

**Joint Rules of the Wyoming Senate and House  
of Representatives**

22. ETHICS COMPLAINTS

- 22-1 (a) The Speaker or President, as appropriate, shall receive written, signed complaints from any person concerning misconduct involving legislative duties by a member of the House or Senate including, but not limited to, an alleged violation of the rules of the House or Senate and the provisions of applicable law. Upon receipt, a copy of the complaint shall be provided to the member against whom the complaint is filed.
- (i) Misconduct involving legislative duties is defined as violation of Article 3 of the Wyoming Constitution; the Ethics and Disclosure Act, W.S. 9-13-101, et seq; any of the Wyoming Conflict of Interest Statutes; violence or disorderly conduct during legislative meetings, sessions, or during the performance of legislative duties; or bribes or offers of bribes;
  - (ii) An investigation instituted for political purposes and not connected with intended legislation or with any of the matters upon which a house should act is not a proper legislative proceeding and is beyond the authority of the house or legislature.
- (b) The presiding officer, after consultation with the majority and minority floor leaders, may summarily dismiss any complaint which on its face appears to be frivolous or submitted for any improper purpose. Notice of summary dismissal will be provided to the complainant.
- (c) Except as provided in subsection (b) of this rule, whenever a complaint is received pursuant to this rule, the presiding officer shall forward the complaint to the appropriate subcommittee of Management Council to determine whether there is probable cause to institute a formal

investigation of the allegation. The subcommittee shall consist of those members of Management Council who serve in the same house as the member against whom the complaint is filed. The subcommittee's review shall be subject to the following:

- (i) The test for determining the existence of probable cause is whether a factual situation is sufficient to warrant a reasonably prudent person, informed of legislative procedures and duties, to believe that a violation or other misconduct has occurred;
- (ii) The Council subcommittee shall notify the member against whom the complaint was brought and shall provide the person with a copy of the complaint. The member complained against may submit a written answer to the subcommittee. The subcommittee shall have the discretion to determine what additional evidence, if any, is presented during the course of its review;
- (iii) Unless specifically invited, neither the complainant nor the member against whom the complaint has been filed shall have the right to attend or present evidence at any meeting of the Council subcommittee regarding probable cause;
- (iv) The review by the Council subcommittee shall be conducted in executive session and no record of the hearing will be kept. All records, findings and proceedings of the review shall be confidential;
- (v) No determination of the Council subcommittee concerning probable cause is appealable by any person;
- (vi) If the Council subcommittee determines that the complaint alleges criminal activity, the subcommittee may recommend that further proceedings under this rule be held in

abeyance pending completion of any criminal investigation;

(vii) A finding of probable cause shall require the affirmative vote of a majority of the Council members serving on the subcommittee;

(viii) If the Council subcommittee does not find probable cause for a formal investigation, the file will be closed and the complainant and member will be so advised;

(ix) If the Council subcommittee finds probable cause exists, the complaint shall be referred for formal investigation in accordance with this rule.

(d) Upon a finding of probable cause under subsection (c) of this rule, a special committee shall be appointed to formally investigate the complaint. If the Legislature is not in session, the select committee shall be appointed by the Management Council subcommittee that conducted the probable cause review. If the Legislature is in session the select committee shall be appointed by the presiding officer of the appropriate house.

(e) A special committee investigating a complaint against a senator shall consist of 5 senators and a special committee investigating a complaint against a representative shall consist of 9 members of the House of Representatives. Committee appointments shall be apportioned as nearly as possible to reflect the percentage of the elected members of the majority and minority parties of the appropriate house. The appointing authority shall designate the chairman of the committee.

(f) Proceedings of the special committee shall be subject to the following:

(i) All meetings of the committee will be open to the public;

(ii) The member against whom the complaint is filed and the complainant shall be entitled

to appear, present evidence, cross-examine witnesses and be represented by counsel;

(iii) In proceedings before the committee, irrelevant, immaterial or unduly repetitious evidence shall be excluded and no recommendation shall be made unless supported by the type of evidence commonly relied upon by a reasonably prudent person, informed of legislative procedures and duties, in the conduct of their serious affairs;

(iv) The chairman of the committee shall have the power to administer oaths and to compel the attendance of witnesses and the production of documents relevant to the complaint, as authorized by W.S. 28-1-107 through 28-1-112. Any testimony made at any committee hearing which purports to establish matters of fact shall be made under oath.

(g) The committee may dismiss the complaint if a majority determines that the complaint is not substantiated or does not substantiate an ethical violation without requiring further action by the appropriate house. If not dismissed, the committee shall make recommendations to the appropriate house based upon the investigations conducted and hearings held pursuant to this rule. The committee may recommend dismissal of the complaint, reprimand, censure, expulsion or other discipline it deems appropriate. The appropriate house may dismiss the complaint, expel, censure, reprimand or otherwise discipline the member as it deems appropriate. Expulsion of a member shall require the affirmative vote of two-thirds of the members, as provided by Article III Section 12 of the Constitution. Reprimand or censure of a member shall require the affirmative vote of a majority of the elected members.

(h) If the legislature is not in session, the recommendation of the special committee shall be acted upon by the appropriate house during the next following special or regular session.

- (j) If the written signed complaint concerns misconduct of the presiding officer, then the duties of the presiding officer in this rule shall be the duties of the Senate Vice-President or the House Speaker pro tem as applicable.