

## HOUSE BILL NO. HB0176

Vacancies in office.

Sponsored by: Representative(s) Zwonitzer, Dn.

## A BILL

for

1 AN ACT relating to vacancies in office; removing state and  
2 county party central committees from process of filling  
3 vacancies in statewide and county elective offices as  
4 specified; providing for management council submission of  
5 qualified nominees for vacancies in office of United States  
6 senator or in any state office other than the office of  
7 justice of the supreme court and the office of district  
8 court judge; providing for boards of county commissioners  
9 to fill vacancies in county elective offices as specified;  
10 and providing for an effective date.

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

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14 **Section 1.** W.S. 18-3-524(a) (intro) and  
15 22-18-111(a) (i) and (ii) are amended to read:

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17 **18-3-524. Appointments to fill vacancies; term.**

1

2 (a) Within twenty (20) days after the office of any  
3 county commissioner becomes vacant the remaining members of  
4 the board shall declare a vacancy to exist and ~~immediately~~  
5 ~~give notice of the vacancy in writing to the chairman of~~  
6 ~~the county central committee of the political party which~~  
7 ~~the member whose office is vacant represented at the time~~  
8 ~~of his election under W.S. 22-6-120(a)(vii), or at the time~~  
9 ~~of his appointment if not elected to office. The chairman~~  
10 ~~of the county central committee shall within twenty (20)~~  
11 ~~days after receipt of the notice call a meeting of the~~  
12 ~~county central committee. At the meeting the committee~~  
13 ~~shall select three (3) persons qualified to fill the~~  
14 ~~vacancy and transmit the names to the board of county~~  
15 ~~commissioners. The board of county commissioners shall fill~~  
16 the vacancy within twenty (20) days after ~~receiving the~~  
17 ~~list from the county central committee~~ declaring the  
18 vacancy by appointing one (1) ~~of the persons whose names~~  
19 ~~are submitted by the county central committee~~ qualified  
20 person who is of the political party which the member whose  
21 office is vacant represented at the time of his election  
22 under W.S. 22-6-120(a)(vii), or at the time of his  
23 appointment if not elected to office:

24

1           **22-18-111. Vacancies in other offices; temporary**  
2 **appointments.**

3

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

19

20           (i) If a vacancy occurs in the office of United  
21 States senator or in any state office other than the office  
22 of justice of the supreme court and the office of district  
23 court judge, the governor shall immediately notify in  
24 writing the ~~chairman of the state central committee of the~~

1 ~~political party which the last incumbent represented at the~~  
2 ~~time of his election under W.S. 22-6-120(a)(vii), or at the~~  
3 ~~time of his appointment if not elected to office~~ management  
4 council of the legislature. The chairman shall call a  
5 meeting of the ~~state central committee~~ management council  
6 to be held not later than fifteen (15) days after he  
7 receives notice of the vacancy. At the meeting the ~~state~~  
8 ~~central committee~~ management council shall select and  
9 transmit to the governor the names of three (3) persons of  
10 the political party which the last incumbent represented at  
11 the time of his election under W.S. 22-6-120(a)(vii), or at  
12 the time of his appointment if not elected to office who  
13 are qualified to fill the vacancy. If the incumbent who  
14 has vacated office did not represent a political party at  
15 the time of his election, or at the time of his appointment  
16 if not elected to office, the management council shall  
17 select and transmit to the governor the names of three (3)  
18 persons qualified to fill the vacancy. Within five (5)  
19 days after receiving these three (3) names, the governor  
20 shall fill the vacancy by temporary appointment of one (1)  
21 of the three (3) to hold the office;. ~~If the incumbent who~~  
22 ~~has vacated office did not represent a political party at~~  
23 ~~the time of his election, or at the time of his appointment~~  
24 ~~if not elected to office, the governor shall notify in~~

1 ~~writing the chairman of all state central committees of~~  
2 ~~parties registered with the secretary of state. The state~~  
3 ~~central committees shall submit to the governor, within~~  
4 ~~fifteen (15) days after notice of the vacancy, the name of~~  
5 ~~one (1) person qualified to fill the vacancy. The governor~~  
6 ~~shall also cause to be published in a newspaper of general~~  
7 ~~circulation in the state notice of the vacancy in office.~~  
8 ~~Qualified persons who do not belong to a party may, within~~  
9 ~~fifteen (15) days after publication of the vacancy in~~  
10 ~~office, submit a petition signed by one hundred (100)~~  
11 ~~registered voters, seeking consideration for appointment to~~  
12 ~~the office. Within five (5) days after receiving the names~~  
13 ~~of qualified persons, the governor shall fill the vacancy~~  
14 ~~by temporary appointment to the office, from the names~~  
15 ~~submitted or from those petitioning for appointment;~~

16  
17 (ii) If a vacancy occurs in a county elective  
18 office, except as provided in W.S. 18-3-524, the board of  
19 county commissioners of the county in which the vacancy  
20 occurs shall l ~~immediately notify in writing the chairman of~~  
21 ~~the county central committee of the political party which~~  
22 ~~the last incumbent represented at the time of his election~~  
23 ~~under W.S. 22-6-120(a)(vii), or at the time of his~~  
24 ~~appointment if not elected to office. The chairman shall~~

1 ~~call a meeting of the county central committee to be held~~  
2 not later than fifteen (15) days after ~~he~~ the board  
3 receives notice of the vacancy. ~~At the meeting the county~~  
4 ~~central committee shall select and transmit to the board of~~  
5 ~~county commissioners the names of three (3) persons~~  
6 ~~qualified to fill the vacancy. Within five (5) days after~~  
7 ~~receiving these three (3) names, the board of county~~  
8 ~~commissioners shall~~ fill the vacancy by appointment of one  
9 (1) ~~of the three (3)~~ person to hold the office who is of  
10 the political party which the last incumbent represented at  
11 the time of his election under W.S. 22-6-120(a)(vii), or at  
12 the time of his appointment if not elected to office. If  
13 the incumbent who has vacated office did not represent a  
14 political party at the time of his election, or at the time  
15 of his appointment if not elected to office, the county  
16 commissioners shall publish in a newspaper of general  
17 circulation in the county, notice that within fifteen (15)  
18 days after publication any qualified person may make  
19 application directly to the county commissioners for  
20 appointment to fill the vacancy. Within twenty (20) days  
21 after the publication of the vacancy in office the county  
22 commissioners shall fill the vacancy by appointment of one  
23 (1) person qualified from those submitting applications;

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