

ENROLLED ACT NO. 61, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2018 BUDGET SESSION

AN ACT relating to elections; defining candidates subject to the provisions of the Election Code; revising provisions relating to nominating petition signatures and write-in candidates; providing procedures for a write-in candidate to decline election to public office; clarifying provisions relating to vacancies in certain public offices; modifying provisions concerning the distance from a polling place in which electioneering is prohibited; repealing provisions relating to write-in candidates and payments to referendum circulators; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 22-1-102(a) by creating a new paragraph (liii), 22-5-305(c) and (d), 22-16-103(c) (viii) (C) (II) and (E) (II), 22-16-106(a), (b) and by creating a new subsection (d), 22-18-111(a) (i), (ii), (iii) (A), (C), (vi), (b) and (c) and 22-26-113 are amended to read:

22-1-102. Definitions.

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

(liii) "Candidate" means any person who knowingly seeks nomination or election to public office by:

(A) Filing an application for nomination by primary election, nomination by political party convention or by petition for nomination;

ENROLLED ACT NO. 61, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2018 BUDGET SESSION

(B) Write-in, except that this subparagraph shall not apply to a person elected to public office by write-in at a general or special election who did not seek or campaign for election to the office;

(C) Forming a campaign committee; or

(D) Receiving contributions or making expenditures, or giving consent for any individual to receive contributions or make expenditures, in order to secure nomination or election to public office.

22-5-305. When petitions may be circulated; use of copies; requirements.

(c) An elector signing a petition must also print on the petition: ~~his~~

(i) The elector's first and last name;~~r~~

(ii) The date of signing the petition; and ~~his residence~~

(iii) The elector's physical residential address.

(d) The ~~name of one (1) voter~~ signature of an elector who has signed to more than one (1) petition for nomination to the same office shall not be counted on more than one (1) petition a petition in accordance with this section shall only count once per candidate toward the number of signatures required under W.S. 22-5-304.

22-16-103. County canvass procedures.

ENROLLED ACT NO. 61, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2018 BUDGET SESSION

(c) The county canvassing board shall:

(viii) Ensure abstracts contain the following information:

(C) The full name of each of the following receiving votes:

(II) ~~Valid~~ Write-in candidates, if the candidate received a sufficient number of votes; and

(E) The number of votes cast for each of the following receiving votes:

(II) ~~Valid~~ Write-in candidates, if the candidate received a sufficient number of votes;

22-16-106. Write-in candidates.

(a) Each write-in candidate nominated at a primary election, who has not previously filed an application, ~~accepts~~ for nomination shall accept nomination by filing an application for nomination and paying the filing fee, ~~in~~ in the office in which he would have been required to file an application for nomination to that office.

(b) The chief election officer shall notify a write-in candidate who has been nominated ~~for~~ at a primary election within forty-eight (48) hours after the canvassing board meets. Notification may be made by United States postal service, any generally accepted business document delivery method evidenced by receipt of delivery or attempted delivery at the last known address of the write-in candidate or service as provided under the Wyoming

ENROLLED ACT NO. 61, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2018 BUDGET SESSION

Rules of Civil Procedure. Each notification provided under this section shall inform the write-in candidate that failure to timely respond will result in forfeiture of nomination. Failure of the successful write-in candidate to accept the nomination in the manner prescribed in subsection (a) of this section within five (5) days after delivery, attempted delivery or service under the Wyoming Rules of Civil Procedure, as computed pursuant to W.S. 22-2-110, results in the successful write-in candidate not appearing on the general election ballot, but does not result in a vacancy which can be filled.

(d) A write-in candidate elected to public office at a general or special election may decline election before taking the oath of office by filing written notice with the county clerk where the candidate resides and the secretary of state. Notice provided under this subsection shall immediately create a vacancy in the office which shall be filled in the manner prescribed in W.S. 22-18-101 through 22-18-112.

