

HOUSE BILL NO. HB0176

Vacancies in public office-amendments.

Sponsored by: Representative(s) Bratten, Angelos, Kelly,
Locke, Neiman, Pendergraft and Webb and
Senator(s) Biteman

A BILL

for

1 AN ACT relating to elections; amending the process by which
2 vacancies in elected offices are filled; providing for the
3 filling of vacancies when vacancies are not filled;
4 establishing a presumption concerning qualifications to
5 hold office; making conforming amendments; repealing
6 conflicting provisions; and providing for an effective
7 date.

8

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

10

11 **Section 1.** W.S. 18-3-524(a) by creating a new
12 paragraph (iii) and 22-18-111(a) by creating a new
13 paragraph (vii) and (c)(ii) are amended to read:

14

15 **18-3-524. Appointments to fill vacancies; term.**

1

2 (a) Within twenty (20) days after the office of any
3 county commissioner becomes vacant the remaining members of
4 the board shall declare a vacancy to exist and immediately
5 give notice of the vacancy in writing to the chairman of
6 the county central committee of the political party which
7 the member whose office is vacant represented at the time
8 of his election under W.S. 22-6-120(a)(vii), or at the time
9 of his appointment if not elected to office. The chairman
10 of the county central committee shall within twenty (20)
11 days after receipt of the notice call a meeting of the
12 county central committee. At the meeting the committee
13 shall select three (3) persons qualified to fill the
14 vacancy and transmit the names to the board of county
15 commissioners. The board of county commissioners shall fill
16 the vacancy within twenty (20) days after receiving the
17 list from the county central committee by appointing one
18 (1) of the persons whose names are submitted by the county
19 central committee:

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21 (iii) If a vacancy is not otherwise filled as
22 provided in this subsection, the following shall apply:

23

1 (A) If the incumbent who has vacated an
2 office represented a political party and if the county
3 commissioners fail to fill a vacancy within the time
4 specified in this subsection and do not fill the vacancy in
5 accordance with paragraph (i) of this subsection, the
6 county central committee shall fill the vacancy by
7 temporary appointment to the office from the three (3)
8 names submitted to the board of county commissioners under
9 this subsection;

10
11 (B) If the incumbent who has vacated an
12 office did not represent a political party at the time of
13 the election under W.S. 22-6-120(a)(vii) and if the county
14 commissioners do not fill the vacancy by appointing a
15 person within the time specified in this subsection, a
16 special election shall be held in accordance with W.S.
17 22-18-109.

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

21
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 (vii) If a vacancy is not filled in accordance
16 with this subsection, the following shall apply:

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18 (A) Subject to subparagraph (C) of this
19 paragraph, for a vacancy to be filled under paragraph (i)
20 or (iii) of this subsection that is not filled within the
21 time specified in paragraph (i) or subparagraphs (iii)(A)
22 and (B) of this subsection, the state central committee
23 shall fill the vacancy by temporary appointment to the

1 office from the three (3) names submitted under paragraph
2 (i) or subparagraphs (iii)(A) and (B) of this subsection;

3
4 (B) Subject to subparagraph (C) of this
5 paragraph, for a vacancy to be filled under paragraph (ii)
6 of this subsection that is not filled within the time
7 specified in paragraph (ii) of this subsection, the county
8 central committee shall fill the vacancy by temporary
9 appointment to the office from the three (3) names
10 submitted under paragraph (ii) of this subsection;

11
12 (C) If the incumbent who has vacated an
13 office did not represent a political party at the time of
14 election under W.S. 22-6-120(a)(vii) and if the governor or
15 county commissioners do not fill the vacancy by appointing
16 a person within the time specified in this subsection, a
17 special election shall be held in accordance with W.S.
18 22-18-109.

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20 (c) For purposes of this section:

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22 (ii) "Qualified to hold the office" means a
23 person meets all applicable qualifications to be elected to

