

## HOUSE BILL NO. HB0248

Vacancies in office-amendments.

Sponsored by: Representative(s) Zwonitzer

A BILL

for

1 AN ACT relating to vacancies in office; amending authority  
2 and responsibilities for filling vacancies in statewide,  
3 legislative and other elective offices; providing for  
4 management council submission of qualified nominees for  
5 specified vacancies; providing for specified members of a  
6 legislative delegation to submit nominees for a legislative  
7 vacancy in their delegation; providing for boards of county  
8 commissioners to fill vacancies in other elective offices;  
9 making conforming amendments; and providing for an  
10 effective date.

11

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

13

14       **Section 1.** W.S. 9-1-802(e), 18-3-524(a)(intro),  
15 22-18-111(a)(i), (ii), (iii)(A) through (C) and 28-1-106  
16 are amended to read:

1

2           **9-1-802. Election; term; qualifications; full-time;**  
3 **private practice prohibited; exception; salary; vacancies.**

4

5           (e) A vacancy in the office of district attorney  
6 shall be filled by the board or boards of county  
7 commissioners under the procedure for filling vacancies in  
8 the office of a member of the state legislature or state  
9 senator established by W.S. ~~22-18-111~~22-18-111(a)(iii)(C).  
10 Vacancies shall be filled until the next general election  
11 and the appointee shall be qualified pursuant to  
12 subsections (b) and (c) of this section.

13

14           **18-3-524. Appointments to fill vacancies; term.**

15

16           (a) Within twenty (20) days after the office of any  
17 county commissioner becomes vacant the remaining members of  
18 the board shall declare a vacancy to exist and ~~immediately~~  
19 ~~give notice of the vacancy in writing to the chairman of~~  
20 ~~the county central committee of the political party which~~  
21 ~~the member whose office is vacant represented at the time~~  
22 ~~of his election under W.S. 22-6-120(a)(vii), or at the time~~  
23 ~~of his appointment if not elected to office. The chairman~~

1 ~~of the county central committee shall within twenty (20)~~  
2 ~~days after receipt of the notice call a meeting of the~~  
3 ~~county central committee. At the meeting the committee~~  
4 ~~shall select three (3) persons qualified to fill the~~  
5 ~~vacancy and transmit the names to the board of county~~  
6 ~~commissioners. The board of county commissioners shall fill~~  
7 the vacancy within twenty (20) days after ~~receiving the~~  
8 ~~list from the county central committee~~ declaring the  
9 vacancy by appointing one (1) ~~of the persons whose names~~  
10 ~~are submitted by the county central committee~~ qualified  
11 person who is of the same political party the incumbent  
12 commissioner represented at the time of his election or  
13 appointment:

14

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

17

18 (a) Any vacancy in any other elective office in the  
19 state except representative in congress or the board of  
20 trustees of a school or community college district, shall  
21 be filled by the governing body, or as otherwise provided  
22 in this section, by appointment of a temporary successor.  
23 The person appointed shall serve until a successor for the

1 remainder of the unexpired term is elected at the next  
2 general election and takes office on the first Monday of  
3 the following January. Provided, if a vacancy in a four  
4 (4) year term of office occurs in the term's second or  
5 subsequent years after the first day for filing an  
6 application for nomination pursuant to W.S. 22-5-209, no  
7 election to fill the vacancy shall be held and the  
8 temporary successor appointed shall serve the remainder of  
9 the unexpired term. The following apply:

10

11 (i) If a vacancy occurs in the office of United  
12 States senator or in any state office other than the  
13 governor, member of the state legislature, the office of  
14 justice of the supreme court and the office of district  
15 court judge, the governor shall immediately notify in  
16 writing the chairman of the ~~state central committee of the~~  
17 ~~political party which the last incumbent represented at the~~  
18 ~~time of his election under W.S. 22-6-120(a)(vii), or at the~~  
19 ~~time of his appointment if not elected to office~~ management  
20 council of the legislature. The chairman of the management  
21 council shall call a public meeting of the ~~state central~~  
22 ~~committee~~ management council to be held not later than  
23 fifteen (15) days after ~~he receives notice of the vacancy~~

1 the notice of vacancy is received. At the meeting the  
2 ~~state central committee~~ management council shall select and  
3 transmit to the governor the names of three (3) persons of  
4 the political party which the incumbent vacating the office  
5 represented at the time of election or appointment who are  
6 qualified to hold the office. If the incumbent vacating the  
7 office was not a member of a political party at the time of  
8 election or appointment the management council shall select  
9 and transmit to the governor the names of three (3) people  
10 qualified to hold the office. Within five (5) days after  
11 receiving these three (3) names, the governor shall fill  
12 the vacancy by temporary appointment of one (1) of the  
13 three (3) qualified people nominated by the management  
14 council to hold the office. ~~If the incumbent who has~~  
15 ~~vacated office did not represent a political party at the~~  
16 ~~time of his election, or at the time of his appointment if~~  
17 ~~not elected to office, the governor shall notify in writing~~  
18 ~~the chairman of all state central committees of parties~~  
19 ~~registered with the secretary of state. The state central~~  
20 ~~committees shall submit to the governor, within fifteen~~  
21 ~~(15) days after notice of the vacancy, the name of one (1)~~  
22 ~~person qualified to hold the office. The governor shall~~  
23 ~~also cause to be published in a newspaper of general~~

1 ~~circulation in the state notice of the vacancy in office.~~  
2 ~~Persons qualified to hold the office who do not belong to a~~  
3 ~~party may, within fifteen (15) days after publication of~~  
4 ~~the vacancy in office, submit a petition signed by one~~  
5 ~~hundred (100) registered voters, seeking consideration for~~  
6 ~~appointment to the office. Within five (5) days after~~  
7 ~~receiving the names of persons qualified to hold the~~  
8 ~~office, the governor shall fill the vacancy by temporary~~  
9 ~~appointment to the office, from the names submitted or from~~  
10 ~~those petitioning for appointment;~~

11

12 (ii) If a vacancy occurs in a county elective  
13 office, except as provided in W.S. 18-3-524, the board of  
14 county commissioners of the county in which the vacancy  
15 occurs shall ~~immediately notify in writing the chairman of~~  
16 ~~the county central committee of the political party which~~  
17 ~~the last incumbent represented at the time of his election~~  
18 ~~under W.S. 22-6-120(a)(vii), or at the time of his~~  
19 ~~appointment if not elected to office. The chairman shall~~  
20 ~~call a meeting of the county central committee to be held~~  
21 not later than fifteen (15) days after he ~~the board~~  
22 receives notice of the vacancy ~~At the meeting the county~~  
23 ~~central committee shall select and transmit to the board of~~

1 ~~county commissioners the names of three (3) persons~~  
2 ~~qualified to hold the office. Within five (5) days after~~  
3 ~~receiving these three (3) names, the board of county~~  
4 ~~commissioners shall~~ give public notice and call a public  
5 meeting to fill the vacancy by appointment of one (1) ~~of~~  
6 ~~the three (3) person qualified~~ to hold the office who is a  
7 member of the political party which the vacating incumbent  
8 represented at the time of his election or appointment. If  
9 the incumbent who has vacated office ~~did not represent a~~  
10 ~~political party at the time of his election~~ was not a  
11 member of a political party when elected, or at the time of  
12 his appointment if not elected to office, the county  
13 commissioners shall publish in a newspaper of general  
14 circulation in the county, notice that within fifteen (15)  
15 days after publication any person qualified to hold the  
16 office may make application directly to the board of county  
17 commissioners for appointment to fill the vacancy. Within  
18 twenty (20) days after the publication of the vacancy in  
19 office the board of county commissioners shall fill the  
20 vacancy by appointment of one (1) person qualified to hold  
21 the office from those submitting applications;

22

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

3  
4           (A) For vacancies other than resignations,  
5 the board of county commissioners of the county or counties  
6 in which the vacancy occurs shall immediately notify in  
7 writing the ~~chairman of the state central committee of the~~  
8 ~~political party other incumbent members of the legislative~~  
9 ~~delegation from the same legislative chamber and political~~  
10 ~~party representing the county or counties~~ which the ~~former~~  
11 ~~vacating~~ incumbent represented at the time of his election  
12 under W.S. 22-6-120(a)(vii), or at the time of his  
13 appointment if not elected to office. For resignations,  
14 the governor shall notify, in addition to the other  
15 legislative members specified in this subparagraph, the  
16 ~~appropriate state central committee or the~~ appropriate  
17 board or boards of county commissioners in accordance with  
18 W.S. 28-1-106. For all vacancies in which the incumbent  
19 represented a political party at the time of his election  
20 or appointment to the vacated office, the ~~state central~~  
21 ~~committee of the political party of the former incumbent~~  
22 ~~shall notify the precinct committeemen and committeewomen~~  
23 ~~for that party for each precinct within the legislative~~



