

SENATE FILE NO. SF0094

Secretary of state-nomination qualifications.

Sponsored by: Senator(s) Steinmetz and Biteman and
 Representative(s) Clem, Eklund, Hunt,
 MacGuire, Olsen and Stith

A BILL

for

1 AN ACT relating to elections; authorizing the secretary of
 2 state to refuse to file nomination applications for
 3 ineligibility as specified; specifying procedures for
 4 appealing a refusal by the secretary of state; requiring
 5 specified information for complaints alleging ineligibility
 6 of an applicant for nomination; and providing for an effective
 7 date.

8

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

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11 **Section 1.** W.S. 22-5-206(a), 22-5-209 and 22-26-121 by
 12 creating a new subsection (f) and by renumbering (f) as (g)
 13 are amended to read:

14

15 **22-5-206. Where nomination applications to be filed.**

1

2 (a) Nomination applications for United States senators
3 and representatives in congress, state offices, members of
4 the legislature, circuit court judges, and state district
5 court judges shall be filed in the office of the secretary of
6 state. The secretary of state shall ensure an applicant
7 filing under this subsection meets all applicable
8 qualifications under federal or state law to be elected to
9 office and may refuse to file an application if the secretary
10 of state determines that the applicant is not qualified to
11 hold the office. The secretary of state shall give immediate
12 written notice by certified return receipt mail to any
13 applicant whose application is refused under this subsection.
14 An applicant whose application is refused may appeal to the
15 district court within five (5) days of receipt of the
16 notification. The district court shall hear and decide an
17 appeal under this subsection within five (5) days from the
18 date the appeal is received.

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

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1 An application for nomination shall be filed not more than
2 ninety-six (96) days and not later than eighty-one (81) days
3 next preceding the primary election. Not later than
4 sixty-eight (68) days before a primary election the secretary
5 of state shall transmit to each county clerk a certified list
6 of persons whose applications have been filed in the office
7 of the secretary of state stating as to each his name, age,
8 address, office sought and party affiliation. The certified
9 list shall not include any person whose application was
10 refused under W.S. 22-5-206(a), unless the refusal was
11 reversed by a court.

12

13 **22-26-121. Violations of election code; complaints;**
14 **investigations and prosecutions.**

15

16 (f) A complaint filed under this section alleging that
17 an applicant for nomination to an office is not qualified
18 under federal or state law to be elected to that office shall
19 include the name and address of the person filing the
20 complaint.

21

22 ~~(f)~~(g) As used in this section:

23

1 (i) "County or municipal candidate, committee or
2 organization" means any county or municipal candidate,
3 candidate committee for county or municipal office, political
4 action committee for county or municipal candidate, political
5 action committee or organization supporting or opposing a
6 municipal initiative or referendum petition drive or ballot
7 proposition within a county or political subdivision or any
8 other person not identified in paragraph (ii) of this
9 subsection;

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11 (ii) "Statewide or legislative candidate,
12 committee or organization" means any statewide or legislative
13 candidate, candidate committee for statewide or legislative
14 office, political action committee or organization supporting
15 or opposing any statewide or legislative candidate or any
16 statewide initiative or referendum petition drive or ballot
17 proposition, or state or county party central committee.

18

19 **Section 2.** This act is effective July 1, 2019.

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21

(END)