

Wyoming Administrative Rules

Secretary of State

Election Procedures

Chapter 3: Uniformed and Overseas Citizens' Absentee Voting

Effective Date: 10/22/2013 to Current

Rule Type: Current Rules & Regulations

Reference Number: 002.0005.3.10222013



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, 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).

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 or a nonstandard voting address.

(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. Mail inquiries 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 contact information is available from the Secretary of State.

(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 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 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 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 be accepted and processed when received fewer than fourteen (14) days before an applicable election.

Section 8. The Standard Oath.

As allowed pursuant to UOCAVA, Section 102, Wyoming requires an oath or affirmation to accompany any document under this Chapter. The standard oath permitted by UOCAVA Sections 101(b)(7), and 102(a)(5) shall be used:

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. Absentee Ballot Applications.

(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.

Section 10. 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. 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 13. Procedures for Processing Federal Postcard Application Absentee Ballot Requests.

(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), the voter shall be provided absentee ballots as required by W.S. 22-3-117.

(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 UOCAVA voters shall be assured that the requested absentee ballots shall be sent as soon as available for all covered elections.

Section 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 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.