1 ~~district which is vacant and arrange a meeting of those~~  
2 ~~precinct committeemen and committeewomen at which they will~~  
3 ~~select a list of three (3) persons qualified to hold the~~  
4 ~~office to fill the vacancy. Only those persons serving as~~  
5 ~~committeemen and committeewomen at least thirty (30) days~~  
6 ~~prior to the vacancy, or if the vacancy occurs within~~  
7 ~~thirty (30) days after the first Monday in January in~~  
8 ~~odd numbered years, those precinct committeemen and~~  
9 ~~committeewomen elected at the immediate past primary~~  
10 ~~election and those selected by appointment prior to~~  
11 ~~December 2 of the year in which the election occurred for~~  
12 ~~vacant positions, shall be authorized to vote under this~~  
13 ~~subparagraph. The meeting shall be held not later than~~  
14 ~~fifteen (15) days after the state central committee is~~  
15 ~~notified of the vacancy. The state central committee of~~  
16 ~~each political party shall establish procedures for~~  
17 ~~conducting the vote required under this subparagraph and~~  
18 ~~may delegate the authority to call the meeting required~~  
19 ~~under this subparagraph~~ remaining incumbent members of the  
20 same political party and chamber of the legislative  
21 delegation described in this subparagraph shall give public  
22 notice and arrange and conduct a public meeting not later  
23 than fifteen (15) days after being notified of the vacancy.

1 The members shall create a list of three (3) people of the  
2 same political party as the vacating incumbent qualified to  
3 hold the office. If there are no other members of the same  
4 political party and legislative chamber in the legislative  
5 delegation of the vacating incumbent the vacancy shall be  
6 filled as outlined in subparagraph (C) of this paragraph;

7  
8 (B) The ~~state central committee of the~~  
9 ~~political party of the former~~ incumbent members described  
10 in subparagraph (A) of this paragraph shall submit the list  
11 selected under subparagraph (A) of this paragraph to the  
12 board of county commissioners for each county in which the  
13 legislative district of the vacating incumbent is located.  
14 Within five (5) days after receiving the list of three (3)  
15 names, the board of county commissioners shall fill the  
16 vacancy by appointment of one (1) of the three (3) to hold  
17 the office;

18  
19 (C) ~~If~~ For vacancies where the incumbent  
20 who has vacated office did not represent a political party  
21 at the time of his election under W.S. 22-6-120(a)(vii), or  
22 at the time of his appointment if not elected to office,  
23 has no other members of the same political party and

1 legislative chamber in his legislative delegation or  
2 vacated the office of district attorney the county  
3 commissioners shall proceed in accordance with the  
4 provisions of this subparagraph. The county commissioners  
5 shall publish in a newspaper of general circulation in the  
6 county, notice that within fifteen (15) days after  
7 publication, any person qualified to hold the office may  
8 make application directly to the county commissioners for  
9 appointment to fill the vacancy. Within twenty (20) days  
10 after publication of the notice of the vacancy in office,  
11 the county commissioners shall fill the vacancy by  
12 appointing one (1) person qualified to hold the office from  
13 among those submitting applications. If the incumbent  
14 represented a political party at the time of his election  
15 or appointment then the person appointed to fill the  
16 vacancy shall be from the same political party as the  
17 vacating incumbent;

18

19 **28-1-106. Resignation of office.**

20

21 Resignation of the office of a member of the senate or  
22 house of representatives shall be made to the governor, who  
23 shall immediately ~~notify the state central committee of the~~

1 ~~party which the member represented at the time of his~~  
2 ~~election under W.S. 22-6-120(a)(vii), or at the time of his~~  
3 ~~appointment if not elected to office, of the resignation~~  
4 provide notice as specified in W.S. 22-18-111(a)(iii)(A).

5 If the resigning member did not represent a political party  
6 at the time of his election, or at the time of his  
7 appointment if not elected to office, the governor shall  
8 notify the appropriate boards of county commissioners who  
9 shall proceed in accordance with W.S. 22-18-111(a)(iii)(C).  
10 For purposes of this section a person shall be considered  
11 to "represent" a political party if he was a nominee of  
12 that political party when elected to office or when  
13 appointed to fill a vacancy in office.

14

15 **Section 2.** W.S. 18-3-524(a)(i) is repealed.

16

17 **Section 3.** This act is effective July 1, 2020.

18

19

(END)