



Notice of Intent to Adopt Rules

Revised July 2013

1. General Information

a. Agency/Board Name		
b. Agency/Board Address	c. City	d. Zip Code
e. Name of Contact Person	f. Contact Telephone Number	
g. Contact Email Address		
h. Date of Public Notice	i. Comment Period Ends	
j. Program		

2. Rule Type and Information: For each chapter listed, indicate if the rule is New, Amended, or Repealed.

If "New," provide the Enrolled Act numbers and years enacted:

a. Provide the Chapter Number, Short Title, and Rule Type of Each Chapter being Created/Amended/Repealed
Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification.

Chapter Number:	Short Title:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
		<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
		<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
		<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
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		<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
		<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed

c. The Statement of Reasons is attached to this certification.

d. N/A In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Section 5 of the Rules on Rules).

e. A copy of the proposed rules* may be obtained:

By contacting the Agency at the physical and/or email address listed in Section 1 above.
 At the following URL: _____

* If Item "d" above is not checked, the proposed rules shall be in strike and underscore format.

3. Public Comments and Hearing Information

a. A public hearing on the proposed rules has been scheduled. Yes No

If "Yes:"	Date:	Time:	City:	Location:

b. What is the manner in which interested persons may present their views on the rulemaking action?
 By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.
 At the following URL: _____

	A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members. Requests for a public hearing may be submitted: <input type="checkbox"/> To the Agency at the physical and/or email address listed in Section 1 above. <input type="checkbox"/> At the following URL: _____
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c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Contact Person listed in Section 1 above.

4. Federal Law Requirements

a. These rules are created/amended/revoked to comply with federal law or regulatory requirements. Yes No

If "Yes:"	Applicable Federal Law or Regulation Citation:
	Indicate one (1): <input type="checkbox"/> The proposed rules meet, but do not exceed, minimum federal requirements. <input type="checkbox"/> The proposed rules exceed minimum federal requirements.
	Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to: <input type="checkbox"/> To the Agency at the physical and/or email address listed in Section 1 above. <input type="checkbox"/> At the following URL: _____

5. State Statutory Requirements

a. Indicate one (1):
 The proposed rule change *MEETS* minimum substantive statutory requirements.
 The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b. Indicate one (1):
 The Agency has complied with the requirements of W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:
 By contacting the Agency at the physical and/or email address listed in Section 1 above.
 At the following URL: _____
 Not Applicable.

6. Authorization

a. I certify that the foregoing information is correct.

<i>Printed Name of Authorized Individual</i>	
<i>Title of Authorized Individual</i>	
<i>Date of Authorization</i>	

Distribution List:

- Attorney General and LSO: Hard copy of Notice of Intent; Statement of Reasons; clean copy of the rules; and strike-through and underline version of rules (if applicable). *Optional:* electronic copies of all items noted (in addition to hard copies) may be emailed to LSO at Criss.Carlson@wyoleg.gov.
- Secretary of State: Electronic version of Notice of Intent sent to Rules@wyo.gov.



Additional Rule Information

Revised June 2013

1. General Information

a. Agency/Board Name		
b. Agency/Board Address	c. City	d. Zip Code
e. Name of Contact Person	f. Contact Telephone Number	
g. Contact Email Address		
h. Program		

2. Rule Information, Cont.

a. Provide the Chapter Number, Short Title, and Rule Type of Each Chapter being Created/Amended/Repealed

Chapter Number:	Short Title:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
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Chapter Number:	Short Title:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed

If Needed

STATEMENT OF REASONS

The Secretary of State is promulgating these rules to amend its Election Procedures Rules, Chapters 2-5, 8-10, 12, 14-16, 18-25, to reflect changes in the recently adopted legislation, to remove outdated processes and language, to implement changes to the federal Military and Overseas Voter Empowerment Act, to eliminate unnecessary language, and to clarify certain election procedures..

Specifically, amendments to Chapters 2, 4-5, 8-10, 12, 18, 20, 23 and 25 remove outdated and unnecessary language.

Chapter 3 amends language relating to the Military and Overseas Voter Empowerment Act, including procedures for requesting voter registration and absentee ballots, changing the registration period to not less than 14 days prior to an election, and transmission and processing of absentee ballots.

Chapter 14 amendments remove outdated and unnecessary language and clarify procedures relating to securing the ballots.

Chapter 15 amendments clarify procedures relating to reporting election night results.

Chapter 16 amendments clarify procedures for use of the statewide voter registration system.

Chapter 19 amendments remove outdated and unnecessary language and clarify procedures relating to write-in candidates.

Chapter 21 amendments remove outdated and unnecessary language and clarify procedures relating to filing campaign finance reports.

Chapter 22 amendments remove outdated and unnecessary language and clarify procedures relating to the preparation of ballots.

Chapter 24 amendments remove outdated and unnecessary language and clarify procedures relating to independent candidate petitions.

Wyoming Secretary of State
Rules for Identification for Election Purposes

CHAPTER 2

Section 1. **Authority.**

These rules are necessitated by Section 303 of the Help America Vote Act of 2002 [hereafter referred to as HAVA], P.L. 107-252, and are authorized by W.S. 22-1-102(a)(xxxix) and 22-2-121(b) and (d).

Section 2. **Purpose.**

These rules are promulgated to assist State and local Wyoming election officials and employees in implementing the identification requirements for voters when they apply to register, for certain voters when they vote, and for voters who are challenged at the polls.

Section 3. **Applicability.**

These rules shall apply to all State and local election officials, employees, and ~~poll workers~~ election judges by whatever designation involved in the conduct of the activities addressed and to all voters and prospective voters.

Section 4. **Verification of Voter Information.**

The County Clerk shall verify the voter information as provided in W.S. 22-3-104(f)(ii), using the statewide voter registration system. If the required information is found to be valid and sufficient for registration, the individual shall be registered. ~~After January 1, 2006, such verification is mandatory before registration is effective.~~

Section 5. **Content of Voter Registration Application and of Oath Form.**

(a) The voter registration oath shall conform in substance to the voter registration oath in W.S. 22-3-103 although it may vary in other respects. The statewide voter registration application ~~may include school district and precinct numbers in accordance with W.S. 22-3-107 and other information; however, optional portions shall be marked as such~~ form is prescribed by the Secretary of State and can be found online.

Section 6. **Definition of “Acceptable Identification.”**

(a) Any one of the following documents shall constitute proof of the individual’s identity for the purpose of registering to vote and for voting. If the individual’s current residence address is included in the document, it shall also constitute proof of residency, if necessary. In the event of a challenge, if the residence address is not

included in the document or if it is not current, the individual may be required to produce other documentation of his residence address in accordance with W.S. 22-3-118 or 22-15-101 through 109.

- (i) United States Passport;
- (ii) Driver's License or Identification Card issued by any State or Outlying Possession of the United States;
- (iii) Identification Card issued by the Federal Government, any State or Local Government, or an Agency thereof;
- (iv) Photo Identification Card issued by the University of Wyoming, a Wyoming Community College, or a Wyoming Public School;
- (v) United States Military Card;
- (vi) Identification Card issued to a Dependent of a member of the United States Armed Forces.

(b) Any two or more of the following documents together shall constitute proof of the individual's identity and residency, if necessary, for the purpose of registering to vote and for voting. In the event of a challenge, if the residence address is not included in the document or if it is not current, the individual may be required to produce other documentation of his residence address in accordance with W.S. 22-3-118 or 22-15-101 through 109.

- (i) Certification of United States Citizenship;
- (ii) Certificate of Naturalization;
- (iii) United States Military Draft Record;
- (iv) Voter's Registration Card from another State or County;
- (v) United States Social Security Card;
- (vi) Certification of Birth Abroad issued by the Department of State;
- (vii) Original or certified copy of a birth certificate bearing an official seal; and
- (viii) Any other form of identification issued by an official agency of the United States or a State.

(c) In the event of a challenge, the following documents, showing the individual's name and address, are acceptable proof of identity and residency:

- (i) Current utility bill;
- (ii) Current bank statement;
- (iii) Current government check;
- (iv) Current paycheck;
- (v) Any other current government document showing his name and address.

Wyoming Secretary of State
Rules for Uniformed and Overseas Citizens' Absentee Voting

CHAPTER 3

Section 1. Authority.

These rules are authorized by W.S. 22-2-121(b) and (d) and are necessary to implement the Help America Vote Act of 2002 [hereafter referred to as HAVA], P.L.107-252, Sections 702 through 707, ~~and~~ the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff, [hereafter referred to as UOCAVA], as amended by [the Military and Overseas Voter Empowerment Act of 2009 \(MOVE\)](#). ~~HAVA~~.

Section 2. Purpose.

These rules are promulgated to enable State and local Wyoming election officials and employees to administer UOCAVA, as amended by HAVA, uniformly and efficiently.

Section 3. Applicability.

(a) These rules apply to all State and local election officials and employees with responsibilities under UOCAVA, which in turn applies to all absent uniformed services voters and to all absent overseas citizens [hereafter collectively referred to as UOCAVA voters] as defined in Section 107, UOCAVA, 42 U.S.C. §1973ff-6, and to all UOCAVA voters and prospective voters.

Section 4. Designation of the Office of the Wyoming Secretary of State.

(a) The Office of the Wyoming Secretary of State is hereby designated as the single office responsible for providing information regarding voter registration procedures and absentee ballot procedures to be used by UOCAVA voters with respect to elections for federal office (including procedures relating to the use of the federal write-in absentee ballot), [and](#) to all UOCAVA voters who wish to register to vote or to vote in any jurisdiction in the State.

Section 5. Who May Register and Request an Absentee Ballot under [UOCAVA](#).

(a) All persons identified under W.S. 22-3-117(b) shall be allowed to simultaneously register and make application for an absentee ballot through the use of the Federal Postcard Application (FPCA).

(b) Individuals who were born overseas but who have been granted citizenship and whose parent or guardian is eligible to register and vote in this State may

register to vote by federal postcard application. Such individuals shall be assigned to the voting precinct of the resident parent.

(c) When registering to vote, an overseas voter who is eligible to vote in Wyoming shall be assigned to the voting precinct of the address of the last place of residence in Wyoming; ~~If that address is no longer a recognized address, the voter shall be assigned~~ or a nonstandard voting address.

~~(d) — Upon returning to the United States, any voter registered pursuant to this section shall notify the County Clerk to cancel the voter's registration if the voter has established residence outside the county where registered.~~

~~(e)~~ (d) The County Clerk may require any UOCAVA voter to present acceptable identification, as provided under W.S. 22-3-101, *et seq.*, for purposes of establishing identification, residency and citizenship.

