

SENATE FILE NO. SF0130

Nonpartisan county elective offices.

Sponsored by: Senator(s) Rothfuss and Representative(s)
Zwonitzer

A BILL

for

1 AN ACT relating to elections; providing for the nonpartisan
2 nomination and election of candidates for county elective
3 offices; modifying procedure to fill vacancies of county
4 elective offices; providing for the order of offices on
5 nonpartisan ballots; modifying the format of nonpartisan
6 election ballots; making conforming amendments; and
7 providing for an effective date.

8

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

10

11 **Section 1.** W.S. 5-3-201, 7-4-101, 9-1-801, 18-3-101,
12 18-3-524(a) (intro), (ii) and (b) (i), 22-5-203 by creating a
13 new subsection (c), 22-6-125(a) by creating a new paragraph
14 (vi) and by renumbering (vi) through (xiv) as (vii) through

1 (xv), 22-6-126 by creating a new subsection (c) and
2 22-18-111(a)(ii) and (vi) are amended to read:

3

4 **5-3-201. Office created; term; election in counties**
5 **of first and second class; county clerk designated ex**
6 **officio clerk in other counties.**

7

8 There shall be a clerk of the district court in each
9 organized county of the state whose term of office shall be
10 four (4) years and until his successor is elected and
11 qualified. The position of clerk of the district court
12 shall be nonpartisan. Clerks of the district court shall
13 be elected at general elections in counties of the first
14 and second class; and in all other counties the county
15 clerk shall be ex officio clerk of the district court, and
16 shall perform all of the duties pertaining to the office of
17 clerk of the district court.

18

19 **7-4-101. Election; oath; bond.**

20

21 A coroner shall be elected in each county for a term of
22 four (4) years. The position of coroner shall be
23 nonpartisan. He shall take the oath prescribed by the

1 constitution of the state and give bond to the state of
2 Wyoming, in the penal sum of one thousand dollars
3 (\$1,000.00), with sufficient sureties, to be approved by
4 the board of county commissioners, conditioned that he will
5 faithfully perform all duties required by law.

6

7 **9-1-801. Office created; mandatory and permissive**
8 **establishment.**

9

10 There shall be in each judicial district in which any one
11 (1) county has reached a population of sixty thousand
12 (60,000) or more the office of district attorney. In each
13 of the remaining judicial districts there shall be the
14 office of district attorney whenever a majority of the
15 county commissioners in each county within the judicial
16 district shall resolve that such an office of district
17 attorney should be created in that judicial district. The
18 position of district attorney shall be nonpartisan.

19

20 **18-3-101. Nonpartisan county offices; time of**
21 **qualifying.**

22

1 (a) The positions of county commissioner, county
2 clerk, county treasurer, county assessor, county coroner,
3 sheriff, county and prosecuting attorney, district attorney
4 and clerk of the district court under this chapter shall be
5 nonpartisan.

6
7 (b) All county officers elected at a general election
8 shall qualify and assume their offices on the first Monday
9 in January next following their election.

10
11 **18-3-524. Appointments to fill vacancies; term.**

12
13 (a) Within twenty (20) days after the office of any
14 county commissioner becomes vacant the remaining members of
15 the board shall declare a vacancy to exist and ~~immediately~~
16 ~~give notice of the vacancy in writing to the chairman of~~
17 ~~the county central committee of the political party which~~
18 ~~the member whose office is vacant represented at the time~~
19 ~~of his election under W.S. 22-6-120(a)(vii), or at the time~~
20 ~~of his appointment if not elected to office. The chairman~~
21 ~~of the county central committee shall within twenty (20)~~
22 ~~days after receipt of the notice call a meeting of the~~
23 ~~county central committee. At the meeting the committee~~

1 ~~shall select three (3) persons qualified to fill the~~
2 ~~vacancy and transmit the names to the board of county~~
3 ~~commissioners. The board of county commissioners shall fill~~
4 ~~the vacancy within twenty (20) days after receiving the~~
5 ~~list from the county central committee by appointing one~~
6 ~~(1) of the persons whose names are submitted by the county~~
7 ~~central committee~~ shall:

8
9 (ii) ~~If the incumbent commissioner did not~~
10 ~~represent any political party at the time of his election~~
11 ~~or appointment, the board of county commissioners shall~~
12 Publish in a newspaper of general circulation in the county
13 notice that within twenty (20) days after publication any
14 qualified person may make application directly to the
15 county commissioners for appointment to fill the vacancy.
16 Within twenty (20) days after the application deadline the
17 county commissioners shall fill the vacancy by appointment
18 of one (1) person qualified from those submitting
19 applications.

