

# U.S. ELECTION ASSISTANCE COMMISSION



## *2010 Election Administration & Voting Survey*

### Wyoming

# *Statutory Overview*

In order to better understand state laws governing federal elections, the U.S. Election Assistance Commission, as part of its biennial Election Administration and Voting Survey, is collecting information on state election laws and procedures. These answers will help EAC to better understand the quantitative data relating to the 2010 general election that we are collecting from all U.S. states and territories.

EAC understands that responding to this Statutory Overview may require significant staff time on the part of your office. Please be assured that we have attempted to minimize the burden, and we appreciate your cooperation in this very important project.

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## DIRECTIONS AND EXAMPLE

Please provide your state's legal citation for the responses to these questions (where applicable). Prior to beginning the Statutory Overview, please ensure that "track changes" is turned on; this will provide a record of all changes that are made including insertions, deletions, and formatting changes. To turn on track changes hold down "Control" and "Shift" and "E" at the same time. For additional assistance in working with "track changes" please contact your Technical Assistance point of contact at ICF International.

We have provided you with your answers to the 2008 Statutory Overview. If there has not been a change in your State's laws or legal citation in the response to a question, please mark No Change Since 2008 with an "X" as shown below:

  X   No Change Since 2008

If the response has changed since 2008, please mark Changed Since 2008 with an "X" and modify the answer as needed using track changes. If you need to replace the entire answer, please delete the 2008 response and record your 2010 response between the red bracketed text lines, as described below.

  X   Changed Since 2008

Please answer each question to the best of your ability. If terms are ambiguous or not relevant, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks statutory reference but is widely understood in practice, please explain. If election procedures vary at the local level within your state, please explain to the best of your ability.

If state laws are currently enjoined or otherwise blocked from enforcement by a state or federal court, or executive decision, please specify.

Please keep your responses between the red, bracketed text lines. This will help us extract your answers into our central database.

### Example:

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

- a. Over-vote

*[Begin definition (a) below this line.]*

*Your answer goes here. You may enter the text directly, or cut and paste from another word processing program.*

*There is no limit to the length of your response.*

*[End definition (a) above this line.]*

## SECTION A: GENERAL

**A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.**

**a. Over-vote**

No Change Since 2008     Changed Since 2008

**2008 Response:**

[Begin definition (a) below this line.]

An OVER VOTE occurs when a voter makes more than the permitted number of selections in a single race/contest.

[End definition (a) above this line.]

**b. Under-vote**

No Change Since 2008     Changed Since 2008

**2008 Response:**

[Begin definition (b) below this line.]

- An UNDER VOTE occurs at any time when a voter makes less than that allowed number of selections in a single race/contest or when a voter votes on less than all of the races/contests for which he/she is eligible to vote.

[End definition (b) above this line.]

**c. Blank ballot**

No Change Since 2008     Changed Since 2008

**2008 Response:**

[Begin definition (c) below this line.]

Wyoming does not use this term.

[End definition (c) above this line.]

**d. Void/Spoiled ballot**

No Change Since 2008     Changed Since 2008

**2008 Response:**

[Begin definition (d) below this line.]

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

[End definition (d) above this line.]

**e. Provisional/Challenged ballot**

**No Change Since 2008**  **Changed Since 2008**

**2008 Response:**

[Begin definition (e) below this line.]

"Provisional ballot" means a ballot provided to a voter whose right to register or to vote cannot be determined at the polls or verified at the election office, in order to allow the voter to cast a ballot at the polls which shall be counted only if the ballot is determined to be a valid ballot as provided in this Election Code; W.S. 22-1-102(a)(xli)

[End definition (e) above this line.]

**f. Absentee**

**No Change Since 2008**  **Changed Since 2008**

**2008 Response:**

[Begin definition (f) below this line.]

**Form of absentee ballot.** The absentee ballot shall be in the same form prescribed by law for the official ballot or a reasonable printed reproduction of the prescribed form for electronic ballots. W.S. 22-9-109

[End definition (f) above this line.]

**g. Early voting**

**No Change Since 2008**  **Changed Since 2008**

**2008 Response:**

[Begin definition (g) below this line.]

Wyoming does not have early voting. We do have no excuse absentee voting.  
W.S. 22-9-102

[End definition (g) above this line.]

