



Wyoming Secretary of State

Chuck Gray
Secretary of State

Jesse Naiman
Deputy Secretary of State

August 12, 2024

Via E-Mail

Re: County Clerk Obligations Regarding Public Testing of Voting Equipment in Accordance with W.S. 22-11-104(b)(iii)

Dear County Clerks:

Following the completion of all counties' public test of voting equipment, which is set forth as a duty of the county clerks in W.S. 22-11-104, numerous concerns have been brought to our office's attention regarding counties' compliance with Wyoming Statute, specifically that some counties' tests did not assign a different number of valid votes to each candidate for an office during their respective public testing of voting equipment.

As outlined in our office's June 25, 2024 Memo 2024-09 (attached), as well as our office's guidance on public testing of voting equipment, W.S. 22-11-104(b)(iii) unambiguously states that **"[d]uring the test a different number of valid votes shall be assigned to each candidate for an office, and for and against each measure."** This requirement is not just a formality. It is crucial to ensuring that the electronic voting machines are accurately counting and tabulating the votes for each candidate when the actual ballots are tabulated on election night. Assigning the same number of votes for two or more candidates in the same race is plainly contrary to that statute.

Our office has already been in communication with Laramie County, who has agreed to retest their voting equipment in accordance with Wyoming law. However, this problem was not isolated to Laramie County. Multiple counties failed to assign a different number of valid votes to each candidate for their test ballots, as evidenced in their summary and detailed reports. With this letter, I am requesting each and every county whose public test failed to comply with W.S. 22-11-104(b)(iii) to retest each voting system they intend to use in the 2024 Primary Election in accordance with Wyoming law, and certify to our office that this test has been redone. I'm also requesting a copy of the summary and detail reports pertaining to all races for the original public test and retest for all voting systems to be used in the 2024 Primary Election. Our office stands ready to assist county clerks in retesting their equipment.

Sincerely,

A handwritten signature in blue ink that reads "Chuck Gray".

Chuck Gray
Wyoming Secretary of State



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Secretary of State

Jesse Naiman
Deputy Secretary of State

TO: Honorable County Clerks
FROM: Paul Raines, Assistant Director, Election Division
DATE: June 25, 2024
RE: MEMO 2024-09 Public Test of Voting Equipment Certification Form, Standard Placement of Seals, and L&A Checklists

Per Rules, Chapter 29 Voting Systems, our Office is required to provide a standard "placement of security seals and an L&A checklist for the ballot marking and ballot tabulation devices." The checklists are provided to serve as a guide for your logic and accuracy testing.

Please review W.S. 22-10-108, 22-11-104, and Chapter 29 of the rules to determine the minimum number of ballots to test and the number of valid votes for each candidate. Specifically, W.S. 22-11-104(b)(iii) states, "During the test a different number of valid votes shall be assigned to each candidate for an office, and for and against each measure."

A suggestion for determining and tracking the different numbers of valid votes assigned to each candidate for an office, for and against each measure, and determining the minimum number of test deck ballots to use in each precinct or ballot style is to create a test matrix. If you would like, you can send us a copy of your test matrix spreadsheet for review and feedback.

Additionally, the rules require that "The County Clerk shall attest in writing to the Secretary of State, on a form prescribed by the Secretary of State's Office, that the ballot on demand printers have been tested and are ready for the election and that their ballot marking and ballot tabulation devices have been publicly tested, have passed L&A testing, and are ready for the election."

Therefore, please see attached for the Public Test of Voting Equipment Certification form. This form must be signed and submitted to our office following your public test. For those of you who have already completed the test, please complete and submit back to our Office at your earliest convenience.

Please let me know if you have any questions.

Best,

A handwritten signature in black ink, appearing to read "Paul Raines", written over a white background.

Paul Raines
Assistant Director, Elections Division
Wyoming Secretary of State
307-777-7186