

ORIGINAL SENATE  
FILE NO. SF0174

ENROLLED ACT NO. 73, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING  
2025 GENERAL SESSION

AN ACT relating to state legislative districts; providing legislative findings; requiring management council to assign legislative apportionment to a committee of the legislature for study during the 2025 legislative interim as provided by this act; providing that legislation to apportion the legislature based on the requirements of this act may be introduced during the 2026 legislative budget session; and providing for an effective date.

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

**Section 1.**

(a) The Legislature finds that:

(i) The people of Wyoming did "ordain and establish" the Wyoming Constitution (Wyoming Constitution, Preamble);

(ii) The Wyoming Legislature derives its powers from the Wyoming Constitution and its acts must be conformable to it:

Legislatures...[are] Creatures of the Constitution; they owe their existence to the Constitution: they derive their powers from the Constitution: it is their commission; and, therefore, all their acts must be conformable to it, or else they will be void. Moore v. Harper, 600 U.S. 1 (2023) (internal citations omitted);

(iii) Article 20, Section 1 of the Wyoming Constitution provides that the Wyoming Constitution may be amended, and specifies in what manner;

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(iv) The apportionment provisions of the Wyoming Constitution "are quite clear, explicit and mandatory...[and] leave no room for confusion or doubt as to what the legislature is to do about reapportionment and when it is to do it." (State ex rel. Whitehead v. Gage, 377 P.2d 299, 301 (Wyo. 1963));

(v) Article 3, Section 3 of the Wyoming Constitution provides in relevant part:

Each county shall constitute a senatorial and representative district; the senate and house of representatives shall be composed of members elected by the legal voters of the counties respectively, every two (2) years. They shall be apportioned among the said counties as nearly as may be according to the number of their inhabitants. Each county shall have at least one senator and one representative; but at no time shall the number of members of the house of representatives be less than twice nor greater than three times the number of members of the senate... (Wyo. Const. Art. 3 sec. 3)

(vi) Article 3, Section 48 of the Wyoming Constitution provides:

At the first budget session of the legislature following the federal census, the legislature shall reapportion its membership based upon that census. Notwithstanding any other provision of this article, any bill to apportion the legislature may be introduced in a budget session in the same manner as in a general session. (Wyo. Const. Art. 3 sec. 48)

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(vii) Since 1992 the Wyoming Legislature, contrary to Wyoming's constitutional apportionment provisions, has allowed for the creation of legislative districts that do not follow county lines and legislative districts that do not have at least one (1) representative and one (1) senator per county;

(viii) Apportionment for the Wyoming Legislature must also conform with the Equal Protection Clause of the 14<sup>th</sup> Amendment under which the overriding objective is "that the vote of any citizen is approximately equal in weight to that of any other citizen in the State." (Reynolds v. Sims, 377 U.S. 533, 579 (1964));

(ix) Conformance to both the federal and state constitutions may be best achieved with a legislature of manageable size;

(x) No inconsistency exists between the requirements of Wyoming Constitution Article 3, Sections 3 and 48 and those of the Equal Protection clause of the 14<sup>th</sup> Amendment to the United States constitution and the Wyoming Legislature must fully comply with both constitutions in apportioning for legislative elections.

## **Section 2.**

(a) The Legislature further finds that:

(i) The Legislature shall make a good faith effort to apportion itself as required by the 14<sup>th</sup> Amendment in conformance with the principle that the vote of any citizen is approximately equal in weight to that of any other citizen in the State; and

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(ii) The Legislature shall make a good faith effort to apportion itself as required by Article 3, Section 3 and 48 of the Wyoming Constitution by providing for legislative districts that follow county lines and legislative districts that have at least one (1) representative and one (1) senator per county.

**Section 3.** The Management Council of the Wyoming Legislature shall assign a committee of the Legislature to study apportionment of the Legislature as provided by this act during the 2025 interim. The assigned committee shall conduct meetings in communities around Wyoming to take input on apportionment options from members of the public and other interested stakeholders. The committee shall report its findings to the Legislature not later than December 1, 2025. The committee or Management Council may introduce legislation to constitutionally apportion the Legislature for introduction in the 2026 budget session of the Wyoming Legislature.

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**Section 4.** This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk