

## HOUSE BILL NO. HB0187

Elected official residency requirement.

Sponsored by: Representative(s) Hunt, Blackburn, Clausen,  
Clifford, Duncan and Neiman and Senator(s)  
Case

A BILL

for

1 AN ACT relating to elected officials; prescribing residency  
2 requirements for county officers and district attorneys;  
3 prescribing when a vacancy in office occurs; providing  
4 applicability; and providing for an effective date.

5

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

7

8       **Section 1.** W.S. 5-3-201, 7-4-101, 9-1-802(a),  
9 18-3-201(a), 18-3-301(a), 18-3-401, 18-3-501(a), 18-3-601,  
10 18-3-801 and 22-18-101(f) are amended to read:

11

12       **5-3-201. Office created; term; election in counties**  
13 **of first and second class; county clerk designated ex**  
14 **officio clerk in other counties.**

15

1 There shall be a clerk of the district court in each  
2 organized county of the state whose term of office shall be  
3 four (4) years and until his successor is elected and  
4 qualified. Clerks of the district court shall be elected at  
5 general elections in counties of the first and second  
6 class; and in all other counties the county clerk shall be  
7 ex officio clerk of the district court, and shall perform  
8 all of the duties pertaining to the office of clerk of the  
9 district court. A clerk of the district court shall be a  
10 resident of a county in which the clerk of the district  
11 court serves.

12

13 **7-4-101. Election; oath; bond.**

14

15 A coroner shall be elected in each county for a term of  
16 four (4) years. A coroner shall be a resident of the county  
17 in which the coroner serves. He shall take the oath  
18 prescribed by the constitution of the state and give bond  
19 to the state of Wyoming, in the penal sum of one thousand  
20 dollars (\$1,000.00), with sufficient sureties, to be  
21 approved by the board of county commissioners, conditioned  
22 that he will faithfully perform all duties required by law.

23

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

3  
4           (a) At the general election in 1982 and every four  
5 (4) years thereafter, a district attorney shall be elected  
6 in each judicial district in which the office of district  
7 attorney has been created six (6) months or more prior to  
8 the date of the general election. The district attorney  
9 shall serve for a term of four (4) years and until his  
10 successor is elected and qualified. A district attorney  
11 shall be a resident of the judicial district in which the  
12 district attorney serves.

13  
14           **18-3-201. Qualifications; certification and**  
15 **education.**

16  
17           (a) There shall be elected in each county a county  
18 assessor as provided by the Wyoming Election Code of 1973  
19 as amended, who shall be a qualified elector and own real  
20 property in the county in which he is elected. The county  
21 assessor shall be a resident of the county in which the  
22 county assessor serves.

23

1           **18-3-301. Office created; qualifications; certificate**  
2 **of election; counties empowered to consolidate.**

3  
4           (a) In judicial districts in which the office of  
5 district attorney has not been created there shall be  
6 elected in each county a county and prosecuting attorney  
7 who at the time of his nomination and election and during  
8 his term of office, shall be a member of the bar of this  
9 state. A county and prosecuting attorney shall be a  
10 resident of a county in which the county and prosecuting  
11 attorney serves. A copy of his certificate of election and  
12 oath shall be filed by the county and prosecuting attorney  
13 with the clerk of the district court for his county or  
14 counties. In those judicial districts in which the office  
15 of district attorney has been created the county  
16 commissioners shall appoint an attorney to the office of  
17 county attorney for a term of one (1) year, who may be  
18 reappointed on a year-to-year basis. The county  
19 commissioners may remove the county attorney for cause.

20  
21           **18-3-401. Office created; election.**

22

1 There shall be elected in each county a county clerk, who  
2 shall be a resident of the county in which the county clerk  
3 serves.

4

5 **18-3-501. Composition; election for increasing the**  
6 **number; term; quorum; election for districting; procedures.**

7

8 (a) Each board of county commissioners shall consist  
9 of three (3) qualified electors who shall be elected in the  
10 following manner: at the general election held in the year  
11 1980 and every fourth year thereafter, there shall be  
12 elected one (1) commissioner for a term of four (4) years  
13 and at the general election held in the year of 1978 and  
14 every fourth year thereafter there shall be elected two (2)  
15 commissioners for a term of four (4) years each. Any two  
16 (2) members of the board constitute a quorum and are  
17 competent to act. In addition to the other residency  
18 requirements imposed by this section, each county  
19 commissioner shall be a resident of the county in which the  
20 county commissioner serves.

21

22 **18-3-601. Office created; election.**

23

1 There shall be elected in each county a county sheriff, who  
2 shall be a resident of the county in which the county  
3 sheriff serves.

4

5 **18-3-801. Election.**

6

7 There shall be elected in each county a county treasurer,  
8 who shall be a resident of the county in which the county  
9 treasurer serves.

10

11 **22-18-101. When deemed to occur.**

12

13 (f) In addition to subsections (a) through (c) of  
14 this section, a vacancy shall occur:

15

16 (i) In the office of a member of the state  
17 legislature when the person fails to reside in the  
18 legislative district from which he is elected;

19

20 (ii) In the office of a clerk of district court,  
21 county coroner, county assessor, county clerk, county  
22 commissioner, county sheriff or county treasurer when the

1 person fails to reside in the county from which he is  
2 elected;

3

4 (iii) In the office of a county and prosecuting  
5 attorney when the person fails to reside in the county, or  
6 one (1) of the counties, from which he is elected;

7

8 (iv) In the office of a district attorney when  
9 the person fails to reside in the judicial district from  
10 which he is elected.

11

12 **Section 2.** The residency requirements of this act  
13 shall apply to elected or appointed county officers and  
14 district attorneys whose terms commence on or after the  
15 effective date of this act.

16

17 **Section 3.** This act is effective July 1, 2021.

18

19

(END)