

## HOUSE BILL NO. HB0249

Runoff elections.

Sponsored by: Representative(s) Neiman, Andrew, Kelly and  
Rodriguez-Williams and Senator(s) Boner and  
McKeown

A BILL

for

1 AN ACT relating to elections; requiring a runoff election  
2 after a primary election for specified offices when no  
3 candidate receives a majority of the vote; providing the  
4 format of the runoff ballot; changing the date for primary  
5 elections; amending related dates; clarifying maintenance  
6 of voter registration lists; making conforming changes;  
7 amending election contribution laws; creating an account;  
8 providing an appropriation; requiring a report; and  
9 providing for effective dates.

10

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

12

13 **Section 1.** W.S. 22-5-601 and 22-6-131 are created to  
14 read:

15

1

## ARTICLE 6

2

## RUNOFF ELECTIONS

3

4

**22-5-601. Runoff elections for nominations.**

5

6

(a) For nominations for governor, secretary of state, state treasurer, state auditor, state superintendent of public instruction and any federal office, a runoff election shall be held with respect to that nomination if no candidate, including any write-in candidate, receives more than fifty percent (50%) of the votes cast for the respective partisan office on the primary ballot. The candidates in the runoff election shall be the two (2) candidates who received the highest number of votes in their respective partisan primary election except:

16

17

(i) If more than two (2) candidates in a partisan primary election for the offices specified in this subsection tie for the highest number of votes in the primary election, the state canvassing board shall cast lots to determine which two (2) shall be runoff election candidates; or

23

1           (ii) If two (2) or more candidates in a partisan  
2 primary election for the offices specified in this  
3 subsection tie for the second highest number of votes in  
4 the primary election, the state canvassing board shall cast  
5 lots to determine who shall be the second candidate in the  
6 runoff election.

7  
8           (b) Notwithstanding W.S. 22-5-401, if any candidate  
9 eligible to be in a runoff election withdraws, dies or is  
10 determined ineligible before the runoff election, that  
11 candidate shall be ineligible for the runoff election and  
12 the two (2) remaining eligible candidates receiving the  
13 highest number of votes in accordance with subsection (a)  
14 of this section shall be the candidates in the runoff  
15 election.

16  
17           (c) If required under this section, runoff elections  
18 shall be held on the first Tuesday after the second Monday  
19 in August in general election years.

20  
21           (d) The candidate who receives the highest number of  
22 votes in the runoff election shall be nominated.

23

1           (e) In the event of a tie in a runoff election, the  
2 state canvassing board shall cast lots in the manner  
3 prescribed by W.S. 22-16-119.

4

5           (f) To the extent this section conflicts with other  
6 sections of this Election Code, this section shall apply.

7

8           (g) All costs incurred in carrying out a runoff  
9 election under this section shall be borne by the secretary  
10 of state, who shall reimburse the county treasurer for the  
11 costs paid by the county for the runoff election.

12

13           (h) There is created the runoff election account.  
14 Funds in the account shall not revert and are continuously  
15 appropriated to the secretary of state for costs related to  
16 administering runoff elections as provided in this section.  
17 The state treasurer shall invest funds within the account  
18 in accordance with law. All investment earnings from the  
19 account shall be deposited in the general fund.

20

21           **22-6-131. Format of runoff election ballot.**

22

1           (a) Each primary runoff election ballot for major  
2 political parties required under W.S. 22-5-601 shall be  
3 printed in substantial compliance with the following:

4

5           (i) Across the top shall be printed "Official  
6 Runoff Election Ballot" followed by the name of the major  
7 political party;

8

9           (ii) On the first line shall be printed the  
10 county in which the ballot is used, the date of the  
11 election and blank lines for entry of the election district  
12 and precinct;

13

14           (iii) On the second line shall be printed the  
15 following instructions: "To vote for a person whose name is  
16 printed on the ballot, mark the square immediately adjacent  
17 to the name of the person for whom you desire to vote. To  
18 vote for a person whose name is not printed on the ballot,  
19 write the person's name in the blank space provided for  
20 that purpose and mark the square immediately adjacent to  
21 the name of the person.";

22

1           (iv) Candidates for different offices in the  
2 same runoff election shall be arranged in separate groups  
3 in the order specified by W.S. 22-6-117. At the top of each  
4 group shall appear the title of the office. Adjacent to the  
5 title of the office shall be printed "Vote for one";

6

7           (v) Below the list of candidates in each group  
8 shall be printed a blank line for a write-in candidate;

9

10          (vi) Adjacent to the name of each candidate and  
11 blank line shall be printed a square for marking the vote.  
12 No square shall appear at the top of a column.

