

**ELECTION LAWS OF
THE STATE OF
WYOMING, 1920**

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Election Laws of the State of Wyoming, 1920 by W. E. Chaplin

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W. E. CHAPLIN

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THE STATE OF
WYOMING, 1920**

Wyoming laws, 1920

UNIV. OF
CALIFORNIA

ELECTION LAWS

OF THE

STATE OF WYOMING

1920

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1920
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CALENDAR, 1920

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WYOMING ELECTIONS, 1920

Primary Election.....August 17
 General Election.....November 2

ELECTION LAWS OF THE STATE OF WYOMING

CONSTITUTIONAL PROVISIONS

ARTICLE I.

DECLARATION OF RIGHTS.

Sec. 27. Elections—No interference with. Elections shall be open, free and equal, and no power, civil or military, shall at any time interfere to prevent an untrammelled exercise of the right of suffrage.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

Sec. 2. Senators' term and qualifications. Senators shall be elected for the term of four (4) years and representatives for the term of two (2) years. The senators elected at the first election shall be divided by lot into two classes as nearly equal as may be. The seats of senators of the first class shall be vacated at the expiration of the first two years, and of the second class at the expiration of four years. No person shall be a senator who has not attained the age of twenty-five years, or a representative who has not attained the age of twenty-one years, and who is not a citizen of the United States, and of this state, and who has not for at least twelve months next preceding his election resided within the county or district in which he was elected.

State v. Barber, 4 Wyo. 95, 22 Pac. 14; State v. Schaitger, 16 Wyo. 501, 25 Pac. 698.

Sec. 4. Vacancies—How filled. When vacancies occur in either house by death, resignation or otherwise, such vacancy shall be filled for the remainder of the term by special election, to be called in such manner as may be prescribed by law.

State v. Schmitzer, 16 Wyo. 502, 510, 25 Pac. 698.

Sec. 5. Members elected—When. Members of the senate and house of representatives shall be elected on the day provided by law for the general election of a member of congress, and their term of office shall begin on the first Monday of January thereafter.

Sec. 8. Members disqualified for other office. No senator or representative shall, during the term for which he was elected, be appointed to any civil office under the state, and no member of congress or other person holding an office (except that of notary public or an office in the militia)

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ELECTION LAWS OF WYOMING, 1920.

under the United States or this state, shall be a member of either house during his continuance in office.

Ross v. State, 8 Wyo. 366, 57 Pac. 924.

APPORTIONMENT.

Section 1. Congressional representation. One representative in the congress of the United States shall be elected from the state at large, the Tuesday next after the first Monday in November, 1890, and thereafter at such times and places, and in such manner as may be prescribed by law. When a new apportionment shall be made by congress, the legislature shall divide the state into congressional districts accordingly.

ARTICLE IV.

EXECUTIVE DEPARTMENT.

Sec. 2. Governor—Qualifications of. No person shall be eligible to the office of governor unless he be a citizen of the United States and a qualified elector of the state, who has attained the age of thirty years, and who has resided five years next preceding the election within the state or territory, nor shall he be eligible to any other office during the term for which he was elected.

State v. Schnitzer, 17 Wyo. 88, 96 Pac. 233.

Sec. 3. How elected. The governor shall be elected by the qualified electors of the state at the time and place of choosing members of the legislature. The person having the highest number of votes for governor shall be declared elected, but if two or more shall have an equal and highest number of votes for governor, the two houses of the legislature at its next regular session shall forthwith, by joint ballot choose one of such persons for said office. The returns of the election for governor shall be made in such manner as shall be prescribed by law.

Sec. 7. Vacancies in office—How filled. When any office from any cause becomes vacant, and no mode is provided by the constitution or law for filling such vacancy, the governor shall have the power to fill the same by appointment.

In re. Fourth Judicial Dist., 4 Wyo. 148, 92 Pac. 850; State v. Henderson, 4 Wyo. 535, 544, 35 Pac. 517; State v. Grant, 12 Wyo. 6, 73 Pac. 470; State v. Brooks, 14 Wyo. 416, 84 Pac. 488.

Sec. 11. State officers—What—Term. There shall be chosen by the qualified electors of the state at the times and places of choosing members of the legislature, a secretary of state, auditor, treasurer, and superintendent of public instruction, who shall have attained the age of twenty-five years respectively, shall be citizens of the United States, and shall have the qualifications of state electors. They shall severally hold their offices at the seat of government for the term of four (4) years and until their successors are elected and duly qualified, but no person shall be eligible for the office of treasurer for four (4) years after the expiration of the term for which he was elected. The legislature may provide for such other state officers as are deemed necessary.

