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**For: Wyoming sub-committee on Constitutional  
Legislative Apportionment**

**Senators Case, Steinmetz, Boner**

**Representatives Knapp, Webber, Johnson**

**POPULATION ADJUSTED LEGISLATIVE  
APPORTIONMENT  
PROPOSAL**

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# POPULATION-ADJUSTED LEGISLATIVE APPORTIONMENT PROPOSSAL

2025 Wyoming

## 1. Introduction

This proposal outlines a **population-adjusted voting system** to **apportion** Wyoming's Legislature **in compliance with** both **Article 3, Section 3 of the Wyoming Constitution** and federal **Due Process Clause** requirements of the **14<sup>th</sup> Amendment** to the U.S. Constitution.

1. Districts may either have the same populations and legislators the same votes, or districts may have unequal populations with legislators having unequal votes.
2. Art. 3 Sec. 3 allows for legislative districts substantially unequal in population.
3. 14<sup>th</sup> Amendment Due Process requires each citizen's vote be approximately equal in weight to that of any other citizen.
4. Compliance with *both* the State Constitution (districts of unequal population) *and* the Federal Constitution (citizen votes of equal weight) is achieved under this proposal through population-adjusted voting by legislators.

Key features include:

- **County lines** as district boundaries (required by Art. 3 Sec. 3 Wyo. Const.).
- **Guaranteed representation:** Each county retains at least one representative and one senator (required by Art. 3 Sec. 3 Wyo. Const.).
- **Votes weighted** by population to ensure "one person, one vote" (required by 14<sup>th</sup> Amend. Due Process Clause).

## 2. Definitions

- **Voting Unit:**

**House Unit** = 10,000 population (1 full vote).

**Senate Unit** = 40,000 population (1 full vote).

- **Adjusted Vote:** Legislative votes scaled proportionally to a district’s population (e.g., 25% of a vote for 2,500 people in the House; 25% of a vote for 10,000 people in the Senate).
- **Equal Participation:** All legislators have full rights to participate in debates, bill sponsorship, committees, etc. etc.

### 3. Allocation Formula (See Table A)The formula provides for:

- House: Votes weighted in 25% increments (e.g., 2,500 people = 25% of a vote, 5000 people = 50% of a vote, etc.).
- Senate: Votes weighted in 5% increments (e.g., 2,000 people = 5% of a vote, 4000 people = 10% of a vote, etc.).

### 4. Population Studies

- **Total Population** (2020 Census): 580,875.
- **House:** 57.5 total weighted votes in this Proposal (63 representatives, see Table B);
  - o Largest district (Laramie: 100,770 pop.) = 10 full votes.
  - o Smallest district (Niobrara: 2,268 pop.) = 25% of a vote.
- **Senate:** 14 total weighted votes in this Proposal (27 senators, see Table C);
  - o Largest district (Laramie) = 83% of a vote per senator (3 senators).
  - o Smallest district (Niobrara) = 5% of a vote (1 senator).

### 5. Deviation

- **Current Plan:** “population equality” used to achieve “equally effective” votes; allowable deviation less than 10%.

“[W]hen drawing state and local legislative districts, jurisdictions are **permitted to deviate somewhat** from perfect population equality to accommodate traditional districting objectives, among them, preserving the integrity of political

subdivisions, maintaining communities of interest, and creating geographic compactness. Where the maximum population deviation between the largest and smallest district is **less than 10%** . . . a state or local legislative map **presumptively complies with the one-person, one-vote rule.**” *Evenwel v. Abbott*, 136 S. Ct. 1120, 1124 (2016) (emphasis added).

- **Proposed Plan:** “Population adjusted weighted votes” in Legislature used to achieve “equally effective” votes of citizens voting in different size districts.

Population deviation between districts exceeds 10% but *legislative vote strength weighted by population* achieves compliance with overarching federal goal “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 (June 15, 1964).

## 6. Legal Compliance

- **Wyoming Constitution:**

- o Preserves county-based districts.
- o Provides representation for all districts with a minimum of one senator and one representative per district (Art. 3, Sec. 3).

- **Federal Constitution:**

Deviation under .05% across all districts, rural and urban, meets “one man one vote” weighted vote requirement of 14<sup>th</sup> Amendment Due Process Clause.

## 7. Case Studies (See Appendix 1)

- **Rural Districts, Senate:** (Niobrara, Weston, Crook, Goshen, Campbell)

- o Current System: 4 votes out of 31 Senators (12.90% influence on the Floor).
- o Proposed System: 1.80 weighted votes out of 14 votes (13.06% influence on the Floor)

- **Urban District, House:** (Laramie County)

- o Current System: 11 votes out of 62 Reps (17.74% influence on the Floor).

o Proposed System: 10 weighted votes out of 57.5 votes (17.4% influence on the Floor), maintaining proportional influence.

