

JOINT RULES OF THE HOUSE AND SENATE

15-1(a) Upon receipt of notice of election contest and supporting documents from the secretary of state pursuant to W.S. 22-17-112, the presiding officer of the Senate if the contest is for the office of state Senator, or the presiding officer of the house if the contest is for the office of state representative, shall, as soon as possible, appoint a special committee to hear the contest. A special committee in the Senate shall consist of five (5) members and a special committee in the house shall consist of nine (9) members. Committee appointments shall be apportioned as nearly as possible to reflect the percentage of the elected members of the majority and minority parties of the appropriate house. The presiding officer of the appropriate house shall also appoint a chairman of the committee.

(b) (1) The appointed committee shall hear the election contest as expeditiously as possible.

(2) Each party to the proceedings may be represented by counsel and shall be afforded reasonable opportunity to be heard and to present oral argument. In accordance with W.S. 22-17-111, any party may, under procedures applicable to a civil action, take the deposition of any witness at any time after service of notice of intent to contest pursuant to W.S. 22-17-110. For purposes of this rule, "party" means any contestant and any person who is certified as elected by the state canvassing board whose election is being contested.

(3) The burden of proof is on the contestant to prove at least one (1) of the grounds specified under W.S. 22-17-101(a) by a preponderance of the evidence. If the contest is based upon grounds specified under W.S. 22-17-101(a)(iv) or (v), the contestant also has the burden of proving that any irregularities shown were of such a nature that, if not for the irregularities or for any illegal votes counted for the person declared elected, that person would not have been elected.

(4) In proceedings before the committee, irrelevant, immaterial or unduly repetitious evidence shall be excluded and no recommendation shall be made unless supported by the type of evidence commonly relied upon by reasonably prudent men in the conduct of their serious affairs. Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. A party may conduct cross-examinations required for a full and true disclosure of the facts and a party is entitled to confront all opposing witnesses.

(c) (1) All proceedings of the committee concerning election contests shall be electronically recorded. The committee shall provide all parties advance notice of each meeting, hearing or other proceeding of the committee concerning the election contest.

(2) The chairman of the committee shall have the power to administer oaths and to compel the attendance of witnesses and the production of documents relevant to the contest, as authorized by W.S. 28-1-107 through 28-1-112. Any testimony made at any committee hearing or before the appropriate house which purports to establish matters of fact shall be made under oath.

(d) Not later than the fourth legislative day following the date the committee was appointed, the committee shall report its findings and final recommendation to the appropriate house. The final recommendation of the committee shall be to either sustain or reject the election contest.

(e) (1) As soon as practicable but not later than the second legislative day following receipt of the committee report pursuant to subsection (d) of this rule, the appropriate house shall consider the committee findings and final recommendation. Only a motion to sustain or reject the election contest shall be in order. The motion is debatable.

(2) Debate on the motion to sustain or reject the election contest shall be limited as follows:

(A) No member may speak more than twice on the motion; and

(B) No member shall occupy the floor more than five (5) minutes each time that he speaks; and

(C) There shall be no extensions of time under this rule.

(3) Once deliberations begin on a motion to sustain or reject the election contest, the house or Senate, as applicable, shall not adjourn until the contest is decided.

(4) If a quorum to transact business is present, a majority of the members of the appropriate house who are present may sustain or reject the election contest.

(f) Following a determination under subsection (e) of this rule, the presiding officer of the house or of the Senate, as applicable, shall inform the governor and the secretary of state of the decision.

(g) A decision of either house under this rule is final and shall not be subject to appeal.

(h) If the election contest is rejected by the applicable house, the individual whose election was contested shall, for purposes of salary, per diem and mileage, be treated as if the contest had not been initiated.