

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Runoff elections.

Sponsored by: Representative(s) Neiman

A BILL

for

1 AN ACT relating to relating to elections; requiring a
2 runoff election after a primary election for specified
3 offices when no candidate receives a majority of the vote;
4 changing the date for primary elections; amending related
5 dates; making conforming changes; amending election
6 contribution laws; authorizing a report; providing that the
7 act is contingent on a constitutional amendment; and
8 providing for effective dates.

9

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

11

12 **Section 1.** W.S. 22-5-601 is created to read:

13

1

ARTICLE 6

2

RUNOFF ELECTIONS

3

4

22-5-601. Runoff elections for nominations.

5

6 (a) For nominations for governor, secretary of state,
7 state treasurer, state auditor, state superintendent of
8 public instruction, candidate for the state legislature and
9 any federal office, a runoff election shall be held with
10 respect to that nomination if no candidate receives more
11 than fifty percent (50%) of the votes of those voting on
12 the respective partisan primary ballot. The candidates in
13 the runoff election shall be the two (2) candidates who
14 received the highest number of votes in their respective
15 partisan primary election except:

16

17 (i) If more than two (2) candidates in a
18 partisan primary election tie for the highest number of
19 votes in the primary election, the state canvassing board
20 shall cast lots to determine which two (2) shall be runoff
21 election candidates; or

22

1 (ii) If two (2) or more candidates in a partisan
2 primary election tie for the second highest number of
3 votes in the primary election, the state canvassing board
4 shall cast lots to determine who shall be the second
5 candidate in the runoff election.

6
7 (b) Notwithstanding W.S. 22-5-401, if any candidate
8 eligible to be in a runoff election withdraws, dies or is
9 determined ineligible, that candidate shall be ineligible
10 for the runoff election and the two (2) eligible candidates
11 receiving the highest number of votes in accordance with
12 subsection (a) of this section shall be the candidates in
13 the runoff election.

14
15 (c) If required under this section, runoff elections
16 shall be held on the first Tuesday after the third Monday
17 in August in general election years.

18
19 (d) Notwithstanding W.S. 22-5-215 or any other
20 provision of this election code, no write-in candidate
21 shall be first proposed for nomination in a runoff election
22 under this section.

23

1 (e) To the extent this section conflicts with other
2 sections of this Election Code, this section shall apply.

3
4 **Section 2.** W.S. 22-2-101(a)(ii), 22-2-104(b) and (d),
5 22-2-108, 22-2-109(a) and by creating a new subsection (d),
6 22-2-113(e), 22-3-102(a)(intro) and by creating a new
7 subsection (f), 22-3-109(a), 22-4-402(a) and (e), 22-5-209,
8 22-5-215, 22-5-219(a), 22-6-101, 22-6-105, 22-7-101,
9 22-8-101(a), (b) and (d), 22-8-116, 22-16-102(a),
10 22-16-103(c)(i), 22-16-106(a), 22-16-118, 22-16-121(a),
11 22-21-103, 22-21-104, 22-22-202(a), 22-23-303,
12 22-25-101(c)(i)(C), 22-25-102(c)(i)(B) and (ii)(B), (j) and
13 (m), 22-25-104, 22-25-105(a), 22-25-106(a)(i), (b)(i) and
14 (h)(ii), 22-25-107(b) and 22-29-110(a) and (b) are amended
15 to read:

16

17 **22-2-101. Applicability and construction of Election**
18 **Code generally.**

19

20 (a) Chapters 1 through 28 of this Election Code apply
21 to the following elections:

22

1 (ii) Primary elections

2 ;

3

4 **22-2-104. Election dates.**

5

6 (b) A primary election shall be held at the regular
7 polling places for each precinct on the first Tuesday after
8 the Monday in in general election
9 years for the nomination of candidates for partisan and
10 nonpartisan offices to be filled at the succeeding general
11 election and for the election of major party precinct
12 committeemen and committeewomen.

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18 (d) Every bond election shall be held on the same day
19 as a primary election or a general election, or on the
20 first Tuesday after the first Monday in May or November

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22

1 for the offices and the requirements for filing statements
2 of campaign contributions and expenditures. The
3 proclamation shall also include the aforementioned
4 information regarding offices to be filled at the general
5 election and any
6 other pertinent primary election information. In addition,
7 the description of any ballot proposition submitted to the
8 voters of the state, a political subdivision thereof,
9 county or other district shall be included.

