



Wyoming Secretary of State

Edward A. Buchanan
Secretary of State

Karen L. Wheeler
Deputy Secretary of State

DIRECTIVE NO. 2020-05
August 4, 2020

TO: HONORABLE COUNTY CLERK:

This Directive addresses the timeframe in which absentee ballots that have been mailed or delivered to the county clerk may be processed.

OVERVIEW: This Directive supersedes certain statutory requirements regarding the processing of absentee ballots that have been mailed or delivered to the county clerk. The intent of the directive is to allow additional time to process absentee ballots due to anticipated increases in volume and the added time necessary to accommodate voters at the polls, given the current situation. This directive will only apply to the primary election.

WHEREAS, Both the President of the United States and Governor Mark Gordon have declared states of emergency related to the spread of the novel coronavirus SARS-CoV-2, causing the disease COVID-19. An influx of absentee ballot requests and absentee ballots returned to the county clerks as a result of the COVID-19 pandemic, has placed an undue burden on county clerks to fulfil their statutory requirement of processing absentee ballots only on Election Day and to provide election results to the Secretary of State's office on Election Night. Therefore, since the novel coronavirus has significantly interfered with the ability of county clerks to carry out their statutory requirement for processing absentees in the 2020 Election Year, this directive provides necessary relief to the burden realized as a result of this pandemic.

AND WHEREAS, in accordance with Wyo. Stat. § 22-2-121(f) and as Chief Election Officer for the State of Wyoming, the Secretary of State has authority to issue directives to county election officers necessary to ensure the proper conduct of elections, including voter registration and elector participation when there is a declared natural disaster or other impending or declared emergency which interferes with an election.

NOW, THEREFORE, FOR THE PURPOSE OF allowing adequate time for processing absentee ballots and to provide timely election results to the Secretary of State's Office on Election Night,

I, Secretary of State Edward Buchanan, hereby issue Directive No. 2020-05:

To ensure the timely processing of absentee ballots, and timely reporting of election results to the Secretary of State's Office (for the primary election only), I hereby authorize you to begin processing absentee ballots on August 13th and 14th, 2020. The following requirements will apply:

1. **Any clerk wishing to utilize this method of preparing and processing absentee ballots in his/her county shall notify the Election Director of the Secretary of State's office, in writing (may be by email), and follow the process outlined in the Directive.**
2. **Absentee ballots may be prepared and processed only during regular business hours on August 13th and 14th, and from 7:00 a.m. on Primary Election Day, August 18th, until complete.**
3. **Each clerk shall provide written notice to each major party of the date, time and place that absentee preparation and processing will occur. An e-mailed notice can suffice for written notice. The notice shall include information on observation of the process, including rules regarding the same.**
4. **Any individual wishing to observe this process shall produce identification and contact information, be provided observation rules, and sign-in acknowledging receipt and understanding of the rules.**
5. **No candidates, or candidate's committee chair, with the exception of precinct committeeman or committeewoman, shall be allowed while preparation and processing is occurring.**
6. **A counting board shall be established by the county clerk to oversee all processing of absentee ballots. The counting board shall consist of at least three qualified electors and shall include an individual from each major political party, or an individual registered as unaffiliated if one major party cannot be represented, and the county clerk or designated deputy clerk.**
7. **Counting board members shall sign the same oath as other poll workers.**
8. **Preparation and processing of absentee ballots means opening the envelope, separating the ballot and running the ballots through a DS200 and/or DS450/850. This is done only after each ballot qualifies to be processed and after the number of ballots to be processed balances to what has been received in WyoReg.**
9. **Processed ballots shall be stored with a numbered seal and a log of the seal(s) shall be maintained by the clerk. Both the processed ballots and log of the seal(s) shall be stored in a physically secure location.**
10. **No results shall be known and/or released, or incorporated into the final vote count until after the polls close on Election Day.**

I will determine any questions regarding how to interpret this Directive or how it applies to other provisions of the Election Code at my sole discretion. When the Governor rescinds the present state of emergency, I will rescind this Directive.

SIGNED THIS 4th DAY OF August 2020,



Edward A. Buchanan
Wyoming Secretary of State