

IN COURT OF APPEALS IN THE STATE OF KANSAS

LEAGUE OF WOMEN VOTERS OF KANSAS,
LOUD LIGHT, KANSAS APPLESEED
CENTER FOR LAW AND JUSTICE, INC., and
the TOPEKA INDEPENDENT LIVING
RESOURCE CENTER,

Plaintiffs,

v.

SCOTT SCHWAB, in his official capacity as
Kansas Secretary of State, and DEREK
SCHMIDT, in his official capacity as Kansas
Attorney General,

Defendants.

Appellate Case No. 124378

Original Action No. 2021-CV-000299

**PLAINTIFFS-APPELLANTS' MOTION TO TRANSFER TO SUPREME COURT AND
EXPEDITE BRIEFING**

Pursuant to K.S.A. 20-3017 and Kansas Supreme Court Rule 8.02, Plaintiffs-Appellants move to transfer this appeal from the Kansas Court of Appeals to the Supreme Court for final determination. This matter is brought by the League of Women Voters of Kansas (“The League”), Loud Light, Kansas Appleseed Center for Law and Justice, Inc. (“Kansas Appleseed”), and Topeka Independent Living Resource Center (“The Center”) (collectively, “Plaintiffs-Appellants”), each a nonpartisan organization focused on promoting the right to vote in Kansas, including specifically through voter engagement and registration activities.¹ At issue in this appeal is the district court’s denial of Plaintiff-Appellants’ motion for a limited, temporary injunction of Subsections (a)(2) and (a)(3) of H.B. 2183 § 3, which makes it a felony to not only knowingly misrepresent one’s self as

¹ The case below also includes three individual plaintiffs—Charley Crabtree, Faye Huelsmann, and Patricia Lewter—but none are pursuing the claim at issue here. They therefore do not participate in this appeal.

an elections official but also to knowingly engage in conduct that “*gives the appearance*” or “*would cause another person to believe*” that one is an elections official (emphases added).² In other words, through this newly-enacted legislation, Kansas has now criminalized not just activity that is intended to lead someone to believe that the actor is an elections official, but also – broadly and without limit – any activity that could potentially lead to that misperception in an observer. And the line between criminal and innocent conduct ultimately turns *not* on whether the person who is subject to prosecution actually intended to create that misapprehension, but simply whether they knew that it is *possible* that someone else may perceive them that way, no matter how irrational or uninformed that observer’s viewpoint.

The dangers of this exceedingly broad statute cannot be overstated. The public record is now littered with examples of how misunderstandings about the elections system and different actors’ roles in it resulted in an unprecedented deluge of litigation that baselessly sowed doubt about the legitimacy of the results of the last presidential election. While each of these cases were rejected by the courts, the Voter Education Restriction now invites this same type of mischief in the form of felony criminal prosecutions of anyone whose behavior could create the misapprehension by a third-party that they are an election official.

The undisputed evidence that Plaintiffs-Appellants submitted to the district court established that they are extremely (and rationally) concerned that engaging in their ordinary voter education, outreach, and registration activities could subject them to criminal prosecution under this new law. Indeed, in their long experience conducting such activities in Kansas, they have often been mistaken for election officials, even though they have never attempted to cause that misapprehension and even when they have taken affirmative steps to make their non-governmental

² This restriction is referred to throughout this brief and the parties’ papers below as the “Voter Education Restriction.”

affiliations clear. Aff. of Ami Hyten, Ex. 4 (“Hyten Aff.”) ¶¶ 17-20; Aff. of Davis Hammet, Ex. 2 (“Hammet Aff.”) Hammet Aff. ¶¶ 19-20; Aff. of Caleb Smith, Ex. 3 (“Smith Aff.”) ¶ 18; *see also* Aff. of Jameson Shew, Ex. 5 (“Shew Aff.”) ¶¶ 6-9. Thus, Plaintiffs-Appellants and their members *know* that when they are engaged in voter-registration activities, they will frequently—and unintentionally—cause would-be voters to misperceive them as election officials. Defendants submitted no contrary evidence.

As a result of the objective fear of prosecution that they now have, Plaintiffs-Appellants have suspended and foregone many of their previously-laid plans for voter engagement, education, and registration. For example, since the Voter Education Restriction was enacted, Plaintiffs-Appellants have been forced to cancel a host of previously planned voter registration events and activities throughout Kansas. *See* Second Aff. of Jacqueline Lightcap, Ex. 8 (“2d Lightcap Aff.”) ¶¶ 3-4; Third Aff. of Jacqueline Lightcap, Ex. 11 (“3d Lightcap Aff.”) ¶¶ 3-8. Many of these activities would have taken place in the run-up to the July 13, 2021 voter registration deadline for the August primaries, when new college students were enrolling on campus, and when new citizens were being naturalized. 2d Lightcap Aff., Ex. 8, ¶ 5. Those opportunities have been permanently lost, and as described below, further harm is imminent. Plaintiffs-Appellants—along with the countless Kansas voters that they would otherwise be free to engage with about their voting rights—are paying the price of the new law’s overbroad language and highly subjective standard.

Plaintiffs-Appellants filed their limited motion for a temporary injunction before the Voter Education Restriction went into effect on July 1. At every turn, they urged the district court to resolve the motion as quickly as possible so that they could move forward with their constitutionally-protected activities. The district court failed to do so before the primary, causing Plaintiffs-Appellants to lose speech and associational opportunities that they will never get back.

The district court finally issued its order denying the motion last Thursday, September 16, 2021, and Plaintiffs-Appellants noticed this appeal the following day. At this point, the October 12, 2021 registration deadline for the November election is only three weeks away. Given the importance of these matters, and that rapidly approaching deadline, Plaintiffs-Appellants require a swift and definitive resolution of this matter by the only court with jurisdiction to issue an interpretation of the law that will be binding statewide.

Plaintiffs-Appellants request that this matter be quickly transferred to and decided by the Supreme Court so that, in these last few critical weeks before the November election, they are not required to choose between the exercise of their core free speech and associational rights and their objective and rational fear that, by engaging in those activities, they make themselves vulnerable to criminal prosecution. The district court's decision denying Plaintiffs-Appellants' request for a limited temporary injunction to protect those rights disregarded the undisputed evidence and erroneously resolved significant legal questions that implicate fundamental constitutional rights, including by downplaying—if not altogether disregarding—the fundamental nature of the right to speak and associate under the Kansas Constitution. Given the importance of these matters and the daily restrictions on Plaintiffs-Appellants' protected activities created by the new law, the quantum of speech surrounding the right to vote in Kansas is irreparably reduced, and transfer and an expedited decision are necessary.

NATURE OF THE CASE

On May 3, 2021, the Legislature passed H.B. 2183 over gubernatorial veto, effectuating several significant changes to laws relating to Kansas elections. Plaintiffs-Appellants are four nonpartisan Kansas voter engagement organizations. They seek a limited, temporary injunction of only one of H.B. 2183's wide-reaching changes in order to protect themselves from serious and imminent (indeed, already occurring) constitutional harm. Specifically, Plaintiffs-Appellants seek

to enjoin Subsections 3(a)(2) and 3(a)(3) of H.B. 2183, which took effect on July 1, 2021, and has already stopped some Plaintiffs from engaging in their core voter registration, education, and engagement activities (together, “voter-related activities”) by posing a threat of felony prosecution. The threat of those injuries continues each day that an injunction is not in place.

The Voter Education Restriction causes these injuries through the creation of a brand new broadly worded felony crime that turns *not* on the intent of the person who may face criminal liability, but instead on the subjective viewpoint of anyone who might observe them and draw the erroneous conclusion that they are elections officials. This leaves Plaintiffs-Appellants and others like them with the impossible choice of either suspending their crucial voter-related activities or risking criminal prosecution should those activities be misconstrued by even the most casual observer. The new crime is titled, innocuously enough, “false representation of an election official.” H.B. 2183 § 3(a). And Subsection (a)(1) of H.B. 2183—which Plaintiffs-Appellants do *not* challenge—criminalizes exactly that. *See id.* (criminalizing falsely “[r]epresenting oneself as an election official”). In doing so, Subsection (a)(1) effectively reiterates that conduct that was *already* criminal under Kansas Law, *see* K.S.A. 21-5917, is clearly so.

But H.B. 2183 does not stop there. It includes two additional Subsections separately defining conduct that may be deemed “representing oneself as an election official” in violation of the law, both of which reach far beyond intentionally and falsely doing so. Specifically, Section 3(a) of HB 2183 reads:

(a) False representation of an election official is knowingly engaging in any of the following conduct by phone, mail, email, website or other online activity or by any other means of communication while not holding a position as an election official:

- (1) Representing oneself as an election official;
- (2) engaging in conduct that gives the appearance of being an election official; or
- (3) engaging in conduct that would cause another person to believe a person engaging in such conduct is an election official.

The section therefore makes it a felony for any person to knowingly engage in conduct that “*gives the appearance*” or “*would cause another person to believe*” that the person is employed by the Secretary of State, county election commissioner, or county clerk. H.B. 2183 § 3(a)(2), (a)(3), (c) (emphases added). By defining the prohibited activity from the vantage of any person observing the activity, the new law creates a serious risk that, by registering, engaging, and educating voters, Plaintiffs, their employees, and their volunteers risk *felony conviction* merely because someone mistakes them for an election official—despite having no intent to deceive anyone, and even if they take every reasonable precaution to avoid such a misapprehension.

Subsections (a)(2) and (a)(3) of H.B. 2183 § 3 present an existential threat to Plaintiffs. As detailed extensively in affidavits presented to the court below, Plaintiffs engage in robust voter registration, education, and engagement efforts. *See* Hammet Aff., Ex. 2, ¶¶ 10, 25 (Loud Light); Hyten Aff., Ex. 4, ¶¶ 21-25 (The Center); Aff. of Gabriel Mullen, Ex. 7, (“Mullen Aff.”) ¶¶ 8-11 (The Center); Lightcap Aff., Ex. 1, ¶¶ 18-22 (The League); Smith Aff., Ex. 3, ¶¶ 19, 21 (Kansas Appleseed). In fact, Kansas elections officials *themselves* rely heavily on the Plaintiff-Appellant organizations (and others like them) to register, educate and engage Kansas voters. For example, some Kansas counties work with precisely these types of organizations to engage in voter registration drives and education efforts, making it even more difficult for Plaintiffs-Appellants to ensure that none of their activity could ever cause an observer to believe that they are county officials. *See* Aff. of Jameson Shew, Ex. 5 (“Shew Aff.”) ¶ 6 (Douglas County “rel[ies] on outside groups,” including the Kansas League, “to do much of the civic engagement work in the

community, including almost all of our voter registration drives”); *see also, e.g.*, Mot. Ex. 32 (listing various “Outposts,” including local advocacy organizations, where Sedgwick County provides registration forms for voter registration activities). Shawnee County sends official materials and supplies to organizations holding voter registration drives to reassure voters that the organization’s activities are legitimate and trustworthy. Hammet Aff., Ex. 1, ¶ 22. Douglas County does the same, where the county clerk “work[s] hand-in-hand with the Douglas County chapter of the League” to register and educate voters. Shew Aff., Ex. 5, ¶¶ 6-9. These efforts are so intertwined that, in Douglas County, the League is responsible for “the *majority* of voter registration drives,” and the clerk’s office often refers voters with questions about registration *directly* to the League’s capable volunteers. *Id.* ¶¶ 6, 9 (emphasis added). These partnerships are critical to county efforts to ensure that smooth and secure elections take place. *Id.*