Section 6. **Procedures for Requesting Information.**

(a) The Office of the Secretary of State shall accept inquiries regarding voter registration procedures and absentee ballot procedures (including procedures relating to the use of the federal write-in absentee ballot) from UOCAVA voters ~~whether received by U.S. mail, e-mail, facsimile, or telephone.~~ Mail inquires shall be addressed to the Wyoming Secretary of State, attention: Election Division, Wyoming State Capitol, 200 West 24th Street, Cheyenne, Wyoming 82002-0200. The current ~~telephone number, facsimile number, and e-mail address shall be~~ contact information is available from the Secretary's of State website.

(b) The information provided shall include the applicable election deadlines and the contact information for the appropriate County Clerk including telephone number, facsimile number, postal address, email address, and website address, if any.

(c) The information may be provided by telephone, U.S. mail, email, other available method, and through the Secretary's of State's website.

Section 7. **Procedures for Processing Voter Registration Applications.**

(a) Applications for voter registration may be made at any time, although not less than ~~thirty (30)~~ fourteen (14) days prior to an applicable election. Applications shall be directed to the appropriate County Clerk and shall otherwise be processed in accordance with Wyoming law except as noted below.

(b) In two situations, the requirement that an application for registration must reach the County Clerk no less than ~~thirty (30)~~ fourteen (14) days prior to an election is inapplicable:

(i) State registration application forms accompanied by requests for absentee ballots; and

(ii) Official Federal Postcard Application forms requesting voter registration and absentee ballot(s).

(iii) Both forms may both be accepted and processed when received fewer than ~~thirty (30)~~ fourteen (14) days before an applicable election.

Section 8. The Standard Oath.

~~Under As allowed pursuant to UOCAVA, Section 102, if the state Wyoming~~ requires an oath or affirmation to accompany any document under this ~~title [Registration and Voting by Absent Uniformed Service Voters and Overseas Citizens], Chapter. the state shall use~~ The standard oath prescribed permitted by the Presidential designee under UOCAVA Sections 101(b)(7), UOCAVA, Section and 102(a)(5) shall be used: .The standard oath has been prescribed as follows:

I swear or affirm, under penalty of perjury, that I am:

1. A member of the Uniformed Services or merchant marine on active duty; or an eligible spouse or dependent of such a member; or, a U.S. citizen residing outside the U.S.; or, other U.S. citizen residing outside the U.S.; and
2. I am a U.S. citizen, at least 18 years of age (or will be by the date of the election), and I am eligible to vote in the requested jurisdiction; and
3. I have not been convicted of a felony, or other disqualifying offense, or been adjudicated mentally incompetent, or, if so, my voting rights have been reinstated; and
4. I am not registering, requesting a ballot, or voting in any other jurisdiction in the U.S., except the jurisdiction cited in this voting form.

In voting, I have marked and sealed my ballot in private and have not allowed any person to observe the marking of the ballot, except for those authorized to assist voters under State or Federal law. I have not been influenced. My signature and date below indicate when I completed this document. The information on this form is true, accurate, and complete to the best of my knowledge. I understand that a material misstatement of fact in completion of this document may constitute grounds for a conviction for perjury.

Signed: _____ Date: _____
Month/Day/Year

Section 9. Procedures for Processing Absentee Ballot Applications and

Absentee Ballots.

(a) Absentee ballot applications from UOCAVA voters shall be processed in accordance with Wyoming law and UOCAVA, Section 102.

(b) County Clerks will enter all UOCAVA absentee ballot applications into the statewide voter registration system following procedures established by the Secretary of State and allowed by the statewide voter registration system.

~~(b) When timely application has been made for a state absentee ballot and the absentee ballot sent by the County Clerk has not been received, an absent overseas voter, as defined in UOCAVA, Section 107(5) and 42 U.S.C. 1973ff-6(5), may use a federal write-in absentee ballot subject to the requirements of UOCAVA, Section 103. The federal write-in absentee ballot shall be counted only if:~~

~~(i) The write-in absentee ballot was submitted from overseas;~~

~~(ii) The state ballot application was received by the County Clerk at least 30 days prior to the election; and~~

~~(iii) The state absentee ballot was not received before the polls closed on election day. UOCAVA, Section 103.~~

Section 10. ~~Procedures for Processing Absentee Ballot Requests for Two Election Cycles.~~ Transmitting Absentee Ballots to UOCAVA Voters.

(a) A UOCAVA voter who requests his absentee ballot forty-five (45) days or more before the date of the Primary, General or Special Election shall be sent the absentee ballot no later than forty-five (45) days before the election.

(b) If a UOCAVA voter requests an absentee ballot fewer than forty-five (45) days prior to the election, the County Clerk shall send the absentee ballot immediately.

(c) Absentee ballots shall be transmitted to UOCAVA voters via the method selected by the voter. If there is no preference, the absentee ballot shall be transmitted by mail.

(i) An absentee ballot may be transmitted electronically or by facsimile to a UOCAVA voter when specifically requested by the voter.

(A) An electronic absentee ballot must be sent in a PDF format;

(B) The UOCAVA oath form as set out in Section 8 and containing the voter bar code and voter identification number must be sent with the absentee ballot; and

(C) The required instruction sheet must be sent with the absentee ballot.

(d) For absentee ballots that are to be mailed or faxed to UOCAVA voters, if the County Clerk has not received the absentee ballots from the printer by forty-five (45) days prior to the election, the County Clerk shall print the absentee ballot using the absentee ballot on demand printer or an absentee ballot printed from a PDF file and mail or fax that absentee ballot to the UOCAVA voter.

Section 11. ~~Reports of Absentee Ballots Transmitted and Returned and Cast.~~ Processing Voted Absentee UOCAVA Ballots.

(a) All voted absentee ballots shall be returned by mail. No absentee ballots shall be accepted electronically.

(b) County Clerks shall ensure that voted absentee ballots are delivered to the proper department or staff member for processing and counting and the absentee ballots shall be maintained according to the provisions in W.S. 22-9-115.

(i) Absentee ballots that were mailed to the voter shall be tabulated in accordance with the standard process for tabulating absentee ballots.

(ii) Absentee ballots that were transmitted electronically to the voter and returned by the voter on generic paper stock will be treated by the County Clerk as damaged absentee ballots and processed:

(A) In accordance with Chapter 6 of the Election Procedures Rules.

(B) A County Clerk may duplicate the absentee ballot at a counting center, but is still required to follow the provisions of Chapter 6.

(c) When timely application has been made for a state absentee ballot and the absentee ballot sent by the County Clerk has not been received, an absent overseas voter, as defined in UOCAVA, Section 107(5) and 42 U.S.C. 1973ff-6(5), may use a federal write-in absentee ballot (FWAB) subject to the requirements of UOCAVA, Section 103. The federal write-in absentee ballot shall be counted only if:

(i) The state absentee ballot application was received by the County Clerk at least fourteen (14) days prior to the election;

(ii) The state absentee ballot was not received by the County Clerk before the close of registration for that election; and

(iii) The write-in absentee ballot was submitted from overseas.

Section 12. General Requirements Related to Absentee UOCAVA Ballots.

(a) County Clerks shall take measures to protect the security and integrity of the voted and unvoted absentee ballot and the privacy of the voter.

(b) County Clerks shall not refuse to accept or process an otherwise valid voter registration application, absentee ballot application, voted absentee ballot or Federal Write-In Absentee Ballot (FWAB) from an overseas voter due to notarization requirements, paper type, weight and size, or envelope type, weight or size.

(c) County Clerks shall ensure compliance with all federal requirements regarding UOCAVA absentee ballots.

(d) The County Clerk shall immediately enter into the statewide voter registration system all received absentee ballots.

(e) UOCAVA absentee ballot information shall be posted on the Secretary of State's website on a regular basis to allow UOCAVA voters to track the receipt of their absentee ballots.

Section ~~10~~ 13. Procedures for Processing Federal Postcard Application Absentee Ballot Requests ~~for Two Election Cycles~~.

(a) When a UOCAVA voter applies using the Federal Postcard Application to register to vote and simultaneously to request absentee ballots for the next federal election(s) ~~and the subsequent federal elections two years hence~~, the voter shall be provided absentee ballots as required by W.S. 22-3-117 ~~for each of those regularly scheduled federal elections without the necessity of requesting them again.~~

(b) Federal Postcard Applications used to register by mail and to request absentee ballot(s) simultaneously shall be processed in accordance with Wyoming and federal law; however, special records shall be kept of all requests as described in (a) above so that ~~the~~ UOCAVA voters shall be assured that the requested absentee ballots shall be sent as soon as available for all covered elections.

Section ~~11~~ 14. Reports of Absentee Ballots Transmitted and Returned and Cast.

(a) Following each regularly scheduled federal election, each County Clerk shall report to the Secretary of State in the prescribed format the number of absentee ballots transmitted to UOCAVA voters and the number of such absentee ballots which were returned by ~~the~~ UOCAVA voters and cast in the election.

(b) No later than 90 days following each regularly scheduled federal election, the Secretary of State shall report using the format prescribed by the Election Assistance Commission the composite data described in (a) above to the Election Assistance Commission and make the report available to the public.

Wyoming Secretary of State
Rules for Using Provisional Ballots

CHAPTER 4

Section 1. **Authority.**

These rules are authorized by W.S. 22-2-121(b) and (d) and are necessary to implement Section 302 of the Help America Vote Act of 2002 [hereafter referred to as HAVA], P.L. 107-252.

Section 2. **Purpose.**

These rules are promulgated to enable State and local Wyoming election officials and employees to administer W.S. 22-1-102(a)(xli) and W.S. 22-15-105 and the requirements of HAVA relating to provisional ballots uniformly and efficiently.

Section 3. **Applicability.**

These rules apply to all State and local election officials, employees, and ~~poll workers~~ election judges by whatever designation with responsibilities concerning provisional ballots, and to all voters and prospective voters.

Section 4. **Use of Provisional Ballots.**

Prospective voters shall be permitted to cast provisional ballots as provided in W.S. 22-1-102(a)(xli), 22-3-118, and 22-15-~~104 and 106~~ 105. Also, when the polls are kept open after 7:00 p.m. by court order or by Emergency Directive of the Secretary of State, all voters entering the polls after 7:00 p.m. shall be permitted to cast provisional ballots only.

Section 5. **Provisional Voting Form.**

(a) The provisional voting form shall contain:

(i) Instructions for ~~poll workers~~ election judges regarding appropriate use of provisional ballots consistent with ~~Section 4, Use of Provisional Ballots this Chapter;~~

(ii) Instructions to voters regarding how, when, and where they must provide documentation showing their eligibility to vote in the precinct;

(iii) Instructions to voters regarding how and when to determine if a ballot was counted by the County Canvassing Board; and

(iv) The name, street address, telephone number, and business hours of the County Clerk for the day following election day.

(b) The provisional voting form shall also provide space for the following information to be recorded:

- (i) Election date;
- (ii) County name;
- (iii) District and precinct numbers;
- (iv) ~~Poll worker's~~ Election judge's name; and
- (v) The reason for issuing the provisional ballot.

Section 6. **Provisional Ballots and Secrecy Envelopes.**

(a) Provisional ballots shall be clearly marked as such and shall be of a form that cannot automatically be tabulated [W.S. 22-15-105]. They may be:

- (i) Photocopies of the regular ballot with “Provisional Ballot” clearly printed at the top;
- (ii) Regular ballots with the bar code disabled; or
- (iii) Another form that satisfies the above requirement.

(b) Provisional ballots shall have the County number listed first followed by any sequence of numbers desired (such as a district/precinct number) as long as there is no possibility of a duplicate number.

(c) Provisional ballots, when completed, shall be sealed in secrecy envelopes.

(d) The outside of the secrecy envelope shall bear the affirmation prescribed by W.S. 22-15-105(b).

Section 7. **Handling of Provisional Voting Forms and Provisional Ballots.**

(a) ~~An poll worker~~ election judge will fill out the provisional voting form for the voter.

(b) The two pages of the form shall be separated, and the first page retained by the ~~poll worker~~ election judge.

(c) The second page of the form shall be returned to the voter.

(d) The voter shall execute the oath or affirmation on the secrecy envelope, seal his or her completed ballot in it, and return it to the ~~poll worker~~ election judge.

(e) Provisional ballots shall be secured and segregated from other ballots. They shall not be included in the election day tabulation of votes.

(f) Provisional ballot envelopes shall be marked by County number first and then each provisional ballot envelope shall have a unique number following the County number.

Section 8. **Post Election Processing of Provisional Ballots.**

(a) After the time allowed for provisional voters to present documentation of their right to vote in an election, election officials shall attach the documentation provided to each provisional ballot envelope.

(b) The provisional ballots and their attachments shall be forwarded to the County Canvassing Board for its review and determination of the validity of each.

(c) The County Canvassing Board shall conduct its business concerning the validity of the provisional ballots in such a manner as to protect the confidentiality of the votes (which is most critical when there are few valid provisional ballots) and the privacy rights of the provisional voters, including aAt a minimum, ~~these shall include their~~ identity and ~~their~~ confidential personal information of the voter. The Board shall meet in executive session as required to do so.

(d) Those voters casting provisional ballots who are determined to be eligible to vote in the precinct shall have their provisional ballots counted and the results of the entire ballot shall be added to the ~~unofficial~~ results of the election.

Section 9. **Reports of Provisional Ballots Cast and Counted.**

When the abstracts, including the provisional ballot results, have been reviewed and certified by the County Canvassing Board, they shall immediately be forwarded to the Office of the Secretary of State.

Wyoming Secretary of State
Rules for Assuring the Accessibility of Polling Places

CHAPTER 5

Section 1. **Authority.**

These rules concern the accessibility of polling places for people who are elderly and those with disabilities. They are authorized by W.S. 22-2-121(b) and (d) and the Help America Vote Act [HAVA], Section 303(b)(3), P.L. 107-252, 42 U.S.C. §§15301-15545, and the Voting Accessibility for the Elderly and Handicapped Act, 42 U.S.C. 1973ee-1(b)(2)(B)(ii).

Section 2. **Purpose.**

These rules are promulgated to establish procedures for assuring that people who have disabilities or are elderly and want to vote in person have access to polling places or alternatives for voting.

Section 3. **Applicability.**

These rules apply to any registered voter whose polling place is inaccessible to him. He may pursue voting in an alternative setting by ~~arranging to do so~~ making prior ~~to an election~~ arrangements with his County Clerk.

Section 4. **Notification of County Clerk.**

(a) The voters to whom these rules apply shall notify their County Clerks prior to an election of their need for accommodation because of the inaccessibility of their local polling places.

(b) The notice may be oral or written and no statement from a medical doctor or other professional shall be required to verify the voter's statements.

Section 5. **Accessible Alternatives Available.**

(a) When an eligible voter determines that his assigned polling place will be inaccessible to him on election day, upon notice to the County Clerk, he shall be offered one or more alternatives to voting in person at that location, which alternatives may include but shall not be limited to the following:

(i) The opportunity to vote by absentee ballot in advance of the election;

(ii) The opportunity to have the appropriate absentee ballot delivered to an accessible polling place where he may vote it and, while maintaining the secrecy of the ballot, to have it be returned to and counted at his polling place or counting center;

(iii) The opportunity to have his ballot delivered from his regular polling place to him in his vehicle ~~there~~ at curbside, and when voted, while maintaining the secrecy of the ballot, to have it picked up and returned to the polling place to be deposited in the ballot box ~~to be counted there~~;

(iv) The opportunity to vote in an accessible polling place on an accessible voting system properly programmed for his correct precinct;

(v) The opportunity to vote ~~on the appropriate candidates and~~ his ballot ~~issues~~ by other reasonable means in ~~an~~ any accessible location as may be available in the County.

(b) Curbside Voting.

(i) Curbside voting can only take place at polling places with a minimum of four judges.

(ii) Curbside voting is a procedure whereby two election judges leave the polling place and deliver a ballot to a person in a vehicle which is parked near the entrance to the polling place.

(iii) Two election judges, of different political parties if possible, once notified of the need for curbside assistance, will determine if a voter is registered to vote in that precinct. If the voter is currently registered, his name will be marked on the poll book/poll list, and the correct ballot will be delivered to the voter in a secrecy sleeve. If the voter is not registered or if a change needs to be made to the voter registration information, the two election judges will deliver a voter registration/change card to the voter for completion prior to providing a ballot to the voter.

(iv) The election judges will provide proper instructions to the voter, along with an appropriate marking device.

(v) After the ballot is voted, the election judges will instruct the voter to insert the ballot into the secrecy sleeve and then give the secrecy sleeve with the ballot to the two election judges who will take the ballot into the polling place.

(vi) The voter will be given the option to wait until the ballot is inserted into the optical scan machine or other voting machine.

(vii) The two election judges will insert the ballot into the optical scan machine or other voting machine provided at the polling place.

(viii) Any errors on the ballot, such as under or over votes, shall be noted by the two election judges. These judges shall return to the voter, if waiting, and inform him of the errors and provide an opportunity, if the voter so desires, to change or correct the ballot.

Section 6. Maintenance of the Confidentiality of Ballots Voted as Above.

A ballot voted in other than the voter's precinct of residence, because of accommodation made pursuant to this Chapter, shall be kept confidential. It shall be counted in the proper precinct and the vote reported with the results from that precinct.

Wyoming Secretary of State
Rules for Optical Scan Voting Machines

CHAPTER 8

Section 1. **Authority.**

The Secretary of State, pursuant to W.S. 22-2-121, is authorized to promulgate such rules as are necessary to maintain uniform voting, vote counting procedures and orderly voting and to comply with the requirements of the Help America Vote Act of 2002 (HAVA), Public Law 107-252.

Section 2. **Purpose.**

These rules are promulgated to establish standards and procedures for the preparation, testing and sealing of the optical scan voting machines.

Section 3. **Applicability.**

These rules apply to all local election officials with responsibilities as designated in W.S. 22-8-101, *et seq.*

Section 4. **Optical Scan Voting Machines.**

(a) Optical scan voting machines allow a voter to record his vote by marking a paper ballot. The marked ballot runs through an electronic scanner in the machine which reads the marks and records the votes. The voting machine uses a removable memory card programmed to read the marked ballots and tabulate the results.

(b) For write-in instructions, see Chapter 19 Rules for Write-Ins.

(c) All machines, including backup machines and central count machines, must be tested in accordance with statutes and these rules.

Section 5. **Optical Scan Ballots.**

(a) Ballots to be read by the optical scan machine must be printed on paper stock approved or recommended by the optical scan machine manufacturer **or printed by a qualified printer approved by the manufacturer of the optical scan machine.**

~~(b) Ballots to be read by the optical scan machine must be printed by a qualified printer approved by the manufacturer of the optical scan machine.~~

~~(e)~~(b) Upon receipt of ballots from the printer, the County Clerk must check ballots for **general** accuracy, ~~for rotation, for correct title, for correct precinct and splits, for spelling, for office terms and for the “vote for” language.~~

~~(d)~~(c) Ballots must be housed in a secure location with limited access. The County Clerk will prevent unauthorized access to official election ballots.

~~(e)~~(d) Ballots will be counted and recorded on a written inventory:

- (i) When delivered from the printer;
- (ii) As they are used for test decks and absentee voting; and
- (iii) As they are sent to the polls.

~~(d)~~(e) The election judges shall count and record on a written inventory the number of ballots received, spoiled and voted at the polling place. The polling place inventory shall be delivered to the County Clerk following the election.

Section 6. Preparation, Testing, and Sealing and Certification of Optical Scan Voting Machines.

(a) Testing and sealing of the optical scan machines may begin after the official ballots are received from the printer.

(i) **Preparation.**

(A) The memory cards will be programmed so the machines will function as follows:

- (I) Blank ballots are returned to the voter for action.
- (II) Over voted ballots are returned to the voter for action.
- (III) If the voter under voted a race or races, the ballot will not be returned to the voter, but will be automatically accepted by the machine.
- (IV) Write-in votes on any ballot will cause the ballot to be sorted to a write-in collection bin.

(B) Test decks shall be prepared using official ballots for the election. The test deck can be produced manually by the County Clerk or by a qualified vendor. Test decks are defined as pre-marked optical-scan ballots marked in a manner that will test whether:

(I) Each proposal or candidate can receive votes.

(II) Marked selections are attributed to the correct choice.

(III) The machine correctly registers a non vote.

(IV) The machine does not count an over vote.

(V) Properly voted ballots are accurately counted.

(VI) The machine is properly programmed to handle ballots according to rules.

(C) The prepared test decks will be manually tabulated and recorded on a test deck comparative sheet. The manual results will be compared with the results generated by the optical scan machine.