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20 **22-2-113. Availability and form of registry lists;**
21 **use of copies; election record; purging.**

22

1 (e) The county clerks shall purge and update voter
2 registration information on the voter registration system
3 not later than the fifteenth day of February
4 year and shall notify the secretary of
5 state upon completion, but not later than February 15 of
6 year

8 **22-3-102. Qualifications; temporary registration.**

9
10 (a)
11 person may register to vote not less than
12 fourteen (14) days before an election, at any election
13 specified in W.S. 22-2-101(a)(i) through (viii) or as
14 provided by W.S. 22-3-117, who satisfies the following
15 qualifications:

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22-3-109. Certification and transmittal of poll lists; posting of registry lists.

(a) Not less than ten (10) days before any election, the county clerk shall certify and transmit to the officer in charge of each election at his request the necessary poll lists for the precincts or areas involved in the election. Not less than ten (10) days prior to the primary and general elections

the county clerks shall deliver three (3) poll lists for each precinct in the county to the county chairman of each political party in the respective counties.

22-4-402. Petition; form; validity.

(a) Any group of persons desiring to form a new political party within this state shall file a petition

1 with the secretary of state not later than 1
2 in any general election year in which the party seeks to
3 qualify for the general election ballot.

4

5 (e) The petition shall be circulated no earlier than
6 1 of the year preceding the general election.

7

8 **22-5-209. Time for filing nomination applications;**
9 **certified list.**

10

11 An application for nomination shall be filed not more than
12 days and not later than
13 days next preceding the primary
14 election. Not later than
15 days before a primary election the secretary of state shall
16 transmit to each county clerk a certified list of persons
17 whose applications have been filed in the office of the
18 secretary of state stating as to each his name, age,
19 address, office sought and party affiliation.

20

21 **22-5-215. Nomination of partisan candidates and**
22 **write-in candidates.**

23

1 . In addition, each write-in candidate nominated at
2 a primary election shall comply with the
3 provisions of W.S. 22-16-106.

4

5 **22-6-101. Certification of candidates nominated;**
6 **printing of names.**

7

8 Not less than sixty (60) days before each general election
9 the secretary of state shall transmit to each county clerk
10 under party headings a certified list of the name and
11 address of each person nominated by primary
12 election as indicated by the state canvass, the name of
13 each person nominated by provisional or minor party
14 convention, the name of each independent candidate
15 qualifying for nomination by petition, and the office
16 sought. The names of these candidates shall be printed on
17 the official ballot of the general election.

18

19 **22-6-105. Sample ballots; publication.**

20

21 The officer providing the official ballots shall publish
22 sample ballots at least once in a newspaper of general
23 circulation in the district in which each primary

1 and general election is held within two (2) weeks prior to
2 the election. This notice shall also state that the names
3 of candidates will be rotated on the official ballots and
4 will not always appear in the order indicated in the sample
5 ballots.

6

7 **22-7-101. Election districts.**

8

9 The board of county commissioners with the advice or
10 recommendation of the county clerk, no later than
11 in every general election year
12 shall divide the county into not more than thirty (30)
13 election districts. Each district shall be designated by
14 number. Election districts shall be changed only at this
15 designated meeting.

16

17 **22-8-101. Notice of election officials needed; county**
18 **chairmen to submit list of names; municipal clerks list of**
19 **names appointment.**

20

21 (a) Not later than the Tuesday of
22 in each general election year, each county clerk
23 shall notify the county chairmen of the major and minor

1 political parties in the county of the number of election
2 judges and counting board members and alternates needed for
3 the ensuing two (2) year term.

4
5 (b) Not later than the Tuesday of
6 in each general election year the county chairman
7 of each major and minor political party in each county may
8 certify to the county clerk a list of registered electors
9 residing in the county and affiliated with the party, and a
10 list of persons who are at least sixteen (16) years of age
11 who otherwise meet all requirements for qualification as an
12 elector, who are willing to serve as a judge of election or
13 as a member of a counting board.

14
15 (d) Not later than , the county clerk
16 on each general election year shall appoint judges of
17 election and counting boards and alternates from lists
18 submitted by the county chairmen of the major and minor
19 political parties.

20

21 **22-8-116. Compensation.**

22

1 Judges of election and members of counting boards shall be
2 compensated for services at a rate to be determined by the
3 board of county commissioners at the meeting and
4 stated on the notice sent to each nominee. The rate shall
5 be not less than the state minimum wage. Compensation shall
6 begin one (1) hour before a member assumes his duties. The
7 election official who delivers the returns shall receive
8 additional compensation for necessary travel beyond ten
9 (10) miles at the rate authorized for county employees.
10 If a flat rate is paid, said sum shall not be less than the
11 state hourly minimum wage multiplied by the number of hours
12 the polls are open plus one (1) hour.

