

HOUSE BILL NO. HB0089

Judges of first class cities-retention elections.

Sponsored by: Representative(s) Pelkey and Barlow and
Senator(s) Case and Von Flatern

A BILL

for

1 AN ACT relating to municipal judges of first class cities;
2 setting a term of office for municipal judges of first
3 class cities; amending the procedure for removing municipal
4 judges of first class cities; providing retention elections
5 for municipal judges of first class cities; modifying the
6 powers of municipal governing bodies and mayor; making
7 conforming amendments; and providing for an effective date.

8

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

10

11 **Section 1.** W.S. 15-11-107 is created to read:

12

13 **15-11-107. Municipal judges of first class cities;**
14 **retention election.**

15

1 The continued service of municipal judges of first class
2 cities shall be subject to the vote of municipal electors
3 at retention elections as provided by W.S. 5-6-104 and the
4 Wyoming Election Code.

5
6 **Section 2.** W.S. 5-6-104, 15-1-103(a)(xxxvii)(D),
7 15-3-204(a) and (b)(intro), 15-4-104(b),
8 22-2-105(a)(ii)(intro) and by creating a new subparagraph
9 (C), 22-6-125(a) by creating a new paragraph (vi) and by
10 renumbering (vi) through (xiv) as (vii) through (xv),
11 22-6-126, 22-16-116 and 22-16-121(b) are amended to read:

12
13 **5-6-104. Term of office; retention of municipal**
14 **judges of first class cities; compensation.**

15
16 (a) Except as provided in subsection (b) of this
17 section, the terms of municipal judges shall be the same as
18 the terms of other appointed officers of the city or town,
19 unless earlier removed for good cause as provided by law.

20
21 (b) The terms of municipal judges of first class
22 cities shall be four (4) years. As provided in article 5,
23 section 4 of the Wyoming Constitution, municipal judges of

1 first class cities shall serve for one (1) year after their
2 appointment and until the first Monday in January following
3 the next general election after the expiration of that
4 year. At that general election, each municipal judge of a
5 first class city shall stand for retention in office in the
6 first class city wherein the judge was appointed. If
7 retained at that election and upon filing a declaration of
8 candidacy with the municipal clerk, a municipal judge of a
9 first class city shall at the general election next held
10 before the expiration of each term, stand for retention.

11
12 (c) Compensation of municipal judges shall be
13 prescribed by ordinance of the city or town.

14
15 **15-1-103. General powers of governing bodies.**

16
17 (a) The governing bodies of all cities and towns may:

18
19 (xxxvii) In addition to the appointed officers
20 and employees provided by law, establish other positions as
21 are necessary for the efficient operation of the city or
22 town and:
23

1 (D) Except for municipal judges of first
2 class cities, specify by ordinance that if any person is
3 removed from office for incompetency, neglect of duty or
4 otherwise for cause, the charges against that person shall
5 be specified and the person removed shall be provided an
6 opportunity for a hearing on the charges under procedures
7 established in the ordinance;

8

9 **15-3-204. Appointed officers; removal; conditions for**
10 **appointive office or position.**

11

12 (a) Unless otherwise provided by ordinance, the
13 clerk, treasurer, engineer, attorney, fire chief, police
14 chief, municipal judges and department heads as specified
15 by ordinance shall be appointed by the mayor with the
16 consent of the governing body and, except for municipal
17 judges, may be removed by the mayor. All other
18 appointments, except the appointment of members of a board
19 or commission, and removals shall be made by the mayor
20 without consent of the governing body unless consent is
21 required by separate statute. The governing body shall
22 determine the method of appointing members of a board or
23 commission, unless the method of appointing such members is

1 specified by separate statute. Except for municipal judges,
2 the mayor has the power to remove any officer appointed
3 under W.S. 15-1-101 through 15-10-117 for incompetency or
4 neglect of duty.

5

6 (b) Except as provided by W.S. 5-6-104 for municipal
7 judges, the governing body, by ordinance or resolution, may
8 specify conditions for any office or position to which a
9 person is appointed under this section including:

10

11 **15-4-104. Officers and assistants; election and**
12 **removal; vote required; duties.**

13

14 (b) Except for the removal of any municipal judge of
15 a first class city, any officer or assistant elected or
16 appointed may be removed from office at any time by a
17 majority vote of the council, and their duties shall be
18 fixed by ordinance.

