate or extend the terms of office of trustees of school or community college districts filled before January 1, 1987. Upon the normal expiration of the term of office of any trustee in 1987 and 1988, a vacancy in that office exists and shall be filled by temporary appointment by the governing body of the school or community college district until a successor is elected at the general election in 1988 and takes office on December 1, 1988. Terms of trustees elected in 1988 shall be for two (2) or four (4) years as determined by the board of trustees in accordance with subsection (c) of this section. An interim vacancy in office occurring after January 1, 1989, but prior to January 1, 1991, caused by normal expiration of the term of that office before the next regular school district or community college district election, shall be filled by temporary appointment by the governing body of the school or community college district until a successor is elected at the general election in 1990 and takes office on December 1, 1990.

(b) Repealed by Laws 1985, ch. 204, 2.

(c) Except for the 1988 election, not more than a simple majority of members of the board of trustees of each school district and each community college district shall be elected at any election unless the election is to fill an unexpired term. In order to fulfill the requirements of this subsection, each board of trustees shall designate and report to the county clerk by August 1, 1988, the length of the term, either two (2) or four (4) years, for each trustee office to be filled in 1988.

ARTICLE 2
NOMINATIONS

22-22-201. Eligibility for office.

(a) A qualified elector resident in a school district is eligible to hold the office of school district trustee in the school district, but only from the trustee residence area in which he resides if the district is divided into residence areas.

(b) A qualified elector resident in a community college district may be elected to the district board of the community college district, but only from the subdistrict in which he resides if the district is divided into subdistricts.

22-22-202. Filing of application; form.

(a) A qualified person may be nominated for the office of school district trustee or member of a community college board by filing an application for election in the office of the county clerk not more than ninety (90) nor less than seventy (70) days prior to the election. The application shall be in substantially the following form:

APPLICATION FOR ELECTION FOR
SCHOOL OR COMMUNITY COLLEGE TRUSTEE

I, the undersigned, certify that I was born on, 19.., and that I have been a resident of the State of Wyoming since, and that I am a registered voter of the school district or community college district (and resident of trustee residence area or subdistrict, if any) and I do hereby request that my name,, be printed on the ballot of the election to be held on the day of, 19.., as a candidate for the office of for a term of years. I hereby declare that if I am elected, I will qualify for the office.

Dated:

.... (Signature of Candidate)

.... (Residence Address)

(b) Repealed by Laws 1983, ch. 80, 2.

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

(a) The county clerk receiving a nomination application shall determine whether the person seeking nomination is a qualified candidate. If the application is sufficient in all respects, the name of the person nominated shall appear on the official ballot for the election specified in the application. In the case of a school or community college district which crosses county

boundaries, the clerk of the county in which a valid application is filed shall certify the name of the person nominated to the clerk of the other county or counties involved for placement on the official ballot for the election specified in the application.

(b) Each county clerk in each election involving a school or community college district which crosses county boundaries shall determine whether voting machines, electronic voting system, paper ballots, or a combination thereof, shall be used to insure that each qualified elector votes only for the candidate or candidates from the school district and trustee residence area, if any, and from the community college district and subdistrict, if any, for which he is entitled to vote.

ARTICLE 3 SCHOOL OR COMMUNITY COLLEGE ELECTION PROCEDURE

22-22-301. "District" defined. As used in this article including W.S. 22-22-301 through 22-22-308, inclusive, the term "district" refers to a community college district board or a school district board of trustees.

22-22-302. Conduct of elections. Unless specifically otherwise provided, a school or community college district election shall be governed by the laws regulating statewide elections and in even-numbered years be conducted and canvassed by the same election officials, using the same poll lists, and at the same times and polling places, as county elections.

22-22-303. Supplies. The county clerk shall provide each polling place with sufficient ballots, voting machines and other necessary supplies before the polls open.

22-22-304. Ballot information; format.

(a) The official ballot shall contain the following information:

- (i) The name of the school district or community college district;
- (ii) The county or counties in which the district is located;
- (iii) The number of offices to be filled, the length of term for each office, and the number and names of candidates for each office for whom each voter is entitled to vote;

- (iv) In districts divided into trustee residence areas or subdistricts, the trustee residence area or subdistrict of each candidate and the number to be elected from each trustee residence area or subdistrict;

- (v) Ballot propositions to be voted on at the election.

(b) The names of candidates shall appear without party designation, one (1) name to a line according to trustee residence area or subdistrict, if any, with the candidates from the most populous trustee residence area or

subdistrict, if any, appearing first. The names of candidates shall be rotated by precinct. Sufficient blank lines for write-in candidates shall be provided for each office.

22-22-305. Vote count; preparation of certificate; disposition.

(a) Immediately after the polls are closed the judges of election shall count the votes and prepare a certificate showing the following information:

- (i) The number of votes received by each candidate;
- (ii) The number of votes cast for and against each ballot proposition;
- (iii) The total number of votes cast in the election at the polling place.

(b) The certificate shall be subscribed by the judges of election and together with the ballots and affidavits of voters shall be delivered immediately to the county clerk to be delivered to the office of the board of trustees, which may authorize persons to pick up and deliver returns from the county clerk after the county canvass is concluded.

22-22-306. Vote canvass; certificate of result; disposition.

(a) The county canvassing board shall canvass the result of the election and prepare and subscribe a certificate of the official result of the election showing the following information:

- (i) The total number of ballots cast in the election;
- (ii) The names of the persons voted for;
- (iii) The offices to be filled or the propositions voted upon;
- (iv) The number of votes given at each polling place for each candidate and for or against each proposition;
- (v) The number of votes given in the school district and community college district for each candidate or for or against each proposition;
- (vi) A statement of the offices to be filled and a declaration of the winners;
- (vii) A declaration of the result of each ballot proposition.

(b) One (1) copy of the official certificate shall be retained on file by the appropriate board and another copy shall be filed with the county clerk or clerks of the county or counties in which the district is located.

22-22-307. Tie votes. A tie vote shall be broken by lots cast by the county canvassing board in the presence of at least three (3) witnesses.

22-22-308. Disposition of ballots and affidavits. After the official certificate of election has been prepared, ballots and affidavits shall be sealed in envelopes and retained by the appropriate board for six (6) months or until termination of any election contest affected by the ballots or affidavits and shall then be destroyed. Prior to destruction, the envelope shall be opened only on court order.

CHAPTER 23
MUNICIPAL ELECTIONS
ARTICLE 1
GENERAL PROVISIONS

22-23-101. Laws governing; costs. Unless otherwise specifically provided, a municipal election shall be governed by laws regulating statewide elections. The municipality holding any election shall pay the actual costs of the election, or an equitably proportioned share of a concurrent election as determined by the county clerk.

22-23-102. Qualifications of municipal officers. All municipal offices are nonpartisan, and municipal officers shall be qualified electors resident in the municipality and any ward established under W.S. 22-23-103 or 22-23-505(b).

22-23-103. Division of city into wards. A first class city other than one governed by the commission or city manager form of government shall be divided into not less than three (3) wards by ordinance of the governing body of the city. The wards shall be compact in form and as nearly equal in population as possible.

22-23-104. Applicability of campaign practices provisions. The provisions of chapter 24 [22-25-101 through 22-25-114] of this Election Code apply to municipal elections and campaign advertising for municipal office.

ARTICLE 2
CONCURRENT ELECTIONS

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 officials, using the same poll lists, as the statewide primary and general elections.

(b) Only voters residing in precincts within a municipality may vote in its elections.

22-23-202. Optional mode of election for towns; procedures by charter ordinance.

(a) Any town as defined by W.S. 15-1-101(a)(iii) [15-1-101(a)(xiv)] may, by charter ordinance enacted pursuant to article 13, section 1(c) of the Wyoming constitution, elect not to conduct its elections for office or for town ballot propositions in the same manner as statewide elections, in which case the charter ordinance shall provide:

- (i) The manner in which notice of elections shall be given;
- (ii) The procedure by which candidates shall be nominated for office, and by which vacancies in nomination are to be filled;
- (iii) The date, time and place of the election which shall be held in the month of May every two (2) years;
- (iv) The manner in which precinct officials and a canvassing board shall be appointed;
- (v) That the town clerk is responsible for:
 - (A) Determining if a person seeking nomination is a qualified candidate;
 - (B) Preparing the ballots in substantially the same form as the general election nonpartisan ballot;
 - (C) Designating polling places;
 - (D) Otherwise conducting the election.
- (vi) That the town shall bear the expense of the election.

22-23-203. Challenges. Electors at a municipal election shall be subject to challenge as provided by chapter 14 [22-15-101 through 22-15-108] of this code.

22-23-204. Certification and printing of ballot propositions. A municipal ballot proposition to be voted on at an election shall be certified by the city clerk to the county clerk not less than sixty (60) days before the general election and shall be printed on the municipal ballot by the county clerk unless state law provides otherwise.

ARTICLE 3 NOMINATIONS

22-23-301. Municipal officers. All candidates for municipal office shall be nominated at the municipal primary election.

22-23-302. Filing fee; petition form. Not more than ninety-six (96) days and not later than seventy-four (74) days preceding the municipal primary election, each candidate for a municipal office shall pay a filing fee of twenty-five dollars (\$25.00) and sign and file with the city clerk a petition in substantially the following form:

State of Wyoming)
) ss
County of)

I, ..., the undersigned, certify that I was born on ..., 19.., and that I have been a resident of the State of Wyoming since, and that I am a registered

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voter of Election District No., Precinct No., in Ward No., in the City of, and the State of Wyoming, do hereby petition and request that my name be printed upon the Official Municipal Primary Ballot at the next primary election as a candidate for the office of I hereby declare that if nominated and elected I will qualify for the office.

Dated:

.... (Signature of Candidate)

.... (Residence Address)

22-23-303. Certification of candidates; names on ballots. Not later than sixty-eight (68) days prior to the primary election, the city clerk shall certify to the county clerk the names of all qualified candidates for nomination at the municipal primary election and the office they seek and shall print the names on the primary election ballot. The number of municipal candidates the voters are entitled to vote for at the primary election is the number of candidates to be elected to municipal offices at the general election.

22-23-304. Ballot form. The county clerk shall prepare the municipal primary ballot in substantially the following form:

OFFICIAL MUNICIPAL PRIMARY BALLOT

Mark the square to the right of the name of the candidate for whom you desire to vote. _____

For Mayor of the City of

(Vote for One)

John Doe

☐

Mary Roe

☐

☐

For Councilman Number 1, Ward No.

(Vote for One)

John Doe

☐

Mary Roe

☐

☐

For Councilman Number 2, Ward No. (Vote for One)

John Doe ☐

Mary Roe ☐

_____ ☐

22-23-305. Rotation of names on ballot. The names of candidates for each municipal office shall be rotated on the official primary ballot by precinct as provided in W.S. 22-6-122.

22-23-306. Canvassing returns; certification; tie votes. The precinct returns of the municipal primary election shall be canvassed by the county canvassing board, which shall certify the results of such in writing to the county clerk and city clerk. A tie vote in the municipal primary election shall be broken by lots cast by the county canvassing board.

22-23-307. Candidates nominated; certificate of nomination. The candidates equal to twice the number to be elected to each office who receive the highest number of votes are nominated to run for the office at the next general election and shall be issued a certificate of nomination by the county clerk.

22-23-308. Vacancies in nomination.

(a) A vacancy in nomination for a municipal office to be filled at a general election occurs if:

(i) A candidate nominated at a primary election declines to accept the nomination, dies, moves his residence from his constituency or becomes disqualified to hold the office for any reason provided by law;

(ii) After the primary election there are no nomination applications for the office of mayor or councilman.

(b) A vacancy in nomination shall be filled by the city clerk notifying the person who received the next highest number of votes at the municipal primary election as shown on the official county canvass, or, if no other candidate exists, the vacancy in nomination may be filled by the governing body of the city or town.

(c) Not less than sixty (60) days prior to the general election, the city clerk shall certify to the county clerk the names of all qualified candidates who have accepted nomination by write-in vote and those nominated by the governing body and the office they seek. The names shall be printed on the general election ballot.

**ARTICLE 4
GENERAL MUNICIPAL ELECTION**

22-23-401. Preparation of ballots and voting machine labels; cost. The county clerk shall prepare ballots which shall be in substantially the same form as the general election nonpartisan ballot, and voting machine ballot labels for the municipal general election. The name of every candidate legally qualified to appear on the ballot and all municipal ballot propositions to be voted on at the election shall be printed thereon. The cost of preparing the municipal ballots shall be determined by the county clerk and paid by the city.

22-23-402. Rotation of names on ballot. The names of candidates on the municipal general election ballot shall be rotated by precinct as provided by W.S. 22-6-122.

22-23-403. Canvassing results; certification; tie votes. The returns of the municipal general election shall be canvassed by the county canvassing board, which shall certify the results in writing to the city clerk. A tie vote shall be broken by lots cast by the county canvassing board.

22-23-404. Commencement of term of office. The term of office of a person elected at the municipal general election commences on the first Monday in January following the general election.

22-23-405. Constitutional oath required. Before entering his duties, a person elected to a municipal office shall sign and file with the city clerk the same constitutional oath of office as county officers.

**ARTICLE 5
OFFICES AND TERMS**

22-23-501. When offices filled. The offices specified in this article shall be filled by the vote of the residents of a city or town at the general municipal election.

22-23-502. Officers of incorporated town; terms; how elected. The elective officers of an incorporated town are one (1) mayor and four (4) councilmen. The term of office of mayor is two (2) years and the term of office of a councilman is four (4) years, and until his successor is qualified. They are elected at large.

22-23-503. Officers of first class city; terms; how elected. The elective officers of a first class city, not including a city adopting the commission

or city manager form of government, are a mayor and the number of councilmen determined by the governing body of the city when they provide for the number of wards in the city. The term of office of the mayor and a councilman is four (4) years and until his successor is qualified. The mayor shall be elected at large and the councilmen shall be elected at large or by wards or by a combination of at large and ward election districts. The governing body of the city shall determine by ordinance at the time wards are created or reorganized whether individual, multimember or at large election districts shall be provided. The districting system, as approved by the council to apply uniformly to the entire city, may provide individual member election districts, multimember election districts which do not exceed three (3) council members per district, or that a portion of the entire membership of the council not to exceed one-third (1/3) of the total members shall be elected from an at large district constituting the entire city. Once established, the districts, except to modify boundaries because of population changes and to encompass annexed territory, shall not be altered or amended more often than each ten (10) years.

22-23-504. Officers in city or town with commission government; term; how elected. The elective officers of a city or town adopting the commission form of government are a mayor, a commissioner of finance and public property, and a commissioner of streets and public improvements. The term of the mayor and each commissioner is two (2) years and until his successor is qualified. They are elected at large.

22-23-505. Officers in city or town with city manager government; terms; legislative authority; method of selection; alternative method.

(a) The elective officers of a city or town adopting the city manager form of government are councilmen elected as provided by law. There shall be three (3) councilmen in cities and towns having a population of less than four thousand (4,000), seven (7) in those having a population of four thousand (4,000) or more but less than twenty thousand (20,000) and nine (9) in those having a population of twenty thousand (20,000) or more according to the last preceding United States census. The term of office of a councilman is four (4) years and until his successor is qualified. Legislative authority is vested in the council.

(b) Councilmen in a municipality adopting the city manager form of government shall be elected at large, unless a petition requesting an alternate method of selection by wards, or by a combination of wards and at large, is approved at a special election on the question by a majority vote of the electors voting on the question:

(i) Such petition shall be signed by not less than ten percent (10%) of the qualified electors registered in the municipality;

(ii) If the petition is for a combination of wards and at large, it shall state the number of wards, the number of councilmen to be elected from each

ward, and the number of councilmen to be elected at large. A petition seeking ward representation or combination of wards and at large shall contain the names of petitioners to serve on the ward boundary committee;

(iii) The petition shall be filed with the city clerk, who shall determine whether the petition is legally sufficient;

(iv) If the petition is legally sufficient, the question shall be submitted to the voters at a special municipal election and shall be in the following form:

1. Shall the city councilmen be elected at large? Yes ☐ No ☐

2. Shall the city councilmen be elected by wards? Yes ☐ No ☐

3. Shall the city councilmen be elected by a combination of wards and at large as follows:

(Here state the method of combination requested in the petition)

Yes ☐ No ☐

(v) The method approved by a plurality vote shall be proclaimed adopted by the mayor. A copy of the proclamation shall be mailed to the county clerk and the secretary of state;

(vi) If representation by wards or a combination of wards and at large is adopted, ward boundaries shall be determined by a committee composed of the governing body and an equal number of petitioners designated in the petition, and adopted by ordinance of the governing body. The creation or elimination of wards shall take effect at the next regular municipal primary and general elections;

(vii) If an alternate method of selecting councilmen is not adopted at the special election, the question shall not be submitted to the voters within four (4) years after the election. If an alternate method of representation is adopted at the special election, the question of changing the method of representation shall not be submitted to the voters for ten (10) years after the special election.

22-23-506. Term of office subject to termination. The term of any municipal elective office is subject to termination if a change of the form of municipal government necessitates a termination of an existing term of office.

22-23-507. Offices previously filled not terminated; interim vacancies. This act [22-1-101 through 22-27-101] shall not terminate a municipal elective office filled prior to its effective date. An interim vacancy in office occurring after the effective date of this act caused by the normal expiration of the term of that office and prior to the next regular municipal primary and general elections under the terms of this act shall be filled for the interim term by the municipal governing body as provided by law for the filling of vacancies in office.

ARTICLE 6
TERMS OF OFFICE AFTER FIRST
ELECTION

22-23-601. Councilmen in newly incorporated city or town. At the first meeting of the council after the first election in a newly incorporated city or town, other than a first class city or municipality adopting the city manager or commission form of government, two (2) of the councilmen first elected shall be selected by lots to serve four (4) year terms and two (2) to serve two (2) year terms. At each subsequent general election, two (2) councilmen shall be elected to serve a four (4) year term.

22-23-602. Councilmen in first class city.

(a) At the first election in a first class city, other than a city adopting the city manager or commission form of government, two (2) or three (3) councilmen shall be elected from each ward for the following terms:

(i) If two (2) councilmen are elected from each ward, one (1) councilman shall serve a two (2) year term and one (1) councilman shall serve a four (4) year term;

(ii) If three (3) councilmen are elected from each ward, one (1) councilman shall serve a two (2) year term and two (2) councilmen shall serve a four (4) year term;

(iii) The terms of office shall be determined by lots cast by the council at its first meeting.

22-23-603. Municipality with commission government. At the first election in a municipality adopting the commission form of government, all officers shall be elected to serve a two (2) year term.

22-23-604. Municipality with city manager government. At the first election in a municipality adopting the city manager form of government, a majority of the councilmen elected shall serve two (2) year terms and the balance of the councilmen elected shall serve four (4) year terms. The terms of office shall be determined by lots cast by the council at its first meeting.

22-23-605. Election of councilmen in city manager government having alternate method of representation. At the first election in a city manager form municipality, after adopting an alternate method of representation, councilmen shall be elected equal in number to the number of council terms expiring. Offices expiring shall be filled by candidates from wards having the lowest number designation and not having a holdover member on the council. At the second election, candidates will be elected from wards not having holdover members. Councilmen shall be elected for the regular four (4) year term.

ARTICLE 7
CHANGING FORM OF GOVERNMENT

22-23-701. Forms of government authorized; procedure for change.

(a) An incorporated city or town may adopt the commission or city manager form of government or other lawful form of government as follows:

(i) An incorporated city or town shall submit to the vote of the electors the question whether to change the form of government on the petition of qualified electors residing in the city or town equal in number to fifteen percent (15%) of the number of electors voting at the last preceding municipal general election;

(ii) A petition for a special election on the question of changing the form of government shall be filed with the city clerk at least one hundred twenty (120) days prior to the next regular municipal primary election;

(iii) A petition for change of the form of government may not be filed within four (4) years after the existing form of government was established;

(iv) When such petition is filed and determined by the city clerk to be legally sufficient, the mayor shall proclaim a special election on the question stating the present form of government, the proposed new form of government, and the time of the election. The proclamation shall be published at least once a week for four (4) consecutive weeks in a newspaper of general circulation in the city or town;

(v) The special election on the question of change of the form of government shall be held not less than thirty (30) days nor more than sixty (60) days after the petition is filed;

(vi) Such special election shall be conducted in the manner prescribed by W.S. 22-23-801 through 22-23-809;

(vii) If the majority of votes cast are in favor of the proposed new form of government, the municipality shall at the next municipal primary and general elections nominate and elect officers under the new form of government. When the officers are elected and qualified, the municipality shall be governed by the new form of government;

(viii) Immediately after the special election on the question of change of form of government, the mayor shall certify the result of the election to the county clerk and the secretary of state.

22-23-702. Rejection of change by voters. If a change of form of government is rejected by the voters at the special election, the question shall not be resubmitted to the voters for a period of four (4) years following the special election.

ARTICLE 8
SPECIAL ELECTIONS

22-23-801. "Special election" defined. As used in this article, including W.S. 22-23-801 through 22-23-809, the term "special election" means a municipal election on any question which may legally be submitted to the voters of a municipality other than at a regular municipal primary or general election or an election on the question of whether to incorporate.

22-23-802. Proclamation; supplementation of advertisement. The date of a special election and the location of polling places shall be proclaimed by the governing body of the city or town not more than thirty (30) nor less than fifteen (15) days before the special election. The proclamation shall state the purpose of the election and shall be published at least twice in a newspaper of general circulation in the municipality. The advertisement may be supplemented by the county or municipality as provided by W.S. 22-20-104(b).

22-23-803. Polling places; election judges. The governing body shall designate sufficient polling places to permit convenient voting and shall designate a sufficient number of qualified electors resident in the municipality to serve as judges of election. The judges of election at a municipal special election shall discharge the same duties as the judges of election at a regular statewide election.

22-23-804. Ballots. The city 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. Registry lists. Precinct registry lists for the special election shall be obtained by the city clerk from the county clerk and shall be paid for by the municipality. The city clerk shall furnish copies of the precinct registry 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.

22-23-806. Entries in and delivery of pollbook; elector not on lists. The judges of election shall make the same entries in the pollbook as are required for statewide elections. Following the election the pollbook shall be delivered to the city clerk. If the name of a person offering to vote at a special municipal election is not on the registry lists, he may qualify to vote by signing an affidavit and if a judge of election obtains verification from the county clerk as provided in W.S. 22-15-105 and 22-15-106.

22-23-807. Vote count and certification. After the polls are closed, the judges of election shall count the vote and certify the result in writing to the city clerk.

22-23-808. Canvassing vote; tie vote. The governing body of the municipality shall meet not later than three (3) days after the election at the time specified by the mayor to canvass the result of the special election. A tie vote shall be broken by lots cast by the governing body.

22-23-809. Certification of election results. The governing body shall certify the result of the special election in writing and immediately post a copy of the certification in the office of the city clerk. The city clerk shall mail a copy of the proclamation to the county clerk.

ARTICLE 9 SPECIAL ELECTIONS FOLLOWING INCORPORATION

22-23-901. Election of officers; petition.

(a) In addition to other provisions of law, any newly incorporated town may hold a special election for the election of officers to serve until successors are qualified following the next regularly scheduled election. Such special election shall not be held within ninety (90) days prior to a primary election.

(b) Following completion of incorporation, persons who petitioned the board of county commissioners for incorporation may petition the county clerk, in writing, to hold a special election for the election of officers. Immediately upon receipt of a petition, the county clerk, in consultation with the petitioners, shall set the date for the election and shall conduct the election in accordance with law.

22-23-902. Application; filing fee; form; names on ballot.

(a) Candidates for office shall file an application for election and the required filing fee, with the county clerk, not more than fifty-five (55) nor less than thirty-five (35) days prior to the election. The election application shall be in substantially the following form:

ELECTION APPLICATION

State of Wyoming)
) ss
County of)

I,, being years of age, a qualified elector of Election District No., Precinct No., Ward No. (if applicable), in the City of, State of

Wyoming, do hereby request that my name be printed upon the Official Special Municipal Election Ballot for the special election to be held on, 19.., in the City of, as a candidate for the office of I hereby declare that if elected I will qualify for the office.

Dated the day of, 19..

.... (Signature of Candidate)

.... (Residence Address)

(b) The county clerk shall place the name of each qualified candidate on the special election ballot.

ARTICLE 10 INITIATIVE AND REFERENDUM

22-23-1001. Ordinance by initiative petition; content. An incorporated city or town having a commission form of government may propose a municipal ordinance by an initiative petition signed by ten percent (10%) of the qualified electors registered in the city or town and filed with the city clerk. The petition shall contain the proposed ordinance and the signatures and residence addresses of electors signing the petition.

22-23-1002. Determining validity of petition; certification. As soon as an initiative petition is filed, the city clerk shall determine whether it contains sufficient legal signatures. If the petition is legally sufficient, the city clerk shall immediately certify it to the governing body of the municipality.

