

SENATE FILE NO. SF0145

Election runoffs.

Sponsored by: Senator(s) Biteman, Boner and Salazar and
Representative(s) Hunt, Jennings and
Zwonitzer

A BILL

for

1 AN ACT relating to elections; requiring a runoff election
2 after a primary election for specified offices when no
3 candidate receives a majority of the vote; changing the
4 date for primary elections; amending related dates; making
5 conforming changes; authorizing a report; and providing for
6 effective dates.

7

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

9

10 **Section 1.** W.S. 22-5-601 is created to read:

11

12

ARTICLE 6

13

RUNOFF ELECTIONS

14

15 **22-5-601. Runoff elections for nominations.**

1

2 (a) For nominations for governor, secretary of state,
3 state treasurer, state auditor, state superintendent of
4 public instruction, candidate for the state legislature and
5 any federal office, a runoff election shall be held with
6 respect to that nomination if no candidate receives in
7 excess of fifty percent (50%) of those voting on the
8 respective partisan primary ballot. The candidates in the
9 runoff election shall be the two (2) candidates who
10 received the highest number of votes in their respective
11 partisan primary election except:

12

13 (i) If more than two (2) candidates in a
14 partisan primary election tie for the highest number of
15 votes in the primary election, the state canvassing board
16 shall cast lots to determine which two (2) shall be runoff
17 election candidates; or

18

19 (ii) If two (2) or more candidates in a partisan
20 primary election tie for the second highest number of votes
21 in the primary election, the state canvassing board shall
22 cast lots to determine who shall be the second candidate in
23 the runoff election.

1

2 (b) Notwithstanding W.S. 22-5-401, if any candidate
3 eligible to be in a runoff election withdraws, dies or is
4 determined ineligible, the remaining two (2) candidates
5 receiving the highest number of votes in accordance with
6 subsection (a) of this section shall be the candidates in
7 the runoff election.

8

9 (c) If required under this section, runoff elections
10 shall be held on the first Tuesday after the third Monday
11 in August in general election years.

12

13 (d) Notwithstanding W.S. 22-5-215 or any other
14 provision of this election code, voting for a write-in
15 candidate shall not be permitted in a runoff election under
16 this section.

17

18 (e) To the extent this section conflicts with other
19 sections of this Election Code, this section shall apply.

20

21 **Section 2.** W.S. 22-2-101(a)(ii), 22-2-104(b) and (d),
22 22-2-108, 22-2-109(a) and by creating a new subsection (d),
23 22-3-102(a)(intro) and by creating a new subsection (f),

1 22-3-109(a), 22-4-402(a) and (e), 22-5-209, 22-5-215,
2 22-5-219(a), 22-6-101, 22-8-101(a), (b) and (d), 22-8-116,
3 22-21-103, 22-21-104 and 22-29-110(a) and (b) are amended
4 to read:

5

6 **22-2-101. Applicability and construction of Election**
7 **Code generally.**

8

9 (a) Chapters 1 through 28 of this Election Code apply
10 to the following elections:

11

12 (ii) Primary elections and runoff elections
13 under W.S. 22-5-601;

14

15 **22-2-104. Election dates.**

16

17 (b) A primary election shall be held at the regular
18 polling places for each precinct on the first Tuesday after
19 the ~~third~~first Monday in ~~August~~May in general election
20 years for the nomination of candidates for partisan and
21 nonpartisan offices to be filled at the succeeding general
22 election and for the election of major party precinct
23 committeemen and committeewomen. If required under W.S.

1 22-5-601, a runoff election shall be held at the regular
2 polling places for each necessary precinct on the first
3 Tuesday after the third Monday in August in general
4 election years.

5

6 (d) Every bond election shall be held on the same day
7 as a primary election or a general election, or on the
8 first Tuesday after the first Monday in May or November.~~7~~
9 ~~or on the first Tuesday after the third Monday in August.~~

10

11 **22-2-108. Secretary of state to certify officers to**
12 **be elected.**

13

14 Between ~~the twenty fourth day of April and the third day of~~
15 ~~May~~ February 1 and February 10 in each general election
16 year, the secretary of state shall transmit to the county
17 clerk of each county a certified list stating what
18 officers, other than county and precinct officers, are to
19 be nominated or elected at the election.