20
21 (b) If the remaining members of the board of county
22 commissioners fail to fill any vacancy in a board of county
23 commissioners within the time specified in this section,

1 any qualified elector of the county may file a petition
2 with the clerk of the district court of the county in which
3 the vacancy occurred requesting the judge of the district
4 court to fill the vacancy:

5
6 (i) Within twenty (20) days after the petition
7 is filed the judge shall fill the vacancy by appointing a
8 ~~qualified elector of the county belonging to the same~~
9 ~~political party the incumbent commissioner represented at~~
10 ~~the time of his election or appointment. If the incumbent~~
11 ~~commissioner did not represent any political party at the~~
12 ~~time of his election or appointment the judge may appoint~~
13 any qualified person to fill the vacancy.

14
15 **22-5-203. Nonpartisan offices; separate ballot; same**
16 **time.**

17
18 (c) Candidates for the nonpartisan positions of
19 county commissioner, county clerk, county treasurer, county
20 assessor, county coroner, sheriff, county and prosecuting
21 attorney, district attorney and clerk of the district court
22 shall be nominated only by nonpartisan primary election.

23

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) Candidates for county commissioner, county
9 clerk, county treasurer, county assessor, county coroner,
10 sheriff, county and prosecuting attorney, district attorney
11 and clerk of the district court;

12
13 ~~(vi)~~ (vii) Candidates for municipal offices;

14
15 ~~(vii)~~ (viii) Candidates for community college
16 trustees;

17
18 ~~(viii)~~ (ix) Candidates for school board trustees;

19
20 ~~(ix)~~ (x) Candidates for special district
21 directors;

22

1 ~~(*)~~(xi) Candidates for other offices of county
2 subdivisions;

3
4 ~~(xi)~~(xii) Constitutional amendments;

5
6 ~~(xii)~~(xiii) Initiative propositions;

7
8 ~~(xiii)~~(xiv) Referendum propositions;

9
10 ~~(xiv)~~(xv) Other ballot propositions.
11

12 **22-6-126. Form of nonpartisan ballots.**

13
14 (c) The official nonpartisan ballot for a general
15 election shall be printed in substantially the following
16 form:

17
18 (i) Across the top shall be printed "Official
19 Nonpartisan General Election Ballot";

20
21 (ii) On the first line shall be printed the name
22 of the county in which the ballot is used, the date of the

1 election and blank lines for entry of the election district
2 and precinct number;

3

4 (iii) Candidates for the different offices shall
5 be arranged in separate groups as provided by W.S.
6 22-6-119(a) (iv);

7

8 (iv) Following all offices shall be printed any
9 ballot proposition in accordance with W.S. 22-6-124.
10 Following the offices of justices of the supreme court,
11 judges of the district court, circuit court judges and
12 magistrates shall be printed: "Shall
13 Justice/Judge/Magistrate be retained in office?";

14

15 (v) Except for justices of the supreme court,
16 judges of the district court, circuit court judges and
17 magistrates, below the list of candidates in each group
18 shall be printed blank lines for write-in candidates equal
19 in number to the number of persons to be elected;

20

21 (vi) Adjacent to the name of each candidate and
22 blank lines shall be printed a square for marking the vote.
23 No square shall appear at the top of a column.

1

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

4

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

20

21 (ii) If a vacancy occurs in a county elective
22 office, except as provided in W.S. 18-3-524, the board of
23 county commissioners of the county in which the vacancy

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

1 commissioners shall fill the vacancy by appointment of one
2 (1) person qualified from those submitting applications;

3
4 (vi) If the county commissioners fail to fill
5 any vacancy as required in this section within the time
6 specified, any qualified elector of the county may file a
7 petition with the clerk of the district court of the county
8 in which the vacancy occurred requesting the judge of the
9 district court to fill the vacancy. Within thirty (30)
10 days after the petition is filed the judge shall fill the
11 vacancy by appointing ~~a qualified elector of the county~~
12 ~~belonging to the same political party as the incumbent~~
13 ~~represented at the time of his election under W.S.~~
14 ~~22-6-120(a)(vii), or at the time of his appointment if not~~
15 ~~elected to office. If the incumbent did not represent any~~
16 ~~political party at the time of his election or at the time~~
17 ~~of his appointment if not elected to office, the judge may~~
18 ~~appoint~~ any qualified elector to fill the vacancy.

19

20 **Section 2.** W.S. 18-3-524(a)(i) and (d), 22-4-304(b),
21 22-5-304(b), 22-6-117(a)(ix) and 22-6-126(a) are repealed.

22

1 **Section 3.** This act is effective July 1, 2017.

2

3

(END)