

Wyoming Secretary of State

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STATEMENT OF REASONS

The Secretary of State is proposing to repeal its Special District Election Rules, Chapters 1-6 to remove outdated processes and language, which have been implemented in Wyoming Statute Title 22, Chapter 29. The current rules were adopted in 1995 and new rules are needed to clarify election procedures that are not covered in Statute. These new Special District rules will be placed under the Election Procedures Program since they cover only the election aspects of Special Districts.

Public notice is hereby given on April 28, 2015, that the Office of the Secretary of State will accept written comments regarding these rules. Please submit written comments to the Secretary of State no later than June 12, 2015.

A public hearing on these Rules has not been scheduled.

Wyoming Secretary of State
Special District Elections

CHAPTER 26

Section 1. Authority

The secretary of state has authority to promulgate these rules after consultation with the county clerks under W.S. 22-29-114.

Section 2. Purpose.

These rules shall set forth procedures for the formation and succeeding special district elections.

Section 3. Applicability.

These rules shall apply to the special districts outlined in W.S. 22-29-103.

Section 4. Definitions.

(a) As used in these rules:

(i) “Absentee voting” means the procedure by which an elector casts a ballot by requesting and completing the official district ballot when the election is other than a mail ballot election;

(ii) “Conventional election” means the type of special district election held in accordance with W.S. Title 22, Chapter 29 (a.k.a. The Special District Elections Act of 1994);

(iii) “District secretary” means the director of the district who is responsible for the compilation of minutes, notice of meetings, and other logistical matters of the district;

(iv) “Election judge” means one who presides over the polling place, handing out ballots, giving instructions, challenging, and collecting and securing ballots.

Section 5. Proclamation.

Unless Chapter 29 of the Election Code or the Special District’s principal act requires otherwise, the following procedures shall be followed:

(a) Not more than 120 and not less than 100 days before an election, the election official shall publish at least once in a newspaper of general circulation in the district a proclamation setting forth:

- (i) The date of the election;
- (ii) The offices to be filled at the election including the terms of the offices;
- (iii) The terms and unexpired terms of offices to be filled;
- (iv) The number of persons required by law to fill the offices;
- (v) The filing period;
- (vi) The address of the filing office and;
- (vii) Whether the election shall be a conventional election or a mail ballot election.

(b) If the election is a conventional election then the proclamation shall:

- (i) Give the address of the polling place(s) and;
- (ii) State the hours that the polling place(s) will be open.

(c) If the election is a mail ballot election, then the proclamation shall state:

- (i) That there will be no polling places;
- (ii) Anyone entitled to vote shall receive a ballot with a return envelope stating the date and time the ballot must physically be in the hands of the election official.

(d) If the election involves a ballot proposition, the proclamation shall include a description of the ballot proposition.

(e) Additional proclamations may be made by the election official.

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

Section 6. Conduct of special district elections.

Chapter 29 of the Wyoming Election Code requires the special district or districts to allow absentee voting if not held in conjunction with any other type of election governed by the Election Code. Absentee voting shall be consistent with procedures for mail ballot elections. In a conventional election, those already registered may request absentee ballots through the day before the election. In tandem with absentee voting, the election may be conducted in one of two ways:

(a) A conventional election day election requires:

(i) Polling places staffed by election judges who distribute ballots to the voters or operate an electronic voting system and;

(ii) Districts using an electronic voting system or alternate voting system shall follow the Election Code requirements for security, sealing the machine after the pre-election test, polling place regulations of the voting system and resealing of machines after the polling is completed.

(b) A mail ballot election where all the persons or entities determined to be eligible to vote are mailed ballots, which when voted, are returned to the election official and shall be safeguarded until the deadline for voting passes, which deadline shall be called election day.

(c) In applying the statutes and rules, these shall be applied in the following order: principle act, Chapter 29 of the Wyoming Election Code and these rules for the purpose of clarification.

CHAPTER 1 GENERAL PROVISIONS

~~Section 1. Authority. The secretary of state has authority to promulgate these rules after consultation with the county clerks under W.S. 22-29-113.~~

~~Section 2. Purpose. These rules shall set forth procedures for special districts to follow for the formation and succeeding elections. These rules shall include provisions on mail ballots, the designation of polling places, appointment of election judges, polling place hours, filing periods, filing officers, ballot preparation, appointment of a canvassing board, term commencement, provisions relating to canvass, recount, contests and other election procedures.~~

~~Section 3. Effective Date of Rules. These rules shall be effective on January 1, 1995.~~

~~Section 4. Applicability of Rules.~~

~~(a) These rules apply either, in whole or in part, to:~~

- ~~(i) Special cemetery districts;~~
- ~~(ii) Conservation districts;~~
- ~~(iii) Fire protection districts;~~
- ~~(iv) Flood control districts;~~
- ~~(v) Hospital districts;~~
- ~~(vi) Improvement and service districts;~~
- ~~(vii) Special museum districts;~~
- ~~(viii) Rural health care districts;~~
- ~~(ix) Sanitary and improvement districts;~~
- ~~(x) Water and sewer districts;~~
- ~~(xi) Watershed improvement districts;~~
- ~~(xii) Other districts as specified by law;~~

~~Section 5. Definitions.~~

~~(a) As used in these rules:~~

~~(i) "Absentee voting" means the procedure by which an elector casts a ballot by requesting and completing the official district ballot when the election is other than a mail ballot election;~~

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

~~(iii) "Canvassing board" means those individuals appointed to certify the results of an election after the counting board has counted ballots;~~

~~(iv) "Conventional election" means the type of special district election held in accordance with Chapter 4 of these rules ;—~~

~~(v) "Counting board" means those individuals appointed to count the ballots after the polls close, or in a mail ballot election, those who count the ballots after the deadline passes;~~

~~(vi) "Director" or "district director" means a voting member of the governing body of the special district, regardless of what title is used in the principal act.~~

~~(vii) "District secretary" means the director of the district who is responsible for the compilation of minutes, notice of meetings, and other logistical matters of the district.~~

~~(viii) "Election judge" means one who presides over the polling place, handing out ballots, giving instructions, challenging, and collecting and securing ballots;~~

~~(ix) "Election official" means the county clerk for formation elections and the district secretary for succeeding elections;~~

~~(x) "Mail Ballot election" means the type of special district election held in accordance with Chapter 5 of these rules;~~

~~(xi) "Principal Act" means the statutes under which a special district listed in Section 4 of this Chapter can be formed or is operating;~~

CHAPTER 2
SPECIAL DISTRICT ELECTIONS
~~ON PRIMARY, GENERAL OR SPECIAL STATEWIDE ELECTION BALLOT~~

Section 1. ~~Applicability of these Rules.~~

~~(a) When a special district election is conducted in conjunction with the primary, general or special statewide election, these rules shall not apply. The provisions of the Wyoming Election, Chapters 1-28, shall govern the conduct of the election.~~

~~(b) The following special district types of election are by law on the primary or general election ballot:~~

~~(i) Special cemetery district: After initial trustees are elected, successor trustees are elected at the general election.~~

~~(ii) Conservation district: After initial trustees are elected, successor trustees are elected at the general election if the county commissioners so resolve.~~

~~(iii) Conservation district: Continuation of mill levy election shall be held at the general election.~~

~~(iv) Fire protection district: If formation question arises from resolution from county commissioners, then formation must be approved at a general election. Also, some fire protection districts hold their director elections on the primary election ballot.~~

~~(v) Hospital district: After initial trustees are elected, successor trustees are elected at the primary election.~~

~~(vi) Rural health care district: After initial trustees are elected, successor trustees are elected at the primary election.~~

~~(vii) Sanitary and improvement district: After initial trustees are elected, successor trustees are elected at the general. (Under current law, the initial trustees are elected at the first general election following the successful formation election.)~~

