



WYOMING HOUSE DISTRICT 20

March 9, 2023

PO Box [REDACTED] story, WY
82842-0641

Sent Via United States Mail

RE: Summary Dismissal of Complaint

Dear [REDACTED]

This letter is in response to your complaint requesting that Representative Cyrus Western be investigated for alleged violations of statutes relating to political campaign activities. After consultation with Majority Floor Leader Chip Neiman and Minority Floor Leader Mike Yin, I am summarily dismissing your complaint pursuant to Rule 22-1 (b) of the Joint Rules of the Wyoming Senate and the House of Representatives.

The actions of Representative Western as alleged in your complaint, even when those allegations are accepted as true, fail to meet the definition of "misconduct involving legislative duties" as that term is defined under Joint Rule 22- Under the Joint Rule, the House of Representatives can only consider and take action on a complaint which " alleges that a legislator committed "misconduct involving legislative duties.

Joint Rule 22-1 (a)(i) defines "legislative misconduct" as:

[A] violation of Article 3 of the Wyoming Constitution; the Ethics and Disclosure Act, W.S. 9-13-101, et seq; any of the Wyoming Conflict of Interest Statutes; violence or disorderly conduct during legislative meetings, sessions, or during the performance of legislative duties; or bribes or offers of bribes[.]

The facts as alleged in your complaint, which for purposes of analysis under Joint Rule 221, I assume are true, state that:

- Representative Western paid for a postcard mailer ("the mailer") to be sent to residents of Sheridan County sometime in the summer of 2022 which disparaged four individuals, including one individual who was running for a precinct committee chairman position at the 2022 primary elections.
- The mailer was attributed to a political action committee which was not registered with the Wyoming Secretary of State's Office ("WINO PAC"). You allege Representative Western's failure to register the "WINO PAC" is a violation of the Wyoming Election Code (Wyoming State Statutes, sections 22-1-101 through 227-101).
- Representative Western attempted to hide his involvement in the postcard mailer by placing a "ghost address" on the mailer.
- Representative Western did not report his contributions to the "WINO PAC," which you allege is a further violation of the Wyoming Election Code.
- Complaints were filed with the Sheridan County Clerk's Office concerning the alleged violations of the Wyoming Election Code. The Sheridan County Clerk provided the Sheridan County Sheriff's Office with the complaints for investigation.

From these facts, you conclude that Representative Western's actions in relation to the mailer were criminal in nature and that he should be removed from his legislative office for those actions.

At this point, it is important to note that your allegations against Representative Western involve actions he took while a private citizen, not while acting within his legislative capacity. An alleged violation of the Wyoming Election Code is not one of the enumerated violations which can be investigated as "misconduct involving legislative duties" under Joint Rule 22-1. The rationale for this is clear: any campaign activity that is governed by the Wyoming Election Code is done as a candidate or as a private citizen, not within the performance of legislative duties. The Secretary of State is the entity charged with investigating campaign violations under 22-26-121(a). While there may be instances where a legislator's conduct as a private citizen is so egregious that the House of Representatives has a duty to investigate and discipline that legislator, the facts as alleged in your complaint do not reach the necessarily high threshold required for the House to take such an action.

Equally persuasive is the fact that Representative Western's actions in relation to the mailer were investigated by the Sheridan County Sheriffs Office and forwarded to the Sheridan County Attorney's Office for possible prosecution. Despite that investigation, Representative Western has not been charged with a crime, much less convicted of a crime. The Sheridan County Attorney's Office declined to file charges against Representative Western based on his actions in relation to the mailer, finding that no crime had been committed. The House of Representatives should not be placed in a prosecutorial posture concerning Representative Western when the county attorney for the county in which these alleged events occurred declined to file any criminal charges.

For the reasons stated above, I am dismissing your complaint pursuant to Joint Rule 2210).

Sincerely,



Representative Albert Sommers
Speaker, Wyoming House of Representative

Cc— Representative Chip Neiman, Majority Floor Leader
Representative Mike Yin, Minority Floor Leader
Representative Cyrus Western