

SENATE FILE NO. SF0056

Primary elections.

Sponsored by: Senator(s) Rothfuss

A BILL

for

1 AN ACT relating to elections; providing for primary
2 elections allowing any voter to vote for any candidate
3 running; eliminating election of precinct committeemen and
4 committeewomen; providing for the candidates with the two
5 highest votes in the primary to advance to the general
6 election; providing for filling of vacancies in nomination;
7 providing conforming amendments; and providing for an
8 effective date.

9

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

11

12 **Section 1.** W.S. 22-5-404 is created to read:

13

14 **22-5-404. Vacancies in nomination.**

15

16 (a) A vacancy in nomination for office to be filled
17 at a general election occurs if a candidate nominated at a

1 primary election declines to accept the nomination, dies,
2 moves his residence from his constituency or becomes
3 disqualified to hold the office for any reason provided by
4 law.

5

6 (b) A vacancy in nomination shall be filled by the
7 chief election officer notifying the person who received
8 the next highest number of votes at the primary election as
9 shown on the official canvass, or, if no other candidate
10 exists, the vacancy in nomination shall be filled by:

11

12 (i) The state central committee of the political
13 party of the former nominee for an office to be voted for
14 by the electors of the entire state;

15

16 (ii) The county central committee of the
17 political party of the former nominee for an office to be
18 voted for by the electors of a county or a subdivision
19 thereof.

20

21 **Section 2.** W.S. 22-2-104(b), 22-4-101(b), 22-4-103,
22 22-4-406, 22-5-101, 22-5-102(a)(i), 22-5-204(b) and by
23 creating a new subsection (d), 22-5-208(c), 22-5-209,
24 22-5-213, 22-5-215, 22-5-219(a), 22-5-220, 22-6-101,

1 22-6-112, 22-6-116, 22-6-117(a)(intro), 22-6-119(a)(intro)
2 and (i), 22-6-120(a)(intro), (i) and (vii), 22-6-123,
3 22-10-101(a)(vii) and (x), 22-10-108(a), 22-11-103(a)(vii),
4 22-11-104(b)(iii), 22-16-121(a), 22-18-106, 22-18-107 and
5 22-23-103(c)(i) are amended to read:

6
7 **22-2-104. Election dates.**

8
9 (b) A primary election shall be held at the regular
10 polling places in each precinct on the first Tuesday after
11 the third Monday in August in general election years for
12 the nomination of candidates for partisan and nonpartisan
13 offices to be filled at the succeeding general election.
14 ~~and for the election of major party precinct committeemen~~
15 ~~and committeewomen.~~

16
17 **22-4-101. Application; composition, election and**
18 **qualifications of county central committees; certificate of**
19 **election.**

20
21 (b) The county central committee of each political
22 party consists of precinct committeemen and committeewomen
23 ~~elected in the county at the regular biennial primary~~
24 ~~election~~ in accordance with the party bylaws. ~~Each~~

~~1 political party in each precinct shall elect one (1)~~
~~2 committeeman and one (1) committeewoman for each two~~
~~3 hundred fifty (250) votes or major fraction thereof cast~~
~~4 for the party's candidate for representative in congress in~~
~~5 the last general election, but provided that no precinct~~
~~6 shall be entitled to less than one (1) precinct~~
~~7 committeeman and precinct committeewoman. Precinct~~
~~8 committeemen and committeewomen shall be electors~~
~~9 registered in the party and resident in the precinct. The~~
~~10 county clerk shall issue a certificate of election to the~~
~~11 precinct committeemen and committeewomen elected and~~
~~12 concurrently notify the county central committee chairman.~~
~~13 The certificate shall state the term of office which shall~~
~~14 begin on the day the primary election is canvassed and~~
~~15 shall expire on the date the next regular biennial primary~~
~~16 election is canvassed. If a precinct boundary line is~~
~~17 changed for any reason, the county commissioners shall~~
~~18 determine the number of precinct committeemen and~~
~~19 committeewomen to which the affected precinct is entitled.~~