~~(viii) ALL DISTRICTS CERTAIN BOND AND MILL LEVY ELECTIONS: Any district which proposes to have a bond election issue or mill levy election held in conjunction with a primary, general or special statewide election shall follow Chapters 1-28 of the Wyoming Election Code.~~

CHAPTER 3

SPECIAL DISTRICT ELECTIONS

~~Section 1. Principal act controlling. If a special district's principal act is in conflict with any section of these rules, then the section of the principal act is effective and controlling.~~

~~Section 2. Types of special district elections. The special districts, falling under the Special District Elections Act of 1994, conduct different types of elections. During the life cycle of a special district, there are elections to form, elect directors, obtain authority to incur indebtedness through bonds, approve mill levies above the level authorized in W.S. 39-2-402, enlarge, merge, consolidate, annex and dissolve. Many of the principal acts contain sketchy details about how to conduct some or all of the elections authorized by the principal act. This chapter is meant to provide a thorough set of procedures which a special district may use when conducting any type of election.~~

~~Section 3. How special district elections may be conducted. The Special District Elections Act of 1994 requires the special district to allow absentee voting. (W.S. 22-29-112). In tandem with absentee voting, a special district has the choice to conduct an election in one of two ways:~~

~~———(a) A conventional election day election where there are polling places staffed by election judges who hand paper ballots to the voters or operate an electronic voting system.~~

~~(b) A mail ballot election where all the persons or entities determined to be eligible to vote are mailed ballots, which when voted, are returned to the election official and safeguarded until the deadline for voting passes, which deadline shall be called election day. With this, the district may dispense with a physically administered election.~~

~~RATIONALE: During the Summer of 1993 hearings conducted by the secretary of state, many special district representatives disclosed that when there is an election, perhaps a dozen voters actually show up to vote. The law dictated the district to open and staff a polling place for sometimes twelve hours and open, test and secure a voting system for a few voters out of potentially hundreds of voters. To alleviate the need for a polling place and to potentially increase voter participation, the new mail ballot election was adopted.~~

~~The 1994 Legislature mandated absentee voting because there may be snowbirds who might not be on the mail ballot list, cannot come to the election official's office to request a mail ballot nor be present on election day to vote. Without some provision for absentee voting, a snowbird may be disenfranchised. For simplicity, these rules shall set forth absentee voting provisions which track with how mail ballot elections are run.~~

~~Section 4. Paper Ballot System. The rules on a conventional election assume that the district is using a paper ballot system. If the district is using an electronic voting system or alternate voting system, then the Election Code requirements for security, sealing the machine after the pre-election test, polling place regulations of the voting system and resealing of machines after the polling is completed shall apply. (In other words, if the special district wishes to use the county's voting system, it will have to ask the county clerk to help.)~~

~~Section 5. Proclamation. Unless Chapter 29 or the principal act requires otherwise, between sixty (60) and fifty five (55) days before an election, the election official shall publish at least once in a newspaper of general circulation in the district a proclamation setting forth the date of the election, the offices to be filled at the election including the terms of the offices, the terms and unexpired terms of offices to be filled, number of person required by law to fill the offices, the filing period, address of the filing office and whether the election shall be a conventional election or a mail ballot election. If the election is a conventional election then the proclamation shall give the address of the polling place(s) and the hours that it (they) will be open. If the election is a mail ballot election, then the proclamation shall state that there will be no polling places, that instead, anyone entitled to vote shall receive a ballot with a return envelope and with the date and time (5:00 pm) the ballot must physically be in the hands of the election official. If the election involves a ballot proposition, the proclamation shall include a description of the ballot proposition. Additional proclamations may be made by the election official. Minor errors in any proclamation shall not invalidate the forthcoming election.~~

