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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, )

Case Number: \_\_\_\_\_

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. )

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**COMPLAINT PURSUANT TO 28 U.S.C. §2201 and Rule 57, F.R.C.P.  
DECLARATORY JUDGMENT ACTION**

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COMES NOW, 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”) acting by and through their attorney, Patrick J. Crank of Crank Legal Group, P.C., and state and allege as follows:

**PARTIES**

1. John B. “Jack” Speight is a registered Republican in Cheyenne, Laramie County, Wyoming, where he resides. Mr. Speight votes in Wyoming primary and general elections to select local, county, statewide, and national elective representatives.

2. Rex Arney is a registered Republican in Sheridan, Sheridan County, Wyoming where he resides and practices law. Mr. Arney served in the Wyoming Legislature from 1973 to 1988 and regularly votes in Wyoming primary and general elections to select local, county, statewide, and national representatives.

3. Robin W. Hurless is an unaffiliated registered voter living in Casper, Natrona County, Wyoming. Mr. Hurless regularly votes in Wyoming primary and general elections to select local, county, statewide, and national elective representatives.

4. Christopher O. Boswell is an unaffiliated registered voter living in Cheyenne, Laramie County, Wyoming. Mr. Boswell regularly votes in Wyoming primary and general elections to select local, county, statewide, and national elective representatives.

5. Tamsin Johnson is a registered Republican voter living in Cheyenne, Laramie County, Wyoming. Ms. Johnson regularly votes in Wyoming primary and general elections to select local, county, statewide and national elective representatives.

6. Doug Camblin is a registered Republican voter living in Gillette, Campbell County, Wyoming. Mr. Camblin regularly votes in Wyoming primary and general elections to select local, county, statewide and national elective representatives. Mr. Camblin was elected and currently

serves as a Campbell County Republican Party Committeeman having been elected by the voters of Campbell County to serve in that capacity. Mr. Camblin attended the Republican Central Committee meeting held in Douglas, Wyoming on January 22, 2022, and voted in the proceedings to select candidates to forward to Wyoming Governor Mark Gordon to replace former Superintendent of Public Instruction as a representative of the Republican voters of Campbell County.

7. Tom Lubnau is a registered Republican in Gillette, Campbell County, Wyoming where he resides and practices law. Mr. Lubnau served in the Wyoming State Legislature from 2004 to 2014. Mr. Lubnau served as Speaker of the House of Representatives during 2013 and 2014. Mr. Lubnau regularly votes in Wyoming primary and general elections to select local, county, statewide, and national elective representatives. Mr. Lubnau is currently serving as a state committeeman and member of the Wyoming Republican Central Committee from Campbell County, Wyoming. Mr. Lubnau voted by proxy as allowed under the Republican Central Committee Bylaws at the meeting held in Douglas, Wyoming, by the Republican Central Committee on January 22, 2022, where the Committee selected three candidates to forward to Wyoming Governor Mark Gordon to replace former Superintendent of Public Instruction Jillian Balow.

8. Anne Ladd is a registered Republican voter living in Casper, Natrona County Wyoming. Ms. Ladd regularly votes in Wyoming primary and general elections to select local, county, statewide and national elective representatives.

9. Kathy Vetter is a registered Democrat voter living in Cheyenne, Laramie County, Wyoming. Ms. Vetter regularly votes in Wyoming primary and general elections to select local, county, statewide and national elective representatives.

10. Charles Pelkey is a registered Democratic voter living in Laramie, Albany County, Wyoming. Mr. Pelkey regularly votes in Wyoming primary and general elections to select local, county, statewide and national elective representatives.

11. Dan Neal is a registered Democratic voter living in Casper, Natrona County, Wyoming. Mr. Neal regularly votes in Wyoming primary and general elections to select local, county, statewide and national elective representatives.

12. Steve Simonton is a registered Republican voter living in Cody, Park County, Wyoming. Mr. Simonton regularly votes in Wyoming primary and general elections to select local, county, statewide and national elective representatives.

13. George Simonton is a registered Republican voter living in Cody, Park County, Wyoming. Mr. Simonton regularly votes in Wyoming primary and general elections to select local, county, statewide and national elective representatives.

14. Dave Northrup is a registered Republican voter living in Powell, Park County, Wyoming. Mr. Northrup regularly votes in Wyoming primary and general elections to select local, county, statewide and national elective representatives. From 2012-2020, Mr. Northrup served as a representative for Wyoming House District 50, during which time he was Chairman of the House Education Committee for four years. Mr. Northrup also served on Park County School District number One Board of Trustees for 12 years, six of those as chairman. Mr. Northrup applied to the Republican Party as a candidate to fill the vacant office of Wyoming Superintendent of Public Instruction. Mr. Northrup intended to run in the Republican primary election in August, 2022 for the position of Superintendent of Public Instruction if selected to fill the vacant office. Mr. Northrup was not selected as one of the three candidates by the Republican Central Committee therefore cannot be appointed to fill the vacant office by Governor Gordon.

15. Gail Symons is a registered Republican voter living in Sheridan, Sheridan County, Wyoming. Ms. Symons regularly votes in Wyoming primary and general elections to select local, county, statewide and national elective representatives.

16. Ruth Ann Petroff is a registered Republican voter living in Jackson, Teton County, Wyoming. Ms. Petroff regularly votes in Wyoming primary and general elections to select local, county, statewide and national elective representatives.

17. The Honorable Mark Gordon is Wyoming's current elected and serving Governor. Governor Gordon is Wyoming's 33<sup>rd</sup> Governor and began serving as Wyoming's Governor on January 7, 2019.

18. W. Frank Eathorne ("Eathorne") is the current Chairman of the Wyoming Republican Party. As Chairman of the Wyoming Republican Party, Eathorne is also Chairman of the Republican State Central Committee ("State Central Committee"). The Central Committee is established under W.S. § 22-4-110 and operates pursuant to the Bylaws of the Wyoming Republican Party which are attached hereto as Exhibit 1 and incorporated herein as if fully set forth.

19. The Wyoming Republican Party is a political entity that operates much like a private non-profit corporation. The Wyoming Republican Party is registered with the Wyoming Secretary of State as a "Major Political Party." In Wyoming, political parties must register with the Wyoming Secretary of State in order to appear on the ballot of any General Election. The Wyoming Republican Party is a political entity formed and recognized by Wyoming election statutes and has the capacity to sue and be sued. The Central Committee is recognized by Wyoming Statutes and the Wyoming Republican Bylaws and is an instrumentality of the Wyoming Republican Party.

## JURISDICTION AND VENUE

20. 28 U.S.C. § 2201 provides that:

“ In a case of actual controversy within its jurisdiction, ... any court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such.

21. Rule 57, F.R.C.P., provides that: “These rules govern the procedure for obtaining a declaratory judgment under 28 U.S.C. §2201. Rules 38 and 39 govern a demand for a jury trial. The existence of another adequate remedy does not preclude a declaratory judgment that is otherwise appropriate. The court may order a speedy hearing of a declaratory-judgment action.

22. This complaint alleges that the actions of Defendants W. Frank Eathorne, the Wyoming Republican Party and its State Central Committee, as factually alleged herein, violated the Equal Protection Clause of the United States Constitution and the equal protection provisions of the Wyoming Constitution. (*See*, US Constitution, 14<sup>th</sup> Amendment which provides “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws” *See also*, Wyoming Constitution Article 1, §§ 2, 3 and 27.

23. This matter involves the federal constitutional question of whether the actions of Defendants Eathorne, the Wyoming Republican Party, and its State Central Committee in exercising the authority given them pursuant to Wyoming Statutes violated the Equal Protection Clause of the U.S. and equal protection provisions of the Wyoming Constitution.

24. All Defendants and Plaintiffs reside in the Federal District of Wyoming and all events giving rise to this matter occurred within the Federal District of Wyoming.

25. This court has personal jurisdiction over all parties to this action.

26. This court has subject matter jurisdiction over all claims brought by the Plaintiffs in this matter because such claims arose under the U.S. Constitution and involve questions of federal law and a federal question. 28 USC § 1331.

27. The court has pendant jurisdiction of the claims brought pursuant to the Wyoming State Constitution. 28 USC §1367.

28. Venue is proper in this court pursuant to 28 U.S.C. § 1391.

### **RELEVANT FACTS**

29. The Wyoming Republican Party is a political entity that operates much like a private non-profit corporation. The Wyoming Republican Party is registered with the Wyoming Secretary of State as a “Major Political Party.” In Wyoming, political parties must register with the Wyoming Secretary of State in order to appear on the ballot of any General Election.

30. The Wyoming Republican Party is a political entity formed and recognized by Wyoming election statutes and has the capacity to sue and be sued. The Republican State Central Committee is an instrumentality of the Wyoming Republic Party.

31. In Wyoming, each major party elects precinct committeemen and committeewomen who in turn elect a county chairman, and state central committeemen and state committeewomen. Wyo. Stat. § 22-4-105 describes and outlines how such elections should be held, who is permitted to participate in such elections, and further allows for party bylaws to supplement statutory provisions regarding party governance and activities relating to the election process in Wyoming.

32. The positions of county Chairman, Vice Chairman, State Committeeman and State Committeewoman are to be elected by the County Central Committee (comprised of all elected precinct committeemen and committeewomen) at its March meeting in the odd numbered years to serve for a term of two (2) years. The Republican Party Nylaws do apportion delegates to the

county central committee, mirroring state statute for the election of precinct persons. W.S. § 22-4-101; Bylaws Article IV, § 3. Only elected precinct persons are entitled to vote at county central committee meetings. Republican Party Bylaws, Article 3, § 9(1).

33. Under the Wyoming Election Code, the State Central Committee is given the very important statutory authority to take official actions for the benefit of and in the interests of the citizens of the State of Wyoming. The chairman, state committeeman, and state committeewoman of each county serve as representatives to the State Central Committee as provided by W.S. § 22-4-110.