20

21 **22-2-109. County clerk to publish proclamation.**

22

1 (a) Between ~~one hundred one (101) and~~ ninety-one (91)
2 and eighty-one (81) days before each primary election the
3 county clerk in each county shall publish at least once in
4 a newspaper of general circulation in the county and post
5 in the county clerk's office and at the place where each
6 municipality within the county regularly holds its council
7 meetings a proclamation setting forth the date of the
8 election, the offices to be filled at the election
9 including the terms of the offices, the number of persons
10 required by law to fill the offices, the filing deadline
11 for the offices and the requirements for filing statements
12 of campaign contributions and expenditures. The
13 proclamation shall also include the aforementioned
14 information regarding offices to be filled at the general
15 election, the date of any potential runoff election and any
16 other pertinent primary election information. In addition,
17 the description of any ballot proposition submitted to the
18 voters of the state, a political subdivision thereof,
19 county or other district shall be included.

20

21 (d) Between twenty (20) and fifteen (15) days before
22 any runoff election described by W.S. 22-5-601, the county
23 clerk in each applicable county shall publish at least once

1 in a newspaper of general circulation in the county and
2 post conspicuously in at least three (3) public places in
3 each municipality a proclamation setting forth the date of
4 the runoff election and the offices to be filled at the
5 election, including the terms of the offices.

6
7 **22-3-102. Qualifications; temporary registration.**

8
9 (a) Except as provided in subsection (f) of this
10 section, a person may register to vote not less than
11 fourteen (14) days before an election, at any election
12 specified in W.S. 22-2-101(a)(i) through (viii) or as
13 provided by W.S. 22-3-117, who satisfies the following
14 qualifications:

15
16 (f) Only persons registered with a party affiliation
17 to vote in the applicable partisan primary election,
18 including those who registered at the polls at the primary
19 election, may vote in the runoff election described in W.S.
20 22-5-601. No person shall change his party affiliation to
21 vote in a runoff election from that under which the person
22 was registered at the time of the primary election. No
23 person shall vote in a runoff election if the person no

1 longer resides in the applicable jurisdiction at the time
2 of the runoff election.

3

4 **22-3-109. Certification and transmittal of poll**
5 **lists; posting of registry lists.**

6

7 (a) Not less than ten (10) days before any election,
8 the county clerk shall certify and transmit to the officer
9 in charge of each election at his request the necessary
10 poll lists for the precincts or areas involved in the
11 election. Not less than ten (10) days prior to the primary
12 and general elections and not less than five (5) days prior
13 to a runoff election described in W.S. 22-5-601, the county
14 clerks shall ~~upon request~~ deliver ~~up to~~ three (3) poll
15 lists for each precinct in the county to the county
16 chairman of each political party in the respective
17 counties.

18

19 **22-4-402. Petition; form; validity.**

20

21 (a) Any group of persons desiring to form a new
22 political party within this state shall file a petition
23 with the secretary of state not later than ~~June~~ February 1

1 in any general election year in which the party seeks to
2 qualify for the general election ballot.

3

4 (e) The petition shall be circulated no earlier than
5 ~~April~~January 1 of the year preceding the general election.

6

7 **22-5-209. Time for filing nomination applications;**
8 **certified list.**

9

10 An application for nomination shall be filed not more than
11 ~~ninety-six (96)~~eighty (80) days and not later than
12 ~~eighty-one (81)~~seventy-three (73) days next preceding the
13 primary election. Not later than sixty-eight (68) days
14 before a primary election the secretary of state shall
15 transmit to each county clerk a certified list of persons
16 whose applications have been filed in the office of the
17 secretary of state stating as to each his name, age,
18 address, office sought and party affiliation.