13

14       **Section 2.** W.S. 22-1-102(a)(xxx)(E) and (lii),  
15 22-2-101(a)(ii), 22-2-104(b) and (d), 22-2-108, 22-2-109(a)  
16 and by creating a new subsection (d), 22-2-111(a),  
17 22-2-113(e), 22-3-102(a)(intro) and by creating a new  
18 subsection (f), 22-3-109(a), 22-4-402(a) and (e), 22-5-101,  
19 22-5-209, 22-5-215, 22-5-219(a) and by creating new  
20 subsections (c) and (d), 22-6-101, 22-6-102(a), 22-6-105,  
21 22-6-107, 22-7-101, 22-8-101(a), (b) and (d), 22-8-116,  
22 22-16-102(a), 22-16-103(c)(i), 22-16-106(a) and (b),  
23 22-16-118, 22-16-121(a), 22-16-122(c) and (f),

1 22-17-102(a)(intro), 22-21-103, 22-21-104, 22-22-202(a),  
2 22-23-303, 22-25-101(d)(i)(C), 22-25-102(c)(i)(B), (j) and  
3 (m), 22-25-104, 22-25-105(a), 22-25-106(a)(i), (b)(i),  
4 (h)(intro) and (ii), 22-25-107(b), 22-26-113(a)(intro) and  
5 22-29-110(a) and (b) are amended to read:

6

7 **22-1-102. Definitions.**

8

9 (a) The definitions contained in this chapter apply  
10 to words and phrases used in this Election Code and govern  
11 the construction of those words and phrases unless they are  
12 specifically modified by the context in which they appear.  
13 As used in this Election Code:

14

15 (xxx) "Residence" is the place of a person's  
16 actual habitation. The construction of this term shall be  
17 governed by the following rules:

18

19 (E) If a person ~~removes~~moves to another  
20 state with the intent of making it his residence, he loses  
21 his residence in Wyoming; except that in a general election  
22 year, if his registration is valid in Wyoming when he  
23 leaves this state and he is unable to qualify under the

1 laws of his new state of residence to vote at the primary  
2 or general election, he shall be deemed to have retained  
3 residence in Wyoming for purposes of voting by absentee  
4 ballot in the primary, runoff or general election;

5  
6 (lii) "Unsuccessful candidate" means a person  
7 who did not win the election but whose name was printed on  
8 the ballot and who received one (1) or more votes in the  
9 primary or runoff election;

10  
11 **22-2-101. Applicability and construction of Election**  
12 **Code generally.**

13  
14 (a) Chapters 1 through 28 of this Election Code apply  
15 to the following elections:

16  
17 (ii) Primary elections and runoff elections;

18  
19 **22-2-104. Election dates.**

20  
21 (b) A primary election shall be held at the regular  
22 polling places for each precinct on the first Tuesday after  
23 the ~~third~~ first Monday in ~~August~~ May in general election



1 years for the nomination of candidates for partisan and  
2 nonpartisan offices to be filled at the succeeding general  
3 election and for the election of major party precinct  
4 committeemen and committeewomen. If required under W.S.  
5 22-5-601, a runoff election shall be held at the regular  
6 polling places for each precinct on the first Tuesday after  
7 the second Monday in August in general election years.

8  
9 (d) Every bond election shall be held ~~on the same day~~  
10 ~~as a primary election or a general election, or~~ on the  
11 first Tuesday after the first Monday in May or November.  
12 ~~or on the first Tuesday after the third Monday in August.~~

13  
14 **22-2-108. Secretary of state to certify officers to**  
15 **be elected.**

16  
17 ~~Between the twenty-fourth day of April and the third day of~~  
18 ~~May in each general~~ Not less than one hundred (100) days  
19 and not more than one hundred ten (110) days before the  
20 primary election, ~~year,~~ the secretary of state shall  
21 transmit to the county clerk of each county a certified  
22 list stating what officers, other than county and precinct  
23 officers, are to be nominated or elected at the election.

1

2       **22-2-109. County clerk to publish proclamation.**

3

4       (a) Between ~~one hundred one (101) and~~ ninety-one (91)  
5 and eighty-one (81) days before each primary election, the  
6 county clerk in each county shall publish at least once in  
7 a newspaper of general circulation in the county and post  
8 in the county clerk's office and at the place where each  
9 municipality within the county regularly holds its council  
10 meetings a proclamation setting forth the date of the  
11 election, the offices to be filled at the election  
12 including the terms of the offices, the number of persons  
13 required by law to fill the offices, the filing deadline  
14 for the offices and the requirements for filing statements  
15 of campaign contributions and expenditures. The  
16 proclamation shall also include the aforementioned  
17 information regarding offices to be filled at the general  
18 election, the date that a runoff election would occur, if  
19 necessary, and any other pertinent primary election  
20 information. In addition, the description of any ballot  
21 proposition submitted to the voters of the state, a  
22 political subdivision thereof, county or other district  
23 shall be included.

