

## HOUSE BILL NO. HB0037

Elected official residency requirements.

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

A BILL

for

1 AN ACT relating to county officers and district attorneys;  
2 prescribing residency requirements for election; prescribing  
3 when a vacancy in office occurs; providing applicability; and  
4 providing for an effective date.

5

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

7

8       **Section 1.** W.S. 5-3-201, 7-4-101, 9-1-802(b),  
9 18-3-201(a), 18-3-301(a), 18-3-401, 18-3-501 by creating a  
10 new subsection (m), 18-3-601, 18-3-801 and 22-18-101(f) are  
11 amended to read:

12

13       **5-3-201. Office created; term; election in counties of**  
14 **first and second class; county clerk designated ex officio**  
15 **clerk in other counties; qualifications.**

1

2       (a) There shall be a clerk of the district court in  
3 each organized county of the state whose term of office shall  
4 be four (4) years and until his successor is elected and  
5 qualified. Clerks of the district court shall be elected at  
6 general elections in counties of the first and second class;  
7 and in all other counties the county clerk shall be ex officio  
8 clerk of the district court, and shall perform all of the  
9 duties pertaining to the office of clerk of the district  
10 court.

11

12       (b) A person seeking election as clerk of the district  
13 court shall have been a resident of the county in which the  
14 person seeks election for at least one (1) year immediately  
15 preceding the date of the general election. A clerk of the  
16 district court shall be a resident of the county in which the  
17 clerk of the district court serves for the duration of the  
18 clerk of the district court's term.

19

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

21

22 A coroner shall be elected in each county for a term of four  
23 (4) years. A person seeking election as coroner shall have

1 been a resident of the county in which the person seeks  
2 election for at least one (1) year immediately preceding the  
3 date of the general election. He shall take the oath  
4 prescribed by the constitution of the state and give bond to  
5 the state of Wyoming, in the penal sum of one thousand dollars  
6 (\$1,000.00), with sufficient sureties, to be approved by the  
7 board of county commissioners, conditioned that he will  
8 faithfully perform all duties required by law. A coroner shall  
9 be a resident of the county in which the coroner serves for  
10 the duration of the coroner's term.

11

12 **9-1-802. Election; term; qualifications; full-time;**  
13 **private practice prohibited; exception; salary; vacancies.**

14

15 (b) Each district attorney shall have been a licensed  
16 attorney for at least four (4) years and a member in good  
17 standing of the Wyoming state bar immediately prior to his  
18 election. A person seeking election as district attorney  
19 shall have been a resident of the judicial district in which  
20 the person seeks election for at least one (1) year  
21 immediately preceding the date of the general election. A  
22 district attorney shall be a resident of the judicial district

1 in which the district attorney serves for the duration of the  
2 district attorney's term.

3

4 **18-3-201. Qualifications; certification and education.**

5

6 (a) There shall be elected in each county a county  
7 assessor as provided by the Wyoming Election Code of 1973 as  
8 amended, who shall have been a resident of the county in which  
9 the person seeks election for at least one (1) year  
10 immediately preceding the date of the general election, be a  
11 ~~qualified elector~~ resident of the county of election for the  
12 duration of the term and own real property in the county ~~in~~  
13 ~~which he is elected~~ of election.

14

15 **18-3-301. Office created; qualifications; certificate**  
16 **of election; counties empowered to consolidate.**

17

18 (a) In judicial districts in which the office of  
19 district attorney has not been created there shall be elected  
20 in each county a county and prosecuting attorney who at the  
21 time of his nomination and election and during his term of  
22 office, shall be a member of the bar of this state. A person  
23 seeking election as county and prosecuting attorney shall

1 have been a resident of a county in which the person seeks  
2 election for at least one (1) year immediately preceding the  
3 date of the general election. A copy of his certificate of  
4 election and oath shall be filed by the county and prosecuting  
5 attorney with the clerk of the district court for his county  
6 or counties. A county and prosecuting attorney shall be a  
7 resident of a county in which the county and prosecuting  
8 attorney serves for the duration of the county and prosecuting  
9 attorney's term. In those judicial districts in which the  
10 office of district attorney has been created the county  
11 commissioners shall appoint an attorney to the office of  
12 county attorney for a term of one (1) year, who may be  
13 reappointed on a year-to-year basis. The county commissioners  
14 may remove the county attorney for cause.

15

16 **18-3-401. Office created; qualifications; election.**

17

18 There shall be elected in each county a county clerk. A person  
19 seeking election as county clerk shall have been a resident  
20 of the county in which the person seeks election for at least  
21 one (1) year immediately preceding the date of the general  
22 election. A county clerk shall be a resident of the county in

1 which the county clerk serves for the duration of the county  
2 clerk's term.

3  
4 **18-3-501. Composition; election for increasing the**  
5 **number; term; quorum; election for districting; procedures.**

6  
7 (m) In addition to any other residency requirement  
8 imposed by this section, a person seeking election as county  
9 commissioner shall have been a resident of the county in which  
10 the person seeks election for at least one (1) year  
11 immediately preceding the date of the general election. A  
12 county commissioner shall be a resident of the county in which  
13 the county commissioner serves for the duration of the county  
14 commissioner's term. A person seeking election as a county  
15 commissioner for a commissioner district shall have been a  
16 resident of the commissioner district in which the person  
17 seeks election for at least one (1) year immediately preceding  
18 the date of the general election and shall be a resident of  
19 the commissioner district in which the county commissioner  
20 serves for the duration of the county commissioner's term.

21  
22 **18-3-601. Office created; qualifications; election.**

23

1 There shall be elected in each county a county sheriff. A  
2 person seeking election as county sheriff shall have been a  
3 resident of the county in which the person seeks election for  
4 at least one (1) year immediately preceding the date of the  
5 general election. A county sheriff shall be a resident of the  
6 county in which the county sheriff serves for the duration of  
7 the county sheriff's term.

8

9 **18-3-801. Election; qualifications.**

10

11 There shall be elected in each county a county treasurer. A  
12 person seeking election as county treasurer shall have been  
13 a resident of the county in which the person seeks election  
14 for at least one (1) year immediately preceding the date of  
15 the general election. A county treasurer shall be a resident  
16 of the county in which the county treasurer serves for the  
17 duration of the county treasurer's term.

18

19 **22-18-101. When deemed to occur.**

20

21 (f) In addition to subsections (a) through (c) of this  
22 section, a vacancy shall occur:

23

1           (i) In the office of a member of the state  
2 legislature when the person fails to reside in the legislative  
3 district from which he is elected;

4  
5           (ii) In the office of a clerk of district court,  
6 county coroner, county assessor, county clerk, county  
7 commissioner, county sheriff or county treasurer when the  
8 person fails to reside in the county from which he is elected;

9  
10          (iii) In the office of a county and prosecuting  
11 attorney when the person fails to reside in the county, or  
12 one (1) of the counties, from which he is elected;

13  
14          (iv) In the office of a district attorney when  
15 the person fails to reside in the judicial district from which  
16 he is elected.

17  
18          **Section 2.** The qualifications and residency  
19 requirements of this act shall apply to elected or appointed  
20 county officers and district attorneys whose terms commence  
21 on or after the effective date of this act.

22



1           **Section 3.** This act is effective July 1, 2019.

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(END)