

HOUSE BILL NO. HB0176

Vacancies in public office-amendments.

Sponsored by: Representative(s) Bratten, Angelos, Kelly,
Locke, Neiman, Pendergraft and Webb and
Senator(s) Biteman

A BILL

for

1 AN ACT relating to elections; amending the process by which
2 vacancies in elected offices are filled; providing for the
3 filling of vacancies when vacancies are not filled;
4 establishing a presumption concerning qualifications to
5 hold office; making conforming amendments; repealing
6 conflicting provisions; and providing for an effective
7 date.

8

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

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11 **Section 1.** W.S. 22-18-111(a) by creating a new
12 paragraph (vii) and (c)(ii) is amended to read:

13

14 **22-18-111. Vacancies in other offices; temporary**
15 **appointments.**

1

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

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18 (vii) If a vacancy is not filled in accordance
19 with this subsection, the following shall apply:

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21 (A) Subject to subparagraph (C) of this
22 paragraph, for a vacancy to be filled under paragraph (i)
23 or (iii) of this subsection that is not filled within the

1 time specified in paragraph (i) or subparagraphs (iii)(A)
2 and (B) of this subsection, the state central committee
3 shall fill the vacancy by temporary appointment to the
4 office from the three (3) names submitted under paragraph
5 (i) or subparagraphs (iii)(A) and (B) of this subsection;

6
7 (B) Subject to subparagraph (C) of this
8 paragraph, for a vacancy to be filled under paragraph (ii)
9 of this subsection that is not filled within the time
10 specified in paragraph (ii) of this subsection, the county
11 central committee shall fill the vacancy by temporary
12 appointment to the office from the three (3) names
13 submitted under paragraph (ii) of this subsection;

14
15 (C) If the incumbent who has vacated an
16 office did not represent a political party at the time of
17 election under W.S. 22-6-120(a)(vii) and if the governor or
18 county commissioners do not fill the vacancy by appointing
19 a person within the time specified in this subsection, a
20 special election shall be held in accordance with W.S.
21 22-18-109.

22
23 (c) For purposes of this section:

1

2 (ii) "Qualified to hold the office" means a
3 person meets all applicable qualifications to be elected to
4 a public office which are set forth in the United States
5 and Wyoming constitutions and Wyoming law, as applicable,
6 on the date of the person's appointment to the public
7 office. For purposes of this paragraph, a person who meets
8 all applicable qualifications specified in this paragraph
9 shall have a non-rebuttable presumption to be qualified to
10 hold the office.

11

12 **Section 2.** W.S. 22-18-111(a)(vi) is repealed.

13

14 **Section 3.** This act is effective July 1, 2025.

15

16

(END)