**h. Active Voter**

**X** **No Change Since 2008**  **Changed Since 2008**

**2008 Response:**

[Begin definition (h) below this line.]

Active voters: refers to all registered voters **except** those who have been sent but have not responded to a confirmation mailing after not voting in the last general election.

[End definition (h) above this line.]

**i. Inactive Voter**

**X** **No Change Since 2008**  **Changed Since 2008**

**2008 Response:**

[Begin definition (i) below this line.]

Inactive voters: refers to registrants who have been sent but have not responded to a confirmation mailing sent after not voting in the last general election or anyone who has registered in another state.

[End definition (i) above this line.]

**j. Other terms (please specify) \_\_\_\_\_**

**X** **No Change Since 2008**  **Changed Since 2008**

**2008 Response:**

[Identify each TERM and definition separately and begin below this line.]

[End TERM(s) and definition(s) above this line.]

**A2. Please provide the legal citation for any *significant* changes to election laws or procedures that have been enacted or adopted since the previous Federal election. “Significant” does not include routine or technical changes (such as changes to election district boundaries or polling place changes). However, EAC would like to learn about any new identification requirements for voters or registrants; changes in eligibility for voting or registering; adoption of alternative voting methods; and other changes that you believe represent a significant change in the way your state runs its elections.**

**X   No Change Since 2008             Changed Since 2008**

**2008 Response:**

[Begin response to above question (A2) below this line.]

No changes that will affect new identification requirements for voters or registrants; changes in eligibility for voting or registering; adoption of alternative voting methods; or other changes that we believe represent a significant change in the way our state runs its elections

[End response to above question (A2) above this line.]

## SECTION B: VOTER REGISTRATION

**B1. Is your state's voter registration database system best described as a bottom-up, a top-down, or a hybrid? (Note: A bottom-up system generally uploads information retained at the local level and compiled at regular intervals to form the statewide voter registration list. A top-down system is hosted on a single, central platform/mainframe and is generally maintained by the state with information supplied by local jurisdictions. A hybrid is some combination of both systems described above.)**

**No Change Since 2008**       **Changed Since 2008**

**2008 Response:**

[Begin response to above question (B1) below this line.]

A top-down.

[End response to above question (B1) above this line.]

**If your state uses a bottom-up or hybrid system, how often do local jurisdictions transmit registration information to the state list?**

**No Change Since 2008**       **Changed Since 2008**

**2008 Response:**

[Begin response to above clarification question to B1 below this line.]

NA

[End response to above clarification question to B1 above this line.]

**B2. Please describe the process used in your state to move voters from the active list to the inactive list, and from the inactive list to the active list. Is a different process used for UOCAVA voters?**

**No Change Since 2008**       **Changed Since 2008**

**2008 Response:**

[Begin response to above question (B2) below this line.]

Wyoming has laws for moving a voter to an inactive list as follows. A voter would fill out a voter registration card to be moved from inactive to active and provide necessary identification. The process for UOCAVA voters is also outlined by the statute below.

**W.S. 22-3-115 Grounds for cancellation of registration.**

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

- (i) Failure to vote in any general election;
- (ii) Death;
- (iii) Removal of residence from the county or state more than thirty (30) days prior to an election;
- (iv) Disqualification to vote;
- (v) Receipt of notification that the elector has registered to vote in another jurisdiction;
- (vi) Upon written request of the elector.

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

**W.S. 22-3-116. Notice of intent to cancel registration.**

When the county clerk has information that a registration should be cancelled, he shall mail a notice of intent to cancel to the elector at his address on the registry list stating the reason for cancellation. The notice shall state that cancellation shall occur within twenty (20) days unless the elector asks that his name remain on the registry list. A copy of the notice of cancellation shall be retained by the county clerk for three (3) years. A notice is not required if the clerk has received a receipt of notification that the elector has registered to vote in another jurisdiction or if the elector requested cancellation in writing.

