

## HOUSE BILL NO. HB0023

Multiple county district attorneys.

Sponsored by: Representative(s) Harvey, Hammons, Jones,  
Olsen, Petersen, Quarberg and Simpson and  
Senator(s) Coe, Geis and Peterson

A BILL

for

1 AN ACT relating to district attorneys; authorizing the  
2 majority of county commissioners from a majority of the  
3 counties within a judicial district to create an office of  
4 district attorney within those counties; specifying  
5 appointment and election procedures for a district attorney  
6 in a multi-county office of district attorney; amending  
7 election code provisions to reflect multi-county offices of  
8 district attorney; and providing for an effective date.

9

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

11

12 **Section 1.** W.S. 9-1-801, 22-1-102(a) by creating a  
13 new paragraph (xlvii), 22-5-206, 22-5-401(b)(ii) and by  
14 creating a new paragraph (v), 22-16-116, 22-16-121(b),  
15 22-17-101 by creating a new subsection (b),  
16 22-17-102(a)(intro) and 22-17-104 are is amended to read:

1

2           **9-1-801. Office created; mandatory and permissive**  
3 **establishment.**

4

5           (a) There shall be in each judicial district in which  
6 any one (1) county has reached a population of sixty  
7 thousand (60,000) or more the office of district attorney.  
8 In each of the remaining judicial districts there shall be  
9 the office of district attorney whenever a majority of the  
10 county commissioners in ~~each county~~ a majority of the  
11 counties within the judicial district shall resolve that  
12 such an office of district attorney should be created in  
13 that judicial district- subject to the following:

14

15                   (i) A majority of the counties within a judicial  
16 district may resolve to create the office of district  
17 attorney in that portion of the judicial district and  
18 notify the secretary of state on or before April 15 of any  
19 even numbered year;

20

21                   (ii) Those counties shall on or before July 1 of  
22 that year enter into a joint powers agreement pertaining to  
23 the future operations of the district attorney within the

1 counties, and the agreement shall be filed with the  
2 secretary of state;

3  
4 (iii) Candidates for the office of district  
5 attorney in those counties shall file applications for the  
6 office in each county participating within the time frames  
7 required by the Wyoming Election Code. The results of the  
8 election shall be canvassed and the winner declared by the  
9 state canvassing board based on which candidate received a  
10 cumulative majority vote from the participating counties.

11  
12 **22-1-102. Definitions.**

13  
14 (a) The definitions contained in this chapter apply  
15 to words and phrases used in this Election Code and govern  
16 the construction of those words and phrases unless they are  
17 specifically modified by the context in which they appear.  
18 As used in this Election Code:

19  
20 (xlvii) "Multi-county district attorney" means  
21 the office of district attorney which represents more than  
22 one (1) county pursuant to W.S. 9-1-801. Except as  
23 specified otherwise, for purposes of applying this Election  
24 Code to a multi-county district attorney:

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

(A) "Political subdivision" or "county," shall mean all counties represented by the multi-county district attorney;

(B) All filings required by this Election Code shall be with the secretary of state.

**22-5-206. Where nomination applications to be filed.**

(a) Nomination applications for United States senators and representatives in congress, state offices, members of the legislature, circuit court judges, multi-county district attorneys and state district court judges shall be filed in the office of the secretary of state.

(b) Other applications, including district attorneys other than multi-county district attorneys, shall be filed in the office of the county clerk of the county in which the person filing for nomination resides.

**22-5-401. Vacancies in nomination for major parties; procedure for filing generally.**

1 (b) The certificate shall be prepared and filed by:

2

3 (ii) The county central committee of the  
4 political party of the former nominee for a partisan office  
5 to be voted for by the electors of a county or a  
6 subdivision thereof, except as provided in paragraph  
7 paragraphs (iv) and (v) of this subsection;

8

9 (v) For nominees for a multi-county district  
10 attorney office, the provisions of paragraph (iv) of this  
11 subsection shall apply.

12

13 **22-16-116. Statewide abstract; discrepancies with**  
14 **county abstracts.**

15

16 From the unofficial tabulations delivered directly to his  
17 office, the secretary of state shall tabulate a statewide  
18 abstract by counties of votes for president and vice-  
19 president, state officers, justice of the supreme court,  
20 United States senator, representative in congress, district  
21 court judges, members of the state legislature, multi-  
22 county district attorneys and the votes for and against  
23 ballot propositions voted on by electors of a district  
24 larger than a county. The unofficial tabulation shall

1 then be reconciled to the official abstracts of the county  
2 canvassing boards and the secretary of state shall prepare  
3 the state abstract from the official county abstracts.

4

5 **22-16-121. Certificates of nomination and election**  
6 **following state or county canvass.**

7

8 (b) The governor shall issue a certificate of  
9 election to a candidate duly elected to an office to be  
10 filled by electors of the state, district court judges,  
11 multi-county district attorneys and members of the state  
12 legislature. The county clerk shall issue a certificate of  
13 election to each candidate duly elected to a county or  
14 precinct office in the county and to members elected to  
15 boards of trustees of hospital, school or community college  
16 districts and city or town councils.

17

18 **22-17-101. Right to contest elections; exception;**  
19 **grounds.**

20

21 (b) A qualified elector in any county represented by  
22 a multi-county district attorney may contest the right of a  
23 person declared elected to that office upon the grounds  
24 provided in subsection (a) of this section.

1

2           **22-17-102. Commencement by verified petition;**  
3 **contents.**

4

5           (a) Election contests for all primary election  
6 offices and all general election offices other than state  
7 legislators, United States president and vice-president and  
8 presidential elector, may be commenced by the contestant  
9 filing with the clerk of the district court of the county,  
10 or in the case of a multi-county district attorney any  
11 county served by that office, within fourteen (14) days  
12 after the results of the election have been certified by  
13 the canvassing board, a verified petition setting forth  
14 specifically:

15

16           **22-17-104. Judgment for costs.**

17

18 If the proceedings in an election contest are dismissed for  
19 insufficiency, or want of prosecution, or if the election  
20 is confirmed by the court, judgment shall be rendered for  
21 costs against the party contesting the election and in  
22 favor of the party whose election was contested. If the  
23 election is annulled and set aside for grounds stated in  
24 W.S. 22-17-101(a)(ii), (iii) or (v), judgment for costs

1 shall be rendered against the party whose election was  
2 contested and in favor of the party contesting the  
3 election. If the election is annulled and set aside for the  
4 grounds stated in W.S. 22-17-101(a)(i) or (iv), judgment  
5 and costs shall be rendered against the county, or in the  
6 case of a multi-county district attorney created pursuant  
7 to W.S. 9-1-801(a)(i) through (iii) the joint powers board  
8 created pursuant to W.S. 9-1-801(a)(ii).

9

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

14

15

(END)