34. This important role and power possessed by the Wyoming Republican State Central Committee includes the selection of candidates for replacement caused by vacancies of four of the statewide elected officials and the United States Senate. This procedure has been used to fill numerous vacancies in the past. Specifically, U.S. Senator John Barrasso first became a United States Senator because Wyoming Statutes gave the Republican State Central Committee the authority to nominate three people to fill the vacancy when Senator Craig Thomas passed away. Similarly, when Secretary Edward Murray resigned his position, it was the Republican State Central Committee, acting under the authority of state statute, that selected Secretary Edward Buchanan as one of three nominees to become the new Secretary of State. Governor Mark Gordon was originally appointed to his position as State Treasurer by a previous Wyoming governor after being selected and nominated by the Republican State Central Committee. This incredibly important and meaningful power is given to the State Central Committees of major political parties under the Wyoming Election Code in Chapter 18 of Title 22.<sup>1</sup>

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<sup>1</sup> Senator Barasso and Secretary of State Buchanan have both been elected via statewide elections since their original appointment. Governor Gordon has changed offices since his original appointment as Wyoming State Treasurer and was elected as Governor during a statewide election.

35. A major political party's bylaws, and on at least one occasion "rules," are referred to by Wyoming statute on numerous occasions. A major political party's rules and bylaws must be filed with the Wyoming Secretary of State within thirty days after adjournment of the party's state convention. W.S. 22-4-119(b). The Republican State Convention adjourned on June 27, 2020.

36. A certified copy of the Republican State Central Committees rules and bylaws filed with the Wyoming Secretary of State are attached hereto as Exhibit 1 and are incorporated herein as if fully set forth

37. The composition of the State Central Committee for major political parties in Wyoming begins at the precinct level. The county central committee of each party consists of precinct committeemen and committeewomen elected in the county at the regular primary election. Each major political party in each precinct is allocated one committeeman and one committeewoman for each two hundred fifty (250) votes or major fraction thereof cast for the party's candidate for representative in congress in the last general election; provided that each precinct is entitled to at least one precinct committeeman and committeewoman. W.S. § 22-4-101(b). These precinct persons comprise the county central committee. *Id.* The County Central Committee then elects state committeemen and committeewomen and a county committee chairman. W.S. § 22-4-105 provides that the county central committee is to "...elect the chairman of the county central committee, one (1) state committeeman and one (1) state committeewoman and other offices as provided by the party bylaws. A state political party may provide in its rules for the election of additional state committeemen and additional state committeewomen." *Id.*

38. The state central committee's composition is prescribed in statute to consist of "...state committeemen and committeewomen and county chairmen elected at the odd-numbered year meeting of the county central committees, and of any other party officials provided by the

bylaws of the party.” W.S. § 22-4-110. Thus, while the persons electing county chairmen and state committee men and women are precinct committeemen and committeewomen allocated based upon voters in the last congressional election, the persons forming the State Central Committee are allocated primarily on a county basis. Wyoming statutes do allow for a major political party in the State to provide in “its rules” for the election of additional state committeemen and committeewomen. Wyoming statute does not provide for apportionment of state central committeemen and committeewomen on a population, registered voter or qualified elector basis. Nor does the statute prescribe the allocation or means for voting at a state central committee for the selection of nominees to fill a statewide elective office. (The office of governor is subject to other provisions of law.)

39. Wyoming State Superintendent of Public Instruction Balow resigned on January 16, 2022. As the resignation occurred in the fourth year of her term, the vacancy is to be filled for remainder of the unexpired term by appointment by the Governor. Because the Superintendent represented the Republican party at the time of her election, the Governor is limited by law to selecting from a list of three qualified persons submitted by the Republican State Central Committee. The list was submitted to the Governor on January 22, 2022. The Governor has five days after receiving the list to appoint one of the three persons. W.S. §22-18-111(a)(i). The Governor must select the new Superintendent of Public Instruction from the list of three candidates submitted by the Republican State Central Committee on or before January 27, 2022.

40. The Wyoming Republican Party Bylaws provide that the composition of the State Central Committee shall be the state committeeman and committeewoman and the county chairman of each county. Article V. § 1(1). Additional members of the State Central Committee under the bylaws are the National Committeeman, National Committeewoman, State Chairman, State Vice Chairman and State Secretary. Article V. § 1(2).

41. The Republican Party State Chair, Vice-Chair and Secretary are elected by the state central committee. Article V. § 8. The national positions are elected at the state party convention at which delegates are apportioned at six to each county, plus additional delegates for each county allocated on the basis of total registered republicans as of January 1, of even numbered years, with the proviso that the additional allocation shall result in not less than 150 total delegates. Article VI § 2.

42. The Bylaws do not specifically address how voting is conducted for nominees for vacant state elective offices. They provide generally that “In any event, no member of the State Central Committee shall be able to exercise more than one vote.” Article V § 1. (They also provide for one vote by each delegate to the state convention.) Article VI § 3.

43. The result of the governing statutes and party Bylaws is that the process by which nominees are presented to the governor has almost no apportionment based on population, qualified electors in the state, or even registered members of the Republican party. There is an apportionment in accordance with statute at the precinct level. But any connection to an apportioned vote is lost at the State Central Committee level as each county is entitled to three members of the State Central Committee (state committeeman and woman and county chair from each county). As the state Chair, vice chair and secretary are elected by those county officers, those positions have no tie to any apportioned basis. There is arguably a modicum of apportionment with the inclusion of the national committeeman and committeewoman, but reliance on county boundaries far exceeds any apportionment of members to the state convention at which those positions are elected (138 out of a minimum of 150 delegates are based solely on county lines).

44. On January 20, 2022, Plaintiff Lubnau provided a letter to Defendant Eathorne and Defendant Wyoming State Republican Party via delivery to Brian Schuck, Republican Party

General Counsel, asking them to conduct the State Central Committee vote scheduled for January 22, 2022, on a proportional basis which recognized the substantial population differences in Wyoming Counties. Plaintiff Lubnau pointed out that allowing Counties the same number of votes in the process to select a list of candidates to replace former Superintendent Balow would constitute a violation of the Equal Protection Clauses of the United States and equal protection provisions of the Wyoming Constitutions. Mr. Lubnau informed the Central Party Committee that this process must follow the one man one vote principles that are embodied in both the United States and Wyoming Constitutions. *See*, January 20, 2022 Lubnau letter to Frank Eathorne attached hereto as Exhibit 2 and incorporated herein by reference as if fully set forth.

45. On January 22, 2022, the Republican State Central Committee met in Douglas for the purpose of selecting three candidates to forward to the Governor as possible replacements for Former Superintendent Balow.

46. At the meeting, members of the Committee urged the Committee to allow the counties to vote on the selection of the three candidates for the Superintendent in a proportional manner that involved a process whereby counties with greater population would have more votes than counties with lower populations, i.e., proportional voting following the one man one vote principles of the Wyoming and United States Constitutions.

47. Prior to the actual vote and in response to a request to apply the one man one vote principles in the selection process, Defendant Eathorne who was the party official running the meeting 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.”

48. *See*, Affidavit of John B. “Jack” Speight attached hereto as Exhibit 4 and incorporated by reference as if fully set forth. The Republican State Central Committee then held

a secret ballot election to select the three candidates to be forwarded to the Governor. Each of the three representatives of each County Central Committee, regardless of the population of the county, was given one, non-weighted vote.

49. The Natrona Central County Committee representatives had a total of three votes in the selection process.

50. The Laramie County Committee representatives had a total of three votes in the selection process.

51. The Campbell County Central County Committee representatives had a total of three votes in the selection process

52. The Sheridan Central County Committee representatives had a total of three votes in the selection process.

53. The Albany Central County Committee representatives had a total of three votes in the selection process.

54. The Teton Central County Committee representatives had a total of three votes in the selection process.

55. The Park County Central County Committee representatives had a total of three votes in the selection process.

56. The Niobrara Central County Committee representatives had a total of three votes in the selection process.

57. Republican Central Committee Officials tabulated the votes and stated that a total of 74 ballots were submitted in the election.

58. The Bylaws allow each County Committeeman, County Committeewoman, and County Chairman to cast one vote and further allow the State Party Chairman (Eathorne), the State Party Vice Chairman, the State Party Secretary and the National Committeeman and National

Committee woman to each cast a vote in addition to the 69 votes allocated equally amongst the 23 county central committees.

59. Based on the Bylaws, the maximum number of ballots in this selection process would have been 74 ballots.

60. The more populous counties were not allowed to exercise votes in relation to the population of their county, the number of registered voters in the county, or on any basis in proportion to the population or registered voters of their county.

61. The vote by the Wyoming Republican Party, which was supervised and controlled by Defendant Eathorne, was not conducted pursuant to one man one vote principals required by the Wyoming and United States Constitutions.

62. The process engaged in by the Wyoming Republican Party and the State Central Committee, and Defendant Eathorne to select candidates to be forwarded to Governor Gordon violated the Equal Protection Clauses of the United States Constitutions and the equal protection provisions of the Wyoming Constitution.

63. The Wyoming Republican Party and State Central Committee forwarded the list of three candidates selected by The Republican State Central committee in the constitutionally infirm and illegal manner described herein to Governor Gordon on Saturday, January 22, 2022.

64. Pursuant to Wyoming Statutes, Governor Gordon must choose one of the candidates forwarded by the Republican State Central Committee to serve as the Wyoming Superintendent of Public Instruction within five days after receipt of the list of candidates. This selection, per Wyoming Statutes, must be made by January 27, 2022.

65. Governor Gordon's selection of the next Superintendent of Public instruction from the list of candidates as selected at the January 22, 2022 meeting will, via no fault of the Governor,

be made in violation of the Equal Protection Clauses of the United States Constitution and the equal protection provisions of the Wyoming Constitution.

