

HB0037

**Elected official residency requirements.**

Sponsored By: Joint Corporations, Elections & Political Subdivisions  
Interim Committee

AN ACT relating to county officers and district attorneys; prescribing residency requirements for election; prescribing when a vacancy in office occurs; providing applicability; and providing for an effective date.

12/24/2018 Bill Number Assigned  
1/8/2019 H Received for Introduction  
1/9/2019 H Introduced and Referred to H07 - Corporations  
1/11/2019 H07 - Corporations:Recommend Do Pass 7-0-2-0-0

**ROLL CALL**

**Ayes:** Representative(s) Blackburn, Clausen, Clem, Edwards, Eyre, Furphy, Lindholm

**Excused:** Representative(s) Clifford, Duncan

**Ayes 7 Nays 0 Excused 2 Absent 0 Conflicts 0**

1/11/2019 H Placed on General File  
1/14/2019 H COW:Passed

**HB0037H2001/WITHDRAWN**

**HB0037H2002/ADOPTED**

Page 1-line 9 After "18-3-301(a)" insert "and by creating a new subsection (c)".

Page 5-after line 14 Insert:

"(c) If a vacancy occurs in the office of county and prosecuting attorney because no person was elected as a county and prosecuting attorney, the residency requirements contained in subsection (a) of this section shall not apply to the selection of three (3) persons made by the county central committee under W.S. 22-18-111(a)(ii) or to the selection of a person to fill the vacancy made by the board of county commissioners under W.S. 22-18-111(a)(ii) for the applicable term." LINDHOLM, GREEAR, HUNT

1/15/2019 H 2nd Reading:Passed  
1/16/2019 H 3rd Reading:Passed 38-19-3-0-0

**ROLL CALL**

**Ayes:** Representative(s) Blackburn, Blake, Burlingame, Clem, Clifford, Connolly, Dayton-Selman, Duncan, Edwards, Eklund, Eyre, Freeman, Furphy, Gray, Hunt, Jennings, Kinner, Laursen, Lindholm, Miller, Newsome, Obermueller, Olsen, Paxton, Pelkey, Pownall, Roscoe, Salazar, Schwartz, Simpson, Stith, Styvar, Sweeney, Tass, Washut, Western, Wilson, Yin

**Nays:** Representative(s) Barlow, Brown, Burkhart, Clausen, Crank, Flitner, Greear, Haley, Hallinan, Harshman, Henderson, Loucks, MacGuire, Nicholas, Piiparinen, Sommers, Walters, Winter, Zwonitzer

**Excused:** Representative(s) Kirkbride, Larsen, Northrup

**Ayes 38 Nays 19 Excused 3 Absent 0 Conflicts 0**

1/22/2019 S Received for Introduction  
1/30/2019 S Introduced and Referred to S07 - Corporations  
2/6/2019 S07 - Corporations:Recommend Amend and Do Pass 3-2-0-0-0

ROLL CALL

Ayes: Senator(s) Landen, Nethercott, Schuler

Nays: Senator(s) Case, Scott

Ayes 3 Nays 2 Excused 0 Absent 0 Conflicts 0

2/6/2019 S Placed on General File

HB0037SS001/ADOPTED

(TO ENGROSSED COPY)

Page 1-line 8 After "9-1-802(b)" insert "and (e)".

Page 2-after line 18 Insert:

"(c) If a vacancy occurs in the office of clerk of the district court because no person was elected as the clerk of the district court, the residency requirements contained in subsection (b) of this section shall not apply to the selection of three (3) persons made by the county central committee under W.S. 22-18-111(a)(ii) or to the selection of a person to fill the vacancy made by the board of county commissioners under W.S. 22-18-111(a)(ii) for the applicable term."

Page 2-line 22 Before "A coroner" insert "(a)".

Page 3-after line 10 Insert:

"(b) If a vacancy occurs in the office of county coroner because no person was elected as the county coroner, the residency requirements contained in subsection (a) of this section shall not apply to the selection of three (3) persons made by the county central committee under W.S. 22-18-111(a)(ii) or to the selection of a person to fill the vacancy made by the board of county commissioners under W.S. 22-18-111(a)(ii) for the applicable term."