In doing this work, Plaintiffs-Appellants work hard to make it clear where they are from and that they are not elections officials. But confusion inevitably arises, given that each of these organizations, like many Kansas elections officials, actively encourage Kansans to vote, educate them about the voting process and issues and candidates on the ballot, and help them through the voting process. *See* Hammet Aff., Ex. 1, ¶ 18 (“[A]lmost all of [the] activities [that Loud Light engages in to achieve its mission] could potentially be mistaken for the kinds of activity that an election official may perform.”); Shew Aff., Ex. 5, ¶ 11 (explaining that the League’s volunteers “do work which many might perceive as falling under the purview of [the Douglas County Clerk’s] office”). Despite Plaintiffs-Appellants’ best efforts, they *know* that their voter-related activities have caused them to be mistaken for election officials, even when they have not intended that result and have worked to avoid it. Hyten Aff., Ex. 4, ¶¶ 17-20 (explaining that “anyone who has worked on voter education activities long enough knows, voters may innocently mistake people

who conduct the work we conduct as election officials,” and because they cannot “know where the cut-off point is for being charged with this crime,” it has put its “voter education activities [] effectively on hold”); Hammet Aff., Ex. 1, ¶¶ 19-20 (describing how Loud Light’s founder was mistaken as an election official during an event in Pittsburg in 2018, despite doing nothing to suggest he was a county representative and clearly representing himself as a private, non-governmental actor); Smith Aff., Ex. 3, ¶ 18 (discussing similar incidents).

As the undisputed affidavits presented to (but disregarded by) the district court make clear, the Voter Education Restriction causes irreparable harm to Plaintiffs-Appellants and is also detrimental to the public at large because, for decades, thousands of Kansans have benefited from and relied on Plaintiffs-Appellants help to successfully exercise their right to vote. *See* Shew Aff., Ex. 5, ¶ 6; *see also* Mullen Aff., Ex. 7, ¶ 16 (“[M]any voters with disabilities actually rely on the Center to register and to help them sign up for a method of voting that works for them because they are unable to do so without assistance from an advocate they trust to have their best interest in mind—and that’s what we do here.”).

Absent immediate review of the district court’s erroneous decision—which came three months after the temporary injunction motion was filed and long after the challenged provisions had begun to work long-lasting damage to Plaintiffs-Appellants and their robust voter engagement in the state—these organizations will have to make impossibly difficult choices about whether to severely curtail or even shut down their ordinary voter engagement and registration efforts leading up to the November election, or risk felony prosecution for proceeding with those activities. The deadline to register to vote in the August primary has already come and gone, as has the primary election itself. The deadline to register for the November election, October 12, is now *less than three weeks away*. Fear of prosecution under the Restriction has already prevented some Plaintiffs-

Appellants from registering, educating, and assisting voters. *See* 2d Aff. of Davis Hammet, Ex. 9 (“2d Hammet Aff.”) ¶¶ 4-7 (explaining Loud Light canceled plans to register voters over Independence Day weekend and halted voter engagement activities after that); 2d Aff. Lightcap Aff., Ex. 8, ¶¶ 3-6 (describing more than a dozen voter registration drives that the Kansas League cancelled in July and August); 2d Aff. of Ami Hyten, Ex. 10 (“2d Hyten Aff.”) ¶¶ 4-10 (explaining that, “for the first time in the Center’s memory,” it has been forced to suspend its voter registration and engagement activities). Without the Supreme Court’s urgent review of the significant legal issues involved, the Restriction will continue to impose severe and irreparable harm on Plaintiffs-Appellants’ fundamental, constitutional rights.

JURISDICTION

On September 16, 2021, the district court issued its order denying Plaintiffs-Appellants’ Motion. The Supreme Court has jurisdiction to “correct, modify, vacate or reverse any act, order or judgment of a district court or court of appeals.” K.S.A. 60-2101. And the Supreme Court may accept jurisdiction of the case for immediate review and final determination because, as explained below, “one or more of the conditions described in subsection (a) of K.S.A. 20-3016” are present here. K.S.A. 20-3017.

