

Wyoming Constitution

97-3-052. Initiative and referendum.

(a) The people may propose and enact laws by the initiative, and approve or reject acts of the legislature by the referendum.

(b) An initiative or referendum is proposed by an application containing the bill to be initiated or the act to be referred. The application shall be signed by not less than one hundred (100) qualified voters as sponsors, and shall be filed with the secretary of state. If he finds it in proper form he shall so certify. Denial of certification shall be subject to judicial review.

(c) After certification of the application, a petition containing a summary of the subject matter shall be prepared by the secretary of state for circulation by the sponsors. If signed by qualified voters, equal in number to fifteen per cent (15%) of those who voted in the preceding general election and resident in at least two-thirds (2/3) of the counties of the state, it may be filed with the secretary of state.

(d) An initiative petition may be filed at any time except that one may not be filed for a measure substantially the same as that defeated by an initiative election within the preceding (5) years. The secretary of state shall prepare a ballot title and proposition summarizing the proposed law, and shall place them on the ballot for the first statewide election held more than one hundred twenty (120) days after adjournment of the legislative session following the filing. If, before the election, substantially the same measure has been enacted, the petition is void.

(e) A referendum petition may be filed only within ninety (90) days after adjournment of the legislative session at which the act was passed, except that a referendum petition respecting any act previously passed by the legislature may be filed within six months after the power of referendum is adopted. The secretary of state shall prepare a ballot title and proposition summarizing the act and shall place them on the ballot for the first statewide election held more than one hundred eighty (180) days after adjournment of that session.

(f) If votes in an amount in excess of fifty percent (50%) of those voting in the general election are cast in favor of adoption of an initiated measure, the measure is enacted. If votes in an amount in excess of fifty percent (50%) of those voted in the general election are cast in favor of rejection of an act referred, it is rejected. The secretary of state shall certify the election returns. An initiated law becomes effective ninety (90) days after certification, is not subject to veto, and may not be repealed by the legislature within two (2) years of its effective date. It may be amended at any time. An act rejected by referendum is void thirty (30) days after certification. Additional procedures for the initiative and referendum may be prescribed by law.

(g) The initiative shall not be used to dedicate revenues, make or repeal appropriations, create courts, define the jurisdiction of courts or prescribe their rules, enact local or special legislation, or enact that prohibited by

the constitution for enactment by the legislature. The referendum shall not be applied to dedications of revenue, to appropriations, to local or special legislation, or to laws necessary for the immediate preservation of the public peace, health, or safety.

Wyoming Statute

Title 22 Chapter 24 Initiative and Referendum

Article 1 In General

22-24-101. Right of initiative; limitations.

The people may propose and enact laws by the initiative. However, the initiative shall not be used to dedicate revenues, make or repeal appropriations, create courts, define the jurisdiction of courts or prescribe their rules, enact local or special legislation, enact that prohibited by the constitution for enactment by the legislature, or enact that substantially the same as that defeated by an initiative election within five (5) years preceding the time of filing of the petition.

22-24-102. Right of referendum; limitations.

The people may approve or reject acts of the legislature by the referendum. However, the referendum shall not be applied to dedications of revenue, to appropriations, to local or special legislation, or to laws necessary for the immediate preservation of the public peace, health or safety.

22-24-103. Application; filing and fee.

An initiative or a referendum shall be proposed by filing an application with the secretary of state. A fee of five hundred dollars (\$500.00) shall accompany the application. This fee shall be deposited in the general fund.

22-24-104. Application; contents.

(a) The application shall include:

- (i) The proposed bill to be initiated or the act to be referred;
- (ii) Repealed By Laws 1998, ch. 100, § 5.
- (iii) The designation of a committee of three (3) sponsors who shall represent all sponsors and subscribers in matters relating to the initiative or to the referendum;
- (iv) In a referendum, the signatures and addresses of not less than one hundred (100) qualified registered voters; and
- (v) Repealed By Laws 1998, ch. 100, § 5.
- (vi) A statement that the committee of sponsors are qualified registered voters who signed the application with the proposed bill or the proposed act attached.

22-24-105. Requirements as to proposed bill.

(a) In an initiative, the proposed bill shall be confined to one (1) subject, the entire subject of the bill shall be expressed in the title, the enacting clause shall be: "Be it enacted by the people of the state of Wyoming;" and the bill shall not include subjects restricted by W.S. 22-24-101.

(b) In an initiative, concurrently with the filing of the application, the proposed bill shall be submitted by the committee of sponsors to the secretary of state for review and comment. Upon request of the secretary of state, the legislative service office or any agency in the executive department shall render assistance in reviewing and preparing comments on the proposed bill. No later than fourteen (14) calendar days after the date of submission, at a conference scheduled by the secretary of state, the secretary shall render to the committee of sponsors comments on any problems encountered concerning the format or contents of the proposed bill. The comments shall not be disclosed prior to the conference with the committee of sponsors but, at such time as the application is certified, the comments shall become a public record. After the conference but before the certification the sponsors may amend the proposed bill in response to some or all of the comments of the secretary of state and resubmit the proposed bill in accordance with this subsection, or they may disregard the comments entirely. The committee of sponsors shall notify the secretary of state within five (5) calendar days after the conference whether the proposed bill will be amended. If the proposed bill is to be amended it shall be resubmitted for review and comment in accordance with this subsection. If the proposed bill will not be amended it shall be submitted by the committee of sponsors together with the comments to the secretary of state.

(c) If in the opinion of the secretary of state the proposed bill will have a fiscal impact on the state, the comments prepared pursuant to subsection (b) of this section shall contain an estimate and explanation of the fiscal impact. The explanation shall include a statement that it is an estimate of fiscal impact to the state only and does not include an estimate of any impact upon political subdivisions. The estimate and explanation shall be disclosed to the committee of sponsors at the conference held pursuant to subsection (b) of this section and may be revised if in the opinion of the secretary of state the committee demonstrates the estimate or explanation is inaccurate. If the final estimated fiscal impact by the secretary of state and the final estimated fiscal impact by the committee of sponsors differ by more than twenty-five thousand dollars (\$25,000.00), the secretary of state's comments under this section and the ballot proposition shall contain an estimated range of fiscal impact reflecting both estimates.

(d) The committee of sponsors shall notify the secretary of state within five (5) calendar days after the conference whether the proposed bill will be amended. If the proposed bill is to be amended it shall be resubmitted for review and comment in accordance with this subsection.

(e) If the proposed bill will not be amended the committee of sponsors shall submit the names, signatures, addresses and the date of signing of one hundred (100) qualified registered voters to act as sponsors supporting the application in its final form to the secretary of state.

22-24-106. Notice to committee.

Notice to the committee on any matter pertaining to the application and petition shall be served on any member of the committee in person or by mail addressed to a committee member at the address indicated on the application.

22-24-107. Sponsors.

(a) The qualified registered voters who subscribe to the application are designated as sponsors. The committee may designate additional qualified individuals to act as circulators of the petitions by giving written notice to the secretary of state verifying under oath the names, qualifications and addresses of those so designated. An individual shall not be qualified to act as a circulator unless he is a citizen of the United States, a bona fide resident of Wyoming and is at least eighteen (18) years of age. For purposes of this section "resident" means a person who has maintained a residence in Wyoming, as defined by W.S. 22-1-102, for a period of at least ninety (90) days prior to circulating a petition.

(b) The committee of sponsors shall file receipt and expenditure reports as required by W.S. 22-25-106.

22-24-108. Review by secretary of state.

Within seven (7) calendar days after receiving the proposed bill, and the comments received under W.S. 22-24-105 and estimated state fiscal impact, the secretary of state shall review the application and shall either certify it or notify the committee in writing of the grounds for denial.

22-24-109. Grounds for denying certification of initiative or referendum application.

