

HOUSE BILL NO. HB0121

Vacancies in office.

Sponsored by: Representative(s) Clem, Edwards, Gray, Hallinan
and Jennings and Senator(s) Biteman and
Steinmetz

A BILL

for

1 AN ACT relating to vacancies in office; modifying procedures
2 for filling vacancies in specified offices; modifying time
3 periods for filling specified vacancies; making conforming
4 amendments; and providing for an effective date.

5

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

7

8 **Section 1.** W.S. 9-1-802(e), 18-3-102(d),
9 18-3-524(a)(intro) and (i) and 22-18-111(a)(ii), (iii)(A) and
10 (D) are amended to read:

11

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

14

1 (e) A vacancy in the office of district attorney shall
2 be filled ~~by the board or boards of county commissioners~~ under
3 the procedure for filling vacancies in the office of a member
4 of the state legislature or state senator established by W.S.
5 22-18-111. Vacancies shall be filled until the next general
6 election and the appointee shall be qualified pursuant to
7 subsections (b) and (c) of this section.

8
9 **18-3-102. County officers required to execute bonds;**
10 **amount; sureties; penalty.**

11
12 (d) Whenever the board of county commissioners requires
13 any county officer to execute a new or additional bond, the
14 county clerk shall immediately give personal notice to that
15 officer. If the bond is not executed within twenty (20) days
16 after receipt of the notice, the board of county commissioners
17 shall declare the office vacant and ~~shall appoint~~ a qualified
18 person to hold the office shall be appointed as provided by
19 W.S. 22-18-111.

20
21 **18-3-524. Appointments to fill vacancies; term.**
22

1 (a) Within twenty (20) days after the office of any
2 county commissioner becomes vacant the remaining members of
3 the board shall declare a vacancy to exist and immediately
4 give notice of the vacancy in writing to the chairman of the
5 county central committee of the political party which the
6 member whose office is vacant represented at the time of his
7 election under W.S. 22-6-120(a)(vii), or at the time of his
8 appointment if not elected to office. The chairman of the
9 county central committee shall within twenty (20) days after
10 receipt of the notice call a meeting of the county central
11 committee. Notice of the meeting shall be published in a
12 newspaper of general circulation in the county and provide
13 that prior to the meeting any qualified person may make
14 application directly to the county central committee to fill
15 the vacancy. At the meeting the committee shall ~~select three~~
16 ~~(3) persons qualified to fill the vacancy and transmit the~~
17 ~~names to the board of county commissioners. The board of~~
18 ~~county commissioners shall fill the vacancy within twenty~~
19 ~~(20) days after receiving the list from the county central~~
20 ~~committee by appointing one (1) of the persons whose names~~
21 ~~are submitted by the county central committee~~ fill the vacancy
22 by appointment of a qualified person from those submitting
23 applications provided that:

1

2 (i) If the county central committee fails to
3 ~~select and transmit the list of three (3) names to the board~~
4 ~~of county commissioners~~ fill the vacancy within twenty (20)
5 days after receipt of the notice of the vacancy, the board of
6 county commissioners shall fill the vacancy by the
7 appointment of any qualified person belonging to the same
8 political party the incumbent commissioner represented at the
9 time of his election or appointment if not elected to office;

10

11 **22-18-111. Vacancies in other offices; temporary**
12 **appointments.**

13

14 (a) Any vacancy in any other elective office in the
15 state except representative in congress or the board of
16 trustees of a school or community college district, shall be
17 filled by the governing body, or as otherwise provided in
18 this section, by appointment of a temporary successor. The
19 person appointed shall serve until a successor for the
20 remainder of the unexpired term is elected at the next general
21 election and takes office on the first Monday of the following
22 January. Provided, if a vacancy in a four (4) year term of
23 office occurs in the term's second or subsequent years after

1 the first day for filing an application for nomination
2 pursuant to W.S. 22-5-209, no election to fill the vacancy
3 shall be held and the temporary successor appointed shall
4 serve the remainder of the unexpired term. The following
5 apply:

6
7 (ii) If a vacancy occurs in a county elective
8 office, except as provided in W.S. 18-3-524, the board of
9 county commissioners of the county in which the vacancy occurs
10 shall immediately notify in writing the chairman of the county
11 central committee of the political party which the last
12 incumbent represented at the time of his election under W.S.
13 22-6-120(a)(vii), or at the time of his appointment if not
14 elected to office. The chairman shall call a meeting of the
15 county central committee to be held not later than ~~fifteen~~

