

**WESTON COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES
SPECIAL MEETING - APPOINTMENT OF CLERK OF DISTRICT COURT
November 22, 2019**

The special meeting of the Weston County Board of Commissioners was called to order by Chairman Tony Barton at 4:30 p.m. at the Weston County Courthouse. Commissioners Tony Barton, Marty Ertman, Tracy Hunt, Ed Wagoner and Nathan Todd, and Clerk Becky Hadlock were present. Commissioner Wagoner led the Pledge of Allegiance.

Vice-Chairman moved to remove Melissa Ault from the list of candidates to be interviewed; seconded by Commissioner Todd. During discussion it was discussed that because Melissa was not a registered Weston County republican, at the time she handed in her application to run for this office, she was not qualified to be interviewed for the Clerk of District Court position. Commissioner Todd stated the Board would set a precedence if they allowed her to be interviewed. Commissioner Hunt stated that he felt that they did not have to belong to a party and that this gave the citizens of Weston County more diversity. Ayes: Ertman, Todd. Nays: Barton, Hunt, Wagoner. Failed.

Tina Cote was the first to be interviewed. Vice-Chairman Ertman moved to go into Executive Session per W.S. 16-4-405(a)(ii); seconded by Commissioner Wagoner. Carried. Executive Session began at 4:44 p.m.; regular meeting reconvened at 5:02 p.m. Personnel was discussed in Executive Session; no action was taken.

Vicki Keierleber was the second to be interviewed. Commissioner Todd moved to go into Executive Session per W.S. 16-4-405 (a)(ii); seconded by Commissioner Wagoner. Carried. Executive Session began at 5:04 p.m.; regular meeting reconvened at 5:16 p.m. Personnel was discussed in Executive Session; no action was taken.

Commissioner Todd and Vice-Chairman Ertman left the meeting. They did not want to interview Ms. Ault knowing that she was not qualified to be interviewed for this position.

Melissa Ault was the third to be interviewed. Commissioner Wagoner moved to go into Executive Session per W.S. 16-4-405 (a)(ii); seconded by Commissioner Hunt. Carried. Executive Session began at 5:38 p.m.; regular meeting reconvened at 5:51 p.m. Personnel was discussed in Executive Session; no action was taken.

Vice-Chairman Ertman moved to appoint Tina Cote to fill the unexpired term left by Gidget Macke; seconded by Commissioner Todd. During discussion Vice-Chairman Ertman stated she appreciated everyone's patience during this process. Commissioner Wagoner thanked everyone. Chairman Barton stated Ms. Cote had some big shoes to fill. Carried.

With no further business, the meeting was adjourned at 5:56 p.m.

Tony Barton
Chairman

Attest: Becky Hadlock
Weston County Clerk

From Kai Shon – 11/22/19

Mr. Barton,

Thanks for the email. I haven't been able to respond until just now. I have copied the Weston County Clerk on this reply so that she is also in the loop. Here are the associated statutes that discuss qualifications as it relates to running for office and being appointed to office. They essentially are one and the same, see below for the statutory references:

Wyo. Stat. § 22-5-204

(a) Repealed by Laws 1991, ch. 243, § 5.

(b) An eligible person seeking nomination or election for a partisan office

shall:

(i) Meet all applicable qualifications to be elected to office which are set forth in the United States and Wyoming constitutions;

(ii) Be registered in the party whose nomination he seeks; and

(iii) File an application in substantially the following form:

APPLICATION FOR NOMINATION OR ELECTION BY PARTY PRIMARY

State of Wyoming

County of.....

ss

I, _____, swear or affirm that I was born on

_____, (year), that I have been a resident of the state of Wyoming since

_____, and that I am a registered voter of Election District No. _____, in

Precinct No. _____, residing at _____, in County of

_____, (if for the office of state senator or representative) in Senate (House)

District _____, state of Wyoming, and registered as a member of

_____ party, and I hereby request that my name be printed upon the

official party ballot at the next primary election as a candidate for the office

of _____, and hereby declare that if nominated and elected, I will

qualify for the office."

Qualifications for appointment:

Wyo. State. § 22-18-11(a)(ii)

"[c]ounty central committee shall select and transmit to the board of county commissioners the names of three (3) persons *qualified to hold the office.*"

[Emphasis added]

Wyo. Stat. § 22-18-111(c)(ii)

"Qualified to hold the office" means a person meets all applicable *qualifications to be elected* to a public office which are set forth in the United States and Wyoming constitutions and Wyoming law, as applicable, on the date of the person's appointment to the public office. [Emphasis added]

Best regards,

Kai Schon, Election Division Director

Wyoming Secretary of State's Office
Ph. 307.777.3416, Email: Kai.Schon@wyo.gov

Kai

I have been working with our clerk on whether or not one candidate is qualified. I am asking specifically if it is your understanding that the applicant has to be a registered republican in this state to apply for this vacancy.

Thanks

Tony Barton

Chairman, Weston County Commision

From Alex Berger – 11/22/19

Dear Chairman,

I am writing to provide my opinion on this issue that has come up regarding the vacancy of the Clerk of District Court. The Republican Committee has submitted three names. One of those individuals is not registered to vote and is not a registered republican.

The Board does not have to interview this person. The board, under W.S. 22-18-111(a)(ii), must choose one of these three people. The Board may or may not interview these three people. The Board can use whatever process it deems fit. The issue of qualification may be a factor the Board uses, but the person must be qualified to hold office when appointed (W.S. 22-18-111(c)(ii)). There is no reason I can find why this person cannot register today and be eligible.

I hope this resolves the issue.

Best,

Alex Berger

Weston County Attorney