(D) Logic and accuracy testing, as required by the optical scan machine manufacturer, shall be conducted.

(ii) **Testing.**

(A) **Public Test.** The County Clerk shall notify in writing, as specified in W.S. 22-10-108, the chairman of each political party informing them of the date, time, and place for testing the voting machines. The political party representatives and representatives of independent candidates may be present at the testing of the voting machines. Other witnesses may also be present.

(B) The test decks will be run through each machine to be used in the election.

(I) When a blank ballot or over voted ballot is rejected by the machine and returned to the voter for action, the over ride button should be pressed to accept the ballot. The action should appear on the audit tape showing an over voted or blank ballot was accepted.

(C) After all ballots have been inserted, testers will close the polls and request a results tape.

(I) The results on the results tape are compared to the manual tabulation on the test deck comparative sheet. The results tape of the test will verify that the test started with zero ballots recorded in the machine and that the results match the comparative sheet.

(II) Each machine ~~The~~ testing certificate shall be signed by the County Clerk and representatives of each major political party, if any, that are present for the public test ~~(as directed by W.S. 22-10-109)~~ and kept on file in the County Clerk's Office for a minimum of 22 months or until any election contest affected by the ballots has been terminated.

(III) The County Clerk may require all witnesses to the public test to sign an attendance sheet that attests to their presence and witnessing of the testing of the voting systems equipment.

(D) After the test is completed, ~~t~~The machine must be reset to zero and a tape run to display zero ballots or votes in the machine memory.

(E) If any machine displays discrepancies that cannot be resolved, that particular machine shall be replaced or fixed before it is used in an election. No certificate of testing will be issued for the machine until it has successfully passed testing with public witnesses.

(iii) **Sealing.**

(A) At the conclusion of a successful public test, the optical-scan machine will be sealed by the County Clerk with the memory card in place and in the presence of the political party representatives, if any. Alternatively, the tested memory cards can be sealed separately from the optical-scan machine. The County Clerk and representatives of each major political party, if any, that are present for the public test ~~(as directed by W.S. 22-10-109)~~ shall sign a certification listing the seal number of the machine or the memory card and attesting to the sealing which shall be kept on file in the County Clerk's office for a minimum of 22 months or until any election contest affected by the ballots has been terminated.

(iv) **Certification to the Secretary of State.**

The County Clerk shall attest in writing to the Secretary of State that the optical-scan machines have been publicly tested and are ready for the election.

(v) **Records.**

(A) All test decks, comparative sheets, results tapes and signed testing documents and certifications shall be secured and kept on file in the County Clerk's Office for a minimum of 22 months or until any election contest affected by the ballots has been terminated.

Section 7. Inventory, Security and Maintenance of Optical Scan Machines.

(a) The County Clerk shall be diligent in maintaining security of the machines.

(i) **Inventory.**

(A) All optical scan machines have a serial number that shall be recorded and kept on file in the County Clerk's Office. Serial numbers shall be provided to the Secretary of State upon request. The serial number record shall be updated immediately when equipment is replaced or added. Equipment purchased with HAVA funds shall be identified as such. All equipment must be certified as being HAVA compliant.

(ii) **Security.**

(A) All keys and peripherals to the machines shall be maintained in a secure location in the County Clerk's possession.

(B) All equipment shall be stored in a secured area that meets manufacturer's environmental specifications. Access shall be controlled and limited to authorized personnel.

(C) The County Clerk is responsible for the location of all optical scan machines.

(iii) **Maintenance.**

(A) County Clerks shall insure the optical scan machines are routinely maintained.

Wyoming Secretary of State
Rules for Direct Recording Electronic Devices

CHAPTER 9

Section 1. **Authority.**

The Secretary of State, pursuant to W.S. 22-2-121, is authorized to promulgate such rules as are necessary to maintain uniform voting, vote counting procedures and orderly voting and to comply with the requirements of the Help America Vote Act of 2002 (HAVA), Public Law 107-252.

Section 2. **Purpose.**

These rules are promulgated to establish standards and procedures for direct recording electronic devices.

Section 3. **Applicability.**

These rules apply to the use of direct recording electronic devices (DREs) by voters and to all election officials with responsibilities as designated in W.S. 22-8-101, *et seq.*

Section 4. **Direct Recording Electronic Device.**

(a) The direct recording electronic device allows a voter to record his vote by making choices on a ballot displayed on a screen commonly referred to as a touch screen. The voter touches the screen to make his selections which are then recorded on redundant memory devices, one of which has an internal hard drive and the other which has a removable memory card.

(b) For write-in instructions, see Chapter 19, Rules for Write-Ins.

(c) At the close of the polls, the election judges shall close out voting and print the results from the DRE, using the procedures established by the equipment manufacturer and the County Clerk. The DRE results contain the vote totals for each candidate, write-in candidates, ballot issues, and other election and precinct information.

Section 5. **Preparation, Testing, Sealing and Certification of DREs.**

(a) Preparation and testing of the DRE units may begin after the official ballot has been programmed, proofed, and the visual and audio databases are accepted by the County Clerk.

(i) **Preparation.**

(A) **Memory Cards.** One memory card shall be created from the accepted database for each DRE to be used in the election. A master memory card shall be created and secured by the County Clerk.

(B) **Voter Access Cards.** All voter access cards shall be cleared prior to use in testing or the election. All access cards used for testing shall be cleared prior to election day.

(ii) **Testing.**

(A) **Voter Verified Paper Audit Trail (VVPAT).** The VVPAT printer shall be tested according to manufacturer requirements and procedures established by the County Clerk. Each printer module shall be supplied with a fresh roll of paper following testing and prior to election day.

(B) **Public Test.** The County Clerk shall notify in writing, as specified in W.S. 22-10-108, the chairman of each political party and all independent candidates informing them of the date, time, and place for testing the voting machines. The political party representatives and representatives of independent candidates may be present at the testing of the voting machines. Other witnesses may also be present.

(C) Voting machines shall be tested for the following:

(I) Affirmation that a voter can change his candidate choice before casting his vote;

(II) Affirmation that a voter cannot over vote;

(III) Affirmation that votes are accurately counted;

(IV) Affirmation that the VVPAT prints a record for each vote cast;

(V) Affirmation that a hard copy of the image of each vote cast by a voter can be created, independent of the VVPAT record; and

(VI) Affirmation that the audio is clearly recorded, understandable, and usable with the touch pad.

(iii) **Sealing and Securing the DREs.** Following the public test and prior to dispatching the DREs to the polling locations, the following inventory and security precautions shall be taken:

(A) The serial number of the DRE shall be listed on the inventory.

(B) The number of the seal on the memory card access door shall be noted on the inventory and testing certificate.

(C) The memory card access door shall be locked and sealed with a pre-numbered, non removable seal.

~~(D) The number of the seal of the memory card access door shall be noted on the testing certificate.~~

~~(E)~~ (D) The DRE's counter shall be set to zero (0000) and noted on the testing certificate.

~~(F)~~ (E) Each machine ~~The~~ testing certificate shall be signed by the County Clerk and representatives of each major political party, if any, that are present for the public test ~~(as directed by W.S. 22-10-109)~~ and kept on file in the County Clerk's Office for a minimum of 22 months or until any election contest affected by the ballots has been terminated.

~~(G)~~ (F) The County Clerk may require all witnesses to the public test to sign an attendance sheet that attests to their presence and witnessing of the testing of the voting systems equipment.

~~(H)~~ (G) The ~~power switch~~ access door to the memory card shall be sealed with a pre-numbered, non removable seal that shall only be removed by the election judges on election day at the time the DRE is activated for voting.

(H) All DREs shall be stored in a secure facility, meeting manufacturer's specifications, with controlled access to only authorized personnel.

Section 6. Election Day Procedures.

~~(H)~~(a) On election day, the election judges shall ensure the VVPAT is properly connected to the DRE and then seal the printer canister with a pre-numbered seal. The seal number shall be noted for security purposes.

~~(H)~~(b) When a VVPAT paper roll requires replacing on election day, two election judges, from different political parties, shall replace the printer canister and paper roll and seal the printer canister as specified above. If a printer canister ~~is~~ is not available, the paper roll may be removed from the canister and sealed in an envelope or other secure container as specified by the County Clerk. The judges shall note the number of the seal used to secure the paper roll.

~~(K)~~(c) All sealed printer canisters, paper rolls, and documentation shall be returned to the County Clerk's Office according to the procedures.

Section 7. ~~(iv)~~ **Certification to the Secretary of State.**

The County Clerk shall attest in writing to the Secretary of State that the DRE devices have been publicly tested and are ready for the election.

Section ~~6~~8. **Inventory and Security of the DREs.**

(a) **Inventory.**

(i) All DRE machines and memory cards have a serial number that shall be recorded and kept on file in the County Clerk's Office. Serial numbers shall be provided to the Secretary of State upon request. The serial number record shall be updated immediately when equipment is replaced or added. Equipment purchased with HAVA funds shall be identified as such. All equipment must be certified as being HAVA compliant.

(b) **Security.**

(i) The County Clerk shall be diligent in maintaining security of the machines.

(ii) All equipment shall be stored in a secure facility, meeting manufacturer's specifications, with controlled access to only authorized personnel.

Section ~~7~~9. **Supplies.**

(a) Fresh rolls of paper, printer canisters, and pre-numbered seals shall be supplied with each VVPAT. The County Clerk shall determine the appropriate number of each to be supplied.

Wyoming Secretary of State
Rules for AutoMARKS

CHAPTER 10

Section 1. **Authority.**

The Secretary of State, pursuant to W.S. 22-2-121, is authorized to promulgate such rules as are necessary to maintain uniform voting, vote counting procedures and orderly voting and to comply with the requirement of the Help America Vote Act of 2002 (HAVA), Public law 107-252.

Section 2. **Purpose.**

These rules are promulgated to establish standards and procedures for AutoMARK devices.

Section 3. **Applicability.**

These rules apply to the use of AutoMARK devices by voters and to all election officials with responsibilities as designated in W.S. 22-8-101, *et seq.*

Section 4. **AutoMARK.**

(a) The AutoMARK device allows a voter to mark his ballot by inserting the paper ballot into the AutoMARK device, which in turn displays the ballot on a screen, commonly referred to as a touch screen. The voter makes his selection by touching the screen or navigation and entry buttons. The selections are then marked on the ballot. The marked ballot is then returned to the voter to be placed in the M100 tabulator.

(b) For write-in instructions, see Chapter 19, Rules for Write-Ins.