## 8. Advantages and Considerations

| Strengths                                    | Practical Considerations                  |
|--|---|
| Aligns with state/federal law                | Button voting required for precision      |
| Protects rural voices without diluting urban | Public education needed to clarify system |

## CONCLUSION

**The POPULATION-ADJUSTED PROPOSAL complies with the *Reynolds v. Sims*, 377 U.S. 533 (1964), “One Man, One Vote” requirement and is Constitutional.**

*Reynolds* completed a change in direction by the Supreme Court concerning the apportionment of voting districts. To apportion means to divide and share out according to a plan, especially to make a proportionate division or distribution of something. Until 1962 the Court had refused to hear lawsuits that challenged legislative districting, concluding that such issues were political questions and not justiciable. In 1962 the Court, in *Baker v. Carr*, 369 U.S. 186, 82 S. Ct. 691, 7 L. Ed. 2d 663, reversed course and held that state legislative apportionment cases could be reviewed by federal courts. As a result, many lawsuits were filed challenging the constitutionality of the apportionment of state legislative districts on 14<sup>th</sup> Amendment Due Process grounds.

Due Process requires "**each citizen have an equally effective voice in the election of members of his state legislature.**" (*Reynolds* at 565, emphasis added.) (The population-adjusted proposal complies.) Additionally, in complying with 14<sup>th</sup> Amendment Due Process one “should attempt to

**accommodate** the relief ordered to the **apportionment provisions of state constitutions** insofar as is possible.” (*Reynolds* at 584, emphasis added.) (The population-adjusted proposal complies)

Chief Justice Warren directed the states to reapportion their legislatures, for federal purposes, at minimum every ten years, **based on the population figures** derived from the most recent federal decennial census. The Population-Adjusted proposal achieves constitutional compliance (both federal and state) while barely altering the current power structure in the 68th Wyoming Legislature.

**Arguments in Favor of Constitutionality** of population-adjusted voting by Legislators:

### **1. Equal Weight for Constituents**

If each legislator's vote is weighted by population, the proposal system ensures that the legislative influence of each district is proportional to its population.

### **2. District Boundaries**

District drawn along county lines preserve local political boundaries and communities of interest, which are often important considerations in redistricting. Fractional voting mitigates the disparities in representation that might otherwise arise from such a plan.

### **3. Reynolds v. Sims compliance**

*Reynolds v. Sims* focused with respect to the apportionment of legislative districts on the equality of constituents' voting power. Requiring districts to be roughly equal in population is only one way in which to ensure equality of constituents' voting power. So long as the system ensures that each constituent's vote carries substantially equal weight in electing representatives, it does not run afoul of the Equal Protection Clause. The population-adjusted proposal represents an innovative workaround to reconcile Wyoming's county-based districting with population-based representation.

**TABLE A**  
**POPULATION WEIGHTED LEGISLATIVE VOTES**

| <b>District population</b> | <b>Representatives (total votes)</b> | <b>Senators (total votes)</b> |
|----------------------------|--------------------------------------|-------------------------------|
| Laramie 100770             | 10 (1.0 votes=10 total)              | 3 (0.833 votes=2.5 total)     |
| Natrona 81224              | 8 (1.0 votes =8 total)               | 2 (1.0 votes=2.0 total)       |
| Campbell 46225             | 5 (0.90 votes=4.5 total)             | 2 (0.575 votes=1.15 total)    |
| Sweetwater 41313           | 4 (1.0 votes=4.0 total)              | 1 (1.0 vote)                  |
| Albany 39184               | 4 (1.0 votes=4.0 total)              | 1 (0.95-vote)                 |
| Fremont 38661              | 4 (0.94 votes=3.75 total)            | 1 (0.95-vote)                 |
| Sheridan 31017             | 3 (1.0 votes=3.0 total)              | 1 (0.75-vote)                 |
| Park 29162                 | 3 (1.0 votes=3.0 total)              | 1 (0.70-vote)                 |
| Teton 23854                | 3 (0.83 votes=2.5 total)             | 1 (0.55-vote)                 |
| Lincoln 20600              | 2 (1.0 votes=2.0 total)              | 1 (0.50-vote)                 |
| Uinta 20094                | 2 (1.0 votes=2.0 total)              | 1 (0.50-vote)                 |
| Carbon 14642               | 2 (0.75 votes=1.5 total)             | 1 (0.35-vote)                 |
| Converse 14150             | 2 (0.75 votes=1.5 total)             | 1 (0.35-vote)                 |
| Goshen 13049               | 2 (0.63 votes=1.25 total)            | 1 (0.30-vote)                 |
| Big Horn 11616             | 1 (1.0 vote)                         | 1 (0.25-vote)                 |
| Sublette 9897              | 1 (1.0 vote)                         | 1 (0.20-vote)                 |
| Johnson 8443               | 1 (0.75 vote)                        | 1 (0.20-vote)                 |
| Platte 8147                | 1 (0.75 vote)                        | 1; (0.20-vote)                |
| Crook 7862                 | 1 (0.75 vote)                        | 1 (0.15-vote)                 |
| Washakie 7661              | 1 (0.75 vote)                        | 1 (0.15-vote)                 |
| Weston 6933                | 1 (0.75 vote)                        | 1 (0.15-vote)                 |
| Hot Springs 4103           | 1 (0.50 vote)                        | 1 (0.10-vote)                 |
| Niobrara 2268              | 1 (0.25 vote)                        | 1 (0.05-vote)                 |
| <b>23 Districts 580875</b> | <b>63 reps=57.5 votes</b>            | <b>27 senators=14 votes</b>   |

