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September 1, 2017

To: Joint Corporations, Elections and Political Subdivisions Committee
cc: Ed Murray, Wyoming Secretary of State

RE: Information regarding Elections in Wyoming and Future Concerns

Dear Co-Chairmen Case and Zwonitzer and Members of the Committee:

The County Clerks Association of Wyoming (CCAW) would like to thank you for the opportunity to address you and provide some critical history regarding Elections in Wyoming, as we see the makeup of the committee has drastically changed in the past 15 years.

As you are aware, the Federal Election of 2000 was the catalyst for change in the way elections are conducted across the United States with the implementation of the Help America Vote Act of 2002 (HAVA). Two of the major changes mandated to States were: 1) Lever and Punch Card Machines were no longer to be used in Federal Elections; and, 2) Each State must have a Computerized Statewide Voter Registration System. HAVA also created the Election Assistance Commission (EAC) which is responsible for certifying election equipment used in Federal Elections. Each State received federal funding, matched by their State's legislature, to fund the replacement of equipment and to create a computerized statewide voter registration system. These systems were required to be implemented in the 2006 Federal Election cycle.

Under the direction of then Wyoming Chief Election Officer, Secretary of State Joe Meyer, work began on a Computerized Statewide Voter Registration system which resulted in WYOREG. This was a joint effort of County Clerks, Secretary of State staff and the vendors. Work also began on researching certified election equipment to replace existing equipment previously used in Wyoming Elections. Non-compliance with these mandates would result in US Department of Justice (DOJ) oversight in Wyoming Elections. Wyoming jumped through these hoops to keep the DOJ out of its election process. County Clerks and the Secretary of State also saw the need for a plan for eventual replacement of the equipment. HB0080, which would have setup a trust fund for the replacement of said equipment, failed to be considered by the Senate COW in the 2005 session.

Eleven years later, the CCAW is well aware of the State's revenue situation and the trickle-down effect on local government. Trying to "think outside of the box", we made three separate attempts to propose for your consideration the idea of Mail Ballot Elections and heard very clearly from this committee it is not something the committee wishes to even study as an alternative election delivery method for Wyoming voters. Unfortunately, the committee did not offer assistance in researching other options for the Wyoming election process. With that said, counties are faced with aging equipment and the reality of non-availability of maintenance support on said equipment. The CCAW has been informed by the vendor that supports 20 of 23 counties that support for current equipment will cease in 2020 leaving counties no choice but to purchase or lease new and expensive equipment. Additionally, counties are faced with an aging election judge population and shortage of ADA compliant buildings for polling places. The concern is Wyoming will become non-compliant with Federal Election Standards, which may open the door for the DOJ to step in and oversee elections in Wyoming, increasing the cost of elections in proof of compliancy and reporting to the DOJ. The CCAW would like to prevent the possibility of having the election process in Wyoming at the forefront of negative publicity, much like the Florida situation in 2000.

County Clerks are the "boots on the ground" when it comes to Wyoming Elections. We know our constituencies and physical areas available for polling places. Counties have been asked to not use schools as polling places because of security concerns. Other remote areas have noncompliant ADA buildings for use, and it only takes one person to file a viable complaint to send a red flag to the DOJ. Finally, voting populations are more technologically advanced and most technology is out of date upon implementation. How many of us have a 10 year old cell phone?

Keeping that in mind, this is not just a County issue, it is a State of Wyoming issue. If equipment fails in one County, the State as a whole fails. We have brought this concern to Secretary Murray and his staff. As Chief Election Officer, he is ultimately responsible for insuring elections are conducted equally and uniformly for the State of Wyoming. He shares our concerns and is working closely with the CCAW on this issue.

It was our understanding that the election process was to be a top priority interim topic for study by this committee and the CCAW. After three unsuccessful attempts to get approval from this committee to proceed with an interim study and collaborate on a vision of what voting will look like in Wyoming in the very near future, we have come to the reluctant conclusion this is be an endeavor we may have to pursue on our own.

We are not closing the door on the possibility of an interim study and CCAW reiterates our desire to collaborate on a vision for elections in 2020 and beyond. But it is imperative that discussions, followed by a plan of action, be initiated now. To that end, during our September 27-28 meetings, CCAW members will develop strategies to call public attention to the urgent need to fund and support elections – the backbone of our democracy—and to ensure the integrity of those elections. We will inform you of our plans and hope you take advantage of the opportunity to learn more about elections, the challenges we face, and will partner with us to find solutions.

Sincerely,



Gwynn Bartlett, President