20

21 **22-4-103. County central committee vacancies.**

22

~~23 A vacancy in the county central committee shall occur in~~
~~24 the case of death, resignation, failure of a qualified~~

~~candidate to be elected to a precinct committeeman or~~
~~committeewoman position, or removal of residence from the~~
~~precinct.~~ A vacancy in a county central committee shall be
determined by the county central committee and filled by
the county central committee ~~by election of a registered~~
~~elector resident in the precinct in which the vacancy~~
~~exists and registered in the party or~~ as provided by the
party bylaws.

22-4-406. Officers and nominating procedures.

A provisional party shall be subject to W.S. 22-4-302
through 22-4-307. ~~Under no circumstances shall a~~
~~provisional party nominate by the primary election process.~~

22-5-101. How candidates nominated.

Nominations of candidates for all offices filled at a
general election, except school and community college
district offices and special district offices, may be made
by primary election, ~~by petition for nomination as an~~
~~independent candidate as provided in W.S. 22-5-301 through~~
~~22-5-308 or by convention as provided in W.S. 22-4-303 and~~
~~22-4-406.~~

1

2 **22-5-102. Eligibility to be a candidate for state**
3 **legislature; residency.**

4

5 (a) For the purpose of meeting residency requirements
6 of the Wyoming constitution, a person shall not be a
7 candidate for the state legislature from a legislative
8 district unless he has been a resident of that legislative
9 district for at least one (1) year next preceding his
10 election. In any general election year in which a plan of
11 legislative districts is required but has not been enacted
12 into law at least one (1) year prior to the applicable
13 filing periods, a person may be a candidate for the state
14 legislature from a legislative district if he:

15

16 (i) Is a resident of the legislative district on
17 the date he files an application under W.S. 22-5-204; ~~or a~~
18 ~~petition under W.S. 22-5-301;~~ and

19

20 **22-5-204. Application for nomination or election;**
21 **form.**

22

23 (b) An eligible person seeking nomination or election
24 for ~~a partisan~~ office ~~shall be registered in the party~~

1 ~~whose nomination he seeks and~~ shall file an application in
2 substantially the following form:

3
4 APPLICATION FOR NOMINATION OR ELECTION BY ~~PARTY~~
5 PRIMARY
6

7 State of Wyoming)

8
9) ss

10
11 County of)

12
13 I,, swear or affirm that I was born on,
14(year), that I have been a resident of the state of
15 Wyoming since, and that I am a registered voter of
16 Election District No., in Precinct No., residing
17 at, in County of, (if for the office of state
18 senator or representative) in Senate (House) District,
19 state of Wyoming, ~~and registered as a member of party,~~
20 and I hereby request that my name be printed upon the
21 official ~~party~~ ballot at the next primary election as a
22 candidate for the office of, and hereby declare that
23 if nominated and elected, I will qualify for the office.

24

1 Dated the day of,(year).

2

3(Signature)

4

5 (Residence Address)

6

7 (d) An applicant for partisan office may indicate in
8 the application whether he is a member of an existing party
9 and whether the applicant wishes to have that membership
10 indicated on the ballot.

11

12 **22-5-208. Filing fees; exception.**

13

14 (c) A filing fee shall not be required of candidates
15 for special district director, school district trustee, or
16 community college trustee, ~~precinct committeeman or~~
17 ~~precinct committeewoman.~~

18

19 **22-5-209. Time for filing nomination applications;**
20 **certified list.**

21

22 An application for nomination shall be filed not more than
23 ninety-six (96) days and not later than eighty-one (81)
24 days next preceding the primary election. Not later than

1 sixty-eight (68) days before a primary election the
2 secretary of state shall transmit to each county clerk a
3 certified list of persons whose applications have been
4 filed in the office of the secretary of state stating as to
5 each his name, age, address, office sought and party
6 affiliation if declared.

