

SENATE JOINT RESOLUTION NO. SJ0001

Redistricting commission.

Sponsored by: Senator(s) Gierau and Hicks and
Representative(s) Barlow

A JOINT RESOLUTION

for

1 A JOINT RESOLUTION proposing to amend the Wyoming
2 Constitution to implement a redistricting commission that
3 would be responsible for apportioning legislative districts
4 based on the decennial census of the United States.

5

6 *BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF WYOMING,*
7 *two-thirds of all the members of the two houses, voting*
8 *separately, concurring therein:*

9

10 **Section 1.** The following proposal to amend Wyoming
11 Constitution, Article 3, Section 48 and to repeal Wyoming
12 Constitution, Article 3, Section 3 is proposed for submission
13 to the electors of the State of Wyoming at the next general
14 election for approval or rejection to become valid as a part

1 of the Constitution if ratified by a majority of the electors
2 at the election:

3

4 **Article 3, Section 48. State census; legislative**
5 **apportionment; redistricting commission.**

6

7 ~~(a) At the first budget session of the legislature Not~~
8 ~~more than ninety (90) days following the receipt of the~~
9 ~~official reporting of the federal census, the legislature a~~
10 ~~redistricting commission shall reapportion its membership the~~
11 ~~districts of the legislature based upon that census as~~
12 ~~provided in this section. Notwithstanding any other~~
13 ~~provision of this article, any bill to apportion the~~
14 ~~legislature may be introduced in a budget session in the same~~
15 ~~manner as in a general session.~~

16

17 ~~(b) The redistricting commission shall establish sixty~~
18 ~~(60) house districts, with each house district to elect one~~
19 ~~(1) member of the house of representatives. The commission~~
20 ~~shall establish thirty (30) senate districts, each composed~~
21 ~~of two (2) house districts, with each senate district to elect~~
22 ~~one (1) senator.~~

23

1 (c) The redistricting commission shall establish the
2 size and area of house districts subject to the limitations
3 of this section. Each house district shall be formed of
4 contiguous and compact territory containing as nearly as
5 practicable a relatively integrated socio-economic area. Each
6 house district shall contain a population as near as
7 practicable to the quotient obtained by dividing the
8 population of the state by sixty (60). In no case shall the
9 population in any district be more or less than five percent
10 (5%) different from the quotient obtained by dividing the
11 population of the state by sixty (60). In developing
12 districts, consideration shall be given to county and other
13 local government boundaries.

14
15 (d) The redistricting commission shall consist of five
16 (5) members, all of whom shall have been residents and
17 qualified electors of the state for not less than (1) year
18 preceding their appointment to the commission and none of
19 whom shall be public employees or persons who hold a public
20 office at the time of or during the tenure of appointment. No
21 member shall accept appointment to the commission unless the
22 member first agrees that the member will not be a candidate
23 for the legislature in the two (2) general elections following

1 adoption of the final redistricting plan. Commission members
2 shall be compensated. Appointments shall be made without
3 regard to political affiliation not later than September 1 of
4 the year in which a decennial census of the United States is
5 conducted. The governor shall appoint two (2) members of the
6 commission. The president of the senate, the speaker of the
7 house of representatives and the chief justice of the supreme
8 court shall each appoint one (1) member of the commission.
9 Commission members shall serve until a final plan for
10 redistricting has been adopted by the commission and all
11 challenges brought under this section have been resolved
12 after final remand or affirmation.

13

14 (e) The commission shall elect one (1) of its members
15 as chairperson and may employ temporary assistants to
16 complete the work of the commission. The concurrence of three
17 (3) members of the redistricting commission shall be required
18 for official actions of the commission, but a lesser number
19 may conduct hearings.

20

21 (f) Within thirty (30) days after the official
22 reporting of the decennial census of the United States, the
23 redistricting commission shall adopt one (1) or more proposed

1 redistricting plans. The commission shall hold public
2 hearings on the proposed plan or plans. Not later than ninety
3 (90) days after the official reporting of the decennial census
4 of the United States, the commission shall adopt a final
5 redistricting plan. The final plan adopted by the commission
6 shall set out boundaries of house and senate districts and
7 shall be effective for the election of members of the
8 legislature until a subsequent plan is adopted under this
9 section after the official reporting of the next decennial
10 census of the United States. Adoption of the final
11 redistricting plan shall require the affirmative votes of at
12 least three (3) members of the redistricting commission.

13

14 (g) Any qualified voter may apply to the Laramie county
15 district court to compel the redistricting commission, by
16 mandamus or otherwise, to perform its duties under this
17 article or to correct any error in redistricting. Application
18 to compel the commission to perform shall be filed not later
19 than thirty (30) days after the expiration of the ninety (90)
20 day period specified in subsection (f) of this section.
21 Application to compel the correction of any error in
22 redistricting shall be filed within thirty (30) days after
23 the adoption of the final redistricting plan by the

1 commission. Appeals from district court decisions under this
2 subsection shall be allowed to the supreme court. All
3 dispositions by the district court and the supreme court under
4 this subsection shall be expedited and shall have priority
5 over all other matters pending before the respective court.
6 Upon a final judicial decision that a plan is incorrect or
7 invalid, the matter shall be returned to the commission for
8 correction or development of a new plan. If the new or
9 corrected plan is declared invalid, the matter may be referred
10 again to the commission.

11

12 **Section 2.** Wyoming Constitution, Article 3, Section 3
13 is repealed.

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15 **Section 3.** That the Secretary of State shall endorse
16 the following statement on the proposed amendment:

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18 The adoption of this amendment would create a redistricting
19 commission for the redistricting of the legislature after
20 each decennial census of the United States. The amendment
21 would specify the composition and duties of the redistricting
22 commission. The commission would be required to apportion the
23 state legislature based on the census into sixty (60) house

1 districts and thirty (30) senate districts. The decisions of
2 the commission would be appealable to the Wyoming supreme
3 court. The adoption of this amendment would repeal
4 conflicting provisions requiring apportionment of the
5 legislature to include at least one (1) senator and one (1)
6 representative for each county.

7

8

(END)