

Patrick J. Crank 5-2305  
CRANK LEGAL GROUP, P.C.  
1815 Evans Ave.  
Cheyenne, WY 82001  
(307) 634-2994  
Fax: (307) 635-7155  
[pat@cranklegallgroup.com](mailto:pat@cranklegallgroup.com)

ATTORNEY FOR PLAINTIFFS

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING

JOHN B. "JACK" SPEIGHT, REX ARNEY,  
ROBIN HURLESS, CHRISTOPHER O. BOSWELL,  
TAMSIN JOHNSON, DOUG CAMBLIN,  
TOM LUBNAU, ANNE LADD, KATHY VETTER,  
CHARLES PELKEY, DAN NEAL,  
STEVE SIMONTON, GEORGE SIMONTON,  
DAVE NORTHRUP, GAIL SYMONS, and  
RUTH ANN PETROFF,

Plaintiffs,

W. FRANK EATHORNE in his capacity as  
chairman of THE WYOMING REPUBLICAN PARTY,  
THE WYOMING REPUBLICAN STATE CENTRAL  
COMMITTEE, and MARK GORDON, in his capacity  
as Governor of the State of Wyoming

Defendants.

Case Number: 22-CV-16-S

---

AFFIDAVIT OF JOHN B. "JACK" SPEIGHT

---

COMES NOW, John B. "Jack" Speight, having been first duly sworn, and states and alleges  
as follows:

1. I am of lawful age and of sound mind and body.

2. I am a resident of Cheyenne, Laramie County, Wyoming, where I have continually resided since 1967.
3. I have been a registered Republican voter in Laramie County since 1967.
4. I have voted in every primary and general election in Wyoming since 1967.
5. I voted in the 2018 election when Jillian Balow was elected as the Superintendent of Public Instruction.
6. I have practiced law in Wyoming for the past 55 years. I am now retired.
7. I served as the Wyoming Republican State Chairman between 1974 to 1975.
8. On January 20, 2022, the Wyoming State Republican Central Committee met in Douglas to select three candidates to forward to Governor Gordon to replace former Superintendent of Public Instruction Jillian Balow.
9. The current Republican Party Bylaws ("Bylaws") provide that State Central Committee members can only exercise one vote at any meeting to select a person to replace a statewide elected official like the Superintendent of Public Instruction. Pursuant to those Bylaws, the Republican State Central Committee is composed of three members from each Wyoming County, one national committeeman, one national committeewoman, the Chairman of the Wyoming Republican Party, the Vice Chairman of the Wyoming Republican Party, and the State Secretary of the Wyoming Republican Party. Simple math shows that pursuant to the Bylaws, a total of 74 votes would be cast in a proceeding to select candidates to send to the Governor to fill the vacancy in the Office of the State Superintendent of Public Instruction. After receipt of the list of these candidates for vacancy in office, the Governor has five days to fill the vacancy from the list provided to the Governor.

10. Recordings of the State Central Committee meeting are available on Facebook. I have reviewed relevant portions of those recordings. Officials of the State Central Committee announced after the vote that that the Central Committee had received 74 ballots.
11. All of this information shows that each County Central Committee of the party was allowed three votes in the selection process.
12. I have reviewed a letter sent by Wyoming lawyer and State Central Committee Member Tom Lubnau to Republican Party Chairman Frank Eathorne on January 20, 2022. In this letter, Mr. Lubnau points out that selecting candidates in a manner which does not provide for proportional voting based the population of each county to select candidates to forward to the Governor of Wyoming to replace the Superintendent of Public Instruction would violate the Equal Protection Clause of the 14<sup>th</sup> Amendment of the United States Constitution and comparable provisions of the Wyoming Constitution. Mr. Lubnau also pointed out that the concept of one man one vote is a fundamental bedrock of our state and country and the concept of one man one vote is required under both the US and Wyoming Constitutions.
13. Based on my legal experience as a practicing lawyer for over 55 years, I too believe that one man one vote is absolutely required under the US and Wyoming Constitutions.
14. Based on a review of the publicly available recordings of the State Central Committee Meeting, Frank Eathorne rejected members' requests to follow Mr. Lubnau' s advice and conduct the vote in a one man one vote fashion. Mr. Eathorne stated: "The Wyoming Republican Party is a private entity, we are not conducting a public election, and so, the ,uh, complaints lodged in our direction do not apply in this case and that is my ruling."

15. The selection of persons to replace the elected Wyoming State Superintendent of Public Instruction is not a private matter and several federal courts have ruled in several contexts that the selection of a state elected official must follow one man one vote principals.
16. No other legal or factual conclusion can be reached other than that the Wyoming Republican Central Committee did not conduct the process to select the candidates forwarded to the Governor to fill the vacant office of Superintendent of Public Instruction in any manner that even comes close to the standard of one man one vote required by the Wyoming and US Constitutions.
17. Wyoming's counties range in population from 100,512 in Laramie County to a low of 2,467 in Niobrara County according to the 2020 Federal Census. Voters in the last general election for Representative in Congress range from a high of 44,000 in Laramie County to a low of 1,300 in Niobrara County. As of December 1, 2021, according to the Wyoming Secretary of State's website, there are 28,706 registered Republican voters in Laramie County while Niobrara County has the lowest number of registered Republican voters, 1,179. Applying any of these data sets reveals that the State Central Committee voting based upon a countywide basis, without apportionment, results in residents of Niobrara County having a disproportionate effect, ranging from approximately forty times to twenty-four times that of each Laramie County resident.
18. As a Laramie County registered Republican voter, my voting rights have been taken from me without my consent or permission. A registered voter in Niobrara had between 24 to approximately 40 times greater influence than I did in the selection of the person who will be the next Superintendent of Public Instruction. The process used by the Republican State

Central committee in this selection process fails to comport with the concepts of one man one vote.

19. Based on Wyoming statutes and my personal experience as both a state employee and private attorney the State Superintendent of Public Instruction is an important statewide public official who on a daily basis exercise duties involving governmental functions. The Superintendent of Public Instruction is responsible for managing the Wyoming Department of Education, setting policy for the education of all children attending public schools in Wyoming, and who is responsible for the distribution of hundreds of millions of dollars to the public school system. The State Superintendent of Public Instruction is also a voting member on several statewide boards including the State Land Board and the State Loan and Investment Board. The State Land Board controls thousands of acres of public land in the State of Wyoming and determines income for those state lands which constitutionally funds the public school system. Based on the unconstitutional action of the Republican Central Committee, I, and thousands of other members of the Wyoming Republican Party and all Wyoming citizens have been divested of our constitutional rights to equal representation in choosing who occupies and performs these important state functions.
20. I have been harmed by the actions of the Republican State Central Committee and important constitutional rights have been taken from me. Voters in less populous counties have been allowed to exercise far greater rights than I had in the selection of who will fill the vacancy in the Office of State Superintendent of Public Instruction.
21. If the Governor chooses a candidate from the list that resulted from the unconstitutional actions of the Republican State Central Committee I will be further harmed. If the Governor must choose one of the candidates from the illegal and unconstitutional list of

candidates, he, through no fault of his own, will further violate the guarantees provided to me by the US and Wyoming Constitutions.

22. The harm I have suffered is irreparable. It is difficult, if not impossible, to compensate me monetarily for the loss of my constitutional rights. The only remedy that recognizes and fulfills my constitutional rights would involve preventing the Governor from filling the vacant office until such time as the Republican Central Committee selects candidates to fill the vacant position via a selection process that is in compliance with the US and Wyoming Constitutions and meets the one man one vote principle.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

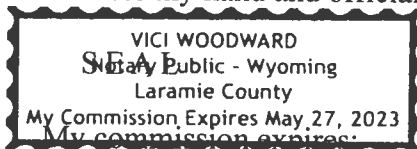
Dated this 25 day of January, 2022.

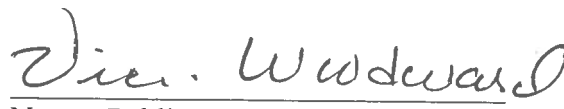
  
John B. "Jack" Speight

STATE OF WYOMING                    )  
                                                  ) ss  
COUNTY OF LARAMIE                )

Subscribed and sworn to before me by John B. "Jack" Speight, this 25<sup>th</sup> day of January, 2022.

Witness my hand and official seal.



  
Notary Public

5-27-23