

HOUSE BILL NO. HB0306

Elections.

Sponsored by: Representative(s) Ross

A BILL

for

1 AN ACT relating to elections; providing for determination
2 and filling of vacancies in elective office; making
3 conforming amendments; and providing for an effective date.

4

5 *Be It Enacted by the Legislature of the State of Wyoming:*

6

7 **Section 1.** W.S. 21-3-109(a)(iii), (iv) and by
8 creating a new paragraph (v) is amended to read:

9

10 **21-3-109. When vacancy on board deemed to have**
11 **occurred.**

12

13 (a) A vacancy shall have occurred in the membership
14 of any board of trustees of any school district if any
15 member:

16

1 (iii) Becomes a nonresident of the school
2 district;~~or~~

3

4 (iv) Becomes a nonresident of the trustee
5 residence area from which elected in those districts
6 subdivided into trustee residence areas;~~or~~ or

7

8 (v) Meets any of the criteria specified in W.S.
9 22-18-101(a).

10

11 **Section 2.** W.S. 22-18-111 is repealed and recreated
12 as W.S. 22-18-111 to read:

13

14 **22-18-111. Vacancies in other offices; temporary**
15 **appointments.**

16

17 (a) Any vacancy in any elective office in the state,
18 except representative in congress and members of the
19 judiciary, shall be filled by the governing body, or by
20 appointment of a temporary successor to serve until a
21 successor for the remainder of the unexpired term or a new
22 term is elected at the next general election and takes
23 office on the first Monday of the following January, as
24 hereafter provided.

1

2 (b) A vacancy in the office of United States senator
3 or state office shall be determined by the governor:

4

5 (i) If the incumbent who vacated office belonged
6 to a political party, the governor shall certify the
7 vacancy to the state chairman of the state central
8 committee of the political party which the incumbent
9 represented at the time of his election under W.S.
10 22-6-120(a)(vii), or at the time of his appointment if not
11 elected to office. The chairman shall call a meeting of the
12 state central committee to be held not later than ten (10)
13 days after the chairman receives notice of the vacancy. At
14 the meeting, the state central committee shall select and
15 transmit to the governor the name of a person qualified to
16 fill the vacancy. Within five (5) days after receipt of the
17 name, the governor shall fill the vacancy by temporary
18 appointment of the person so selected by the state central
19 committee;

20

21 (ii) If the incumbent who vacated office did not
22 represent a political party at the time of his election or
23 appointment to the office, the governor shall certify the
24 vacancy to the chairmen of all state central committees of

1 parties registered with the secretary of state, each of
2 which shall follow the process under paragraph (i) of this
3 subsection and submit the name of one (1) person qualified
4 to fill the vacancy to the governor. The governor shall
5 cause to be published notice of the vacancy in a newspaper
6 of general circulation in the state. Qualified persons who
7 do not belong to a party may, within ten (10) days after
8 public notice of the vacancy, submit a petition to the
9 governor signed by at least one hundred (100) qualified
10 electors, seeking consideration for appointment to fill the
11 vacancy. Within five (5) days after the last day for
12 receiving the names of qualified persons, the governor
13 shall fill the vacancy by temporary appointment to the
14 office from the names submitted or from those petitioning
15 for appointment.

16

17 (c) Vacancies in the office of a member of the state
18 legislature shall be determined and filled as hereafter
19 provided:

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21 (i) In the case of vacancies caused by
22 resignation, the governor and in the case of vacancies
23 occurring other than by resignation, the board of county
24 commissioners of the county or counties in which the

1 vacancy occurs, shall immediately notify the chairman of
2 the political party which the incumbent represented at the
3 time of his election under W.S. 22-6-120(a)(vii), or at the
4 time of his appointment if not elected to office;

5

6 (ii) For all vacancies in which the incumbent
7 represented a political party at the time of his election
8 or appointment to the office, the state central committee
9 of that political party shall notify the party's precinct
10 committeemen and committeewomen for each precinct within
11 the legislative district in which the vacancy exists, who
12 have been in office at least thirty (30) days prior to the
13 vacancy. The central committee, or its designee, shall also
14 arrange a meeting, not later than ten (10) days after
15 notification of the vacancy, of those precinct persons
16 during which they shall select a qualified person to fill
17 the vacancy. The state central committee shall establish
18 procedures for conducting the vote required to choose a
19 person to fill the vacancy;

20

21 (iii) The state central committee shall submit
22 the name of the person selected to fill the vacancy to the
23 board of county commissioners for each county in which the
24 legislative district is located and within five (5) days

1 thereafter, the board or boards of county commissioners
2 shall appoint the person submitted by the state central
3 committee to fill the vacancy;

4

5 (iv) If the incumbent vacating the office did
6 not represent a political party at the time of his election
7 or appointment to the office, the board or board of county
8 commissioners in which the legislative district is located
9 shall publish notice of the vacancy in a newspaper of
10 general circulation in the county or counties. The notice
11 shall also give notice that within ten (10) days after
12 publication any qualified person may apply directly to the
13 county commissioners for appointment to fill the vacancy.
14 Within fifteen (15) days following publication of the
15 notice of vacancy, the board or boards of county
16 commissioners shall fill the vacancy by appointing one (1)
17 person qualified from those submitting applications. If the
18 legislative district is in more than one (1) county, the
19 vacancy shall be filled by the combined vote of the boards
20 of county commissioners for those counties and the vote of
21 each county commissioner shall be weighted so that the
22 total vote of the commissioners is in proportion to the
23 population of the legislative district within that county
24 based on the most recent decennial census.

1

2 (d) Vacancies in county elective offices shall be
3 filled as hereafter provided:

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5 (i) If the incumbent who vacated office
6 represented a political party, the board of county
7 commissioners shall immediately notify in writing the
8 chairman of the county central committee of the political
9 party which the incumbent represented at the time of his
10 election under W.S. 22-6-120(a)(vii), or at the time of his
11 appointment if not elected to office. The chairman shall
12 call a meeting of the county central committee to be held
13 no later than ten (10) days after receipt of notice of the
14 vacancy. At the meeting the county central committee shall
15 select and transmit to the board of county commissioners
16 the name of a person qualified to fill the vacancy. Within
17 five (5) days after receipt of the name, the board of
18 county commissioners shall appoint the person to fill the
19 vacancy;

20

21 (ii) If the incumbent who vacated office did not
22 represent a political party at the time of his election or
23 appointment to the office, the board of county
24 commissioners shall fill the vacancy using the same process

1 provided by paragraph (c)(iv) of this section except as
2 hereafter provided. In the case of a vacancy in the office
3 of county commissioner in which the incumbent did not
4 represent a political party at the time of his election or
5 appointment, the remaining members of the board of county
6 commissioners may appoint any qualified person to fill the
7 vacancy.

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9 (e) Vacancies in a municipal office shall be filled
10 as provided by W.S. 15-1-107 and 15-3-203.

11

12 (f) Vacancies on a school or community college
13 district board of trustees shall be determined and filled
14 as provided by W.S. 21-3-108, 21-3-109, 21-18-303 and
15 22-18-101.

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17 (g) Vacancies on a hospital or special district board
18 of trustees shall be determined and filled as provided in
19 W.S. 22-29-201 and 22-29-202.

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21 **Section 3.** W.S. 18-3-524 is repealed.

22

1 **Section 4.** This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming
4 Constitution.

5

6

(END)