Page 4-after line 2 Insert:

"(e) A vacancy in the office of district attorney shall be filled by the board or boards of county commissioners under the procedure for filling vacancies in the office of a member of the state legislature or state senator established by W.S. 22-18-111. Vacancies shall be filled until the next general election and the appointee shall be qualified pursuant to subsections (b) and (c) of this section. If a vacancy occurs in the office of district attorney because no person was elected as the district attorney, the residency requirements contained in subsection (b) of this section shall not apply to the selection of three (3) persons made by the county central committee under W.S. 22-18-111(a)(ii) or to the selection of a person to fill the vacancy made by the board of county commissioners under W.S. 22-18-111(a)(ii) for the applicable term."

Page 4-line 13 After "of election." insert "If a vacancy occurs in the office of county assessor because no person was elected as the county assessor, the residency requirements contained in this subsection shall not apply to the selection of three (3) persons made by the county central committee under W.S. 22-18-111(a)(ii) or to the selection of a person to fill the vacancy made by the board of county commissioners under W.S. 22-18-111(a)(ii) for the applicable term."

Page 5-line 17 Delete "a" and insert "the".

Page 6-line 6 Before "There shall" insert "(a)".

Page 6-after line 12 Insert:

"(b) If a vacancy occurs in the office of county clerk because no person was elected as the county clerk, the residency requirements contained in subsection (a) of this section shall not apply to the selection of three (3) persons made by the county central committee under W.S. 22-18-111(a)(ii) or to the selection of a person to fill the vacancy made by the board of county commissioners under W.S. 22-18-111(a)(ii) for the applicable term."

Page 7-line 7

After "term." insert "If a vacancy occurs in the office of county commissioner because no person was elected as a county commissioner, the residency requirements contained in this subsection shall not apply to the selection of three (3) persons made by the county central committee under W.S. 18-3-524 or to the selection of a person to fill the vacancy made by the board of county commissioners under W.S. 18-3-524 for the applicable term.".

Page 7-line 11

Before "There shall" insert "(a)".

Page 7-after line 17

Insert:

"(b) If a vacancy occurs in the office of county sheriff because no person was elected as the county sheriff, the residency requirements contained in subsection (a) of this section shall not apply to the selection of three (3) persons made by the county central committee under W.S. 22-18-111(a)(ii) or to the selection of a person to fill the vacancy made by the board of county commissioners under W.S. 22-18-111(a)(ii) for the applicable term.".

Page 7-line 21

Before "There shall" insert "(a)".

Page 8-after line 4

Insert:

"(b) If a vacancy occurs in the office of county treasurer because no person was elected as the county treasurer, the residency requirements contained in subsection (a) of this section shall not apply to the selection of three (3) persons made by the county central committee under W.S. 22-18-111(a)(ii) or to the selection of a person to fill the vacancy made by the board of county commissioners under W.S. 22-18-111(a)(ii) for the applicable term." LANDEN, CHAIRMAN

**HB0037SW001/ADOPTED**

**(TO ENGROSSED COPY)**

Page 5-line 1

After "county" insert "in the judicial district".

Page 5-line 7

After "county" insert "in the judicial district".

Page 8-line 21

Delete "the county, or".

Page 8-line 22

Delete line through "from" and insert "a county in the judicial district in". NETHERCOTT

2/7/2019

S COW:Passed

2/8/2019

S 2nd Reading:Laid Back

**HB0037S2001/WITHDRAWN**

2/11/2019

S 2nd Reading:Passed

2/12/2019

S 3rd Reading:Failed 1-29-0-0-0

**ROLL CALL**

**Ayes:** Senator Anderson

**Nays:** Senator(s) Agar, Anselmi-Dalton, Baldwin, Bebout, Biteman, Boner, Bouchard, Case, Coe, Dockstader, Driskill, Ellis, Gierau, Hicks, Hutchings, James, Kinsky, Kost, Landen, Moniz, Nethercott, Pappas, Perkins, Rothfuss, Schuler, Scott, Steinmetz, Von Flatern, Wasserburger

**Ayes 1 Nays 29 Excused 0 Absent 0 Conflicts 0**