22-23-1003. Adoption by governing body or submission to electors. An ordinance proposed by a valid initiative petition shall either be adopted within twenty (20) days by the governing body or submitted to a vote of the municipal electors at a special election to be held not more than sixty (60) nor less than twenty (20) days thereafter, unless the primary or general municipal election occurs within ninety (90) days, in which case the measure shall be submitted at the primary or general election.

22-23-1004. Adoption by electors; repealing or amending.

(a) If a majority of the qualified electors voting on the question vote in favor of a proposed initiative ordinance, it is adopted and may not be repealed or amended except by a majority vote of the qualified electors of the municipality.

(b) The municipal governing body may submit to a vote of the people at a special election or a regular municipal, primary or general election, the

question of repealing or amending an ordinance adopted by initiative petition.

22-23-1005. Ordinance adopted by governing body subject to referendum vote. An ordinance adopted by a municipal governing body shall be subject to a referendum vote if a petition signed by ten percent (10%) of the qualified electors registered in the city or town is filed with the city clerk not later than ten (10) days after the ordinance is first published after adoption as provided by law. The referendum petition shall set forth the ordinance in full and shall contain the signatures and residence addresses of persons signing the petition.

22-23-1006. Legal sufficiency of referendum petition. The city clerk shall determine the legal sufficiency of a referendum petition, and if he finds a petition legally sufficient, he shall certify it to the governing body who shall suspend the ordinance.

22-23-1007. Partial repeal of ordinance subject to referendum; acceptance or rejection by electors. If the governing body does not entirely repeal an ordinance subject to referendum, it shall submit the question to the electors of the municipality in the same manner as an ordinance proposed by initiative petition. If a majority of the electors voting on the question favor rejection, the ordinance shall not become effective. If a majority of the electors voting on the question do not favor rejection, the ordinance shall become effective after the vote is canvassed.

CHAPTER 24 INITIATIVE AND REFERENDUM

22-24-101. Right of initiative; limitations. The people may propose and enact laws by the initiative. However, the initiative shall not be used to dedicate revenues, make or repeal appropriations, create courts, define the jurisdiction of courts or prescribe their rules, enact local or special legislation, enact that prohibited by the constitution for enactment by the legislature, or enact that substantially the same as that defeated by an initiative election within five (5) years preceding the time of filing of the petition.

22-24-102. Right of referendum; limitations. The people may approve or reject acts of the legislature by the referendum. However, the referendum shall not be applied to dedications of revenue, to appropriations, to local or special legislation, or to laws necessary for the immediate preservation of the public peace, health or safety.

22-24-103. Application; filing and fee. An initiative or a referendum shall be proposed by filing an application with the secretary of state. A fee of

five hundred dollars (\$500.00) shall accompany the application. This fee shall be deposited in the general fund.

22-24-104. Application; contents.

(a) The application shall include:

- (i) The proposed bill to be initiated or the act to be referred;
- (ii) A statement that the sponsors are qualified registered voters who signed the application with the proposed bill or the proposed act attached;
- (iii) The designation of a committee of three (3) sponsors who shall represent all sponsors and subscribers in matters relating to the initiative or to the referendum; and
- (iv) The signatures and addresses of not less than one hundred (100) qualified registered voters.

22-24-105. Requirements as to proposed bill. In an initiative, the proposed bill shall be confined to one (1) subject, the entire subject of the bill shall be expressed in the title, the enacting clause shall be: "Be it enacted by the people of the state of Wyoming;" and the bill shall not include subjects restricted by W.S. 22-24-101.

22-24-106. Notice to committee. Notice to the committee on any matter pertaining to the application and petition shall be served on any member of the committee in person or by mail addressed to a committee member at the address indicated on the application.

22-24-107. Sponsors. The qualified registered voters who subscribe to the application are designated as sponsors. The committee may designate additional sponsors by giving written notice to the secretary of state of the names and addresses of those so designated.

22-24-108. Review by secretary of state. Within seven (7) calendar days after the filing of the application, the secretary of state shall review the application and shall either certify it or notify the committee in writing of the grounds for denial.

22-24-109. Grounds for denying certification of initiative or referendum application.

- (a) The secretary of state shall deny certification of an initiative application if he determines that:
- (i) The proposed bill to be initiated is not in the required form;
 - (ii) The application is not substantially in the required form; or
 - (iii) There is an insufficient number of qualified registered voters as sponsors.

(b) The secretary of state shall deny certification of a referendum application if he determines that:

(i) There is an insufficient number of qualified registered voters as sponsors;

(ii) The application is not substantially in the required form; or

(iii) More than ninety (90) days have expired since the adjournment of the legislative session at which the act being referred was passed. The ninety (90) day disqualification shall not apply with reference to an act passed previous to January 1, 1973, if the application is filed prior to June 10, 1973.

22-24-110. Petitions; generally.

(a) If the application is certified, the secretary of state shall prescribe the form of and prepare petitions containing:

(i) A copy of the proposed bill or of the act to be referred;

(ii) An impartial summary of the subject matter of the bill;

(iii) The warning required by W.S. 22-24-111;

(iv) Sufficient space for signatures and addresses; and

(v) Other specifications necessary to assure proper handling and control.

(b) Petitions, for purposes of circulation, shall be prepared by the secretary of state at the sponsor's expense in a number reasonably calculated to allow full circulation throughout the state.

(c) The secretary of state shall number each petition and shall keep a record of the petition delivered to each sponsor.

(d) Upon request of the committee, the secretary of state shall report the number of persons who voted in the preceding general election.

22-24-111. Petitions; statement of warning. Each petition shall include a statement of warning that a person who signs a name other than his own on the petition, or who knowingly signs his name more than once for the same proposition at one (1) election, or who signs the petition knowing that he is not a qualified registered voter, upon conviction, is punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than one (1) year or both.

22-24-112. Petitions; circulation. The petitions shall be circulated throughout the state only by a sponsor and only in person.

22-24-113. Petitions; subscribing to and withdrawing name. Any qualified registered voter may subscribe to the petition by signing his name and listing his address. A person who has signed the petition may withdraw his name only by giving written notice to the secretary of state before the time that the petition is filed.

22-24-114. Petitions; verification.

(a) Before petition is filed, it shall be verified by the sponsor who personally circulated it. The verification shall be in affidavit form and shall state in substance that:

(i) The person signing the affidavit is a sponsor and is the only circulator of that petition;

(ii) The signatures on the petition were made in his presence; and

(iii) To the best of his knowledge, such signatures are those of the persons whose names they purport to be. In determining the sufficiency of the petition, the secretary of state shall not count signatures on petitions not properly verified.

22-24-115. Petitions; filing by sponsors.

(a) Petitions may be filed with the secretary of state if signed by a sufficient number of qualified registered voters as required by the Wyoming constitution. The sponsor of a petition for referendum may file the petition only within ninety (90) days after the adjournment of the legislative session at which the act was passed.

(b) Petitions for an initiative shall be submitted to the secretary of state for verification within the eighteen (18) month period following the date the first set of petition forms are provided to the sponsors. Any petition not submitted within the eighteen (18) month period is void for all purposes.

(c) The eighteen (18) month period set forth in subsection (b) of this section shall commence on the effective date of this act as to all petitions for an initiative that are outstanding on the effective date.

22-24-116. Petitions; review by secretary of state.

(a) Within not more than sixty (60) days of the date the petition is filed, the secretary of state shall review it and shall notify the committee whether the petition was properly or improperly filed. The petition shall be determined to be improperly filed if:

(i) There is an insufficient number of signatures of qualified registered voters;

(ii) The subscribers were not resident in at least two-thirds of the counties of the state; or

(iii) The petition is for referendum and was not filed within ninety (90) days after the adjournment of the legislative session at which the act was passed. The ninety (90) day limitation shall not apply with reference to an act passed previous to January 1, 1973, if the application is filed prior to June 10, 1973.

22-24-117. Ballot proposition; preparation and contents. If the petition is properly filed, the secretary of state, with the assistance of the attorney general, shall prepare a ballot proposition. The ballot proposition shall give

a true and impartial summary of the proposed law or of the referred act and shall make provision for approval and for disapproval thereof.

22-24-118. Ballot proposition; procedure for placing on ballot; publication requirements.

(a) Except as required under subsection (b) of this section, the same procedure for placing constitutional amendment questions on the ballot shall be used to place the initiative or referendum ballot proposition on the ballot.

(b) The ballot proposition for an initiative or referendum shall be published by the secretary of state in a newspaper of general circulation in the state in the newspaper edition immediately preceding the general election. Publication under this subsection shall contain the entire text of the initiative or referendum.

22-24-119. Ballot proposition; when placed on ballot.

(a) The ballot proposition for an initiative shall be placed on the election ballot of the first statewide general election that is held after:

(i) The petition is filed;

(ii) A legislative session has convened and adjourned; and

(iii) A period of one hundred twenty (120) days has expired since the adjournment of the legislative session. If the attorney general determines that an act of the legislature enacted after the petition is filed is substantially the same as the proposed law, the petition shall be void and the ballot proposition shall not be placed on the election ballot, and the secretary of the state shall so notify the committee.

(b) The ballot proposition for a referendum shall be placed on the election ballot of the first statewide general election held more than one hundred eighty (180) days after adjournment of the legislative session at which the act was passed.

22-24-120. Enactment of initiated measure; act rejected by referendum.

(a) If votes in an amount in excess of fifty percent (50%) of those voting in the general election are cast in favor of adoption of an initiated measure, the proposed law shall be enacted, and the secretary of state shall so certify. The act shall become effective ninety (90) days after certification.

(b) If votes in amount in excess of fifty percent (50%) of those voting in the general election are cast in favor of rejection of an act referred, the act is rejected, and the secretary of state shall so certify. The act rejected by referendum is void thirty (30) days after certification.

22-24-121. Insufficiency of application or petition. An initiative or a referendum submitted to the voters shall not be void because of the insufficiency of the application or petition by which the submission was procured.

22-24-122. Action for review of determination. Any person aggrieved by any determination made by the secretary of state or by the attorney general may bring an action in the district court of Laramie county to have the determination reviewed by filing application within thirty (30) days of the date on which notice of the determination was given.

22-24-123. Penalty. Any person who signs a name other than his own on a petition for initiative or on a petition for referendum, or who knowingly signs his name more than once for the same proposition at one (1) election, or who signs such petition knowing that he is not a qualified registered voter, or who makes a false affidavit or verification on such petition, upon conviction shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one (1) year, or both.

**ARTICLE 2
PAID ADVERTISING IN ANY COMMUNICATION
MEDIUM OR PRINTED
LITERATURE TO SUPPORT, OPPOSE OR
INFLUENCE LEGISLATION**

22-24-201. Paid advertising; penalty.

(a) Any group of persons who are associated for the purpose of raising, collecting or spending money for paid advertising in any communication media or for printed literature to support, oppose or otherwise influence legislation by the legislature of the state of Wyoming, which is or was the subject of a statewide initiative or referendum within the past four (4) years, shall:

(i) File a statement of formation listing the names and addresses of its chairman and treasurer with the secretary of state within ten (10) days after formation and prior to the publication, dissemination or broadcast of any paid advertising from the group;

(ii) File with the secretary of state a statement of receipts and expenditures setting forth the full and complete record of receipts including cash, goods or services and actual and promised expenditures, on a form prescribed by the secretary of state, on the last Friday in December of each calendar year. In addition to the annual report, while the legislature is in session, there shall be filed an interim monthly statement for each month or portion thereof that the legislature is in session, within ten (10) days of the first day of the month for the activities of the previous month;

(iii) If the total receipts and expenditures reported under paragraph (a)(ii) of this section lists any contribution in excess of one thousand dollars (\$1,000.00) from any source or sources other than an individual, the report shall include a full and complete disclosure of the funding source or sources of any nonindividual contributor which funded the advertising.

(b) Any group formed under this section shall file a termination report within thirty (30) days after it ceases the regulated activity but cessation of activity shall not relieve the group of the reporting requirement for that filing period.

(c) No group subject to this section shall pay for advertising in any communication media or printed literature without full disclosure of the name of the group.

(d) Nothing in this section shall require an individual or individuals who pay for advertising or literature to support, oppose or otherwise influence legislation to file under this section, provided the name of the individual or individuals is fully disclosed in the advertising or literature.

(e) As used in this section:

(i) "Communication media" means advertising on television, radio, in print media and on billboards;

(ii) "Printed literature" means any printed material but shall not include any member association printed communication not intended for public dissemination, bumper stickers, pens, pencils, buttons, rulers, nail files, balloons and yard signs.

(f) Any person who willfully and knowingly violates any of the provisions of this section is guilty of a misdemeanor punishable as provided by W.S. 22-26-112.

CHAPTER 25 CAMPAIGN PRACTICES

22-25-101. Definitions; statement of formation.

(a) As used in W.S. 22-25-101 through 22-25-115:

(i) "Political action committee" means any group of two (2) or more persons organized under subsection (b) of this section and associated for the purpose of raising, collecting or spending money for use in the aid of the election or defeat of candidates for public office, candidate's committees, or political parties, for support of or opposition to any initiative or referendum petition drive or for the adoption or defeat of any ballot proposition;

(ii) "Candidate's campaign committee" means every group of two (2) or more persons who join together for the purpose of raising, collecting or expending money to be used in the aid of the election of a specific candidate for public office. If more than one (1) committee forms to support the candidate, the candidate shall designate which committee shall be his or her principal campaign committee. A candidate's campaign committee shall organize under subsection (b) of this section.

(b) A political action committee and a candidate's campaign committee shall file a statement of formation within ten (10) days after formation. This filing is required when any political action committee or candidate's campaign committee is formed, whether before an election to aid in the cam-

paign or formed after an election to defray campaign debts incurred. The chairman and treasurer of a committee shall be separate individuals. The statement of formation shall list the name and mailing address of the committee, name and address of the committee chairman and treasurer, date committee formed and the purpose of committee. The statement of formation shall be filed in those offices as provided by W.S. 22-25-107.

22-25-102. Contribution of funds or election assistance restricted; limitation on contributions; right to communicate; civil penalty.

(a) Except as provided by subsection (d) of this section, no organization of any kind including a corporation, partnership, trade union, professional association or civic, fraternal or religious group except a political party, political action committee or candidate's campaign committee organized under W.S. 22-25-101, directly or indirectly through any officer, member, director or employee, shall contribute funds, other items of value or election assistance to aid, promote or prevent the nomination or election of any candidate or to aid or promote the interests, success or defeat of any political party. No person shall solicit or receive a payment or contribution from an organization prohibited from making contributions under this subsection.

(b) Except as provided by subsection (d) of this section, only a natural person, political party, or a political action committee or a candidate's campaign committee organized under W.S. 22-25-101 shall contribute funds or election assistance in order to aid, promote or prevent the nomination or election of any candidate, or in order to aid or promote the interests, success or defeat of any political party. No person shall solicit or receive a political payment or contribution from any source other than a natural person, political party, political action committee or candidate's campaign committee organized under W.S. 22-25-101.

(c) Except as provided by subsection (d) of this section, no individual other than the candidate, or the candidate's immediate family shall contribute directly or indirectly, more than one thousand dollars (\$1,000.00) per election during the two (2) year period consisting of a general election year and the preceding calendar year to any candidate for political office, or to any candidate's campaign committee, nor make more than twenty-five thousand dollars (\$25,000.00) total political contributions during the same two (2) year period. For purposes of this subsection the primary, general and special elections shall be deemed separate elections. No candidate for political office shall accept, directly or indirectly, contributions which violate this subsection. Contributions to a candidate's campaign committee shall be considered to be contributions to the candidate. This subsection does not limit political contributions by political parties, nor expenditures by a candidate from his or her own funds nor from his or her candidate's campaign committee funds.

(d) Any organization, in the aid of the election or defeat of candidates for public office or for the adoption or defeat of any ballot proposition may

communicate directly with its own members on behalf of a particular candidate or political party.

(e) Any corporation, person or organization violating the provisions of subsection (a), (b) or (c) of this section is subject to a civil penalty up to ten thousand dollars (\$10,000.00) and costs including a reasonable attorney's fee. The amount of penalty imposed shall be in such amount as will deter future actions of a similar nature. An action to impose the civil penalty may be prosecuted by and in the name of any candidate adversely affected by the transgression, any political party, any county attorney, any district attorney or the attorney general. Proceeds of the penalty imposed shall be credited to the state general fund.

(f) Direct contributions from any organization affiliated with a political party do not violate subsection (a) of this section. These contributions shall be a matter of internal party governance. Contributions to political parties are not subject to the limits of subsection (c) of this section provided the contributions are available to use as the appropriate party authorities choose and are not exclusively dedicated to any particular candidate. Contributions donated to a political party which are designated by the donor to be used only for a particular candidate and no other purpose are subject to the limitations of subsection (c) and of this section.

22-25-103. Identifiable expenses; exceptions.

(a) Identifiable expenses include:

(i) All forms of advertising expenses, including, but not limited to, radio, television, billboards and posters;

(ii) Printing expenses;

(iii) Expenses for retaining the services of a professional campaign consultant, or public relations or management firm;

(iv) Postage.

(b) Staff and postage expenses of a political party central committee, checking account service charges of a political action committee and a candidate's personal campaign expenses for travel and meals and checking account service charges are not identifiable expenses.

(c) Advertising expenses by a party central committee are not identifiable expenses for the candidate if the entire slate of candidates, below the national level, is advertised by the committee even though all candidates are not included in each advertisement so long as the expenses for each candidate on the slate are substantially the same in any election.

22-25-104. Restriction on party funds in primary elections. No political party funds shall be expended directly or indirectly in the aid of the nomination of any one person as against another person of the same political party running in the primary election.

22-25-105. Campaign reporting forms; instructions and warning. The secretary of state shall prescribe and furnish the forms for reporting receipts and expenditures for primary, general and special election campaigns, together with written instructions for completing the form and a warning that violators are subject to criminal charges and that a vacancy will exist if the forms are not completed and filed pursuant to law. The forms along with instructions and warning shall be distributed to the county clerk and shall be given by the county clerk to each person filing an application for nomination in his office and to each political action committee and candidate's campaign committee required to file with the county clerk. The county clerk shall also distribute the reporting forms to the chairmen of the county party central committees.

22-25-106. Filing of campaign reports.

(a) Every candidate, whether successful or not, shall file a fully itemized statement of receipts and expenditures within ten (10) days after any primary, general or special election. The statement shall set forth the full and complete record of receipts including cash, goods or services and of actual and promised expenditures, including all identifiable expenses as set forth in W.S. 22-25-103. The date of each receipt of twenty-five dollars (\$25.00) or more, any expenditure or obligation, the name of the person from whom received or to whom paid and the purpose of each expenditure or obligation shall be listed. All receipts under twenty-five dollars (\$25.00) shall be reported but need not be itemized. Should the accumulation of receipts from an individual exceed the twenty-five dollar (\$25.00) threshold, all receipts from that individual shall be itemized. Receipts, expenditures and obligations itemized in a statement filed by a political action committee, a candidate's campaign committee or by a political party central committee need not be itemized in a candidate's statement except by total with a reference to the statement. The statement shall be filed with those officers as provided in W.S. 22-25-107. The statement filed under this subsection may be filed by facsimile transmission during regular business hours within the time limits specified in this subsection provided an original statement is sent by mail on the same day the facsimile is sent. The original statement shall be hand stamped by the United States postal service on the date mailed.

(b) Any political action committee and candidate's campaign committee formed under W.S. 22-25-101 shall file a fully itemized statement of receipts and expenditures regardless of when the committee is formed, and shall continue to file an itemized statement until all debts are retired. Upon retirement of all debts, the committee may terminate. A committee formed before any primary, general or special election shall file a statement within ten (10) days after the election with the appropriate filing officers specified under W.S. 22-25-107. A committee formed after an election to defray campaign expenses incurred during a previous election and any ongoing committee shall file an itemized statement of receipts and expenditures on July 1

and December 31 of each odd-numbered year and shall continue to make the reports until the committee terminates. A political action committee formed for the support of or opposition to any initiative or referendum petition drive or any organization supporting or opposing a petition drive shall file an itemized statement of receipts and expenditures within ten (10) days after the petition is submitted to the secretary of state pursuant to W.S. 22-24-115. Any organization supporting or opposing a ballot proposition shall file an itemized statement of receipts and expenditures within ten (10) days after the election.

(c) All statements required by subsection (b) of this section shall be signed by both the chairman and treasurer. The statements shall set forth the full and complete record of receipts including cash, goods or services and of actual and promised expenditures. The date of each receipt of twenty-five dollars (\$25.00) or more, any expenditure or obligation, the name of the person from whom received or to whom paid and the purpose of each expenditure or obligation shall be listed. All receipts under twenty-five dollars (\$25.00) shall be reported but need not be itemized. Should the accumulation of receipts from an individual exceed the twenty-five dollar (\$25.00) threshold, all receipts from that individual shall be itemized. If the receipts, expenditures or obligations were for more than one (1) candidate, the amounts attributable to each shall be itemized separately.

(d) The chairman of each political party central committee for the state or county, or an officer of the party designated by him, shall file an itemized statement of receipts of twenty-five dollars (\$25.00) or more, any expenditures and obligations. The itemized statement shall be filed. The statement may be filed by facsimile transmission during regular business hours provided an original signed statement is sent by mail on the same day. When the filing is by mail, the original statement shall be hand stamped by the United States postal service within ten (10) days after a general or special election. The statement shall report all receipts, expenditures and obligations relating to campaign expenses, including normal operating expenses. All receipts under twenty-five dollars (\$25.00) shall be reported but need not be itemized. Should the accumulation of receipts from an individual exceed the twenty-five dollar (\$25.00) threshold, all receipts from that individual shall be itemized. It shall attribute all campaign receipts, expenses and obligations to a specific candidate only if the campaign receipts, expenses and obligations can be specifically identified to that specific candidate to the exclusion of other candidates on the ticket. A copy of the statement shall be furnished to each candidate identified in the statement within ten (10) days after the general or special election.

(e) Amendments to the statements required by this section may be filed at any time. If inaccuracies are found in the statements filed or additional receipts or expenditures occur or become known after the statements are filed, amendments to the original statements or additional statements shall be filed within a reasonable time not to exceed ninety (90) days from the time the

inaccuracies or additional receipts or expenditures became known. Any net change less than fifty dollars (\$50.00) need not be reported.

(f) In addition to the statement of receipts and expenditures required by subsection (b) of this section, any political action committee formed for the support of any initiative or referendum petition drive or any organization supporting an initiative or referendum petition drive shall file with the secretary of state, at least thirty (30) days but no more than forty-five (45) days before the election at which the initiative or referendum proposition will be voted on, a statement signed by both the chairman and treasurer showing:

- (i) The total amount expended to obtain signatures on the petition;
- (ii) The number of persons paid to obtain signatures on the petition;
- (iii) The rate paid per signature to obtain signatures on the petition; and
- (iv) The period of time during which signatures on the petition were obtained.

22-25-107. Where statements to be filed.

(a) All statements required under W.S. 22-25-101 and 22-25-106 shall be filed as follows:

(i) Any candidate for a municipal, county, judicial, hospital, school or college board office and any political action committee or candidate's campaign committee supporting such a candidate, shall file with the county clerk;

(ii) Any candidate for a state legislative or district judgeship office and any political action committee or candidate's campaign committee supporting such a candidate, shall file with the secretary of state;

(iii) Any candidate for statewide office shall file with the secretary of state;

(iv) A county party central committee shall file with the secretary of state and county clerk;

(v) A state party central committee shall file with the secretary of state;

(vi) Precinct committeemen and precinct committeewomen elected at the primary election shall not be required to file a statement of receipts and expenditures;

(vii) Any political action committee or organization supporting or opposing any initiative or referendum petition drive or supporting or opposing any initiative or referendum ballot proposition shall file statements required by this section with the secretary of state.

(b) Whenever "county clerk" is used in this chapter, it means the county clerk of the county in which the person resides.

22-25-108. Failure of candidate to file statement.

(a) A candidate who fails to file, within the time required, a full and complete itemized statement of receipts and expenditures shall receive a no-

tice by certified mail return receipt requested stating that failure to file the statement within three (3) calendar days of receipt of the notice shall result in a vacancy in nomination or a vacancy in office, as the case may be and may be charged with a criminal offense as provided by W.S. 22-26-112. If he fails to file within three (3) calendar days after receipt of notice, he shall not receive a certificate of nomination, or election, nor shall he enter upon the duties of the office, as the case may be and may be charged with a misdemeanor as provided by W.S. 22-26-112. A late filing fee of twenty-five dollars (\$25.00) shall accompany all late reports.

(b) In addition to any other penalty provided by law, a candidate who fails to file the statement required by subsection (a) of this section within one (1) month of receipt of the notice provided is ineligible to run as a candidate for any state or local office for which a statement is required by W.S. 22-25-106 until:

(i) Four (4) years have elapsed from the date the statement was first due; and

(ii) The person has filed the required statement and has paid the late filing fee assessed under subsection (a) of this section.

22-25-109. Reporting candidates in violation. The secretary of state shall report the names of all candidates in violation of the Election Code [22-1-101 through 22-28-111] of the state of Wyoming to the attorney general or to the district attorney for appropriate action.

22-25-110. Campaign advertising in communications media.

(a) It is unlawful for an individual, political action committee, candidate's campaign committee, or any political party central committee to pay for campaign literature or campaign advertising in any communication medium without printing or announcing the entity sponsoring the campaign advertising or campaign literature. The communications media in using the campaign advertising shall print or announce the name of the individual or political committee paying for the advertising.

(b) For purposes of this section, "campaign literature" does not include small campaign items such as tickets, bumper stickers, pens, pencils, buttons, rulers, nail files, balloons and yard signs displaying the name of the candidate or office sought.

22-25-111. Repealed by Laws 1980, ch. 31, 1.

22-25-112. Campaign advertising rates. Rates charged for political campaign advertising shall not be higher than rates charged for local advertising of the same quality and quantity.

22-25-113. Statements deemed public records. All statements filed under W.S. 22-25-101 through 22-25-115 are public records and are subject to public inspection in the appropriate filing offices.

22-25-114. Repealed by Laws 1991, ch. 243, 5.

22-25-115. Written campaign advertising; prohibiting placement on public property. Written campaign advertising shall not be placed on or attached to any real or personal property of the state or its political subdivisions.

CHAPTER 26

OFFENSES AND PENALTIES

22-26-101. Felony offenses generally.

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

- (i) Registration offenses;
- (ii) Unlawful opening of a ballot box;
- (iii) Unlawful opening of a voting machine;
- (iv) Unlawful possession of a key;
- (v) False voting;
- (vi) Falsifying election documents;
- (vii) False swearing;
- (viii) Offering a bribe;
- (ix) Accepting a bribe;
- (x) Intimidation.

22-26-102. Registration offenses.

(a) Registration offenses consist of performing any of the following acts with the intent to deceive a registration official or to subvert the registration requirements of the law or rights of a qualified elector:

- (i) Signing or offering to sign an application to register when not a qualified elector or to register under a false name;
- (ii) Soliciting, procuring, aiding, abetting, inducing or attempting to solicit, procure, aid, abet or induce a person to register under the name of any other person, or a false name;
- (iii) Destroying or altering a registration record when not authorized by law;
- (iv) False swearing after being challenged.

22-26-103. Unlawful opening of ballot box. Unlawful opening of a ballot box consists of opening a ballot box or inspecting or removing the contents thereof without lawful authority, or conspiring with others so to open a ballot box.

22-26-104. Unlawful opening of voting machine. Unlawful opening of a voting machine consists of opening, unlocking, inspecting, tampering with, resetting or adjusting a voting machine without lawful authority, or conspiring with others to do so.

22-26-105. Unlawful possession of key. Unlawful possession of a key consists of the possession at any time of a key to a voting machine or ballot box, or making a duplicate thereof, unless authorized by law.

22-26-106. False voting.

(a) False voting consists of:

(i) Voting, or offering to vote, with the knowledge of not being a qualified elector entitled to vote at the election;

(ii) Voting, or offering to vote, in the name of another person or under a false name;

(iii) Knowingly voting, or offering to vote, in a precinct other than that in which qualified to vote;

(iv) Voting, or offering to vote, more than once in an election.

22-26-107. Falsifying election documents.

(a) Falsifying election documents consists of performing any of the following acts with the intent to deceive or mislead an elector or an election official:

(i) Printing, distributing or displaying false instructions for voting or for the conduct of an election;

(ii) Printing, distributing or displaying any official ballot, sample ballot, facsimile diagram, ballot label or pretended ballot which includes the name of a person not entitled by law to be on the ballot, or omits the name of a person entitled by law to be on the ballot, or otherwise contains false information or headings;

(iii) Defacing, altering, forging, making false entries in or changing in any way a petition, certificate of nomination, registration record or election return required by law;

(iv) Preparing or submitting a false certificate of nomination, registration record or election return.

22-26-108. False swearing. False swearing consists of taking an oath required by the Election Code with the knowledge that the thing or matter sworn to is not true and correct.

22-26-109. Offering bribe.

(a) Offering bribe consists of willfully advancing, paying, offering to pay or causing to be paid, or promising, directly or indirectly, any money or other valuable thing to a person, for any of the following purposes:

(i) To induce a person to vote or refrain from voting for or against a candidate or ballot proposition or to sign or not sign a petition;

(ii) To induce an election official to mark, alter, suppress or change a ballot that has been cast, an election return, any certificate of election, or petition.

22-26-110. Accepting bribe. Accepting a bribe consists of knowingly accepting any payment or promise of payment, directly or indirectly, of money or other valuable thing for any of the unlawful purposes specified in W.S. 22-26-109.

22-26-111. Intimidation.

(a) Intimidation consists of:

(i) Inducing, or attempting to induce, fear in an election official, elector or challenger by use of threats of force, violence, harm or loss, or any form of economic retaliation, for the purpose of impeding or preventing the free exercise of the elective franchise or the impartial administration of the Election Code; or

(ii) Soliciting the contribution of funds, other items of value or election assistance to the campaign of any candidate by use of threats of physical violence or any form of economic or official retaliation.

(b) It is not a defense to a prosecution under this section that the defendant did not in fact possess the ability to carry out the threat made.

22-26-112. Misdemeanor offenses generally.

(a) The following acts, if knowingly and willfully committed, are misdemeanor offenses punishable by not more than six (6) months in a county jail or a fine of not more than one thousand dollars (\$1,000.00), or both:

(i) Electioneering too close to a polling place;

(ii) Disturbing a polling place;

(iii) Unlawful possession of alcoholic or malt beverages at a polling place;

(iv) Accepting or expending any money or incurring any obligation on behalf of any candidate for nomination or election to office without such candidate's prior written approval;

(v) Employer interfering with political rights of employees;

(vi) Discharging an employee because of nomination for or election to political office;

(vii) Causing or attempting to cause a candidate to withdraw or refuse nomination or election;

- (viii) Violating W.S. 22-2-113;
- (ix) Violating W.S. 22-25-101 through 22-25-115;
- (x) Filing or signing a false statement of receipts and expenditures required by W.S. 22-25-106.

22-26-113. Electioneering too close to a polling place. Electioneering too close to a polling place on election day consists of any form of campaigning, including the display of campaign signs or distribution of campaign literature, the soliciting of signatures to any petition or the canvassing or polling of voters, except exit polling by news media, within one hundred (100) yards of the building in which the polling place is located.

22-26-114. Disturbing polling place. Disturbing a polling place consists of creating any disorder or disruption at a polling place on election day or interfering with the orderly conduct of an election.

22-26-115. Unlawful possession of alcoholic or malt beverages. Unlawful possession of alcoholic or malt beverages at a polling place consists of the use or possession of any alcoholic or malt beverages by an election official while performing his official duties or the use or possession by any person of these beverages in a polling place during an election.

22-26-116. Interfering with employee's political rights. Interfering with an employee's political rights consists of an employer making, adopting, enforcing or attempting to enforce any order, rule, regulation or policy forbidding or preventing any employee from becoming a candidate for public office or for a position on any public board or commission or making, adopting, enforcing or attempting to enforce any order, rule, or regulation controlling or attempting to control such employee's vote on any question at any public election, or in any public position or board or in any office to which such employee may be appointed or elected.

22-26-117. Discharging employee because of nomination for or election to office. Discharging an employee because of nomination for or election to office consists of any employer discharging or causing to leave his, or their employ, temporarily or permanently, any person or persons because he or they have been nominated as a candidate for or elected to any position of honor, trust or emolument, to be voted for at any election, held in pursuance of the laws of this state.

22-26-118. Causing or attempting to cause candidate to withdraw or refuse nomination or election. Causing or attempting to cause a candidate to withdraw or refuse nomination or election consists of any person, or

agent, or officer, or any company, or corporation either causing or attempting to cause any person or persons nominated as candidates or elected at any election, to withdraw, or refrain from accepting such nomination or election by threatening loss of employment, business or patronage, if he or they accept such candidacy or election, or making it a condition of employment, business or patronage, that such candidacy or election shall not be accepted.

22-26-119. Violation of Election Code by officials. Violation of the Election Code by an official consists of the willful violation of the Election Code by any official or by any deputy or assistant official, or the willful failure or refusal of any official or assistant to perform an act or duty required of him by the Election Code. Any official, deputy or assistant who commits a violation of the Election Code is guilty of a felony and, in addition to the penalty prescribed by W.S. 22-26-101, is subject to removal from office in a proceeding instituted for that purpose.

22-26-120. Violation of Election Code when specific penalty not imposed. If the Election Code does not impose a specific penalty for the willful violation of a provision prohibiting a specific act or requiring the discharge of a specific duty, whoever knowingly commits a violation or fails to discharge the duty is guilty of a misdemeanor punishable by the penalty prescribed by W.S. 22-26-112.

22-26-121. Complaint by aggrieved elector. Any qualified elector aggrieved by any violation of the Wyoming Election Code of 1973, as amended, shall make complaint of the violation to the secretary of state or to the district attorney for the county in which the elector resides. If the secretary of state or the district attorney fails or refuses for any reason to take action on or prosecute the elector's complaint, the elector may file the complaint with the Wyoming attorney general. If the attorney general finds that the elector's complaint has merit, he may prosecute the complaint in the appropriate courts of this state.

CHAPTER 27

SEVERABILITY; REPEALS

22-27-101. Provisions severable. If any provision of this act [22-1-101 through 22-27-101] or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application; and to this end the provisions of this act are severable.

CHAPTER 28

HOSPITAL DISTRICT ELECTIONS

22-28-101. Date of election of trustees; terms.

(a) The election of members of the board of trustees of each hospital district shall be held on the first Tuesday after the third Monday in August in even-numbered years. Three (3) trustees shall be elected in even-numbered years for terms of four (4) years beginning at 12:00 noon on October 1 following the election.

(b) Repealed by Laws 1985, ch. 204, 2.

22-28-102. Eligibility for office. A qualified elector resident in a hospital district is eligible to hold the office of hospital district trustee in the hospital district excluding all employees of the district.

22-28-103. Filing of application; form. A qualified person may be nominated for the office of hospital district trustee by filing an application for election in the office of the county clerk not more than ninety-six (96) days and not later than seventy-four (74) days prior to the election. The application shall be in substantially the following form:

APPLICATION FOR ELECTION FOR HOSPITAL DISTRICT TRUSTEE

I, the undersigned, certify that I was born on, 19 ..; and that I have been a resident of the State of Wyoming since; that I am a registered voter of the hospital district and I do hereby request that my name,, be printed on the ballot of the election to be held on the day of, 19 .., as a candidate for the office of for a term of years. I hereby declare that if I am elected, I will qualify for the office.

Dated:

....(Signature of Candidate)

....(Residence Address)

22-28-104. Determining validity of application; placement on ballot; procedure for multi-county districts.

(a) The county clerk receiving a nomination application shall determine whether the person seeking nomination is a qualified candidate. If the application is sufficient in all respects, the name of the person nominated shall appear on the official ballot for the election specified in the application. In the case of a hospital district which crosses county boundaries, the clerk of the county in which a valid application is filed shall certify the name of the

person nominated to the clerk of the other county or counties involved for placement on the official ballot for the election specified in the application.

(b) Each county clerk in each election involving a hospital district which crosses county boundaries shall determine whether voting machines, electronic voting system, paper ballots or a combination thereof, shall be used to insure that each qualified elector votes only for the candidate or candidates from the district for which he is entitled to vote.

22-28-105. Conduct of elections. Unless specifically otherwise provided, a hospital district election shall be governed by the laws regulating statewide elections and be conducted and canvassed by the same election officials, using the same poll lists, and at the same times and polling places, as county elections.

The following sections will not be effective until January 1, 1995.

22-28-105. Conduct of elections. Unless specifically otherwise provided, a hospital district election shall be governed by chapter 29 of the Wyoming Election Code of 1973. Hospital district elections may also be conducted by mail ballot in accordance with chapter 29 of the Wyoming Election Code of 1973.

22-28-106. Ballots; supplies. The county clerk shall provide each polling place with sufficient ballots, voting machines and other necessary supplies before the polls open.