19

20 **22-5-215. Nomination of partisan candidates and**
21 **write-in candidates.**

22

1 Except as provided in W.S. 22-5-601, on each party ballot
2 the candidate or candidates equal in number to the number
3 to be elected to each office who receive the largest number
4 of votes shall be nominated and shall be entitled to have
5 their names printed on the ballot for the next general
6 election. A write-in candidate shall not be nominated and
7 shall not be entitled to have his name printed on the
8 ballot for the next general election unless he received at
9 least twenty-five (25) write-in votes in the primary
10 election and is a registered voter in the political party
11 for which he was nominated on the day of the primary
12 election. An unsuccessful candidate for office at a primary
13 election whose name is printed on any party ballot may not
14 accept nomination for the same office at the next general
15 election.

16

17 **22-5-219. Further action by nominees or elect not**
18 **required; exception.**

19

20 (a) Candidates nominated and major party precinct
21 committeemen and committeewomen elected at a primary or
22 runoff election shall be deemed nominated or elected
23 without further action except as otherwise provided in W.S.

1 22-5-601. In addition, each write-in candidate nominated at
2 a primary or runoff election shall comply with the
3 provisions of W.S. 22-16-106.

4

5 **22-6-101. Certification of candidates nominated;
6 printing of names.**

7

8 Not less than sixty (60) days before each general election
9 the secretary of state shall transmit to each county clerk
10 under party headings a certified list of the name and
11 address of each person nominated by primary or runoff
12 election as indicated by the state canvass, the name of
13 each person nominated by provisional or minor party
14 convention, the name of each independent candidate
15 qualifying for nomination by petition, and the office
16 sought. The names of these candidates shall be printed on
17 the official ballot of the general election.

18

19 **22-8-101. Notice of election officials needed; county
20 chairmen to submit list of names; municipal clerks list of
21 names appointment.**

22

1 (a) Not later than the third Tuesday of ~~April~~
2 ~~February~~ in each general election year, each county clerk
3 shall notify the county chairmen of the major and minor
4 political parties in the county of the number of election
5 judges and counting board members and alternates needed for
6 the ensuing two (2) year term.

7
8 (b) Not later than the third Tuesday of ~~May~~~~March~~ in
9 each general election year the county chairman of each
10 major and minor political party in each county may certify
11 to the county clerk a list of registered electors residing
12 in the county and affiliated with the party, and a list of
13 persons who are at least sixteen (16) years of age who
14 otherwise meet all requirements for qualification as an
15 elector, who are willing to serve as a judge of election or
16 as a member of a counting board.

17
18 (d) Not later than ~~June 30~~~~March 31~~, the county clerk
19 on each general election year shall appoint judges of
20 election and counting boards and alternates from lists
21 submitted by the county chairmen of the major and minor
22 political parties.

23

1 **22-8-116. Compensation.**

2

3 Judges of election and members of counting boards shall be
4 compensated for services at a rate to be determined by the
5 board of county commissioners at the ~~June~~April meeting and
6 stated on the notice sent to each nominee. The rate shall
7 be not less than the state minimum wage. Compensation shall
8 begin one (1) hour before a member assumes his duties. The
9 election official who delivers the returns shall receive
10 additional compensation for necessary travel beyond ten
11 (10) miles at the rate authorized for county employees. If
12 a flat rate is paid, said sum shall not be less than the
13 state hourly minimum wage multiplied by the number of hours
14 the polls are open plus one (1) hour.

15

16 **22-21-103. How bond question to be submitted to**
17 **electors; contents.**

18

19 Each bond question shall be submitted to a vote of the
20 qualified electors of the political subdivision. Every bond
21 election shall be held on the same day as a primary
22 election or a general election, or on the Tuesday next
23 following the first Monday in May or November~~, or on the~~

1 ~~Tuesday next following the third Monday in August.~~ Not less
2 than one hundred ten (110) days before a bond election, the
3 political subdivision shall provide written notification to
4 the county clerk specifying the date of the election and
5 the bond question. The bond question shall state the
6 purpose of the bonds, the maximum principal amount thereof,
7 the maximum number of years allowed for the indebtedness
8 and the maximum rate of interest to be paid thereon. The
9 secretary of state may promulgate reasonable rules for
10 conducting bond elections where the election is not held at
11 the same time as the general or primary election.

