

HOUSE BILL NO. HB0037

Elected official residency requirements.

Sponsored by: Joint Corporations, Elections & Political
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to county officers and district attorneys;
2 prescribing residency requirements for election; prescribing
3 when a vacancy in office occurs; providing applicability; and
4 providing for an effective date.

5

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

7

8 **Section 1.** W.S. 5-3-201, 7-4-101, 9-1-802(b),
9 18-3-201(a), 18-3-301(a) and by creating a new subsection
10 (c), 18-3-401, 18-3-501 by creating a new subsection (m),
11 18-3-601, 18-3-801 and 22-18-101(f) are amended to read:

12

13 **5-3-201. Office created; term; election in counties of**
14 **first and second class; county clerk designated ex officio**
15 **clerk in other counties; qualifications.**

1

2 (a) There shall be a clerk of the district court in
3 each organized county of the state whose term of office shall
4 be four (4) years and until his successor is elected and
5 qualified. Clerks of the district court shall be elected at
6 general elections in counties of the first and second class;
7 and in all other counties the county clerk shall be ex officio
8 clerk of the district court, and shall perform all of the
9 duties pertaining to the office of clerk of the district
10 court.

11

12 (b) A person seeking election as clerk of the district
13 court shall have been a resident of the county in which the
14 person seeks election for at least one (1) year immediately
15 preceding the date of the general election. A clerk of the
16 district court shall be a resident of the county in which the
17 clerk of the district court serves for the duration of the
18 clerk of the district court's term.

19

20 **7-4-101. Election; qualifications; oath; bond.**

21

22 A coroner shall be elected in each county for a term of four
23 (4) years. A person seeking election as coroner shall have

1 been a resident of the county in which the person seeks
2 election for at least one (1) year immediately preceding the
3 date of the general election. He shall take the oath
4 prescribed by the constitution of the state and give bond to
5 the state of Wyoming, in the penal sum of one thousand dollars
6 (\$1,000.00), with sufficient sureties, to be approved by the
7 board of county commissioners, conditioned that he will
8 faithfully perform all duties required by law. A coroner shall
9 be a resident of the county in which the coroner serves for
10 the duration of the coroner's term.

11

12 **9-1-802. Election; term; qualifications; full-time;**
13 **private practice prohibited; exception; salary; vacancies.**

14

15 (b) Each district attorney shall have been a licensed
16 attorney for at least four (4) years and a member in good
17 standing of the Wyoming state bar immediately prior to his
18 election. A person seeking election as district attorney
19 shall have been a resident of the judicial district in which
20 the person seeks election for at least one (1) year
21 immediately preceding the date of the general election. A
22 district attorney shall be a resident of the judicial district

1 in which the district attorney serves for the duration of the
2 district attorney's term.

3

4 **18-3-201. Qualifications; certification and education.**

5

6 (a) There shall be elected in each county a county
7 assessor as provided by the Wyoming Election Code of 1973 as
8 amended, who shall have been a resident of the county in which
9 the person seeks election for at least one (1) year
10 immediately preceding the date of the general election, be a
11 ~~qualified elector~~ resident of the county of election for the
12 duration of the term and own real property in the county ~~in~~
13 ~~which he is elected~~ of election.

14

15 **18-3-301. Office created; qualifications; certificate**
16 **of election; counties empowered to consolidate.**

17

18 (a) In judicial districts in which the office of
19 district attorney has not been created there shall be elected
20 in each county a county and prosecuting attorney who at the
21 time of his nomination and election and during his term of
22 office, shall be a member of the bar of this state. A person
23 seeking election as county and prosecuting attorney shall

1 have been a resident of a county in which the person seeks
2 election for at least one (1) year immediately preceding the
3 date of the general election. A copy of his certificate of
4 election and oath shall be filed by the county and prosecuting
5 attorney with the clerk of the district court for his county
6 or counties. A county and prosecuting attorney shall be a
7 resident of a county in which the county and prosecuting
8 attorney serves for the duration of the county and prosecuting
9 attorney's term. In those judicial districts in which the
10 office of district attorney has been created the county
11 commissioners shall appoint an attorney to the office of
12 county attorney for a term of one (1) year, who may be
13 reappointed on a year-to-year basis. The county commissioners
14 may remove the county attorney for cause.

15
16 (c) If a vacancy occurs in the office of county and
17 prosecuting attorney because no person was elected as a county
18 and prosecuting attorney, the residency requirements
19 contained in subsection (a) of this section shall not apply
20 to the selection of three (3) persons made by the county
21 central committee under W.S. 22-18-111(a)(ii) or to the
22 selection of a person to fill the vacancy made by the board

1 of county commissioners under W.S. 22-18-111(a)(ii) for the
2 applicable term.

3

4 **18-3-401. Office created; qualifications; election.**

5

6 There shall be elected in each county a county clerk. A person
7 seeking election as county clerk shall have been a resident
8 of the county in which the person seeks election for at least
9 one (1) year immediately preceding the date of the general
10 election. A county clerk shall be a resident of the county in
11 which the county clerk serves for the duration of the county
12 clerk's term.

13

14 **18-3-501. Composition; election for increasing the**
15 **number; term; quorum; election for districting; procedures.**

16

17 (m) In addition to any other residency requirement
18 imposed by this section, a person seeking election as county
19 commissioner shall have been a resident of the county in which
20 the person seeks election for at least one (1) year
21 immediately preceding the date of the general election. A
22 county commissioner shall be a resident of the county in which
23 the county commissioner serves for the duration of the county

1 commissioner's term. A person seeking election as a county
2 commissioner for a commissioner district shall have been a
3 resident of the commissioner district in which the person
4 seeks election for at least one (1) year immediately preceding
5 the date of the general election and shall be a resident of
6 the commissioner district in which the county commissioner
7 serves for the duration of the county commissioner's term.

8
9 **18-3-601. Office created; qualifications; election.**

10
11 There shall be elected in each county a county sheriff. A
12 person seeking election as county sheriff shall have been a
13 resident of the county in which the person seeks election for
14 at least one (1) year immediately preceding the date of the
15 general election. A county sheriff shall be a resident of the
16 county in which the county sheriff serves for the duration of
17 the county sheriff's term.

18
19 **18-3-801. Election; qualifications.**

20
21 There shall be elected in each county a county treasurer. A
22 person seeking election as county treasurer shall have been
23 a resident of the county in which the person seeks election

1 for at least one (1) year immediately preceding the date of
2 the general election. A county treasurer shall be a resident
3 of the county in which the county treasurer serves for the
4 duration of the county treasurer's term.

5
6 **22-18-101. When deemed to occur.**

7
8 (f) In addition to subsections (a) through (c) of this
9 section, a vacancy shall occur:

10
11 (i) In the office of a member of the state
12 legislature when the person fails to reside in the legislative
13 district from which he is elected;

14
15 (ii) In the office of a clerk of district court,
16 county coroner, county assessor, county clerk, county
17 commissioner, county sheriff or county treasurer when the
18 person fails to reside in the county from which he is elected;

19
20 (iii) In the office of a county and prosecuting
21 attorney when the person fails to reside in the county, or
22 one (1) of the counties, from which he is elected;

23

1 (iv) In the office of a district attorney when
2 the person fails to reside in the judicial district from which
3 he is elected.

4

5 **Section 2.** The qualifications and residency
6 requirements of this act shall apply to elected or appointed
7 county officers and district attorneys whose terms commence
8 on or after the effective date of this act.

9

10 **Section 3.** This act is effective July 1, 2019.

11

12

(END)