

## HOUSE BILL NO. HB0152

Removal of political parties from elections.

Sponsored by: Representative(s) Yin

A BILL

for

1 AN ACT relating to elections; providing for any voter to  
2 vote for any candidate at primary elections; modifying  
3 requirements for primary and general election ballots;  
4 amending definitions relating to qualifications of  
5 political parties; eliminating election of precinct  
6 committeemen and committeewomen at primary elections;  
7 modifying procedures for filling of vacancies as specified;  
8 requiring special elections as specified; requiring  
9 rulemaking; making conforming amendments; repealing and  
10 removing obsolete language; and providing for effective  
11 dates.

12

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

14

15 **Section 1.** W.S. 22-5-404 is created to read:

16

1           **22-5-404. Vacancies in nomination.**

2

3           (a) A vacancy in nomination for an office to be  
4 filled at a general election occurs if prior to the general  
5 election a candidate nominated at a primary election  
6 declines to accept the nomination, dies, moves his  
7 residence from his constituency or becomes disqualified to  
8 hold the office for any reason provided by law.

9

10           (b) A vacancy in nomination shall be filled by the  
11 person who is qualified and who received the next highest  
12 number of votes at the primary election as shown on the  
13 official canvas. If no qualified candidate exists, the  
14 vacancy in nomination shall be filled by:

15

16           (i) The state central committee of the political  
17 party of the former nominee for an office to be voted for  
18 by the electors of the entire state;

19

20           (ii) The county central committee of the  
21 political party of the former nominee for an office to be  
22 voted for by the electors of a county or a subdivision  
23 thereof; or

1

2 (iii) If the former nominee for any office did  
3 not indicate in the application whether he is a member of  
4 an existing political party as provided in W.S.  
5 22-5-204(d), or if the former nominee was a write-in  
6 candidate, the nomination shall remain vacant.

7

8 **Section 2.** W.S. 9-1-212, 9-1-802(e), 18-3-524(d),  
9 22-1-102(a)(xvii), (xviii), (xxv) and (liii)(A),  
10 22-2-101(a)(iii), 22-2-104(b), 22-2-110(a), 22-2-111(a),  
11 22-2-117(a), 22-4-101(b) and (e), 22-4-103, 22-4-406,  
12 22-5-101, 22-5-102(a)(i), 22-5-204(b)(intro), (iii) and by  
13 creating a new subsection (d), 22-5-208(c), 22-5-209,  
14 22-5-213, 22-5-215, 22-5-219(a), 22-5-220, 22-6-101,  
15 22-6-112(a), 22-6-116, 22-6-117(a)(intro) and by creating  
16 new paragraphs (xii) through (xxiv), 22-6-119(a)(intro) and  
17 (i), 22-6-120(a)(vii), 22-6-123, 22-6-124,  
18 22-10-101(a)(vii) and (x), 22-10-108(a), 22-11-103(a)(vii),  
19 22-11-104(b)(iii), 22-16-103(c)(viii)(A), 22-16-121(a),  
20 22-18-103, 22-18-105 through 22-18-109,  
21 22-18-111(a)(intro), (iii)(intro) and (c)(i), 22-20-107,  
22 22-23-103(c)(i), 22-23-202(a)(v)(B), 22-23-304, 22-23-401,

1 22-25-102(c)(i)(B) and (ii)(B) and 28-1-106 are amended to  
2 read:

3  
4 **9-1-212. Vacancy in office of governor; term of**  
5 **successor; when election held to fill unexpired term; term**  
6 **of person elected.**

7  
8 Whenever the powers and duties of the office of the  
9 governor of the state of Wyoming devolve upon any other  
10 person as provided in W.S. 9-1-211(a), the person acting as  
11 governor shall continue to act as governor until the end of  
12 the term of the governor if the office is assumed less than  
13 sixty (60) days before the next general election. If the  
14 office is assumed more than sixty (60) days before a  
15 general election the person acting as governor shall ~~issue~~  
16 ~~an additional proclamation calling for the election of a~~  
17 ~~governor to fill the unexpired term, which election shall~~  
18 ~~take place at the same time as the general election, and~~  
19 ~~the election, together with the returns and canvass~~  
20 ~~thereof, shall be conducted in all respects as though it~~  
21 ~~was an original election for governor. When the state~~  
22 ~~canvassing board canvasses the vote of the election and~~  
23 ~~declares a person at the election to be elected as~~

1 ~~governor, the person~~ call for a special election as  
2 provided in W.S. 22-18-103 through 22-18-109. The candidate  
3 issued a certificate of election pursuant to W.S. 22-18-109  
4 shall, within thirty (30) days after the ~~canvass~~ issuance  
5 of the certificate, or as soon thereafter as possible,  
6 qualify and assume the duties and powers of governor, and  
7 shall be the governor of the state of Wyoming for the  
8 remainder of the unexpired term of the governor.