66. Pursuant to Wyoming statutes, the Superintendent of Public Instruction is responsible with setting the policy and overseeing the public school system in the state of Wyoming. The Superintendent of Public Instruction also serves as a voting member of several public boards pursuant to Wyoming statutes including the Wyoming Land Board which sets and controls state land policy for thousands of acres of school trust land. *See*, Wyoming Constitution Article 18, § 3; W.S. 36-2-101.

67. The Superintendent of Public Instruction is a statewide elected official who, on a daily basis, exercises and performs important government functions and duties.

68. The voters and citizens of Wyoming will be disenfranchised by the selection of any candidate selected by Governor Gordon from the list of candidates selected by the Republican Central Committee pursuant to a process that violates the United States and Wyoming Constitutions.

69. The citizens and voters of any county that is more populous than Wyoming's smallest county by population, Niobrara County, will be denied their constitutional rights of equal protection under all state and federal laws and the bedrock principle of Wyoming and the United States that all citizens are entitled to the application of one man one vote.

70. Wyoming's counties range in population from 100,512 citizens in Laramie County to a low of 2,467 citizens in Niobrara County according to the 2020 federal census. *See*, 2020 Wyoming Census attached hereto as Exhibit 3 which is incorporated herein as if fully set forth. Voters in the last general election for Wyoming's Representative in Congress (which is the measurement used to determine apportionment of precinct committeemen and committeewomen) ranged from a high of 44,000 in Laramie County to a low of 1,300 in Niobrara County. *See*,

Wyoming Secretary of State website. Using the census numbers for each Wyoming county set forth in Exhibit 3, the selection process used by Defendant Eathorne and the Republican Central Committee for the selection of candidates to become the next Wyoming Superintendent of Public Instruction, the citizens of Niobrara County were provided approximately forty times more votes as each Laramie County citizen. Using the voter data from the last Congressional election, the citizens of Niobrara County were provided approximately 24 times more votes than the citizens of Laramie County.

71. The voters of each Wyoming County which has citizens greater than the population of Niobrara County shown by Exhibit 3, including each of the Plaintiffs in this matter, has been denied their constitutional right of Equal protection under the U.S. Constitutions and the equal protection provisions of the Wyoming Constitution.

72. All voters of all Wyoming Counties, because of population differences between the twenty-three Wyoming Counties, have been denied their constitutional right of Equal protection under the U.S. and the equal protection provisions of the Wyoming Constitution.

73. State statutes, as supplemented by Republican State Party bylaws and as implemented by the Republican party in nominating three persons for the State Superintendent office vacancy, violated equal protection under the federal and state constitutions and violated the “one man one vote” principle.

74. Other provisions in Wyoming law recognize the need to comply with the one-man, one-vote principle in the state’s electoral process. For example, nominees to fill vacancies in the state legislature are selected by precinct committeemen and committeewomen from within the pertinent legislative district. W.S. § 22-18-111(a)(iii). The precinct Committeemen and Committeewomen are elected with each precinct entitled to one committeeman and one committeewomen for every 250 votes or major fraction thereof cast for the party’s candidate for

representative in Congress at the last general election. W.S. § 22-4-101(b). Further, if the legislative district is located in more than one county the vote of the county commissioners selecting one of the three nominees to fill the vacancy is weighted based upon population of each county within the district. W.S. § 22-28-111(a)(iii)(D).

75. In carrying out the statutorily delegated function of developing and presenting to the Governor a list of three nominees, from which he is required by law to select one to fill a constitutionally created, statewide elected position, the Republican State Central Committee was taking part in the state's electoral process. It was not merely undertaking internal matters of a "private entity" as Defendant Eathorne stated.

76. In undertaking this action, the Republican State Central Committee was required to comply with one-man, one-vote principles.

### **PRAYER**

The Plaintiffs pray as follows:

1. That the court declare that the process used by Defendant Eathorne, the Republican Central Committee, and the Wyoming Republican Party to forward three names to Governor Gordon on or about January 22, 2022, as candidates to fill the vacant office of Superintendent of Public Instruction, violates the constitutional principle of one man one vote and the equal protection provisions of the United States Constitution the equal protection provisions of the Wyoming Constitution.


2. That the Court temporarily and permanently enjoin the Defendants from taking any actions to select candidates for vacancies in Statewide or federal offices in any manner that violates the constitutional principle of one man one vote and the equal protection provisions of the United States Constitution and the equal protection provisions of the Wyoming Constitution.

3. That the court temporarily and permanently enjoin Wyoming Governor Mark Gordon from filling the vacant office of Superintendent of Public Instruction from the list of candidates forwarded to him by the Defendants on or about January 22, 2022.

4. That the court award the Plaintiffs their reasonable costs and attorney fees expended in bringing this action as allowed by State or Federal Statutes.

5. That the court award the Plaintiffs all additional relief to which they may be entitled under law or equity.

I, John B. "Jack" Speight verify that the facts alleged in this Complaint are true and accurate to the best of my belief and certainty.



John B. "Jack" Speight

DATED this 25 day of January, 2022.



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ATTORNEY FOR PLAINTIFFS

July 23, 2020

Secretary of State Ed Buchanan  
State of Wyoming  
Herschler Building East  
122 W 25th St  
Suites 100 and 101  
Cheyenne, WY 82002-0020



**hand delivered**

**RE: 2020 Bylaws of the Wyoming Republican Party**

Dear Secretary Buchanan:

Enclosed please find a copy of the 2020 Bylaws of the Wyoming Republican Party. We hereby certify that these represent a true and correct copy of the Bylaws approved by the State Convention on June 27, 2020 as directed by W.S. §22-4-119(b).

Sincerely,

A handwritten signature in black ink that reads "W. Frank Eathorne".

W. Frank Eathorne, Chairman  
Wyoming Republican Party

cc: April Poley, Secretary, Wyoming Republican Party  
Brian Shuck, Wyoming Republican Party Counsel  
Kathy Russell, Executive Director, Wyoming Republican Party

RECEIVED

JUL 23 2020

WYOMING  
SECRETARY OF  
STATE

PAID FOR BY THE WYOMING REPUBLICAN PARTY  
1714 Capitol Avenue, Cheyenne, WY 82001  
PO BOX 984, Cheyenne, WY 82003

**Exhibit 1**

**BYLAWS**  
**of the**  
**Wyoming Republican Party**



**KEEP WYOMING GREAT**  
**WYOMING REPUBLICAN PARTY**  
**2020 STATE CONVENTION**

**2020**

**As adopted by the 2020 Wyoming Republican Party Convention**  
**June 27, 2020**

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## **Article I The Republican Party**

### **1. Membership**

1. The Wyoming Republican Party shall be composed of all registered Republicans in the State of Wyoming.

### **2. Governance**

1. The Delegates at the State Convention of the Wyoming Republican Party shall be the governing body of the Party. At all other times the State Central Committee shall be the governing body.

2. At no time will any body of the Wyoming Republican Party meet in any venue that denies the individual rights in the US Constitution 2nd Amendment or the Wyoming Constitution.

### **3. Role**

1. The role of the Wyoming Republican Party is: to recruit citizens to join the Republican Party; to establish the Platform of the Wyoming Republican Party; to achieve the election of Republican candidates who substantially uphold the platform of the Wyoming Republican Party and to conduct the business of the Wyoming Republican Party.

## **Article II Procedure and Definition**

1. **Parliamentary Authority.** The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Wyoming Republican Party in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the Wyoming Republican Party may adopt.
2. The use of the masculine shall be deemed to include the feminine gender.
3. At least two (2) tellers shall be appointed by the Chairman of a meeting or convention for all forms of voting requiring a count of individual votes.
4. Wherever the term "casting lots" appears in these bylaws, it means the flipping of coins or the drawing of names to determine the outcome of a vote.
5. The unit rule method of voting is defined as:
  - (a) Permitting a delegate to vote on an issue on behalf of other delegate; or,
  - (b) Binding a delegate to vote in any particular manner; or,
  - (c) Any device which would cast a vote to the delegation as a block rather than pursuant to the wishes of the individual delegates.

6. The term proxy as used in these Bylaws shall require a written document, bearing the signature of the qualified voter, specifying the identity of the authorized substitute voter and the specific meeting at which the substitution is authorized. A proxy shall be delivered in original or by facsimile to the presiding officer prior to the authorized substitute casting any vote.
7. A Platform is the declared policy of a political party and consists of timeless and enduring constitutional conservative principles.
8. A Resolution is defined as a formal expression of opinion, intent, call to action or an expression of firmness of purpose.
9. The term “substantially uphold” as used in these bylaws shall be defined as an office holder having a voting record of at least 80% in support of Wyoming Republican Party Platform related legislation or, a challenger to have signed a pledge to support the Wyoming Republican Party Platform-related legislation. Failure to support or commit to support the Wyoming Republican Party Platform shall negate a candidate from receiving Party support, financial or otherwise, during any general election.
10. In the event of a declared Federal or State Emergency, all meetings and conventions may be conducted via electronic means in which all participants can simultaneously hear each other and have the opportunity for recognition similar to a regular in-person meeting. Any requirements for ballot votes may be waived, votes may be conducted via email vote or other electronic means as determined by the meeting. Other allowances for electronic meetings may be allowed elsewhere in these rules. Any conflicting language in the rules shall defer to this rule.

