

HOUSE BILL NO. HB0074

Elected officials-removal.

Sponsored by: Representative(s) Bear, Fortner, Gray,
Jennings, Laursen and Neiman and Senator(s)
McKeown and Steinmetz

A BILL

for

1 AN ACT relating to cities and towns; establishing a removal
2 mechanism for any elected official in any form of municipal
3 government; providing for a replacement procedure;
4 repealing an existing recall mechanism; and providing for
5 an effective date.

6

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

8

9 **Section 1.** W.S. 15-11-401 is created to read:

10

11

ARTICLE 4

12

REMOVAL AND REPLACEMENT OF ELECTED OFFICIALS

13

14 **15-11-401. Removal from office; special removal**

15 **election.**

1

2 (a) Any officer elected under this title may be
3 removed at any time by the qualified electors in the
4 following manner:

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6 (i) A petition is filed with the city or town
7 clerk that identifies the elected official to be removed
8 from office and seeks an election of a successor. The
9 petition shall contain a general statement of the grounds
10 for removal. Of all the qualified electors in the
11 municipality entitled to vote for the office, the petition
12 shall be signed by not less than twenty-five percent (25%)
13 in a municipality with a population of four thousand
14 (4,000) or more, by not less than thirty percent (30%) in a
15 municipality with a population of five hundred (500) to
16 three thousand nine hundred ninety-nine (3,999) or thirty-
17 five percent (35%) in a municipality with a population less
18 than four hundred ninety-nine (499). The signatures to the
19 petition need not all be appended to one (1) paper, but
20 each signer shall include the signer's place of residence,
21 giving the street and number. One (1) of the circulators of
22 the petition shall make oath before a competent officer
23 that the statements made on each paper are true as the

1 circulator believes, and that each signature is the genuine
2 signature of the person whose name it purports to be. An
3 individual shall not be qualified to act as a circulator
4 unless he is a citizen of the United States and is at least
5 eighteen (18) years of age;

6

7 (ii) Within ten (10) days from the date of
8 filing the petition required by paragraph (i) of this
9 subsection, the city or town clerk shall determine whether
10 the requisite number of qualified electors signed the
11 petition. If necessary, the governing body shall provide
12 the clerk extra help for that purpose. The clerk shall
13 attach to the petition a certificate, showing the result of
14 the clerk's determination. If the petition is insufficient,
15 it shall be returned to the person who filed it, without
16 prejudice to the filing of a new petition. If the petition
17 is sufficient, the clerk shall submit the petition and
18 signed certificate of sufficiency to the governing body
19 without delay;

20

21 (iii) Upon receiving a petition and signed
22 certificate of sufficiency, the governing body shall fix a
23 date for holding a special removal election, not less than

1 thirty (30) days nor more than forty (40) days from the
2 date the city or town clerk signed the clerk's certificate
3 of sufficiency. The governing body shall publish notice and
4 arrange for holding the special removal election, which
5 shall be conducted in the same manner as other municipal
6 elections;

7

8 (iv) Any person sought to be removed from office
9 according to this section may be a candidate to succeed
10 himself, and unless that person requests otherwise in
11 writing at least ten (10) days before the date for a
12 special primary election held in accordance with subsection
13 (b) of this section, the city or town clerk shall place
14 that person's name on the special removal election ballot
15 without nomination. If no candidates are nominated pursuant
16 to subsection (b) of this section to run against the person
17 sought to be removed, no special primary or special removal
18 election shall be held, and the person sought to be removed
19 shall continue in office.

20

21 (b) Candidates other than the person sought to be
22 removed from office shall be nominated by application and a
23 special primary election if necessary. A special primary

1 election shall be held on the second Tuesday before the
2 date fixed for the special removal election if there are
3 two (2) or more persons nominated by application. The
4 special primary election shall be conducted in the same
5 manner as other municipal elections, except the candidate
6 filing fee and application shall be filed with the city or
7 town clerk at least ten (10) days before the date for the
8 special primary election, and the certification of
9 candidates shall be at least five (5) days before the date
10 for the special primary election. If the person sought to
11 be removed from office is a candidate in the special
12 removal election, one (1) opposing candidate shall be
13 selected at the special primary election. If the person
14 sought to be removed from office is not a candidate in the
15 special removal election, the two (2) candidates receiving
16 the highest number of votes shall proceed to the special
17 removal election.

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19 (c) In any special removal election the candidate
20 receiving the highest number of votes is elected. The
21 person sought to be removed from office shall be removed
22 from office upon the qualification of his successor. The
23 successor shall hold office during the unexpired portion of

1 the term for which the person removed was elected. If the
2 candidate who receives the highest number of votes fails to
3 qualify within ten (10) days after receiving notification
4 of election, the office is vacant and shall be filled as
5 provided by law.

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7 (d) This method of removal is in addition to any
8 other methods provided by law.

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10 (e) To the extent that this section conflicts with
11 laws governing municipal elections, the provisions of this
12 section shall control.

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14 **Section 2.** W.S. 15-4-110 is repealed.

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

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18

(END)