



WYOMING HOUSE DISTRICT 03

February 11, 2022

House Colleagues,

After consultation with the Floor Leaders, and discussing applicable legal issues with LSO staff, I am providing you a proposed course of action that I believe results in a timely and transparent process for the House to receive and consider information, and ultimately resolve the allegations against Representative Zwonitzer. The plan also takes into account when and how the Redistricting Bill will be initially considered when introduced in the House.

Attached you will find materials I have received including the initial complaint forwarded from the Secretary of State, additional complaints received by myself or LSO, Representative Zwonitzer's response, and a legal memo prepared by LSO at my request.

These materials are being provided for the purposes of the Houses' role under Article 3, Sections 10 and 12 of the Wyoming Constitution. They are being provided to you so that each of you is afforded ample time to review and consider them. They will be provided to the public on Monday.

Members may submit additional materials they believe are relevant to the allegations until 5 pm Monday. Please provide the materials to me electronically so they may be compiled and provided to the House and public as soon as practicable.

The House will be prepared to entertain motions on this matter Tuesday upon reconvening after noon recess. Any member planning to make a motion is requested to notify me and the Chief Clerk in advance, and provide the motion in writing to the members and the Chief Clerk for the record. Director Obrecht is available to assist in drafting a motion.

You will note this process does not include the appointment of a special committee. If the body wants to utilize a special committee, it certainly has that prerogative, but it will have implications on all other matters before the House.

As for the allegations themselves, I identify four separate allegations within the complaints:

1. Whether Representative Zwonitzer is qualified to continue serving in the House based on his residence. This is squarely within the House's responsibility to determine.
2. Representative Zwonitzer's committee role in redistricting and whether that role resulted in "gerrymandering" by providing benefits for himself. As the redistricting process is inherently political any concern here can be remedied within the remaining legislative process.
3. Representative Zwonitzer's voting in a recent election held in Laramie County. This is a matter for civil authorities, including the County Clerk and District Attorney.
4. Whether Representative Zwonitzer's actions during his time in office after the residence question arises resulted in Representative Zwonitzer acting illegally in his legislative capacity. The election results of the 66th House of Representatives were reviewed by the House Credentials Committee and their report was approved by the entire House last January when all members were accepted as duly elected and qualified to serve. Since there has been no subsequent action taken by the House to discharge any of its members, all actions taken by Representative Zwonitzer during the intervening timeframe are presumed valid, just like the actions of all other representatives.

Also for consideration by the House during the first week of session will be the Redistricting Bill. As there is an obvious nexus between it and resolving the issue previously discussed, I have made the decision to refer the redistricting bill to the Education Committee for consideration Monday upon adjournment. The Committee will take public comment and work the bill in the same way any other bill would be. It is my understanding the Majority Floor Leader will then consider bringing it up for Committee of the Whole on Wednesday subject to other considerations he may have.

Below is a calendar depiction of the proposed timeline for your reference. As you can see there are numerous considerations both in process and fact we will be responsible for in the coming days. I trust we will each give these matters the serious deliberation they require.

Sincerely,



Representative Eric Barlow
Speaker of the House

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