12

13 **22-21-104. Publication or posting of election notice;**
14 **contents.**

15

16 Between ~~one hundred one (101) and ninety one (91) days~~
17 ~~before a bond election held in conjunction with a primary~~
18 ~~or other August election and between~~ ninety (90) and
19 seventy (70) days before a bond election held in
20 conjunction with a May, general or other November election,
21 the county clerk shall publish notice of the election at
22 least once in a newspaper of general circulation in the
23 political subdivision. If there is no newspaper of general

1 circulation in the political subdivision, notice shall be
2 posted at each polling place in the political subdivision
3 between ninety (90) and seventy (70) days before the
4 election. Any notice of election hereunder shall specify
5 the name of the political subdivision, the date, time and
6 place of election, the question or questions to be
7 submitted, and the fact that only qualified electors of the
8 political subdivision may vote thereon. If a bond election
9 is being held within a political subdivision at the same
10 time and place as a regular or other election, the notice
11 of bond election may, at the discretion of the county
12 clerk, be combined with and given in the same manner as the
13 notice of the regular or other election in such political
14 subdivision.

15

16 **22-29-110. County clerk to publish proclamation;**
17 **filing period.**

18

19 (a) Between ~~one hundred one (101) and ninety one (91)~~
20 ~~days before an organizational election held in conjunction~~
21 ~~with a primary or other August election, between~~ ninety
22 (90) and seventy (70) days before an organizational
23 election held in conjunction with a May, general, November

1 or mail ballot election held at any other time, the county
2 clerk shall publish at least once in a newspaper of general
3 circulation in each county in which all or part of the
4 proposed district is situated a proclamation setting forth
5 the date of the election, what county clerk is the filing
6 officer, the question of formation, what offices are to be
7 filled including the terms of the offices, the filing
8 period for the offices and other pertinent election
9 information. Minor errors in the proclamation shall not
10 invalidate the forthcoming election.

11

12 (b) Between ~~ninety six (96) and eighty one (81) days~~
13 ~~before a formation election held in conjunction with a~~
14 ~~primary or other August election, between~~ ninety (90) and
15 seventy (70) days before a formation election held in
16 conjunction with a May, general, November or mail ballot
17 election held at any other time, candidates may file an
18 application for election in the office of the county clerk.
19 The principal act shall determine who is eligible to be a
20 candidate. The application shall be in substantially the
21 following form:

22

23

APPLICATION FOR ELECTION

1

2

SPECIAL DISTRICT DIRECTOR

3

4

I, the undersigned, swear or affirm that I was born on

5

....., (year); that I have been a resident of district

6

since, residing at; that I am an elector or

7

landowner (check which one for eligibility) of said

8

district and I do hereby request that my name,, be

9

printed on the ballot of the formation (or other) election

10

to be held on day of, (year) as a candidate for

11

the office of director for a term of years. I hereby

12

declare that if I am elected, I will qualify for the

13

office.

14

15

Dated

16

17

.....

18

Signature of Candidate

19

20

Section 3. The secretary of state's office and

21

Wyoming county clerks shall confer on the scheduling of

22

primary elections and other timelines required by this act.

23

On or before September 1, 2021, the secretary of state's

1 office and any Wyoming county clerk may report a
2 recommendation to the joint corporations, elections and
3 political subdivisions interim committee concerning the
4 scheduling of primary elections and other time lines
5 specified by this act. The joint corporations, elections
6 and political subdivisions interim committee shall consider
7 any recommendation received and if any primary election
8 date or other time requirement specified by this act is
9 inadvisable the committee shall propose an amendment to the
10 date or time requirement during the 2022 budget session.

11

12 **Section 4.**

13

14 (a) Except as provided in subsection (b) of this
15 section, this act is effective immediately upon completion
16 of all acts necessary for a bill to become law as provided
17 by Article 4, Section 8 of the Wyoming Constitution.

18

19 (b) Sections 1 and 2 of this act are effective July
20 1, 2022.

21

22

(END)