The following sections will not be effective until January 1, 1995.

22-28-106. Ballots; supplies. The county clerk shall provide each polling place with sufficient ballots, voting machines and other necessary supplies before the polls open, unless the election is conducted by mail ballot.

22-28-107. Ballot information; format.

(a) The official ballot shall contain the following information:

(i) The name of the hospital district;
(ii) The county or counties in which the district is located;
(iii) The number of offices to be filled, the length of term for each office, and the number and names of candidates for each office for whom each voter is entitled to vote.

(b) The names of candidates shall appear without party designation, one (1) name to a line. The names of candidates shall be rotated by precinct. Sufficient blank lines for write-in candidates shall be provided for each office.

22-28-108. Vote count; preparation of certificate; disposition.

(a) Immediately after the polls are closed the judges of election shall cause the votes to be counted and prepare a certificate showing the following information:

- (i) The number of votes received by each candidate;
- (ii) The total number of votes cast in the election at the polling place.

(b) The certificate shall be subscribed by the judges of election and together with the ballots and affidavits of voters shall be delivered immediately to the county clerk to be delivered to the office of the board of trustees, which may authorize persons to pick up and deliver returns from the county clerk after the county canvass is concluded.

22-28-109. Vote canvass; certificate of result; disposition.

(a) The county canvassing board shall canvass the result of the election and prepare and subscribe a certificate of the official result of the election showing the following information:

- (i) The total number of ballots cast in the election;
- (ii) The names of the persons voted for;
- (iii) The offices to be filled;
- (iv) The number of votes given at each polling place for each candidate;
- (v) The number of votes given in the hospital district for each candidate;
- (vi) A statement of the offices to be filled and a declaration of the winners.

(b) One (1) copy of the official certificate shall be retained on file by the appropriate board and another copy shall be filed with the county clerk of the county or counties in which the district is located.

22-28-110. Tie votes. A tie vote shall be broken by lots cast by the county canvassing board in the presence of at least three (3) witnesses.

22-28-111. Disposition of ballots and affidavits. After the official certificate of election has been prepared, ballots and affidavits shall be sealed in envelopes and retained by the appropriate board for six (6) months or until termination of any election contest affected by the ballots or affidavits and shall then be destroyed. Prior to destruction, the envelope shall be opened only on court order.

Chapter 29 will not be effective until January 1, 1995.

CHAPTER 29 SPECIAL DISTRICT ELECTIONS ACT

ARTICLE 1 GENERAL PROVISIONS

22-29-101. Short title. This chapter may be cited as the "Special District Elections Act of 1994."

22-29-102. Definitions.

(a) As used in this act:

(i) "Director" or "district director" means a voting member of the governing body of a special district, regardless of what title is used in the principal act;

(ii) "Principal act" means the statutes under which a special district listed under W.S. 22-29-103(a) can be formed or is operating;

(iii) "This act" means W.S. 22-29-101 through 22-29-408.

22-29-103. Applicability to special districts; general provisions.

(a) This act applies to the following districts as specified in subsection (b) of this section:

- (i) Special cemetery districts;
- (ii) Conservation districts;
- (iii) Fire protection districts;
- (iv) Flood control districts;
- (v) Hospital districts;
- (vi) Improvement and service districts;
- (vii) Special museum districts;
- (viii) Rural health care districts;
- (ix) Sanitary and improvement districts;
- (x) Water and sewer districts;
- (xi) Watershed improvement districts;
- (xii) Other districts as specified by law.

(b) This act specifies requirements pertaining to elections and changes in the organization of the districts listed in subsection (a) of this section where the principal act is silent or unclear. The specific provisions of a principal act are effective and controlling to the extent they conflict with this act.

(c) If a proposed district crosses county boundaries, then any required filing with a county clerk shall be filed with or certified to the county clerks of the counties affected. Any action required or permitted by this act, a

principal act or applicable rules to be undertaken by a county commission or the county commissioners shall be undertaken jointly by the county commissioners for each county involved. In undertaking joint action, each county commissioner's vote shall be weighted in proportion to the population of electors of the district residing within that commissioner's county. The population of electors shall be determined by the most recent voter registration lists. Any consultation required of the county assessor or county treasurer shall be made jointly by the county assessor or county treasurer of all the affected counties.

(d) If a district is authorized to promulgate rules and regulations or adopt ordinances or bylaws, the district shall file any rules and regulations it promulgates, ordinances or bylaws it adopts and any amendments thereto with the county clerk for each county in which it is located. No rule, regulation, ordinance or bylaw shall be effective unless filed in accordance with this subsection.

22-29-104. Definitions when principal act is silent.

(a) When used in a principal act, the following definitions apply, unless the term is otherwise specifically defined in that principal act:

(i) "Elector" means a natural person who:

(A) Is a citizen of the United States;

(B) Is a bona fide resident of the district or proposed district;

(C) Will be at least eighteen (18) years of age on the day of the election at which he may offer to vote;

(D) Is not currently adjudicated mentally incompetent;

(E) Has not been convicted of a felony, or, if so convicted, has had his civil rights restored; and

(F) Has registered to vote.

(ii) "Landowner" means a person holding record fee title to real property or a person obligated to pay general property taxes under a contract to purchase real property. It does not include a person who owns only personal property even though such personal property may be subject to levy. As used in this paragraph, "person" includes an individual, corporation, partnership, association or other entity. This paragraph shall not be construed to authorize an entity other than a natural person to qualify as an elector or vote in an election unless the principal act specifically authorizes it;

(iii) "Nonlandowner," "nonowner of land" or "nonproperty owner" means an elector who is not a landowner;

(iv) "Property owner" means a landowner;

(v) "Qualified elector" means an elector;

(vi) "Resident" or "residence" means as defined in W.S. 22-1-102(a)(xiv);

(vii) "Voter" means an elector.

22-29-105. Petitions; number of signatures required.

(a) A petition for formation shall conform with the requirements of the principal act. The petition for formation shall set forth a way to stagger the terms of directors, unless the principal act requires otherwise.

(b) Except as may be provided in the principal act, a petition for enlargement of a district shall be signed by not less than:

(i) Fifteen percent (15%) of the electors or one hundred (100) electors registered in the area proposed to be added, whichever is less; or

(ii) Fifteen (15) landowners or landowners owning at least ten percent (10%) of the assessed valuation of property within the area proposed to be included.

(c) Except as may be provided in the principal act, a petition for merger and a petition for consolidation shall be signed by not less than:

(i) Fifteen percent (15%) of the electors or one hundred (100) electors, whichever is lesser, registered in each district which it is proposed to merge or consolidate; or

(ii) Fifteen (15) landowners in each district or the landowners owning at least ten percent (10%) of the assessed valuation of property located in each district, whichever is greater.

(d) Except as may be provided in the principal act, a petition for dissolution shall be signed by not less than:

(i) Fifteen percent (15%) of the electors registered in the district; or

(ii) Landowners owning at least fifteen percent (15%) of the assessed valuation of property within the district.

(e) If the principal act limits the right of petition for formation of the district to landowners, then only landowners may initiate the petitions listed in this section.

22-29-106. Requirements for signers of petition; signer's withdrawal prohibited; chief petitioners designated.

(a) This section applies to petitions authorized under a principal act or this act. Each person who signs a petition shall add after the signature the date of signing. If a person is signing the petition as an elector, the person shall add after his signature the person's place of residence, giving street and number or a designation sufficient to enable the place of residence to be readily ascertained. If the signer is signing the petition as a landowner, the number of acres of land owned by the signer and the name of the county whose assessment roll is used for the purpose of determining the signer's right to vote shall be stated in the body of the petition or indicated opposite the signature. If the signer is a legal representative of the owner, the signature shall be accompanied by a certified copy of the signer's authority to sign as a legal representative. If the principal act allows a corporation, trust, estate or other legal entity to sign a petition, then a legal representative may sign.

(b) After a petition has been offered for filing, a person may not withdraw his name therefrom.

(c) A petition shall designate not more than three (3) persons as chief petitioners, setting forth their names and mailing addresses. A petition may consist of a single instrument or separate counterparts.

(d) The secretary of state shall, after consultation with the county clerks, develop uniform petition forms which shall be used by special districts.

22-29-107. Requirements of filing petition; validity and certification of signatures.

(a) A petition shall not be accepted for filing unless the signatures thereon have been secured within six (6) months of the date on which the first signature on the petition was affixed. Petitions required to be filed with the county commissioners shall be filed with the county clerk. Petitions required to be filed with the district board shall be filed with the secretary of the district board. It is not necessary to offer all counterparts of a petition for filing at the same time, but all counterparts when certified as provided by subsection (c) of this section shall be filed at the same time.

(b) Within ten (10) days after the date a petition is offered for filing, the county clerk or district secretary, as the case may be, shall examine the petition and determine whether it is signed by the requisite number of qualified signers. If the requisite number of qualified signers have signed the petition, the county clerk or district secretary shall file the petition. If the requisite number have not signed, the county clerk or district secretary shall so notify the chief petitioners and may return the petition to the petitioners.

(c) A petition shall not be filed unless the certificate of the county clerk or the district secretary is attached thereto certifying that the county clerk or district secretary has verified the qualifications of the signers with the appropriate records, that the county clerk or district secretary has ascertained therefrom the number of qualified signers appearing on the petition, and that the petition is signed by the requisite number of qualified signers.

(d) No petition for dissolution shall be accepted for filing within one (1) year after an election held on the question of dissolution of a district.

22-29-108. Method of determining validity of landowner signatures.

(a) In examining any petition required or permitted to be signed by landowners, the county clerk or district secretary shall disregard the signature of a person not shown as owner on the assessment roll unless prior to certification the secretary or county clerk is furnished with written evidence, satisfactory to the county clerk or district secretary, that the signer:

- (i) Is a legal representative of the owner;
- (ii) Is entitled to be shown as owner of land on the assessment roll;

or

- (iii) Is a purchaser under a contract to purchase real property.

22-29-109. County commissioners' action on formation petition.

(a) A petition for formation of a district shall be filed with the county commissioners. Before the petition is filed, it shall be approved by any agency required by the principal act to approve the petition. If the petition satisfies all requirements, the county commissioners shall:

(i) Set a date for a hearing on the petition. The hearing shall be held not less than thirty (30) days nor more than fifty (50) days after the date the petition is filed;

(ii) The county commissioners shall cause notice of the hearing to be posted in at least three (3) public places and published by two (2) insertions in a newspaper of general circulation in that county. The notice shall be posted and published prior to the hearing and shall state:

(A) The purpose for which the district is to be formed;

(B) The name and boundaries of the proposed district;

(C) The time and place of the hearing on the petition; and

(D) That all interested persons may appear and be heard.

(b) At the time stated in the notice, the county commissioners shall hear the petition and determine if the area could be benefited by the formation of the district. It may adjourn the hearing from time to time, but not exceeding four (4) weeks in all unless additional notice is given. The county commissioners may alter the boundaries set forth in the petition to either include or exclude territory. In determining the boundaries of the proposed district, the board shall consider the benefit the proposed district will have within the territory in or out of the proposed district. The commissioners shall not modify the boundaries so as to exclude from the proposed district any land which could be benefited by its formation, nor shall there be included any land which will not, in the judgment of the board, be benefited.

(c) If the county commissioners determine, after consultation with the county assessor, that any land has been improperly omitted from the proposed district and that the owner has not appeared at the hearing, the commissioners shall continue the hearing and shall order notice given to the nonappearing owner requiring the owner to appear before it and show cause, if any, why the land of the owner should not be included in the proposed district. The notice shall be given either by posting and publication, in the same manner as notice of the original hearing and for the same period, or by personal service on each nonappearing owner. If notice is given by personal service, service shall be made at least ten (10) days prior to the date fixed for the further hearing.

(d) If the county commissioners approve the petition for formation, as presented or as modified, the county shall enter an order declaring its approval. The order shall set forth the name of the proposed district and a description of the boundaries. Upon the entering of this order, the commissioners shall direct that the question of formation of the district and the elec-

tion of the initial directors be submitted to the electors of the proposed district and shall set the date of election which shall be at least sixty (60) days from the date the order approving the formation was entered.

(e) If the boundaries of a district are required by law to be published, the boundaries may be shown by a map or by a legal description. Any errors on the map or in the legal description shall be corrected, and the corrected version shall be displayed at the polls on election day or included in each mail ballot package. The map shall be developed after consultation with the county assessor for each affected county to ensure accuracy. Nothing in this section eliminates any requirement that a legal description of the district be provided.

