



March 4, 2025

The Honorable Chip Neiman
House Speaker, Wyoming State Legislature
State Capitol, 200 West 24th Street
Cheyenne, Wyoming 82002

Re: Veto of House Enrolled Act No. 55/House Bill 0079 - Bond elections-voter
threshold requirement

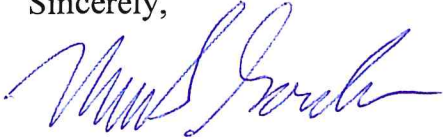
Dear Speaker Neiman,

While I understand the intent of HB0079/House Enrolled Act No. 55 Bond elections-voter threshold requirement is to ensure sufficient citizen representation in bond elections, I nonetheless believe the process it creates impermissibly infringes on citizens' fundamental right to vote. Essentially, every "yes" vote on a bond election in a non-general election year would be invalidated if the total number of votes cast is less than twenty-five percent plus one of the votes cast in the relevant political subdivision in the most recent general election. By invalidating a vote cast by a qualified elector in a bond election, based solely on a threshold established by the number of votes cast in a different general election, the State would disenfranchise the citizens who voted. Such a burden would likely be reviewed in court under a standard of strict scrutiny, leaving the State having to justify this burden with a compelling state interest. Defending a citizen's non-vote categorically as a "no" vote is an untenable position for the state, as is assuming a citizen's motivation for failing to vote is because they would otherwise have voted no. Frankly, I am pessimistic that a court would find invalidating votes cast is constitutional.

Additionally, the practical effect of the voter threshold required for a valid bond election under this Act is that few, if any, bond elections will ever successfully occur outside of general election years. Over the past couple of years, the Wyoming Legislature has severely restricted local government revenues and options. Arbitrarily limiting local governments' chances of success in a bond issue based solely on voter apathy is a poor precedent. As the need for bonds, and the favorability of the bond market, do not always

correspond neatly to a general election schedule, this Act could greatly reduce the ability for local communities to get access to funding when needed. I am reluctant to burden these communities further. Given these reasons, I have decided to veto this Act. If voters want to express their will, they should vote.

Sincerely,



Mark Gordon
Governor

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cc: The Honorable Bo Biteman, President of the Senate
Chief Clerk, Wyoming House of Representatives
Chief Clerk, Wyoming Senate
The Honorable Chuck Gray, Secretary of State