

HB0176H3001

1 Delete the House standing committee amendment (HB0176HS001/A)
2 entirely and further amend as follows:

3
4 Page 1-line 2 After "filled;" delete balance of line.

5
6 Page 1-lines 3 and 4 Delete entirely.

7
8 Page 1-line 5 Delete "hold office;"; delete "repealing".

9
10 Page 1-line 6 Delete "conflicting provisions;" and insert
11 "requiring special elections as specified;
12 repealing obsolete provisions;".
13

14 Page 1-lines 11 through 15 Delete entirely.

15
16 Pages 2 and 3 Delete entirely.

17
18 Page 4-lines 2 through 12 Delete entirely and insert:

19
20 **Section 1.** W.S. 9-1-212, 9-1-802(e), 22-2-101(a)(iii),
21 22-2-110(a), 22-2-111(a), 22-18-103, 22-18-105 through 22-18-109,
22 22-18-111(a)(intro) and (iii)(intro) and 28-1-106 are amended to
23 read:

24
25 **9-1-212. Vacancy in office of governor; term of successor;**
26 **when election held to fill unexpired term; requirements of**
27 **elections; term of person elected.**
28

29 Whenever the powers and duties of the office of the governor of
30 the state of Wyoming devolve upon any other person as provided in
31 W.S. 9-1-211(a), the person acting as governor shall continue to
32 act as governor until the end of the term of the governor if the
33 office is assumed less than sixty (60) days before the next general
34 election. If the office is assumed more than sixty (60) days before
35 a general election the person acting as governor shall ~~issue an~~
36 ~~additional proclamation calling for the election of a governor to~~
37 ~~fill the unexpired term, which election shall take place at the~~
38 ~~same time as the general election, and the election, together with~~
39 ~~the returns and canvass thereof, shall be conducted in all respects~~
40 ~~as though it was an original election for governor. When the state~~
41 ~~canvassing board canvasses the vote of the election and declares~~
42 ~~a person at the election to be elected as governor, the person~~
43 call for a special election as provided in W.S. 22-18-103 through
44 22-18-109. The candidate issued a certificate of election under

1 W.S. 22-18-109 shall, within thirty (30) days after the canvass
2 issuance of the certificate, or as soon thereafter as possible,
3 qualify and assume the duties and powers of governor, and shall be
4 the governor of the state of Wyoming for the remainder of the
5 unexpired term of the governor.

6
7 **9-1-802. Election; term; qualifications; full-time; private**
8 **practice prohibited; exception; salary; vacancies.**

9
10 (e) A vacancy in the office of district attorney shall be
11 filled by the board or boards of county commissioners under the
12 procedure for filling vacancies in the office of a member of the
13 state legislature or state senator established by W.S. ~~22-18-111~~
14 22-18-111(a)(iii)(A) through (D). Vacancies shall be filled until
15 the next general election and the appointee shall be qualified
16 pursuant to subsections (b) and (c) of this section.

17
18 **22-2-101. Applicability and construction of Election Code**
19 **generally.**

20
21 (a) Chapters 1 through 28 of this Election Code apply to the
22 following elections:

23
24 (iii) Special elections to fill vacancies ~~in the office~~
25 ~~of representative in congress under W.S. 22-18-103 through~~
26 22-18-109, provided that the provisions of W.S. 22-18-103 through
27 22-18-109 shall control if inconsistent with chapters 1 through 28
28 of this Election Code;

29
30 **22-2-110. Computing periods of time.**

31
32 (a) Except for special elections to fill vacancies ~~for a~~
33 ~~congressman~~ under W.S. ~~22-18-105~~ 22-18-103 through 22-18-109,
34 periods of time are computed by excluding the specific day and
35 counting the prescribed number of days, including Saturdays,
36 Sundays and full legal holidays. If the first day of a time period
37 falls on a Saturday, Sunday or full legal holiday, the preceding
38 day which is not a Saturday, Sunday or full legal holiday shall be
39 used. If the last day of a time period falls on a Saturday, Sunday
40 or full legal holiday, the next day which is not a Saturday, Sunday
41 or full legal holiday shall be used. All days, except the specific
42 day, but including the last day, shall be used to compute the time
43 limits established under W.S. ~~22-18-105~~ 22-18-103 through
44 22-18-109 unless the last day of a time period falls on a Saturday,
45 Sunday or full legal holiday in which case the next day which is
46 not a Saturday, Sunday or full legal holiday shall be used.

1 **22-2-111. Employees time off to vote.**

2
3 (a) Any person entitled to vote at any primary or general
4 election or special election to fill a vacancy ~~in the office of~~
5 ~~representatives in the congress of the United States~~ under W.S.
6 22-18-103 through 22-18-109 is, on the day of such election,
7 entitled to absent himself from any service or employment in which
8 he is then engaged or employed for a period of one (1) hour, other
9 than meal hours, the hour being at the convenience of the employer,
10 between the time of opening and closing of the polls. Such elector
11 shall not, because of so absenting himself, lose any pay, providing
12 he actually casts his legal vote.

13
14 **22-18-103. Filling vacancies in federal and state offices;**
15 **generally.**

16
17 A vacancy in the office of United States senator, representative
18 in congress, member of the state legislature or an elected state
19 official shall be filled ~~for the unexpired term at a special~~
20 ~~election called for the purpose by the governor, provided the~~
21 ~~vacancy does not occur within six (6) months of the next general~~
22 ~~election as provided in W.S. 22-18-103 through 22-18-109.~~ For
23 purposes of W.S. 22-18-103 through 22-18-109, "vacated office"
24 means an office specified in this section.

25
26 **22-18-105. Filling vacancy of congressman; whether filled at**
27 **general or special election; procedure.**

28
29 (a) ~~If the~~ Except for temporary appointments in W.S.
30 22-18-111 and except for vacancies in the office of a member of
31 the state legislature within the time specified in W.S.
32 22-18-111(a)(iii), a vacancy ~~in the office of representative in~~
33 ~~congress that~~ occurs within six (6) months prior to the next
34 general election, the vacancy the following time period shall be
35 filled at the general election: ~~Otherwise~~

36
37 (i) Six (6) months of the next general election for the
38 office of United States senator or representative in congress;

39
40 (ii) Three (3) months of the next general election for
41 the office of a member of the state legislature, secretary of
42 state, state auditor, state treasurer or superintendent of public
43 instruction;

44
45 (iii) Sixty (60) days of the next general election for
46 the office of governor.

1 **(b) A vacancy that occurs outside the time period specified**
2 **in subsection (a) of this section shall be filled for the unexpired**
3 **term at a special election. Unless the Tuesday falls on a full**
4 **legal holiday,** the special election shall occur on the **first**
5 **Tuesday next** following the:

6
7 **(i) Eighty-ninth day after the vacancy occurs,**~~unless~~
8 **that for the office of United States senator or representative in**
9 **congress;**

10
11 **(ii) Thirty-ninth day after the vacancy occurs for the**
12 **office of a member of the state legislature, secretary of state,**
13 **state auditor, state treasurer or superintendent of public**
14 **instruction;**

15
16 **(iii) Twenty-ninth day after the vacancy occurs for the**
17 **office of governor.**

18
19 **(c) If the** Tuesday falls on a full legal holiday, ~~in which~~
20 ~~ease~~ the **special** election shall occur on the next Tuesday ~~which~~
21 ~~that~~ is not a full legal holiday.

22
23 **(d) The governor or acting governor pursuant to W.S. 9-1-211**
24 **and 9-1-212 shall declare ~~the a~~ vacancy and issue ~~the a~~ writ of**
25 **election within five (5) days after the vacancy occurs. The writ**
26 **shall be issued to the county clerk of each county voting for the**
27 **office and to the secretary of state. The writ shall specify the**
28 **day of the election.**

29
30 **22-18-106. Filling vacancies in federal and state offices;**
31 **nominations.**

32
33 An elector qualified to hold ~~the a vacated~~ office ~~of representative~~
34 ~~in congress shall may~~ be nominated by ~~the state central committee~~
35 ~~of the respective parties to fill a vacancy for the unexpired term~~
36 ~~of that office filing a signed petition in substantially the form~~
37 **specified in W.S. 22-5-301(a).** Nominations ~~from such parties~~ shall
38 be filed with the secretary of state and fees paid within seven
39 (7) days after the vacancy is officially declared. ~~Independent~~
40 ~~candidates shall file an application and pay the filing fee with~~
41 ~~the secretary of state within seven (7) days after the vacancy is~~
42 ~~officially declared.~~

43
44 **22-18-107. Filling vacancies in federal and state offices;**
45 **certification of candidates.**

1 Within five (5) days after the end of the candidate filing period
2 specified in W.S. 22-18-106, the secretary of state shall certify
3 to the clerks of counties voting to fill the vacancy the name of
4 each candidate qualified to appear on the ballot, and ~~his~~ the
5 candidate's party affiliation or independent status, if declared.
6

7 **22-18-108. Filling vacancies in federal and state offices;**
8 **party requirements.**
9

10 A candidate for the unexpired term of ~~the~~ a vacated office of
11 ~~representative in congress~~ may seek election only as a candidate
12 of the political party in which ~~he~~ the candidate was registered on
13 the date the vacancy occurred. A candidate for the unexpired term
14 of a vacated office ~~of representative in congress~~ who was not
15 registered with a party on the date the vacancy occurred may run
16 only as an independent.
17

18 **22-18-109. Conduct of special election; preparation of**
19 **ballot.**
20

21 A special election to fill a vacancy shall be conducted by the
22 county clerk as nearly as possible in the manner of a general
23 election. ~~The county clerk shall have twelve (12) days to prepare~~
24 ~~the special election ballot after the secretary of state's~~
25 ~~certification under W.S. 22-18-107.~~ The candidate who receives a
26 plurality of the votes at a special election shall be issued a
27 certificate of election as provided by law.
28

29 **22-18-111. Vacancies in other offices; temporary**
30 **appointments.**
31

32 (a) Any vacancy in any other elective office in the state
33 except ~~representative in congress or~~ the offices specified in W.S.
34 22-18-103 or the board of trustees of a school or community college
35 district, shall be filled by the governing body, or as otherwise
36 provided in this section, by appointment of a temporary successor.
37 The person appointed shall serve until a successor for the
38 remainder of the unexpired term is elected at the next general
39 election and takes office on the first Monday of the following
40 January. ~~Provided~~ Except as provided in W.S. 22-18-105, if a
41 vacancy in a four (4) year term of office occurs in the term's
42 second or subsequent years after the first day for filing an
43 application for nomination pursuant to W.S. 22-5-209, no election
44 to fill the vacancy shall be held and the temporary successor
45 appointed shall serve the remainder of the unexpired term. The
46 following apply:
47

1 (iii) Notwithstanding W.S. 22-18-103 through
2 22-18-109, if a vacancy occurs in the office of a member of the
3 state legislature not more than forty-five (45) days before the
4 first day of the general or budget session of the legislature:
5

6 **28-1-106. Resignation of office.**
7

8 (a) Resignation of the office of a member of the senate or
9 house of representatives shall be made to the governor, who shall
10 immediately notify the following of the resignation:
11

12 (i) The secretary of state, who shall notify the county
13 clerks of the counties in which the legislative district is
14 located;
15

16 (ii) The presiding officer of the house of which the
17 person is a member;
18

19 (iii) If the resignation occurs in the time periods
20 specified in W.S. 22-18-111(a)(iii), the state central committee
21 of the party which the member represented at the time of ~~his~~
22 election under W.S. 22-6-120(a)(vii), or at the time of ~~his~~
23 appointment if not elected to office ~~, of the resignation.~~ If the
24 resigning member did not represent a political party at the time
25 of ~~his~~-election, or at the time of ~~his~~-appointment if not elected
26 to office, the governor shall notify the appropriate boards of
27 county commissioners who shall proceed in accordance with W.S.
28 22-18-111(a)(iii)(C).
29

30 (b) For purposes of this section, a person shall be
31 considered to "represent" a political party if ~~he~~the person was
32 a nominee of that political party when elected to office or when
33 appointed to fill a vacancy in office.
34

35 **Section 2.** W.S. 22-18-104 and 22-18-111(a)(i) are
36 repealed.". NICHOLAS