

SENATE FILE NO. SF0038

Filling of vacancies in offices.

Sponsored by: Joint Corporations, Elections and Political
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to public offices; specifying, modifying
2 and clarifying procedures for filling vacancies in certain
3 offices; modifying time periods for filling vacancies; and
4 providing for an effective date.

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

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8 **Section 1.** W.S. 18-3-524(a), (b)(i) and by creating a
9 new subsection (d), 22-18-111(a)(i), (ii), (iii)(A), (C),
10 (vi) and by creating a new subsection (c) and 28-1-106 are
11 amended to read:

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13 **18-3-524. Appointments to fill vacancies; term.**

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15 (a) Within twenty (20) days after the office of any
16 county commissioner becomes vacant the remaining members of

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

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18 (i) If the county central committee fails to
19 select and transmit the list of three (3) names to the
20 board of county commissioners within twenty (20) days, the
21 board shall fill the vacancy by the appointment of any
22 qualified person belonging to the same political party ~~as~~
23 the incumbent commissioner represented at the time of his
24 election or appointment if not elected to office;

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(ii) If the incumbent commissioner did not ~~belong to~~ represent any political party at the time of his election or appointment, the board of county commissioners may appoint any qualified person to fill the vacancy.

(b) If the remaining members of the board of county commissioners fail to fill any vacancy in a board of county commissioners within the time specified in this section, any qualified elector of the county may file a petition with the clerk of the district court of the county in which the vacancy occurred requesting the judge of the district court to fill the vacancy:

(i) Within twenty (20) days after the petition is filed the judge shall fill the vacancy by appointing a qualified elector of the county belonging to the same political party ~~as~~ the incumbent commissioner represented at the time of his election or appointment. If the incumbent commissioner did not ~~belong to~~ represent any political party at the time of his election or appointment the judge may appoint any qualified person to fill the vacancy.

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 when elected to office or
4 when appointed to fill a vacancy in office.

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6 **22-18-111. Vacancies in other offices; temporary**
7 **appointments.**

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

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23 (i) If a vacancy occurs in the office of United
24 States senator or in any state office other than the office

1 of justice of the supreme court and the office of district
2 court judge, the governor shall immediately notify in
3 writing the chairman of the state central committee of the
4 political party ~~to~~ which the last incumbent ~~belonged, who~~
5 represented at the time of his election under W.S.
6 22-6-120(a)(vii), or at the time of his appointment if not
7 elected to office. The chairman shall call a meeting of the
8 state central committee to be held not later than ~~ten (10)~~
9 fifteen (15) days after he receives notice of the vacancy.
10 At the meeting the state central committee shall select and
11 transmit to the governor the names of three (3) persons
12 qualified to fill the vacancy. Within five (5) days after
13 receiving these three (3) names, the governor shall fill
14 the vacancy by temporary appointment of one (1) of the
15 three (3) to hold the office. If the incumbent who has
16 vacated office did not ~~belong to~~ represent a political
17 party at the time ~~the vacancy occurs~~ of his election, or at
18 the time of his appointment if not elected to office, the
19 governor shall notify in writing the chairman of all state
20 central committees of parties registered with the secretary
21 of state. The state central committees shall submit to the
22 governor, within ~~ten (10)~~ fifteen (15) days after notice of
23 the vacancy, the name of one (1) person qualified to fill
24 the vacancy. The governor shall also cause to be published

1 in a newspaper of general circulation in the state notice
2 of the vacancy in office. Qualified persons who do not
3 belong to a party may, within ~~ten (10)~~ fifteen (15) days ~~of~~
4 ~~public notice~~ after publication of the vacancy in office,
5 submit a petition signed by one hundred (100) registered
6 voters, seeking consideration for appointment to the
7 office. Within five (5) days after receiving the names of
8 qualified persons, the governor shall fill the vacancy by
9 temporary appointment to the office, from the names
10 submitted or from those petitioning for appointment;

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

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

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18 (iii) If a vacancy occurs in the office of a
19 member of the state legislature:

