

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT  
WITHIN AND FOR SUBLETTE COUNTY, WYOMING

PAUL ALAN ROCK

&

ERNEST W. KAWA

Petitioners,

vs.

ss. CIVIL NO. 2012- 8000

MARY LANKFORD IN HER  
OFFICIAL CAPACITY AS  
SUBLETTE COUNTY CLERK

Respondent.

**FILED**

MAY 23 2012

MARILYN M. JENSEN  
CLERK OF DISTRICT COURT  
SUBLETT COUNTY WYOMING

**PETITION FOR WRIT OF REVIEW**

COMES NOW, Paul Alan Rock and Ernest W. Kawa, Petitioners  
herein, by and through Michael J. Crosson of Crosson Law Office  
P.C., and in support of this Petition allege as follows:

1. Petitioners are bona fide residents of Sublette County,  
Wyoming, and are qualified registered members of the Sublette  
County electorate, and were at all times pertinent hereto.  
Petitioners are aggrieved persons by virtue of Respondent  
implementing an illegal election to decrease the membership of  
the Sublette County Board of Commissioners in May 2012.  
Respondents are further aggrieved due to Respondent's failure  
to render a proclamation that two (2) additional commissioners  
shall be elected in the scheduled 2012 general election.
2. Respondent is the duly elected County Clerk in the  
aforementioned county and state, and was at all times

pertinent hereto, and is statutorily charged with the duty of lawfully implementing elections in Sublette County.

3. On or about August 16<sup>th</sup> 2011, the electorate of Sublette County voted to increase the Sublette County Board of Commissioners from three (3) members to five (5) members, the election having been in compliance with all applicable laws including but not limited to Wyoming Statute §18-3-501, the official results of which are attached as exhibit one (1).
4. On or about May 8<sup>th</sup> 2012, Respondent in her official capacity conducted an election not in compliance with Wyoming Statute §18-3-501 or other applicable law, upon conclusion of which the electorate voted to decrease the Board of Sublette County Commissioners from five to three offices. The official results are attached as exhibit two (2).
5. Respondent lacked legal authority to hold the election May 8<sup>th</sup> 2012, purportedly negating the prior election conducted August 16<sup>th</sup> 2011, and said election results should be set aside and deemed null and void.
6. Wyoming Statute §18-3-501 is the primary legal authority controlling an increase or decrease in the membership of Board of County Commissioners in the State of Wyoming.
7. Wyoming Statute §18-3-501(f) provides in pertinent part, "Any county may decrease the **membership** (emphasis added) of its board of county commissioners from five (5) to three (3) members in the same manner as an increase under subsection (b)

and (c) of this section." There is presently no membership to decrease, only vacant commission offices.

8. Wyoming Statute §18-3-501(b) states in pertinent part,  
"Additional offices created under this subsection in odd-numbered years **shall** (emphasis added) be filled in the general election next following the election at which the increase was approved."
9. The unambiguous wording of the foregoing statute mandates that the offices created upon conclusion of the election held August 16<sup>th</sup> 2011 shall be filled at the general election to be held in 2012, and that any subsequent election to decrease the board can only take place after an election seating additional members has taken place, after the 2012 general election.
10. Respondent in her official capacity has issued a public record entitled "Primary Election Proclamation" which provides that the electorate of Sublette County will vote for only one (1) county commissioner during the general election to be held in November 2012. A copy of the proclamation is attached hereto as exhibit three (3), evidencing Respondent's intent to preclude the electorate from seating two (2) additional commissioners in the 2012 general election, in contravention of her lawful duties as Sublette County Clerk.
11. Petitioners are aggrieved persons entitled to review of agency action by the District Court, who hereby assert the

election held May 8<sup>th</sup> 2012 was illegal, and/or that two (2) additional offices must be placed on the ballot for the upcoming general election. By facilitating and implementing the May 8<sup>th</sup> 2012 election, and by failing to issue a proclamation that additional commissioners will be seated, Respondent acted in excess of statutory jurisdiction and authority without right, abused her discretion, acted not in accordance with law, and without observance of procedure required by law.

