

HOUSE BILL NO. HB0161

Appointment by judge for vacancies in office-amendments.

Sponsored by: Representative(s) Jennings, Angelos, Bear, Haroldson, Heiner, Knapp, Neiman, Pendergraft, Penn, Slagle, Smith, Styvar, Trujillo and Winter and Senator(s) Hicks and Ide

A BILL

for

1 AN ACT relating to county commissioners; amending the
 2 selection requirements for district judges to fill a
 3 vacancy on a board of county commissioners, any other
 4 county elective office or a vacancy in the office of a
 5 member of the state legislature as specified; specifying
 6 duties of a county central committee; specifying
 7 applicability; and providing for an effective date.

8

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

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11 **Section 1.** W.S. 18-3-524(b)(i) and
 12 22-18-111(a)(intro) and (vi) are amended to read:

13

14 **18-3-524. Appointments to fill vacancies; term.**

1

2 (b) If the remaining members of the board of county
3 commissioners fail to fill any vacancy in a board of county
4 commissioners within the time specified in this section,
5 any qualified elector of the county may file a petition
6 with the clerk of the district court of the county in which
7 the vacancy occurred requesting the judge of the district
8 court to fill the vacancy:

9

10 (i) Within twenty (20) days after the petition
11 is filed the judge shall fill the vacancy by appointing one
12 (1) of the three (3) qualified persons whose names were
13 submitted by the county central committee to the board of
14 county commissioners under subsection (a) of this section,
15 except as otherwise provided in this paragraph. If the
16 county central committee fails to select and transmit the
17 list of three (3) names to the board of county
18 commissioners within the time specified in this section and
19 before the time the petition is filed with the judge, the
20 judge shall fill the vacancy by appointing a qualified
21 elector of the county belonging to the same political party
22 the incumbent commissioner represented at the time of his
23 election or appointment. If the incumbent commissioner did

1 not represent any political party at the time of his
2 election or appointment the judge may appoint any qualified
3 person to fill the vacancy. The board of county
4 commissioners shall transmit the list of the three (3)
5 qualified persons as submitted by the county central
6 committee, if applicable, to the judge upon request for
7 purposes of filling a vacancy pursuant to this subsection.

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9 **22-18-111. Vacancies in other offices; temporary**
10 **appointments.**

11

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

1 election to fill the vacancy shall be held and the
2 temporary successor appointed shall serve the remainder of
3 the unexpired term. The following shall apply:
4

5 (vi) If the county commissioners fail to fill
6 any vacancy as required in this section within the time
7 specified, any person residing in the county or legislative
8 district who is qualified to hold the office may file a
9 petition with the clerk of the district court of the county
10 or legislative district in which the vacancy occurred
11 requesting the judge of the district court to fill the
12 vacancy. Within thirty (30) days after the petition is
13 filed the judge shall fill the vacancy by appointing one
14 (1) of the three (3) qualified persons whose names were
15 submitted by the county central committee to the board of
16 county commissioners under paragraphs (a)(ii) or (iii) of
17 this section, except as otherwise provided in this
18 paragraph. If the county central committee fails to select
19 and transmit the list of three (3) names to the board of
20 county commissioners within the time specified in this
21 section and before the time the petition is filed with the
22 judge, the judge shall fill the vacancy by appointing a
23 person residing in the county or legislative district

1 belonging to the same political party as the incumbent
2 represented at the time of his election under W.S.
3 22-6-120(a)(vii), or at the time of his appointment if not
4 elected to office, who is qualified to hold the office. If
5 the incumbent did not represent any political party at the
6 time of his election or at the time of his appointment if
7 not elected to office, the judge may appoint any person
8 residing in the county or legislative district who is
9 qualified to hold the office to fill the vacancy. The board
10 of county commissioners shall transmit the list of the
11 three (3) qualified persons as submitted by the county
12 central committee, if applicable, to the judge upon request
13 for purposes of filling a vacancy pursuant to this
14 subsection.

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16 **Section 2.** This act shall apply to all vacancies of
17 county commissioners, members of the state legislature and
18 any county elective offices on or after the effective date
19 of this act.

20

21 **Section 3.** This act is effective July 1, 2024.

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(END)