

CHAPTER 2 - GENERAL PROVISIONS

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 and community college elections;
- (vii) Bond, mill levy and political subdivision tax elections;
- (viii) Any special 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;
- (x) Elections held under chapter 29 of this title if:
 - (A) The special district principal act is silent on the matter; and
 - (B) Chapter 29 of this title and rules promulgated pursuant to that chapter are silent on the matter.

(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. Repealed By Laws 1998, ch. 100, § 5.**22-2-103.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. Election dates.

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

(b) A primary election shall be held at the regular polling places for 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.

(c) A May town election as authorized by W.S. 22-23-202 shall be held on the first Tuesday after the first Monday in the month of May every two (2) years.

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

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

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. At every general election there shall be elected the necessary member or members of the Wyoming senate and county commissioners. The question of retention of a circuit court judge or a magistrate of the circuit court shall be submitted:

(A) For a circuit court judge, to the electorate of all counties within the circuit;

(B) For a magistrate required by law to stand for retention, to the electorate of the county wherein the magistrate serves.

(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 transmit to the county clerk of each county a certified list 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 in the county clerk's office and at the place where each municipality within the county regularly holds its council meetings 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 contributions 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.

(b) Between ninety (90) and seventy (70) 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 in the county clerk's office and at the place where each municipality within the county regularly holds its council meetings a proclamation setting forth the following:

(i) The date of the election;

(ii) For any offices not previously included in the proclamation published pursuant to subsection (a) of this section, the offices to be filled at the election including the terms of the offices and the number of persons required by law to fill the offices;

(iii) The requirements for filing statements of campaign contributions and expenditures not previously included in the proclamation published pursuant to subsection (a) of this section;

(iv) Any other pertinent general election information;

(v) 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.

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

22-2-110. Computing periods of time.

(a) Except for special elections to fill vacancies for a congressman under W.S. 22-18-105 through 22-18-109, periods of time are computed by excluding the specific day and counting the prescribed number of days, including Saturdays, Sundays and full legal holidays. 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. All days, except the specific day, but including the last day, shall be used to compute the time limits established under W.S. 22-18-105 through 22-18-109 unless the last day of a time period falls on a Saturday, Sunday or full legal holiday in which case 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 time off to vote.

(a) 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.

(b) This section shall not apply to an employee who has three (3) or more consecutive nonworking hours during the time the polls are open.

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 registry lists; use of copies; election record; purging.

(a) The secretary of state shall furnish at a reasonable price registry 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, individuals promoting or opposing a ballot issue or candidate and to organizations 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 may be in the form of printouts, mailing labels or other electronic format as available. The lists may be reproduced for political purposes.

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

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

(d) Unless otherwise specifically stated in this Election Code, 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. Election records containing social security numbers, portions of social security numbers, driver's license numbers, birth dates, telephone numbers, tribal identification card numbers, e-mail addresses and other personally identifiable information other than names, gender, addresses, unique identifying numbers generated by the state and party affiliations are not public records and shall be kept confidential. When necessary, members of the county or state canvassing boards may access confidential information for purposes of this code but shall maintain its confidentiality.

(e) The county clerks shall purge and update voter registration information on the voter registration system not later than the fifteenth day of February each year and shall notify the secretary of state upon completion, but not later than February 15 of each year.

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

22-2-115. Renumbered 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. Vote required for election; ratification.

(a) Partisan and nonpartisan candidates who receive the largest number of votes for each office to be filled at the general election are elected. Nothing in this election code shall be deemed to authorize any election in Wyoming to be conducted through ranked choice voting. Any existing or future ordinance enacted or adopted by a county, municipality or any other governmental entity that purports to authorize ranked choice voting in violation of this subsection is void. As used in this subsection, "ranked choice voting" means a voting method that allows voters to rank candidates for an office in order of preference and has ballots cast to be tabulated in multiple rounds following the elimination of a candidate until the candidate or candidates with the most votes are declared winners, or any other system that allows a voter to vote for more than the number of candidates permitted to fill a particular office.

(b) Repealed By Laws 2009, Ch. 100, § 3, Ch. 168, § 202.

(c) With the exception of constitutional amendments and statewide initiatives and referenda, all ballot propositions shall be passed if the majority of those casting ballots on that proposition vote in favor of such proposition.

(d) A proposed amendment to the constitution of the state of Wyoming submitted by a two-thirds (2/3) vote of each of the houses of the state legislature or a proposed new constitution submitted by a constitutional convention shall be placed on the ballot at the next general election and shall be ratified if approved by a majority of the electors voting at the next general election.

(e) 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.