**TABLE B introduction – House**

**DETERMINE NUMBER REPRESENTATIVES PER DISTRICT**

1.0 vote for 10,000 Population

.25 (25%) vote for 2500 POPULATION.

No one Representative may have more than 1.0 vote

**EXAMPLE**

|                       |                                     |
|-----------------------|-------------------------------------|
| 1250-3750 population  | .25 vote                            |
| 3751-6250 population  | .50 vote                            |
| 6251-8750 population  | .75 vote                            |
| 8751-11250 population | 1.0 vote                            |
| 11251-13750 pop       | 1.25 vote (2 Reps, 0.63 vote each)  |
| 13751-16250 pop       | 1.5 vote (2 Reps, 0.75 vote each)   |
| 16251-18750 pop       | 1.75 vote ( 2 Reps, 0.88 vote each) |
| 18751-21250pop        | 2.0 vote (2 Reps, 1.0 vote each)    |



**TABLE B – House\***

| <b>1</b><br><b>District/<br/>Population</b> | <b>2</b><br><b>% of State<br/>Population<br/>(Pop)</b> | <b>3</b><br><b>% of a Full Vote</b> | <b>4</b><br><b>% of the<br/>total<br/>Vote</b> | <b>5</b><br><b>%Deviation<br/>(col.2 versus col. 4)<br/>Pop vs Vote strength</b> |
|---|--|-------------------------------------|--|--|
| Niobrara/2268                               | 0.39%  | 25% (1 rep)                         | 0.43%  | 0.04%+   |
| Hot<br>Springs/4103                         | 0.70%  | 50% (1 rep)                         | 0.87%  | 0.17%+   |
| Weston/6933                                 | 1.19%  | 75% (1 rep)                         | 1.30%  | 0.11%+   |
| Washakie/7661                               | 1.32%  | 75% (1 rep)                         | 1.30%  | 0.01%-   |
| Crook/7862                                  | 1.35%  | 75% (1 rep)                         | 1.30%  | 0.05%-   |
| Platte/8147                                 | 1.40%  | 75% (1 rep)                         | 1.30%  | 0.10%-   |
| Johnson/8443                                | 1.45%  | 75% (1 rep)                         | 1.30%  | 0.15%-   |
| Sublette/9897                               | 1.70%  | 100% (1 rep)                        | 1.74%  | 0.04%+   |
| Big Horn/11616                              | 2.0%   | 100% (1 rep)                        | 1.74%  | 0.26%-   |
| Goshen/13049                                | 2.25%  | 125% (2 Reps)                       | 2.17%  | 0.08%-   |
| Converse/14150                              | 2.44%  | 150% (2 Reps)                       | 2.61%  | 0.17%+   |
| Carbon/14642                                | 2.52%  | 150% (2 Reps)                       | 2.61%  | 0.09%+   |
| Uinta/20094                                 | 3.46%  | 200% (2 Reps)                       | 3.48%  | 0.02%+   |
| Lincoln/20600                               | 3.55%  | 200% (2 Reps)                       | 3.48%  | 0.07%-   |
| Teton/23854                                 | 4.11%  | 250% (3 Reps)                       | 4.35%  | 0.24%+   |
| Park/29162                                  | 5.02%  | 300% (3 Reps)                       | 5.22%  | 0.20%+   |
| Sheridan/31017                              | 5.34%  | 300% (3 Reps)                       | 5.22%  | 0.12%-   |
| Fremont/38661                               | 6.66%  | 375% (4 Reps)                       | 6.52%  | 0.14%-   |
| Albany/39184                                | 6.75%  | 400% (4 Reps)                       | 6.96%  | 0.21%+   |
| Sweetwater/<br>41313                        | 7.11%  | 400% (4 Reps)                       | 6.96%  | 0.15%-   |
| Campbell/46225                              | 7.96%  | 450% (5 Reps)                       | 7.83%  | 0.13%-   |
| Natrona/81224                               | 13.98%   | 800% (8 Reps)                       | 13.91%   | 0.07%-   |
| Laramie/100770                              | 17.35%   | 1000% (10 Reps)                     | 17.39%   | 0.04%+   |
| <b>Pop. 580,875</b>                         | <b>100%</b>  | <b>57.5 votes, 63 Reps</b>          | <b>99.99%</b>                                  |  |

**\*Summary - House**23 Districts, 63 Representatives, **57.50** total votes

UNIT for a full (4/4 = 1)) vote = 10,000 population

Population of the state (2020 Census) = 580,875

Population divided by total votes in House: 580,075 / **57.5** = 10,105

## TABLE C introduction – Senate

### DETERMINE NUMBER SENATORS PER DISTRICT

1.0 vote for 40,000 Population

0.05 vote (5%) for 2000 population, increase by 0.05 for every 2000 population

Beginning population 1999

No one Senator may have more than 1.00 vote

#### EXAMPLE:

|                        |           |         |           |
|------------------------|-----------|---------|-----------|
| 1999-3999 population   | 0.05 vote | (1 Sen. | .05 vote) |
| 4000-5999 population   | 0.10 vote | (1 Sen. | .10 vote) |
| 6000-7999 population   | 0.15 vote | (1 Sen. | .15 vote) |
| 8000-9999 population   | 0.20 vote | (1 Sen. | .20 vote) |
| 10000-11999 population | 0.25 vote | (1 Sen. | .25 vote) |

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|                   |           |         |                  |
|-------------------|-----------|---------|------------------|
| 100,000 – 102,999 | 2.5 votes | (3 Sen. | .833 votes each) |
|-------------------|-----------|---------|------------------|

**TABLE C – Senate\***

| <b>1</b><br><b>District/<br/>Population</b> | <b>2</b><br><b>% of State<br/>Population</b> | <b>3</b><br><b>% of a full vote</b> | <b>4</b><br><b>% of the total</b> | <b>5</b><br><b>% Deviation<br/>(col.2 v col. 4)<br/>Pop vs Vote</b> |
|---|--|-------------------------------------|-----------------------------------|---|
| Niobrara/2268                               | 0.39%  | 5%                                  | 0.36%                             | 0.03%+  |
| Hot Springs/4103                            | 0.70%  | 10.00%                              | 0.71%                             | 0.01%+  |
| Weston/6933                                 | 1.19%  | 15%                                 | 1.07%                             | 0.12%-  |
| Washakie/7661                               | 1.32%  | 15%                                 | 1.07%                             | 0.25%-  |
| Crook/7862                                  | 1.35%  | 15%                                 | 1.07%                             | 0.28%-  |
| Platte/8147                                 | 1.40%  | 20%                                 | 1.43%                             | 0.03%+  |
| Johnson/8443                                | 1.45%  | 20%                                 | 1.43%                             | 0.02%-  |
| Sublette/9897                               | 1.70%  | 20%                                 | 1.43%                             | 0.27%-  |
| Big Horn/11616                              | 2.0%   | 25%                                 | 1.79%                             | 0.21%-  |
| Goshen/13049                                | 2.25%  | 30%                                 | 2.14%                             | 0.11%-  |
| Converse/14150                              | 2.44%  | 35%                                 | 2.50%                             | 0.06%+  |
| Carbon/14642                                | 2.52%  | 35%                                 | 2.50%                             | 0.02%-  |
| Uinta/20094                                 | 3.46%  | 50%                                 | 3.57%                             | 0.11%+  |
| Lincoln/20600                               | 3.55%  | 50%                                 | 3.57%                             | 0.02%+  |
| Teton/23854                                 | 4.11%  | 55%                                 | 3.93%                             | 0.18%-  |
| Park/29162                                  | 5.02%  | 70%                                 | 5.00%                             | 0.12%-  |
| Sheridan/31017                              | 5.34%  | 75%                                 | 5.36%                             | 0.02%+  |
| Fremont/38661                               | 6.66%  | 95%                                 | 6.79%                             | 0.13%+  |
| Albany/39184                                | 6.75%  | 95%                                 | 6.79%                             | 0.04%+  |
| Sweetwater/<br>41313                        | 7.11%  | 100%                                | 7.14%                             | 0.03%+  |
| Campbell/46225                              | 7.96%  | 115% (2 senators)                   | 8.21%                             | 0.25%+  |
| Natrona/81224                               | 13.98%                                       | 200% (2 senators)                   | 14.29%                            | 0.31%+  |
| Laramie/100700                              | 17.35%                                       | 250% (3 senators)                   | 17.86%                            | 0.41%+  |
|   |  |                                     |                                   |   |
| <b>Pop. 580,875</b>                         | <b>100%</b>                                  | <b>14 votes<br/>27 senators</b>     | <b>100.1%</b>                     |   |

**\*Summary - Senate**

23 Districts, 27 Representatives, **14** total votes

UNIT for a full (4/4 = 1)) vote = 40,000 population

Population of the state (2020 Census) = 580,875

Population divided by total votes in the Senate: 580,875 / **14** = 41,491

## **APPENDIX 1**

### **CASE STUDIES IN VOTING STRENGTH**

#### **Case Study 1:**

POPULATION-ADJUSTED PROPOSAL

VS

CURRENT SENATE DISTRICTS 2025

( Niobrara, Weston, Crook, Goshen and Campbell)

Under current system, Senator Steinmetz, Senator Driskill, and the two Senators in Campbell (Troy McKeown and Eric Barlow) currently have 4 votes out of 31 votes in the Senate.

This is 12.9% of the vote from four Senators

Under the Population-Adjusted Proposal, the Senator from Niobrara would get .05 of a vote, the Senator from Weston would get .15 of a vote, the Senator from Crook would get .15 of a vote, the Senator from Goshen would get .30 of a vote, and the two Senators from Campbell would get .575 each of a vote.

This equals 1.8 votes out of 14 total votes.

This is 12.86% of the vote with six Senators speaking on the Floor, sitting on/voting in committees, etc., rather than four.

### **Case Study 2:**

#### **POPULATION-ADJUSTED PROPOSAL**

**VS**

#### **CURRENT HOUSE DISTRICTS 2025**

(Niobrara, Weston, Crook, Goshen, Campbell)

Under the current system, Representatives Williams (HD02), Neiman (HD01), John Bear (HD31), Tarver (HD52), Clouston (HD32), Angelos (HD03), Smith (HD5) currently have 7 votes out of 62 votes in the House.

This is 11.29% of the vote.

Under the Population-Adjusted Proposal, the Representative from Niobrara would get .25 of a vote, the Rep from Weston would get .75 of a vote, the Rep from Crook would get .75 of a vote, Goshen would get two Reps, each with .63 of a vote, Campbell would get 5 Reps with .90 of a vote each. This equals 7.51 votes out of 57.5 total votes.

This is 13.06% of the vote with 10 Representatives, rather than 7, speaking on the Floor and sitting on/voting in committees, introducing bills, etc.

### **Case Study 3:**

#### **POPULATION-ADJUSTED PROPOSAL**

**VS**

#### **CURRENT HOUSE DISTRICT, 2025**

(Laramie County)

In the current system, Representatives Landon Brown, Gary Brown, Ekland, Filer, Geringer, Johnson, Lucas, Nicholas, Singh, Styvar, and Wasserburger, all of Laramie County, have 11 votes out of 62 in the House.

This is 17.74% of the vote.

Under the Population-Adjusted Proposal, Laramie would have 10 Representatives with a full vote each. This equals 10 votes out of 57.5 votes.

This is 17.4% of the vote.

**Case Study 4:**

POPULATION-ADJUSTED PROPOSAL

VS

CURRENT SENATE DISTRICTS 2025

(Laramie and Platte)

Under the current system, Senators Smith (Laramie and Platte), Nethercott, Olsen, Pappas, Hutchings, and Brennan have 6 votes out of 31 in the Senate.

This is 19.35% of the vote for Laramie and Platte.

Under the Population-Adjusted Proposal, Platte would get a senator with .75 of a vote, and Laramie would have three senators with .833 of a vote each. Laramie's vote would be  $3 \times .833 = 2.5$  votes out of 14 votes which is 17.85% of the vote total. Platte would have .75 of a vote which is 5% of the vote total. Together, they would have 23.21% of the vote.