

SENATE BILL NO. SF0174

Constitutional apportionment-2.

Sponsored by: Senator(s) Driskill, Cooper, Dockstader, Hicks,
Laursen, D and Steinmetz and Representative(s)
Wharff and Williams

A BILL

for

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

9

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

11

12 **Section 1.**

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14 (a) The Legislature finds that:

1

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

5

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

9

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

17

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

21

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

1

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

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5 Each county shall constitute a senatorial and
6 representative district; the senate and house of
7 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 than
16 three times the number of members of the senate...
17 (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 legislature
23 following the federal census, the legislature shall
24 reapportion its membership based upon that census.
25 Notwithstanding any other provision of this
26 article, any bill to apportion the legislature may
27 be introduced in a budget session in the same manner
28 as in a general session. (Wyo. Const. Art. 3 sec.
29 48)

30

31 (vii) Since 1992 the Wyoming Legislature, contrary
32 to Wyoming's constitutional apportionment provisions, has
33 allowed for the creation of legislative districts that do not
34 follow county lines and legislative districts that do not

1 have at least one (1) representative and one (1) senator per
2 county;

3

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

10

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

14

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

21

22 **Section 2.**

23

1 (a) The Legislature further finds that:

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

8

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

15

16 **Section 3.** The Management Council of the Wyoming
17 Legislature shall assign a committee of the Legislature to
18 study apportionment of the Legislature as provided by this
19 act during the 2025 interim. The assigned committee shall
20 conduct meetings in communities around Wyoming to take input
21 on apportionment options from members of the public and other
22 interested stakeholders. The committee shall report its
23 findings to the Legislature not later than December 1, 2025.

1 The committee or Management Council may introduce legislation
2 to constitutionally apportion the Legislature for
3 introduction in the 2026 budget session of the Wyoming
4 Legislature.

5

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

9

10

(END)