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

(a) Notwithstanding any other section or provision in this chapter, any citizen of the United States who is a resident of Wyoming may apply for registration by providing the information required by W.S. 22-3-103(a) and acceptable identification to and completing and subscribing, the form of voter registration oath prescribed by W.S. 22-3-103(b) before any person authorized by law to administer oaths. Each county clerk shall furnish the voter registration oath forms. The applicant shall mail or return the completed voter registration oath form to the county clerk in the county in which the applicant resides. In order to vote in the next election, the application must be received in the county clerk's office before the close of registration for that election or be accompanied by an absentee ballot request for elections where a voter may register at the polls.

(b) Under the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff (2002) the following persons shall be allowed to simultaneously register and make application for an absentee ballot through the use of the Federal Postcard Application (FPCA), provided those persons are residents of this state or in the case of overseas citizens,

they were last domiciled in Wyoming immediately prior to their departure from the United States and are not registered to vote in any other jurisdiction:

(i) Members of the uniformed services and their spouses and dependents residing with them;

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

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

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

(c) Registration through the Federal Postcard Application constitutes temporary registration for the purpose of voting in one (1) election or through as many as the next two (2) federal election cycles, including the primary and general and special federal elections, and the registration of such a registrant shall be maintained as provided in W.S. 22-3-102(d). The Federal Postcard Application shall be accepted if completed and signed by the applicant under penalty of perjury.

(d) If any person specified in subsection (b) of this section desires permanent registration, that person shall provide the information required by W.S. 22-3-103(a) and subscribe to the voter registration oath prescribed by W.S. 22-3-103(b). The oath shall be self-administered under penalty of perjury and notwithstanding W.S. 22-3-104 does not require the signature of an oath-taking official.

[End response to above question (B2) above this line.]

**B3. Please describe your state's process for removing voters from the voter registration rolls (not merely moving them from active to inactive). Please include information regarding notices and confirmations. Are these procedures the same for UOCAVA voters?**

     No Change Since 2008        X   Changed Since 2008

**2008 Response:**

[Begin response to above question (B3) below this line.]

W.S. 22-2-113(e) The county clerks shall purge and update voter registration information on the voter registration system not later than the fifteenth day of February each year.

W.S. 22-3-116 when the county clerk has information that a registration should be cancelled, he shall mail a notice of intent to cancel to the elector at his address on the registry list stating the reason for cancellation. The notice shall state that cancellation shall occur within twenty (20) days unless the elector asks that his name remain on the registry list. A copy of the notice of cancellation shall be retained by the county clerk for three (3) years. A notice is not

required if the clerk has received a receipt of notification that the elector has registered to vote in another jurisdiction or if the elector requested cancellation in writing.

[End response to above question (B3) above this line.]

**B4. Can your state's voter registration database (or equivalent) share information electronically with your state's drivers license agency (for example, to match records or trace changes in address)? Can your voter registration database be similarly linked with databases in any other state or federal agencies? Please describe these links, including any use of database matching to verify voter registration applications.**

**No Change Since 2008**       **Changed Since 2008**

**2008 Response:**

[Begin response to above question (B4) below this line.]

Wyoming verifies data with the department of transportation, the division of criminal investigation, the department of health, and the state board of parole.

W.S. 22-3-102 Qualifications; temporary registration. (e) The secretary of state is authorized to provide for the verification of certain voter registration data in accordance with the following:

(i) The secretary of state and the director of the department of transportation shall enter into an agreement to match voter registration data with information maintained by the department regarding driver's licenses, in order to verify the information provided on applications for voter registration;

(ii) The secretary of state and the attorney general shall enter into an agreement to compare data in the voter registration system with information maintained by the division of criminal investigation regarding state felony convictions in order to deny voter registration to, and remove from voter registration lists, individuals who are not qualified electors;

(iii) The secretary of state and the director of the department of health shall enter into an agreement to match information in the voter registration system with death records in the office of vital records services within the department of health in order to remove names of deceased individuals from voter registration lists;

(iv) The secretary of state and the state board of parole shall enter into an agreement to match information in the voter registration system with records regarding restoration of voting rights maintained by the state board of parole in order to verify voter qualifications .

[End response to above question (B4) above this line.]

**B5. Please describe how your state uses National Change of Address (NCOA). What has been your state's experience with NCOA?**

**No Change Since 2008**       **Changed Since 2008**

**2008 Response:**

[Begin response to above question (B5) below this line.]

Wyoming has not used this.

[End response to above question (B5) above this line.]