9  
10 **9-1-802. Election; term; qualifications; full-time;**  
11 **private practice prohibited; exception; salary; vacancies.**

12  
13 (e) A vacancy in the office of district attorney  
14 shall be filled by the board or boards of county  
15 commissioners under the procedure for filling vacancies in  
16 the office of a member of the state legislature or state  
17 senator established by W.S. ~~22-18-111~~ 22-18-111(a)(iii)(A)  
18 through (D). Vacancies shall be filled until the next  
19 general election and the appointee shall be qualified  
20 pursuant to subsections (b) and (c) of this section.

21  
22 **18-3-524. Appointments to fill vacancies; term.**

23

1           (d) For purposes of this section a person shall be  
2 considered to "represent" a political party if ~~he was a~~  
3 ~~nominee of that political party~~ the person's party  
4 affiliation was indicated as provided in W.S. 22-5-204(d)  
5 or 22-6-120(a)(vii) when elected to office or ~~when~~ if the  
6 person was appointed to fill a vacancy in office of a  
7 person whose party affiliation was indicated as provided in  
8 W.S. 22-5-204(d) or 22-6-120(a)(vii).

9

10           **22-1-102. Definitions.**

11

12           (a) The definitions contained in this chapter apply  
13 to words and phrases used in this Election Code and govern  
14 the construction of those words and phrases unless they are  
15 specifically modified by the context in which they appear.

16 As used in this Election Code:

17

18           (xvii) "Major political party" means a political  
19 organization whose candidate for any one (1) of the offices  
20 of the United States president, United States house of  
21 representatives, governor or secretary of state, received  
22 not less than ten percent (10%) of the total votes cast for

1 that office in either of the two (2) most recent general  
2 ~~election~~elections in the state;

3

4 (xviii) "Minor political party" means a  
5 political organization whose candidate for any one (1) of  
6 the offices of the United States president, United States  
7 house of representatives, governor or secretary of state,  
8 received not less than two percent (2%) nor more than ten  
9 percent (10%) of the total votes cast for that office in  
10 either of the two (2) most recent general ~~election~~  
11 elections in the state;

12

13 (xxv) "Provisional party" means a political  
14 organization which has filed a legally valid petition as  
15 provided under article 4 of chapter 4 of this code. The  
16 filing of a legally valid petition entitles the provisional  
17 party to participate in the next general election. If the  
18 provisional party's candidate for any one (1) of the  
19 offices of the United States president, United States house  
20 of representatives, governor or secretary of state,  
21 receives not less than two percent (2%) of the total votes  
22 cast for that office in that election in the state, the  
23 provisional party does not lose party status;

1

2 (liii) "Candidate" means any person who  
3 knowingly seeks nomination or election to public office by:

4

5 (A) Filing an application for nomination by  
6 primary election, ~~nomination by~~ or political party  
7 convention; ~~or by petition for nomination;~~

8

9 **22-2-101. Applicability and construction of Election**  
10 **Code generally.**

11

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

14

15 (iii) Special elections to fill vacancies ~~in the~~  
16 ~~office of representative in congress~~ under W.S. 22-18-103  
17 through 22-18-109, provided that the provisions of W.S.  
18 22-18-103 through 22-18-109 shall control if inconsistent  
19 with chapters 1 through 28 of this Election Code;

20

21 **22-2-104. Election dates.**

22



1           (b) A primary election shall be held at the regular  
2 polling places for each precinct on the first Tuesday after  
3 the third Monday in August in general election years for  
4 the nomination of candidates for ~~partisan and nonpartisan~~  
5 offices to be filled at the succeeding general election.  
6 ~~and for the election of major party precinct committeemen~~  
7 ~~and committeewomen.~~

8

9           **22-2-110. Computing periods of time.**

10

11           (a) Except for special elections to fill vacancies  
12 ~~for a congressman~~ under W.S. ~~22-18-105~~ 22-18-103 through  
13 22-18-109, periods of time are computed by excluding the  
14 specific day and counting the prescribed number of days,  
15 including Saturdays, Sundays and full legal holidays. If  
16 the first day of a time period falls on a Saturday, Sunday  
17 or full legal holiday, the preceding day which is not a  
18 Saturday, Sunday or full legal holiday shall be used. If  
19 the last day of a time period falls on a Saturday, Sunday  
20 or full legal holiday, the next day which is not a  
21 Saturday, Sunday or full legal holiday shall be used. All  
22 days, except the specific day, but including the last day,  
23 shall be used to compute the time limits established under

1 W.S. ~~22-18-105~~22-18-103 through 22-18-109 unless the last  
2 day of a time period falls on a Saturday, Sunday or full  
3 legal holiday in which case the next day which is not a  
4 Saturday, Sunday or full legal holiday shall be used.

5

6 **22-2-111. Employees time off to vote.**

7

8 (a) Any person entitled to vote at any primary or  
9 general election or special election to fill a vacancy ~~in~~  
10 ~~the office of representatives in the congress of the United~~  
11 ~~States~~under W.S. 22-18-103 through 22-18-109 is, on the  
12 day of such election, entitled to absent himself from any  
13 service or employment in which he is then engaged or  
14 employed for a period of one (1) hour, other than meal  
15 hours, the hour being at the convenience of the employer,  
16 between the time of opening and closing of the polls. Such  
17 elector shall not, because of so absenting himself, lose  
18 any pay, providing he actually casts his legal vote.

19

20 **22-2-117. Vote required for election; ratification.**

21

1           (a) ~~Partisan and nonpartisan~~ Candidates who receive  
2 the largest number of votes for each office to be filled at  
3 the general election are elected.

4

5           **22-4-101. Application; composition, election and**  
6 **qualifications of county central committees.**

7

8           (b) The county central committee of each political  
9 party consists of precinct committeemen and committeewomen  
10 elected in ~~the county at the regular biennial primary~~  
11 ~~election~~ accordance with the party bylaws, which shall  
12 comply with this chapter. Except as provided in subsection

13 (c) of this section, each political party in each precinct  
14 shall elect one (1) committeeman and one (1) committeewoman  
15 for each two hundred fifty (250) votes or major fraction  
16 thereof cast for the party's candidate for representative  
17 in congress in the last general election, but provided that  
18 no precinct shall be entitled to less than one (1) precinct  
19 committeeman and precinct committeewoman. Precinct  
20 committeemen and committeewomen shall be electors  
21 registered in the party and resident in the precinct. ~~If a~~  
22 ~~precinct boundary line is changed for any reason, the~~  
23 ~~county commissioners shall determine the number of precinct~~

1 ~~committeemen and committeewomen to which the affected~~  
2 ~~precinct is entitled.~~

3

4 (e) The term of office for all precinct committeemen  
5 and committeewomen shall be two (2) years and shall begin  
6 ~~on the first Monday in January of the year following their~~  
7 ~~election~~ as provided in the party bylaws.

8

9 **22-4-103. County central committee vacancies.**

10

11 ~~A vacancy in the county central committee shall occur in~~  
12 ~~the case of death, resignation, failure of a qualified~~  
13 ~~candidate to be elected to a precinct committeeman or~~  
14 ~~committeewoman position, or removal of residence from the~~  
15 ~~precinct.~~ A vacancy in a county central committee shall be  
16 determined and filled ~~by the county central committee by~~  
17 ~~election of a registered elector resident in the precinct~~  
18 ~~in which the vacancy exists and registered in the party or~~  
19 as provided by the party bylaws.

20

21 **22-4-406. Officers and nominating procedures.**

22

1 A provisional party shall be subject to W.S. 22-4-302  
2 through 22-4-307. ~~Under no circumstances shall a~~  
3 ~~provisional party nominate by the primary election process.~~

4

5 **22-5-101. How candidates nominated.**

6

7 Nominations of candidates for all offices filled at a  
8 general election, except school and community college  
9 district offices and special district offices, ~~may~~ shall be  
10 made by primary election, ~~by petition for nomination as an~~  
11 ~~independent candidate as provided in W.S. 22-5-301 through~~  
12 ~~22-5-308 or by convention as provided in W.S. 22-4-303 and~~  
13 ~~22-4-406.~~

14

15 **22-5-102. Eligibility to be a candidate for state**  
16 **legislature; residency.**

17

18 (a) For the purpose of meeting residency requirements  
19 of the Wyoming constitution, a person shall not be a  
20 candidate for the state legislature from a legislative  
21 district unless he has been a resident of that legislative  
22 district for at least one (1) year next preceding his  
23 election. In any general election year in which a plan of

1 legislative districts is required but has not been enacted  
 2 into law at least one (1) year prior to the applicable  
 3 filing periods, a person may be a candidate for the state  
 4 legislature from a legislative district if he:

5

6 (i) Is a resident of the legislative district on  
 7 the date he files an application under W.S. 22-5-204; ~~or a~~  
 8 ~~petition under W.S. 22-5-301;~~ and

9

10 **22-5-204. Application for nomination or election;**  
 11 **form.**

12

13 (b) An eligible person seeking nomination or election  
 14 for ~~a partisan~~ office shall satisfy all of the following:

15

16 (iii) File an application in substantially the  
 17 following form:

18

19 APPLICATION FOR NOMINATION OR ELECTION BY ~~PARTY~~-PRIMARY

20

21 State of Wyoming )

22 ) ss

23 County of .... )

1

2 I, ....., swear or affirm that I was born on .....,  
3 ....(year), that I have been a resident of the state of  
4 Wyoming since ....., and that I am a registered voter of  
5 Election District No. ....., in Precinct No. ....., residing  
6 at ....., in County of ....., (if for the office of state  
7 senator or representative) in Senate (House) District .....,  
8 state of Wyoming, ~~and registered as a member of ..... party,~~  
9 (if for the office of governor) and that I resided at the  
10 physical residential addresses listed below during the past  
11 five (5) years, and I hereby request that my name be  
12 printed upon the official ~~party~~-ballot at the next primary  
13 election as a candidate for the office of ....., and hereby  
14 declare that if nominated and elected, I will qualify for  
15 the office.

