

LWV Wyoming Report #5 3-17-22
 2022 Wyoming Legislature
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The 2022 Wyoming Legislative Session completed its must-do tasks of writing a 2-year budget bill, redistricting the Legislature and making a plan for some \$430 million in federal Covid relief funds. The session also was marked by a rare use of rules of behavior to strip a senator of his committee assignments. One proposed constitutional amendment will be on the ballot in November, to raise the mandatory retirement age of judges from 70 to 75 years old.

REDISTRICTING/ELECTIONS

The 66th Legislature took all 20 days, virtually to the last hour, to complete its work. The Joint Corporations Committee started meeting in August, when the delayed Census numbers finally were available, to adjust district lines so that each had about the same number of people – within 10 percent of each other. Shifting population, including the shrinking Big Horn Basin and the burgeoning Laramie County, meant lines were going to shift. Joint Corporations spent six months trying to accommodate requests to keep familiar district lines and counties that did or didn't want to share districts (and population) with others.

Increasing House districts from 60 to 62 and Senate districts from 30 to 31 eased a few difficult decisions. The “ideal” district size reduced from 9,614 to 9,304. Big Horn Basin legislators said they had lost population over the previous 10 years but shouldn't be expected to enlarge to take in population from Fremont or Natrona counties to meet “deviation” requirements for 60 House and 30 Senate seats. (Fremont and Natrona weren't too excited, either.) On the other hand, the so-called “62-31” plan meant the old familiar districts in Sheridan and Johnson counties were **above** the allowable +5 percent deviation, but the Legislature accepted that apparently unconstitutional provision to complete the job in time. Four House districts (29, 30, 40 and 51) and two Senate districts (20 and 21) are between 5.42 percent and 6.25 percent above the target number of people.

How are we going to justify those six exceptions if there's a court challenge? One clue is a section of “findings” (by Sen. Kinsky, R-Sheridan) in the legislation, which says population deviations must recognize “county boundaries, communities of interest, common economic interests and historical representative practices.” It sounds broad, to include something like, “We can keep old lines because we like them.” Also, there was talk in committee about shopping in the same stores for groceries and hardware as creating a “community of interest” that would override deviation problems. There was evidence of protecting incumbents from ending up in the same districts, Senate nesting decisions made to protect sitting senators and adjusting lines to avoid diverse constituent communities. (Legislators were unmoved by my assertion to consider diversity a “gift.”)

... All of which points to the need for an independent commission to do this job in 10 years. It might be just too difficult for sitting legislators to make hard decisions. This might be a worthy subject for LWV discussion before need to do this again in 2032.

In other elections work, LWV and other groups managed to defeat Primary Election proposals for a runoff and for restrictions on affiliation changes. Fitting a runoff into our Primary season would require campaigning and

elections in May, and county clerks wondered if they could get absentee ballots mailed out and returned in the shortened timelines. (See HB74 and HJ3.) SF97 for affiliation changes was touted as an “election integrity” bill by the state GOP officials, but testimony in committee was strongly in favor of trusting Wyoming voters to decide when and how to exercise their franchise. Talk of open primaries went nowhere (again) this session.

On the plus side, the Legislature put into statute the ability of county clerks to open mailed absentee ballots to prepare them for election day tabulation, to avoid possible days of delay in announcing election results. Legislators fended off attempts to require “observation” by political party representatives. Another step forward is closing loopholes on finance reporting by groups that collect and spend money to promote candidacies and ballot issues. (See HB49.)

APPROPRIATIONS

The 2022 Legislature wrote the \$2.8 billion 2023-24 budget bill (SF1) and also laid out spending of about \$431 million American Rescue Plan money (SF66). Controversial provisions included a defunding of UW gender studies (reversed in conference committee) and reduction/elimination of an External Cost Adjustment for public education to cover increases in costs for utilities, supplies and personnel. The personnel cost of \$26 million was cut, but about \$9.5 million for supplies/utilities survived. Some legislators wanted districts to use federal Covid-relief funds to cover inflation, in violation of federal guidelines.

Several gubernatorial vetoes – some overridden and some not – raised the issue of legislative vs. executive separation of powers. The Legislature has the power of the purse and is always tempted to drive policy with appropriations. In this contest, the Legislature tied investment staff raises to performance. Read Gov. Gordon’s veto letters at governor.wyo.gov.

Medicaid expansion (HB20) was short of the legislative support it would have needed to get through the process, so supporters agreed not to bring it up for a 2/3 introduction vote in the House. The ARPA bill included a House amendment to bring low-income people onto the federal health insurance exchange, but that got dropped in conference committee bargaining. So the estimated 24,000 Wyoming people who lack health insurance are still without access to affordable healthcare.

The Senate decided that behavior by Sen. Anthony Bouchard, R-Cheyenne, crossed a line and voted on the penultimate day of the session to support leadership’s decision to take away his committee assignments. But let’s talk about the failures of chairmen to maintain a respectful committee meeting environment. News has come out about a violent threat, made in a private phone call by a House member, against another current and a former House member because of their political stances.

GOING FORWARD...

- The Legislature’s Management Council (House and Senate leaders) meets April 8 in Cheyenne (also streamed) to assign interim committee work. Check meeting details closer to April 8 to read materials submitted for consideration. Tentative interim meeting dates already are posted on the LSO Website calendars, beginning in April. These meetings are important, because they result in committee bills for the 2023 session, and the public has a chance to get involved early in the process. Also, LWV and other groups are compiling requests for Management Council action to better ensure meeting decorum and to make sure the public can access documents that legislators use in open meetings to work budget bills.

- You can find the House and Senate district maps in the Joint Conference Committee report (JCC01) that was approved, on the LSO Website's redistricting site. Now your clerks will work with your county commissioners to draw precinct lines so our election entities (school and special districts) and city wards can draw their lines.
- Our work to help qualified voters be informed and engaged begins. Several legislators announced they did not plan to seek re-election. We should help voters understand district changes and the new (and old) candidates on their ballots. Also, voters will have to understand the ID requirements newly implemented in this General Election.
- Campaign finance reporting requirements are tightened up, so we may know more about money spent to influence our elections – and who is spending it.
- There seems to be plenty of interest in our Primary Elections, so there might be interest in taking another look at ranked-choice voting and open primaries.
- We can start talking now about the built-in conflicts of our redistricting process and the benefits of an independent commission to do the job. Would it need a constitutional amendment?
- One proposed constitutional amendment passed in 2022 and will appear on the General Election ballot this fall. We can consider efforts to inform the public about the proposal to increase the mandatory retirement age for Supreme Court justices and District Court judges from 70 to 75 years old.

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