

ORIGINAL SENATE  
FILE NO. 0038

ENROLLED ACT NO. 8, SENATE

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2004 BUDGET SESSION

AN ACT relating to public offices; specifying, modifying and clarifying procedures for filling vacancies in certain offices; modifying time periods for filling vacancies; and providing for an effective date.

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

**Section 1.** W.S. 18-3-524(a), (b) (i) and by creating a new subsection (d), 22-18-111(a) (i), (ii), (iii) (A), (C), (vi) and by creating a new subsection (c) and 28-1-106 are amended to read:

**18-3-524. Appointments to fill vacancies; term.**

(a) Within twenty (20) days after the office of any county commissioner becomes vacant the remaining members of the board shall declare a vacancy to exist and immediately give notice of the vacancy in writing to the chairman of the county central committee of the political party ~~to~~ which the member whose office is vacant ~~belonged~~ represented at the time of his election under W.S. 22-6-120(a) (vii), or at the time of his appointment if not elected to office. The chairman of the county central committee shall within twenty (20) days after receipt of the notice call a meeting of the county central committee. At the meeting the committee shall select three (3) persons qualified to fill the vacancy and transmit the names to the board of county commissioners. The board of county commissioners shall fill the vacancy within twenty (20) days after receiving the list from the county central committee by appointing one (1) of the persons whose names are submitted by the county central committee:

(i) If the county central committee fails to select and transmit the list of three (3) names to the

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board of county commissioners within twenty (20) days, the board shall fill the vacancy by the appointment of any qualified person belonging to the same political party ~~as~~ the incumbent commissioner represented at the time of his election or appointment if not elected to office;

(ii) If the incumbent commissioner did not ~~belong to~~ represent any political party at the time of his election or appointment, the board of county commissioners may appoint any qualified person to fill the vacancy.

(b) If the remaining members of the board of county commissioners fail to fill any vacancy in a board of county commissioners within the time specified in this section, any qualified elector of the county may file a petition with the clerk of the district court of the county in which the vacancy occurred requesting the judge of the district court to fill the vacancy:

(i) Within twenty (20) days after the petition is filed the judge shall fill the vacancy by appointing a qualified elector of the county belonging to the same political party ~~as~~ the incumbent commissioner represented at the time of his election or appointment. If the incumbent commissioner did not ~~belong to~~ represent any political party at the time of his election or appointment the judge may appoint any qualified person to fill the vacancy.

(d) For purposes of this section a person shall be considered to "represent" a political party if he was a nominee of that political party when elected to office or when appointed to fill a vacancy in office.

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

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(a) Any vacancy in any other elective office in the state except representative in congress or the board of trustees of a school or community college district, shall be filled by the governing body, or as otherwise provided in this section, by appointment of a temporary successor to serve until a successor for the remainder of the unexpired term is elected at the next general election and takes office on the first Monday of the following January. If a vacancy in a four (4) year term of office occurs after the first day for filing an application for nomination pursuant to W.S. 22-5-209, the temporary successor appointed shall serve until the first Monday in January following the second general election thereafter. The following apply:

(i) If a vacancy occurs in the office of United States senator or in any state office other than the office of justice of the supreme court and the office of district court judge, the governor shall immediately notify in writing the chairman of the state central committee of the political party ~~to~~ which the last incumbent ~~belonged, who represented at the time of his election under W.S. 22-6-120(a)(vii), or at the time of his appointment if not elected to office. The chairman~~ shall call a meeting of the state central committee to be held not later than ~~ten (10)~~ fifteen (15) days after he receives notice of the vacancy. At the meeting the state central committee shall select and transmit to the governor the names of three (3) persons qualified to fill the vacancy. Within five (5) days after receiving these three (3) names, the governor shall fill the vacancy by temporary appointment of one (1) of the three (3) to hold the office. If the incumbent who has vacated office did not ~~belong to~~ represent a political party at the time ~~the vacancy occurs~~ of his election, or at the time of his appointment if not elected to office, the governor shall notify in writing the chairman of all state

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central committees of parties registered with the secretary of state. The state central committees shall submit to the governor, within ~~ten (10)~~ fifteen (15) days after notice of the vacancy, the name of one (1) person qualified to fill the vacancy. The governor shall also cause to be published in a newspaper of general circulation in the state notice of the vacancy in office. Qualified persons who do not belong to a party may, within ~~ten (10)~~ fifteen (15) days ~~of public notice after publication~~ of the vacancy in office, submit a petition signed by one hundred (100) registered voters, seeking consideration for appointment to the office. Within five (5) days after receiving the names of qualified persons, the governor shall fill the vacancy by temporary appointment to the office, from the names submitted or from those petitioning for appointment;

