

## HOUSE BILL NO. HB0296

Constitutional apportionment.

Sponsored by: Representative(s) Neiman, Smith, S, Strock  
and Williams and Senator(s) Driskill, Hicks  
and Steinmetz

A BILL

for

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

9

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

11

12 **Section 1.**

13

14 (a) The Legislature finds that:

15

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

4

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

8

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

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

20

21           (iv) The apportionment provisions of the Wyoming  
22 Constitution "are quite clear, explicit and mandatory...[and]  
23 leave no room for confusion or doubt as to what the  
24 legislature is to do about reapportionment and when it is  
25 to do it." (State ex rel. Whitehead v. Gage, 377 P.2d 299,  
26 301 (Wyo. 1963));

1

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

4

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

18

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

21

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

30

31 (vii) Since 1992 the Wyoming Legislature,  
32 contrary to Wyoming's constitutional apportionment  
33 provisions, has allowed for the creation of legislative

1 districts that do not follow county lines and legislative  
2 districts that do not have at least one (1) representative  
3 and one (1) senator per county;

4

5 (viii) Apportionment for the Wyoming Legislature  
6 must also conform with the Equal Protection Clause of the  
7 14<sup>th</sup> Amendment under which the overriding objective is "that  
8 the vote of any citizen is approximately equal in weight to  
9 that of any other citizen in the State." (Reynolds v. Sims,  
10 377 U.S. 533, 579 (1964));

11

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

15

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

22

23 **Section 2.**

1

2 (a) The Legislature further finds that:

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

9

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

16

17 **Section 3.** The Management Council of the Wyoming  
18 Legislature shall assign a committee of the Legislature to  
19 study apportionment of the Legislature as provided by this  
20 act during the 2025 interim. The assigned committee shall  
21 conduct meetings in communities around Wyoming to take  
22 input on apportionment options from members of the public  
23 and other interested stakeholders. The committee shall

1 report its findings to the Legislature not later than  
2 December 1, 2025. The committee or Management Council may  
3 introduce legislation to constitutionally apportion the  
4 Legislature for introduction in the 2026 budget session of  
5 the Wyoming Legislature.

6

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

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12

(END)