## **11. Wyoming General Rules for Candidates.**

**1. Candidate Platform Review:** The Republican Party of Wyoming shall make an electronic copy of the most recent Platform available on its website. The County or State Chairman shall distribute a copy of the Platform to each candidate along with all other candidate application papers. The County or State Chairman shall request each non-judicial candidate to indicate whether the candidate agrees, disagrees, or is undecided for each bullet point item of the Party Principles included in the Preamble of the Platform and may include comments if desired. The County or State Chairman shall also request that each non-judicial candidate read the entire Platform and indicate at least ten (10) line items from the Platform that the candidate strongly supports. All candidates for non-judicial offices should file the completed Platform Review containing the candidate’s responses at the time of filing for office. Candidates’ responses shall be collected and recorded by the appropriate state or county party and may be published on the appropriate state or county party’s website prior to the primary. If the appropriate state or county party has no website, a copy of the candidate’s responses may be received from the appropriate state or county party. At the discretion of the Executive Committee of the appropriate state or

county party, a candidate's response may be excluded from posting to the website of the appropriate state or county party.

2. A candidate must return the candidate's completed Platform Review and the completed Party funding application to be eligible to receive funds from the state or county party.

## **Article III County Central Committees**

### **1. Membership**

1. The Republican Central Committee of each County shall consist of the properly elected or appointed Republican Precinct Committeemen and Committeewomen in a County who shall hold office for a term of two (2) years or until their successors have been properly elected or appointed. Each precinct shall elect one (1) Committeeman and one (1) Committeewoman for each two hundred fifty (250) votes or major fraction thereof cast for the Republican candidate for U.S. Representative in the last general election, but provided no precinct shall be entitled to less than one (1) Precinct Committeeman and one (1) Precinct Committeewoman.

2. Precinct Committeemen and Committeewomen shall be electors registered in the Party and shall reside in the precinct.

3. If a precinct boundary line is changed for any reason, the County Commissioners shall determine the number of Precinct Committeemen and Committeewomen to which the affected precinct is entitled.

4. All County Central Committee members in office on the date that notice of a County Central Committee meeting is published shall be allowed to vote at the meeting.

5. The term of office for all precinct committeemen and committeewomen shall be two (2) years and shall begin on the first Monday in January of the year following their election.

### **2. Meetings**

1. The County Central Committee of each county shall meet as follows:

2. Within thirty (30) days after the County Chairman has received notice from the County Clerk that all of the County Central Committee members have been certified elected, for the purpose of organization. The meeting shall be held at the time and place determined by the County Chairman.

3. During the month of March of each odd numbered year at the County seat. The County Chairman shall deposit notice of the March meeting of each odd numbered year in the office of the County Clerk not less than ten (10) days before this meeting. The County Chairman shall

publish a notice of the March meeting of the County Central Committee in accordance with state statute.

**4. At other times and places as may be determined by the County Chairman or the County Executive Committee.**

**(a) The County Chairman shall publish a notice of all other meetings of the County Central Committee in accordance with state statute.**

**(b) Meetings of the County Central Committee may be called by the County Chairman or upon written request of twenty five percent (25%) of the County Central Committee members.**

**(c) In the event of a declared Federal or State Emergency, all meetings and conventions may be conducted via electronic means in which all participants can simultaneously hear each other and have the opportunity for recognition similar to a regular in-person meeting. Any requirements for ballot votes may be waived, votes may be conducted via email vote or other electronic means as determined by the meeting. Other allowances for electronic meetings may be allowed elsewhere in these rules. Any conflicting language in the rules shall defer to this rule.**

**(d) The County Executive Committee may decide that any meeting of the County Central Committee may be held by video or telephone conference in the event of a declared county or state emergency. County Central Committee meetings may permit member attendance by video or telephone conference for reasons of distance, disability, or weather.**

### **3. Powers**

**1. The County Central Committee shall exercise those powers conferred upon it by law and state and County Bylaws. The County Central Committee is empowered to determine policy, to make rules, to settle disputes, and to perform all functions necessary to further and protect the interests of the Wyoming Republican Party as determined by the delegates seated at the State Convention, or as determined by the party platform, or by the members of the State Central Committee whenever the Convention is not in session.**

### **4. Quorum**

**1. Those members of the County Central Committee attending either in person or by proxy, a properly called meeting of the County Central Committee shall constitute a quorum and be entitled to vote on the issues before the meeting.**

### **5. County Party Vacancies**

**1. A vacancy in the County Central Committee or among its officers shall occur in case of death, resignation, removal of residence from the precinct or county, inability to act, as determined by the County Central Committee, or failure to elect at a regularly scheduled election.**

2. A vacancy in the office of Precinct Committeeman or Precinct Committeewoman shall be filled by appointment of a registered Republican resident in the precinct in which the vacancy exists. This appointment is made by the County Executive Committee or as provided by the County Bylaws. Such appointments shall be put before the next meeting of the County Central Committee for ratification. The replacements shall serve until the next regular election for Precinct Committeeman or Precinct Committeewoman and shall be entitled to vote on all issues coming before the County Central Committee.

(a) The County Chairman shall submit the name of the new Precinct Person to the State Party and the County Clerk within 15 days of their appointment.

3. Unless otherwise provided by County Bylaws, the Vice Chairman shall become the County Chairman in the event of a vacancy in the office of County Chairman.

4. Unless otherwise provided by County Bylaws, the County Central Committee shall appoint a successor to fill a vacancy in the office of County Vice Chairman.

5. Unless otherwise provided by County Bylaws, the County Chairman shall appoint successors to fill vacancies in the office of County Secretary or County Treasurer. Such appointment(s) shall be put before the next meeting of the County Central Committee for ratification.

6. A vacancy in the office of State Committeeman or State Committeewoman shall be filled by election by the County Central Committee within thirty (30) days of the vacancy.

## **6. Officers and Terms of Office**

1. The County Chairman, Vice Chairman, State Committeeman and State Committeewoman shall be elected by the County Central Committee at its March meeting in the odd numbered years to serve for a term of two (2) years. The County shall immediately notify the State Chairman in writing of the names and addresses of persons elected to the offices of County Chairman, State Committeeman and State Committeewoman.

2. The County Secretary and County Treasurer shall be appointed per the County Bylaws and ratified by the County Central Committee, or elected as provided by the County Bylaws.

3. None of the foregoing officers, committee chairmen or committee members need be members of the County Central Committee, but each must be registered in the Party and a resident in the County.

4. Any county officer of the County Republican Party may be removed for cause from their position by a vote of two thirds majority of the County Central Committee represented at a properly called meeting.

## **7. Duties of Officers**

**1. County Chairman.** In addition to the duties with which he is charged by statute, the County Chairman shall be the chief executive officer of the County Republican Party in his County and shall preside over all meetings of the County Executive Committee, County Convention, and County Central Committee. He shall carry out policies established by the County Central Committee and shall have all general powers of administration customarily vested in the office of Chairman.

**2. County Vice Chairman.** The County Vice Chairman shall assist the County Chairman in the duties of his office. He shall perform other duties as assigned to him by the County Chairman. He shall perform the duties and exercise the powers of the County Chairman during the County Chairman's absence or disability.

**3. County Secretary.** The County Secretary shall keep the minutes of all meetings of the County Central Committee, County Convention, and County Executive Committee and shall serve on the County Credentials Committee. Other responsibilities and duties of the County Secretary are outlined in the current edition of Robert's Rules of Order. These records shall be provided to any member of the County Central Committee upon request.

**4. County Treasurer.** The County Treasurer shall be responsible for money received and disbursed by the County Republican Party and shall provide a current report at all regular County Central Committee meetings.

## **8. County Committees**

**1.** Each County Central Committee may select a County Executive Committee and other committees and sub-committees as it from time to time may determine as proper, and it may delegate any of its powers to such a committee or subcommittees.

**2.** The County Executive Committee shall consist of the elected and appointed officers of the County Central Committee and other persons as provided by the County Bylaws. Such appointment(s) shall be put before the next meeting of the County Central Committee for ratification.

**3.** The County Executive Committee shall have, ~~but not be limited to,~~ the following powers:

**(a)** To fill vacancies in the office of Precinct Committeeman and Precinct Committeewoman and delegates or alternates to the National Convention unless otherwise provided by the County Bylaws.

**(b)** To ratify emergency actions taken by the County Chairman.

**(c)** To further and protect the interests of the Wyoming Republican Party as determined by the delegates seated at the State Convention, or as determined by the party platform, or by the members of the State Central Committee whenever the Convention is not in session.

## **9. Voting**

1. Only properly elected, selected or appointed and ratified Precinct Committeemen and Precinct Committeewomen and elected officers shall be entitled to vote at Central Committee meetings. All County Central Committee members in office on the date the notice of a County Central Committee meeting is published shall be allowed to vote at the meeting.

2. The County Executive Committee shall consist of the elected and appointed officers of the Central Committee. Only Executive Committee members who have been elected by the County Central Committee shall have voting privileges. The County Executive Committee may also include up to eight (8) At-Large Members appointed by the County Executive Committee. At-Large Members shall be non-voting members. County Executive Committee Members may be invited to attend meetings by telephone or by a video conferencing platform. County Executive Committee Members cannot, however, participate by e-mail, text message or social media stream.

3. In the event the County Chairman is also a Precinct Committeeman or Precinct Committeewoman, he shall be entitled to vote his vote as a Precinct Committeeman or Precinct Committeewoman.

## **10. Conduct of County Central Committee Meetings**

1. **Presiding Officer.** The County Chairman shall preside over all meetings of the County Central Committee.

2. **Voting by Chairman.** If two (2) consecutive tie votes on a question occur, the County Chairman shall, at his discretion, exercise his right to vote as Chairman as provided by the current edition of Robert's Rules of Order Newly Revised to break the tie or to decide the vote casting lots.

3. **County Central Committee Meetings** will be run according to the County Bylaws or, when the bylaws do not apply, according to the current edition of Robert's Rules of Order Newly Revised.

## **11. Proxy Votes**

1. Vote by proxy may be allowed at a meeting of the County Central Committee. A person holding a proxy for an absent Precinct Committeeman or Precinct Committeewoman must be a resident of the same precinct as the member he represents and be a registered Republican. No person shall be allowed to vote more than two (2) proxies.