1

2       (d) Not later than fifteen (15) days before any  
3 runoff election required by W.S. 22-5-601, the county clerk  
4 in each applicable county shall publish at least once in a  
5 newspaper of general circulation in the county and post in  
6 the county clerk's office and at the place where each  
7 municipality within the county regularly holds its council  
8 meetings a notice of election setting forth the date of the  
9 runoff election and a sample ballot pursuant to W.S.  
10 22-6-105.

11

12       **22-2-111. Employees time off to vote.**

13

14       (a) Any person entitled to vote at any primary,  
15 runoff or general election or special election to fill a  
16 vacancy in the office of representatives in the congress of  
17 the United States is, on the day of such election, entitled  
18 to absent himself from any service or employment in which  
19 he is then engaged or employed for a period of one (1)  
20 hour, other than meal hours, the hour being at the  
21 convenience of the employer, between the time of opening  
22 and closing of the polls. Such elector shall not, because

1 of so absenting himself, lose any pay, providing he  
2 actually casts his legal vote.

3

4       **22-2-113. Availability and form of registry lists;**  
5 **use of copies; election record; purging.**

6

7       (e) The county clerks shall purge and update voter  
8 registration information on the voter registration system  
9 not later than the fifteenth day of February ~~each~~following  
10 a general election year and shall notify the secretary of  
11 state upon completion, but not later than February 15 of  
12 ~~each~~the year following a general election year.

13

14       **22-3-102. Qualifications; temporary registration.**

15

16       (a) Except as provided in subsection (f) of this  
17 section, a person may register to vote not less than  
18 fourteen (14) days before an election, at any election  
19 specified in W.S. 22-2-101(a)(i) through (viii) or as  
20 provided by W.S. 22-3-117, who satisfies the following  
21 qualifications:

22

1       (f) To qualify as an eligible voter in a runoff  
2 election required by W.S. 22-5-601, the person shall be a  
3 registered voter in the jurisdiction where a runoff  
4 election is being held and shall be registered in the same  
5 political party by which they were eligible to vote at the  
6 time of the applicable primary election, including voters  
7 who registered at the polls at the primary election. This  
8 subsection shall not prevent a person from registering to  
9 vote under subsection (a) of this section for the runoff  
10 election if the person was not registered to vote at the  
11 time of the applicable primary election and did not  
12 register at the polls at the primary election.

13  
14       **22-3-109. Certification and transmittal of poll**  
15 **lists; posting of registry lists.**

16  
17       (a) Not less than ten (10) days before any election,  
18 the county clerk shall certify and transmit to the officer  
19 in charge of each election at his request the necessary  
20 poll lists for the precincts or areas involved in the  
21 election. Not less than ten (10) days prior to the primary  
22 and general elections and not less than five (5) days  
23 before a runoff election required by W.S. 22-5-601, the

1 county clerks shall upon request deliver ~~up to three (3) a~~  
2 poll ~~lists~~ list for each precinct in the county to the  
3 county chairman of each political party in the respective  
4 counties.

5

6 **22-4-402. Petition; form; validity.**

7

8 (a) Any group of persons desiring to form a new  
9 political party within this state shall file a petition  
10 with the secretary of state not later than ~~June~~ February 1  
11 in any general election year in which the party seeks to  
12 qualify for the general election ballot.

13

14 (e) The petition shall be circulated no earlier than  
15 ~~April~~ January 1 of the year preceding the general election.

16

17 **22-5-101. How candidates nominated.**

18

19 Nominations of candidates for all offices filled at a  
20 general election, except school and community college  
21 district offices and special district offices, may be made  
22 by primary or runoff election as applicable, by petition  
23 for nomination as an independent candidate as provided in

1 W.S. 22-5-301 through 22-5-308 or by convention as provided  
2 in W.S. 22-4-303 and 22-4-406.

3

4 **22-5-209. Time for filing nomination applications;**  
5 **certified list.**

6

7 An application for nomination shall be filed not more than  
8 ~~ninety-six (96)~~ ninety (90) days and not later than  
9 ~~eighty-one (81)~~ eighty (80) days next preceding the primary  
10 election. Not later than ~~sixty-eight (68)~~ seventy-five (75)  
11 days before a primary election, the secretary of state  
12 shall transmit to each county clerk a certified list of  
13 persons whose applications have been filed in the office of  
14 the secretary of state stating as to each his name, age,  
15 address, office sought and party affiliation.

16

17 **22-5-215. Nomination of partisan candidates and**  
18 **write-in candidates.**

19

20 Except as provided in W.S. 22-5-601, on each party ballot  
21 the candidate or candidates equal in number to the number  
22 to be elected to each office who receive the largest number  
23 of votes shall be nominated and shall be entitled to have

1 their names printed on the ballot for the next general  
2 election. A write-in candidate shall not be nominated and  
3 shall not be entitled to have his name printed on the  
4 ballot for the next general election unless he received at  
5 least twenty-five (25) write-in votes in the primary  
6 election and is a registered voter in the political party  
7 for which he was nominated on the day of the primary  
8 election. An unsuccessful candidate for office at a primary  
9 election whose name is printed on any party ballot may not  
10 accept nomination for the same office at the next general  
11 election.

12

13 **22-5-219. Further action by nominees or elect not**  
14 **required; exception.**

15

16 (a) Candidates nominated ~~and major party precinct~~  
17 ~~committeemen and committeewomen elected~~ at a primary or  
18 runoff election shall be deemed nominated ~~or elected~~  
19 without further action. ~~In addition, each write-in~~  
20 ~~candidate nominated at a primary election shall comply with~~  
21 ~~the provisions of W.S. 22-16-106.~~

22



1       (c) Major party precinct committeemen and  
2 committeewomen elected at a primary election shall be  
3 deemed elected without further action.

4  
5       (d) Each write-in candidate nominated at a primary or  
6 runoff election shall comply with the provisions of W.S.  
7 22-16-106.

8  
9       **22-6-101. Certification of candidates nominated;**  
10 **printing of names.**

11  
12 Not less than sixty (60) days before each general election  
13 the secretary of state shall transmit to each county clerk  
14 under party headings a certified list of the name and  
15 address of each person nominated by primary or runoff  
16 election as indicated by the state canvass, the name of  
17 each person nominated by provisional or minor party  
18 convention, the name of each independent candidate  
19 qualifying for nomination by petition, and the office  
20 sought. The names of these candidates shall be printed on  
21 the official ballot of the general election.

22  
23       **22-6-102. County clerk to print ballots; exception.**

1

2 (a) The county clerk shall print official ballots for  
3 ~~his~~the county, for all primary, runoff, general and  
4 special elections.

5

6 **22-6-105. Sample ballots; publication.**

7

8 The officer providing the official ballots shall publish  
9 sample ballots at least once in a newspaper of general  
10 circulation in the district in which each primary, runoff  
11 and general election is held within two (2) weeks prior to  
12 the election. This notice shall also state that the names  
13 of candidates will be rotated on the official ballots and  
14 will not always appear in the order indicated in the sample  
15 ballots.

16

17 **22-6-107. Time for possession of ballots and labels.**

18

19 (a) Official ballots for primary, runoff and general  
20 elections shall be in the county clerk's possession  
21 forty-five (45) days before the election. If a clerk is  
22 unable to obtain ballots on time, the secretary of state

1 shall provide by rule and regulation for the clerk to  
2 obtain and use substitute ballots.

3

4 (b) Notwithstanding subsection (a) of this section,  
5 county clerks shall make official absentee ballots for  
6 primary, runoff and general elections available to voters  
7 with rights under the Uniformed and Overseas Citizens  
8 Absentee Voting Act, 42 U.S.C. 1973ff, and future acts  
9 amendatory or supplemental thereto, forty-five (45) days  
10 before the election.

11

12 **22-7-101. Election districts.**

13

14 The board of county commissioners with the advice or  
15 recommendation of the county clerk, no later than ~~its first~~  
16 ~~meeting in May~~ the third Tuesday in January in every  
17 general election year shall divide the county into not more  
18 than thirty (30) election districts. Each district shall  
19 be designated by number. Election districts shall be  
20 changed only at this designated meeting.

21

1           22-8-101. Notice of election officials needed; county  
2 chairmen to submit list of names; municipal clerks list of  
3 names appointment.

4  
5           (a) Not later than the ~~third~~first Tuesday of ~~April~~  
6 February in each general election year, each county clerk  
7 shall notify the county chairmen of the major and minor  
8 political parties in the county of the number of election  
9 judges and counting board members and alternates needed for  
10 the ensuing two (2) year term.

11  
12           (b) Not later than the ~~third~~first Tuesday of ~~May~~  
13 March in each general election year the county chairman of  
14 each major and minor political party in each county may  
15 certify to the county clerk a list of registered electors  
16 residing in the county and affiliated with the party, and a  
17 list of persons who are at least sixteen (16) years of age  
18 who otherwise meet all requirements for qualification as an  
19 elector, who are willing to serve as a judge of election or  
20 as a member of a counting board.

21  
22           (d) Not later than ~~June 30~~March 31, the county clerk  
23 on each general election year shall appoint judges of

1 election and counting boards and alternates from lists  
2 submitted by the county chairmen of the major and minor  
3 political parties.

4

5 **22-8-116. Compensation.**

6

7 Judges of election and members of counting boards shall be  
8 compensated for services at a rate to be determined by the  
9 board of county commissioners ~~at the June~~ not later than  
10 the board's March meeting and stated on the notice sent to  
11 each nominee. The rate shall be not less than the state  
12 minimum wage. Compensation shall begin one (1) hour before  
13 a member assumes his duties. The election official who  
14 delivers the returns shall receive additional compensation  
15 for necessary travel beyond ten (10) miles at the rate  
16 authorized for county employees. If a flat rate is paid,  
17 said sum shall not be less than the state hourly minimum  
18 wage multiplied by the number of hours the polls are open  
19 plus one (1) hour.

