

SENATE FILE NO. SF0008

Elections-dates for special district and bond elections.

Sponsored by: Senator(s) Geis

A BILL

for

1 AN ACT relating to elections; repealing provisions for mail
2 ballot elections; providing for bond elections, special
3 district and certain other elections to be held on the day
4 of a primary or general election; making conforming
5 amendments; and providing for an effective date.

6

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

8

9 **Section 1.** W.S. 11-16-134(c), 18-10-204, 18-12-120,
10 18-16-115, 22-21-103, 22-29-109(f) and (g), 22-29-112(a),
11 22-29-113(c) and (m), 35-2-704, 41-8-108 and 41-8-114(c)
12 are amended to read:

13

14 **11-16-134. Imposition of tax; vote of electors**
15 **required.**

16

1 (c) Subject to the limitation of subsection (b) of
2 this section, the proposition to impose a tax under this
3 act shall be submitted on an election date authorized under
4 W.S. 22-21-103, ~~or by mail ballot pursuant to W.S.~~
5 ~~22-29-115 and 22-29-116.~~ A notice of election shall be
6 given by the county clerk in at least one (1) newspaper of
7 general circulation published in the county wherein the
8 election is to be held and shall specify the object of the
9 election. The notice shall be published at least once each
10 week for a thirty (30) day period preceding the election.
11 At the election the ballots shall contain the words "for
12 the conservation district tax" and "against the
13 conservation district tax". Upon the initial submission of
14 the conservation district tax, or any renewal thereof,
15 after July 1, 1995, the conservation district board of
16 supervisors shall choose one (1) of the following options
17 and the words of the chosen option shall be clearly printed
18 in the appropriate area on the election ballot:

19

20 (i) If this proposition is approved, the same
21 proposition shall be submitted at the second following
22 general election ~~or by mail ballot pursuant to W.S.~~
23 ~~22-29-115 and 22-29-116,~~ and thereafter at succeeding
24 general elections ~~or by mail ballot pursuant to W.S.~~

1 ~~22-29-115 and 22-29-116,~~ every four (4) years until the
2 proposition is defeated; or

3

4 (ii) If this proposition is approved, the tax
5 shall remain in effect until a petition to discontinue the
6 tax, signed by not less than ten percent (10%) of the
7 voters of the district, is received by the board of county
8 commissioners, and the proposal to discontinue the tax is
9 approved by the voters. The proposal to discontinue the
10 tax shall be submitted to the voters of the district at the
11 expense of the county at the next general election ~~or by~~
12 ~~mail ballot pursuant to W.S. 22-29-115 and 22-29-116~~ for
13 approval or disapproval.

14

15 **18-10-204. Election of trustees; generally; terms.**

16

17 An election of the six (6) initial trustees shall be held
18 at the same time as the election to form the district under
19 W.S. 18-10-201 and in accordance with the Special District
20 Elections Act of 1994 ~~, including by mail ballot.~~ The board
21 of trustees elected shall govern the district affairs and
22 serve without compensation. At the first subsequent
23 director election three (3) members shall be elected to
24 serve until the next subsequent director district election

1 and three (3) members elected to serve until the second
2 subsequent director district election and until their
3 successors are elected and qualified. Subsequent director
4 district elections shall be held in accordance with W.S.
5 22-29-112.

6

7 **18-12-120. Bond elections; resolution for submission**
8 **of proposition to voters.**

9

10 By resolution of its board a district may submit to its
11 qualified voters, ~~by mail ballot or~~ at an election on a
12 date authorized under W.S. 22-21-103, as determined by the
13 board of county commissioners, the proposition of issuing
14 bonds pursuant to this act to provide funds for the
15 acquisition, construction, improving or financing of
16 improvements as well as performing services for the benefit
17 of the residents of the district, including any or all
18 expenses incidental thereto or connected therewith.

19

20 **18-16-115. Bond elections; resolution for submission**
21 **of proposition to voters.**

22

23 By resolution of its board, a district may submit to its
24 qualified voters ~~by mail ballot or~~ at an election on a date

1 authorized under W.S. 22-21-103, as determined by the board
2 of county commissioners, the proposition of issuing bonds
3 pursuant to this act to provide funds for the acquisition,
4 construction, improving or financing of improvements as
5 well as performing services for the benefit of the
6 residents of the district, including any or all expenses
7 incidental thereto or connected therewith.

8

9 **22-21-103. How bond question to be submitted to**
10 **electors; contents.**

11

12 Each bond question shall be submitted to a vote of the
13 qualified electors of the political subdivision. Every bond
14 election shall be held on the same day as a primary
15 election or a general election ~~., or on the Tuesday next~~
16 ~~following the first Monday in May or November, or on the~~
17 ~~Tuesday next following the third Monday in August. If~~
18 ~~calling the election in May, the body political subdivision~~
19 ~~shall by March 1, provide written notification to the~~
20 ~~county clerk, specifying the date of the election and the~~
21 ~~bond question. If the political subdivision specifies the~~
22 ~~date of the election to be a primary or general statewide~~
23 ~~or other August or November election, then~~ **T**he political
24 subdivision shall provide notice to the county clerk not