22-29-110. County clerk to publish proclamation; filing period.

(a) Not more than fifty (50) and not less than forty (40) days, before the organizational election, the county clerk shall publish at least once in a newspaper of general circulation in each county in which all or part of the proposed district is situated a proclamation setting forth the date of the election, what county clerk is the filing officer, the question of formation, what offices are to be filled including the terms of the offices, the filing period for the offices and other pertinent election information. Minor errors in the proclamation shall not invalidate the forthcoming election.

(b) Not more than thirty-nine (39) and not less than thirty (30) days before the formation election, candidates may file an application for election in the office of the county clerk. The principal act shall determine who is eligible to be a candidate. The application shall be in substantially the following form:

APPLICATION FOR ELECTION SPECIAL DISTRICT DIRECTOR

I, the undersigned, certify that I was born on, 19..; that I have been a resident of district since; that I am an elector or landowner (check which one for eligibility) of said district and I do hereby request that my name,, be printed on the ballot of the formation (or other) election to be held on day of, 19.. as a candidate for the office of director for a term of years. I hereby declare that if I am elected, I will qualify for the office.

Dated

.... Signature of Candidate

.... Residence Address

(c) No petitions for nomination shall be required in any election for district director. Any eligible person wishing to run for a special district office shall file an application for election as specified in subsection (b) of this section.

(d) A county clerk receiving an application for election shall determine whether the person seeking election is an eligible candidate.

22-29-111. Formation and initial director election.

(a) At the election, the electors shall vote on the formation of the district and for the initial directors. Votes for write-in candidates for director shall be permitted.

(b) The election shall be conducted under the direction of the county clerk and shall be at the expense of the county. If the election involves more than one (1) county, each county shall pay its proportionate share of the election costs.

(c) The county clerk shall conduct the election in accordance with W.S. 22-29-112 through 22-29-115.

(d) An elector or landowner casting a ballot may vote for any director candidate or other questions relating to the district, regardless of whether he voted against formation.

(e) If the proposition to form the district fails, the director candidacy questions are null and void.

(f) Even if separate ballots are provided for landowners and nonlandowners at the formation election, the election of directors shall be based on total votes for directors.

22-29-112. General provisions relating to special district elections.

(a) In a special district election not held in conjunction with a primary, general or statewide special election, absentee voting shall be conducted in accordance with rules promulgated by the secretary of state under W.S. 22-29-113 which shall be consistent with procedures for mail ballot elections.

(b) In a special district election whether or not held in conjunction with a primary, general or statewide special election, the following rules shall apply:

(i) An elector or landowner casting a ballot may write in the name of any person for a director office;

(ii) Candidates for director offices shall not be required to file a receipts and expenditures report.

(c) Special district formation elections shall be at the expense of the county or counties involved. All other special district elections, except as where provided otherwise in the principal act, shall be at the expense of the district. Provided, however, any district may apply to the county for financial help to cover election expenses. The county commissioners, in their sole discretion, shall determine whether the county provides election financial help to special districts.

(d) If the formation question is approved, the county clerk shall send written notice of the formation to the public funds division of the department of audit within ten (10) days of the canvass.

(e) Each year, each special district subject to this act shall file with the county commissioners a list of the names, addresses and terms of the current directors. The filing deadline is the last day of the month of the month in which the district's annual or biennial election is held, unless the canvass is later, in which case, on the last day of the month in which the election is canvassed.

(f) No previous registration shall be required of persons eligible to vote.

22-29-113. Election procedures for elections other than mail ballot elections; canvass, recount and contests.

(a) The secretary of state, after consultation with the county clerks, shall promulgate rules setting forth election procedures for special districts to follow for the formation and succeeding elections. These rules shall apply to mail ballot elections but shall conform with W.S. 22-29-114 and 22-29-115. These rules shall include the designation of polling places, appointment of election judges, polling place hours, filing periods, filing offices, ballot preparation, appointment of a canvassing board, term commencement, other provisions relating to canvass, recount, contests and other election procedures.

(b) The formation election shall be canvassed by the county commissioners. Any special district election which is held at the primary or general election shall be canvassed by the county canvassing board or boards, if more than one (1) county is involved, in accordance with chapter 16 of the Wyoming Election Code of 1973. Any special district election held at a different time shall be canvassed by a canvassing board appointed by the county commissioners. The canvass shall be conducted within seven (7) days of the election. The canvassing board shall have the authority to call for a special election in accordance with W.S. 22-16-121. The canvassing board shall:

(i) Cause minutes of the meeting and an abstract of the votes to be compiled; and

(ii) Sign the abstract which then constitutes the certification of the canvassing board.

(c) A candidate may request a recount of the vote in accordance with W.S. 22-16-109.

(d) Any special district election may be contested in accordance with chapter 17 of the Wyoming Election Code of 1973.

22-29-114. Mail ballot elections; definitions; general provisions.

(a) This section does not apply to a special district election held in conjunction with a primary, general or statewide special election. As used in W.S. 22-29-115:

(i) "Election official" means the county clerk for a formation election and a county clerk or district secretary for other elections;

(ii) "Mail ballot election" means an election for which electors or landowners cast ballots in a special district election by mail and in accordance with this chapter;

(iii) "Mail ballot package" means the packet of information provided by the election official to electors or landowners eligible to vote in the mail ballot election;

(iv) "Transmit" means to mail or to personally deliver.

(b) The secretary of state, after consultation with the county clerks, shall:

(i) Prescribe the form of materials to be used in the conduct of mail ballot elections, including all mail ballot instructions for completing the ballot and a return-verification envelope;

(ii) Establish procedures for conducting mail ballot elections.

(c) Regardless of the number of eligible electors or landowners within the district, the county commissioners may order the formation election to be a mail ballot election.

(d) Regardless of the number of eligible voters within its boundaries, a special district may, by rule or bylaw of its governing body, conduct by mail ballot elections at which candidates are elected to office, and elections to enlarge, withdraw, merge, consolidate, dissolve or other election required by the principal act. A special district may by rule or bylaw pay the return postage of mail and absentee ballots.

(e) Upon the adoption of the rule or bylaw to conduct an election by the mail ballot procedure, each elector or landowner shall be mailed a mail ballot along with the statement that there will be no polling place for the election.

22-29-115. Procedures for mail ballot elections.

(a) Official ballots shall be prepared and all other preelection procedures followed as otherwise provided by law or rules promulgated by the secretary of state, except that mail ballot packets shall be prepared in accordance with the following:

(i) No later than thirty (30) days prior to election day, the county clerk and county assessor of each county in which a special district is located shall certify and submit to the election official a landowner's list, a list of electors, or both, as necessary, residing within the affected district;

(ii) No sooner than twenty-five (25) days and no later than fifteen (15) days before an election, the election official shall mail to each elector entitled to vote in the mail ballot election, at the last address appearing in the registration records or assessors' records, a mail ballot packet, which shall be marked "DO NOT FORWARD-ADDRESS CORRECTION REQUESTED," or any other similar statement which is in accordance with United States postal service regulations;

(iii) The ballot or ballot label shall contain the following warning:

WARNING

The criminal laws regulating the conduct of elections contained in chapter 26 of the Wyoming Election Code of 1973 apply with equal force to elections conducted by mail.

(iv) No sooner than twenty-five (25) days and no later than 4:00 p.m. on election day, mail ballots shall be made available at the election official's office for electors entitled to vote in the election but who are not otherwise listed on the county voter registration records or on the property owners' list or the registration list if otherwise authorized to vote;

(v) An elector may obtain a replacement ballot if the ballot was destroyed, spoiled, lost, or for some other reason not received by the elector. In order to obtain a replacement ballot, the elector must sign a sworn statement specifying the reason for requesting the replacement ballot. The statement shall be presented to the election official no later than 4:00 p.m. on election day. The election official shall keep a record of each replacement ballot issued in accordance with this section together with a list of each ballot obtained pursuant to this section. An election official shall not transmit a mail ballot package under this section unless the application for the replacement ballot is received on or before election day. A replacement ballot may be transmitted directly to the applicant at the election official's office or may be mailed to the elector at the address provided in the application. Replacement ballots may be cast no later than 5:00 p.m. on election day;

(vi) Upon receipt of a ballot, the elector shall mark the ballot, sign and complete the return-verification envelope, and comply with the instructions provided with the ballot. The elector may return the marked ballot to the election official by United States mail or by depositing the ballot at the office of the official or any place designated by the official. The ballot must be returned in the return-verification envelope. The ballot shall be received at the office of the election official or the designated depository no later than 5:00 p.m. on election day;

(vii) Once the ballot is returned, an election official shall first qualify the submitted ballot by examining the verification envelope and comparing the information on the envelope to the registration records to determine whether the ballot was submitted by a qualified elector who has not previously voted in the election. If the ballot so qualifies, and is otherwise valid, the official shall enter the name of the registered elector in the poll book, open the return-verification envelope, remove the ballot stub, and deposit the ballot in an official ballot box;

(viii) All deposited ballots shall be counted as provided in this act and by rules promulgated by the secretary of state. A mail ballot shall be valid and counted only if it is returned in the return-verification envelope, the affidavit on the envelope is signed and completed by the elector to whom the ballot was issued and the information on the envelope is verified in accordance with paragraph (vii) of this subsection. If the election official determines that an elector to whom a replacement ballot has been issued has voted more than once, the official shall not count any ballot cast by that elector.

22-29-116. Change of district name.

(a) A district may change its name from the name given it in the formation order of the county commissioners, or from the name under which it was otherwise organized, to a name chosen by resolution of a majority of the directors.

(b) The directors shall not adopt a resolution for a district name change without publishing notice once of the proposed name change in a newspaper of general circulation in the county.

(c) All powers, rights, duties and obligations of a district which has adopted a new name shall be continued under the new name. All references to the prior name of the district shall be considered references to the new name.

(d) A district changing its name shall immediately notify the secretary of state if the principal act requires that formation documents be filed with the secretary of state, the county treasurer, the county clerk and the county assessor of each county in which the district is situated.

22-29-117. Directors; oath of office. All directors, whether elected or appointed, shall on the day their term of office begins as provided in the principal act, this act or in the rules promulgated by the secretary of state, take the oath of office provided in Wyoming constitution, article VI, section 20, before an officer authorized to administer oaths. The director shall also complete the written oath and file it with the county clerk.

ARTICLE 2 VACANCIES

22-29-201. Vacancies.

(a) A director's office shall be deemed to be vacant upon the occurrence of any one (1) of the following events prior to the expiration of the term of office:

(i) If for any reason a properly qualified person is not elected to a director's office by the electors as required at a regular election;

(ii) If a person who was duly elected or appointed fails, neglects or refuses to subscribe to an oath of office or to furnish the bond as may be required in the principal act;

(iii) If a person who was duly elected or appointed submits a written resignation to the board of directors and the resignation has been duly accepted by the board of directors;

(iv) If the person who was duly elected or appointed ceases to be qualified for the office to which he was elected;

(v) If a person who was duly elected or appointed is found guilty of a felony;

(vi) If a court of competent jurisdiction voids the election or appointment or removes the person duly elected or appointed for any cause whatsoever, but only after his right to appeal has been waived or otherwise exhausted;

(vii) If the person who was duly elected or appointed fails to attend three (3) consecutive regular meetings of the board of directors without the board of directors having entered upon its minutes an approval for at least one (1) of those absences. This provision shall not apply to instances where failure to attend the meetings was due to a temporary mental or physical disability or illness;

(viii) If the person who was duly elected or appointed dies during his term of office.

22-29-202. Filling by appointment.

(a) A vacancy in a district director office shall be filled by appointment by a majority of the remaining directors. However, if a vacancy exists in a majority of the offices of director, or if a majority of the directors cannot agree on an appointment, then notice of the vacancy shall be given to the county commission by either a district director or district member. The county commission shall fill the vacancy within thirty (30) days of being notified or by the time specified in the principal act. If the county commission finds that a vacancy exists in a majority of offices of director or that a majority of the directors cannot agree on an appointment, the county commission may fill the vacancy by acting on its own motion without notice.

(b) All appointments shall be evidenced by an appropriate entry in the minutes of the meeting at which the appointment was made.

(c) An appointee to the office of director shall serve until the next regular election.

(d) The appointed person before undertaking the duties of office shall take an oath of office in accordance with W.S. 22-29-117.

(e) The term of office of an appointed director begins on the day the appointee accepts the appointment unless the letter of resignation of the prior incumbent specifies a later date, which date then shall be the beginning of the appointee's term.

ARTICLE 3

ENLARGEMENT, CONSOLIDATION AND MERGER

22-29-301. Enlargement petitions.