20

21 **22-16-102. Abstract of vote; returns not filed.**

22

1           (a) The county clerk shall prepare an abstract of the  
2 vote of all precincts in the county following a county  
3 primary, runoff, special or general election. The abstract  
4 shall contain all items required in W.S.  
5 22-16-103(c)(viii).

6

7           **22-16-103. County canvass procedures.**

8

9           (c) The county canvassing board shall:

10

11                   (i) Meet as soon as all returns have been  
12 received and abstracted, but if any provisional ballots  
13 have been cast in the county, not before the time has  
14 passed for provisional voters to document their eligibility  
15 to register or to vote. The board shall meet at a time and  
16 place designated by the county clerk, but no later than the  
17 ~~first Friday~~ second Wednesday following the election;

18

19           **22-16-106. Write-in candidates.**

20

21           (a) Each write-in candidate nominated at a primary or  
22 runoff election, who has not previously filed an  
23 application for nomination shall accept nomination by

1 filing an application for nomination and paying the filing  
2 fee in the office in which he would have been required to  
3 file an application for nomination to that office.

4

5 (b) The chief election officer shall notify a  
6 write-in candidate who has been nominated at a primary or  
7 runoff election within forty-eight (48) hours after the  
8 canvassing board meets. Notification may be delivered by  
9 United States postal service or other generally accepted  
10 mail delivery method to the last known address of the  
11 write-in candidate, email or other electronic means that  
12 provide actual notice to the write-in candidate, or service  
13 as provided under the Wyoming Rules of Civil Procedure.  
14 Each notification provided under this section shall inform  
15 the write-in candidate that failure to timely respond will  
16 result in forfeiture of nomination. Failure of the  
17 successful write-in candidate to accept the nomination in  
18 the manner prescribed in subsection (a) of this section  
19 within five (5) days after delivery, attempted delivery or  
20 service under the Wyoming Rules of Civil Procedure, as  
21 computed pursuant to W.S. 22-2-110, results in the  
22 successful write-in candidate not appearing on the general

1 election ballot, but does not result in a vacancy which can  
2 be filled.

3

4 **22-16-118. Meeting of state canvassing board.**

5

6 The state canvassing board shall meet no later than the  
7 ~~second~~third Wednesday following the election. The  
8 secretary of state shall send a messenger to obtain  
9 official county abstracts not filed in a reasonable length  
10 of time. The canvassing board shall meet at the time and  
11 place set by the secretary of state. The board shall review  
12 the state abstracts prepared by the secretary of state,  
13 compare them with the tabulation and materials prepared by  
14 the secretary of state, resolve any tie votes, and certify  
15 the abstract as the official state canvass.

16

17 **22-16-121. Certificates of nomination and election**  
18 **following state or county canvass.**

19

20 (a) When the state canvass is concluded, the  
21 secretary of state shall issue a certificate of nomination  
22 to each candidate nominated at a primary or runoff election  
23 and certify the names of nominees as provided in W.S.



1   22-6-101. If a runoff election is required under W.S.  
2   22-5-601, not later than two (2) days following the state  
3   canvassing board meeting for the primary election, the  
4   secretary of state shall provide notice of the runoff  
5   election and nominations to the county clerks. When the  
6   county canvass is concluded, the county clerk shall issue a  
7   certificate of nomination to each candidate nominated at a  
8   primary election or by petition.

9  
10       **22-16-122. Election declared null and void; special**  
11   **election.**

12  
13       (c) If only certain precincts are allowed to vote in  
14   the special election, the votes received in the special  
15   election shall be added to the unofficial results not  
16   declared null and void for that office from the initial  
17   primary, runoff or general election or other special  
18   election.

19  
20       (f) The special election shall be held if necessary  
21   no later than the third Tuesday after the primary, runoff,  
22   general or other special election and may be held by a  
23   special mail ballot election as provided in W.S. 22-16-123.

1 The special election shall be conducted by the county clerk  
2 as nearly as possible in the manner of a primary, runoff or  
3 general election, except only those registered in the  
4 precinct at the close of polls on the election day of the  
5 primary, runoff, general or other special election in  
6 question shall be permitted to vote in the special  
7 election. If the election is held as a special mail ballot  
8 election, the election shall be held as provided in W.S.  
9 22-16-123.