19

20 **22-2-105. Terms of office and offices voted on at**
21 **general elections.**

22

1 (a) The terms of office and offices voted on at
2 general elections are as follows:

3
4 (ii) Four Year Term. - At the general election
5 in 1974 and in every fourth (4th) year thereafter, there
6 shall be elected the following officers: one (1) governor,
7 one (1) secretary of state, one (1) state treasurer, one
8 (1) state auditor, one (1) superintendent of public
9 instruction, county clerks, county treasurers, county
10 assessors, county coroners, county and prosecuting
11 attorneys, district attorneys, sheriffs, clerks of the
12 district court. At every general election there shall be
13 elected the necessary member or members of the Wyoming
14 senate and county commissioners. The question of retention
15 of a circuit court judge, ~~or~~ a magistrate of the circuit
16 court or a municipal court judge of a first class city
17 shall be submitted:

18
19 (C) For a municipal court judge of a first
20 class city, to the electorate of the first class city
21 wherein the judge serves.

22

1 **22-6-125. Order of offices and ballot propositions on**
2 **nonpartisan ballots.**

3
4 (a) The nonpartisan ballot shall contain the offices
5 and ballot propositions to be voted on in the following
6 order:

7
8 (vi) Retention of municipal court judges of
9 first class cities;

10
11 ~~(vi)~~ (vii) Candidates for municipal offices;

12
13 ~~(vii)~~ (viii) Candidates for community college
14 trustees;

15
16 ~~(viii)~~ (ix) Candidates for school board trustees;

17
18 ~~(ix)~~ (x) Candidates for special district
19 directors;

20
21 ~~(x)~~ (xi) Candidates for other offices of county
22 subdivisions;

23

1 ~~(xi)~~ (xii) Constitutional amendments;

2

3 ~~(xii)~~ (xiii) Initiative propositions;

4

5 ~~(xiii)~~ (xiv) Referendum propositions;

6

7 ~~(xiv)~~ (xv) Other ballot propositions.

8

9 **22-6-126. Form of nonpartisan ballots.**

10

11 (a) The official nonpartisan ballot for a general
12 election shall be printed in substantially the following
13 form:

14

15 OFFICIAL NONPARTISAN ELECTION BALLOT

16

 GENERAL ELECTION

17

18 County of, Election District, Precinct

19 Date

20

21 (here print instructions)

22

 CANDIDATES FOR PUBLIC OFFICE

23

1 (Here designate the particular
 2 term, such as "regular four year term",
 3 or the "unexpired term of years").

4 Shall Judge John Roe be retained in office? Yes No
 5

6 Shall Judge Richard Roe be retained in office? Yes No
 7

8 _____

9

10 For Magistrate

11 (Here designate the particular term,
 12 such as "regular four (4) year term",
 13 or the "unexpired term of years").

14 Shall Magistrate John Doe be retained in office? Yes No
 15

16 Shall Magistrate Richard Roe be retained in office? Yes No
 17

18 _____

19

20 For Municipal Judges of First Class Cities

21 (Here designate the particular term,
 22 such as "regular four (4) year term",
 23 or the "unexpired term ofyears").

1 Shall Judge Jane Doe be retained in office? Yes No

2

3 Shall Judge Richard Roe be retained in office? Yes No

4

5

6 Align all designations of office to correspond on the
7 ballot with the listing of names of candidates for the
8 proper office and term.

9

10

11 BALLOT PROPOSITIONS

12

13 Proposed Constitutional Amendment Letter A: For Against
14 (Ballot Statement)

15 Proposed Initiative Proposition Number One: For Against
16 (Ballot Statement)

17 Proposed Referendum Proposition Number One: For Against
18 (Ballot Statement)

19 Other Ballot Propositions: For Against
20 (Ballot Statement For Each Proposition)

21

22 (b) The official nonpartisan ballot for a primary
23 election shall be so identified in the title and shall omit

1 all references to justices of the supreme court, judges of
2 the district court, ~~and~~ circuit court judges and municipal
3 court judges of first class cities but otherwise shall be
4 in the same form as the general election nonpartisan
5 ballot.

6

7 **22-16-116. Statewide abstract; discrepancies with**
8 **county abstracts.**

9

10 From the unofficial tabulations delivered directly to his
11 office, the secretary of state shall tabulate a statewide
12 abstract by counties of votes for president and
13 vice-president, state officers, justice of the supreme
14 court, United States senator, representative in congress,
15 district court judges, circuit court judges, municipal
16 court judges of first class cities, members of the state
17 legislature and the votes for and against ballot
18 propositions voted on by electors of a district larger than
19 a county. The unofficial tabulation shall then be
20 reconciled to the official abstracts of the county
21 canvassing boards and the secretary of state shall prepare
22 the state abstract from the official county abstracts.

23