(c) Once the marked ballot is returned from the AutoMARK, the voter then places it in the M100 to be tabulated with all other ballots.

Section 5. **Preparation ~~and~~ Testing ~~and Certification~~.**

(a) Preparation and testing of the AutoMARK units may begin after the official ballot has been programmed, proofed, and the visual and audio databases are accepted by the County Clerk.

(i) **Preparation.**

(A) **Memory Cards.** One memory card, or flash card, shall be created from the accepted ballot database for each AutoMARK to be used in the election.

(ii) **Testing.**

(A) **Public Test.** The County Clerk shall notify in writing, as specified in W.S. 22-10-108, the chairman of each political party and all independent candidates informing them of the date, time, and place for testing the voting machines. The political party representatives and representatives of independent candidates may be present at the testing of the voting machines. Other witnesses may also be present.

(B) AutoMARK devices shall be tested as follows:

(I) Affirmation that the voter can change his candidate choice before marking his ballot;

(II) Affirmation that a voter cannot over vote;

(III) Affirmation that the ballot is accurately marked;

(IV) Affirmation that the audio is clearly recorded, understandable, and usable with the touch pad; and

(V) Affirmation that the ballot marked by the AutoMARK is accurately read by the ballot tabulating machine.

~~(iii) **Certification to the Secretary of State.**~~

~~_____The County Clerk shall attest in writing to the Secretary of State that the AutoMARK devices have been publicly tested and are ready for the election.~~

Section 6. **Inventory and Security of AutoMARKs.**

(a) **Sealing the AutoMARKs.** Following the public test and prior to the dispatching of the AutoMARKs to the polling locations, the following inventory and security precautions shall be taken:

(i) **Inventory.**

(A) All AutoMARKS have a serial number that shall be recorded and kept on file in the County Clerk's Office. Serial numbers shall be provided to the Secretary of State upon request. The serial number record shall be updated immediately when equipment is replaced or added. Equipment purchased with HAVA

funds shall be identified as such. All equipment must be certified as being HAVA compliant.

~~(B) The number of the seal on the memory card access door shall be noted on the testing certificate.~~

~~(ii)~~ (b) **Security.**

~~(A)~~ (i) The memory card access door shall be locked and sealed with a pre-numbered, non removable seal.

~~(B)~~ (ii) The number of the seal of the memory card access door shall be noted on the testing certificate.

~~(C)~~ (iii) Each machine ~~The~~ testing certificate shall be signed by the County Clerk and representatives of each major political party, if any, that are present for the public test ~~(as directed by W.S. 22-10-109)~~ and kept on file in the County Clerk's Office for a minimum of 22 months or until any election contest affected by the ballots has been terminated.

~~(D)~~ (iv) The County Clerk may require all witnesses to the public test to sign an attendance sheet that attests to their presence and witnessing of the testing of the voting systems equipment.

~~(E)~~ (v) All documentation of incidents occurring with the AutoMARK shall be returned to the County Clerk's Office according to the procedures.

~~(F)~~ (vi) AutoMARKs shall be stored in a secure facility, meeting manufacturer's specifications, with controlled access to only authorized personnel.

Section 7. Certification to the Secretary of State.

The County Clerk shall attest in writing to the Secretary of State that the AutoMARK devices have been publicly tested and are ready for the election.

Section ~~7~~ 8. **Supplies.**

(a) Fresh printer cartridges and pre-numbered seals shall be supplied with each AutoMARK. The County Clerk shall determine the appropriate number of each to be supplied.

Wyoming Secretary of State
Rules for Certification of Voting Equipment

CHAPTER 12

Section 1. **Authority.**

The Secretary of State, pursuant to W.S. 22-2-121, is authorized to promulgate such rules as are necessary to maintain uniform voting and vote counting procedures and orderly voting and to comply with the requirements of the Help America Vote Act of 2002 (HAVA), Public Law 107-252.

Section 2. **Purpose.**

These rules are promulgated to establish procedures for certification of electronic voting equipment.

Section 3. **Applicability.**

These rules apply to all electronic voting equipment used in Wyoming for federal or state elections.

Section 4. **Application for Certification of Voting Equipment.**

(a) Before any equipment or software is sold or upgraded, the vendor shall certify in writing to the Wyoming Secretary of State that the equipment or software:

(i) Meets ~~the~~ Federal Voting Systems Performance and Test Standards, ~~as adopted by the National Association of State Election Directors (NASED) April 30, 2002. The vendor shall include a~~ The report ~~of~~ from an accredited Independent ~~t~~ Testing ~~a~~ Authority (ITA), together with ~~the NASED or the Election Assistance Commission (EAC) certification number, certifying that the system is in compliance with the federal standards shall be submitted with the application for examination;~~ and

(ii) Has been tested, used and certified under standards separately adopted and implemented in at least two (2) states for use in federal elections in those states.

(b) The vendor shall provide the following documentation of the certification and testing in (a) above:

(i) Verified statement that the equipment or software meets federal law;

- (ii) Verified statement that the equipment or software meets state law;
- (iii) Verified statements from various other states certifying that the equipment has been tested and certified under standards adopted by those states for certification of election equipment.

(c) Upon written request by the Secretary of State, the vendor shall submit the report from an ~~accredited Independent Testing Authority (ITA)~~ certifying that the system is in compliance with the voting systems standards, as required by (a)(i) above. This report is a third party document and shall not be released by the Secretary of State, but will be deemed confidential.

(d) Vendors shall also provide the following as part of the certification process:

- (i) All related manuals, including, but not limited to, technical manuals for repair and maintenance for the equipment or software, operations manuals for election officials, printer manuals for ballot production, and all other written documents prepared by the vendor that describe the operation, use, and maintenance of the equipment and software;

- (ii) A current description of all related support arrangements for the equipment or software to be provided in Wyoming;

- (iii) A list of applicable patents and copyrights on the equipment or software;

- (iv) A history of the equipment, including a complete description of the equipment or software, the date the equipment or software went into production, and a complete list of jurisdictions which have used the equipment or software;

- (v) A list of any written complaints or concerns made to the vendor by other jurisdictions including a description of the resolution of the complaints or concerns; and

- (vi) An escrow account containing the source codes for the system and/or system components requested for certification.

Section 5. Grounds for Denial or Withdrawal of Certification of Voting Equipment.

(a) The Secretary of State may deny or withdraw the certification of equipment or software for the following reasons:

(i) A County Clerk notifies the Secretary of State of a significant problem with the equipment or software or the Secretary of State determines there is a significant problem with the equipment;

(ii) The Secretary of State determines that the equipment fails to meet the requirements necessary for approval or continued compliance;

(iii) The Secretary of State determines there is a need for significant enhancements or adjustments to the equipment hardware or software;

(iv) The vendor fails to notify the Secretary of State of significant enhancements or adjustments which are necessary to the equipment or software;

(v) The vendor fails to submit the equipment for re-examination by ITA or EAC upon written request by the Secretary of State;

(vi) The equipment does not produce accurate results and reports as required by law;

(vii) Changes are made in the equipment that do not comply with the requirements for certification; or

(viii) The equipment is no longer used by any County in Wyoming or is no longer available for purchase or repair from the company.

Section 6. Procedure for Withdrawal of Certification of Voting Equipment.

(a) At any time after the certification of equipment, the Secretary of State may withdraw such certification by complying with the following procedures:

(i) Written notice of the grounds for possible withdrawal is given to the vendor. Such notice shall include the following information:

(A) The reason(s) for possible withdrawal of certification; and

(B) The date upon which certification may be withdrawn.

(ii) The vendor shall have thirty (30) days to respond to the notice of grounds for withdrawal of certification. The vendor's response shall contain one or more of the following:

(A) A description of the corrective measures taken;

(B) An explanation as to why the problem is not significant and the reason corrective measures do not need to be taken; or

(C) An explanation as to why there is no problem with the equipment.

(iii) After receiving the vendor's response, the Secretary of State shall determine whether:

(A) The vendor's corrective measures are satisfactory;

(B) The explanations offered are satisfactory;

(C) Further explanation is necessary; or

(D) Withdrawal of certification is required.

(iv) The Secretary of State shall notify the vendor and counties of ~~its~~ his decision in writing within five (5) business days after ~~it makes its~~ making his determination.

(b) If the Secretary of State determines that use of the equipment or software in question could jeopardize an election, the Secretary of State may enter an emergency order immediately rescinding certification.

Section 7. **Upgrades and Modifications in Equipment and Software.**

The vendor shall notify the Secretary of State in writing of all planned upgrades, patches, and modifications to the equipment. No upgrades, patches, or modifications shall be applied without written approval by the Secretary of State.

Section 8. **Purchasing New Equipment.**

(a) Any new equipment or software that is purchased by either the State or County must be certified pursuant to these rules. All systems, equipment and services sold by any vendor must be tested and certified under the standards provided by HAVA and ~~NASED~~/EAC, warranted to meet the requirements of HAVA for future federal elections, and acknowledged to have been tested and certified under standards separately adopted and implemented in various states for use in future elections in those states.

(b) Any updates, patches or add-ons offered to the State or County shall also be certified by the vendor to meet the standards set out in these rules.

(c) In order to facilitate compliance with HAVA and State election laws, no County shall purchase any new equipment, trade old equipment for new equipment, or install any updates, patches or add-ons without the prior written notification to the Secretary of State.

(d) Counties must keep an inventory of all equipment and must keep track of all items purchased with HAVA funds, including items that were purchased with HAVA funds and later traded.

(e) Counties shall verify on a form, provided by the Secretary of State, the serial numbers of all equipment ~~that is being~~ used in the County to conduct a federal election. Counties shall keep a copy of the form and shall mail the original to the Secretary of State. This form shall be updated within two (2) weeks of the purchase, trade or installation of any new equipment, or immediately if purchased within two (2) weeks prior to an election.

Wyoming Secretary of State
Rules for Polling Places

CHAPTER 14

Section 1. **Authority.**

The Secretary of State, pursuant to W.S. 22-2-121, is authorized to promulgate such rules as are necessary to maintain uniform voting procedures, to maintain orderly voting and to comply with the requirements of the Help America Vote Act of 2002 (HAVA), Public Law 107-252.

Section 2. **Purpose.**

These rules are promulgated to establish standards and procedures for polling places, judges of election and counting boards and poll watchers, in accordance with W.S. 22-8-101, *et seq.*

Section 3. **Applicability.**

These rules apply to all local election officials with responsibilities as designated in W.S. 22-8-101, *et seq.*

Section 4. **Prior To Polls Opening.**

(a) Care shall be taken to ensure the security of the equipment and materials en route to the polling place and at the polling place prior to the opening of the polls. Judges shall be trained to recheck security measures prior to the opening of the polls.

(b) Election judges shall inventory ballots delivered pursuant to W.S. 22-12-108, and the total shall be marked in the poll book.

Section 5. **During Polling Hours.**

(a) Errors or problems with the voting equipment shall be reported by the election judges to the County Clerk's Office, who shall report pertinent issues to the Secretary of State as soon as possible, including but not limited to, any problem that could affect vote totals, any accessibility problems, or any issue that could disenfranchise voters.

(b) In precincts where absentee ballots are counted at the polls, a sign shall be posted to alert voters that [election](#) judges may be entering absentee ballots in the machine while other voters are in the polling area. If the [County](#) Clerk has directed the [election](#) judges to process the absentee ballots after the polls close, this shall be done immediately upon closing of the polls.

(c) Poll watchers from each party are allowed at the polling area if the County Clerk has previously been notified of the name of the poll watcher and the polling area. Election judges shall be trained by the County Clerk on poll watchers' duties prior to election day. Poll watchers are responsible for bringing their own tables and chairs to the polling area, and can sit near, but not at the same table as the election judges. No one other than the election judges may ask voters questions. The voter's name should be said loud enough for the poll watcher to hear.

(d) In the event a precinct runs out of ballots and the County does not have a ballot on demand printer, the County Clerk shall supply the precinct with copies of the ballot to serve as emergency ballots. Voted emergency ballots shall be placed in the emergency bin and the votes shall be counted by hand by the election judges and tallied in the poll book.

(e) If the bin is full, election judges may ~~“re-open” the polls~~ open the bin to rearrange the ballots. Should the bin be too full to sufficiently rearrange the ballots, two election judges from different political parties, if available, may remove ballots to a secure container. The election judges shall fill out, sign, date and time stamp a form stating that the ballots were removed. The secure container shall be returned to the County Clerk's Office with all other ballots.

Section 6. **Re-Opening The Polls.**

(a) The terms “opening of polls,” “closing of polls,” and “re-opening of polls” refer to activating (turning on and off) the electronic voting machines, and the terms are not intended to refer or relate to the opening or closing of the physical polling place.

(b) There may be conditions when it is necessary for an election judge to “Re-Open Polls” on machines ~~after the polls have been “closed” on the machines~~. At the direction of the County Clerk and in the presence of two (2) or more election judges with different political party affiliations, if available, the polls may be “re-opened” only under the following conditions and procedures:

(i) Election judges must provide notice to voters present at polls if required to turn machines off and on during Election Day for any reason.

(ii) If election judges find ballots in the emergency bin or discover other non-counted ballots after the machines have been set to “Close Polls,” they must call the County Clerk and report it immediately.

(iii) County Clerks can instruct election judges to “re-open the polls” if the County Clerk determines that is best procedure, or the County Clerk can require the non-counted ballots be submitted to the County Canvassing Board to process.

(iv) Election judges must sign all statements printed on the machine tapes that are printed by the machines when a machine is activated, i.e., “opened” or “closed.”

(v) In the event election judges re-open polls, they will provide a written statement of events for review by the [County Canvassing](#) Board.

Wyoming Secretary of State
Rules for Election Results to the Secretary of State's Office

CHAPTER 15

Section 1. **Authority.**

The Secretary of State, pursuant to W.S. 22-2-121, is authorized to promulgate such rules as are necessary to maintain uniform voting and vote counting procedures and orderly voting and to comply with the requirements of the Help America Vote Act of 2002 (HAVA), Public Law 107-252.

Section 2. **Purpose.**

These rules are promulgated to establish standards and procedures for sending official and unofficial election reports to the Secretary of State's Office, in accordance with W.S. 22-8-101, *et seq.*

Section 3. **Applicability.**

These rules apply to all local election officials with responsibilities as designated in W.S. 22-8-101, *et seq.*

Section 4. **Election Night Results.**

(a) The County Clerk shall immediately submit unofficial results as prescribed by the Secretary of State's Office, including:

- (i) The precinct-by-precinct results;
- (ii) Over and under votes;
- (iii) Write-in vote totals; and either
- (iv) Total ballots cast by party for the Primary Election; or
- (v) Total ballots cast for the General Election.

(b) Results shall be submitted no later than 10:30 p.m. on election night, unless the County Clerk contacts the Secretary of State prior to 10:30 p.m. and a mutually agreeable alternative time is determined.

Section 5. **Following the Canvassing Board Meeting.**

(a) The County Clerk shall immediately submit official results via email as prescribed by to the Secretary of State's Office, using the report forms as designated by the Secretary of State. ~~This~~ These shall include:

- (i) The precinct-by-precinct results;
- (ii) Over and under votes;
- (iii) Write-in vote totals;
- (iv) Applicable ~~W~~-write-in ~~names~~ spreadsheet/information that could have affected the outcome of the races of interest to the Secretary of State;
- (v) ~~How many~~ Number of provisional ~~votes were~~ ballots received;
- (vi) ~~How many~~ Number of provisional ~~votes were~~ ballots counted; ~~and~~
- (vii) Reasons for rejection of provisional ~~votes~~ ballots;
- (viii) Total ballots cast;
- (ix) Total ballots cast by precinct;
- (x) Provisional ballot spreadsheet; and
- (xi) Any other information deemed necessary to complete the State

Canvass.

(b) The official canvass reports shall be signed by the County Canvassing Board.

(c) ~~The certified copy of the County abstract shall be electronically submitted. Official results shall be sent to the Secretary of State's Office immediately after canvassing via overnight delivery using Federal Express. If a county does not have access to Federal Express, results shall be sent using United States Postal Service (USPS) Express Mail. If neither overnight service is available, the county clerk shall request approval from the secretary of state to use an alternate overnight delivery system. All deliveries shall include the name and phone number of the contact person. The County Clerk may either send the original certified results or send an email stating that the unofficial election results previously submitted to the Secretary of State's Office were not changed by the County Canvassing Board and are the official certified results. Such emails must be accompanied by a scanned copy of the certification page showing proper signatures.~~

Section 6. **Emergency Procedures.**

The Secretary of State's Office shall have a written procedure on alternative ways to report the unofficial and official results should it be impossible to report in the normal method.

Section 7. **Recount.**

When a County Clerk conducts a retabulation following an election, such retabulation may constitute a recount pursuant to W.S. 22-16-109(b).

Wyoming Secretary of State
Rules for Voter Registration

CHAPTER 16

Section 1. **Authority.**

The Secretary of State, pursuant to W.S. 22-2-121, is authorized to promulgate such rules as are necessary to maintain uniform voting, to maintain orderly voting and to comply with the requirements of the Help America Vote Act of 2002 (HAVA), Public Law 107-252 and the Military and Overseas Voter Empowerment Act of 2009 (MOVE). Section 303 of HAVA requires the use of a statewide voter registration system to serve as the single system for storing and managing the official list of registered voters throughout the State. The statewide voter registration system shall be designated the statewide voter registration system and shall be used by all counties for the conduct of all federal and statewide elections for full compliance with HAVA and MOVE.

Section 2. **Purpose.**

These rules are promulgated to establish standards and procedures for voter registration.

Section 3. **Applicability.**

These rules apply to all voters and local election officials with responsibilities as designated in W.S. 22-8-101, *et seq.*

Section 4. **Completion of Voter Registration Application.**

(a) **Party Affiliation.** Voters must select one of the currently recognized political parties or select “unaffiliated” on the voter registration (VR) application. If a recognized party loses status, the affiliation of the voter will remain in the voter registration database, but will appear as unaffiliated on all reports unless the voter formally changes his affiliation to a currently recognized party.

(b) The ~~uniform~~ statewide voter registration application form will be prescribed by the Secretary of State and can be found on-line. This form ~~may be filled in on-line or printed and filled in prior to signing, but it shall only~~ must be signed in front of a registry agent.

Section 5. **Voter Registration Drives.**

(a) County Clerks may not accept batches of voter registration applications. An individual must submit his voter registration application in person or by mail, and

said application must comply with the requirements of W.S. 22-3-103.

(b) County Clerks may not conduct voter registration drives except in a public area that is owned or occupied by a political subdivision or governmental institution, agency, or entity.

(c) All copies of identification submitted in accordance with W.S. 22-3-117(a) and 22-3-118(c) shall be attached to the voter registration application and shall be kept confidential in accordance with other voter registration information. All copies shall be retained for no less than twenty-four (24) months, or until a voter votes in person and presents identification at the polls, after which said documents can be destroyed.

Section 6. **Adding a Voter to the Voter Registration System.**

(a) All counties shall enter election day voter registration applications into the statewide voter registration system not later than thirty (30) calendar days following any election held under W.S. 22-2-101. The Secretary of State may allow a five (5) calendar day extension if requested in writing by the County Clerk stating the reason for the necessity of an extension.

~~(a)~~ (b) In order to preserve historical data on voters, when a voter exists in the statewide voter registration system, whether active or inactive, County Clerks shall not create a new/duplicate record when registering the voter. Instead, County Clerks must update the current active record or reactivate the existing inactive record.

~~(b)~~ (c) The County Clerk shall process all potential duplicate voter records prior to conducting absentee voting in any federal or statewide election by:

(i) Marking in the statewide voter registration system the duplicate voting records as not a match; or

(ii) Merging the duplicate voting records in the statewide voter registration system that are a match.

Section 7. **Cancelling a Voter Registration.**

When the County Clerk has information that a registration should be cancelled, he shall mail a notice to cancel pursuant to W.S. 22-3-116. The notice shall state that the cancellation shall occur within twenty (20) days from the date the notice was mailed unless the elector asks that his name remain on the registry list. A felon who requests to remain on the list must provide proof that he is a qualified elector.

Section 8. Access to Voter Registration System.

(a) Counties are required to access the statewide voter registration system only from approved locations. Any connection from a source that is not approved is a

violation of the user access documents signed by all users of the system and could jeopardize the security of the HAVA-compliant statewide voter registration system.

(b) Approved locations are limited to the County Clerk's Office, unless:

(i) The County Clerk requests permission in writing for remote access;

(ii) The County Clerk certifies that the remote access meets the following criteria:

(A) The connection between the remote site and the County Clerk's Office must be through a secure Virtual Private Network (VPN) connection; and

(B) The VPN connection must be based on one of the following technologies:

(I) IPsec (Internet Protocol Security);

(II) L2TP (layer 2 tunneling protocol); or

(III) SSL (Secure Sockets Layer); and

(C) The computer used from the remote location must have current anti-virus software installed; and

(D) The computer must be in compliance with the County's standard security practices.

(c) The County Clerk must provide written assurance to the Secretary of State's Office of compliance with these policies.

Wyoming Secretary of State
Rules for Candidates

CHAPTER 18

Section 1. **Authority.**

The Secretary of State, pursuant to W.S. 22-2-121, is authorized to promulgate such rules as are necessary to maintain uniform voting procedures and orderly voting.

Section 2. **Purpose.**

These rules are promulgated to establish procedures for candidates filing for office.

Section 3. **Applicability.**

These rules apply to all candidates whose names appear on a ballot of an election administered by a County Clerk.

Section 4. **Campaign Requirements.**

(a) Candidates are required to file in specific filing offices. At the time of filing, candidates are to be provided with ~~the following~~ [information regarding how to access the following items](#) ~~and time-line requirements:~~

(i) ~~A copy of the candidate e~~ [Campaign guide](#); ~~and~~

(ii) ~~Receipts reporting form; and~~ [Information on campaign finance disclosure reports.](#)

~~(ii) — Receipts and Expenditures reporting form.~~

(b) The candidate filing period closes at 5 p.m. on the last day of the filing period.

Section 5. **Candidate Withdrawal.**

(a) These rules apply to all candidates whose name appears on the ballot of an election administered by a County Clerk and are to be used when a candidate withdraws from an election.

(b) Upon receipt of written and signed notification by a candidate of his intention to withdraw from a race, a candidate's name will be removed from the ballot. If the ballot has been finalized and approved for printing prior to notification, the County

Clerk will prominently post a notice at each polling place declaring the withdrawal. The notice shall state the full name of the candidate as it is printed on the ballot, the office the candidate was seeking, and all other pertinent information the [County](#) Clerk deems helpful to the voters. If the withdrawal notice is received by a filing office other than the County Clerk, a copy of the withdrawal will be immediately transferred to the County Clerk conducting the election.

(c) Prior to election day, but during absentee voting, the notice shall be posted in a prominent location at all absentee voting locations so it is easily visible to all absentee voters. A withdrawal notice shall be included with all absentee ballots mailed to voters [effective from the day of formal notice of withdrawal to the end of the absentee balloting process](#).

(d) If time allows, notice should be provided with the publication of the sample ballots and polling place information.

(e) Once a candidate has withdrawn his name from the election, he may not subsequently change his mind and request his name be placed on the ballot. If the ~~nomination period~~ [time for filing nomination applications](#) has not yet closed, a candidate who has withdrawn may file another application.

Section 6. **Candidate Name.**

(a) A candidate is required to use his full name on his application for nomination or election. Fictitious or pseudo names will not be allowed. The Secretary of State or a County Clerk may ask for verification of name at time of filing. A candidate may not change his name after the application period for nomination or election has closed.

(b) A candidate may not change the ballot name he used on his application between the Primary, ~~and~~ General [and Special](#) Election. For example, because of the confusion it could cause the voter, a person who marries or divorces between the Primary, ~~and~~ General [and Special](#) Election will not be permitted to change his ballot name on the ballot.

Wyoming Secretary of State
Rules for Write-In Votes

CHAPTER 19

Section 1. **Authority.**

The Secretary of State, pursuant to W.S. 22-2-121, is authorized to promulgate such rules as are necessary to maintain uniform voting and vote counting procedures and orderly voting and to comply with the requirements of the Help America Vote Act of 2002 (HAVA), Public Law 107-252.

Section 2. **Purpose.**

These rules are promulgated to establish procedures for the counting of write-in votes and ~~notify~~ [notification of](#) successful candidates.

Section 3. **Applicability.**

These rules apply to all local election officials with responsibilities as designated in W.S. 22-8-101, *et seq.*

Section 4. **Valid Write-In Votes.**

(a) To constitute a valid write-in vote:

(i) **Optical Scan Machines**

- (A) The oval next to the write-in line must be filled;
- (B) The name must be written on the line provided; and
- (C) Stickers with preprinted names cannot be used on a ballot.

(ii) **Direct Record Machines**

- (A) The proper square next to the write-in line must be selected;
- (B) Using the keyboard, the name must be typed on the line provided. The names of write-in candidates will appear on the voter verifiable paper audit trail, the unofficial results printout, and the printed ballot images as ~~they were~~ typed by the voter.

(iii) **AutoMARK**

(A) The proper oval next to the write-in line must be selected.

(B) Using the keyboard, the name must be typed on the line provided. The names of write-in candidates will appear on the ballot as ~~they were~~ typed by the voter.

(b) The Canvassing Board shall have sole discretion over what write-in names should be grouped and counted.

(c) If it appears from the summary of votes that one office has enough write-in votes to affect the outcome of the election, then the write-in votes and write-in names must be verified by the County canvassing board.

(d) If directed by the Secretary of State, all write-in vote totals and all write-in names must be reported to the Secretary of State for any designated statewide or legislative race.

(e) The top qualified write-ins for precinct committeemen or women will be duly elected. Casting of lots may be used if necessary to break a tie.

(f) The top qualified write-in for any other office shall be nominated or elected. Casting of lots may be used if necessary to break a tie.

(g) Casting of lots means any method a Canvassing Board uses to break a tie, including placing names in a container and drawing a name for the winner.

~~(h)~~(h) Any person may request to have the votes cast for any write-in candidate, whose votes did not affect the election, counted by:

(i) Filing a request with the appropriate election office; and

(ii) Paying an administrative fee of twenty-five dollars (\$25):

(A) To the appropriate election office for any one (1) local race with write-in candidates;

(B) To each appropriate County Clerk's Office for any one (1) legislative or statewide race with votes for write-in candidates cast in that County.

Section 5. **Notifying Successful Municipal Candidates.**

(a) The Canvassing Board shall determine if the municipal write-in has received at least three (3) votes. The Canvassing Board shall then determine if the write-in candidate is a qualified voter residing in that municipality and ward, if applicable. The

Canvassing Board shall determine the write-in candidate(s) that received the most votes based on the number of offices up for election. If there is a tie, lots shall be cast by the Canvassing Board and the winner shall be notified as required in W.S. 22-16-106(b).

(b) A ~~copy~~ notice of all eligible write-in candidates as set forth in the County Canvass shall be forwarded to the Municipal Clerk. ~~Should the candidate with the most write-in votes not accept the nomination, the Municipal Clerk shall notify the next highest vote getter on the list.~~ Failure of the successful write-in candidate to accept the nomination within five (5) days shall result in a vacancy which can be filled as provided in W.S. 22-23-308.

(c) All nominations for the General ~~Ballet~~ Election must be submitted to the County Clerk not less than 60 days prior to the General Election as provided in 22-23-308(c).

Wyoming Secretary of State
Rules for Possession of Ballots

CHAPTER 20

Section 1. **Authority.**

The Secretary of State, pursuant to W.S. 22-2-121, is authorized to promulgate such rules as are necessary to maintain uniform voting and vote counting procedures and orderly voting and to comply with the requirements of the Help America Vote Act of 2002 (HAVA), Public Law 107-252.

Section 2. **Purpose.**

These rules are promulgated to establish procedures for the possession of ballots.

Section 3. **Applicability.**

These rules apply to all local election officials with responsibilities as designated in W.S. 22-8-101, *et seq.*

Section 4. **Possession of Ballots.**

(a) W.S. 22-6-107 states ballots shall be in the County Clerk's possession forty (40) days before the election and under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) forty-five (45) days before the election. ~~Due to national circumstances where just a few vendors will be providing ballots to many more jurisdictions, it is possible that counties may not receive their ballots by Wyoming's statutory deadline. Missing this deadline would affect Wyoming's absentee voters and most adversely affect overseas absentee voters.~~

(b) In the event ballots are not in the possession of the County Clerks by the statutory deadline, County Clerks shall notify the Secretary of State and shall immediately prepare emergency ballots as follows:

(i) Print absentee ballots in-house with a ballot-on-demand printer, if available to them; or

(ii) Print ballots in another County with ballot-on-demand capabilities, if possible; or

(iii) Prepare paper copies which cannot be machine read, but could be duplicated by the duplicating board, the absentee board or the election judges at the polls. Such duplicate ballots shall be machine counted.

(iv) If there is not a sufficient amount of ballot stock that can be machine counted and stock cannot be obtained in another County using ballot-on-demand capabilities, the County Clerk shall immediately notify the Secretary of State. The duplicating board, absentee board or the election judges at the polls shall then hand count those ballots.

Wyoming Secretary of State
Rules for Wyoming's Campaign Finance Information System (WYCFIS)

CHAPTER 21

Section 1. **Authority.**

The Secretary of State, pursuant to W.S. 22-25-105 (a) and (b) and W.S. 22-2-121, is authorized to promulgate such rules as are necessary to implement the electronic campaign finance disclosure filing information system established by the legislature and to maintain uniform voting procedures.

Section 2. **Purpose.**

These rules are promulgated to establish the forms, instructions and procedures for reporting receipts and expenditures for Primary, General and Special Elections.

Section 3. **Applicability.**

These rules shall apply to all candidates, candidate campaign committees, political action committees, political parties, organizations supporting or opposing any ballot proposition or any other persons, committees or organizations required by law to file campaign finance disclosure statements pursuant to W.S. 22-25-101, *et seq.*

Section 4. **Definitions.**

(a) “Account” means the on-line account established by any person, committee, or organization for the reporting of campaign contributions and expenditures.

(b) “Committee” means a candidate’s campaign committee or a political action committee (PAC).

(c) “Contribution” as used in the campaign finance disclosure system, means the same as the term “receipts” in the Wyoming Election Code.

(d) “Person” means any candidate, candidate campaign committee, political action committee, political party, organization supporting or opposing any ballot proposition, or any other person, committee or organization required by law to file campaign finance disclosure statements pursuant to W.S. 22-25-101, *et seq.*

(e) “Responsible party” means a candidate, committee officer, chairman, treasurer or other person who is legally required under W.S. 22-25-106 to sign and file campaign finance disclosure reports.

(f) “WYCFIS” means the electronic Wyoming Campaign Finance Information System.

Section 5. **Establishing an Account.**

(a) All persons who are required by law to sign and electronically file campaign finance disclosure reports using WYCFIS must establish an on-line account.

(b) All required information requested in the on-line application form must be provided.