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

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

ENROLLED ACT NO. 61, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2018 BUDGET SESSION

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

(i) If a vacancy occurs in the office of United States senator or in any state office other than the governor, member of the state legislature, the office of justice of the supreme court and the office of district court judge, the governor shall immediately notify in writing the chairman of the state central committee of the political party which the last incumbent represented at the time of his election under W.S. 22-6-120(a)(vii), or at the time of his appointment if not elected to office. The chairman shall call a meeting of the state central committee to be held not later than fifteen (15) days after he receives notice of the vacancy. At the meeting the state central committee shall select and transmit to the governor the names of three (3) persons qualified to ~~fill the vacancy~~ hold the office. Within five (5) days after receiving these three (3) names, the governor shall fill the vacancy by temporary appointment of one (1) of the three (3) to hold the office. If the incumbent who has vacated office did not represent a political party at the time of his election, or at the time of his appointment if not elected to office, the governor shall notify in writing the chairman of all state central committees of parties registered with the secretary of state. The state central committees shall submit to the governor, within fifteen (15) days after notice of the vacancy, the name of one (1) person qualified to ~~fill the vacancy~~ hold the office. The governor shall also cause to be published in a newspaper of general circulation in the state notice of the vacancy in office. ~~Qualified~~ Persons qualified to hold the office who do not belong to a party may, within fifteen (15) days

ENROLLED ACT NO. 61, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2018 BUDGET SESSION

after publication of the vacancy in office, submit a petition signed by one hundred (100) registered voters, seeking consideration for appointment to the office. Within five (5) days after receiving the names of ~~qualified~~ persons qualified to hold the office, the governor shall fill the vacancy by temporary appointment to the office, from the names submitted or from those petitioning for appointment;

(ii) If a vacancy occurs in a county elective office, except as provided in W.S. 18-3-524, the board of county commissioners of the county in which the vacancy occurs shall immediately notify in writing the chairman of the county central committee of the political party which the last incumbent represented at the time of his election under W.S. 22-6-120(a)(vii), or at the time of his appointment if not elected to office. The chairman shall call a meeting of the county central committee to be held not later than fifteen (15) days after he receives notice of the vacancy. At the meeting the county central committee shall select and transmit to the board of county commissioners the names of three (3) persons ~~qualified to fill the vacancy~~ qualified to hold the office. Within five (5) days after receiving these three (3) names, the board of county commissioners shall fill the vacancy by appointment of one (1) of the three (3) to hold the office. If the incumbent who has vacated office did not represent a political party at the time of his election, or at the time of his appointment if not elected to office, the county commissioners shall publish in a newspaper of general circulation in the county, notice that within fifteen (15) days after publication any ~~qualified~~ person qualified to hold the office may make application directly to the county commissioners for appointment to fill the vacancy. Within twenty (20) days after the publication of the vacancy in

ENROLLED ACT NO. 61, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2018 BUDGET SESSION

office the county commissioners shall fill the vacancy by appointment of one (1) person qualified to hold the office from those submitting applications;

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

(A) For vacancies other than resignations, the board of county commissioners of the county or counties in which the vacancy occurs shall immediately notify in writing the chairman of the state central committee of the political party which the former incumbent represented at the time of his election under W.S. 22-6-120(a)(vii), or at the time of his appointment if not elected to office. For resignations, the governor shall notify the appropriate state central committee or the appropriate board of county commissioners in accordance with W.S. 28-1-106. For all vacancies in which the incumbent represented a political party at the time of his election or appointment to the office, the state central committee of the political party of the former incumbent shall notify the precinct committeemen and committeewomen for that party for each precinct within the legislative district which is vacant and arrange a meeting of those precinct committeemen and committeewomen at which they will select a list of three (3) persons qualified to hold the office to fill the vacancy. Only those persons serving as committeemen and committeewomen at least thirty (30) days prior to the vacancy, or if the vacancy occurs within thirty (30) days after the first Monday in January in odd-numbered years, those precinct committeemen and committeewomen elected at the immediate past primary election and those selected by appointment prior to December 2 of the year in which the election occurred for vacant positions, shall be authorized to vote under this subparagraph. The meeting shall be held

ENROLLED ACT NO. 61, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2018 BUDGET SESSION

not later than fifteen (15) days after the state central committee is notified of the vacancy. The state central committee of each political party shall establish procedures for conducting the vote required under this subparagraph and may delegate the authority to call the meeting required under this subparagraph;

(C) If the incumbent who has vacated office did not represent a political party at the time of his election under W.S. 22-6-120(a)(vii), or at the time of his appointment if not elected to office, the county commissioners shall proceed in accordance with the provisions of this subparagraph. The county commissioners shall publish in a newspaper of general circulation in the county, notice that within fifteen (15) days after publication, any ~~qualified~~ person qualified to hold the office may make application directly to the county commissioners for appointment to fill the vacancy. Within twenty (20) days after publication of the notice of the vacancy in office, the county commissioners shall fill the vacancy by ~~appointment of~~ appointing one (1) person qualified to hold the office from among those submitting applications;

(vi) If the county commissioners fail to fill any vacancy as required in this section within the time specified, any ~~qualified elector of~~ person residing in the county or legislative district who is qualified to hold the office may file a petition with the clerk of the district court of the county or legislative district in which the vacancy occurred requesting the judge of the district court to fill the vacancy. Within thirty (30) days after the petition is filed the judge shall fill the vacancy by appointing a ~~qualified elector of~~ person residing in the county or legislative district belonging to the same

ENROLLED ACT NO. 61, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2018 BUDGET SESSION

political party as the incumbent represented at the time of his election under W.S. 22-6-120(a)(vii), or at the time of his appointment if not elected to office, who is qualified to hold the office. If the incumbent did not represent any political party at the time of his election or at the time of his appointment if not elected to office, the judge may appoint any ~~qualified elector of~~ person residing in the county or legislative district who is qualified to hold the office to fill the vacancy.

(b) The trustees of a school or community college district shall fill a vacancy in office by temporary appointment in a manner provided by law. If the trustees fail to appoint a ~~qualified~~ person qualified to hold the office to fill a vacancy within thirty (30) days from the date the vacancy occurs, or if, for any reason, the entire membership of the board of trustees of a school or community college district is depleted, the board of county commissioners of the county or counties involved, within ten (10) days of either occurrence, shall appoint a ~~qualified~~ person qualified to hold the office to fill each vacancy until the next election at which time an election shall be held to fill the unexpired term, and each appointee shall serve until his successor is elected and qualified. Each appointee shall be a resident of the trustee residence area, or election subdistrict, if any, previously represented.

(c) For purposes of this section:

(i) A person shall be considered to "represent" a political party if he was a nominee of that political party when elected to office or when appointed to fill a vacancy in office;;

ENROLLED ACT NO. 61, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2018 BUDGET SESSION

(ii) "Qualified to hold the office" means a person meets all applicable qualifications to be elected to a public office which are set forth in the United States and Wyoming constitutions and Wyoming law, as applicable, on the date of the person's appointment to the public office.

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

(a) Electioneering too close to a polling place or absentee polling place under W.S. 22-9-125 when voting is being conducted, consists of any form of campaigning, including the display of campaign signs or distribution of campaign literature, the soliciting of signatures to any petition or the canvassing or polling of voters, except exit polling by news media, within one hundred (100) yards on the day of a primary, general or special election and within one hundred (100) feet on all other days, of ~~the~~any public entrance to the building in which the polling place is located. This section shall not apply to bumper stickers affixed to a vehicle while parked within or passing through the distance specified in this subsection, provided that:

(i) There is only one (1) bumper sticker per candidate affixed to the vehicle;

(ii) Bumper stickers are no larger than four (4) inches high by sixteen (16) inches long; and

(iii) The vehicle is parked within the distance specified in this subsection only during the time the elector is voting.

ORIGINAL HOUSE
BILL NO. HB0040

ENGROSSED

ENROLLED ACT NO. 61, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2018 BUDGET SESSION

Section 2. W.S. 22-1-102(a)(xxxiii), 22-5-501 and 22-24-420(a) are repealed.

Section 3. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk