

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. _____

Election code - revisions.

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

A BILL

for

1 AN ACT relating to elections; clarifying notification
2 procedures for nominations and write in candidates;
3 modifying methods for filling vacancies in municipal
4 elections; repealing obsolete provisions; and providing for
5 an effective date.

6

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

8

9 **Section 1.** W.S. 22-5-219(a), 22-16-106(a) and (b),
10 22-23-307 and 22-23-308(b) are amended to read:

11

12 **22-5-219. Further action by nominees or elect not**
13 **required; exception.**

1

2 (a) Candidates nominated and major party precinct
3 committeemen and committeewomen elected at a primary
4 election shall be deemed nominated or elected without
5 further action. In addition, each write-in candidate
6 nominated ~~or elected~~ at a primary election shall comply
7 with the provisions of W.S. 22-16-106.

8

9 **22-16-106. Write-in candidates.**

10

11 (a) Each write-in candidate nominated ~~or elected~~ at a
12 primary election, who has not previously filed an
13 application, accepts by filing an application for
14 nomination and paying the filing fee, in the office in
15 which he would have been required to file an application
16 for that office.

17

18 (b) The chief election officer shall notify a write-
19 in ~~candidates~~ candidate who ~~have~~ has been nominated for
20 election within forty-eight (48) hours after the canvassing
21 board meets. Notification may be made by United States
22 postal service, any generally accepted business document
23 delivery method evidenced by receipt of delivery or

1 attempted delivery at the last known address of the write-
2 in candidate or service as provided under the Wyoming Rules
3 of Civil Procedure. Failure of the successful write-in
4 candidate to accept the nomination within five (5) days, as
5 computed pursuant to W.S. 22-2-110, of proof of service or
6 attempted delivery results in the successful write-in
7 candidate not appearing on the general election ballot, but
8 does not result in a vacancy which can be filled.

9
10 **22-23-307. Candidates nominated; certificate of**
11 **nomination.**

12
13 (a) The candidates equal to twice the number to be
14 elected to each office who receive the highest number of
15 votes are nominated to run for the office at the next
16 general election and shall be issued a certificate of
17 nomination by the county clerk. A write-in candidate shall
18 not be nominated and shall not be entitled to have his name
19 printed on the ballot for the next general election unless
20 he received at least three (3) votes.

21
22 (b) The chief election officer shall notify a write-
23 in candidate who has been nominated for election within

1 forty-eight (48) hours after the canvassing board meets.
2 Notification may be made by United States postal service,
3 any generally accepted business document delivery method
4 evidenced by receipt of delivery or attempted delivery at
5 the last known address of the write-in candidate or service
6 as provided under the Wyoming Rules of Civil Procedure.
7 Failure of the successful write-in candidate to accept the
8 nomination within five (5) days, as computed pursuant to
9 W.S. 22-2-110, of proof of service or attempted delivery
10 results in the successful write-in candidate not appearing
11 on the general election ballot, and results in a vacancy
12 which can be filled as provided in W.S. 22-23-308.

13

14 **22-23-308. Vacancies in nomination.**

15

16 (b) A vacancy in nomination shall be filled by the
17 ~~municipal clerk notifying the person who received the next~~
18 ~~highest number of votes at the municipal primary election~~
19 ~~as shown on the official county canvass, or, if no other~~
20 ~~candidate exists, the vacancy in nomination may be filled~~
21 ~~by the~~ governing body of the municipality.

22

23 **Section 2.** W.S. 22-5-216 is repealed.

1

2

***** Staff note: Is 22-5-205 still needed? *****

3

4

Section 3. This act is effective July 1, 2011.

5

6

(END)