7
8 **22-5-213. Entry in pollbook.**

9
10 The judges of election shall check or enter in the pollbook
11 the name of each elector voting in the primary election and
12 his party affiliation, if declared. ~~An elector voting only~~
13 ~~a nonpartisan ballot shall be entered in the pollbook as an~~
14 ~~unaffiliated voter.~~

15
16 **22-5-215. Nomination of candidates and write-in**
17 **candidates.**

18
19 On each ~~party~~ ballot the candidate or candidates equal in
20 number to twice the number to be elected to each office who
21 receive the largest number of votes shall be nominated and
22 shall be entitled to have their names printed on the ballot
23 for the next general election. A write-in candidate shall
24 not be nominated and shall not be entitled to have his name

1 printed on the ballot for the next general election unless
2 he received at least twenty-five (25) write-in votes. ~~An~~
3 ~~unsuccessful candidate for office at a primary election~~
4 ~~whose name is printed on any party ballot may not accept~~
5 ~~nomination for the same office at the next general~~
6 ~~election.~~

7
8 **22-5-219. Further action by nominees or elect not**
9 **required; exception.**

10
11 (a) Candidates nominated ~~and major party precinct~~
12 ~~committeemen and committeewomen elected~~ at a primary
13 election shall be deemed nominated or elected without
14 further action. In addition, each write-in candidate
15 nominated at a primary election shall comply with the
16 provisions of W.S. 22-16-106.

17
18 **22-5-220. Withdrawal of nomination application**
19 **restricted.**

20
21 A candidate may withdraw a nomination application prior to
22 the primary election only by filing a written withdrawal in
23 the filing office in which he filed his application for
24 nomination. If a candidate withdraws after the ~~party~~

1 ballots are finalized and approved for printing by a county
2 clerk in any county where the candidate's name will appear
3 on the ~~party~~-ballot, the county clerk shall not be required
4 to remove the candidate's name from the ~~party~~-ballot, but
5 shall post a notice at each polling place announcing that
6 the named candidate has withdrawn from nomination for the
7 office designated.

8
9 **22-6-101. Certification of candidates nominated;**
10 **printing of names.**

11
12 Not less than sixty (60) days before each general election
13 the secretary of state shall transmit to each county clerk
14 ~~under party headings~~ a certified list of the name and
15 address of each person nominated by primary election as
16 indicated by the state canvass~~., the name of each person~~
17 ~~nominated by provisional or minor party convention, the~~
18 ~~name of each independent candidate qualifying for~~
19 ~~nomination by petition, and the office sought.~~ The names
20 of these candidates shall be printed on the official ballot
21 of the general election.

22
23 **22-6-112. Name to appear only once.**
24

1 No candidate's name shall appear on the ~~partisan~~ ballot
2 more than once ~~., except that of a candidate for the office~~
3 ~~of precinct committeeman or committeewoman, who may also~~
4 ~~seek another office on the same partisan primary ballot.~~

5
6 **22-6-116. Printing type size of party and candidate**
7 **names.**

8
9 On official ballots and ballot labels the ~~political party~~
10 ~~name or title shall be printed in capital letters not less~~
11 ~~than one eighth (1/8) inch nor more than one fourth (1/4)~~
12 ~~of an inch in height. The~~ names of all candidates shall be
13 printed in the same size letters not less than one-eighth
14 (1/8) inch nor more than one-fourth (1/4) of an inch in
15 height. The name of each political party, if declared,
16 shall be printed next to the candidate's name in the same
17 type size as that of every other political party.