GROUND FOR TRANSFER

The Supreme Court may accept jurisdiction of an appeal for review and final determination when (1) “[o]ne or more of the issues in such case are not within the jurisdiction of the court of appeals,” (2) “the subject matter of the case has significant public interest,” (3) “the case involves legal questions of major public significance,” or (4) “the caselaw of the court of appeals is such that the expeditious administration of justice requires such transfer.” K.S.A. 20-3016(a), 20-3017. Immediate Supreme Court review may be justified when only one of those factors is present. *Id.*

Here, immediate Supreme Court review is imperative because both the subject matter of the appeal and the legal questions involved implicate significant public interests.

I. This appeal has significant public interest.

The Supreme Court's immediate review is necessary to protect the fundamental constitutional rights of Plaintiffs-Appellants and the Kansas voters whose fundamental rights are promoted and protected by Plaintiffs-Appellants' activities. As such, this appeal clearly implicates significant public interests and transfer is appropriate. *See* K.S.A. 20-3016(a)(2).

A. The appeal implicates Plaintiffs-Appellants' free speech and association rights.

The Voter Education Restriction, and the district court's decision allowing enforcement of it, infringe on Plaintiffs-Appellants' constitutionally protected speech in violation of Section 11 of the Kansas Constitution Bill of Rights. "[C]orrecting a violation of the law" is always within "the public interest." *Wing v. City of Edwardsville*, 51 Kan. App. 2d 58, 66, 341 P.3d 607 (2014). That includes constitutional violations. *Hobby Lobby Stores, Inc. v. Sebelius*, 723 F.3d 1114, 1145 (10th Cir. 2013) ("[I]t is always in the public interest to prevent the violation of a party's constitutional rights."). This is particularly so where claims of freedoms of speech and association are at stake. *Pac. Frontier v. Pleasant Grove City*, 414 F.3d 1221, 1237 (10th Cir. 2005) (describing an injunction vindicating free speech rights as "clearly in the public interest"); *Elam Constr., Inc. v. Reg'l Transp. Dist.*, 129 F.3d 1343, 1347 (10th Cir. 1997) ("The public interest [] favors plaintiffs' assertion of their [free-speech] rights."); *Cate v. Oldham*, 707 F.2d 1176, 1190 (10th Cir. 1983) (noting the "strong public interest" in protecting free speech).

The Voter Education Restriction violates three separate free-speech doctrines: (1) it directly restricts political speech without sufficient justification, (2) its regulatory sweep is far too broad, and (3) it is impermissibly vague.

First, the Restriction prevents Plaintiffs-Appellants from engaging in most voter registration, education, and engagement activities without fear of prosecution. The voter-related activities that Plaintiffs-Appellants perform create a constant risk that their members and volunteers will be mistaken as election officials, regardless of their intent. *See, e.g.*, Hyten Aff., Ex. 4, ¶¶ 17-20 (“[A]nyone who has worked on voter education activities long enough knows, voters may innocently mistake people who conduct the work we conduct as election officials.”); Smith Aff., Ex. 3, ¶¶ 17-18, 20-25 (explaining that Kansas Appleseed “has no way of knowing whether a voter may mistakenly presume that its staff and volunteers are elections officials”). By making it a crime to knowingly engage in conduct that could have that effect, the Restriction directly prohibits Plaintiffs-Appellants from engaging in activities that constitute political speech protected by the Kansas Constitution’s Bill of Rights. In fact, extensive undisputed evidence Plaintiffs-Appellants presented to the district court demonstrated that fear of criminal prosecution has *already* caused their voter-related activities to plummet: the League, Loud Light, and the Center were forced to halt their voter-related activities altogether ahead of the district court’s ruling out of fear that continuing them would make them, their volunteers, and their members vulnerable to felony prosecution. *See* 2d Hammet Aff., Ex. 9, ¶¶ 4-7; 2d Lightcap Aff., Ex. 8, ¶¶ 3-6; 3d Lightcap Aff., Ex. 11, ¶¶ 3-8; 2d Hyten Aff., Ex. 10, ¶¶ 4-10.

