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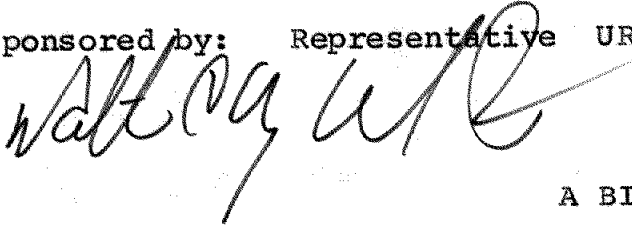
STATE OF WYOMING

75LSO-676.01

HOUSE BILL NO. 369

Wyoming election commission.

Sponsored by: Representative URBIGKIT



A BILL

for

1 AN ACT to create W.S. 22.1-425.1, 22.1-427, 22.1-428 and  
2 22.1-429 relating to the election code; providing for a  
3 Wyoming election commission to prosecute violations of the  
4 election code; providing for forfeiture of office by a  
5 winning candidate who violates the election code; provid-  
6 ing mandatory jail sentences and fines; providing an  
7 appropriation; and providing an effective date.

8 Be It Enacted by the Legislature of the State of Wyoming:

9 Section 1. W.S. 22.1-425.1, 22.1-427, 22.1-428 and  
10 22.1-429 are created to read:

11 22.1-425.1. Violations of election code.

12 (a) Any person who successfully wins election and is  
13 found in violation of the Wyoming election code shall  
14 automatically forfeit the position to which he was elected  
15 and new elections shall be called immediately.

1           (b) Any defeated candidate for public office; any  
2 individual member of a trade association, labor union or  
3 corporation or other person found in violation of the  
4 Wyoming election code as determined by a court or jury  
5 upon prosecution by the election commission shall receive  
6 a jail sentence from the sentencing judge. There shall be  
7 no consideration for probation, advanced parole or  
8 deferred prosecution.

9 (c) In addition to mandatory jail terms, violation  
10 of the Wyoming election code by a person, firm or corpora-  
11 tion who is in a financial position to pay fines shall be  
12 punished at the maximum fine allowed under the applicable  
13 statute.

## 14 CHAPTER 27

15 WYOMING ELECTION COMMISSION

16 22.1-427. Election commission created.

17 (a) There is created a Wyoming election commission  
18 consisting of four (4) members who shall serve without  
19 compensation. The chief justice of the Wyoming supreme  
20 court shall be chairman of the commission without vote.  
21 The three (3) other members of the commission shall be  
22 appointed as follows: one (1) member of the commission

1 shall represent the Wyoming democratic party and be chosen  
2 by majority vote of the Wyoming state democratic executive  
3 committee; one (1) member shall represent the Wyoming  
4 republican party and be chosen by a majority vote of the  
5 Wyoming republican elective committee; the third at large  
6 member shall be a registered independent and shall be se-  
7 lected by the other three members of the commission. Each  
8 member of the commission except the chief justice of the  
9 supreme court shall serve a four (4) year term and shall  
10 not be reappointed. Vacancies occurring on the commission  
11 for any reason shall be filled in the manner described in  
12 this section.

13 22.1-428. Powers and duties.

14 (a) The Wyoming election commission has the follow-  
15 ing powers and duties:

16 (i) To call upon any state agency, institution  
17 or employee for advice, counsel and assistance in the  
18 enforcement of the Wyoming election code;

19 (ii) To adopt, publish, amend and rescind  
20 regulations consistent with and for the enforcement of the  
21 Wyoming election code pursuant to the Wyoming Administra-  
22 tive Procedure Act;

1 (iii) To act in an autonomous capacity inde-  
2 pendent of both the Wyoming legislature and the executive  
3 branch of Wyoming government;

4 (iv) To receive, investigate and pass upon  
5 complaints alleging violation of the Wyoming election code  
6 by any person, political party, political action group,  
7 labor organization or corporation, either individually or  
8 in its collective capacity;

9 (v) To employ a staff including, but not  
10 limited to, investigators and attorneys;

11 (vi) To act on its own motion or based upon a  
12 verified complaint to initiate prosecution of all viola-  
13 tions of Wyoming's election code in any court of the  
14 state, in any county in which the violation occurred or in  
15 those cases in which it is impossible to determine the  
16 exact county in which the violation occurred, in Laramie  
17 County, First Judicial District, Cheyenne, Wyoming;

18 (vii) To investigate and prosecute all viola-  
19 tions of Wyoming's election code.

20 22.1-429. Complaint.

21 (a) Any person claiming to be aggrieved directly or  
22 indirectly by any violation of the Wyoming election code

1 either in his own behalf or by his attorney at law may  
2 make, sign and file with the commission a verified, writ-  
3 ten complaint stating the name and address of the person  
4 who allegedly has violated the terms of the Wyoming elec-  
5 tion code and set forth with particularity information  
6 required by the commission to support the verified com-  
7 plaint. The commission member on his own motion or  
8 through the motion of any of the commission's staff or  
9 attorneys may likewise file a verified complaint.

10 (b) Upon a determination by the commission that just  
11 cause exists, the commission shall initiate prosecution to  
12 seek appropriate action pursuant to either the civil or  
13 criminal penalties of the Wyoming election code.

14           Section 2. There is appropriated from any funds in  
15 the state treasury not otherwise appropriated the sum of  
16 one hundred thousand dollars (\$100,000.00) or so much of  
17 it as is necessary for administration of the election  
18 commission for the biennium ending June 30, 1977 to be  
19 administered by the Wyoming election commission pursuant  
20 to W.S. 22.1-427 through 22.1-429.

21 Section 3. This act is effective July 1, 1975.

22 (END)