

SENATE FILE NO. SF0075

State land director-election.

Sponsored by: Senator(s) Goodenough

A BILL

for

1 AN ACT relating to administration of government and public  
2 lands; modifying the position of the director of the office  
3 of state lands and investments from an appointed office to  
4 an elected office; conforming election code provisions;  
5 providing for filling vacancies; specifying applicability  
6 of provisions relating to state elected officials  
7 accordingly; and providing for an effective date.

8

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

10

11 **Section 1.** W.S. 22-18-113 is created to read:

12

13 **22-18-113. Director of the office of state lands and**  
14 **investments.**

15

1           (a) A vacancy in the office of director of the office  
2 of state lands and investments shall be filled by a  
3 qualified person appointed by the governor, provided:

4  
5           (i) Notice shall be published in a newspaper of  
6 general circulation in the state that within ten (10) days  
7 after publication any qualified person may make application  
8 directly to the governor for appointment to fill the  
9 vacancy; and

10

11           (ii) Within fifteen (15) days after final  
12 publication of the vacancy, the governor shall fill the  
13 vacancy by appointment of one (1) person qualified from  
14 those submitting applications.

15

16           (b) The temporary successor shall serve until a  
17 successor for the remainder of the unexpired term is  
18 elected at the next general election and takes office on  
19 the first Monday of the following January. If a vacancy  
20 occurs after the first day for filing an application for  
21 nomination pursuant to W.S. 22-5-209, the temporary  
22 successor appointed shall serve until the first Monday in  
23 January following the second general election thereafter.

24

1           **Section 2.** W.S. 8-1-102(a) by creating a new paragraph  
2 (xii), 9-2-2015(b), 9-13-102(a)(xvi), 9-13-108(a)(intro),  
3 22-2-105(a)(ii)(intro), 22-5-203(a), 22-5-205(a),  
4 22-6-125(a) by creating a new paragraph (vi) and  
5 renumbering (vi) through (ix) as (vii) through (x),  
6 22-6-126(a), 22-18-111(a)(i) and 36-3-101(a) are amended to  
7 read:

8

9           **8-1-102. Definitions.**

10

11           (a) As used in the statutes unless the legislature  
12 clearly specifies a different meaning or interpretation or  
13 the context clearly requires a different meaning:

14

15                   (xii) "Five (5) state elected officials", "five  
16 (5) elected state officials", "five (5) elected officials"  
17 or "five (5) elected state officers" means the governor,  
18 secretary of state, auditor, treasurer and superintendent  
19 of public instruction of the state of Wyoming.

20

21           **9-2-2015. Office of state lands and investments;**  
22 **director elected; structure.**

23

1 (b) The administrative head of the office shall be a  
2 director ~~appointed by the governor with the advice and~~  
3 ~~consent of the senate~~ elected by the qualified electors of  
4 this state. The director shall serve ~~at the pleasure of the~~  
5 ~~governor and may be removed by the governor as provided in~~  
6 ~~W.S. 9-1-202~~ for a term of four (4) years and until his  
7 successor is elected and qualified.

8  
9 **9-13-102. Definitions.**

10  
11 (a) As used in this article:

12  
13 (xvi) "State office" means the state offices of  
14 governor, treasurer, superintendent of public instruction,  
15 auditor, secretary of state, director of state lands and  
16 investments and member of the state legislature;

17  
18 **9-13-108. Disclosure required.**

19  
20 (a) Not later than January 31 annually, each of the  
21 state's five (5) elected officials, the director of the  
22 office of state lands and investments and each member of  
23 the Wyoming legislature shall file a financial disclosure  
24 form with the secretary of state. The form shall be signed

1 by the elected official or legislator filing it and under a  
2 certification that it is accurate. The financial disclosure  
3 form shall contain the following information current as of  
4 January 15 of that year:

5

6 **22-2-105. Terms of office and offices voted on at**  
7 **general elections.**

8

9 (a) The terms of office and offices voted on at  
10 general elections are as follows:

11

12 (ii) Four Year Term. - At the general election  
13 in 1974 and in every fourth (4th) year thereafter, there  
14 shall be elected the following officers: one (1) governor,  
15 one (1) secretary of state, one (1) state treasurer, one  
16 (1) state auditor, one (1) superintendent of public  
17 instruction, one (1) director of the office of state lands  
18 and investments, county clerks, county treasurers, county  
19 assessors, county coroners, county and prosecuting  
20 attorneys, district attorneys, sheriffs, clerks of the  
21 district court and justices of the peace. At every general  
22 election there shall be elected the necessary member or  
23 members of the Wyoming senate and county commissioners. In  
24 those counties that have established a circuit court, the

1 question of retention of a circuit court judge or a  
2 magistrate of the circuit court shall be submitted:

3

4 **22-5-203. Nonpartisan offices; separate ballot; same**  
5 **time.**

6

7 (a) Candidates for the nonpartisan office of justice  
8 of the peace and director of the office of state lands and  
9 investments shall be nominated only by nonpartisan primary  
10 election.

11

12 **22-5-205. Nomination application form for nonpartisan**  
13 **office.**

14

15 (a) An eligible person seeking nomination for a  
16 nonpartisan office must file an application in  
17 substantially the following form:

18

19 APPLICATION FOR NOMINATION BY NONPARTISAN PRIMARY

20

21 State of Wyoming )

22 ) ss

23 County of .... )

24

1 I, ....., swear or affirm that I was born on ....., that  
 2 I have been a resident of the State of Wyoming since .....,  
 3 and that I am a registered voter of .... County and that I  
 4 am eligible to be elected to such office, and I hereby  
 5 request that my name be printed upon the official  
 6 nonpartisan ballot at the next primary election as a  
 7 candidate for the office indicated below as follows:

8 ~~Justice of the peace~~ (insert office here).

9 I am seeking (1) the regular term or (2) the unexpired term  
 10 which terminates on the .... day of ....., ....(year).

11 Dated this .... day of ....., ....(year).

12 ..... Signature

13  
 14 **22-6-125. Order of offices and ballot propositions on**  
 15 **nonpartisan ballots.**

16  
 17 (a) The nonpartisan ballot shall contain the offices  
 18 and ballot propositions to be voted on in the following  
 19 order:

20  
 21 (vi) Director of the office of state lands and  
 22 investments;

23  
 24 ~~(vi)~~ (vii) Constitutional amendments;

1

2

~~(vii)~~ (viii) Initiative propositions;

3

4

~~(viii)~~ (ix) Referendum propositions;

5

6

~~(ix)~~ (x) Other ballot propositions.

7

8

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

9

10

11

12

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

13

14

OFFICIAL NONPARTISAN ELECTION BALLOT

15

GENERAL ELECTION

16

17

County of ....., Election District ....., Precinct ....

18

Date .....

19

20

(here print instructions)

21

22

CANDIDATES FOR PUBLIC OFFICE

23

24

For Justice(s) of the Supreme Court



1 (Here designate the particular term,  
 2 such as "regular eight (8) year term",  
 3 or the "unexpired term of .... years").

4

5 Shall Justice John Roe be retained in office? Yes No  
 6

7 Shall Justice Richard Roe be retained in office? Yes No  
 8

9 -----

10 For Judge(s) of the District Court of the .... Judicial  
 11 District

12 (Here designate the particular term,  
 13 such as "regular six (6) year term",  
 14 or the "unexpired term of .... years").

15

16 Shall Judge Jane Roe be retained in office? Yes No  
 17

18 Shall Judge Richard Roe be retained in office? Yes No  
 19

20 -----

21 For Circuit Court Judge

22 (Here designate the particular  
 23 term, such as "regular four (4)  
 24 year term", or the "unexpired term of .... years").

1

2 Shall Judge John Doe be retained in office? Yes No

3

4 Shall Judge Richard Roe be retained in office? Yes No

5

6 -----

7 For Magistrate

8 (Here designate the particular term,  
9 such as "regular four (4) year term",  
10 or the "unexpired term of .... years").

11

12 Shall Magistrate John Doe be retained in office? Yes No

13

14 Shall Magistrate Richard Roe be retained in office?

15 Yes No

16

17 -----

18 For Justice of the Peace Vote for one

19 (Here designate the particular  
20 term, such as "regular four (4)  
21 year term", or the "unexpired  
22 term of .... years").

John Doe

Richard Roe

23 -----

1 For director of the office of state lands and investments

2 Vote for one

3 (Here designate the particular

4 term, such as "regular four (4)

5 year term", or the "unexpired John Doe

6 term of .... years"). Richard Roe

7

8 Align all designations of office to correspond on the  
9 ballot with the listing of names of candidates for the  
10 proper office and term.

11

12 BALLOT PROPOSITIONS

13

14 Proposed Constitutional Amendment Letter A: For Against  
15 (Ballot Statement)

16 Proposed Initiative Proposition Number One: For Against  
17 (Ballot Statement)

18 Proposed Referendum Proposition Number One: For Against  
19 (Ballot Statement)

20 Other Ballot Propositions: For Against  
21 (Ballot Statement For Each Proposition)

22

23 **22-18-111. Vacancies in other offices; temporary**  
24 **appointments.**

1

2 (a) Any vacancy in any other elective office in the  
3 state except representative in congress or the board of  
4 trustees of a school or community college district, shall  
5 be filled by the governing body, or as otherwise provided  
6 in this section, by appointment of a temporary successor to  
7 serve until a successor for the remainder of the unexpired  
8 term is elected at the next general election and takes  
9 office on the first Monday of the following January. If a  
10 vacancy in a four (4) year term of office occurs after the  
11 first day for filing an application for nomination pursuant  
12 to W.S. 22-5-209, the temporary successor appointed shall  
13 serve until the first Monday in January following the  
14 second general election thereafter. The following apply:

15

16 (i) If a vacancy occurs in the office of United  
17 States senator or in any state office other than the ~~office~~  
18 ~~offices~~ of justice of the supreme court, ~~and the office of~~  
19 district court judge and the director of the office of  
20 state lands and investments, the governor shall immediately  
21 notify in writing the chairman of the state central  
22 committee of the political party to which the last  
23 incumbent belonged, who shall call a meeting of the state  
24 central committee to be held not later than ten (10) days

1 after he receives notice of the vacancy. At the meeting the  
2 state central committee shall select and transmit to the  
3 governor the names of three (3) persons qualified to fill  
4 the vacancy. Within five (5) days after receiving these  
5 three (3) names, the governor shall fill the vacancy by  
6 temporary appointment of one (1) of the three (3) to hold  
7 the office. If the incumbent who has vacated office did not  
8 belong to a political party at the time the vacancy occurs,  
9 the governor shall notify in writing the chairman of all  
10 state central committees of parties registered with the  
11 secretary of state. The state central committees shall  
12 submit to the governor, within ten (10) days after notice  
13 of the vacancy, the name of one (1) person qualified to  
14 fill the vacancy. Qualified persons who do not belong to a  
15 party may, within ten (10) days of public notice of the  
16 vacancy in office, submit a petition signed by one hundred  
17 (100) registered voters, seeking consideration for  
18 appointment to the office. Within five (5) days after  
19 receiving the names of qualified persons, the governor  
20 shall fill the vacancy by temporary appointment to the  
21 office, from the names submitted or from those petitioning  
22 for appointment;

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24 **36-3-101. Appointment; term; salary; removal.**

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(a) There shall be a director of the office of state lands and investments, who shall be ~~appointed by the governor by and with the consent of the state senate. The term of his office shall expire at the end of the term of office of the governor during which he was appointed, unless sooner removed.~~ elected by the qualified electors of this state. The director shall serve for a term of four (4) years and until his successor is elected and qualified. He shall receive an annual salary as provided by law, to be paid monthly by the state treasurer on the warrant of the state auditor. ~~The governor may remove the director as provided in W.S. 9-1-202~~ The board of land commissioners may remove the director for misconduct or malfeasance in office.

**Section 3.** W.S. 36-3-101(b) is repealed.

**Section 4.** This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)