13

14 **22-16-102. Abstract of vote; returns not filed.**

15

16 (a) The county clerk shall prepare an abstract of the
17 vote of all precincts in the county following a county
18 primary, special or general election. The abstract
19 shall contain all items required in W.S. 22-16-
20 103(c)(viii).

21

22 **22-16-103. County canvass procedures.**

23

1 (c) The county canvassing board shall:

2

3 (i) Meet as soon as all returns have been
4 received and abstracted, but if any provisional ballots
5 have been cast in the county, not before the time has
6 passed for provisional voters to document their eligibility
7 to register or to vote. The board shall meet at a time and
8 place designated by the county clerk, but no later than the
9 following the election;

10

11 **22-16-106. Write-in candidates.**

12

13 (a) Each write-in candidate nominated at a primary
14 election, who has not previously filed an
15 application for nomination shall accept nomination by
16 filing an application for nomination and paying the filing
17 fee in the office in which he would have been required to
18 file an application for nomination to that office.

19

20 **22-16-118. Meeting of state canvassing board.**

21

22 The state canvassing board shall meet no later than the
23 Wednesday following the election. The

1 secretary of state shall send a messenger to obtain
2 official county abstracts not filed in a reasonable length
3 of time. The canvassing board shall meet at the time and
4 place set by the secretary of state. The board shall review
5 the state abstracts prepared by the secretary of state,
6 compare them with the tabulation and materials prepared by
7 the secretary of state, resolve any tie votes, and certify
8 the abstract as the official state canvass.

9

10 **22-16-121. Certificates of nomination and election**
11 **following state or county canvass.**

12

13 (a) When the state canvass is concluded, the
14 secretary of state shall issue a certificate of nomination
15 to each candidate nominated at a primary election
16 and certify the names of nominees as provided in W.S. 22-6-
17 101.

18

19

20

21 When the county canvass is concluded, the county clerk
22 shall issue a certificate of nomination to each candidate
23 nominated at a primary election or by petition.

1

2 **22-21-103. How bond question to be submitted to**
3 **electors; contents.**

4

5 Each bond question shall be submitted to a vote of the
6 qualified electors of the political subdivision. Every bond
7 election shall be held on the same day as a primary
8 election or a general election, or on the Tuesday next
9 following the first Monday in May or November

10

Not less

11 than one hundred ten (110) days before a bond election, the
12 political subdivision shall provide written notification to
13 the county clerk specifying the date of the election and
14 the bond question. The bond question shall state the
15 purpose of the bonds, the maximum principal amount thereof,
16 the maximum number of years allowed for the indebtedness
17 and the maximum rate of interest to be paid thereon. The
18 secretary of state may promulgate reasonable rules
19 for conducting bond elections where the election is not
20 held at the same time as the general or primary election.

21

22 **22-21-104. Publication or posting of election notice;**
23 **contents.**

1

2 Between

3

4

ninety (90) and
5 seventy (70) days before a bond election held in
6 conjunction with a May, general or other November election,
7 the county clerk shall publish notice of the election at
8 least once in a newspaper of general circulation in the
9 political subdivision. If there is no newspaper of general
10 circulation in the political subdivision, notice shall be
11 posted at each polling place in the political subdivision
12 between ninety (90) and seventy (70) days before the
13 election. Any notice of election hereunder shall specify
14 the name of the political subdivision, the date, time and
15 place of election, the question or questions to be
16 submitted, and the fact that only qualified electors of the
17 political subdivision may vote thereon. If a bond
18 election is being held within a political subdivision at
19 the same time and place as a regular or other election, the
20 notice of bond election may, at the discretion of the
21 county clerk, be combined with and given in the same manner
22 as the notice of the regular or other election in such
23 political subdivision.

1

2

22-22-202. Filing of application; form.

3

4 (a) A qualified elector may be nominated for the
5 office of school district trustee or member of a community
6 college board by filing an application for election in the
7 office of the county clerk not more than ninety (90) nor
8 less than days prior to the
9 election. The application shall be in substantially the
10 following form:

11

12

APPLICATION FOR ELECTION FOR SCHOOL OR

13

14

COMMUNITY COLLEGE TRUSTEE

15

16 I, the undersigned, swear or affirm that I was born on
17,(year), and that I have been a resident of the
18 State of Wyoming since, and that I am a registered
19 voter of the school district or community college
20 district (and resident of trustee residence area or
21 subdistrict, if any), residing at, and I do
22 hereby request that my name,, be printed on the ballot
23 of the election to be held on the day of,

1(year), as a candidate for the office of for a
2 term of years. I hereby declare that if I am elected,
3 I will qualify for the office.