**B6. Please describe your state's voting eligibility requirements as they relate to individuals with a felony conviction. (For example, are convicted felons allowed to vote while in prison or while on parole or probation? Are voting rights automatically restored or does the individual have to apply for a pardon, certificate of eligibility or other similar certificate? Does an individual whose voting rights have been restored have to produce documentation of his/her status when registering to vote?)**

No Change Since 2008       Changed Since 2008

**2008 Response:**

[Begin response to above question (B6) below this line.]

W.S. 22-3-102 Qualifications; temporary registration.

(v) He has not been convicted of a felony, or if convicted has had his civil or voting rights restored.

Voting rights are not automatically restored. The individual must apply for restoration and then must produce documentation of his status when registering to vote.

[End response to above question (B6) above this line.]

**B7. Does your state currently use the Internet in any way to facilitate voter registration? If yes, please describe how your state allows voters to use the Internet in the registration process (e.g., entire registration completed online; completed online but then must be printed, signed, and mailed by voter, etc.).**

No Change Since 2008       Changed Since 2008

**2008 Response:**

[Begin response to above question (B7) below this line.]

Yes. Wyoming has the voter registration form available online and the individual can complete the form online. The form must be printed, signed, and mailed to the appropriate county election official by the voter to be registered.

[End response to above question (B7) above this line.]

## SECTION C: ELECTION ADMINISTRATION

**C1. Please describe how all votes cast at a place other than the voter's precinct of registration are tabulated (for example, please include descriptions of such votes as absentee ballots, mail-in ballots, votes cast at vote centers, provisional ballots, early voting locations, etc.).**

**a. Are the votes counted centrally or at the precincts?**

No Change Since 2008       Changed Since 2008

**2008 Response:**

[Begin response to above question (a) below this line.]

Some counties send the absentee ballots to the precinct to be tabulated and some counties tabulate the absentee ballots at a central location. W.S. 22-14-105 & W.S. 22-9-125

[End response to above question (a) above this line.]

**b. If centrally tabulated, are the votes redirected to the appropriate precinct for reporting in the canvass?**

No Change Since 2008       Changed Since 2008

**2008 Response:**

[Begin response to above question (b) below this line.]

Yes. 22-9-125(a)(i)

[End response to above question (b) above this line.]

**c. Are the absentee, mail, etc., votes reported separately for each precinct, or are they added to the in-precinct results and reported as just a single number?**

No Change Since 2008       Changed Since 2008

**2008 Response:**

[Begin response to above question (c) below this line.]

The votes are added to the precinct totals and reported as a single number.

[End response to above question (c) above this line.]

**d. How are UOCAVA ballots counted and reported?**

**No Change Since 2008**       **Changed Since 2008**

**2008 Response:**

[Begin response to above question (d) below this line.]

The votes are counted as other absentee ballots are counted

[End response to above question (d) above this line.]

**C2. Does your state require a reason for voting absentee, or does your state allow no-excuse absentee voting? (If a reason is required, please provide the legal citation.)**

**No Change Since 2008**       **Changed Since 2008**

**2008 Response:**

[Begin response to above question (C2) below this line.]

Wyoming allows no excuse absentee voting. W.S. 22-9-102

[End response to above question (C2) above this line.]

**C3. Does your state provide for in-person early voting? If so, how is early voting defined? When early voting is used, are the ballots counted at the precinct or at a central location? How are these votes reported?**

**No Change Since 2008**       **Changed Since 2008**

**2008 Response:**

[Begin response to above question (C3) below this line.]

No. No excuse absentee voting is available 40 days prior to Election Day.

[End response to above question (C3) above this line.]

**C4. Do any jurisdictions in your state use a vote-by-mail system to replace (and not merely supplement) at-the-precinct voting in any elections?**

**No Change Since 2008**       **Changed Since 2008**

**2008 Response:**

[Begin response to above question (C4) below this line.]

No

[End response to above question (C4) above this line.]

**C5. Please list each of the situations that require a provisional ballot in your state. Please provide the relevant legal citation for each situation.**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

[Begin response to above question (C5) below this line.]

Wyoming is exempt from provisional voting under HAVA because we have Election Day Registration. However we do provide provisional ballots for the following reasons.