(a) The secretary of state shall deny certification of an initiative application if he determines that:

- (i) The proposed bill to be initiated is not in the required form;
- (ii) The application is not in the required form;
- (iii) There is an insufficient number of qualified registered voters as sponsors; or
- (iv) The proposed bill was not submitted for review and comment in accordance with W.S. 22-24-105.

(b) The secretary of state shall deny certification of a referendum application if he determines that:

- (i) There is an insufficient number of qualified registered voters as sponsors;
- (ii) The application is not substantially in the required form; or
- (iii) More than ninety (90) days have expired since the adjournment of the legislative session at which the act being referred was passed.

22-24-110. Petitions; generally.

(a) If the application is certified, the secretary of state shall prescribe the form of and prepare petitions containing:

- (i) A copy of the proposed bill or of the act to be referred;
- (ii) An impartial summary of the subject matter of the bill;
- (iii) The warning required by W.S. 22-24-111;
- (iv) Sufficient space for signatures and addresses;

(v) If the circulator is being paid to solicit signatures, each signature page circulated by that circulator shall contain, in sixteen (16) point or larger red boldface type, the following statement: "This circulator is being paid to solicit signatures for this ballot proposition." The statement shall be prominently displayed and made visible to the petition signer by the circulator; and

(vi) Other specifications necessary to assure proper handling and control.

(b) Petitions, for purposes of circulation, shall be prepared by the secretary of state at the sponsor's expense in a number reasonably calculated to allow full circulation throughout the state. A paid circulator shall solicit signatures on a petition only if each signature page circulated by that circulator contains the statement required under paragraph (a)(v) of this section.

(c) The secretary of state shall number each petition and shall keep a record of the petition delivered to each sponsor.

(d) Upon request of the committee, the secretary of state shall report the number of persons who voted in the preceding general election.

(e) The secretary of state, on any printed material circulated by the secretary of state describing the proposition, shall include notice whether any paid circulator was used to gather signatures as required by paragraph (a)(v) of this section.

22-24-111. Petitions; statement of warning.

Each petition shall include a statement of warning that a person who signs a name other than his own on the petition, or who knowingly signs his name more than once for the same proposition at one (1) election, or who signs the petition knowing that he is not a qualified registered voter, upon conviction, is punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than one (1) year or both.

22-24-112. Petitions; circulation; contests.

(a) The petitions shall be circulated throughout the state only by a sponsor or an individual designated in accordance with W.S. 22-24-107 as a circulator and only in person.

(b) Any person may contest the qualifications of an individual designated as a circulator by filing a petition in the justice of the peace court or county [circuit] court within the county where the circulator was soliciting signatures or in the district court within ten (10) days of the solicitation activity. The court shall hear and decide any such action within five (5) days from the date the petition is filed. Among the criteria the court may use in determining the qualifications of the circulator are the following:

(i) Term and location of dwelling of the circulator and family;

(ii) Term and location of employment;

(iii) Term and location of vehicle registration;

(iv) Length of driver's license registration;

(v) Time of property ownership or lease rental;

(vi) Any other residency qualifications either provided by law or deemed reasonable by the court to render a judicious determination.

(c) Any party prevailing in any action filed pursuant to subsection (b) of this section may be awarded costs and reasonable attorney's fees by the court. The court shall notify the secretary of state of its findings as to the qualifications of a circulator within five (5) days of the determination.

22-24-113. Petitions; subscribing to and withdrawing name.

Any qualified registered voter may subscribe to the petition by signing his name and listing his address. A person who has signed the petition may withdraw his name only by giving written notice to the secretary of state before the time that the petition is filed.

22-24-114. Petitions; verification.

(a) Before a petition is filed, it shall be verified by the sponsor or other individual who personally circulated it. The verification shall be in affidavit form and shall state in substance that:

(i) The person signing the affidavit is a sponsor or an individual designated and qualified in accordance with W.S. 22-24-107 and is the only circulator of that petition;

(ii) The signatures on the petition were made in his presence; and

(iii) To the best of his knowledge, such signatures are those of the persons whose names they purport to be. In determining the sufficiency of the petition, the secretary of state shall not:

(A) Count signatures on petitions not properly verified;

(B) Count signatures on a petition circulated by an individual who has been determined not to be a qualified circulator pursuant to W.S. 22-24-112 or by the secretary of state in accordance with rules of his office.