4

5 Dated:

6

7 (Signature of Candidate)

8

9 Name as it is to appear on the ballot

10

11 **22-23-303. Certification of candidates; names on**
12 **ballots.**

13

14 Not later than _____ days
15 prior to the primary election, the municipal clerk shall
16 certify to the county clerk the names of all qualified
17 candidates for nomination at the municipal primary election
18 and the office they seek. The number of municipal
19 candidates the voters are entitled to vote for at the
20 primary election is the number of candidates to be elected
21 to municipal offices at the general election.

22

23 **22-25-101. Definitions; statement of formation.**

1

2 (c) As used in this chapter:

3

4 (i) "Electioneering communication" means, except
5 as otherwise provided by paragraph (ii) of this subsection,
6 any communication, including an advertisement, which is
7 publicly distributed as a billboard, brochure, email,
8 mailing, magazine, pamphlet or periodical, as the component
9 of an internet website or newspaper or by the facilities of
10 a cable television system, electronic communication
11 network, internet streaming service, radio station,
12 telephone or cellular system, television station or
13 satellite system and which:

14

15 (C) Is made within thirty (30) calendar
16 days of a primary election, sixty (60) calendar
17 days of a general election or twenty-one (21) calendar days
18 of any special election during which the candidate or
19 ballot proposition will appear on the ballot; and

20

21 **22-25-102. Contribution of funds or election**
22 **assistance restricted; limitation on contributions; right**
23 **to communicate; civil penalty.**

1

2 (c) Except as otherwise provided in this section, no
3 individual other than the candidate, or the candidate's
4 immediate family shall contribute directly or indirectly:

5

6 (i) To any candidate for statewide political
7 office, or to any candidate for statewide political
8 office's candidate's campaign committee:

9

10 (B) Except as otherwise provided in this
11 subparagraph, no contribution for the general election may
12 be given prior to the date for the election.
13 This subparagraph shall not apply to any candidate
14 unopposed in the primary election
15 or nominated in accordance with
16 W.S. 22-4-303 or 22-5-301.

17

18 (ii) To any candidate for nonstatewide political
19 office, or to any candidate for nonstatewide political
20 office's candidate's campaign committee:

21

22 (B) Except as otherwise provided in this
23 subparagraph, no contribution for the general election may

1 be given prior to the date for the election.

2 This subparagraph shall not apply to any candidate
3 unopposed in the primary election
4 or nominated in accordance with
5 W.S. 22-4-303 or 22-5-301.

6
7 (j) For purposes of subsection (c) of this section
8 the primary, general and special elections shall be
9 deemed separate elections. No candidate for political
10 office shall accept, directly or indirectly, contributions
11 which violate subsection (c) of this section.
12 Contributions to a candidate's campaign committee shall be
13 considered to be contributions to the candidate.
14 Subsection (c) of this section does not limit political
15 contributions by political parties, nor expenditures by a
16 candidate from his own funds nor from his candidate's
17 campaign committee funds.

18
19 (m) Except as otherwise provided in this section, no
20 political action committee shall contribute directly or
21 indirectly more than five thousand dollars (\$5,000.00) per
22 election to any candidate for political office other than
23 statewide political office. For purposes of this

1 subsection the primary, general and special
2 elections shall be deemed separate elections. No candidate
3 for political office shall accept, directly or indirectly,
4 contributions which violate this subsection. Contributions
5 to a candidate's campaign committee shall be considered to
6 be contributions to the candidate. This subsection does
7 not limit political contributions by political parties, nor
8 expenditures by a candidate from his own funds nor from his
9 candidate's campaign committee funds.

10

11 **22-25-104. Restriction on party funds in primary and**
12 **runoff elections.**

13

14 No political party funds shall be expended directly or
15 indirectly in the aid of the nomination of any one
16 person as against another person of the same political
17 party running in primary election.

18

19 **22-25-105. Campaign reporting forms; instructions and**
20 **warning.**

21

22 (a) The secretary of state shall prescribe the forms
23 for reporting contributions and expenditures for primary,

1 general and special election campaigns, together
2 with written instructions for completing the form and a
3 warning that violators are subject to criminal charges and
4 civil penalties if the forms are not completed and filed
5 pursuant to law. The forms along with instructions and
6 warning shall be distributed to the county clerk and shall
7 be made available, whether in electronic or paper form, by
8 the county clerk to each person filing an application for
9 nomination in his office and to each political action
10 committee and candidate's campaign committee required to
11 file with the county clerk.

