

HOUSE BILL NO. HB0267

Office vacancies-appointment by political party committee.

Sponsored by: Representative(s) Edwards, Clem, Jennings and
Laursen

A BILL

for

1 AN ACT relating to elections; redefining how specified
2 elected offices are filled upon the inaction of county
3 commissioners; repealing the process for filling vacancies of
4 former incumbents not affiliated with a political party when
5 the county commissioners fail to act; and providing for an
6 effective date.

7

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

9

10 **Section** **1.** W.S. 18-3-524(b)(intro) and
11 22-18-111(a)(vi) are amended to read:

12

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

14

1 (b) If the remaining members of the board of county
2 commissioners fail to fill any vacancy in a board of county
3 commissioners of a former incumbent who represented a
4 political party at the time of his election or at the time of
5 his appointment if not elected to office within the time
6 specified in this section, ~~any qualified elector of the county~~
7 ~~may file a petition with the clerk of the district court of~~
8 ~~the county in which the vacancy occurred requesting the judge~~
9 ~~of the district court to fill the vacancy:~~ the chairman of
10 the county central committee of the political party which the
11 former incumbent represented, shall immediately notify the
12 county commissioners in writing of the committee's intent to
13 fill the vacancy as specified in this subsection. Upon
14 providing the required notice to the county commissioners,
15 the county central committee shall within twenty (20) days
16 select one (1) of the three (3) persons originally submitted
17 to the county commissioners in accordance with this section
18 to fill the vacancy and transmit the name to the board of
19 county commissioners. The board of county commissioners shall
20 fill the vacancy by appointing the person whose name was
21 submitted by the county central committee within ten (10)
22 days.

23

1 **22-18-111. Vacancies in other offices; temporary**
2 **appointments.**

3
4 (a) Any vacancy in any other elective office in the
5 state except representative in congress or the board of
6 trustees of a school or community college district, shall be
7 filled by the governing body, or as otherwise provided in
8 this section, by appointment of a temporary successor. The
9 person appointed shall serve until a successor for the
10 remainder of the unexpired term is elected at the next general
11 election and takes office on the first Monday of the following
12 January. Provided, if a vacancy in a four (4) year term of
13 office occurs in the term's second or subsequent years after
14 the first day for filing an application for nomination
15 pursuant to W.S. 22-5-209, no election to fill the vacancy
16 shall be held and the temporary successor appointed shall
17 serve the remainder of the unexpired term. The following
18 apply:

19
20 (vi) If the county commissioners fail to fill any
21 vacancy as required in this section within the time specified,
22 ~~any person residing in the county or legislative district who~~
23 ~~is qualified to hold the office may file a petition with the~~

1 ~~clerk of the district court of the county or legislative~~
2 ~~district in which the vacancy occurred requesting the judge~~
3 ~~of the district court to fill the vacancy. Within thirty~~
4 ~~(30) days after the petition is filed the judge shall fill~~
5 ~~the vacancy by appointing a person residing in the county or~~
6 ~~legislative district belonging to the same political party as~~
7 ~~the incumbent represented at the time of his election under~~
8 ~~W.S. 22-6-120(a)(vii), or at the time of his appointment if~~
9 ~~not elected to office, who is qualified to hold the office.~~
10 ~~If the incumbent did not represent any political party at the~~
11 ~~time of his election or at the time of his appointment if not~~
12 ~~elected to office, the judge may appoint any person residing~~
13 ~~in the county or legislative district who is qualified to~~
14 ~~hold the office to fill the vacancy. the following shall~~
15 ~~apply:~~

16
17 (A) For vacancies in any office of a member
18 of the state legislature whose legislative district is in
19 more than one (1) county as described in subparagraph (iii)(D)
20 of this subsection, the chairman of the state central
21 committee of the political party which the former incumbent
22 represented at the time of his election or at the time of his
23 appointment if not elected to office, shall immediately

1 notify the county commissioners in writing of the party's
2 intent to fill the vacancy as specified in this subparagraph.
3 Within twenty (20) days of providing the required notice to
4 the county commissioners, the appropriate precinct
5 committeemen and committeewomen who selected the three (3)
6 persons qualified to fill the vacancy, as specified in
7 subparagraph (iii)(A) of this subsection, shall select one
8 (1) person from the previously selected three (3) to fill the
9 vacancy. The county central committee shall transmit the name
10 to the board of county commissioners. The board of county
11 commissioners shall fill the vacancy by appointing the person
12 whose name was submitted by the county central committee
13 within ten (10) days;

14
15 (B) For all other vacancies under this
16 section, the chairman of the county central committee of the
17 political party which the former incumbent represented at the
18 time of his election or at the time of his appointment if not
19 elected to office, shall immediately notify the county
20 commissioners in writing of the county central committee's
21 intent to fill the vacancy as specified in this paragraph.
22 Upon providing the required notice to the county
23 commissioners, the county central committee shall within

1 twenty (20) days select one (1) of the three (3) persons
2 originally submitted to the county commissioners in
3 accordance with this section to fill the vacancy. The county
4 central committee shall transmit the name to the board of
5 county commissioners. The board of county commissioners shall
6 fill the vacancy by appointing the person whose name was
7 submitted by the county central committee within ten (10)
8 days.

9

10 **Section 2.** W.S. 18-3-524(b)(i) is repealed.

11

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

13

14 (END)