16

17 (If for the office of United States senator or  
18 representative in congress) I have not, at any time when  
19 knowingly seeking nomination or election to this office,  
20 claimed or been currently claiming any residence or  
21 received the benefits of residency from any other state,  
22 excluding the benefits of residency related to or

1 incidental from maintaining a residence at or near the  
2 United States capital.

3

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

7

8 (Residence) (Date)

9

10 1.

11

12 2.

13

14 (If the applicant desires to list party affiliation  
15 pursuant to W.S. 22-5-204(d)) I swear and affirm that I am  
16 registered as a member of the .... party.

17

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

19

20 .....(Signature)

21 ..... (Residence Address)

22



1       (d) An applicant for partisan office may indicate in  
2 the application whether he is a member of an existing  
3 qualified political party and whether the applicant desires  
4 to have that membership indicated on the ballot.

5

6       **22-5-208. Filing fees; exception.**

7

8       (c) A filing fee shall not be required of candidates  
9 for special district director, school district trustee, or  
10 community college trustee, ~~precinct committeeman or~~  
11 ~~precinct committeewoman.~~

12

13       **22-5-209. Time for filing nomination applications;**  
14 **certified list; names on ballot.**

15

16 An application for nomination shall be filed not more than  
17 ninety-six (96) days and not later than eighty-one (81)  
18 days next preceding the primary election. Not later than  
19 sixty-eight (68) days before a primary election the  
20 secretary of state shall transmit to each county clerk a  
21 certified list of persons whose applications have been  
22 filed in the office of the secretary of state stating as to

1 each his name, age, address, office sought and party  
2 affiliation if declared.

3

4 **22-5-213. Entry in pollbook.**

5

6 The judges of election shall check or enter in the pollbook  
7 the name of each elector voting in the primary election and  
8 his party affiliation, if declared. ~~An elector voting only  
9 a nonpartisan ballot shall be entered in the pollbook as an  
10 unaffiliated voter.~~

11

12 **22-5-215. Nomination of candidates and write-in  
13 candidates.**

14

15 On each ~~party~~ ballot the candidate or candidates equal in  
16 number to twice the number to be elected to each office who  
17 receive the largest number of votes shall be nominated and  
18 shall be entitled to have their names printed on the ballot  
19 for the next general election. A write-in candidate shall  
20 not be nominated and shall not be entitled to have his name  
21 printed on the ballot for the next general election unless  
22 ~~he received~~ the candidate's name was written by the  
23 electors on at least twenty-five (25) ~~write-in votes in the~~

1 primary election ~~and is a registered voter in the political~~  
2 ~~party for which he was nominated on the day of the primary~~  
3 ~~election~~ ballots for the office. An unsuccessful candidate  
4 for office at a primary election whose name is printed on  
5 any ~~party~~ ballot may not accept nomination for the same  
6 office at the next general election.

7

8 **22-5-219. Further action by nominees not required;**  
9 **exception.**

10

11 (a) Candidates nominated ~~and major party precinct~~  
12 ~~committeemen and committeewomen elected~~ at a primary  
13 election shall be deemed nominated ~~or elected~~ without  
14 further action. In addition, each write-in candidate  
15 nominated at a primary election shall comply with the  
16 provisions of W.S. 22-16-106.

17

18 **22-5-220. Withdrawal of nomination application**  
19 **restricted.**

20

21 A candidate may withdraw a nomination application prior to  
22 the primary election only by filing a written withdrawal in  
23 the filing office in which he filed his application for

1 nomination. If a candidate withdraws after the party  
2 ballots are finalized and approved for printing by a county  
3 clerk in any county where the candidate's name will appear  
4 on the party-ballot, the county clerk shall not be required  
5 to remove the candidate's name from the party-ballot, but  
6 shall post a notice at each polling place announcing that  
7 the named candidate has withdrawn from nomination for the  
8 office designated.

9

10 **22-6-101. Certification of candidates nominated;**  
11 **printing of names.**

12

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

23

1           **22-6-112. Name to appear only once.**

2

3           (a) No candidate's name shall appear on the ~~partisan~~  
4 ballot more than once. ~~, except that of a candidate for the~~  
5 ~~office of precinct committeeman or committeewoman, who may~~  
6 ~~also seek the office of president or vice president of the~~  
7 ~~United States or another office on the same partisan~~  
8 ~~primary ballot.~~

9

10           **22-6-116. Printing type size and candidate names.**

11

12 On official ballots the ~~political party name or title shall~~  
13 ~~be printed in capital letters not less than one-eighth~~  
14 ~~(1/8) inch nor more than one-fourth (1/4) of an inch in~~  
15 ~~height.~~ The names of all candidates shall be printed in  
16 the same size letters not less than one-eighth (1/8) inch  
17 nor more than one-fourth (1/4) of an inch in height. The  
18 name of each political party, if declared, shall be printed  
19 next to the candidate's name in the same type size as that  
20 of every other political party.

21

22           **22-6-117. Order of listing offices.**

23

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

4

5                   (xii) Retention of justices of the supreme  
6 court;

7

8                   (xiii) Retention of district court judges;

9

10                   (xiv) Retention of circuit court judges;

11

12                   (xv) Retention of magistrates;

13

14                   (xvi) Candidates for municipal offices;

15

16                   (xvii) Candidates for community college  
17 trustees;

18

19                   (xviii) Candidates for school board trustees;

20

21                   (xix) Candidates for special district directors;

22

1           (xx) Candidates for other offices of county  
2 subdivisions;

3  
4           (xxi) Constitutional amendments;

5  
6           (xxii) Initiative propositions;

7  
8           (xxiii) Referendum propositions;

9  
10          (xxiv) Other ballot propositions.

11  
12          **22-6-119. Format of primary ballot.**

13  
14          (a) The primary ballot ~~of each major political party~~  
15 shall be printed in substantial compliance with this  
16 format:

17  
18               (i) Across the top shall be printed "Official  
19 Primary Election Ballot"~~;~~ ~~followed by the name of the major~~  
20 ~~political party;~~

21  
22          **22-6-120. Format of general election ballot.**

1           (a) The general election ballot shall be printed in  
2 substantial compliance with this format:

3  
4           (vii) The names of ~~partisan party~~ candidates, if  
5 candidates have filed, ~~and independent candidates, if~~  
6 ~~candidates have filed,~~ shall be printed in a separate  
7 column or columns, row or rows, and the name of the party  
8 represented ~~or the word "Independent"~~ if declared shall be  
9 printed ~~directly above~~ next to the candidate's name; ~~or at~~  
10 ~~the end of the row. If there are a number of candidates~~  
11 ~~representing a party, or independents, the county clerk at~~  
12 ~~his discretion may designate a separate vertical column or~~  
13 ~~columns, or row or rows to said candidates and print the~~  
14 ~~name of said party or the word "Independent" at the top of~~  
15 ~~the column or beginning of the row;~~

16

17           **22-6-123. Nonpartisan offices on primary or general**  
18 **election ballots and ballot propositions.**

19

20 Primary and general election ballots ~~for~~ containing  
21 nonpartisan offices ~~and ballot propositions~~ shall be  
22 ~~printed on yellow paper or paper with yellow demarcation as~~  
23 ~~provided by rule and regulation of the secretary of state,~~



1 ~~separate from partisan ballots. They shall~~ contain no  
2 political party designations for those offices, but  
3 otherwise shall conform to the same general requirements  
4 for official ~~partisan~~ ballots except as otherwise  
5 specifically provided.

6

7 **22-6-124. Ballot propositions format.**

8

9 Following all offices on ~~nonpartisan~~ ballots, ballot  
10 propositions shall be printed in the order prescribed by  
11 law. The name and official number, if any, of each ballot  
12 proposition shall be printed adjacent to the proposition in  
13 large letters. ~~Nonpartisan ballots shall contain the same~~  
14 ~~instructions as prescribed for partisan primary election~~  
15 ~~ballots in W.S. 22-6-119.~~ If the ballot contains a  
16 proposed constitutional amendment or other ballot  
17 proposition, the instructions shall also include the  
18 following: "To vote for or against a proposed  
19 constitutional amendment, initiative or referendum, or  
20 other ballot proposition, mark the square printed adjacent  
21 to the proposition marked 'For' or 'Against'." For  
22 retention of justices of the supreme court, district court  
23 judges, circuit court judges and magistrates, the following

1 shall be printed on the ballot: "Shall  
2 Justice/Judge/Magistrate . . . be retained in office?".

3

4 **22-10-101. Criteria for approval.**

5

6 (a) To be approved for use in Wyoming a voting  
7 machine shall:

8

9 (vii) Have separate voting devices for  
10 candidates and ballot propositions, which shall be arranged  
11 in separate rows or columns, so that one (1) or more  
12 adjacent rows or columns may be assigned to the candidates  
13 ~~of each political party~~ at a primary election;

14

15 (x) Have the capacity to contain ~~the names of~~  
16 ~~candidates constituting the tickets of not less than five~~  
17 ~~(5) political parties and independent groups~~ and not less  
18 than fifteen (15) ballot propositions;

19

20 **22-10-108. Procedure for preparing machines for**  
21 **election; inspection and certification.**

22

1           (a) Before preparing a voting machine for an  
2 election, the county clerk shall notify in writing the  
3 county chairman of each political party ~~having a registered~~  
4 with the secretary of state and each candidate on the  
5 ballot and all independent candidates, stating the time and  
6 place where the voting machine will be prepared for the  
7 election. The political party representatives, candidates  
8 and representatives of ~~independent~~—candidates may be  
9 present at the preparation of the voting machine for the  
10 election, to see that the machine is tested for accuracy  
11 and is properly prepared and that all registering counters  
12 are set at zero (00000). The county clerk in the presence  
13 of these representatives shall prepare the voting machine  
14 for the election and set all registering counters at zero  
15 (00000). He shall then test each registering counter for  
16 accuracy by casting votes on it until the registering  
17 counter is correctly registering each vote cast on it. The  
18 county clerk shall then reset each registering counter to  
19 zero (00000) and shall immediately lock and seal the voting  
20 machine with a numbered metal seal and make a record of the  
21 number of the seal on the certificate for the machine. The  
22 seal shall be so placed as to prevent operation of the  
23 machine or its registering counters without breaking the

1 seal. The county clerk shall then immediately make a record  
2 on the certificate for the machine of the reading shown on  
3 the protective counter.