**W.S. 22-15-104 Grounds for challenge.**

- a) A person offering to vote may be challenged for the following reasons:
  - (i) Not a qualified elector;
  - (ii) Not entitled to vote in the precinct;
  - (iii) Name does not appear on poll list and the person cannot meet the requirements to register at the polls;
  - (iv) Not the person he represents himself to be;
  - (v) Has already voted.

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

(a) If a person offering to vote is challenged, and the challenge is not resolved in accordance with W.S. 22-15-106, an election judge shall offer the voter a ballot clearly marked "provisional" and which cannot be automatically tabulated.

(b) A person challenged on any ground may vote by provisional ballot, if he subscribes this oath in writing before a judge of election:

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

Signature of voter

.....

Signature of judge

Precinct and District No.

(c) The oath required by this section shall be printed on the provisional ballot envelope.

(d) A challenged voter may present information and documentation of his eligibility to register at the election or to vote to the county clerk until the close of business on the day following the election. Any information presented shall be considered by the canvassing board in determining the voter's eligibility to register at the election or to vote and whether to open and count his provisional ballot. The provisional ballot shall be counted only after the voter has, by presenting documentation required under this code to the county clerk, established he had previously registered and is a qualified elector or he was eligible to register at the election and is a qualified elector.

**W.S. 22-15-106. Where name not on poll list.**

A person challenged on the ground that his name does not appear on the poll list may vote if a judge of election obtains verification from the county clerk that the person is entitled to vote in that election within that county.

[End response to above question (C5) above this line.]

**C6. Does your state count provisional ballots of voters who are registered in different precincts, or are those ballots automatically rejected? Please describe the process used by local election officials in determining whether to count a provisional ballot.**

**X** **No Change Since 2008**       **Changed Since 2008**

**2008 Response:**

[Begin response to above question (C6) below this line.]

A voter must vote in their precincts or at an absentee polling location before election day to be counted. See the citation W.S. 22-15-105 above.

[End response to above question (C6) above this line.]

**C7. Please describe your state's laws regarding post-election audits, if any.**

**No Change Since 2008**       **X** **Changed Since 2008**

**2008 Response:**

[Begin response to above question (C7) below this line.]

Yes. The county clerk shall conduct a random audit of ballots by processing the preaudited group of test ballots as described in W.S. 22-11-104(b)(iii) on five percent (5%) of the automated tabulating equipment for that county, but on not less than one (1) machine, within thirty (30) days of any election in which the tabulating equipment was used. W.S. 22-11-109

[End response to above question (C7) above this line.]

**C8. Please describe any state requirements for poll worker training.**

X No Change Since 2008      \_\_\_\_\_ Changed Since 2008

**2008 Response:**

[Begin response to above question (C8) below this line.]

**W.S. 22-8-113 Training schools; generally and payment for attending.**

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

[End response to above question (C8) above this line.]

## SECTION D: ELECTION DAY ACTIVITIES

**D1. Please describe your state's process for capturing "over-vote" and "under-vote" counts.**

**No Change Since 2008**       **Changed Since 2008**

**2008 Response:**

[Begin response to above question (D1) below this line.]

The automatic tabulating equipment provides this information.

[End response to above question (D1) above this line.]

**D2. What identification does your state require from voters in the following situations:**

**a. registering to vote;**

**No Change Since 2008**       **Changed Since 2008**

**2008 Response:**

[Begin response to above question (a) below this line.]

A current valid photo identification or a copy of a current utility bill, bank statement, paycheck, government check or other government document which shows his name and address.

[End response to above question (a) above this line.]

**b. casting an in-person ballot;**

**No Change Since 2008**       **Changed Since 2008**

**2008 Response:**

[Begin response to above question (b) below this line.]

Identification is necessary only when a person has registered by mail and he is voting in his first federal election in Wyoming.

[End response to above question (b) above this line.]

**c. casting a mail-in or absentee vote;**

**No Change Since 2008**       **Changed Since 2008**

**2008 Response:**

[Begin response to above question (c) below this line.]

When a person is voting by mail in his first Wyoming election for federal office after having registered by mail, he must provide a copy of his current, valid, photo ID with his absentee ballot.

[End response to above question (c) above this line.]

**d. casting a ballot under UOCAVA;**

**No Change Since 2008**       **Changed Since 2008**

**2008 Response:**

[Begin response to above question (d) below this line.]

When a person is voting by mail in his first Wyoming election for federal office after having registered by mail, he must provide a copy of his current, valid, photo ID with his absentee ballot.

[End response to above question (d) above this line.]

**e. any other stage in registration or voting process in which identification is required (please specify).**

**No Change Since 2008**       **Changed Since 2008**

**2008 Response:**

[Begin response to above question (e) below this line.]

No

[End response to above question (e) above this line.]

**D3. Please describe your state's laws regarding access to the polling place for election observers. Election observers are people allowed inside the polling place who are not poll workers, election officials or voters. If decisions on access to observers are left to local jurisdictions, please explain.**

**No Change Since 2008**       **Changed Since 2008**

**2008 Response:**

[Begin response to above question (D3) below this line.]

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. A Poll watcher means a person certified by the county chairman of a political party to observe voter turn out and registration. A "poll watcher" is not an election official;

[End response to above question (D3) above this line.]

## SECTION E: OTHER

**E1. Under HAVA, Section 402, states are required to establish and maintain administrative complaint procedures to remedy grievances. Has your state revised its administrative complaint procedures since they were first implemented? If so, how?**

**X** **No Change Since 2008**       **Changed Since 2008**

### 2008 Response:

[Begin response to above question (E1) below this line.]

It remains the same.

[End response to above question (E1) above this line.]

**E2. The Military and Overseas Voter Empowerment Act (MOVE) was signed into law on October 22, 2009. The MOVE Act contains, among other things, provisions regarding States' methods of communication with UOCAVA voters and UOCAVA ballot transmission.**

**Please describe your State's processes and procedures for implementing MOVE (including any changes in your State's laws or regulations) as they relate to:**

- **Protecting the security and integrity of the voter registration and ballot application process, the privacy and personal information of the voter, and absentee ballots. (Sect. 577, 578)**
- **Designating a means of electronic communication for all voting-related materials to UOCAVA voters. (Sect. 577)**
- **Establishing a ballot tracking mechanism to allow voters to determine whether their ballots were received by the appropriate election official. (Sect. 580(d))**

**Also, please describe your State's plans to capture data related to the number of registration applications, ballot applications, and blank ballots transmitted to UOCAVA voters via mail and electronic means (Internet, email, fax) *and* the number of registration applications, ballot applications, and completed ballots returned by UOCAVA voters via mail and electronic means (Internet, email, fax).**

**This question was not asked in 2008. Please provide your answer below.**

[Begin response to above question (E2) below this line.]

The Secretary of State issued Directives to the Counties to implement MOVE for 2010 and has a bill drafted to be introduced to the 2011 Legislative Session.

DIRECTIVE NO. 2010-01 A: Making Absentee Ballots Available to UOCAVA Voters 45 Days Prior to the Primary and General Elections

- 1) County Clerks shall have ballots in their possession no less than 45 days before the date of the Primary and General Elections.
- 2) A UOCAVA voter who requests his/her ballot 45 days or more before the date of the Primary or General Election, shall be sent the absentee ballot on the 45th day before the election. If a UOCAVA voter requests a ballot fewer than 45 days prior to the Election, the County Clerk shall send the ballot as soon as possible.
- 3) If a UOCAVA voter wants his/her ballot sent electronically, he/she has an affirmative duty to request such. If the voter does not indicate that he/she wants the ballot sent electronically, then the ballot shall be sent by mail.
- 4) A blank ballot may be faxed to a UOCAVA voter, only at the specific request of the voter.

**DIRECTIVE NO. 2010-01 B: Transmitting Ballots**

- 1) County Clerks shall transmit blank ballots to voters via the method selected by the voter (either electronically or by mail). If the voter states no preference, the ballot shall be transmitted by mail.
- 2) If the UOCAVA voter has requested the ballot be sent electronically;
  - A) The ballot must be sent in a PDF format.
  - B) The Wyo-Reg generated Oath form (containing the bar code and voter ID number) must be sent with ballot.
  - C) The required Instruction Sheet (attached to this Directive) must also be sent with the ballot.
- 3) For UOCAVA voters receiving their ballot by mail;
  - A) The County Clerk shall follow the normal procedures for mailing an absentee ballot according to the provisions of W.S. 22-9-101 through W.S. 22-9-112.
  - B) If ballots have not been received from the printer by 45 days prior to the Election, the County shall:
    - i) Provide a mailed ballot through the use of the ballot on demand printer; or
    - ii) Provide a mailed ballot through the use of ballot printed from a PDF file.