CHAPTER 4 CONVENTIONAL ELECTION

~~Section 1. Filing Period for Directors, Filing Fee. An application for election shall be filed between thirty nine (39) and thirty (30) days next preceding the election. There shall not be a filing fee unless the principal act or lawfully promulgated rule or bylaw of the respective special district requires otherwise. If the election involves a ballot proposition, the language shall be certified to the district secretary not later than forty days before the election. (The fact that there will be a ballot proposition on the ballot must be communicated to the district secretary before the proclamation period begins.)~~

~~Section 2. Filing Office. The special district may designate the filing office and officer for elections after the formation elections by rule, bylaw or resolution. If the special district fails to designate a filing office and filing officer for director candidates, petitions involving elections, petitions on ballot propositions, the filing office shall be the principal place of business, or if no principal place of business, the business or home of the director who is the district secretary shall be the filing office. The district secretary shall be the filing officer of the district unless otherwise provided.~~

~~Section 3. Election Judges, Counting Board Members and Canvassing Board.~~

~~(a) The election official shall appoint at least three election judges. The election judges shall be qualified electors of the district and be physically, morally, and mentally competent to perform their duties. Regardless of the type of election, the election judges do not need to be landowners.~~

~~(b) The election judges may comprise the counting board or the election official may appoint a sufficient number of counting board members who shall have the same qualifications outlined for election judges.~~

~~(c) Unless otherwise provided in the principal act, the county commissioners shall appoint a canvassing board comprised of three qualified electors of the district who are physically, morally and mentally competent to perform their duties.~~

~~(d) The election judges, counting board members and the canvassing board shall be appointed by not later than thirty days before the election. These officials may also be permanently appointed so that a reappointment is not necessary with every election.~~

~~Section 4. Ballot Preparation. Between forty and thirty days before the election, the election official shall prepare the ballots. The ballots shall be ready not later than thirty days before the election.~~

~~Section 5. Poll List. Not later than thirty days before the election, the county clerk and county assessor of each county in which the special district is located shall certify and submit to the election official a landowners list, a list of electors, or both as necessary, within the district. In some cases, the election official may have more accurate information on who resides or is otherwise eligible to vote and this information may be provided to the county clerk or county assessor for their use in certifying the poll lists. Who is eligible to vote shall be determined from this poll list.~~

~~Section 6. Ballot format, rotation of candidates and ballot propositions.~~

~~(a) The ballots may be prepared in any format the election official selects except:~~

~~(i) The format shall be impartial;~~

~~(ii) Across the top shall be printed Official Special District Election Ballot and the date of the election;~~

~~(iii) Below the list of candidates, there shall be printed sufficient blank lines for write-in candidates;~~

~~(b) Rotation of candidates' names shall not be required. If there are more candidates filed than slots open, the election official shall, at an open meeting to which all candidates or their representatives are invited, put all candidates' names on pieces of paper, place them in container and the order in which they are taken shall be the order on the ballot. If there is more than one ballot proposition, this same process shall be used to select the order of the ballot.~~

~~Section 7. Absentee Voting.~~

~~(a) Beginning on the twenty fifth (25) day before an election, absentee voting shall begin. If any one eligible to vote in the election has provided, in advance, a request for an absentee ballot either with the county clerk, if it is a formation election, or with the district secretary for other elections, the election official shall forward an absentee ballot to the elector at this time. The district may by rule or bylaw choose to pay the return postage of absentee ballots.~~

~~(b) A person eligible to vote in the election, or someone on his or her behalf, may request an absentee ballot either in person, in writing, or by telephone at any time during the year in which the election is held up to the day before the election. An election official, may in his discretion, allow an absentee ballot to be requested on election day in case of an emergency. A person eligible to vote in the election means someone listed on the poll lists provided by the county clerk or county assessor in accordance with Section 5 of this chapter. A person requesting an absentee ballot who is not on the appropriate lists(s) may only obtain an absentee ballot by signing a challenged voter form.~~

