



**For Immediate Release:**

**Date:** 09/17/2018  
**Contact:** Will Dinneen  
**Phone:** 307-777-5365  
**Email:** [will.dinneen@wyo.gov](mailto:will.dinneen@wyo.gov)

**State of Wyoming: Election Renders State of Wyoming v. Taylor Haynes Moot**

**CHEYENNE, WY** – The Wyoming Attorney General's Office filed a motion earlier today to dismiss State of Wyoming v. Taylor Haynes M.D.

If the court grants the motion, the two questions originally asked of the court in State of Wyoming v. Taylor Haynes M.D. will remain unanswered by the Wyoming Judiciary:

1. Does Dr. Taylor Haynes meet the residency requirement to hold the office of governor under Article 4 Section 2 of the Constitution of the State of Wyoming?
2. Does the Secretary of State, as Wyoming's chief election officer, have the legal and statutory authority to act upon issues relating to a candidate's eligibility?

"My office had hoped that a ruling in this case would set a firm judicial precedent and provide guidance as to our authority relating to candidate eligibility. The definitive primary election results in the governor's race leaves the court without an active legal issue to consider. Now we are looking forward to working with the Wyoming Legislature to achieve a legislative solution to the question of candidate eligibility. The legislature is the right body for this issue as the Wyoming Constitution instructs the legislature to 'secure the purity of elections, and guard against abuses of the elective franchise,'" said Secretary of State Edward Buchanan.

The Attorney General had initially requested an expedited hearing and review of the matter in July, however, Dr. Haynes would not agree to an expedited ruling. If the motion is not granted, evidentiary hearings on Dr. Haynes' eligibility are scheduled for early January in accordance with the Wyoming Rules of Civil Procedure.

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STATE OF WYOMING )  
 ) ss.  
COUNTY OF LARAMIE )

IN THE DISTRICT COURT  
FIRST JUDICIAL DISTRICT

STATE OF WYOMING, ex. rel Secretary )  
of State Edward Buchanan )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
TAYLOR HAYNES, M.D. )  
 )  
Defendant. )

Civil Action No. 190-183

**FILED**

**SEP 17 2018**

DIANE SANCHEZ  
CLERK OF THE DISTRICT COURT

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**STATE OF WYOMING'S MOTION TO DISMISS AS MOOT**

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**PLAINTIFF**, the State of Wyoming on behalf of the Wyoming Secretary of State, through the Wyoming Attorney General, moves to dismiss this case under Rule 41(a)(2) of the Wyoming Rules of Civil Procedure because the case is now moot. In support of this motion, the State of Wyoming states as follows:

1. On July 20, 2018, the State of Wyoming filed its complaint and request for injunctive relief. The State requested that this Court declare that the Secretary has the authority to remove or withdraw candidates from ballots in advance of elections and that Dr. Taylor Haynes is not eligible to serve as Governor if he were to be elected. In the alternative, the State requested that the Court remove Dr. Haynes from the ballot itself.

2. In a motion seeking a preliminary injunction and hearing, the State requested that the matter be resolved as soon as possible. It was the State's understanding that both parties wanted

the matter of Dr. Haynes's eligibility resolved before the day of the primary election, August 21, 2018.

3. But at a motions hearing on August 1, 2018, Dr. Haynes asserted that he did not consent to an expedited litigation schedule and argued that the Court must allow him time under the Wyoming Rules of Civil Procedure to conduct discovery.

4. This Court, unable to force Dr. Haynes to an expedited litigation schedule without his consent, ordered a normal litigation schedule with a final hearing date of January 22, 2019.

5. On August 21, 2018, Dr. Haynes came in fifth place out of six candidates in the Republican Party's primary election for Governor. As a result, his name will no longer be printed on any ballot in the general election. Dr. Haynes has also publicly stated that he no longer intends to run for Governor in 2018 or thereafter.

6. Because Dr. Haynes did not consent to an expedited schedule to resolve this matter, the Court was not able to resolve the important questions raised in the State's complaint before the voters decided the matter for the parties.


7. As a result of the delay, this case is now moot. The complaint requested that the Court declare that the Secretary could remove Dr. Haynes from the ballot or that the Court do so itself. But Dr. Haynes is no longer on any ballot. The Court cannot grant the relief the State requests in its complaint and cannot rule on the facts of Dr. Haynes' residency.

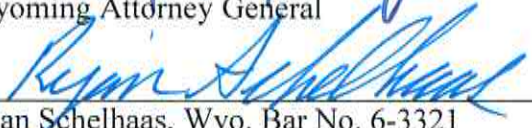
8. When an event occurs that makes determining the issues in a case unnecessary, or when a decision would have no practical effect, the case becomes moot. *McClain v. Anderson*, 933 P.2d 468, 472 (Wyo. 1997); *Bard Ranch Co. v. Frederick*, 950 P.2d 564, 566 (Wyo. 1997). Because Dr. Haynes did not win the primary election on August 21st, and because the Court cannot issue a decision in this case that would have a practical effect, the case is moot.


9. The State still contends that Dr. Haynes was not a Wyoming resident for the constitutionally-required period to be eligible to be Governor. But Dr. Haynes is not running a write-in campaign or otherwise seeking that office. And while it would be useful in the future for the Court to now decide the legal issue of what determines Wyoming residency under article 4, section 2 of the Wyoming Constitution, a decision without reference to an actual case or controversy would be merely advisory. As the Wyoming Supreme Court has explained, a case that pertains only to matters that might arise in the future is still moot. *McClain*, 933 P.2d at 472; *Bard Ranch Co.*, 950 P.2d at 566. Because the legal questions in this case now pertain only to matters that may arise in the future and no longer apply to any current controversy, this case is now moot.


The State respectfully asks this Court to dismiss its complaint against Dr. Haynes without prejudice because the case is now moot.

**DATED** this 17 day of September, 2018.

  
\_\_\_\_\_  
Peter K. Michael, Wyo. Bar No. 5-2309  
Wyoming Attorney General

  
\_\_\_\_\_  
Ryan Schelhaas, Wyo. Bar No. 6-3321  
Deputy Attorney General

  
\_\_\_\_\_  
Mackenzie Williams, Wyo. Bar No. 6-4250  
Senior Assistant Attorney General

  
\_\_\_\_\_  
James LaRock, Wyo. Bar No. 7-5814  
Assistant Attorney General  
Wyoming Attorney General's Office  
Kendrick Building  
2320 Capitol Avenue  
Cheyenne, WY 82002  
(307) 777-7886  
james.larock@wyo.gov

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 17<sup>th</sup> day of September 2018, a copy of the foregoing **STATE OF WYOMING'S MOTION TO DISMISS AS MOOT** was served in the following manner as addressed to:

Michael J. Pearce  
116 Grand Avenue  
Laramie, WY 82070

VIA US Mail

**Courtesy Copy**  
Honorable Thomas Campbell  
District Judge  
309 W. 20<sup>th</sup> Street, 3<sup>rd</sup> Floor  
Cheyenne, WY 82002

VIA Hand Delivery

  
\_\_\_\_\_  
Office of the Wyoming Attorney General

STATE OF WYOMING )  
 ) ss.  
COUNTY OF LARAMIE )

IN THE DISTRICT COURT  
FIRST JUDICIAL DISTRICT

STATE OF WYOMING, ex. rel Secretary )  
of State Edward Buchanan )  
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Plaintiff, )  
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TAYLOR HAYNES, M.D. )  
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Defendant. )

Civil Action No. 190-183

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**ORDER GRANTING MOTION TO DISMISS WITHOUT PREJUDICE**

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THIS MATTER having come before the Court upon the State of Wyoming's Motion to Dismiss and the Court having reviewed the Motion and the file herein, and being fully advised in the premises, finds that good cause exists to grant the Motion.

IT IS HEREBY ORDERED that the State of Wyoming's Motion to Dismiss is granted and that this matter is hereby dismissed without prejudice.

DATED this \_\_\_\_ day of \_\_\_\_\_ 2018.

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Thomas Campbell  
DISTRICT JUDGE

cc: Peter K. Michael  
Ryan Schelhaas  
Mackenzie Williams  
James LaRock  
Wyoming Attorney General's Office  
2320 Capitol Avenue  
Cheyenne, WY 82002

Michael J. Pearce  
116 Grand Avenue  
Laramie, WY 82070

I hereby certify that I distributed a true and correct copy of the foregoing on the \_\_\_\_ day of \_\_\_\_\_ 2018, as indicated [M— mail; B—box in Clerk's office; H—hand delivery; F—fax transmission].

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Deputy Clerk