**DIRECTIVE NO. 2010-01 C: Receiving Ballots**

- 1) All voted ballots shall be returned by mail; there is no provision to accept voted ballots by electronic submission.
- 2) County Clerks shall take all measures possible to ensure that voted ballots are delivered to the proper department or staff member for processing and counting and maintained according to the provisions of W.S. 22-9-115.
- 3) Ballots which were mailed to the voter and thus are certified printed ballots shall be tabulated in accordance with the standard process for tabulating absentee ballots.
- 4) Ballots which are sent to the voter electronically will be voted and returned on generic paper stock, not on the certified printed ballots; therefore, they shall be treated as damaged ballots and processed:
  - A) In accordance with Chapter 6 of the current Rules and Regulations, Elections Procedures as promulgated by the Secretary of State. (Copy

attached.)

B) As an alternative to Chapter 6, Section 4, a County Clerk may elect to duplicate the ballots at a central site; but is still required to follow the other provisions of Section 4.

5) The counting of the duplicated ballots shall be conducted in accordance with Chapter 6, Section 6 of the current Rules and Regulations, Elections Procedures as promulgated by the Secretary of State. (Copy attached.)

**DIRECTIVE NO. 2010-01 D: Ballot Tracking**

1) County Clerks shall use Wyo-Reg to enter all absentee ballot requests from UOCAVA voters. The application type shall be entered as domestic military, overseas military or overseas citizen according to the mailing address provided by the voter.

2) The absentee application source shall be entered as e-mail, federal post card application (FPCA), fax, mail, phone or proxy.

3) The issue method shall be entered as electronic ballot or mailing. Only if the voter specifies with his request that he wishes to receive his ballot electronically (via e-mail) shall this option be chosen. For requests that do not specify an issue method, enter that as mailing.

4) For electronic ballots, enter the e-mail address of the voter in the absentee address field in Wyo-Reg.

5) Pertinent information must be posted on the Secretary of State's website on a regular basis in order for UOCAVA voters to check the status of their ballot.

**DIRECTIVE NO. 2010-01 E: Other General Provisions for UOCAVA**

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

2) County Clerks shall not refuse to accept and process an otherwise valid voter registration application, absentee ballot application, voted 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 and size.

3) County Clerks shall utilize the UOCAVA Voter Checklist to ensure compliance with federal requirements and uniformity of action across Wyoming.

[End response to above question (E2) above this line.]

**E3. Please add any additional comments or information about your state's election administration processes that would help to inform the EAC's interpretation of your data.**

**No Change Since 2008**       **Changed Since 2008**

**2008 Response:**

[Begin response to above question (E3) below this line.]

Since the passage of HAVA, Wyoming has not had any complaint that fell under HAVA, Section 402.

[End response to above question (E3) above this line.]

\* The information collection associated with the Election Administration and Voting Survey is required for the EAC to meet its statutory requirements under the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301), the National Voter Registration Act (NVRA) (42 U.S.C. 1973gg-1 et seq.), and the Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA) (42 U.S.C. 1973ff-1). Respondent's obligation to reply to this information collection is mandatory as required under NVRA (42 U.S.C. 1973gg-1 et seq.) and UOCAVA (42 U.S.C. 1973ff-1). This part of the information collection is being requested to help the EAC to better understand state laws governing federal elections. Respondents include the fifty states, the District of Columbia, and the U.S. Territories. This information will be made publicly available on the EAC website ([www.eac.gov](http://www.eac.gov)). According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB Control No. 3265-0006 (expires 5/31/2013). The time required to complete this information collection is estimated to average 59 hours per state response. This estimate includes the time for reviewing the instructions, gathering information, and completing the form. Comments regarding this burden estimate should be sent the U.S. Election Assistance Commission – 2010 Election Administration and Voting Survey, 1201 New York Avenue, Suite 300, Washington, DC 20005.