~~(c) Nothing in these rules shall be construed to require a special district to maintain a place where absentee voting occurs in person such as is maintained by the county clerks for regular elections. A voter receiving an absentee ballot shall vote the ballot elsewhere and return it by mail or in person.~~

~~(d) Absentee ballots shall be processed in accordance with the rules governing mail ballot processing. However, the election official shall manually delete the phrase The upcoming election is a mail ballot election. There will be no polling place for the election, which appears in the Instruction on the mail ballot envelopes provided by the Secretary of State. (Chapter 5).~~

~~(e) Absentee ballots and all challenged voter forms shall be delivered to the election judges at the polling place before closing on election day. Absentee ballots not returned in the return verification envelope shall not be accepted nor delivered to the polling place. As activity permits, the election judges may begin verifying the information on the return verification envelope. The judges shall first check the information on the outside of the envelope to ensure the following:~~

~~(i) The person who voted was in fact eligible to vote as shown on the certification by the county clerk and/or assessor or on a challenged voter form. (Please see next section.)~~

(ii) ~~The person completing the ballot has not previously voted in the election nor had a replacement ballot issued.~~

(iii) ~~If it is otherwise sufficient, the name of the absent elector shall be entered in the pollbook, the return verification envelope shall be opened by an election judge and the ballot therein shall be removed and stamped with the regular rubber stamp and initialed by an election judge. The ballot shall then be placed in the regular ballot box.~~

(f) ~~A person may not vote by absentee ballot and in person at the same election. If more than one absentee ballot from the same person for the same election is discovered by an election official or election judge, none of the ballots shall be counted.~~

Section 8. Polling Place Regulations.

(a) ~~Before the polls open on election day, the following materials shall be delivered to the polling place:~~

(i) ~~Certified lists from the county assessor and county clerk as provided in Section 5 of this Chapter;~~

(ii) ~~Challenged voter forms;~~

(iii) ~~A sufficient number of ballots in sealed container;~~

(iv) ~~Sealed ballot boxes and the keys;~~

(v) ~~Stamp for stamping the ballots;~~

(vi) ~~Pens for election judges to initial ballots;~~

(vii) ~~Other necessary supplies;~~

(b) ~~Unless otherwise provided in the principal act, the directors may by rule, bylaw or resolution set the number of hours the polling place shall be open. This decision shall be made in advance of the proclamation period. The directors shall be guided by the number of eligible persons or entities; the smaller the number then presumably the fewer hours the polls may be open.~~

(c) ~~The election judge shall stamp each paper ballot on the back with the official ballot stamp and affix his initials within the stamped area before giving the voter his ballot and then place a number in consecutive order by the name of the voter on the certified list(s);~~

(d) ~~The voter shall then go to a voting booth and complete his ballot. The completed ballot shall then be placed into the proper ballot box by the voter or the election judge.~~

(e) ~~The election judges shall process the absentee ballots as outlined above.~~

(f) ~~Any person appearing at the polls offering to vote who does not appear on the certified lists provided in Section 5 above may vote after signing a challenged voter form.~~

Section 9. After the Poll Closes.

(a) ~~Any absentee ballots received after the polling place closes shall not be counted and shall be marked Rejected—Received after Polls Closed.~~

(b) ~~Election judges or counting board members begin counting ballots after the polls close. The ballot boxes are unlocked and the ballots removed. The ballots with the stamp and initials of the election judge shall be counted and the total number of ballots should correspond with the total number of voters listed in the pollbooks. If there is a discrepancy, the election judges or counting board members shall attempt to resolve the discrepancy by scanning the pollbook to see if the same number was used twice or a number skipped. If the number of ballots and the pollbook cannot be reconciled, the ballots shall be counted. However, the canvassing~~

board shall be notified of the discrepancy and shall be required to reconcile the number of ballots with the poll book.

~~(c) Votes for write in candidates are tallied at this time.~~

~~(d) Every vote for a candidate or ballot proposition shall be entered on a tally sheet by a vertical mark, except that every fifth mark shall diagonally cross the preceding four (4). A vote which is not clearly marked except when the intent of the voter is obvious shall not be tallied for that office or question but votes clearly marked on the remainder of the ballot shall be tallied.~~

~~(e) When the votes have been counted, the election judges or counting board members shall certify the following information in the poll book and then sign their names:~~

~~(i) the number of voters voting in person and by absentee ballot;~~

~~(ii) the candidates names and their vote totals~~

~~(iii) the title or description of the ballot proposition and the vote totals;~~

~~Section 10. Canvass, Recount and Contest.~~

~~(a) A special district election, other than a formation election, shall be canvassed within seven days by a board appointed in accordance with Section 3(e) of Chapter 4. The meeting of the canvassing board is open to the public.~~

~~(b) The canvassing board shall review all challenged voter forms to ensure that every challenged voter was qualified to cast a ballot. If the canvassing board ascertains that some or all of the challenged votes were illegally cast and the number of illegally cast votes is equal to or greater than the margin of votes in a race or on a question, then the canvassing board shall declare a special election.~~

~~(c) The canvassing board shall resolve any discrepancies, if any. After all tasks have been completed, the canvassing board shall sign the poll books as well and certify that either the election is canvassed or that a special election has been declared.~~

~~(d) The election official shall keep all election materials, forms ballots and other materials for at least one year or if the election is contested after the conclusion of the litigation whichever is later.~~

CHAPTER 5 MAIL BALLOT ELECTIONS

~~Section 1. Filing Period, Filing Office, Election Judges, Ballot Preparation, Ballot Format, Poll List and Canvass and Recount. All provisions in Sections 1,2,3,4,5,6,8 and 11 of Chapter IV shall apply to mail ballot elections.~~

~~Section 2. District option to conduct mail ballot election. Regardless of the number of eligible voters within its boundaries, a special district may, by rule or bylaw of its governing body, conduct mail ballot elections for any type of election.~~

~~Section 3. District option to pay return postage. A special district may by rule or bylaw choose to pay the return postage of mail ballots.~~

~~Section 4. Mail Ballot Elections.~~

~~(a) No sooner than twenty five days and no later than fifteen (15) days before an election, the election official shall mail to each elector entitled to vote, as shown on the certified lists provided in Section 5 of Chapter 4, at the address shown on the certified lists, a mail ballot package, which shall be marked DO NOT FORWARD ADDRESS CORRECTION REQUESTED or any other similar statement which is in accordance with United States Postal Service regulations. The mail ballot package shall also contain a statement that there will be no polling place for the election.~~

~~(b) The ballot or ballot label shall contain the statutorily required warning that criminal laws regulating the conduct of elections apply with equal force to mail ballot elections.~~

~~(c) No sooner than twenty five (25) days and no later than fifteen (15) days before the election, mail ballots packages may be mailed upon request to electors entitled to vote in the election but who are not otherwise listed on the county voter registration records, or on the landowner's list if otherwise authorized to vote by signing a challenged voter form. Mail ballot packages may also be picked up at the office of the election official.~~

~~——(d) Nothing in this section or in the Act shall be construed as requiring the special district to maintain a place where mail ballots are voted in person such as is maintained by the county clerks for absentee voting in regular elections.~~

~~(e) An elector may obtain a replacement ballot if the ballot was destroyed, spoiled, lost, or for some other reason not received by the elector. In order to obtain a replacement ballot, the elector must sign a sworn statement specifying the reason for requesting the replacement ballot. The statement shall be presented to the election official no later than 4:00 p.m. on election day. The election official shall keep a record of each replacement ballot issued in accordance with this section. An election official shall not transmit a mail ballot package under this section unless the application for the replacement ballot is received on or before election day. A replacement ballot may be transmitted directly to the applicant at the election official's office or may be mailed to the elector at the address provided in the application. Replacement ballots may be cast no later than 5:00 p.m. on election day;~~

~~(f) Upon receipt of a ballot, the elector shall mark the ballot, sign and complete the return verification envelope and comply with the instructions provided with the ballot. The elector may return the marked ballot to the election official by United States mail or by depositing the ballot at the office of the election official or any place designated by the election official. The ballot~~

must be returned in the return verification envelope. The ballot shall be received at the office of the election official or the designated depository no later than 5:00 p.m. on election day;

(g) Once the ballot is returned, an election official shall first qualify the submitted ballot by examining the verification envelope and comparing the information on the envelope to the registration records to determine whether the ballot was submitted by a qualified elector who has not previously voted in the election. If the ballot so qualifies, and is otherwise valid, the official shall enter the name of the registered elector in the poll book, open the return verification envelope, remove the ballot and deposit the ballot in an official ballot box;

(h) A mail ballot shall be valid and counted only if it is returned in the return verification envelope, the affidavit on the envelope is signed and completed by the elector to whom the ballot was issued and the information on the envelope is verified in accordance with sub paragraph (g) of this section. If an election official determines that an elector to whom a replacement ballot has been issued has voted more than once, the official shall not count any ballot cast by the elector.

(i) The ballots shall be counted and canvassed in accordance with Chapter 4, Section 3 (b), (c) and (d). No election judges are necessary for mail ballot elections.

Section 5. Absentee voting with a mail ballot election

(a) A voter who requests an absentee ballot who is not listed on the certified lists provided in Section 5 of Chapter 4 may, after signing a challenged voter form, pick up or be sent a mail ballot package in accordance with Section 4 of this chapter.

(RATIONALE: In a mail ballot election, any one appearing on the list provided in Section 5 of Chapter 4 automatically receives a mail ballot package. The process whereby someone asks to be on the absentee ballot request list because he or she can't vote at the polling place doesn't apply here. The only time someone will request a ballot is when he or she is not on the list of those eligible to vote.)

(b) A voter who is listed on the certified lists provided in Section 5 of Chapter 4 but who requests that the mail ballot package be mailed to an address different than that listed on the certified list may pick up or be sent a mail ballot package in accordance with Section 4 of this chapter. However, the election official shall ensure that the voter does not vote two mail ballot packages.

(c) Any mail ballot packages which are considered absentee ballots shall be received and processed in the same way as the return mail ballots.

(d) The affidavit on the return verification envelope shall be self-executing, under penalty of perjury.

(RATIONALE: The Special District Elections Act does not specifically state whether the affidavit on the mail ballot return verification envelope is self-executing or whether it must be signed and sworn to before an officer authorized to administer oaths. (W.S. 22-29-115 (a) (viii)). At W.S. 22-29-114 (b), the Special District Elections Act mandates the secretary of state to prescribe the form of materials to be used in the conduct of mail ballot elections and shall establish procedures for conducting mail ballot elections. Pursuant to this statutory authority, the secretary of state establishes that the affidavit shall be self-executing to parallel the absentee voting procedures set forth for primary and general elections, W.S. 22-9-111.)

CHAPTER 6 TERMS OF OFFICE

~~Section 1. Director Terms. Unless otherwise provided in the principal act or by rule, bylaw or resolution of the district, any director of a special district falling under these rules shall take the oath of office and commence his term at the beginning of the next regularly scheduled directors meeting.~~

~~(RATIONALE) Some principal acts do not provide when new director terms begin. These rules allow those districts to set their own term commencement. During the training sessions in the summer of 1994, districts representatives suggested all different sorts of schemes when the new directors should take their oath of office and take office. Some said there should be no lame ducks so that the term should begin as soon as the election results are certified. Others said there should be a transition where the new directors attend a board meeting while the former directors still possess their power so that the new directors wouldn't actually take office until the second regular board meeting. Other said the term should begin at the next board meeting. We made the last suggestion the default provision. If the district law does not provide for this, and the district fails to address this in its rules, bylaws or resolutions, then the next regular board meeting rule shall apply.~~