12

13 **22-25-106. Filing of campaign reports.**

14

15 (a) Except as otherwise provided in subsections (g)
16 and (j) of this section and in addition to other reports
17 required by this subsection:

18

19 (i) Every candidate, whether successful or not,
20 shall file an itemized statement of contributions and
21 expenditures at least seven (7) days but not more than
22 fourteen (14) days before any primary, general or
23 special election. Any contribution received or expenditure

1 made after the statement has been filed, through the day of
2 the election, whether a primary, general or special
3 election, shall be filed as an amendment to the statement
4 within ten (10) days after the election;

5

6 (b) Reports of itemized statements of contributions
7 and expenditures, and statements of termination shall be
8 made with the appropriate filing officers specified under
9 W.S. 22-25-107 and in accordance with the following:

10

11 (i) Except as otherwise provided in this
12 section, any political action committee and candidate's
13 campaign committee, or any political action committee
14 formed under the law of another state that contributes to a
15 Wyoming political action committee or to a candidate's
16 campaign committee, which expends any funds in any primary,
17 general or special election shall file an itemized
18 statement of contributions and expenditures at least seven
19 (7) days but not more than fourteen (14) days before any
20 primary, general or special election. Any
21 contribution received or expenditure made after the
22 statement has been filed, through the day of the election,
23 whether a primary, general or special election,

1 shall be filed as an amendment to the statement within ten
2 (10) days after the election;

3

4 (h) An organization that expends in excess of five
5 hundred dollars (\$500.00) in any primary, general or
6 special election to cause an independent expenditure or
7 electioneering communication to be made shall file an
8 itemized statement of contributions and expenditures with
9 the appropriate filing office under W.S. 22-25-107. The
10 statement shall:

11

12 (ii) Be filed at least seven (7) days but not
13 more than fourteen (14) days before any primary,
14 general or special election. Any contribution received or
15 expenditure made after the statement has been filed,
16 through the day of the election, whether a primary,
17 general or special election, shall be filed as an amendment
18 to the statement within ten (10) days after the election;

19

20 **22-25-107. Where reports to be filed.**

21

1 (b) Between

2

3

4 ninety (90) and
5 seventy (70) days before a formation election held in
6 conjunction with a May, general, November or mail ballot
7 election held at any other time, candidates may file an
8 application for election in the office of the county clerk.
9 The principal act shall determine who is eligible to be a
10 candidate. The application shall be in substantially the
11 following form:

11

12 APPLICATION FOR ELECTION

13

14 SPECIAL DISTRICT DIRECTOR

15

16 I, the undersigned, swear or affirm that I was born on
17, (year); that I have been a resident of district
18 since, residing at; that I am an elector
19 or landowner (check which one for eligibility) of said
20 district and I do hereby request that my name,, be
21 printed on the ballot of the formation (or other) election
22 to be held on day of, (year) as a candidate for
23 the office of director for a term of years. I hereby

1 declare that if I am elected, I will qualify for the
2 office.

3

4 Dated

5

6

7 Signature of Candidate

8

9 **Section 3.** The secretary of state's office and
10 Wyoming county clerks shall confer on the scheduling of
11 primary elections and other timelines required by this act.
12 On or before September 1, 2022, the secretary of state's
13 office and any Wyoming county clerk may report a
14 recommendation to the joint corporations, elections and
15 political subdivisions interim committee concerning the
16 scheduling of primary elections and other time lines
17 specified by this act. The joint corporations,
18 elections and political subdivisions interim committee
19 shall consider any recommendation received and if any
20 primary election date or other time requirement specified
21 by this act is inadvisable the committee shall propose an
22 amendment to the date or time requirement during the 2023
23 general session of the legislature.

1

2 **Section 4.** This act is effective only upon
3 certification by the secretary of state that the electors
4 have adopted an amendment to the constitution at the 2022
5 general election revising the date of the reapportionment
6 of the legislature, as provided in 2022 House Joint
7 Resolution X.

8

9 **Section 5.**

10

11 (a) Except as provided in subsection (b) of this
12 section, this act is effective immediately upon completion
13 of all acts necessary for a bill to become law as provided
14 by Article 4, Section 8 of the Wyoming Constitution.

15

16 (b) Sections 1 and 2 of this act are effective July
17 1, 2023.

18

19

(END)