10

11 **22-17-102. Commencement by verified petition;**  
12 **contents.**

13

14 (a) Election contests for all primary and runoff  
15 election offices and all general election offices other  
16 than state legislators, United States president and  
17 vice-president and presidential elector, may be commenced  
18 by the contestant filing with the clerk of the district  
19 court of the county, within fourteen (14) days after the  
20 results of the election have been certified by the  
21 canvassing board, a verified petition setting forth  
22 specifically:

23

1           **22-21-103. How bond question to be submitted to**  
2 **electors; contents.**

3  
4 Each bond question shall be submitted to a vote of the  
5 qualified electors of the political subdivision. Every bond  
6 election shall be held on ~~the same day as a primary~~  
7 ~~election or a general election, or on~~ the Tuesday next  
8 following the first Monday in May or November., ~~or on the~~  
9 ~~Tuesday next following the third Monday in August.~~ Not less  
10 than one hundred ten (110) days before a bond election, the  
11 political subdivision shall provide written notification to  
12 the county clerk specifying the date of the election and  
13 the bond question. The bond question shall state the  
14 purpose of the bonds, the maximum principal amount thereof,  
15 the maximum number of years allowed for the indebtedness  
16 and the maximum rate of interest to be paid thereon. The  
17 secretary of state may promulgate reasonable rules  
18 for conducting bond elections where the election is not  
19 held at the same time as the general or primary election.

20  
21           **22-21-104. Publication or posting of election notice;**  
22 **contents.**

1 Between ~~one hundred one (101) and ninety one (91) days~~  
2 ~~before a bond election held in conjunction with a primary~~  
3 ~~or other August election and between~~ ninety (90) and  
4 seventy (70) days before a bond election held in  
5 conjunction with a May, general or other November election,  
6 the county clerk shall publish notice of the election at  
7 least once in a newspaper of general circulation in the  
8 political subdivision. If there is no newspaper of general  
9 circulation in the political subdivision, notice shall be  
10 posted at each polling place in the political subdivision  
11 between ninety (90) and seventy (70) days before the  
12 election. Any notice of election hereunder shall specify  
13 the name of the political subdivision, the date, time and  
14 place of election, the question or questions to be  
15 submitted, and the fact that only qualified electors of the  
16 political subdivision may vote thereon. If a bond  
17 election is being held within a political subdivision at  
18 the same time and place as a regular or other election, the  
19 notice of bond election may, at the discretion of the  
20 county clerk, be combined with and given in the same manner  
21 as the notice of the regular or other election in such  
22 political subdivision.

23

1           **22-22-202. Filing of application; form.**

2

3           (a) A qualified elector may be nominated for the  
4 office of school district trustee or member of a community  
5 college board by filing an application for election in the  
6 office of the county clerk not more than ninety (90) nor  
7 less than ~~seventy (70)~~ eighty (80) days prior to the  
8 election. The application shall be in substantially the  
9 following form:

10

11                   APPLICATION FOR ELECTION FOR SCHOOL OR  
12                   COMMUNITY COLLEGE TRUSTEE

13

14 I, the undersigned, swear or affirm that I was born on  
15 ....., ....(year), and that I have been a resident of the  
16 State of Wyoming since ....., and that I am a registered  
17 voter of the .... school district or community college  
18 district (and resident of trustee residence area or  
19 subdistrict ....., if any), residing at ....., and I do  
20 hereby request that my name, ....., be printed on the ballot  
21 of the election to be held on the .... day of .....,  
22 ....(year), as a candidate for the office of .... for a

1 term of .... years. I hereby declare that if I am elected,  
2 I will qualify for the office.

3

4 Dated: ....

5

6 ..... (Signature of Candidate)

7

8 .... Name as it is to appear on the ballot

9

10 **22-23-303. Certification of candidates; names on**  
11 **ballots.**

12

13 Not later than ~~sixty-eight (68)~~ seventy-five (75) days  
14 prior to the primary election, the municipal clerk shall  
15 certify to the county clerk the names of all qualified  
16 candidates for nomination at the municipal primary election  
17 and the office they seek. The number of municipal  
18 candidates the voters are entitled to vote for at the  
19 primary election is the number of candidates to be elected  
20 to municipal offices at the general election.

21

22 **22-25-101. Definitions; statement of formation.**

23

1 (d) As used in this chapter:

2

3 (i) "Electioneering communication" means, except  
4 as otherwise provided by paragraph (ii) of this subsection,  
5 any communication, including an advertisement, which is  
6 publicly distributed as a billboard, brochure, email,  
7 mailing, magazine, pamphlet or periodical, as the component  
8 of an internet website or newspaper or by the facilities of  
9 a cable television system, electronic communication  
10 network, internet streaming service, radio station,  
11 telephone or cellular system, television station or  
12 satellite system and which:

13

14 (C) Is made within thirty (30) calendar  
15 days of a primary or runoff election, sixty (60) calendar  
16 days of a general election or twenty-one (21) calendar days  
17 of any special election during which the candidate or  
18 ballot proposition will appear on the ballot; and

19

20 **22-25-102. Contribution of funds or election**  
21 **assistance restricted; limitation on contributions; right**  
22 **to communicate; civil penalty.**

23

1           (c) Except as otherwise provided in this section, no  
2 individual other than the candidate, or the candidate's  
3 immediate family shall contribute directly or indirectly:

4

5           (i) To any candidate for statewide political  
6 office, or to any candidate for statewide political  
7 office's candidate's campaign committee:

8

9           (B) Except as otherwise provided in this  
10 subparagraph, no contribution for the general election may  
11 be given prior to the date for the ~~primary~~-runoff election.  
12 This subparagraph shall not apply to any candidate  
13 unopposed in the primary election, successfully nominated  
14 at the primary election where a runoff election is not  
15 required or nominated in accordance with W.S. 22-4-303 or  
16 22-5-301.

17

18           (j) For purposes of subsection (c) of this section  
19 the primary, runoff, general and special elections shall be  
20 deemed separate elections. No candidate for political  
21 office shall accept, directly or indirectly, contributions  
22 which violate subsection (c) of this section.  
23 Contributions to a candidate's campaign committee shall be



1 considered to be contributions to the candidate.  
2 Subsection (c) of this section does not limit political  
3 contributions by political parties, nor expenditures by a  
4 candidate from his own funds nor from his candidate's  
5 campaign committee funds.

6

7 (m) Except as otherwise provided in this section, no  
8 political action committee shall contribute directly or  
9 indirectly more than five thousand dollars (\$5,000.00) per  
10 election to any candidate for political office other than  
11 statewide political office. For purposes of this  
12 subsection the primary, runoff, general and special  
13 elections shall be deemed separate elections. No candidate  
14 for political office shall accept, directly or indirectly,  
15 contributions which violate this subsection. Contributions  
16 to a candidate's campaign committee shall be considered to  
17 be contributions to the candidate. This subsection does  
18 not limit political contributions by political parties, nor  
19 expenditures by a candidate from his own funds nor from his  
20 candidate's campaign committee funds.

21

22 **22-25-104. Restriction on party funds in primary and**  
23 **runoff elections.**

1

2 No political party funds shall be expended directly or  
3 indirectly in the aid of the nomination of any one (1)  
4 person as against another person of the same political  
5 party running in ~~the~~a primary or runoff election.

6

7 **22-25-105. Campaign reporting forms; instructions and**  
8 **warning.**

9

10 (a) The secretary of state shall prescribe the forms  
11 for reporting contributions and expenditures for primary,  
12 runoff, general and special election campaigns, together  
13 with written instructions for completing the form and a  
14 warning that violators are subject to criminal charges and  
15 civil penalties if the forms are not completed and filed  
16 pursuant to law. The forms along with instructions and  
17 warning shall be distributed to the county clerk and shall  
18 be made available, whether in electronic or paper form, by  
19 the county clerk to each person filing an application for  
20 nomination in his office and to each political action  
21 committee and candidate's campaign committee required to  
22 file with the county clerk.

23

1           **22-25-106. Filing of campaign reports.**

2

3           (a) Except as otherwise provided in subsections (g)  
4 and (j) of this section and in addition to other reports  
5 required by this subsection:

6

7           (i) Every candidate, whether successful or not,  
8 shall file an itemized statement of contributions and  
9 expenditures at least seven (7) days but not more than  
10 fourteen (14) days before any primary, general or special  
11 election, including a runoff election if applicable. Any  
12 contribution received or expenditure made after the  
13 statement has been filed, through the day of the election,  
14 whether a primary, general or special election and  
15 including a runoff election if applicable, shall be filed  
16 as an amendment to the statement within ten (10) days after  
17 the election;

18

19           (b) Reports of itemized statements of contributions  
20 and expenditures, and statements of termination shall be  
21 made with the appropriate filing officers specified under  
22 W.S. 22-25-107 and in accordance with the following:

23

1           (i) Except as otherwise provided in this  
2 section, any political action committee and candidate's  
3 campaign committee, or any political action committee  
4 formed under the law of another state that contributes to a  
5 Wyoming political action committee or to a candidate's  
6 campaign committee, that expends any funds in any primary,  
7 runoff, general or special election, shall file an itemized  
8 statement of contributions and expenditures at least seven  
9 (7) days but not more than fourteen (14) days before any  
10 primary, runoff, general or special election. Any  
11 contribution received or expenditure made after the  
12 statement has been filed, through the day of the election,  
13 whether a primary, runoff, general or special election,  
14 shall be filed as an amendment to the statement within ten  
15 (10) days after the election;

16

17           (h) An organization that expends in excess of one  
18 thousand dollars (\$1,000.00) in any primary, runoff,  
19 general or special election to cause an independent  
20 expenditure or electioneering communication to be made  
21 shall file an itemized statement of contributions and  
22 expenditures with the appropriate filing office under W.S.  
23 22-25-107. The statement shall:

1

2 (ii) Be filed at least seven (7) days but not  
3 more than fourteen (14) days before any primary, runoff,  
4 general or special election. Any contribution received or  
5 expenditure made after the statement has been filed,  
6 through the day of the election, whether a primary, runoff,  
7 general or special election, shall be filed as an amendment  
8 to the statement within ten (10) days after the election;

9

10 **22-25-107. Where reports to be filed.**

11

12 (b) Reports required to be filed at least seven (7)  
13 days before any primary, runoff, general or special  
14 election shall be filed electronically.

15

16 **22-26-113. Electioneering too close to a polling**  
17 **place.**

18

19 (a) Electioneering too close to a polling place or  
20 absentee polling place under W.S. 22-9-125 when voting is  
21 being conducted, consists of any form of campaigning,  
22 including the display of campaign signs or distribution of  
23 campaign literature, the soliciting of signatures to any

1 petition or the canvassing or polling of voters, except  
2 exit polling by news media, within one hundred (100) yards  
3 on the day of a primary, runoff, general or special  
4 election and within one hundred (100) feet on all other  
5 days, of any public entrance to the building in which the  
6 polling place is located. This section shall not apply to  
7 bumper stickers affixed to a vehicle while parked within or  
8 passing through the distance specified in this subsection,  
9 provided that:

10

11       **22-29-110. County clerk to publish proclamation;**  
12 **filing period.**

13

14       (a) Between ~~one hundred one (101) and ninety one (91)~~  
15 ~~days before an organizational election held in conjunction~~  
16 ~~with a primary or other August election, between~~ ninety  
17 (90) and seventy (70) days before an organizational  
18 election held in conjunction with a May, general, November  
19 or mail ballot election held at any other time, the county  
20 clerk shall publish at least once in a newspaper of general  
21 circulation in each county in which all or part of the  
22 proposed district is situated a proclamation setting forth  
23 the date of the election, what county clerk is the filing

1 officer, the question of formation, what offices are to be  
2 filled including the terms of the offices, the  
3 filing period for the offices and other pertinent election  
4 information. Minor errors in the proclamation shall not  
5 invalidate the forthcoming election.

6  
7 (b) Between ~~ninety-six (96) and eighty-one (81) days~~  
8 ~~before a formation election held in conjunction with a~~  
9 ~~primary or other August election, between~~ ninety (90) and  
10 seventy (70) days before a formation election held in  
11 conjunction with a May, general, November or mail ballot  
12 election held at any other time, candidates may file an  
13 application for election in the office of the county clerk.  
14 The principal act shall determine who is eligible to be a  
15 candidate. The application shall be in substantially the  
16 following form:

17  
18 APPLICATION FOR ELECTION

19 SPECIAL DISTRICT DIRECTOR

20  
21 I, the undersigned, swear or affirm that I was born on  
22 ....., (year); that I have been a resident of .... district  
23 since ....., residing at ....; that I am an elector

1 or landowner (check which one for eligibility) of said  
2 district and I do hereby request that my name, ....., be  
3 printed on the ballot of the formation (or other) election  
4 to be held on .... day of ....., (year) as a candidate for  
5 the office of director for a term of .... years. I hereby  
6 declare that if I am elected, I will qualify for the  
7 office.

8

9 Dated ....

10

11 .....

12 Signature of Candidate

13

14 **Section 3.** The joint corporations, elections and  
15 political subdivisions interim committee shall review the  
16 dates for primary elections and runoff elections as  
17 specified in sections 1 and 2 of this act. The committee  
18 shall consult with the secretary of state and county clerks  
19 to determine whether the dates for primary elections and  
20 runoff elections will give sufficient time for candidates  
21 to register in an election year following the redistricting  
22 of the legislature. If the committee determines that the  
23 dates will not give sufficient time for candidates to



1 register in an election year following the redistricting of  
2 the legislature, the committee shall make recommendations  
3 for alternative dates of runoff or primary elections or  
4 make any other recommendations for statutory revisions that  
5 the committee determines would allow for a runoff election  
6 in election years following the redistricting of the  
7 legislature. The committee shall report the results of the  
8 review under this section to management council not later  
9 than October 1, 2026.

10  
11 **Section 4.** There is appropriated two million dollars  
12 (\$2,000,000.00) from the general fund to the runoff  
13 election account as created by W.S. 22-5-601(h) in section  
14 1 of this act. This appropriation shall not revert as  
15 provided by W.S. 22-5-601(h). The secretary of state may  
16 request appropriations to the account in the agency's  
17 biennial budget request submitted under W.S. 9-2-1013 as  
18 necessary to implement runoff elections under W.S. 22-5-601  
19 as created by section 1 of this act.

20