(ii) If a vacancy occurs in a county elective office, except as provided in W.S. 18-3-524, the board of county commissioners of the county in which the vacancy occurs shall immediately notify in writing the chairman of the county central committee of the political party ~~to~~ which the last incumbent ~~belonged, who~~ represented at the time of his election under W.S. 22-6-120(a)(vii), or at the time of his appointment if not elected to office. The chairman shall call a meeting of the county central committee to be held not later than ~~ten (10)~~ fifteen (15) days after he receives notice of the vacancy. At the meeting the county central committee shall select and transmit to the board of county commissioners the names of three (3) persons qualified to fill the vacancy. Within five (5) days after receiving these three (3) names, the board of county commissioners shall fill the vacancy by appointment of one (1) of the three (3) to hold the office. If the incumbent who has vacated office did not ~~belong to represent~~ a political party at the time ~~the vacancy occurs of his election, or at the time of his appointment if not~~

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elected to office, the county commissioners shall publish in a newspaper of general circulation in the county, notice that within ~~ten (10)~~ fifteen (15) days after publication any qualified person may make application directly to the county commissioners for appointment to fill the vacancy. Within ~~fifteen (15)~~ twenty (20) days ~~of~~ after the publication of the vacancy in office the county commissioners shall fill the vacancy by appointment of one (1) person qualified from those submitting applications;

(iii) If a vacancy occurs in the office of a member of the state legislature:

(A) For vacancies other than resignations, the board of county commissioners of the county or counties in which the vacancy occurs shall immediately notify in writing the chairman of the state central committee of the political party ~~to~~ which the former incumbent ~~belonged~~ represented at the time of his election under W.S. 22-6-120(a)(vii), or at the time of his appointment if not elected to office. For resignations, the governor shall notify the appropriate state central committee or the appropriate board of county commissioners in accordance with W.S. 28-1-106. For all vacancies in which the incumbent represented a political party at the time of his election or appointment to the office, the state central committee of the political party of the former incumbent shall notify the precinct committeemen and committeewomen for that party for each precinct within the legislative district which is vacant and arrange a meeting of those precinct committeemen and committeewomen at which they will select a list of three (3) persons qualified to fill the vacancy. Only those persons serving as committeemen and committeewomen at least thirty (30) days prior to the vacancy shall be authorized to vote under this subparagraph. The meeting shall be held not later than ~~ten~~

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~~(10)~~ fifteen (15) days after the state central committee is notified of the vacancy. The state central committee of each political party shall establish procedures for conducting the vote required under this subparagraph and may delegate the authority to call the meeting required under this subparagraph;

(C) If the incumbent who has vacated office did not ~~belong to represent~~ a political party at the time ~~the vacancy occurs of his election under W.S. 22-6-120(a)(vii), or at the time of his appointment if not elected to office,~~ the county commissioners shall proceed in accordance with the provisions of this subparagraph. The county commissioners shall publish in a newspaper of general circulation in the county, notice that within ~~ten~~ (10) fifteen (15) days after publication any qualified person may make application directly to the county commissioners for appointment to fill the vacancy. Within ~~fifteen (15) twenty (20)~~ days of after publication of the notice of the vacancy in office the county commissioners shall fill the vacancy by appointment of one (1) person qualified from those submitting applications;

(vi) If the county commissioners fail to fill any vacancy as required in this section within the time specified, any qualified elector of the county may file a petition with the clerk of the district court of the county in which the vacancy occurred requesting the judge of the district court to fill the vacancy. Within thirty (30) days after the petition is filed the judge shall fill the vacancy by appointing a qualified elector of the county belonging to the same political party as the incumbent represented at the time of his election under W.S. 22-6-120(a)(vii), or at the time of his appointment if not elected to office. If the incumbent did not ~~belong to represent~~ any political party at the time of his election

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or at the time of his appointment if not elected to office,  
the judge may appoint any qualified elector to fill the  
vacancy.

(c) For purposes of this section a person shall be  
considered to "represent" a political party if he was a  
nominee of that political party when elected to office or  
when appointed to fill a vacancy in office.

**28-1-106. Resignation of office.**

Resignation of the office of a member of the senate or  
house of representatives shall be made to the governor, who  
shall immediately notify the state central committee of the  
party ~~of which he is a~~ the member represented at the time  
of his election under W.S. 22-6-120(a)(vii), or at the time  
of his appointment if not elected to office, of the  
resignation. If the resigning member did not represent a  
political party at the time of his election, or at the time  
of his appointment if not elected to office, the governor  
shall notify the appropriate boards of county commissioners  
who shall proceed in accordance with W.S.  
22-18-111(a)(iii)(C). For purposes of this section a  
person shall be considered to "represent" a political party  
if he was a nominee of that political party when elected to  
office or when appointed to fill a vacancy in office.

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

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_  
DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk