

HOUSE BILL NO. HB0037

County officials-nonpartisan elections.

Sponsored by: Representative(s) Chestek, Brown, L and Campbell, E and Senator(s) Pappas and Rothfuss

A BILL

for

1 AN ACT relating to elections; providing for the nonpartisan
2 nomination and election of candidates for specified county
3 elected offices; modifying the procedure to fill vacancies
4 for nonpartisan county elected offices; providing for the
5 order of offices on nonpartisan election ballots;
6 specifying the form of election ballots; making conforming
7 amendments; repealing a conflicting provision; and
8 providing for an effective date.

9

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

11

12 **Section 1.** W.S. 5-3-201, 7-4-101, 9-1-801, 18-3-101,
13 22-4-304(b), 22-5-203 by creating a new subsection (c),
14 22-5-215, 22-5-304(b), 22-6-117(a)(ix), 22-6-125(a) by
15 creating a new paragraph (vi) and by renumbering (vi)

1 through (xiv) as (vii) through (xv), 22-6-126 by creating a
2 new subsection (c) and 22-18-111(a)(ii) and (vi) are
3 amended to read:

4

5 **5-3-201. Office created; term; election in counties**
6 **of first and second class; county clerk designated ex**
7 **officio clerk in other counties.**

8

9 There shall be a clerk of the district court in each
10 organized county of the state whose term of office shall be
11 four (4) years and until his successor is elected and
12 qualified. The position of clerk of the district court
13 shall be nonpartisan. Clerks of the district court shall be
14 elected at general elections in counties of the first and
15 second class; and in all other counties the county clerk
16 shall be ex officio clerk of the district court, and shall
17 perform all of the duties pertaining to the office of clerk
18 of the district court.

19

20 **7-4-101. Election; oath; bond.**

21

22 A coroner shall be elected in each county for a term of
23 four (4) years. The position of coroner shall be

1 nonpartisan. He shall take the oath prescribed by the
2 constitution of the state and give bond to the state of
3 Wyoming, in the penal sum of one hundred thousand dollars
4 (\$100,000.00), with a sufficient surety, to be approved by
5 the board of county commissioners, conditioned that he will
6 faithfully perform all duties required by law.

7

8 **9-1-801. Office created; mandatory and permissive**
9 **establishment.**

10

11 There shall be in each judicial district in which any one
12 (1) county has reached a population of sixty thousand
13 (60,000) or more the office of district attorney. In each
14 of the remaining judicial districts there shall be the
15 office of district attorney whenever a majority of the
16 county commissioners in each county within the judicial
17 district shall resolve that such an office of district
18 attorney should be created in that judicial district. The
19 position of district attorney shall be nonpartisan.

20

21 **18-3-101. Nonpartisan county offices; time of**
22 **qualifying.**

23

1 (a) The offices of county clerk, county treasurer,
2 county assessor, county coroner, sheriff, county and
3 prosecuting attorney, district attorney and clerk of the
4 district court under this chapter shall be nonpartisan.

5

6 (b) All county officers elected at a general election
7 shall qualify and assume their offices on the first Monday
8 in January next following their election.

9

10 **22-4-304. Certification of candidates; fees.**

11

12 (b) The chairman and secretary of the state or county
13 political convention shall certify to the county clerk the
14 names of its party's nominees for -elected county offices
15 and office of the district attorney commissioner.

16

17 **22-5-203. Nonpartisan offices; separate ballot; same**
18 **time.**

19

20 (c) Candidates for the nonpartisan positions of
21 county clerk, county treasurer, county assessor, county
22 coroner, sheriff, county and prosecuting attorney, district

1 attorney and clerk of the district court shall be nominated
2 only by nonpartisan primary election.

3

4 **22-5-215. Nomination of partisan candidates and**
5 **write-in candidates, nonpartisan candidates.**

6

7 (a) On each party ballot the candidate or candidates
8 equal in number to the number to be elected to each office
9 who receive the largest number of votes shall be nominated
10 and shall be entitled to have their names printed on the
11 ballot for the next general election. A write-in candidate
12 shall not be nominated and shall not be entitled to have
13 his name printed on the ballot for the next general
14 election unless he received at least twenty-five (25)
15 write-in votes in the primary election and is a registered
16 voter in the political party for which he was nominated on
17 the day of the primary election. An unsuccessful candidate
18 for office at a primary election whose name is printed on
19 any party ballot may not accept nomination for the same
20 office at the next general election.

21

22 (b) For nonpartisan candidates, the candidates equal
23 in number to (2) times the number to be elected to each

1 office that receive the largest number of votes shall be
2 entitled to have their names printed on the ballot for the
3 next general election. A write-in candidate shall not be
4 entitled to have his name printed on the ballot for the
5 next general election unless he received at least
6 twenty-five (25) write-in votes in the primary election.

7

8 **22-5-304. Qualifications and number of signers**
9 **required.**

10

11 (b) For a ~~countywide partisan office~~ county
12 commissioner, a petition shall be signed by registered
13 electors, resident in the county and eligible to vote for
14 the petitioner, numbering not less than two percent (2%) of
15 the total number of votes cast for representative in
16 congress in the last general election for the entire
17 county.