12. The Court has jurisdiction in this matter pursuant to Wyoming Statute §16-3-114 and W.R.A.P. 12.01, and has personal jurisdiction over the parties, and venue is proper. All pertinent facts and conduct arise in Sublette County.
13. Petitioners affirmatively file this Petition under Wyoming Statute §16-3-114.

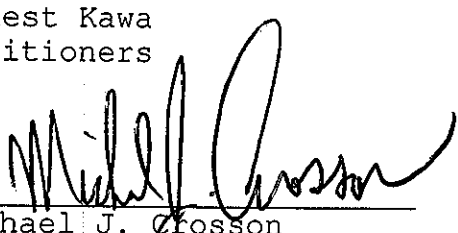
WHEREFORE, Petitioners prays for the following relief:

1. That the May 8<sup>th</sup> 2012 election be held unlawful and set aside and deemed null and void.
2. That Respondent be ordered to immediately issue a proclamation indicating that three (3) Sublette County Commission offices shall be placed on the ballot and filled upon conclusion of the 2012 general election.
3. For such other and further relief as the Court deems just.

Dated this 23<sup>rd</sup> day of May, 2012.

Paul Rock  
&  
Ernest Kawa  
Petitioners

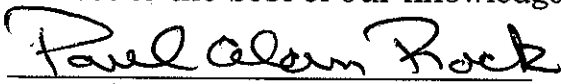
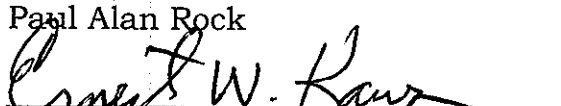
By:

  
Michael J. Crosson  
Crosson Law Office P.C.  
P.O. Box 1910  
219 E. Pine St. # 202  
Pinedale, WY 82941  
(307) 367-4529  
(307) 367-7121 (fax)

**Verification**

State of Wyoming )  
 )ss.  
County of Sublette )

We, Paul Alan Rock and Ernest W. Kawa, hereby independently swear and affirm that the entire content of this Petition For Writ of Review is true and correct to the best of our knowledge and belief.

  
Paul Alan Rock  
  
Ernest W. Kawa

Subscribed and sworn to before me this 23<sup>rd</sup> day of May, 2012 by Paul Alan Rock and Ernest W. Kawa.

  
Notary Public

Witness my hand and official seal: 11/7/12



INCREASE THE BOARD OF COUNTY  
COMMISSIONERS ELECTION

OFFICIAL RESULTS

Shall the membership of the Board of County Commissioners be increased from three (3) to five (5)?

POLLING PLACE:	PINEDALE	BOULDER	MARBLETON	CORA	DANIEL	BONDURANT	TOTALS
FOR	324	37	84	52	33	32	562
AGAINST	180	64	203	26	48	10	531
TOTALS	504	101	287	78	81	42	1093

REGISTERED VOTERS	1611	484	961	327	242	187	3812
TURNOUT	504	101	287	78	81	42	1093
PERCENTAGE (%)	31.28%	20.87%	29.86%	23.85%	33.47%	22.46%	28.67%

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DECREASE THE BOARD OF COUNTY  
COMMISSIONERS ELECTION

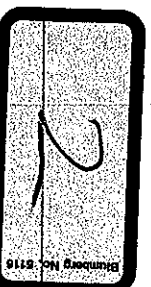
OFFICIAL RESULTS

Shall the membership of the Board of County Commissioners be decreased from five (5) to three (3)?

POLLING PLACE:	PINEDALE	BOULDER	MARBLETON	CORA	DANIEL	BONDURANT	TOTALS
FOR	368	114	329	43	93	27	974
AGAINST	468	78	131	66	55	34	832
TOTALS	836	192	460	109	148	61	1806

REGISTERED VOTERS	1673	492	998	327	255	191	3936
TURNOUT	836	192	460	109	148	61	1806
PERCENTAGE (%)	49.97%	39.02%	46.09%	33.33%	58.04%	31.94%	45.88%

5/10/2012 8:14 AM



**PRIMARY ELECTION PROCLAMATION**

**SUBLETTE COUNTY, WYOMING**

**PRIMARY ELECTION DAY: TUESDAY, AUGUST 21, 2012**

**FILING DATES: MAY 17 through JUNE 1, 2012**

**FILING OFFICE:** Candidates for Federal and State  
Legislative offices file with the Secretary of  
State.

Candidates for County and Precinct offices file  
with the County Clerk.

**LAST DAY TO REGISTER TO VOTE: MONDAY, AUGUST 6, 2012.**

**VOTER REGISTRATION WILL BE PERMITTED AT THE POLLS ON PRIMARY  
ELECTION DAY.**

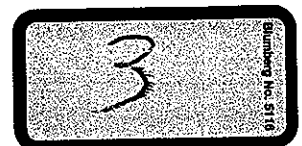
**PARTISAN OFFICERS TO BE NOMINATED BY EACH PARTY**

<u>No.</u>	<u>TITLE</u>	<u>TERM</u>
1	U.S. Senator	6 yr.
1	U.S. Representative	2 yr.
1	State Senator, District 14	4 yr.
1	State Senator, District 16	4 yr.
1	State Representative, District 20	2 yr.
1	State Representative, District 22	2 yr.
1	County Commissioner	4 yr.
1	County Assessor	2 yr.

**TITLES AND TERMS OF OFFICE TO BE ELECTED AT THE PRIMARY**

<u>No.</u>	<u>TITLE</u>	<u>TERM</u>
11 pr.	Republican Precinct Committeemen & Committeewomen	2 yr.
8 pr.	Democratic Precinct Committeemen & Committeewomen	2 yr.

**CAMPAIGN FILING REQUIREMENTS**





EVERY candidate, whether successful or not, must file a Statement of Receipts and Expenditures by August 31, 2012. **A candidate must file the statement as required by law before receiving a certificate of election.**

Every Candidate's Campaign Committee and Political Action Committee shall file a Statement of Campaign Receipts and Expenditures by August 31, 2012.

If you require assistance to vote by reason of blindness, disability, or inability to write, you may be given assistance by a person of your choice. If you have questions regarding the accessibility of your polling place, please contact your County Clerk.

Any person who expects to be absent from his place of residence on Election Day, or who cannot be present at his precinct polling place on Election Day because of illness, injury, disability, old age or tenets of his religion, may apply for an absentee ballot in person, in writing, or by telephone, at the Office of the County Clerk, Sublette County Courthouse, P.O. Box 250, Pinedale, WY 82941, 367-4372, 276-3827, or maryl@sublettewyo.com. Absentee ballots may be requested through August 20, 2012, at your County Clerk's Office.

DATED THIS 9TH DAY OF MAY, 2012.

/s/Mary L. Lankford  
Sublette County Clerk

Publish in the Sublette Examiner, May 15, 2012.

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WITHIN AND FOR SUBLETTE COUNTY, WYOMING

PAUL ALAN ROCK

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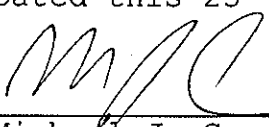
MARILYN M. JENSEN  
CLERK OF DISTRICT COURT  
PINEDALE WYOMING

**CERTIFICATE OF SERVICE**

COMES NOW, Michael J. Crosson, certifying that a true and correct copy of the Petition For Review in the above entitled action was filed and served upon Respondent this 23<sup>rd</sup> day of May 2012 via United States mail, postage prepaid to:

Mary Lankford  
Sublette County Clerk  
P.O. Box 250  
Pinedale, WY 82941-0250

Dated this 23<sup>rd</sup> day of May, 2012.

  
Michael J. Crosson  
Crosson Law Office P.C.  
P.O. Box 1910  
219 E. Pine St. # 202  
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