Second, the Voter Education Restriction is impermissibly vague. The Restriction makes it a felony to engage in conduct that causes another to believe they are an election official. H.B. 2183 § 3(a)(2), (a)(3), (c) (criminalizing conduct that knowingly “gives the appearance” or “would cause another person to believe” that the person is employed by the Secretary of State, county election commissioner, or county clerk). Based on Plaintiffs-Appellants’ past experiences, they know that their voter-related activities cause some voters to make this mistake even when Plaintiffs-

Appellants affirmatively identify themselves and the perception is unreasonable. *See, e.g., Hyten Aff.*, Ex. 4, ¶¶ 17-20; *Hammet Aff.*, Ex. 2, ¶¶ 19-20; *Smith Aff.*, Ex. 3, ¶¶ 17-18, 20-25. When a restriction hinges the permissibility of speech on an observer's reaction, it is impermissibly vague and thus unconstitutional. *See State v. Bryan*, 259 Kan. 143, 910 P.2d 212 (1996); *see also Coates v. City of Cincinnati*, 402 U.S. 611 (1971).

Third, the Voter Education Restriction is impermissibly overbroad. Plaintiffs-Appellants' voter-related activities fall within the Restriction's prohibitions and constitute protected core political speech. Such speech is, at a minimum, "a significant part of the law's target." *State v. Boettger*, 310 Kan. 800, 804, 450 P.3d 805 (2019). By creating the risk that Plaintiffs-Appellants may be subject to felony prosecution for engaging in voter-related activities even when they are *not* trying to impersonate election officials, the Restriction's impact on core political speech is "substantial" when "judged in relation to [its] plainly legitimate sweep." *City of Chi. v. Morales*, 527 U.S. 41, 52 (1999) (quotations omitted). The Restriction is therefore unconstitutionally overbroad.

B. The appeal implicates the voting rights of Kansans who rely on Plaintiffs-Appellants' voter engagement efforts.

Plaintiffs-Appellants' constitutional rights are not the only constitutional rights implicated by this appeal—the Voter Education Restriction, and the district court's decision allowing enforcement of it, stand to curtail the fundamental right to vote of Kansans who have come to rely on the assistance of organizations like Plaintiffs-Appellants. The "broad exercise of the right to vote" is well within the "public interest." *Fish v. Kobach*, 840 F.3d 710, 756 (10th Cir. 2016). And Plaintiffs-Appellants' voter engagement activities play a vital role in helping Kansans exercise their fundamental right to vote. *See Shew Aff.*, Ex. 5, ¶ 6 (Douglas County "rel[ies] on outside groups," including the Kansas League, "to do much of the civic engagement work in the

community, including almost all of our voter registration drives”); Mullen Aff., Ex. 7, ¶ 16 (“[M]any voters with disabilities actually rely on the Center to register and to help them sign up for a method of voting that works for them because they are unable to do so without assistance from an advocate they trust to have their best interest in mind—and that’s what we do here.”). If the district court’s decision is not reviewed by the Supreme Court quickly, Plaintiffs-Appellants will be largely unable to assist thousands of Kansans in the fast-approaching November general election without fear of criminal prosecution.

The constitutional implications of this appeal render it of extraordinary public interest.

II. The appeal involves significant legal questions and the district court’s decision, if left undisturbed, has the potential to set dangerous precedent infringing on fundamental rights.

The district court’s decision also raises several significant legal questions of major public significance, each of which justifies the Supreme Court’s urgent attention. *See* K.S.A. 20-3016(a)(3) (noting an appeal may be transferred to the Supreme Court if it involves “legal questions of major public significance”).

A. The district court’s interpretation of the Voter Education Restriction contradicts the statute’s plain language and leaves the permissibility of certain political speech unclear.

By accepting Defendants’ erroneous interpretation of the Voter Education Restriction, the district court misapplied the Supreme Court’s principles of statutory interpretation. Until the proper reading of the statute is clarified, Plaintiffs-Appellants and others like them who would otherwise engage in voter outreach, education and registration activities, will be left wondering whether those protected speech and associational activities will risk them becoming the subject of a felony prosecution.