18

19 **22-6-117. Order of listing offices in partisan**
20 **elections.**

21

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

4

5 (ix) Candidates for county commissioner *i*
6 ~~coroner, district attorney, county attorney, sheriff,~~
7 ~~clerk, treasurer, assessor, and clerk of the district~~
8 ~~court;~~

9

10 **22-6-125. Order of offices and ballot propositions on**
11 **nonpartisan ballots.**

12

13 (a) The nonpartisan ballot shall contain the offices
14 and ballot propositions to be voted on in the following
15 order:

16

17 (vi) Candidates for the nonpartisan county
18 offices of county clerk, county treasurer, county assessor,
19 county coroner, sheriff, county and prosecuting attorney,
20 district attorney and clerk of the district court;

21

22 (vi) (vii) Candidates for municipal offices;

23

1 (vii)(viii) Candidates for community college
2 trustees;

3

4 (viii)(ix) Candidates for school board trustees;

5

6 (ix)(x) Candidates for special district
7 directors;

8

9 (x)(xi) Candidates for other offices of county
10 subdivisions;

11

12 (xi)(xii) Constitutional amendments;

13

14 (xii)(xiii) Initiative propositions;

15

16 (xiii)(xiv) Referendum propositions;

17

18 (xiv)(xv) Other ballot propositions.

19

20 **22-6-126. Form of nonpartisan ballots.**

21

1 (c) The official nonpartisan ballot for a general
2 election shall be printed in substantially the following
3 form:

4

5 (i) Across the top shall be printed "Official
6 Nonpartisan General Election Ballot";

7

8 (ii) On the first line shall be printed the name
9 of the county in which the ballot is used, the date of the
10 election and blank lines for entry of the election district
11 and precinct number;

12

13 (iii) Candidates for the different offices shall
14 be arranged in separate groups as provided by W.S.
15 22-6-119(a)(iv);

16

17 (iv) Except for justices of the supreme court,
18 judges of the district court, circuit court judges and
19 magistrates, below the list of candidates in each group
20 shall be printed blank lines for write-in candidates equal
21 in number to the number of persons to be elected;

22

1 (v) Adjacent to the name of each candidate and
2 blank lines shall be printed a square for marking the vote.

3 No square shall appear at the top of a column;

4

5 (vi) Following each of the offices of justices
6 of the supreme court, judges of the district court, circuit
7 court judges and magistrates shall be printed: "Shall
8 Justice/Judge/Magistrate be retained in office?";

9

10 (vii) Following all offices shall be printed any
11 ballot proposition in accordance with W.S. 22-6-124.

12

13 **22-18-111. Vacancies in other offices; temporary**
14 **appointments.**

15

16 (a) Any vacancy in any other elective office in the
17 state except representative in congress or the board of
18 trustees of a school or community college district, shall
19 be filled by the governing body, or as otherwise provided
20 in this section, by appointment of a temporary successor.

21 The person appointed shall serve until a successor for the
22 remainder of the unexpired term is elected at the next
23 general election and takes office on the first Monday of

1 the following January. Provided, if a vacancy in a four
2 (4) year term of office occurs in the term's second or
3 subsequent years after the first day for filing an
4 application for nomination pursuant to W.S. 22-5-209, no
5 election to fill the vacancy shall be held and the
6 temporary successor appointed shall serve the remainder of
7 the unexpired term. The following apply:

8

9 (ii) If a vacancy occurs in a county elective
10 office, except as provided in W.S. 18-3-524, the board of
11 county commissioners of the county in which the vacancy
12 occurs shall ~~immediately notify in writing the chairman of~~
13 ~~the county central committee of the political party which~~
14 ~~the last incumbent represented at the time of his election~~
15 ~~under W.S. 22-6-120(a)(vii), or at the time of his~~
16 ~~appointment if not elected to office. The chairman shall~~
17 ~~call a meeting of the county central committee to be held~~
18 ~~not later than fifteen (15) days after he receives notice~~
19 ~~of the vacancy. At the meeting the county central~~
20 ~~committee shall select and transmit to the board of county~~
21 ~~commissioners the names of three (3) persons qualified to~~
22 ~~hold the office. Within five (5) days after receiving~~
23 ~~these three (3) names, the board of county commissioners~~

1 shall fill the vacancy by appointment of one (1) of the
2 three (3) to hold the office. If the incumbent who has
3 vacated office did not represent a political party at the
4 time of his election, or at the time of his appointment if
5 not elected to office, the county commissioners shall
6 publish in a newspaper of general circulation in the county
7 and on the county website, notice that within fifteen (15)
8 days after publication any person qualified to hold the
9 office may make application directly to the county
10 commissioners for appointment to fill the vacancy. Within
11 twenty (20) days after the publication of the vacancy in
12 office the county commissioners shall fill the vacancy by
13 appointment of one (1) person qualified to hold the office
14 from those submitting applications;

15

16 (vi) If the county commissioners fail to fill
17 any vacancy as required in this section within the time
18 specified, any person residing in the county or legislative
19 district who is qualified to hold the office may file a
20 petition with the clerk of the district court of the county
21 or legislative district in which the vacancy occurred
22 requesting the judge of the district court to fill the
23 vacancy. Within thirty (30) days after the petition is

1 filed the judge shall fill the vacancy by appointing a
2 ~~person residing in the county or legislative district~~
3 ~~belonging to the same political party as the incumbent~~
4 ~~represented at the time of his election under W.S.~~
5 ~~22-6-120(a)(vii), or at the time of his appointment if not~~
6 ~~elected to office, who is qualified to hold the office. If~~
7 ~~the incumbent did not represent any political party at the~~
8 ~~time of his election or at the time of his appointment if~~
9 ~~not elected to office, the judge may appoint~~ any person
10 residing in the county or legislative district who is
11 qualified to hold the office to fill the vacancy.

12

13 **Section 2.** W.S. 22-6-126(a) is repealed.

14

15 **Section 3.** This act is effective July 1, 2026.

16

17 (END)