18
19 **22-6-117. Order of listing offices.**

20
21 (a) The ~~major party~~ primary and general ~~partisan~~
22 election ballots shall contain the offices to be voted on
23 in the following order:

1 **22-6-119. Format of primary ballot.**

2

3 (a) The primary ballot ~~of each major political party~~
4 shall be printed in substantial compliance with this
5 format:

6

7 (i) Across the top shall be printed "Official
8 ~~Partisan~~ Primary Election Ballot"; ~~followed by the name of~~
9 ~~the major political party;~~

10

11 **22-6-120. Format of general election ballot.**

12

13 (a) The general election ~~partisan~~ ballot shall be
14 printed in substantial compliance with this format:

15

16 (i) Across the top shall be printed "Official
17 ~~Partisan~~ General Election Ballot";

18

19 (vii) The names of ~~partisan party~~ candidates, if
20 candidates have filed, ~~and independent candidates, if~~
21 ~~candidates have filed,~~ shall be printed in a separate
22 column or columns, row or rows, and the name of the party
23 ~~represented or the word "Independent"~~ declared, if any,
24 shall be printed ~~directly above~~ next to the candidate's

1 name or at the end of the row~~;~~. ~~If there are a number of~~
2 ~~candidates representing a party, or independents, the~~
3 ~~county clerk at his discretion may designate a separate~~
4 ~~vertical column or columns, or row or rows to said~~
5 ~~candidates and print the name of said party or the word~~
6 ~~"Independent" at the top of the column or beginning of the~~
7 ~~row;~~

8
9 **22-6-123. Nonpartisan offices on primary or general**
10 **election ballots and ballot propositions.**

11
12 On primary and general election ballots ~~for~~ containing
13 nonpartisan offices and ballot propositions, those
14 candidates and ballot propositions shall ~~be printed on~~
15 ~~yellow paper or paper with yellow demarcation as provided~~
16 ~~by rule and regulation of the secretary of state, separate~~
17 ~~from partisan ballots. They shall~~ contain no political
18 party designations, but otherwise shall conform to the same
19 general requirements for official ~~partisan~~ ballots except
20 as otherwise specifically provided.

21
22 **22-10-101. Criteria for approval.**

1 (a) To be approved for use in Wyoming a voting
2 machine shall:

3

4 (vii) Have separate voting devices for
5 candidates and ballot propositions, which shall be arranged
6 in separate rows or columns, so that one (1) or more
7 adjacent rows or columns may be assigned to the candidates
8 ~~of each political party~~ at a primary election;

9

10 (x) Have the capacity to contain ~~the names of~~
11 ~~candidates constituting the tickets of not less than five~~
12 ~~(5) political parties and independent groups and~~ not less
13 than fifteen (15) ballot propositions;

14

15 **22-10-108. Procedure for preparing machines for**
16 **election; inspection and certification.**

17

18 (a) Before preparing a voting machine for an
19 election, the county clerk shall notify in writing the
20 county chairman of each political party ~~having a~~ registered
21 with the secretary of state, and each candidate on the
22 ballot, stating the time and place where the voting machine
23 will be prepared for the election. The political party
24 representatives and representatives of independent

1 candidates may be present at the preparation of the voting
2 machine for the election, to see that the machine is tested
3 for accuracy and is properly prepared and that all
4 registering counters are set at zero (00000). The county
5 clerk in the presence of these representatives shall
6 prepare the voting machine for the election and set all
7 registering counters at zero (00000). He shall then test
8 each registering counter for accuracy by casting votes on
9 it until the registering counter is correctly registering
10 each vote cast on it. The county clerk shall then reset
11 each registering counter to zero (00000) and shall
12 immediately lock and seal the voting machine with a
13 numbered metal seal and make a record of the number of the
14 seal on the certificate for the machine. The seal shall be
15 so placed as to prevent operation of the machine or its
16 registering counters without breaking the seal. The county
17 clerk shall then immediately make a record on the
18 certificate for the machine of the reading shown on the
19 protective counter.