In denying the temporary injunction motion, the district court impermissibly read a limiting principle into the Restriction that does not exist in the statute’s plain text. The Restriction includes

two specific subsections, both of which depend on the perspective of an observer: Subsections (a)(2) and (a)(3) criminalize “knowingly engaging in . . . conduct that gives the appearance of being an election official [or] that would cause another person to believe a person engaging in such conduct is an election official.” The district court, however, effectively read the Restriction to apply only when a speaker *intends* to falsely represent themselves as an election official. *See, e.g.*, Mem. Decision & Order (“Ord.”) at 8 (observing that “falsely representing that one is speaking on behalf of the government or impersonating a government officer is not protected conduct”). But there is no statutory language limiting either subsection to conduct *intentionally* designed to give that impression or cause such a belief.

The district court also disregarded Plaintiffs-Appellants’ undisputed evidence. Focusing on the word “knowingly” in the statute, the district court found that “the actor must be aware of his or her conduct or circumstances and aware that the conduct is reasonably certain to cause the prohibited result,” and then dismissed Plaintiffs-Appellants’ evidence out of hand because their affidavits “stated that [their] members always identify themselves as members of their respective organizations and not as election officials.” Ord. at 9. Respectfully, that reading of Plaintiffs-Appellants’ evidence was incomplete and clearly erroneous. The evidence showed that Plaintiffs-Appellants’ members *know* that when they engage in certain voter registration and education activities, would-be voters mistake them for election officials despite their efforts to disabuse them of that notion. *See* Hammet Aff., Ex. 2, ¶¶ 19-20 (“I have been mistaken for an election officer in the past, not because I represented myself as an election officer, but because voters innocently mistake people who are knowledgeable about voter registration and election procedures as election officials.”); Smith Aff., Ex. 3, ¶ 18 (noting that Kansans have asked “whether we were [affiliated] with one county board or another during our voter engagement activities” and that “[w]hile we

always correctly identify ourselves as affiliated with Kansas Appleseed, and not any governmental office or body, this confusion persists in our communities”); Hyten Aff., Ex. 4, ¶ 19 (“As anyone who has worked on voter education activities long enough *knows*, voters may innocently mistake people who conduct the work we conduct as election officials.”) (emphasis added).

Indeed, the Douglas County Clerk submitted an affidavit noting that he has “relied on the Douglas County League [of Women Voters] and other groups to fulfill outreach and registration functions my office does not have the resources to fulfill.” Shew Aff., Ex. 5, ¶ 9. In doing so, he supplies League members with “official signs, banners and leaflets” that “are typically marked with the Douglas County Clerk’s Office emblem or other identifying information for the Clerk’s office.” *Id.* ¶ 7. And as the Clerk explained, while League members are not “actual members of [the Douglas County Clerk’s] office, they do work which many might perceive as falling under the purview of my office and its employees given that they use (as they should) official registration forms, education materials, and engage in the same type of education and registration work that my office[] does when we have the capacity.” *Id.* ¶ 11.

Thus, as Plaintiffs-Appellants demonstrated below, they *know* that when they engage in voter registration and engagement work, they often give the “appearance of being an election official” or “would cause another person to believe” they are election officials. *That is precisely* the “result” that subsections (a)(2) and (a)(3) of H.B. 2183 § 3 criminalizes. The district court did not engage with this argument, instead erroneously limiting its interpretation of the statute to deceptive conduct. *See* Ord. at 9-10. By reading such a limiting principle into the Restriction, and disregarding the undisputed evidence, the district court erred as a matter of law. *See, e.g., State v. Carmichael*, 247 Kan. 619, 623 (1990) (noting that “courts cannot amend or change” statutory language, even when faced with a potential “omission”).

The district court's strained reading of the Restriction also fails to follow basic canons of statutory interpretation because it renders Subsections (a)(2) and (a)(3) superfluous. Courts must apply the statute's plain language. *Simmons v. