Wyoming Secretary of State
Chuck Gray

August 28, 2023
Via Email

Christi Haswell, Chairwoman
Lonnie Wright, Commissioner
Tom Ringley, Commissioner
Nick Siddle, Commissioner
Sheridan County Commission
224 S. Main St., Suite B1
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bocc@sheridancountywy.gov

Re: Sheridan County Commission - Vacancy

Dear Chairwoman Haswell and Members of the Commission:

This letter pertains to the vacancy triggered by the resignation of Commissioner Allen Thompson. As I understand it, the Sheridan County Republican Party has, in accordance with Wyoming law, provided three names to the County Commission for consideration. While the Sheridan County Commission now has a statutory obligation to select one of the three names provided by the Sheridan County Republican Party, our office has received several complaints and inquiries from citizens concerned that the statutory process will not be followed. In an attempt to provide clear guidance concerning an essential government function our office deals with on a regular basis, I wanted to highlight the statutory process for filling vacancies as found in Wyoming law.

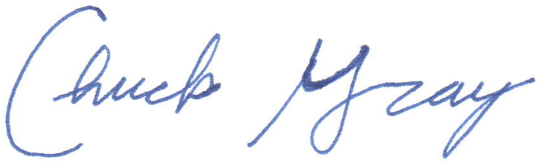
Wyoming law is clear. W.S. 22-18-11 provides the process for filling vacancies of county elected offices, except as provided in the case of county commissioners, which are found in W.S. 18-3-524. With respect to the county commission's obligations once names are received from the county central committee, W.S. 18-3-524 provides in part:

> The chairman of the county central committee shall within twenty (20) days after receipt of the notice call a meeting of the county central committee. At the meeting the committee shall select three (3) persons qualified to fill the vacancy and transmit the names to the board of county commissioners. **The board of county commissioners shall fill the vacancy within twenty (20) days after receiving the list from the county central committee by appointing one (1) of the persons whose names are submitted by the county central committee**…

(emphasis added). The statute's use of the word "shall" is significant in that it indicates that the county commission's duty to select from the list provided by the county central committee is mandatory, not discretionary. *See Tuttle v. Lee*, 425 P.3d 998 (Wyo. 2018). Any other interpretation of the statute would be to write an entirely different law contrary to what the legislature prescribed. *Id.* (quoting *In re MN,* 171 P.3d 1077 (Wyo. 2007)). Although W.S. 18-3-524 goes on to provide for the situation in which the county commission does not fulfill its statutory duty, the insertion of such a provision does not somehow relieve the county commission of its duty in the first place. Such an interpretation would render the first clause, cited above, meaningless. Furthermore, there are serious implications with allowing a county commission to simply ignore statutory obligations and allow a judicial process to select who represents over 30,000 Sheridan County citizens.

Although I am not your attorney, I advise you to follow the process outlined in Wyoming Statute.

Sincerely,



Chuck Gray
Wyoming Secretary of State

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