1 less than one hundred ten (110) days before the election if
2 for a primary ~~or other August~~ election, and not less than
3 seventy (70) days before the election, if for a general ~~or~~
4 ~~other November~~ election. The bond question shall state the
5 purpose of the bonds, the maximum principal amount thereof,
6 the maximum number of years allowed for the indebtedness
7 and the maximum rate of interest to be paid thereon. ~~The~~
8 ~~secretary of state may promulgate reasonable rules for~~
9 ~~conducting bond elections where the election is not held at~~
10 ~~the same time as the general or primary election.~~

11

12 **22-29-109. County commissioners' action on formation**
13 **petition.**

14

15 (f) If the county commissioners approve the petition
16 for formation, as presented or as modified, the county
17 commissioners shall enter an order declaring its approval.
18 The order shall set forth the name of the proposed district
19 and a description of the boundaries. Upon the entering of
20 this order, the commissioners shall direct that the
21 question of formation of the district and the election of
22 the initial directors be submitted to the electors of the
23 proposed district to be held in their respective counties
24 ~~by mail ballot or~~ on the next election date authorized

1 under W.S. 22-21-103 which is at least sixty (60) days
2 after the expiration of the thirty (30) day period
3 described in subsection (e) of this section.

4

5 (g) Any errors or changes on the map or in the legal
6 description shall be corrected, and the corrected version
7 shall be displayed at the polls on election day. ~~or~~
8 ~~included in each mail ballot package.~~ The map shall be
9 developed after consultation with the county assessor for
10 each affected county to ensure accuracy.

11

12 **22-29-112. Subsequent director elections.**

13

14 (a) Subsequent director elections shall be held on
15 the ~~first Tuesday after the third Monday in March or on the~~
16 ~~Tuesday next following the first Monday in May or November,~~
17 same day as a primary election or a general election as
18 determined by the district and shall accommodate staggered
19 terms as set forth in the principal act.

20

21 **22-29-113. General provisions relating to special**
22 **district elections.**

23

1 (c) ~~All special district elections which are not~~
2 ~~conducted in conjunction with any other election, shall be~~
3 ~~at the expense of the district. Provided, however, any~~
4 ~~district may apply to the county for financial help to~~
5 ~~cover election expenses. The county commissioners, in their~~
6 ~~sole discretion, shall determine whether the county~~
7 ~~provides election financial help to special districts.~~ For
8 special district elections, ~~conducted in conjunction with~~
9 ~~other elections,~~ the special district may be required to
10 pay only those expenses which are reasonably attributable
11 or allocable to the district's participation in the
12 election. The expenses shall not include any fixed cost
13 associated with an election.

14

15 (m) All special district elections, ~~including mail~~
16 ~~ballot elections,~~ shall be overseen by the county clerk in
17 the county wherein the special district exists. If the
18 special district exists in more than one (1) county, the
19 county clerk of the county wherein the largest portion of
20 the special district exists shall oversee the election.
21 The county clerk shall determine whether the election shall
22 be conducted by the county clerk or the special district,
23 taking into account each special district's expertise,
24 manpower and ability to conduct an election. "Oversee" as

1 used in this subsection may include training, advice or
2 assistance but does not include responsibility for the
3 actions, conduct or outcome of the election unless the
4 county clerk conducts the election.

5

6 **35-2-704. Procedure for election of trustees**
7 **generally; number, compensation and term of trustees.**

8

9 The district shall be managed and controlled by a board of
10 five (5) trustees who shall serve without compensation.
11 Members of the initial board shall be elected at the
12 formation election to serve until the first regular
13 subsequent director election and until their successors are
14 elected and qualified. Subsequent director elections shall
15 be held in accordance with W.S. 22-29-112. At the first
16 regular subsequent director election members shall be
17 elected to staggered terms so that three (3) members are
18 elected for two (2) year terms and two (2) for four (4)
19 year terms. Thereafter, all members shall be elected for
20 terms of four (4) years.

21

22 **41-8-108. Referendum prerequisite to establishment;**
23 **generally.**

24

1 After the board of supervisors has made and recorded a
2 determination that there is a need, in the interest of the
3 public health, safety and welfare, for the creation of the
4 proposed watershed improvement district, it shall consider
5 the question whether the operation of a district within the
6 proposed boundaries with the powers conferred upon the
7 district in this act is administratively practicable and
8 feasible. To assist the board of supervisors in this
9 determination, the board shall, ~~by mail ballot or~~ at the
10 next election date authorized under W.S. 22-21-103 which is
11 at least sixty (60) days after entry of the finding that
12 there is need for the organization of a district and the
13 determination of the boundaries of the district, hold a
14 referendum within the proposed district upon the
15 proposition of the creation of the district. Notice of the
16 referendum shall be given by the board of supervisors as
17 provided in the Special District Elections Act of 1994.

18

19 **41-8-114. Board of directors; issuance of bonds.**

20

21 (c) The provisions of W.S. 41-8-107 through 41-8-110,
22 as to notice and manner of holding a referendum in
23 organizing a watershed improvement district shall be
24 applicable to the referendum held under this section. Any

