

HOUSE BILL NO. HB0199

Special districts-limited term.

Sponsored by: Representative(s) Winters, Brown and Zwonitzer, Dn.

A BILL

for

1 AN ACT relating to special district elections; modifying
2 the election process; requiring approval by electors after
3 initial formation for continued operation of a special
4 district as specified; providing applicability; and
5 providing for an effective date.

6

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

8

9 **Section 1.** W.S. 22-29-103(b), 22-29-111(a) through
10 (c), (e), (g), (h) and by creating a new subsection (j),
11 22-29-113(f) and (g), 22-29-114(a), 22-29-115(d) and
12 22-29-408 by creating a new subsection (c) are amended to
13 read:

14

1 **22-29-103. Applicability to special districts;**
2 **general provisions.**

3
4 (b) This act specifies requirements pertaining to
5 elections and changes in the organization of the districts
6 listed in subsection (a) of this section where the
7 principal act is silent or unclear. Except as provided by
8 W.S. 22-29-401(b), 22-29-111(j) and 22-29-408(c), the
9 specific provisions of a principal act are effective and
10 controlling to the extent they conflict with this act. The
11 requirements contained in W.S. 22-29-111(j) and
12 22-29-408(c) shall govern the continued operation of the
13 districts listed in subsection (a) of this section if the
14 district is formed after July 1, 2015.

15
16 **22-29-111. Formation, continuation and initial**
17 **director elections.**

18
19 (a) The electors shall vote on the formation of the
20 district and for the initial directors. Votes for write-in
21 candidates for director shall be permitted. The electors
22 shall vote on the continued operation of districts as
23 required by subsection (j) of this section.

1

2 (b) ~~The election~~ Elections shall be conducted under
3 the direction of the county clerk and shall be at the
4 expense of the sponsors of the proposed formation or
5 continued operation of the district. The sponsors may apply
6 to the county for financial help under W.S. 22-29-113(c).
7 If the proposed district or continued operation is
8 approved, and upon request of the sponsors or the county
9 commissioners the special district shall reimburse the cost
10 of the election.

11

12 (c) The formation or continued operation of the
13 district is approved if a majority of the votes cast on the
14 proposition vote "for" formation or continued operation.

15

16 (e) An elector casting a ballot may vote for any
17 director candidate or other questions relating to the
18 district, regardless of whether he voted against formation
19 or continued operation.

20

21 (g) If the proposition to form or to continue the
22 operation of the district fails, ~~the any~~ director candidacy
23 questions are null and void.

1

2 (h) If ~~the~~a formation question or the continued
3 operation is approved, the county clerk shall send written
4 notice of the formation to the public funds division of the
5 department of audit within ten (10) days of the canvass.

6

7 (j) For any special district formed after July 1,
8 2015, the electors shall vote on the continued operation of
9 the special district twenty (20) years after its initial
10 formation and every twenty (20) years thereafter so long as
11 the district exists. The continued operation of any special
12 district shall require approval by a majority of the
13 qualified electors twenty (20) years after initial
14 formation and every twenty (20) years thereafter. In the
15 event the continued operation of the district shall fail as
16 a result of being defeated at a public election, the
17 district shall be dissolved in accordance with W.S.
18 22-29-408(c).

19

20 **22-29-113. General provisions relating to special**
21 **district elections.**

22

1 (f) In the event the establishment of a district
2 shall fail by protest as provided in W.S. 22-29-109(d), no
3 action to establish such district, or any part thereof, may
4 again be commenced for a period of six (6) months. In the
5 event the establishment or continued operation of the
6 district shall fail as a result of being defeated at a
7 public election no action to establish such district, or
8 any part thereof, may again be commenced for a period of
9 one (1) year.

10
11 (g) No informalities in the conduct of the formation
12 or related matters or subsequent director or continued
13 operation elections shall invalidate the formation,
14 continued operation or election results if notice is given
15 substantially as provided in this chapter and the election
16 is fairly conducted.

17
18 **22-29-114. Election procedures for elections other**
19 **than mail ballot elections; canvass, recount and contests.**

20
21 (a) The secretary of state, after consultation with
22 the county clerks, shall promulgate rules setting forth
23 election procedures for special districts to follow for the

1 formation and succeeding elections, including elections
2 required for continued operation. These rules shall apply
3 to mail ballot elections but shall conform with W.S.
4 22-29-115 and 22-29-116. These rules shall include the
5 designation of polling places, appointment of election
6 judges, polling place hours, filing periods, filing
7 offices, ballot preparation, appointment of a canvassing
8 board, term commencement, other provisions relating to
9 canvass, recount, contests and other election procedures.

10

11 **22-29-115. Mail ballot elections; definitions;**
12 **general provisions.**

13

14 (d) Regardless of the number of voters within its
15 boundaries, a special district may, by rule or bylaw of its
16 governing body, conduct by mail ballot elections to
17 enlarge, withdraw, merge, consolidate, dissolve, continue
18 or such other election required by the principal act. A
19 special district may by rule or bylaw pay the return
20 postage of mail and absentee ballots.

21

22 **22-29-408. Dissolution without election.**

23

1 (c) For any special district formed after July 1,
2 2015, the election for dissolution required under W.S.
3 22-29-404 shall be dispensed with and the board of county
4 commissioners shall declare the district dissolved if:

5
6 (i) The continued operation of the district is
7 not approved by a majority of the qualified electors at a
8 public election as required under W.S. 22-29-111(b); and

9
10 (ii) All existing indebtedness of the district
11 is fully paid and retired.

12
13 **Section 2.**

14
15 (a) The joint corporations, elections and political
16 subdivisions interim committee shall conduct a review of
17 related statutes to ensure no conflicting or superfluous
18 provisions exist as a result of passage of this act. The
19 committee shall report to the legislature prior to the 2016
20 budget session and shall include any draft legislation
21 necessary to effectuate the recommendations.

22

1 (b) This act shall not apply to any special district
2 formed prior to July 1, 2015.

3

4 **Section 3.** This act is effective July 1, 2015.

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6

(END)