(c) All persons must provide a current active email address because the Secretary of State’s Office will use the email address to send notifications. All persons are required to keep email addresses current.

(d) An on-line account will be created by the Secretary of State’s Office after July 1, if a candidate has not created his account by that date. Creation of the candidate’s account by the Secretary of State’s Office does not absolve the candidate’s statutory obligation to file campaign finance disclosure reports.

~~(d)~~ (e) If the filing is in compliance with the law and these Rules, the Secretary of State’s Office shall approve the account.

~~(e)~~ (f) The Secretary of State’s Office shall review all applications for compliance with the law and these rules. Any application that is incomplete or does not contain all required information shall be rejected. In addition, the Secretary of State’s Office may reject any application for the following reasons:

- (i) Non qualified person;
- (ii) Fictitious names;
- (iii) Obscene language

~~(f)~~ (g) If the original purpose for the candidate’s committee changes, i.e. a candidate’s committee chooses to continue to support the candidate but for a different office, a new committee account for the new purpose or office must be established.

~~(g)~~ (h) The Secretary of State’s Office may remove an account from active status if the responsible party fails to file the required reports. Removing an account from active status does not absolve the responsible party’s statutory obligation to file campaign finance disclosure reports. To reactivate the account, the responsible party must notify the Secretary of State’s Office in writing of his intent to file a report. Once the account is reactivated, the responsible party may file his report.

Section 6. **Signing the Application.**

(a) Electronic applications shall be considered to be signed when the responsible party types his or her name on the form and checks the box that states (or language similar to):

“I have read and understand the Terms and Conditions of Wyoming’s Campaign Finance Information System. By checking this box, I declare under penalty of perjury that I am the person named, and the foregoing information is true and correct to the best of my knowledge. WARNING: Any person who knowingly makes a false statement or misrepresentation on this form may be subject to a fine or imprisonment.”

(b) Typed signatures must ~~be the same~~ match the name as previously entered on the application form in WYCFIS.

Section 7. **Filing Deadlines.**

(a) An application to set up an on-line filing account may be filed at any time, but must be established before any campaign finance disclosure reports can be filed.

(b) Campaign finance disclosure reports must be electronically filed not later than midnight on the last day for filing a required campaign finance disclosure report.

(c) Write-in Candidates.

(i) A write-in candidate for any election:

(A) Must file his receipts report seven (7) days before the election if he receives contributions.

(B) Does not need to file the receipts report seven (7) days before the election if he receives no contributions.

(C) Must file his receipts and expenditures report within ten (10) days of the election if he is nominated or elected, regardless of whether he has received or expended funds.

(d) **Special Elections held pursuant to W.S. 22-16-122.**

(i) A Special Election shall be considered a continuation of the election, whether Primary or General, for purposes of campaign finance disclosure reporting.

(ii) In a Special Election, persons shall report their receipts and expenditures using the amendment process in WYCFIS.

(iii) Contributions received or expended for a Special Election must be designated as such as instructed in WYCFIS.

Section 8. Reporting Requirements.

(a) Any committee that receives regularly scheduled payroll deductions or automatic monthly contributions from individuals may report those contributions cumulatively by individual at each required reporting period, providing the documentation is retained by the committee as a permanent record.

(b) Any person may transfer funds from his campaign account to any other campaign account. Such transfer of funds is considered to be an expenditure and the receipt of such funds is a contribution. Both must be reported.

Section 9. Closing an Account.

(a) At the end of an election cycle, all active individual candidate and organization accounts will be administratively closed. A new candidate account for the next election cycle may be opened, starting January 1 of the new election cycle.

(b) Committee accounts will remain open and be subject to all statutorily required ongoing reports until the account is closed by the responsible party, pursuant to W.S. 22-25-106.

(c) Thirty (30) days after the Primary Election, the Secretary of State's Office may administratively close the candidate account of any candidate who was not successful in the Primary. As noted in Section 5(+) above, administratively closing an account does not absolve the candidate from filing any required campaign finance disclosure reports.

Wyoming Secretary of State
Rules for Ballot Preparation

CHAPTER 22

Section 1. **Authority.**

The Secretary of State, pursuant to W.S. 22-2-121, is authorized to promulgate such rules as are necessary to maintain uniform voting and vote counting procedures and orderly voting.

Section 2. **Purpose.**

These rules are promulgated to establish standards and procedures for the preparation of ballots.

Section 3. **Applicability.**

These rules apply to all persons and election officials with responsibilities for preparing ballots, as designated in W.S. 22-6-101, *et seq.*

Section 4. **Order of Listing on Ballot.**

(a) Primary and ~~General~~ ~~partisan~~ Election ballots shall contain the offices to be voted on in the order established by W.S. 22-6-117.

(b) Party position on the General Election ballot for each office is determined by the number of votes received by each party within the County for the office of representative in congress at the last preceding General Election, as set forth in W.S. 22-6-121.

(c) ~~If the minor or provisional party does not have a candidate for a particular office, the ballot shall not list the party nor state, "No candidate filed."~~ On the Primary partisan ballot, if any party does not have a candidate for a particular office, the ballot shall not state, "No candidate filed."

(d) On the General ballot, if any party does not have a candidate for a particular office, the ballot shall not list the major party nor state, "No candidate filed."

(e) All statutes pertaining to write-in spaces per office must be followed.

Wyoming Secretary of State
Closing the Election in the Statewide Voter Registration System

CHAPTER 23

Section 1. **Authority.**

The Secretary of State, pursuant to W.S. 22-2-121, is authorized to promulgate such rules as are necessary to maintain uniform voting and vote counting procedures and orderly voting and to comply with the requirements of the Help America Vote Act of 2002 (HAVA), Public Law 107-252.

Section 2. **Purpose.**

These rules are promulgated to establish standards and procedures for the reporting of election data for purposes of complying with HAVA requirements.

Section 3. **Applicability.**

These rules apply to all chief election ~~persons~~ officers as designated in W.S. 22-2-103.

Section 4. **Procedures for Closing the Election.**

(a) The County Clerk must check the Completed Election Day Registrations box in the statewide voter registration system to finalize the General Election day registration reporting process.

(b) The County Clerk must certify the election in the statewide voter registration system by December 31 on even numbered years or on an alternate date if directed by the Secretary of State if required to meet federal mandates.

Wyoming Secretary of State
Rules for Petitions

CHAPTER 24

Section 1. **Authority.**

The Secretary of State, pursuant to W.S. 22-2-121, is authorized to promulgate such rules as are necessary to maintain uniform voting.

Section 2. **Purpose.**

These rules are promulgated to establish standards and procedures for petitions.

Section 3. **Applicability.**

These rules apply to all persons and election officials with responsibilities as designated in W.S. 22-4-101, *et seq.*, 22-5-101 *et seq.*, and 22-24-101, *et seq.*

Section 4. **Independent Candidate Petitions.**

(a) Independent candidates for partisan office are nominated by filing a petition with the Secretary of State or the County Clerk not less than seventy (70) days before a General Election.

(b) The petition for nomination shall be ~~in~~ approved by the appropriate filing office prior to collecting signatures and shall be in substantially the same form as found in W.S. 22-5-301. Petitions ~~that do not substantially follow this form~~ not approved shall be rejected.

~~(c) — Independent candidates shall seek prior approval of their petition from the appropriate filing office prior to collecting signatures.~~

Section 5. **Counting of Signatures on Petitions.**

(a) A registered elector who signs more than one (1) independent candidate's petition for nomination to the same office shall not be counted on more than one (1) petition.

(b) If a registered elector does sign more than one (1) independent candidate's petition for the same office, the applicable filing office shall credit the signature to the candidate who files his petition first.

(c) For all petitions, other than those specified in statute, if the registered elector was not registered to vote on the day he signed the petition, his signature shall not be counted.

(d) If the date the petition was signed does not coincide with the verification dates of the circulator, the signature is not counted.

Section 6. Curing Defective Petitions.

(a) Petitions must have at least the minimum number of required signatures before being submitted to the appropriate filing office.

(b) Once the filing office determines that there are at least a minimum number of required signatures, the filing office will accept the petition for signature checking.

(c) After checking signatures, if the number of allowable signatures does not meet the number required, a petition may be cured by submitting additional signatures until the last date for filing occurs.

Wyoming Secretary of State
Post Election Audit

CHAPTER 25

Section 1. **Authority.**

The Secretary of State, pursuant to W.S. 22-2-121, is authorized to promulgate such rules as are necessary to maintain uniform voting and vote counting procedures and orderly voting and to comply with the requirements of the Help America Vote Act of 2002 (HAVA), Public Law 107-252.

Section 2. **Purpose.**

These rules are promulgated for purposes of complying with HAVA requirements and to establish standards and procedures for the post election audit of ballots using the automated tabulating equipment used to tabulate votes. These procedures are for the purpose of spot checking the operation of the automated tabulating equipment and not for the purpose of validating the conduct or outcome of any specific election. Specific election results are regulated through the canvassing process.

Section 3. **Applicability.**

These rules apply to all chief ~~persons~~ election officers as designated in W.S. 22-2-103.

Section 4. **Procedures for Conducting a Post Election Audit of Ballots.**

(a) The County Clerk must conduct a random audit of ballots within thirty (30) days of any election in which tabulating equipment was used.

(b) The County Clerk shall notify each political party of the time and date of the post election audit. Other witnesses may also be present.

(c) The post election audit of ballots may be scheduled when the County Canvassing Board meets.

(d) The post election audit must be conducted on five percent (5%) of each type of automated tabulating equipment, but not on less than one machine.

(i) The County Clerk shall randomly select five percent (5%) of the voting equipment to be tested.

(ii) The post election audit shall be conducted with a preaudited group of test ballots as described in W.S. 22-11-104(b)(iii).

(iii) The post election audit shall not be performed on the official election cards used in the election unless:

- (A) Another set of election cards is not available; and
- (B) The election has been certified by the County and the State Canvassing Board; and
- (C) No legal actions are pending against the election.

(iv) At a minimum, tests shall be conducted to determine whether the tabulating machines accurately count ballots cast and whether the tabulating machines reject votes in excess of the number allowed by law to be cast.

(e) No canvassing data shall be erased in order to conduct the post election ballot audit.

(f) Certification of the post election audit shall be on file in the County Clerk's Office and copies shall go to the political party chairman having had candidates on the ballot and to the independent candidates on the ballot or their representatives.

(g) Should a voting machine fail the post [election](#) audit test, the County Clerk shall notify the Secretary of State in writing of the audit problem.