

## HOUSE BILL NO. HB0183

Municipal elections-political parties.

Sponsored by: Representative(s) Loucks and Harshman and  
Senator(s) Bebout

A BILL

for

1 AN ACT relating to elections; providing for partisan  
2 municipal elections; making conforming amendments;  
3 requiring a legislative committee study; and providing for  
4 an effective date.

5

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

7

8       **Section 1.** W.S. 15-1-107(c), 22-4-304(b) and (c),  
9 22-5-301(a), 22-5-304(c), 22-6-117(a) by creating a new  
10 paragraph (xi) and renumbering (xi) as (xii), 22-23-102,  
11 22-23-202(a)(v)(B), 22-23-301, 22-23-302, 22-23-304,  
12 22-23-307(a), 22-23-308(b), 22-23-401 and 22-23-902(a) are  
13 amended to read:

14

15       **15-1-107. Vacancies in offices; grounds; how filled.**

1

2 (c) If a vacancy is determined to exist, the  
3 governing body shall appoint an eligible person from the  
4 same political party that the incumbent represented to the  
5 office who shall serve until his successor is elected at  
6 the next general municipal election and qualified. If the  
7 entire council is vacant, the district judge for the  
8 district in which the city or town is located shall appoint  
9 a person from the same political party that each incumbent  
10 represented to fill each vacancy and serve until the next  
11 general municipal election at which time a successor shall  
12 be elected to fill the unexpired portion of each term.

13

14 **22-4-304. Certification of candidates; fees.**

15

16 (b) The chairman and secretary of the state or county  
17 political convention shall certify:

18

19 (i) To the county clerk the names of its party's  
20 nominees for elected county offices and office of the  
21 district attorney;

22

1                   (ii) To the municipal clerk and county clerk the  
2 names of its party's nominees for elected municipal  
3 offices.

4  
5           (c) The names certified to the secretary of state,  
6 the municipal clerk or the county clerk shall be filed no  
7 later than the day before the primary election.

8  
9           **22-5-301. Independent partisan candidates; form.**

10  
11           (a) Independent candidates for partisan public  
12 offices may be nominated by filing a signed petition in  
13 substantially the following form:

14  
15                                   PETITION FOR NOMINATION

16  
17           I, . . . . , swear or affirm that I was born on . . . . ,  
18 . . . . (year), that I have been a resident of the State of  
19 Wyoming since . . . . , and that I am a registered voter of  
20 Election District No. . . . . , in Precinct No. . . . . , (if for  
21 municipal office) in Ward No. . . . . , (if applicable) in the  
22 City of . . . . , County of . . . . , residing at . . . . , (if for the  
23 office of state senator or representative, commissioner or

1 other district office) in Senate (House) (Commissioner or  
 2 other) District ....., State of Wyoming, (if for the office  
 3 of governor) and that I resided at the physical residential  
 4 addresses listed below during the past five (5) years, and  
 5 having obtained the number of signatures required by law  
 6 for nomination by petition, I hereby request that my name  
 7 be printed on the official ballot at the next general  
 8 election as an independent candidate for the office of ....  
 9 and declare that if nominated and elected, I will qualify  
 10 for the office.

11

12 (If for the office of governor) I have resided at the  
 13 following physical residential addresses during the past  
 14 five (5) years:

15

(Residence)	(Date)
-------------	--------

17

18 1.

19

20 2.

21

22 Dated the .... day of ....., ....(year).

23

1 ..... (Signature)

2

3 The eligible, registered electors supporting my  
4 nomination, and numbering not less than the number required  
5 under W.S. 22-5-304, are as follows:

6

7 (Signature) (Printed Name) (Residence) (Date)

8

9 1.

10

11 2.

12

13 VERIFICATION BY CIRCULATORS

14

15 I, ....., do hereby certify that I am a circulator of  
16 this petition, and I solely and personally circulated this  
17 petition, that all the signatures appearing herein were  
18 made in my presence from .... (month) .... (day),  
19 ....(year) through .... (month) .... (day), ....(year), and  
20 to the best of my knowledge and belief such signatures are  
21 those of the persons whose names they purport to be.