2. A signed proxy shall be deemed valid if delivered to the Chairman or the Secretary electronically and/or in person and the sender can be clearly identified as a qualified voting member of the body.

## **12. County Shares**

1. County shares are a mandatory payment to the State Party biennially to defer the costs of operations including data production, informational support, networking, and other work produced by the State Party in support of County Party function and activity. County parties that intentionally fail to pay, as determined by the State Executive Committee, at least half of their County Shares, by mid-term will negate a county party from receiving the products, services, and support produced by the state party for the duration of the following biennium or until all past shares are paid in full. Delegates to the State Convention will be reduced in proportion to the percentage of shares unpaid.

2. County shares are calculated as a baseline of \$1,000 per county plus a pro-rated amount of the Biennial Operational Budget based upon the percentage of Republican votes in each county in the U.S. Congressional Representative election cycle.

**13. *County parties are authorized to add to, but not take away from or contradict, the specific language of this article.***

## **Article IV County Convention**

### **1. Membership**

1. Delegates to the County Convention shall be the members of the County Central Committee and those chosen by caucuses of the several precincts within each County. All County Convention Delegates and Alternates shall at the time of the call for the County Convention be residents of the precinct they represent and registered Republicans.

2. If the prescribed number of Delegates is not duly elected by Precinct Caucuses in certain precinct(s), the County Chairman with approval of the majority of the County Executive Committee is authorized to appoint the prescribed number of Delegates from the precinct(s) to the County Convention.

3. Each Precinct Caucus may also choose alternate Delegates equal in number to its allotted Delegates and shall designate the priority in which the Alternates shall replace absent Delegates.

4. If Precinct Committeeman or Committeewoman vacancies exist at the time of the Precinct Caucus, the Precinct Caucus may elect Delegates equal in number to the vacancies.

### **2. Precinct Caucus**

1. Precinct Caucuses shall be held not less than ten (10) days prior to the County Convention or as provided by County Bylaws.

2. The County Chairman shall issue the call for the Precinct Caucuses by publishing a notice of the number of Delegates to be selected from each precinct, the date, time, and place for each

caucus to the county clerk and by any means, physical or electronic, reasonably calculated to give actual notice to the electors in the county not less than ten (10) days prior to the Precinct Caucuses.

3. Several Precinct Caucuses may be held in a single location. All Republicans who have registered within the precinct at the dates of the call of the Precinct Caucus shall be entitled to participate and vote at the Precinct Caucus.

4. Proof of such residence and registration shall be by the County Clerk's voter list as of the date of the call of the precinct caucus.

### **3. Apportionment Of Precinct Delegates To County Convention**

1. The County Bylaws may designate the total number of Delegates to be elected to the County Convention. If the County Bylaws do not designate the total number of Delegates to be elected to the County Convention, the County Executive Committee is authorized to designate that number.

2. The Delegates to which each precinct shall be entitled at the County Convention shall be determined, as nearly as possible, in proportion to the total votes cast in each precinct for the Republican candidate for the office of U.S. House of Representatives at the preceding general election.

3. Each precinct shall be entitled to at least two (2) Delegates.

### **4. Conduct of Precinct Caucuses**

1. Either a Precinct Committeeman or Precinct Committeewoman in attendance at the Precinct Caucus shall be elected Caucus Chairman.

2. In the event there is neither a Precinct Committeeman nor a Precinct Committeewoman in attendance, those assembled and qualified to vote shall elect from among them a person to serve as Caucus Chairman.

3. The Caucus Chairman shall take nominations of qualified Republicans residing within the precinct to be Delegates or Alternates to the County Convention and shall call for any Resolutions, Platform planks or County or State Bylaw changes to come before the caucus.

4. The election of Delegates and Alternates shall be by secret ballot, if desired by anyone in attendance at the Precinct Caucus.

5. The Caucus Chairman shall, within the next five (5) days, certify in writing to the County Chairman the names of those elected Delegates and Alternates to the County Convention from that precinct, and all Resolution, Platform planks and County or State Bylaw changes proposed by the Precinct Caucus.

## **5. Meeting**

1. The State Central Committee shall determine the date(s) of the County Conventions consistent with state statutes and the Rules of the Republican National Committee.

## **6. Notice of Meeting**

1. Notice of the County Convention shall be given by publishing a notice with the county clerk and by any means, physical or electronic, reasonably calculated to give actual notice to the electors in the county, no later than fifteen (15) days prior to the County Convention.

## **7. Powers**

1. The Delegates to a County Convention shall have, but not be limited to, the following powers:

- (a) To adopt or amend the Bylaws of the County Party
- (b) To elect delegates and alternates to the Republican National Convention as provided by Article VI, Section 8 of the Bylaws of the Wyoming Republican Party.
- (c) To adopt Resolutions and Platform planks which shall be submitted to the State Convention.
- (d) To propose changes to the State Party Bylaws, which shall be submitted to the State Convention.

## **8. Conduct of County Convention**

1. **Presiding Officer.** The County Chairman properly elected at the prior March meeting of the County Central Committee, his successor, or his designee, shall serve as Chairman of the County Convention. If two (2) consecutive tie votes on a question occur, the County Chairman, at his discretion, shall either vote to break the tie or decide the vote by casting lots, whether or not he is a Delegate to the County Convention.

2. **Quorum.** Those Delegates attending a properly called County Convention shall constitute a quorum.

3. **Proxy Votes.** Vote by proxy shall not be allowed at a County Convention.  
Unit Rule. The unit rule method of voting shall not be adopted by any County Convention.

## **9. Committees**

1. Credentials Committee shall act at the County Convention. A Bylaws Committee, Platform Committee, Resolutions Committee, Nominating Committee and other committees as provided by County Bylaws may act at the County Convention. The powers and duties of committees, if formed, shall be as follows:

**(a) Credentials.** The Credentials Committee shall consist of the County Secretary and other members appointed by the County Chairman. The committee shall be responsible for examining and certifying credentials of all Delegates and Alternates to the County Convention.

**(b) Bylaws.** The Bylaws Committee shall consist of members appointed by the County Chairman. The Committee shall meet at least one (1) week prior to the County Convention or as provided by County Bylaws to draft and propose revisions to the County and/or State Bylaws to be presented to the County Convention. However, nothing shall preclude any Delegate from submitting additional County or State Bylaw revisions from the floor, in writing, at the County Convention.

**(c) Platform.** The Platform Committee shall consist of members appointed by the County Chairman. The Committee shall meet at least one (1) week prior to the County Convention or as provided by County Bylaws, to draft platform proposals pertaining to timeless principles of the Republican Party to be presented to the County Convention. However, nothing shall preclude any Delegate from submitting additional platform proposals from the floor, in writing, at the County Convention.

**(d) Resolutions.** The Resolutions Committee shall consist of members appointed by the County Chairman. The committee shall meet at least one (1) week prior to the County Convention or as provided by County Bylaws. The committee shall be responsible for drafting resolutions, acting on specific issues of the day, governed by the principles articulated in the Party Platforms to be presented to the County Convention. However, nothing shall preclude any Delegate from submitting additional resolutions from the floor, in writing, at the County Convention.

**(e) Nominating.** The Nominating Committee shall consist of members appointed by the County Chairman. The committee shall meet at least one (1) week prior to the County Convention or as provided by County Bylaws, to prepare a slate of nominations for Delegates and Alternates to the State Convention to be presented to the County Convention. In any year in which the Republican National Convention will be called, the committee may, at its meeting prior to the County Convention, prepare a slate of nominations for Delegates and/or Alternates to the Republican National Convention (as designated by Article VI 8, , of these Bylaws) to be presented to the County Convention. However, nothing shall preclude any Delegate from submitting additional qualified nominations from the floor at the County Convention.

2. Platforms, Resolutions and Bylaws adopted at the County Conventions shall be submitted to the Executive Director of the State Party no later than thirty days prior to the State Convention. Failure to submit the adopted Platform and Bylaws amendments, and Resolutions by this deadline may result in those not being considered by State Convention Committees.

## **10. Order of Business**

1. The order of business at the County Republican Convention shall be as follows:

- (a) Call to order by the County Chair
- (b) Report of the Credentials Committee
- (c) Report of the Bylaws Committee
- (d) Report of the Platform Committee
- (e) Report of the Resolutions Committee
- (f) Report of the Nominating Committee
- (g) Elections
- (h) Other Business
- (i) Adjournment

2. The County Chairman, at his discretion, may change the order of business prior to convening the Convention. After the Convention is convened, the order of business may be changed by a majority vote of the Delegates.

## **11. Roll Call Votes**

1. A roll call vote ("Yeas" and "Nays") or a secret ballot vote upon any question presented at the County Convention may be ordered by the County Chairman or can be compelled by a majority vote of the Delegates.

2. A request for a roll call vote or a secret ballot vote must be sought before the question is first voted upon. The preceding in no way interferes with the right of a Delegate to request a standing vote on questions presented to the County Convention.

**12. *County parties are authorized to add to, but not take away from or contradict, the specific language of this article.***

## **Article V State Central Committee**

### **1. Membership**

1. The Republican State Central Committee shall consist of the properly elected State Committeeman, State Committeewoman, and County Chairman of each county.

2. The National Committeeman, National Committeewoman, State Chairman, State Vice Chairman and State Secretary shall also be members of the State Central Committee.

3. Members of the State Central Committee shall serve and be entitled to vote at all properly called State Central Committee meetings for a term of two (2) years or until their successors are properly elected or appointed.

4. In any event, no member of the State Central Committee shall be able to exercise more than one vote.

5. Members of the State Central Committee, upon election or appointment to their respected position granting them membership to the Wyoming Republican Party State Central Committee, shall sign a statement of nondisclosure outlining the definition of confidentiality and binding any member to adhere to stated definition for instances such as executive session, disciplinary proceedings, political plan briefings, presidential campaign representative visits, election related budgetary discussions, or any item deemed 'Confidential' by the State Chairman and ratified by the State Central Committee or by majority vote of the State Central Committee.