20

21 **22-11-103. Capabilities required.**

22

23 (a) Every electronic voting system adopted for use in
24 Wyoming shall:

1

2 (vii) Provide automatic tabulating equipment
3 which shall reject choices recorded on a ballot exceeding
4 the number allowed; ~~and at a primary election reject~~
5 ~~choices for candidates from a party other than the party~~
6 ~~for which a preference is expressed;~~

7

8 **22-11-104. Conduct of elections in which systems**
9 **utilized.**

10

11 (b) The county clerk of each county using an
12 electronic voting system shall:

13

14 (iii) Before testing an electronic voting system
15 for an election, notify the county chairman of each
16 political party ~~having a~~ registered with the secretary of
17 state, and each candidate on the ballot, stating the time
18 and place of the test. The political party representatives
19 and representatives of independent candidates may be
20 present for the test, which shall be held at least two (2)
21 weeks before the election. The test shall ascertain that
22 the automatic tabulating equipment will accurately count
23 the votes cast for all offices and all measures. The test
24 shall be conducted by processing a preaudited group of

1 paper ballots or ballot cards on which are recorded a
2 predetermined number of valid votes for each candidate and
3 on each measure and shall include for each office one (1)
4 or more ballots which have votes in excess of the number
5 allowed by law in order to test the ability of the
6 automatic tabulating equipment to reject such votes.
7 During the test a different number of valid votes shall be
8 assigned to each candidate for an office, and for and
9 against each measure. If any error is detected, the cause
10 of it shall be ascertained and corrected and an errorless
11 count shall be secured and certified to by the county
12 clerk. On completion of the count, the programs, test
13 materials and ballots shall be sealed and retained as
14 provided for paper ballots;

15

16 **22-16-121. Certificates of nomination and election**
17 **following state or county canvass.**

18

19 (a) When the state canvass is concluded, the
20 secretary of state shall issue a certificate of nomination
21 to each candidate nominated at a primary election and
22 certify the names of nominees as provided in W.S. 22-6-101.
23 When the county canvass is concluded, the county clerk

1 shall issue a certificate of nomination to each candidate
2 nominated at a primary election. ~~or by petition.~~

3
4 **22-18-106. Filling vacancy of congressman.**

5
6 An elector qualified to hold the office of representative
7 in congress shall ~~be nominated by the state central~~
8 ~~committee of the respective parties to fill a vacancy for~~
9 ~~the unexpired term of that office. Nominations from such~~
10 ~~parties shall be filed with the secretary of state and fees~~
11 ~~paid within fifteen (15) days after the vacancy is~~
12 ~~officially declared. Independent candidates shall file an~~
13 application and pay the filing fee with the secretary of
14 state within fifteen (15) days after the vacancy is
15 officially declared.

16
17 **22-18-107. Filling vacancy of congressman;**
18 **certification of candidates.**

19
20 Within twenty (20) days after the vacancy is declared, the
21 secretary of state shall certify to the clerks of counties
22 voting to fill the vacancy the name of each candidate
23 qualified to appear on the ballot. ~~and his party~~

1 ~~affiliation or the name of a group or organization~~
2 ~~sponsoring an independent candidate.~~

3
4 **22-23-103. Division of city into wards; residency.**

5
6 (c) In any general election year in which city wards
7 are redrawn but not enacted into law at least one (1) year
8 prior to the applicable filing periods, a person may be a
9 candidate for a ward if he:

10
11 (i) Is a resident of the city on the date he
12 files an application under W.S. 22-5-204; ~~or a petition~~
13 ~~under W.S. 22-5-301;~~ and

14
15 **Section 3.** W.S. 18-3-524(d), 22-4-303, 22-4-304,
16 22-5-202, 22-5-203, 22-5-205, 22-5-212, 22-5-218, 22-5-301
17 through 22-5-308, 22-5-401 through 22-5-403,
18 22-6-117(a)(xi), 22-6-118, 22-6-121, 22-6-124 through
19 22-6-127, 22-10-101(a)(vi), 22-18-108,
20 22-18-111(a)(iii)(A), (B) and (c) and 22-25-107(a)(vi) are
21 repealed.

1 **Section 4.** This act is effective January 1, 2014.

2

3

(END)