22-24-115. Petitions; filing by sponsors.

(a) Petitions may be filed with the secretary of state if signed by a sufficient number of qualified registered voters as required by the Wyoming constitution. The sponsor of a petition for referendum may file the petition only within ninety (90) days after the adjournment of the legislative session at which the act was passed.

(b) Petitions for an initiative shall be submitted to the secretary of state for verification within the eighteen (18) month period following the date the first set of petition forms are provided to the sponsors. Any petition not submitted within the eighteen (18) month period is void for all purposes.

(c) The eighteen (18) month period set forth in subsection (b) of this section shall commence on the effective date of this act as to all petitions for an initiative that are outstanding on the effective date.

22-24-116. Petitions; review by secretary of state.

(a) Within not more than sixty (60) days of the date the petition is filed, the secretary of state shall review it and shall notify the committee whether the petition was properly or improperly filed. The petition shall be determined to be improperly filed if:

(i) There is an insufficient total number of signatures of qualified registered voters;

- (ii) There is an insufficient number of signatures of qualified registered voters in at least two-thirds (2/3) of the counties of the state; or
- (iii) The petition is for referendum and was not filed within ninety (90) days after the adjournment of the legislative session at which the act was passed.

22-24-117. Ballot proposition; preparation and contents.

(a) If the petition is properly filed, the secretary of state, with the assistance of the attorney general, shall prepare a ballot proposition. The ballot proposition shall give a true and impartial summary of the proposed law or of the referred act, including the estimated fiscal impact or range of estimated fiscal impact on the state and explanation of the impact prepared in accordance with W.S. 22-24-105(c), and shall make provision for approval and for disapproval thereof.

(b) When any proposal relating to the investment of the permanent funds of the state of Wyoming is placed on the ballot, the secretary of state shall include in the ballot statement an estimate from the state treasurer of the estimated loss or gain in revenue from the proposal. If the final estimated loss or gain by the state treasurer and the final estimated loss or gain by the committee of sponsors of the ballot proposition differ by more than twenty-five thousand dollars (\$25,000.00), the ballot statement shall contain the range of estimated loss or gain reflecting both estimates.

22-24-118. Ballot proposition; procedure for placing on ballot; publication requirements.

(a) Except as required under subsection (b) of this section, the same procedure for placing constitutional amendment questions on the ballot shall be used to place the initiative or referendum ballot proposition on the ballot.

(b) The ballot proposition for an initiative or referendum shall be published by the secretary of state in a newspaper of general circulation in the state in the newspaper edition immediately preceding the general election. Publication under this subsection shall contain the entire text of the initiative or referendum.

22-24-119. Ballot proposition; when placed on ballot.

(a) The ballot proposition for an initiative shall be placed on the election ballot of the first statewide general election that is held after:

- (i) The petition is filed;
- (ii) A legislative session has convened and adjourned; and
- (iii) A period of one hundred twenty (120) days has expired since the adjournment of the legislative session. If the attorney general determines that an act of the legislature enacted after the petition is filed is substantially the same as the proposed law, the petition shall be void and the ballot proposition shall not be placed on the election ballot, and the secretary of the state shall so notify the committee.

(b) The ballot proposition for a referendum shall be placed on the election ballot of the first statewide general election held more than one hundred

eighty (180) days after adjournment of the legislative session at which the act was passed.

22-24-120. Repealed By Laws 1998, ch. 100, § 5.

22-24-121. Insufficiency of application or petition.

An initiative or a referendum submitted to the voters shall not be void because of the insufficiency of the application or petition by which the submission was procured.

22-24-122. Action for review of determination.

Any person aggrieved by any determination made under this article, by the secretary of state or by the attorney general, may bring an action in the district court of Laramie county to have the determination reviewed by filing application within thirty (30) days of the date on which notice of the determination was given.

22-24-123. Penalties.

(a) Any person who signs a name other than his own on a petition for initiative or on a petition for referendum, or who knowingly signs his name more than once for the same proposition at one (1) election, or who signs such petition knowing that he is not a qualified registered voter, upon conviction shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one (1) year, or both.

(b) Any sponsor or circulator who knowingly and willfully makes a false verification of the qualifications of a circulator pursuant to W.S. 22-24-107(a) or knowingly and willfully makes a false verification under W.S. 22-24-114, shall be guilty of false swearing and subject to the penalties provided by W.S. 22-26-101.

22-24-124. Repealed By Laws 1998, ch. 100, § 5.

22-24-125. Petitions; payment for signatures; misrepresentation of petition; prohibition; penalty.

(a) A circulator of an initiative or a referendum petition or a person who causes the circulation of an initiative or a referendum petition may not receive payment for the collection of signatures if that payment is based upon the number of signatures collected. Nothing in this section prohibits a circulator of an initiative or a referendum petition or a person who causes the circulation of an initiative or a referendum petition from being paid a salary that is not based upon the number of signatures collected.

(b) A circulator of an initiative or a referendum petition or a person who causes the circulation of an initiative or a referendum petition may not pay or offer to pay any compensation to another person for that person's signature on the initiative or referendum petition.

(c) A circulator of an initiative or a referendum petition or a person who causes the circulation of an initiative or a referendum petition shall not collect another person's signature on the petition by knowingly making a false statement with respect to or otherwise misrepresenting the proposed law or referred act contained within the initiative or referendum petition. A violation of this subsection is subject to the penalty imposed under W.S.

Article 2 Paid Advertising in Any Communication Medium or Printed Literature to Support,, Oppose or Influence Legislation

22-24-201. Paid advertising; penalty.

(a) Any group of persons who are associated for the purpose of raising, collecting or spending money for paid advertising in any communication media or for printed literature to support, oppose or otherwise influence legislation by the legislature of the state of Wyoming, which is or was the subject of a statewide initiative or referendum within the past four (4) years, shall:

(i) File a statement of formation listing the names and addresses of its chairman and treasurer with the secretary of state within ten (10) days after formation and prior to the publication, dissemination or broadcast of any paid advertising from the group;

(ii) File with the secretary of state a statement of receipts and expenditures setting forth the full and complete record of receipts including cash, goods or services and actual and promised expenditures, on a form prescribed by the secretary of state, on the last Friday in December of each calendar year. In addition to the annual report, while the legislature is in session, there shall be filed an interim monthly statement for each month or portion thereof that the legislature is in session, within ten (10) days of the first day of the month for the previous month;

(iii) If the total receipts and expenditures reported under paragraph (a)(ii) of this section lists any contribution in excess of one thousand dollars (\$1,000.00) from any source or sources other than an individual, the report shall include a full and complete disclosure of the funding source or sources of any nonindividual contributor which funded the advertising.

(b) Any group formed under this section shall file a termination report within thirty (30) days after it ceases the regulated activity but cessation of activity shall not relieve the group of the reporting requirement for that filing period.

(c) No group subject to this section shall pay for advertising in any communication media or printed literature without full disclosure of the name of the group.

(d) Nothing in this section shall require an individual or individuals who pay for advertising or literature to support, oppose or otherwise influence legislation to file under this section, provided the name of the individual or individuals is fully disclosed in the advertising or literature.

(e) As used in this section:

(i) "Communication media" means advertising on television, radio, in print media, on billboards and other electronic media;

(ii) "Printed literature" means any printed material but shall not include any member association printed communication not intended for public dissemination, bumper stickers, pens, pencils, buttons, rulers, nail files, balloons and yard signs.

(f) Any person who willfully and knowingly violates any of the provisions of this section is guilty of a misdemeanor punishable as provided by W.S. 22-26-112.