22

23 ..... (Signature)

1

2           **22-5-304. Qualifications and number of signers**  
3 **required.**

4

5           (c) For a municipal or district partisan election, a  
6 petition shall be signed by registered electors, resident  
7 in the ward, municipality or district and eligible to vote  
8 for the petitioner, numbering not less than two percent  
9 (2%) of the total number of votes cast for the office in  
10 that particular ward, municipality or district in the last  
11 general election. If a ward's municipality's or district's  
12 boundaries have changed since the last general election,  
13 then the required number of petition signatures shall not  
14 be less than two percent (2%) of the number of registered  
15 voters in the current ward, municipality or district  
16 boundaries at the close of day on the day immediately  
17 preceding the primary election.

18

19           **22-6-117. Order of listing offices in partisan**  
20 **elections.**

21

1           (a) The major party primary and general partisan  
2 election ballots shall contain the offices to be voted on  
3 in the following order:

4

5                   (xi) Candidates for municipal offices;

6

7                   ~~(xi)~~(xii) Candidates for precinct offices.

8

9           **22-23-102. Qualifications of municipal officers.**

10

11 All municipal offices are ~~nonpartisan~~partisan, and  
12 municipal officers shall be qualified electors residing in  
13 the municipality and any ward established under W.S.  
14 22-23-103 or 15-11-105(b).

15

16           **22-23-202. Optional mode of election for towns;**  
17 **procedures by charter ordinance.**

18

19           (a) Any municipality may, by charter ordinance  
20 enacted pursuant to article 13, section 1(c) of the Wyoming  
21 constitution, elect not to conduct its elections for office  
22 or for municipal ballot propositions in the same manner as

1 statewide elections, in which case the charter ordinance  
2 shall at a minimum provide:

3

4 (v) That the municipal clerk is responsible for:

5

6 (B) Preparing the ballots in substantially  
7 the same form as the general election ~~nonpartisan~~-ballot  
8 for municipal officers and as prescribed by law for  
9 municipal ballot propositions;

10

11 **22-23-301. Municipal officers.**

12

13 All candidates for municipal office shall be nominated at  
14 the municipal primary election. ~~In order to~~ To be eligible,  
15 a candidate must be a ~~registered~~-voter registered in the  
16 party whose nomination the candidate seeks and a resident  
17 of the municipality and ward ~~which he~~ that the candidate  
18 seeks to represent on the day the petition is filed, and  
19 shall not be an employee of the municipality. As used in  
20 this section, the term "employee" includes only those  
21 persons receiving an hourly wage or salary from a  
22 municipality. A person who provides volunteer services to a  
23 municipality shall not be considered an "employee" under



1 this section based solely upon coverage under the Wyoming  
2 Worker's Compensation Act or other pension, death or  
3 disability program.

4

5 **22-23-302. Filing fee; application form.**

6

7 Not more than ninety-six (96) days and not later than  
8 eighty-one (81) days preceding the municipal primary  
9 election, each candidate for a municipal office shall pay a  
10 nonrefundable filing fee of twenty-five dollars (\$25.00)  
11 and sign and file with the municipal clerk an application  
12 in substantially the following form:

13

14 State of Wyoming )

15

16 ) ss

17

18 County of .... )

19

20 I, ....., the undersigned, swear or affirm that I was born  
21 on ....., .....(year), and that I have been a resident of the  
22 State of Wyoming since ....., residing at ....., and that I  
23 am a registered voter of Election District No. ....,

1 Precinct No. ...., in Ward No. ...., in the City of ....,  
 2 and the State of Wyoming and registered as a member of ....  
 3 party as of the closing of the municipal clerk's office on  
 4 the day this application is filed, do hereby petition and  
 5 request that my name be printed upon the Official Municipal  
 6 Primary Ballot at the next primary election as a candidate  
 7 for the office of ..... I hereby declare that if nominated  
 8 and elected I will qualify for the office.