(a) When the electors of an area wish to join a district, they may file an enlargement petition with the county commissioners. The petition for enlargement shall include provisions allowing the board of district directors to be enlarged by one (1) or more positions to be filled by electors or landowners residing or located in the new area, the number of positions to be determined by the petitioners and the district directors of the existing district.

Before the petition is filed with the county commissioners, it shall be approved by the directors of the affected district and by any other agency also required by the principal act to approve the petition. The petition process shall be governed by W.S. 22-29-105 through 22-29-108.

(b) W.S. 22-29-109 applies to the proceeding conducted by the county commissioners and the rights, powers and duties of petitioners and other persons having an interest in the proceedings. The county commissioners shall approve or disapprove the enlargement petition.

(c) If the enlargement petition is approved, there shall be an election which shall be conducted under this act. At the enlargement election, there shall also be elected temporary directors whose terms shall expire at the next regular district director election.

22-29-302. Merger of districts; effect.

(a) A district may merge with another district even if formed under different principal acts, if the merger is first approved by the county commissioners and approved by the electors or landowners of each district. The districts included in the merger shall be considered joined to and absorbed into the surviving district.

(b) If the merger is approved, the district directors and officers of the merging districts shall transfer to the directors of the surviving district all funds, property, contracts and records of the merging districts. Upon the effective date of the merger:

(i) The surviving district shall succeed to all the property, contracts, rights and powers of the merging districts, and shall constitute and be a regularly organized district as if originally organized in the manner provided by the principal act;

(ii) Uncollected taxes, assessments or charges levied by the merging districts shall become the property of the surviving district and upon collection shall be credited to the account of the surviving district; and

(iii) The surviving district shall become liable for all the obligations, legal and contractual, of the merging districts.

22-29-303. Consolidation of districts; effect.

(a) Two (2) or more districts even if formed under different principal acts may consolidate and form a new district if the consolidation is first approved by the county commissioners and approved by the electors or landowners. The districts included in the consolidation shall be considered joined into a single new district.

(b) If the consolidation is approved, the district directors and officers of the consolidating districts shall transfer to the directors of the successor district all funds, property, contract and records of the consolidating districts. Upon the effective date of the consolidation:

(i) The successor district shall succeed to all the property, contracts, rights and powers of the consolidating districts, and shall constitute and be a

regularly organized district as if originally organized in the manner provided by the principal act;

(ii) Uncollected taxes, assessments or charges levied by the consolidating districts shall become the property of the successor district and upon collection shall be credited to the account of the successor district; and

(iii) The successor district shall become liable for all the obligations, legal or contractual, of the consolidating districts.

22-29-304. Initiation of merger and consolidation; election.

(a) The electors or landowners of two (2) or more districts may initiate proceedings to merge or consolidate districts by filing a petition with the directors of the districts to be merged or consolidated. The petition shall be circulated and jointly verified in accordance with W.S. 22-29-105 and 22-29-108 by the secretaries of the districts involved. The petition shall state the name of the surviving or successor district. If two (2) or more districts planning to merge or consolidate have been formed under two (2) different principal acts, the petition shall also state under what principal act the merged or consolidated district shall operate. The principal act under which the merged or consolidated district shall operate may be different than the principal acts governing the original districts. In addition, the petition of merger or consolidation shall set forth provisions pertaining to the composition of the board of the new district until the next district election. The board of the new district may be composed of members of the combined boards. At the next regular district election members shall elect a new board. Thereafter the merged or consolidated board shall operate with the number of directors applicable under the principal act.

(b) Upon the district secretary certifying the petition, the directors of the districts shall order an election which shall be conducted in accordance with W.S. 22-29-112 through 22-29-116 and 22-29-305.

(c) Merger or consolidation may also be initiated by resolution adopted by the directors of two (2) or more districts. The resolution shall contain all the matters required to be stated in a petition to merge or consolidate. Upon the adoption of these resolutions, the directors of the district shall order an election which shall be conducted as provided in subsection (b) of this section.

22-29-305. Specific provisions relating to enlargement, merger and consolidation elections.

(a) The elections effecting enlargement, merger or consolidation shall be governed by the following specific rules:

(i) For enlargement elections, the electors or landowners of both the existing district and the area to be added shall be entitled to vote;

(ii) For merger and consolidation elections, the electors or landowners of all the affected districts shall be entitled to vote;

(iii) The votes of landowners and electors shall not be separately counted. If a majority of those voting in each district on the proposition favor the proposition, then it shall pass;

(iv) For enlargement elections, if the electors or landowners of the existing district have approved by election a mill levy to finance the operation of the district, then the electors or landowners of the area to be added shall also be required at the enlargement election to approve the same mill levy. If a majority of the electors or landowners in the area to be added voting on the proposition fails to approve the mill levy, then the enlargement, whether or not approved under paragraph (iii) of this subsection, shall fail;

(v) For merger and consolidation elections, if the electors or landowners of an existing district have approved by election a mill levy to finance the operations of the district and the other district has no mill levy or a lower mill levy, the electors or landowners of that other district shall also be required at the merger or consolidation election to approve a mill levy at the same level as the existing district or increase an existing mill levy to the same level as the existing district. If a majority of the electors or landowners in the other district voting on the proposition fails to approve or increase the mill levy as required, then the merger or consolidation, whether or not approved under paragraph (iii) of this subsection, shall fail.

22-29-306. Rights of creditors after change of organization; enforcement.

(a) No change of organization, or any term or condition thereof, shall impair the rights of any bondholder or other creditor of a district. Every bondholder or other creditor may enforce all the rights of the bondholder or other creditor in the same manner and to the same extent as if the change of organization, term or condition had not been made. Any of these rights may also be enforced against agencies, and their respective officers, as follows:

(i) Upon enlargement of the territory, against the district to or from which the territory is enlarged;

(ii) Upon dissolution of a district, against the successor city, county or district or against a city, county or district receiving distribution of all or any part of the remaining assets of the dissolved district;

(iii) Upon merger of two (2) or more districts, against the surviving district;

(iv) Upon consolidation of two (2) or more districts, against the successor district.

ARTICLE 4
DISSOLUTION

22-29-401. Dissolution procedure.

(a) Dissolution of a district may be initiated:

(i) By a petition of the electors or landowners requesting dissolution of the district, filed with the county commissioners. The petition process shall be governed by W.S. 22-29-105 through 22-29-108;

(ii) By resolution of the district directors filed with the county commissioners when the district directors determine that it is in the best interest of the inhabitants of the district that the district be dissolved and liquidated;

(iii) By resolution of the county commissioners if:

(A) Either:

(I) The district at the time of the regular district election has not elected district directors as required by the principal act; or

(II) The territory within the district is uninhabited; and

(B) The county commissioners determine that it is in the best interest of the people of the county that the district be dissolved and liquidated.

(iv) Within five (5) days after a petition is filed or a resolution of a county commission is adopted under this section, a copy shall be filed with the district secretary, if any, or with any other district officer who can with reasonable diligence be located;

(v) If there are no qualified district director members, the county commissioners shall act as or appoint a board of trustees to act in behalf of the district.

22-29-402. Findings of fact by district directors.

(a) When dissolution proceedings have been initiated, the district directors shall make findings of fact which shall include:

(i) The amount of each outstanding bond, coupon and other indebtedness, with a general description of the indebtedness and the name of the holder and owner of each, if known;

(ii) A description of each parcel of real property and interest in real property and, if the property was acquired for delinquent taxes or assessments, the amount of those taxes and assessments on each parcel of property;

(iii) Uncollected taxes, assessments and charges levied by the district and the amount upon each lot or tract of land;

(iv) A description of the personal property and of all other assets of the district;

(v) The estimated cost of dissolution.

(b) The district directors shall propose a plan of dissolution and liquidation.

(c) Within thirty (30) days after initiation of the dissolution proceeding, the findings of fact and the proposed plan of dissolution and liquidation shall

be filed in the office of the county clerk and shall be available for inspection by any interested person.

22-29-403. Plan for dissolution and liquidation. The plan of dissolution and liquidation may include provisions for transfer and conveyance of all assets of the district to any other district or to the county or counties where the district is located which have the authority and agree to assume the outstanding indebtedness of the dissolving district, if any, and to continue to furnish similar services to the inhabitants of the district.

22-29-404. Election on dissolution; consent of creditors; content of notice.

(a) Within ten (10) days after the district directors file the plan of dissolution and liquidation required by W.S. 22-29-402, the district directors shall call an election for the purpose of submitting to the electors of the district the question of whether the district shall be dissolved, its indebtedness liquidated and its assets disposed of in accordance with the plan proposed. No election shall be called until the consent of all known holders of valid indebtedness against the district is obtained or provision is made in the plan for payment of the nonconsenting holders. The notice of the election shall contain a brief summary of the plan of dissolution and liquidation and state that the plan of dissolution is available for examination at the office of the county clerk.

(b) This election shall be conducted in accordance with W.S. 22-29-112 through 22-29-116.

22-29-405. Trustees for dissolved district; records to county clerk; limitation on further elections.

(a) Upon canvassing the vote after the election, if it appears that a majority or more of the votes on the proposition approve dissolution, the district directors shall declare the district dissolved. The directors shall thereupon constitute a board of trustees under the supervision of county commissioners, who shall pay the debts or procure releases thereof and dispose of the property of the district. If the dissolved district was located wholly within the limits of one (1) county, the board of the dissolving district may designate the county commissioners as the board of trustees for the purpose of winding up the affairs of the district. If a majority of the votes cast on the proposition is against dissolution, the district directors shall declare the proposal defeated and cause the result of the vote to be made a part of the records of the district. In either case, the results of the election shall be certified to the county commissioners immediately after the canvass of the vote.

(b) If dissolution is approved after the affairs of the district have been fully settled all books and records of the district shall be deposited by the board of trustees in the office of the county clerk of the county in which the greatest area of the district was located. At the same time, the board of trust-

ees shall execute under oath and file with the county commissioners a statement that the district has been dissolved and its affairs liquidated. From the date of the statement, the corporate existence of the district is terminated for all purposes.

(c) If a majority of the votes cast on the proposition are against dissolution, no further election for dissolution shall be called by the directors, upon petition or upon a resolution of the commissioners, prior to the expiration of one (1) year from the date of the election on dissolution.

22-29-406. Power of trustees to convey assets.

(a) The board of trustees may convey to another district all assets of the dissolving district:

(i) If the other district assumes all debts and obligations of the dissolving district and undertakes to continue to furnish the service provided by the dissolving district pursuant to the plan of dissolution and liquidation; and

(ii) If the written consent of all the known holders of valid indebtedness against the district has been obtained, or provision has been made in the plan for payment of the nonconsenting holders.

22-29-407. Disposition of assets.

(a) Any surplus funds remaining to the credit of the district, after payment of the indebtedness of the district, shall be transferred to the county treasurer. If the assets of the district are insufficient to pay the indebtedness, the board of trustees shall levy taxes, within the limits of the authority of the district, for the liquidation of the indebtedness.

(b) Notwithstanding subsection (a) of this section, if the property of a district is located within the corporate limits of a city, the property shall, upon dissolution of the district, vest in the city in which located and the property of the district lying outside the corporate limits of any city shall vest in the county until the formation of a city embracing the territory, at which time it shall vest in the city.

(c) In each year that the county receives surplus funds to the credit of the district under subsection (a) of this section, any funds in the account of the district on June 30, in excess of six thousand dollars (\$6,000.00) retained by the county for administration, shall be certified to the county assessor and shall be disposed of as provided under one (1) of the following procedures, as selected by the county assessor:

(i) The funds may be offset against that portion of the levies of taxing units levied against the property values of property within the dissolved district. If the funds are offset as provided under this paragraph, the funds shall be distributed to each taxing unit in the amount of that taxing unit's offset;

(ii) The amount may be credited to each property appearing on the tax roll for the year for which the credit applies within the dissolved district

on the basis of current assessed value. If the surplus funds are distributed under this paragraph, the surplus funds shall be deposited in the unsegregated tax collections account established and distributed in the same manner as other funds in that account.

22-29-408. Dissolution without election.

(a) The election required by W.S. 22-29-404 shall be dispensed with and the county commissioners shall declare the district dissolved if the county commissioners find that:

(i) Dissolution is in the interest of the people of the county; and

(ii) At least one (1) of the following:

(A) The territory within the affected district is uninhabited;

(B) The district has failed regularly to elect district board members in accordance with the principal act of the district; or

(C) That the district is not active and that there is no need for the district.

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