(f) If votes in an 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.

22-2-118. Repealed By Laws 2014, Ch. 108, § 2.

22-2-119. Qualified elector may vote; acceptable identification requirement; provisional ballots.

Except as specifically provided otherwise, a person may vote only if the person is a qualified elector, only in the precinct in which the person resides and, if voting in person, only if the person presents acceptable identification immediately before voting at the polling place or absentee polling place. If a person is unable to present acceptable identification immediately before voting at the polling place or absentee polling place, the person may vote by provisional ballot pursuant to W.S. 22-15-105.

22-2-120. Publication of Election Code.

The secretary of state, not later than the first of July in general election years, shall publish the Election Code on the secretary of state's official website.

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

(a) In carrying out his responsibilities under title 22, the secretary of state shall prepare:

(i) Written directives and instructions relating to and based on the election laws;

(ii) Sample copies of prescribed and suggested forms;

(iii) Advice or request from the attorney general's office advisory opinions on the effect of election laws and their application, operation and interpretation.

(b) The secretary of state shall promulgate such rules as are necessary to maintain uniform voting and vote counting procedures and orderly voting.

(c) The secretary of state shall have the authority to issue a directive to the county election officers necessary to ensure voter registration and elector participation when a uniformed services or emergency personnel elector could not otherwise vote.

(d) The secretary of state is authorized to adopt rules and regulations necessary to comply with the requirements of the Help

America Vote Act of 2002, Public Law 107-252, including a state-based administrative complaint procedure, which shall not be subject to the Wyoming Administrative Procedure Act.

(e) The secretary of state is authorized to adopt rules and regulations necessary to comply with the requirements of the Military and Overseas Voter Empowerment Act of 2009, P.L. 111-84, and shall have the authority to issue directives to county election officers necessary to ensure compliance with the act. Directives authorized under this subsection may include:

(i) That ballots be available for Uniformed and Overseas Citizens Absentee Voting Act voters forty-five (45) days prior to the election;

(ii) How ballots are to be transmitted electronically;

(iii) How returned ballots shall be tabulated; and

(iv) What information shall be provided to Uniformed and Overseas Citizens Absentee Voting Act voters.

(f) The secretary of state shall have the authority to issue directives to county election officers necessary to ensure the proper conduct of elections, including voter registration and elector participation when there is a declared natural disaster or other impending or declared emergency which interferes with an election.

(g) The secretary of state shall adopt rules and regulations that allow for the counting of ballots at a central counting center. The rules shall specify procedures for delivering ballots to the central counting center.

22-2-122. State and federal share of qualified election expenses; election readiness account.

(a) There is created the election readiness account. The account shall consist of federal funds received by the state of Wyoming from the federal election assistance commission's 2018 Help America Vote Act (HAVA) election security fund and any state appropriations authorized by the legislature. Funds in the account shall be subject to appropriation. Notwithstanding W.S. 9-2-1008 and 9-4-207, earnings from the funds in the account shall be credited to the account and shall not lapse at the end of any fiscal period.

(b) Funds in the account shall only be used for replacement and maintenance of voting systems and other ongoing election costs as allowed by the Help America Vote Act (HAVA). Disbursements and expenditures from the account shall be made at the discretion of the secretary of state in consultation with the county clerks.

(c) Commencing in 2019, and annually thereafter, the secretary of state shall document disbursements and expenditures from the account. No later than November 15 of each year, the secretary of state shall report

any disbursements and expenditures from the account to the joint appropriations committee, the joint corporations, elections and political subdivisions interim committee and the governor.

22-2-123. Private funds in elections prohibited.

(a) Notwithstanding any other provision of law, no agency or any state or county official responsible for conducting elections, including, but not limited to, a county clerk, shall solicit, accept, use or dispose of any donation in the form of money, grants, property or personal services from an individual or nongovernmental entity for the purpose of funding any type of expenses related to election administration, including, but not limited to, voter education, voter outreach or voter registration programs. All costs and expenses relating to elections shall be paid with public funds. This subsection shall not apply to meals or food provided or donated in support of election training or education, or to meals or food provided on election day to poll workers and other election staff. This section shall not apply to elections that are conducted by a special district in accordance with W.S. 22-29-113.

(b) No individual or nongovernmental entity shall provide or offer to provide any donation in the form of money, grants, property or personal services in violation of subsection (a) of this section.

(c) Nothing in this section shall be construed to prohibit:

(i) The acceptance and expenditure of federal funds for purposes of conducting elections as provided by law;

(ii) The use of private real property for purposes of use as a polling place as provided by this Election Code.