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21 (A) For vacancies other than resignations,
22 the board of county commissioners of the county or counties
23 in which the vacancy occurs shall immediately notify in
24 writing the chairman of the state central committee of the

1 political party ~~to~~ which the former incumbent ~~belonged~~
2 represented at the time of his election under W.S.
3 22-6-120(a)(vii), or at the time of his appointment if not
4 elected to office. For resignations, the governor shall
5 notify the appropriate state central committee or the
6 appropriate board of county commissioners in accordance
7 with W.S. 28-1-106. For all vacancies in which the
8 incumbent represented a political party at the time of his
9 election or appointment to the office, the state central
10 committee of the political party of the former incumbent
11 shall notify the precinct committeemen and committeewomen
12 for that party for each precinct within the legislative
13 district which is vacant and arrange a meeting of those
14 precinct committeemen and committeewomen at which they will
15 select a list of three (3) persons qualified to fill the
16 vacancy. Only those persons serving as committeemen and
17 committeewomen at least thirty (30) days prior to the
18 vacancy shall be authorized to vote under this
19 subparagraph. The meeting shall be held not later than ~~ten~~
20 ~~(10)~~ fifteen (15) days after the state central committee is
21 notified of the vacancy. The state central committee of
22 each political party shall establish procedures for
23 conducting the vote required under this subparagraph and

1 may delegate the authority to call the meeting required
2 under this subparagraph;

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4 (C) If the incumbent who has vacated office
5 did not ~~belong to~~ represent a political party at the time
6 the vacancy occurs of his election under W.S.
7 22-6-120(a)(vii), or at the time of his appointment if not
8 elected to office, the county commissioners shall proceed
9 in accordance with the provisions of this subparagraph.
10 The county commissioners shall publish in a newspaper of
11 general circulation in the county, notice that within ~~ten~~
12 ~~(10)~~ fifteen (15) days after publication any qualified
13 person may make application directly to the county
14 commissioners for appointment to fill the vacancy. Within
15 ~~fifteen (15)~~ twenty (20) days ~~of~~ after publication of the
16 notice of the vacancy in office the county commissioners
17 shall fill the vacancy by appointment of one (1) person
18 qualified from those submitting applications;

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20 (vi) If the county commissioners fail to fill
21 any vacancy as required in this section within the time
22 specified, any qualified elector of the county may file a
23 petition with the clerk of the district court of the county
24 in which the vacancy occurred requesting the judge of the

1 district court to fill the vacancy. Within thirty (30)
2 days after the petition is filed the judge shall fill the
3 vacancy by appointing a qualified elector of the county
4 belonging to the same political party as the incumbent
5 represented at the time of his election under W.S.
6 22-6-120(a)(vii), or at the time of his appointment if not
7 elected to office. If the incumbent did not ~~belong to~~
8 represent any political party at the time of his election
9 or at the time of his appointment if not elected to office,
10 the judge may appoint any qualified elector to fill the
11 vacancy.

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13 (c) For purposes of this section a person shall be
14 considered to "represent" a political party if he was a
15 nominee of that political party when elected to office or
16 when appointed to fill a vacancy in office.

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18 **28-1-106. Resignation of office.**

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20 Resignation of the office of a member of the senate or
21 house of representatives shall be made to the governor, who
22 shall immediately notify the state central committee of the
23 party ~~of which he is a~~ the member represented at the time
24 of his election under W.S. 22-6-120(a)(vii), or at the time

1 of his appointment if not elected to office, of the
2 resignation. If the resigning member did not represent a
3 political party at the time of his election, or at the time
4 of his appointment if not elected to office, the governor
5 shall notify the appropriate boards of county commissioners
6 who shall proceed in accordance with W.S.
7 22-18-111(a)(iii)(C). For purposes of this section a
8 person shall be considered to "represent" a political party
9 if he was a nominee of that political party when elected to
10 office or when appointed to fill a vacancy in office.

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12 **Section 2.** This act is effective immediately upon
13 completion of all acts necessary for a bill to become law
14 as provided by Article 4, Section 8 of the Wyoming
15 Constitution.

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(END)