4

5 **22-11-103. Capabilities required.**

6

7 (a) Every electronic voting system adopted for use in  
8 Wyoming shall:

9

10 (vii) Provide automatic tabulating equipment  
11 which shall reject choices recorded on a ballot exceeding  
12 the number allowed; ~~and at a primary election reject~~  
13 ~~choices for candidates from a party other than the party~~  
14 ~~for which a preference is expressed;~~

15

16 **22-11-104. Conduct of elections in which systems**  
17 **utilized.**

18

19 (b) The county clerk of each county using an  
20 electronic voting system shall:

21

22 (iii) Before testing an electronic voting system  
23 for an election, notify the county chairman of each

1 political party ~~having a~~ registered with the secretary of  
2 state and each candidate on the ballot, stating the time  
3 and place of the test. ~~The~~ Political party representatives, ,  
4 candidates and representatives of ~~independent~~ candidates  
5 may be present for the test, which shall be held at least  
6 two (2) weeks before the election. The test shall  
7 ascertain that the automatic tabulating equipment will  
8 accurately count the votes cast for all offices and all  
9 measures. The test shall be conducted by processing a  
10 preaudited group of paper ballots or ballot cards on which  
11 are recorded a predetermined number of valid votes for each  
12 candidate and on each measure and shall include for each  
13 office one (1) or more ballots which have votes in excess  
14 of the number allowed by law in order to test the ability  
15 of the automatic tabulating equipment to reject such votes.  
16 During the test a different number of valid votes shall be  
17 assigned to each candidate for an office, and for and  
18 against each measure. If any error is detected, the cause  
19 of it shall be ascertained and corrected and an errorless  
20 count shall be secured and certified to by the county  
21 clerk. On completion of the count, the programs, test  
22 materials and ballots shall be sealed and retained as  
23 provided for paper ballots;

1

2           **22-16-103. County canvass procedures.**

3

4           (c) The county canvassing board shall:

5

6                   (viii) Ensure abstracts contain the following  
7 information:

8

9                           (A) For primary elections, the total  
10 ballots cast ~~;~~ ~~by party, including unaffiliated votes;~~

11

12           **22-16-121. Certificates of nomination and election**  
13 **following state or county canvass.**

14

15           (a) When the state canvass is concluded, the  
16 secretary of state shall issue a certificate of nomination  
17 to each candidate nominated at a primary election and  
18 certify the names of nominees as provided in W.S. 22-6-101.  
19 When the county canvass is concluded, the county clerk  
20 shall issue a certificate of nomination to each candidate  
21 nominated at a primary election. ~~or by petition.~~

22

1           **22-18-103. Filling vacancies in federal and state**  
2 **offices; generally.**

3  
4 A vacancy in the office of United States senator,  
5 representative in congress, member of the state legislature  
6 or an elected state official shall be filled ~~for the~~  
7 ~~unexpired term at a special election called for the purpose~~  
8 ~~by the governor, provided the vacancy does not occur within~~  
9 ~~six (6) months of the next general election~~ as provided in  
10 W.S. 22-18-103 through 22-18-109. For purposes of W.S.  
11 22-18-103 through 22-18-109, "vacated office" means an  
12 office specified in this section.

13  
14           **22-18-105. Filling vacancies in federal and state**  
15 **offices; whether filled at general or special election;**  
16 **procedure.**

17  
18           ~~(a) If the~~ Except for temporary appointments in W.S.  
19 22-18-111, a vacancy ~~in the office of representative in~~  
20 ~~congress that~~ occurs within ~~six (6) months prior to the~~  
21 ~~next general election, the vacancy~~ the following time  
22 period shall be filled at the general election: ~~Otherwise~~

23

1           (i) Six (6) months of the next general election  
2 for the office of United States senator or representative  
3 in congress;

4  
5           (ii) Three (3) months of the next general  
6 election for the office of a member of the state  
7 legislature, secretary of state, state auditor, state  
8 treasurer or superintendent of public instruction;

9  
10          (iii) Sixty (60) days of the next general  
11 election for the office of governor.

12  
13          (b) A vacancy that occurs outside the time period  
14 specified in subsection (a) of this section shall be filled  
15 for the unexpired term at a special election. Unless the  
16 Tuesday falls on a full legal holiday, the special election  
17 shall occur on the first Tuesday next following the:

18  
19           (i) ~~Eighty-ninth day after the vacancy occurs,~~  
20 ~~unless that~~ for the office of United States senator or  
21 representative in congress;

22



1           (ii) Thirty-ninth day after the vacancy occurs  
2 for the office of a member of the state legislature,  
3 secretary of state, state auditor, state treasurer or  
4 superintendent of public instruction;

5  
6           (iii) Twenty-ninth day after the vacancy occurs  
7 for the office of governor.

8  
9           (c) If the Tuesday falls on a full legal holiday, ~~in~~  
10 ~~which case~~ the special election shall occur on the next  
11 Tuesday which is not a full legal holiday.

12  
13           (d) The governor or acting governor pursuant to W.S.  
14 9-1-211 and 9-1-212 shall declare ~~the a~~ vacancy and issue  
15 ~~the a~~ writ of election within five (5) days after the  
16 vacancy occurs. The writ shall be issued to the county  
17 clerk of each county voting for the office and to the  
18 secretary of state. The writ shall specify the day of the  
19 election.

20  
21           **22-18-106. Filling vacancies in federal and state**  
22 **offices; nominations.**

23

1 An elector qualified to hold ~~the~~ a vacated office of  
2 ~~representative in congress shall~~ may be nominated by the  
3 ~~state central committee of the respective parties to fill a~~  
4 ~~vacancy for the unexpired term of that office~~ filing a  
5 signed application in substantially the form specified in  
6 W.S. 22-5-204(b). Nominations ~~from such parties~~ shall be  
7 filed with the secretary of state and fees paid within  
8 seven (7) days after the vacancy is officially declared.  
9 ~~Independent candidates shall file an application and pay~~  
10 ~~the filing fee with the secretary of state within seven (7)~~  
11 ~~days after the vacancy is officially declared.~~

12

13 **22-18-107. Filling vacancies in federal and state**  
14 **offices; certification of candidates.**

15

16 Within five (5) days after the end of the candidate filing  
17 period specified in W.S. 22-18-106, the secretary of state  
18 shall certify to the clerks of counties voting to fill the  
19 vacancy the name of each candidate qualified to appear on  
20 the ballot, and ~~his~~ the candidate's party affiliation or  
21 independent status, if declared.

22

1           **22-18-108. Filling vacancies in federal and state**  
2 **offices; party requirements.**

3

4 A candidate for the unexpired term of ~~the~~a vacated office  
5 ~~of representative in congress~~ may seek election only as a  
6 candidate of the political party in which ~~he~~the candidate  
7 was registered on the date the vacancy occurred. A  
8 candidate for the unexpired term of a vacated office ~~of~~  
9 ~~representative in congress~~ who was not registered with a  
10 party on the date the vacancy occurred may run only as an  
11 independent.

12

13           **22-18-109. Conduct of special election; preparation**  
14 **of ballot.**

15

16 A special election to fill a vacancy shall be conducted by  
17 the county clerk as nearly as possible in the manner of a  
18 general election. ~~The county clerk shall have twelve (12)~~  
19 ~~days to prepare the special election ballot after the~~  
20 ~~secretary of state's certification under W.S. 22-18-107.~~

21 The candidate who receives a plurality of the votes at a  
22 special election shall be issued a certificate of election  
23 as provided by law.

1

2           **22-18-111. Vacancies in other offices; temporary**  
3 **appointments.**

4

5           (a) Any vacancy in any other elective office in the  
6 state except ~~representative in congress or the offices~~  
7 specified in W.S. 22-18-103 or the board of trustees of a  
8 school or community college district, shall be filled by  
9 the governing body, or as otherwise provided in this  
10 section, by appointment of a temporary successor. The  
11 person appointed shall serve until a successor for the  
12 remainder of the unexpired term is elected at the next  
13 general election and takes office on the first Monday of  
14 the following January. ~~Provided~~ Except as provided in W.S.  
15 22-18-105, if a vacancy in a four (4) year term of office  
16 occurs in the term's second or subsequent years after the  
17 first day for filing an application for nomination pursuant  
18 to W.S. 22-5-209, no election to fill the vacancy shall be  
19 held and the temporary successor appointed shall serve the  
20 remainder of the unexpired term. The following apply:

21

22           (iii) Notwithstanding W.S. 22-18-103 through  
23 22-18-109, if a vacancy occurs in the office of a member of

1 the state legislature not more than forty-five (45) days  
2 before the first day of the general or budget session of  
3 the legislature:

4

5 (c) For purposes of this section:

6

7 (i) A person shall be considered to represent a  
8 political party if ~~he was a nominee of that political~~ the  
9 person's party affiliation was indicated as provided in  
10 W.S. 22-5-204(d) or 22-6-120(a)(vii) when elected to office  
11 or ~~when~~ if the person was appointed to fill a vacancy in  
12 office of a person whose party affiliation was indicated as  
13 provided in W.S. 22-5-204(d) or 22-6-120(a)(vii);

14

15 **22-20-107. Statement of purpose on ballot.**

16

17 The county clerk shall print on the official ~~nonpartisan~~  
18 general election ballot for the next general election the  
19 statement of purpose of each proposed amendment certified  
20 to him by the secretary of state.

