

HOUSE BILL NO. HB0122

Proportional vacancy nominations.

Sponsored by: Representative(s) Barlow, Brown, Eyre,
Harshman, Larsen and MacGuire and Senator(s)
Landen, Pappas and Wasserburger

A BILL

for

1 AN ACT relating to vacancies in elected offices; providing
2 for proportional voting by state central committee members
3 when nominating persons to fill the remaining term in
4 specified elected offices; and providing for an effective
5 date.

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

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9 **Section 1.** W.S. 22-18-106 and 22-18-111(a)(i) and
10 (iii)(D) are amended to read:

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12 **22-18-106. Filling vacancy of congressman;**
13 **nominations by state central committees; independent**
14 **candidates.**

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1 An elector qualified to hold the office of representative
2 in congress shall be nominated by vote of the state central
3 committee of the respective parties to fill a vacancy for
4 the unexpired term of that office. Nominations from such
5 parties shall be filed with the secretary of state and fees
6 paid within seven (7) days after the vacancy is officially
7 declared. The vote of a state central committee member to
8 nominate an elector qualified to hold the office of
9 representative of congress pursuant to this section shall
10 be weighted so that the total vote of the state central
11 committee members from each county shall be in proportion
12 to the population of those members' county in relation to
13 the population of the entire state as determined at the
14 immediately preceding federal decennial census.
15 Independent candidates shall file an application and pay
16 the filing fee with the secretary of state within seven (7)
17 days after the vacancy is officially declared.

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19 **22-18-111. Vacancies in other offices; temporary**
20 **appointments.**

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22 (a) Any vacancy in any other elective office in the
23 state except representative in congress or the board of

1 trustees of a school or community college district, shall
2 be filled by the governing body, or as otherwise provided
3 in this section, by appointment of a temporary successor.
4 The person appointed shall serve until a successor for the
5 remainder of the unexpired term is elected at the next
6 general election and takes office on the first Monday of
7 the following January. Provided, if a vacancy in a four
8 (4) year term of office occurs in the term's second or
9 subsequent years after the first day for filing an
10 application for nomination pursuant to W.S. 22-5-209, no
11 election to fill the vacancy shall be held and the
12 temporary successor appointed shall serve the remainder of
13 the unexpired term. The following apply:

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15 (i) If a vacancy occurs in the office of United
16 States senator or in any state office other than the
17 governor, member of the state legislature, the office of
18 justice of the supreme court and the office of district
19 court judge, the governor shall immediately notify in
20 writing the chairman of the state central committee of the
21 political party which the last incumbent represented at the
22 time of his election under W.S. 22-6-120(a)(vii), or at the
23 time of his appointment if not elected to office. The

1 chairman shall call a meeting of the state central
2 committee to be held not later than fifteen (15) days after
3 he receives notice of the vacancy. At the meeting the state
4 central committee shall, by vote, select and transmit to
5 the governor the names of three (3) persons qualified to
6 hold the office. The vote of a state central committee
7 member in attendance at a meeting called pursuant to this
8 paragraph shall be weighted so that the total vote of the
9 state central committee members from each county shall be
10 in proportion to the population of those members' county in
11 relation to the population of the entire state as
12 determined at the immediately preceding federal decennial
13 census. Within five (5) days after receiving these three
14 (3) names, the governor shall fill the vacancy by temporary
15 appointment of one (1) of the three (3) to hold the office.
16 If the incumbent who has vacated office did not represent a
17 political party at the time of his election, or at the time
18 of his appointment if not elected to office, the governor
19 shall notify in writing the chairman of all state central
20 committees of parties registered with the secretary of
21 state. The state central committees shall, by vote, submit
22 to the governor, within fifteen (15) days after notice of
23 the vacancy, the name of one (1) person qualified to hold

1 the office. The vote of a state central committee shall be
2 weighted so that the total vote of the state central
3 committee members from each county shall be in proportion
4 to the population of those members' county in relation to
5 the population of the entire state as determined at the
6 immediately preceding federal decennial census. The
7 governor shall also cause to be published in a newspaper of
8 general circulation in the state notice of the vacancy in
9 office. Persons qualified to hold the office who do not
10 belong to a party may, within fifteen (15) days after
11 publication of the vacancy in office, submit a petition
12 signed by one hundred (100) registered voters, seeking
13 consideration for appointment to the office. Within five
14 (5) days after receiving the names of persons qualified to
15 hold the office, the governor shall fill the vacancy by
16 temporary appointment to the office, from the names
17 submitted or from those petitioning for appointment;

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19 (iii) If a vacancy occurs in the office of a
20 member of the state legislature:

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22 (D) If the legislative district is in more
23 than one (1) county, the vacancy shall be filled by the

1 combined vote of the boards of county commissioners for
2 those counties. The vote of each county commissioner in
3 attendance shall be weighted so that the total vote of the
4 commissioners from each county shall be in proportion to
5 the population of the legislative district within that
6 county as determined at the immediately preceding federal
7 decennial census. For vacancies created other than by
8 resignation, if the legislative district is in more than
9 one (1) county, the determination of the vacancy shall be
10 made in accordance with this subparagraph.

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12 **Section 2.** This act is effective July 1, 2022.

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(END)