State v. Henderson, 4 Wyo. 545, 85 Pac. 517; State v. Brooks, 14 Wyo. 415, 419, 84 Pac. 488.

ARTICLE V.**JUDICIAL DEPARTMENT.**

Sec. 4. Justices of supreme court—Election—Terms. The supreme court of the state shall consist of three justices who shall be elected by the qualified electors of the state at a general state election at the times and places at which state officers are elected; and their term of office shall be eight (8) years, commencing from and after the first Monday in January next succeeding their election; and the justices elected at the first election after this constitution shall go into effect shall, at their first meeting provided by law, so classify themselves by lot that one of them shall go out of office at the end of four (4) years, and one at the end of six (6) years, and one at the end of eight (8) years from the commencement of their term, and an entry of such classification shall be made in the record of the court and signed by them, and a duplicate thereof shall be filed in the office of the secretary of state. The justice having the shortest term to serve and not holding his office by appointment or election to fill a vacancy, shall be the chief justice and shall preside at all terms of the supreme court, and, in case of his absence, the justice having in like manner the next shortest term to serve, shall preside in his stead. If a vacancy occur in the office of a justice of the supreme court, the governor shall appoint a person to hold the office until the election and qualification of a person to fill the unexpired term occasioned by such vacancy, which election shall take place at the next succeeding general election. The first election of the justices shall be at the first general election after this constitution shall go into effect.

In re, Moore, 4 Wyo. 109, 31 Pac. 930; State v. Brooks, 14 Wyo. 420, 84 Pac. 455; State v. Schultzer, 17 Wyo. 65, 96 Pac. 259.

Sec. 8. Who eligible as justice. No person shall be eligible to the office of justice of the supreme court unless he be learned in the law, have been in actual practice at least nine (9) years, or whose service on the bench of any court of record, when added to the time he may have practiced law, shall be equal to nine (9) years, be at least thirty years of age and a citizen of the United States, nor unless he shall have resided in this state or territory at least three years.

Sec. 12. Who eligible as judge. No person shall be eligible to the office of judge of the district court unless he be learned in the law, be at least twenty-eight years of age, and a citizen of the United States, nor unless he shall have resided in the state or territory of Wyoming at least two years next preceding his election.

Sec. 13. Clerks of district courts. There shall be a clerk of the district court in each organized county in which a court is holden who shall be elected, or, in case of vacancy, appointed in such manner and with such duties and compensation as may be prescribed by law.

Sec. 22. Justices of the peace—Jurisdiction of. The legislature shall provide by law for the election of justices of the peace in each organized county within the state. But the number of said justices to be elected in each organized county shall be limited by law to such number as shall be necessary for the proper administration of justice. The justices of the peace herein provided for shall have concurrent jurisdiction with the district court in all civil actions where the amount in controversy, exclusive of costs, does not exceed two hundred dollars, and they shall have such jurisdiction to hear and determine cases of misdemeanor as may be

provided by law, but in no case shall said justices of the peace have jurisdiction when the boundaries of or title to real estate shall come into question.

In re. Fourth Judicial Dist., 4 Wyo. 144, 149, 32 Pac. 850; *Crain v. Bode*, 5 Wyo. 260, 89 Pac. 747; *Ballantyne v. Bower*, 17 Wyo. 868, 99 Pac. 869.

Sec. 27. Judges shall not hold other office. No judge of the supreme or district court shall be elected or appointed to any other than judicial offices or be eligible thereto during the term for which he was elected or appointed such judge.

ARTICLE VI.

SUFFRAGE.

Section 1. Equal rights. The rights of citizens of the state of Wyoming to vote and hold office shall not be denied or abridged on account of sex. Both male and female citizens of this state shall equally enjoy all civil, political and religious rights and privileges.

McKinney v. State, 3 Wyo. 719, 30 Pac. 298; *Slaymaker v. Phillips*, 5 Wyo. 458, 40 Pac. 971, 42 Pac. 1049; *Rasmussen v. Baker*, 7 Wyo. 126, 50 Pac. 819.

Sec. 2. Qualification of electors. Every citizen of the United States of the age of twenty-one years and upwards, who has resided in the state or territory one year and in the county wherein such residence is located sixty days next preceding any election, shall be entitled to vote at such election, except as herein otherwise provided.

Slaymaker v. Phillips, 5 Wyo. 452, 40 Pac. 971, 42 Pac. 1049; *Rasmussen v. Baker*, 7 Wyo. 126, 50 Pac. 819; *State v. Brooks*, 17 Wyo. 355, 99 Pac. 874.

Sec. 3. Privileged from arrest—When. Electors shall in all cases except treason, felony or breach of the peace, be privileged from arrest on the days of election during their attendance at elections, and going to and returning therefrom.

Sec. 4. Exemption from military duty. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

Sec. 5. Must be citizen of United States. No person shall be deemed a qualified elector of this state, unless such person be a citizen of the United States.

State v. Brooks, 14 Wyo. 415, 84 Pac. 488.

Sec. 6. Disqualified—When. All idiots, insane persons, and persons convicted of infamous crimes, unless restored to civil rights, are excluded from the elective franchise.

State v. Schmitzer, 17 Wyo. 78, 96 Pac. 288.

Sec. 7. Residence not lost. No elector shall be deemed to have lost his residence in the state, by reason of his absence on business of the United States, or of this state, or in the military or naval service of the United States.

Sec. 8. Soldiers not residents. No soldier, seaman, or marine in the army or navy of the United States shall be deemed a resident of this state in consequence of his being stationed therein.

Sec. 9. Educational qualification. No person shall have the right to vote who shall not be able to read the constitution of this state. The provisions of this section shall not apply to any person prevented by physical disability from complying with its requirements.

Rasmussen v. Baker, 7 Wyo. 126, 50 Pac. 819.

Sec. 10. Five year limit. Nothing herein contained shall be construed to deprive any person of the right to vote who has such right at the time of the adoption of this constitution, unless disqualified by the restrictions of section six of this article. After the expiration of five years from the time of the adoption of this constitution, none but citizens of the United States shall have the right to vote.

Rasmussen v. Baker, 7 Wyo. 126, 50 Pac. 819.

Sec. 11. Election—How held. All elections shall be by ballot. The legislature shall provide by law that the names of all candidates for the same office, to be voted for at any election, shall be printed on the same ballot, at public expense, and on election day to be delivered to the voters within the polling place by sworn public officials, and only such ballots so delivered shall be received and counted. But no voter shall be deprived of the privilege of writing upon the ballot used the name of any other candidate. All voters shall be guaranteed absolute privacy in the preparation of their ballots, and the secrecy of the ballot shall be made compulsory.

Slaymaker v. Phillips, 5 Wyo. 462, 40 Pac. 971, 42 Pac. 1049.

Sec. 12. Prior registration required. No person qualified to be an elector of the state of Wyoming, shall be allowed to vote at any general or special election hereafter to be holden in the state, until he or she shall have registered as a voter according to law, unless the failure to register is caused by sickness or absence, for which provision shall be made by law. The legislature of the state shall enact such laws as will carry into effect the provisions of this section, which enactment shall be subject to amendment, but shall never be repealed; but this section shall not apply to the first election held under this constitution.

ELECTIONS.

Section 1. Purity of election provided for. The legislature shall pass laws to secure the purity of elections, and guard against abuses of the elective franchise.

Slaymaker v. Phillips, 5 Wyo. 462, 40 Pac. 971.

Sec. 2. Contests how tried. The legislature shall, by general law, designate the courts by which the several classes of election contests not otherwise provided for, shall be tried, and regulate the manner of trial and all matters incident thereto; but no such law shall apply to any contest arising out of an election held before its passage.

Turner v. Hamilton, 13 Wyo. 408, 80 Pac. 564.

Sec. 3. Qualifications for office. No person except a qualified elector shall be elected or appointed to any civil or military office in the state.

Sec. 4. Officers hold over when. Every person holding any civil office under the state or any municipality therein shall, unless removed according to law, exercise the duties of such office until his successor is duly qualified, but this shall not apply to members of the legislature, nor to members of any board of assembly, two or more of whom are elected at the same time. The legislature may by law provide for suspending any officer in his functions, pending impeachment or prosecution for misconduct in office.

Ballantyne v. Bower, 17 Wyo. 362, 99 Pac. 869.

Sec. 5. General and special elections. All general elections for state and county officers, for members of the house of representatives and the senate of the state of Wyoming, and representatives to the congress of the