16 ~~(15) days after he receives~~ twenty (20) days after receipt of
17 the notice of the vacancy. Notice of the meeting shall be
18 published in a newspaper of general circulation in the county
19 and provide that prior to the meeting any qualified person
20 may make application directly to the county central committee
21 to fill the vacancy. At the meeting the county central

22 committee shall ~~select and transmit to the board of county~~
23 ~~commissioners the names of three (3) persons qualified to~~

1 ~~hold the office. Within five (5) days after receiving these~~
2 ~~three (3) names, the board of county commissioners shall fill~~
3 ~~the vacancy by appointment of one (1) of the three (3) to~~
4 ~~hold the office.~~ fill the vacancy by appointment of a
5 qualified person from those submitting applications provided
6 that:

7
8 (A) If the county central committee fails to
9 fill the vacancy within twenty (20) days after receipt of the
10 notice of the vacancy, the board of county commissioners shall
11 fill the vacancy by the appointment of any qualified person
12 belonging to the same political party the former incumbent
13 represented at the time of his election or appointment if not
14 elected to office;

15
16 (B) If the incumbent who has vacated office
17 did not represent a political party at the time of his
18 election, or at the time of his appointment if not elected to
19 office, the county commissioners shall publish in a newspaper
20 of general circulation in the county, notice that within
21 fifteen (15) days after publication any person qualified to
22 hold the office may make application directly to the county
23 commissioners for appointment to fill the vacancy. Within

1 twenty (20) days after the publication of the vacancy in
2 office the county commissioners shall fill the vacancy by
3 appointment of one (1) person qualified to hold the office
4 from those submitting applications.✚

5

6 (iii) If a vacancy occurs in the office of a member
7 of the state legislature:

8

9 (A) For vacancies other than resignations,
10 the board of county commissioners of the county or counties
11 in which the vacancy occurs shall immediately notify in
12 writing the chairman of the state central committee of the
13 political party which the former incumbent represented at the
14 time of his election under W.S. 22-6-120(a)(vii), or at the
15 time of his appointment if not elected to office. For
16 resignations, the governor shall notify the appropriate state
17 central committee or the appropriate board of county
18 commissioners in accordance with W.S. 28-1-106. For all
19 vacancies in which the incumbent represented a political
20 party at the time of his election or appointment to the
21 office, the state central committee of the political party of
22 the former incumbent shall notify the precinct committeemen
23 and committeewomen for that party for each precinct within

1 the legislative district which is vacant and arrange a meeting
2 of those precinct committeemen and committeewomen at which
3 they will ~~select a list of three (3) persons qualified to~~
4 ~~hold the office to~~ fill the vacancy by appointment of a
5 qualified person from those submitting applications. Only
6 those persons serving as committeemen and committeewomen at
7 least thirty (30) days prior to the vacancy, or if the vacancy
8 occurs within thirty (30) days after the first Monday in
9 January in odd-numbered years, those precinct committeemen
10 and committeewomen elected at the immediate past primary
11 election and those selected by appointment prior to December
12 2 of the year in which the election occurred for vacant
13 positions, shall be authorized to vote under this
14 subparagraph. The meeting shall be held not later than
15 ~~fifteen (15) days~~ twenty (20) days after the state central
16 committee is notified of the vacancy. Notice of the meeting
17 shall be published in a newspaper of general circulation in
18 the county and provide that prior to the meeting any qualified
19 person may make application directly to the precinct
20 committeemen and committeewomen to fill the vacancy. The
21 state central committee of each political party shall
22 establish procedures for conducting the vote required under
23 this subparagraph and may delegate the authority to call the

1 meeting required under this subparagraph. If the precinct
2 committeemen and committeewomen fail to fill any vacancy
3 within twenty (20) days after receipt of the notice of the
4 vacancy, the board of county commissioners shall fill the
5 vacancy by the appointment of any qualified person belonging
6 to the same political party the former incumbent represented
7 at the time of his election or appointment if not elected to
8 office;

9
10 (D) If the legislative district is in more
11 than one (1) county and if the circumstances require the board
12 of county commissioners to fill the vacancy, the vacancy shall
13 be filled by the combined vote of the boards of county
14 commissioners for those counties. The vote of each county
15 commissioner in attendance shall be weighted so that the total
16 vote of the commissioners from each county shall be in
17 proportion to the population of the legislative district
18 within that county. For vacancies created other than by
19 resignation, if the legislative district is in more than one
20 (1) county, the determination of the vacancy shall be made in
21 accordance with this subparagraph.

22

1 **Section 2.** W.S. 18-3-524(b) and 22-18-111(a)(iii)(B)
2 and (vi) are repealed.

3

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

5

6 (END)