21

22 **22-23-103. Division of city into wards; residency.**

23

1           (c) In any general election year in which city wards  
2 are redrawn but not enacted into law at least one (1) year  
3 prior to the applicable filing periods, a person may be a  
4 candidate for a ward if he:

5

6           (i) Is a resident of the city on the date he  
7 files an application under W.S. 22-5-204; ~~or a petition~~  
8 ~~under W.S. 22-5-301;~~ and

9

10           **22-23-202. Optional mode of election for towns;**  
11 **procedures by charter ordinance.**

12

13           (a) Any municipality may, by charter ordinance  
14 enacted pursuant to article 13, section 1(c) of the Wyoming  
15 constitution, elect not to conduct its elections for office  
16 or for municipal ballot propositions in the same manner as  
17 statewide elections, in which case the charter ordinance  
18 shall at a minimum provide:

19

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

21

22                   (B) Preparing the ballots in substantially  
23 the same form as the general election ~~nonpartisan~~ ballot;

1

2           **22-23-304. Ballot form.**

3

4 The county clerk shall prepare the municipal primary ballot  
5 as provided in chapter 6 of this title for ~~nonpartisan~~  
6 ballots.

7

8           **22-23-401. Preparation of ballots; cost.**

9

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

18

19           **22-25-102. Contribution of funds or election**  
20 **assistance restricted; limitation on contributions; right**  
21 **to communicate; civil penalty.**

22

1           (c) Except as otherwise provided in this section, no  
2 individual other than the candidate, or the candidate's  
3 immediate family shall contribute directly or indirectly:

4

5           (i) To any candidate for statewide political  
6 office, or to any candidate for statewide political  
7 office's candidate's campaign committee:

8

9           (B) Except as otherwise provided in this  
10 subparagraph, no contribution for the general election may  
11 be given prior to the date for the primary election. This  
12 subparagraph shall not apply to any candidate unopposed in  
13 the primary election. ~~or nominated in accordance with W.S.~~  
14 ~~22-4-303 or 22-5-301.~~

15

16           (ii) To any candidate for nonstatewide political  
17 office, or to any candidate for nonstatewide political  
18 office's candidate's campaign committee:

19

20           (B) Except as otherwise provided in this  
21 subparagraph, no contribution for the general election may  
22 be given prior to the date for the primary election. This  
23 subparagraph shall not apply to any candidate unopposed in



1 the primary election. ~~or nominated in accordance with W.S.~~  
2 ~~22-4-303 or 22-5-301.~~

3

4 **28-1-106. Resignation of office.**

5

6 (a) Resignation of the office of a member of the  
7 senate or house of representatives shall be made to the  
8 governor, who shall immediately notify the following of the  
9 resignation:

10

11 (i) The secretary of state who shall notify the  
12 county clerks of the counties in which the legislative  
13 district is located;

14

15 (ii) The presiding officer of the house of which  
16 the person is a member;

17

18 (iii) If the resignation occurs in the time  
19 periods specified in W.S. 22-18-111(a)(iii), the state  
20 central committee of the party which the member represented  
21 at the time of ~~his~~ election under W.S. 22-6-120(a)(vii), or  
22 at the time of ~~his~~ appointment if not elected to office. ~~7~~

23 ~~of the resignation.~~ If the resigning member did not

1 represent a political party at the time of ~~his~~-election, or  
2 at the time of ~~his~~-appointment if not elected to office,  
3 the governor shall notify the appropriate boards of county  
4 commissioners who shall proceed in accordance with W.S.  
5 22-18-111(a)(iii)(C).

6

7 (b) For purposes of this section a person shall be  
8 considered to "represent" a political party if ~~he~~-the  
9 person was a nominee of that political party when elected  
10 to office or when appointed to fill a vacancy in office.

11

12 **Section 3.** W.S. 22-1-102(a)(lii), 22-4-101(d),  
13 22-4-303, 22-4-304, 22-5-202, 22-5-203, 22-5-204(b)(ii),  
14 22-5-205, 22-5-212, 22-5-218, 22-5-301 through 22-5-308,  
15 22-5-401 through 22-5-403, 22-6-112(b), 22-6-117(a)(xi),  
16 22-6-118, 22-6-121, 22-6-125 through 22-6-127,  
17 22-9-104(a)(iii), 22-10-101(a)(vi), 22-18-104,  
18 22-18-111(a)(i) and 22-25-107(a)(vi) are repealed.

19

20 **Section 4.** The secretary of state shall promulgate  
21 rules and regulations necessary to implement this act by  
22 July 1, 2022.

23

1           **Section 5.**

2

3           (a) Except as provided in subsection (b) of this  
4 section, this act is effective July 1, 2022.

5

6           (b) Sections 4 and 5 of this act are effective  
7 immediately upon completion of all acts necessary for a  
8 bill to become law as provided by Article 4, Section 8 of  
9 the Wyoming Constitution.

10

11

(END)