9

10 Dated: .....

11

12 .....(Signature of Candidate)

13

14 **22-23-304. Ballot form.**

15

16 The county clerk shall prepare the municipal primary ballot  
 17 as provided in chapter 6 of this title for nonpartisan  
 18 primary ballots.

19

20 **22-23-307. Candidates nominated; certificate of**  
 21 **nomination.**

22

1           (a) ~~The candidates equal to twice the number to be~~  
2 ~~elected to each office who receive the highest number of~~  
3 ~~votes are nominated to run for the office at the next~~  
4 ~~general election and~~ On each party ballot the candidate or  
5 candidates equal in number to the number to be elected to  
6 each office who receive the largest number of votes shall  
7 be nominated, shall be issued a certificate of nomination  
8 by the county clerk and shall be entitled to have their  
9 names printed on the ballot for the next general election.

10 A write-in candidate shall not be nominated and shall not  
11 be entitled to have his name printed on the ballot for the  
12 next general election unless he received at least three (3)  
13 votes. An unsuccessful candidate for office at a primary  
14 election whose name is printed on any party ballot may not  
15 accept nomination for the same office at the next general  
16 election.

17

18           **22-23-308. Vacancies in nomination.**

19

20           (b) A vacancy in nomination shall be filled by the  
21 municipal clerk notifying the person who received the next  
22 highest number of votes at the municipal primary election  
23 as shown on the official county canvass, or, if no other

1 candidate exists, the vacancy in nomination may be filled  
2 from the same political party that the previous office  
3 holder represented by the governing body of the  
4 municipality.

5

6 **22-23-401. Preparation of ballots; cost.**

7

8 For the municipal general election the county clerk shall  
9 prepare ballots ~~which~~ that for municipal officers shall be  
10 in substantially the same form as the general election  
11 ~~nonpartisan~~ ballot ~~for the municipal general election~~ and  
12 for municipal ballot propositions shall be as prescribed by  
13 law. The name of every candidate legally qualified to  
14 appear on the ballot and all municipal ballot propositions  
15 to be voted on at the election shall be printed thereon.  
16 The cost of preparing the municipal ballots shall be  
17 determined by the county clerk and paid by the  
18 municipality.

19

20 **22-23-902. Application; filing fee; form; names on**  
21 **ballot.**

22

1 (a) Candidates for office shall file an application  
 2 for election and the required filing fee, with the county  
 3 clerk, not more than fifty-five (55) nor less than  
 4 thirty-five (35) days prior to the election. The election  
 5 application shall be in substantially the following form:

6

ELECTION APPLICATION

7

8 State of Wyoming )

9

10 ) ss

11

12 County of .... )

13

14 I, ....., being .... years of age, a qualified elector  
 15 of Election District No. ...., Precinct No. ...., Ward No.  
 16 .... (if applicable), residing at ....., in the City of  
 17 ....., State of Wyoming and registered as a member of ....  
 18 party, do hereby request that my name be printed upon the  
 19 Official Special Municipal Election Ballot for the special  
 20 election to be held on ....., ....(year), in the City of  
 21 ....., as a candidate for the office of .... . I hereby  
 22 declare that if elected I will qualify for the office.  
 23

1

2 Dated the .... day of ....., ....(year)

3

4 .... (Signature of Candidate)

5

6 **Section 2.** W.S. 22-6-125(a)(vi) is repealed.

7

8 **Section 3.**

9

10 (a) The joint corporations, elections and political  
11 subdivisions interim committee shall hold one (1) or more  
12 public hearings on the changes made by this act and develop  
13 legislative recommendations relating to:

14

15 (i) The need to allow nonpartisan election of  
16 municipal officers in smaller municipalities; and

17

18 (ii) Any other conforming statutory changes  
19 needed to implement this act.

20

21 **Section 4.** This act is effective July 1, 2020.

22

23

(END)