## **2. Meetings**

1. A meeting of the Republican State Central Committee shall be held between April 1st and May 15th in odd numbered years for the purpose of organizing and electing the State Chairman, State Vice Chairman, and State Secretary.

2. The date and place of the meeting shall be determined by the current State Chairman. The State Executive Committee may decide that any meeting of the State Central Committee may be held by video or telephone conference in the event of a declared county or state emergency. State Central Committee meetings may permit member attendance by video or telephone conference for reasons of distance, disability, or weather.

3. Additional meetings may be called upon the request of the State Chairman or upon written request of twenty-five percent (25%) of the State Central Committee members.

4. During election years a meeting of the State Central Committee shall be held after the Primary Election and prior to the General Election to consider recommendations of the candidate recruitment committee and to authorize monies to be spent for candidates who substantially uphold the platform of the Wyoming Republican Party in the General Election.

5. Notice of the time and place for all meetings shall be mailed to each member of the State Central Committee by the State Chairman or his designee not less than ten (10) days before the meeting.

## **3. Procedure for Election of State Party Officers**

1. Nominations for the State Party officers shall occur in the following order: State Secretary, State Vice Chairman and State Chairman.

2. Nominations for the offices of State Chairman, State Vice Chairman and State Secretary shall not require a second. After nominations are closed, candidates for the offices of State Chairman, State Vice Chairman and State Secretary may address the State Central Committee in the order in which they were nominated for their respective offices.

3. A majority vote of the State Central Committee members present in person or by proxy shall be necessary for election.

4. The election of officers shall be by secret ballot and the number of votes cast for each candidate shall be announced. However, if there is only one candidate nominated for an office, the State Central Committee may order a unanimous ballot cast in favor of the lone nominee.

5. Should no candidates receive a majority after one (1) ballot, then a run-off shall take place between the two (2) candidates with the most votes.

6. Should a tie vote for an office result three (3) times in a row, then the tie shall be broken by casting lots.

#### **4. Powers**

1. The State Central Committee shall exercise those powers conferred upon it by law and by these bylaws. The State Central Committee is empowered to determine policy, to make rules, to settle disputes and to perform all functions necessary to further and protect the interests of the Wyoming Republican Party as determined by the delegates seated at the State Convention, or as determined by the party platform, or by the members of the State Central Committee whenever the Convention is not in session.

2. The Central Committee shall adopt standing rules for meetings held electronically, including notice requirements.

#### **5. Quorum**

1. One half of the members of the State Central Committee shall constitute a quorum. Members in attendance in person or by proxy shall be counted towards a quorum.

#### **6. Proxy Votes**

1. Votes by proxy shall be allowed at a meeting of the State Central Committee. A person holding a proxy for an absent State Central Committee member must be a resident of the same county as the member he represents and a registered Republican. No person shall be allowed to vote more than two (2) proxies.

2. A person holding a proxy shall not be allowed to vote that proxy during Executive Session or in any Disciplinary proceeding. The State Central Committee has the authority to restrict admittance to an Executive Session or Disciplinary proceeding to valid members of the State Central Committee.

#### **7. State Party Officer Vacancies**

1. A vacancy in a State Central Committee office shall occur in case of death, resignation, removal of residence from the state, inability to act, as determined by the State Central Committee, or failure to elect at a regularly scheduled election.

## **8. Officers**

1. Officers of the State Central Committee shall consist of a State Chairman, State Vice Chairman, and Secretary, elected by the State Central Committee and a Treasurer, appointed by the State Chairman.

2. The State Chairman shall appoint as many committee chairmen and committee members as he deems in the best interest of the Party.

3. None of the foregoing officers, committee chairmen or committee members need be members of the State Central Committee, but each must be registered in the Party and a resident of the State.

4. A vacancy in any of the appointed positions shall be filled in the same manner as the original selection was made.

5. The Vice Chairman shall become the Chairman in the event of a vacancy in the Chairman position.

6. A vacancy in the Vice Chairman or Secretary position shall be filled by election held by the State Central Committee within one hundred twenty (120) days after the effective date of the vacancy.

### **7. Conflict of Interest**

(a) No member of the State Executive Committee, elected or appointed, may employ any immediate family member without the approval of the State Central Committee.

i. "Employ" means the placement of a family member into the State Republican party structure in any capacity by appointment, employment or by contract.

ii. "Immediate Family Member" includes any direct family relationship such as but not limited to: spouse, parent-child, grandparent-grandchild, brother or sister.

iii. The consideration of an "immediate family member" for appointment, employment or contract services must be approved by the State Central Committee by secret ballot with two thirds of the State Central Committee quorum.

(b) No immediate family member of a State Executive Committee member may be elected to, appointed to or employed by the State Republican Party Structure without the approval of the State Central Committee. The State Central Committee must approve such an appointment, election or employment by secret ballot with two thirds of the State Central Committee quorum.

8. Any state officer of the Wyoming Republican Party may be removed for cause from their position by a vote of two thirds majority of the State Central Committee represented at a properly called meeting.

## **9. Duties of Officers**

**1. State Chairman.** In addition to the duties with which he is charged by statute, the State Chairman shall be the chief executive officer of the Party. He shall preside over all meetings of the State Central Committee and the State Executive Committee. When presiding over the State Central Committee or the State Executive Committee, he shall vote only in case of a tie. He shall carry out policies established by the State Central Committee. In the event of an emergency, he shall determine courses of action, which shall be referred to the State Executive Committee for ratification as soon as convenient. He shall have the general powers of administration customarily vested in the office of chairman.

**2. State Vice Chairman.** The State Vice Chairman shall assist the State Chairman in the duties of this office and shall perform other duties assigned to him by the State Chairman. He shall perform the duties and exercise the powers of the State Chairman during the State Chairman's absence or disability.

**3. State Party Secretary.** The State Party Secretary or his designee shall keep the minutes of all meetings of the State Central Committee, State Convention, and the State Executive Committee. He shall perform other duties assigned to him by the State Chairman and those prescribed in the current edition of Robert's Rules of Order Newly Revised.

**4. State Party Treasurer.** The State Party Treasurer shall be responsible for all money received and disbursed by the State Republican Party. He shall perform other duties assigned to him by the State Chairman.

## **10. Executive Committee**

**1.** The Executive Committee of the State Central Committee shall consist of the officers of the State Central Committee the seven district representatives as specified in subsection 2 and any other members appointed by the State Chairman. The committee shall meet upon call of the State Chairman with at least five (5) days notice. It shall carry out policies established by the State Central Committee, and between meetings of the State Central Committee, shall exercise the powers of the State Central Committee.

**2.** The counties of the State of Wyoming are divided into seven (7) districts, as shown. Those members of the State Central Committee from each respective district shall elect a State Central Committee Member from that district to serve as representative and one (1) district alternate.

District #1 Albany, Laramie, Platte

District #2 Carbon, Sweetwater, Uinta

District #3 Lincoln, Sublette, Teton

District #4 Converse, Fremont, Natrona

District #5 Big Horn, Hot Springs, Park, Washakie

District #6 Campbell, Johnson, Sheridan

District #7 Crook, Goshen, Niobrara, Weston

3. In the event of a vacancy among the district representatives, the alternate for that district shall succeed immediately. The state central committee members of that district shall elect a new alternate within 30 days of the vacancy.

4. Only the officers of the State Central Committee and the seven (7) elected District Representatives or Alternates shall be entitled to vote in the Executive Committee. Vote by proxy shall not be allowed.

5. At no time may meetings, including Executive meetings of the State Executive Committee, be closed to members of the State Central Committee.

6. The Central Committee may elect honorary members to the Executive Committee. Honorary membership shall be a non-voting honorary position. The Central Committee may impose a term of the honorary office, or elect for life. Liaisons to/from the Wyoming state Senate and House of Representatives shall be Honorary Members of the Executive Committee.

## **11. Budget and Audit Committee**

1. The Budget and Audit Committee of the State Central Committee shall consist of the State Chairman, the State Party Treasurer who shall chair as a non-voting member of the committee, and at least five (5) members at-large appointed by the State Chairman and approved by the State Central Committee. The committee shall meet on a regular basis upon call of the Chairman of the Budget and Audit Committee, but no less than monthly, with a notification to the State Party Central Committee members. The Committee shall be governed by policies established by the State Central Committee. Members at-large shall serve four-year staggered terms and members may be reappointed. Initial terms for two of the members at-large shall be for two years.

2. Every four years, the budget & Audit Committee will order an independent audit of the State Party finances and present the findings of this audit to the State Central Committee.

3. Reports from the committee shall be provided to the State Central Committee no fewer than seven (7) days prior to any State Central Committee meeting.

## **12. Other Committees**

1. The State Central Committee may select other committees and sub-committees as it from time to time may determine as proper. However said committees shall have no power to spend monies or to take any action other than to recommend to the State Central Committee a course of action that may be delegated to said committees

## **13. Committee Governance**

1. The Executive Committee, and/or the Budget and Audit Committee may meet/hold meetings electronically that are open to the public pursuant to standing rules adopted by the State Central Committee. Committees other than the State Central Committee as may exist from time

to time may meet electronically if authorized to do so by standing rule or by express grant of power to do so in their establishing document. Meetings held electronically shall maintain a deliberative character.

2. Reports from all committees shall be provided to the State Central Committee no fewer than seven (7) days prior to any State Central Committee meeting.

#### **14. Presidential Straw Poll**

1. The State Central Committee may cause a straw poll or a caucus vote for Presidential candidates to be held statewide within the first two months of each Presidential election year.  
2018 Bylaws Chapter

### **Article VI State Convention**

#### **1. Convention and Call**

1. The date, time and place of convening shall be determined by the State Central Committee.

2. The State Chairman shall call a State Convention by filing notice in the office of the Secretary of State and each County Clerk not later than twenty (20) days before the convention. The notice shall state the total number of Delegates and Alternates, and the number of Delegates to which each county is entitled.

3. If the State Convention shall elect Delegates or Alternates to the Republican National Convention, notice of the call of the State Convention shall be published in accordance with current state statute.

#### **2. Membership**

1. Every County shall receive Six (6) Delegates, then the remaining delegates to which each county shall be entitled at the State Convention shall be determined as nearly as may be in accordance with the total registered Republicans as of January first on even numbered years. Apportionment shall be made by the State Chairman who shall select a divisor which will result in a total number of not less than one hundred fifty (150) Delegates and a like number of Alternates consistent with facilities available for the accommodation of the State Convention.

2. The State Chairman shall advise each County Chairman of the number of Delegates and Alternates to which his county is entitled no later than twenty-one (21) calendar days prior to the earliest date established by the State Central Committee for the date(s) of the county conventions (under Article IV 5, , of these Bylaws.)

3. Delegates to the State Convention shall be chosen at the County Convention. All County Chairmen, State Committeemen and State Committeewomen are automatically delegates to the

State Convention. Each County Convention shall also choose Alternate Delegates equal in number to its allotted Delegates and shall designate the priority in which the Alternates shall replace absent Delegates. Each Delegate and Alternate shall be a resident of the County represented and shall be registered Republicans as of the date of the call for the County Convention.

4. The names of the Delegates and Alternates and the priority of the Alternates shall be certified and submitted by each County Chairman to the State Chairman not later than thirty (30) calendar days before the State Convention.

5. Each County must appoint a delegate to serve as Delegation Chairman who will serve as the manager of their county delegation on the convention floor for the purpose of voting and other matters as requested by the Convention Chairman.

### **3. Voting**

1. Each Delegate or his Alternate shall be entitled to one (1) vote. Vote by proxy at a State Convention shall not be allowed. The unit rule shall not be adopted by any county delegation.

### **4. Powers**

1. The Delegates to the State Convention shall have, but not be limited to, the following powers.

- (a) To adopt and amend the State Party Bylaws
- (b) To adopt a Platform
- (c) To adopt Resolutions
- (d) To elect the Delegates and Alternates not previously selected at County Conventions to the Republican National Convention
- (e) To nominate the electors for President and Vice President of the United States
- (f) To elect a Republican National Committeeman and Committeewoman.

2. The Delegates to the State Convention shall vote by secret ballot.

3. Should no candidate receive a majority of those voting after one (1) ballot, then a run off shall take place between the two (2) candidates with the most votes.

### **5. Certification of Presidential Electors and State Party Officers**

1. The State Chairman and State Secretary shall certify the names of nominees for Presidential Electors and the names of the State Party officers elected, to the Secretary of State immediately after their selection.

## **6. Quorum**

1. A majority of the total number of Delegates to the State Convention shall constitute a quorum.

## **7. Committees**

1. The following committees shall act at the State Convention: Credentials, Bylaws, Platform, Resolutions, and Nominating/Elections. Powers, duties, and membership of these committees shall be as follows:

**(a) Credentials.** The Credentials committee shall consist of one (1) Delegate from each County. If no Delegate can serve, an Alternate may serve. The committee shall be responsible for examining and certifying credentials of all Delegates and Alternates to the State Convention, and the movement of Alternates to Delegate status. If any county fails to designate a Delegate or Alternate to the Credentials Committee, no Delegates or Alternates to the State Convention elected by that county's convention shall be seated at the State Convention.

**(b) Bylaws.** Except as stated in paragraph (a), above, the Bylaws committee shall consist of one (1) Delegate from each County. If no Delegate can serve, an Alternate may serve. The committee shall be responsible for drafting and proposing revisions to the State Bylaws to be presented to the State Convention.

**(c) Platform.** Except as stated in paragraph (a), above, the Platform committee shall consist of one (1) Delegate from each County. If no Delegate can serve, an Alternate may serve. The committee shall be responsible for drafting platform proposals pertaining to timeless principles of the Republican Party to be presented to the State Convention.

**(d) Resolutions.** Except as stated in paragraph (a), above, the Resolutions committee shall consist of one (1) Delegate from each County. If no Delegate can serve, an Alternate may serve. The committee shall be responsible for drafting resolutions acting on specific issues of the day, governed by the principles articulated in the Party Platforms to be presented to the State Convention.

**(e) Nominating/Elections.** Except as stated in paragraph (a), above, the Nominating/Elections committee shall consist of two (2) Delegates from each County. If no Delegate(s) can serve, Alternate(s) may serve. The committee shall prepare a slate of nominations for Delegates and Alternates to the National Convention (to be presented to the State Convention), shall determine order of speaking for Republican statewide primary candidates who have notified the State Chairman of their intention to be a candidate, and shall facilitate all elections and voting held during the State Convention under the supervision of the Convention Chairman.

2. **Committee meetings.** The State Convention Committees shall meet at the site of the convention prior to the State Convention.

**3. Notification of Committee Members.** The County Chairman shall notify the State Chairman or his designee of the names of committee members no later than thirty (30) calendar days before the State Convention.

**4. Appointment of State Convention Committee Chairman.** The State Chairman shall appoint the State Convention Committee Chairmen. The Committee Chairmen need not be Delegates to the State Convention. The State Chairman shall furnish each State Convention Committee Chairman with the Committee report from the preceding State Convention.

## **8. National Delegates and Alternates**

**1.** Each County in Wyoming shall be entitled to be represented at the Republican National Convention by a Delegate and Alternate.

**2.** The election of Delegates and Alternates by the Counties at the County Conventions shall be binding upon the State Convention. In the event a county does not elect a delegate or alternate, that position, or positions, shall be elected at large at the State Convention.

**3.** The State Chairman, National Committeeman and National Committeewoman are automatically delegates to the Republican National Convention by operation of Rules of the Republican National Convention. However, no alternates shall be selected for the State Chairman, National Committeeman or National Committeewoman.

**4.** The remaining number of Delegates and Alternates, if any, to which the State Party is entitled at the Republican National Convention shall be elected at large at the State Convention.

**5.** The Nominating/Elections Committee in its report to the State Convention shall nominate one (1) slate whose number of nominees shall be at least the total number of both the available Delegate-at-large and the Alternate-at-large positions.

**6.** After the report of the Nominating/Elections Committee has been made and prior to any vote of election, the Convention Chairman shall call for nominations from the floor.

**7.** After nominations are closed, a secret ballot vote shall occur.

**8.** The Delegates-at-large shall be elected by the equivalent number of nominees receiving the most votes. The Convention Chairman shall break ties by casting lots.

**9.** The remaining Alternates-at-large shall be elected and assigned the priority in which they shall serve in descending order according to the number of votes received by the remaining nominees. The Convention Chairman shall break ties by casting lots.

**10.** In the event the number of allowable Delegates to the Republican National Convention shall be less than the number of Counties, then the Executive Committee of the Party shall develop one or more alternate selection mechanisms, one of which shall be ratified at the Winter Meeting of the Central Committee in the year that a Republican National Convention is held.

**11. Prior to election, all nominees for Delegates-at-large and Alternates at-large shall inform the State Convention which Republican Presidential candidate they support, if any.**

**12. The Delegates to the State Convention may instruct the Delegation to the Republican National Convention, provided the instructions are not in violation of any bylaw, rule, or regulation of the Republican National Convention.**

**13. The Republican Governor of the state and Republican Members of Congress, whether or not they are Delegates or Alternates to the Republican National Convention, shall be invited to attend the caucuses of Wyoming's Delegation to the Republican National Convention and to participate in the deliberations of the Republican National Convention and to participate in the deliberations of the Delegation.**

## **9. National Committeeman and Committeewoman**

**1. The National Committeeman and National Committeewoman shall serve from the adjournment of the National Convention until the adjournment of the following National Convention, and until their successors shall have been elected and qualified.**

**2. A vacancy in the position of National Committeeman or National Committeewoman shall be filled within one hundred twenty (120) days after the effective date of the vacancy, by election, held by the State Central Committee, until the next State Convention, at which time the State Convention shall fill the vacancy by election for the unexpired term of the position.**

**3. The term shall conform to the bylaws, rules and regulations of the Republican National Convention.**

## **10. Order of Business**

**1. The order of business at the Republican State Convention shall be as follows:**

- (a) Call to order by the State Chairman**
- (b) Presentation of Temporary Convention Chairman and Secretary**
- (c) Report of Credentials Committee**
- (d) Election of Permanent Convention Chairman and Secretary**
- (e) Report of State Chairman**
- (f) Report of the Bylaws Committee**
- (g) Report of the Platform Committee**
- (h) Report of the Resolutions Committee**
- (i) Report of the Nominating/Elections Committee**
- (j) Introduction and Addresses of Declared State-wide Candidates**
- (k) Elections**
- (l) Other Business**
- (m) Adjournment**

2. The State Chairman, at his discretion, may change the order of business prior to convening the convention. After the convention is convened, the order of business may be changed by a majority vote of the Delegates.

## **11. Roll Call Votes**

1. A roll call vote ("Yeas" and "Nays") upon any question presented at the State Convention may be ordered by the Convention Chairman or can be compelled by the request of forty percent (40%) of the Delegates by standing vote.

2. A request for a roll call vote must be sought before the question is first voted upon. The preceding in no way interferes with the rights of a Delegate to request a standing vote on questions presented to the State Convention.

## **Article VII Ratification and Amendments**

### **1. Ratification**

1. These Bylaws, upon adoption by a majority vote of the Delegates elected to the Republican State Convention, shall repeal and replace all Bylaws that preceded them and shall be binding upon adjournment of the convention at which they are adopted.

### **2. Amendments**

1. These Bylaws may be repealed or amended only by a majority vote of the Delegates elected to the Republican State Convention.

2. Amendments to these Bylaws shall become effective upon adjournment of the convention at which the amendments were approved.

3. All amendments shall be certified by the State Chairman and State Party Secretary and shall be filed with the Secretary of State within thirty (30) days after adjournment of the State Convention.

## Article VIII Severability

These Bylaws are severable and, if any portions be declared void, all other portions shall remain binding and effective.

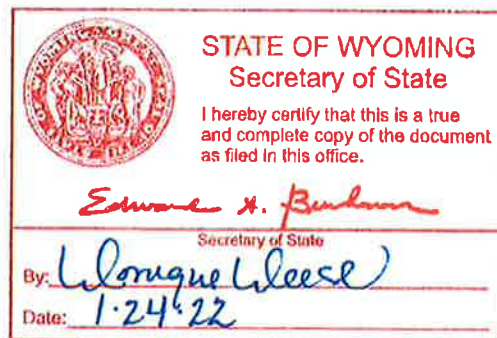
## Article IX Certification

We do hereby certify that we are respectively the State Chairman and State Party Interim Secretary of the Wyoming Republican Party. It is further certified that the foregoing is a true and correct copy of the Bylaws of the Wyoming Republican Party, adopted at a properly called Republican State Convention held in Laramie, Wyoming on the 27th day of June, 2020, and as amended.

W. Frank Eathorne W. Frank Eathorne, State Chairman

ATTEST:

April Poley April Poley, State Party Secretary



Frank Eathorne  
Chairman of Republican Central Committee  
c/o Brian Shuck, State Republican Legal Counsel  
2122 Warren Avenue  
Cheyenne, WY 82001  
Via email: brianshuck@vcn.com

January 20, 2022

Re: Meeting and Selection of Three persons for Submission to Governor Gordon to Replace Former Superintendent of Instruction Jillian Balow scheduled for Saturday, January 22, 2022.

Dear Mr. Eathorne and Mr. Shuck:

The Republican Central Committee will meet on Saturday, January 22, 2022, to select three candidates for submission to the Honorable Mark Gordon as a replacement for former Superintendent of Public Instruction Jillian Balow. I write to ensure that the vote to select those three candidates is conducted in full compliance with the Wyoming and United States Constitutions.

I have been advised that the voting regarding the selection of the candidates will involve a process whereby each county is allocated three votes (one each for the State Committeeman, State Committeewoman and Party Chair from each county). If that occurs, that process would be in open and obvious violation of United States and Wyoming Constitutional provisions that require that all actions of this type strictly follow "one man-one vote" principles. As you know, the founders of our state revered the U.S. Constitution and its principles so much that they declared the U.S. Constitution the supreme law of the land. In fact, Wyoming's founders made this declaration twice in the state constitution, in both Article 1 Sec 37 and Article 21 Sec 24.

Considering the extreme differences in population among Wyoming's 23 counties, any vote on a county basis would disenfranchise voters in the more populated counties and would constitute a violation of constitutional principles.

Article 2 of the Wyoming Republican Party Platform clearly states this position when it says, "Every citizen is equal before, equally protected by, and equally subject to, the law."

I strenuously urge the Republican Central Committee to select these candidates via a process that recognizes the population in each county. Each county should be allocated votes based on its population. The more populous counties will have more votes than the less populous counties. Selecting the candidates in any other manner violates the Equal Protection Clause of the United States and Wyoming Constitutions. We absolutely need to follow our Constitutions and not disenfranchise thousands of Wyoming citizens in this process. In 1902, Teddy Roosevelt stated that: "The government is us; we are the government, you and I." Conducting this process without proportional voting disenfranchises thousands of Wyoming citizens. We must undertake this process in a constitutional manner. I urge you to utilize a selection process representative of population in Wyoming. The party is not unfamiliar with such a process, because it allocates convention delegates based on the registered Republicans in each county.

Regards



Tom Lubnau  
Campbell County State Committeeman

**Exhibit 2**

All States

All CBSAs

All Counties

Change state

Set county population filter  
(Ranking table only)  
All values

# Wyoming

Click a value to the right to change the map and table.

Total Population (2020)

576,851

Numerc Change in Population (2010-2020):

13,225

Percent Change in Population (2010-2020):

2.3%

Housing Units (2020)

271,887

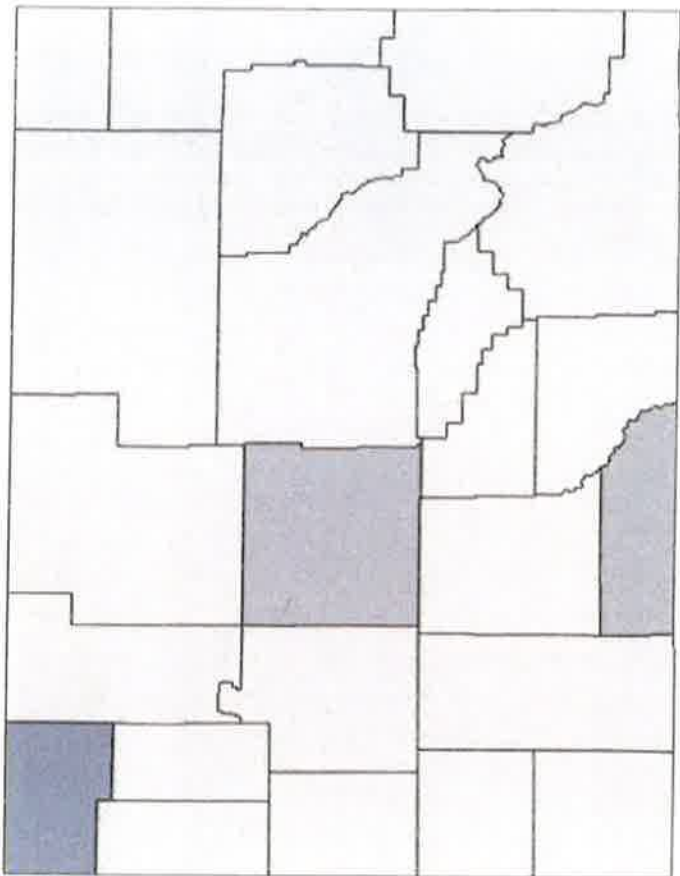
Housing Unit Vacancy Rate (2020):

13.6%

Percent Change in Housing Units (2010-2020):

3.8%

## Population Density in Wyoming Counties: 2020



People per square mile

- 25.0 to 99.9
- 10.0 to 24.9
- Less than 10.0

## Wyoming Counties

(Ranked by 2020 total population)

1.	Laramie County	100,512
2.	Natrona County	79,955
3.	Campbell County	47,026
4.	Sweetwater County	42,272
5.	Fremont County	39,234
6.	Albany County	37,066
7.	Sheridan County	30,921
8.	Park County	29,624
9.	Teton County	23,331
10.	Uinta County	20,450
11.	Lincoln County	19,581
12.	Carbon County	14,537
13.	Converse County	13,751
14.	Goshen County	12,498
15.	Big Horn County	11,521

All States

All CBSAs

All Counties

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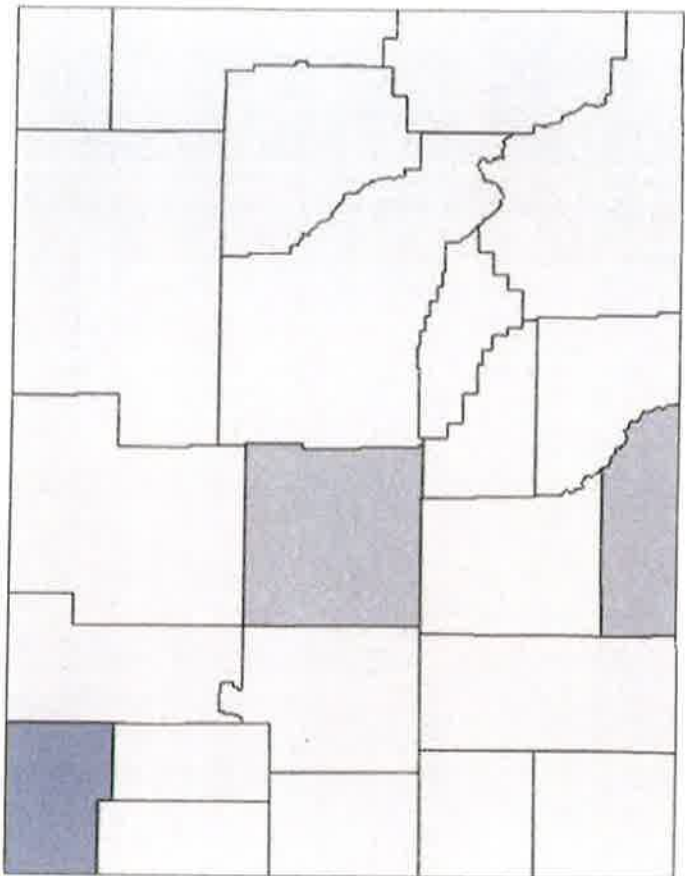
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(Ranked by 2020 total population)

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10.	Uinta County	20,450
11.	Lincoln County	19,581
12.	Carbon County	14,537
13.	Converse County	13,751
14.	Goshen County	12,498
15.	Big Horn County	11,521
16.	Sublette County	8,728
17.	Platte County	8,605
18.	Johnson County	8,447
19.	Washakie County	7,685
20.	Crook County	7,181
21.	Weston County	6,838
22.	Hot Springs County	4,621
23.	Niobrara County	2,467

Patrick J. Crank 5-2305  
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**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: \_\_\_\_\_

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**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.

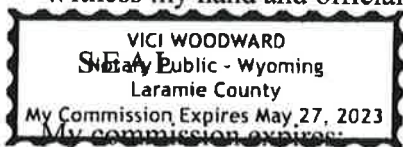
Dated this 25 day of January, 2022.

  
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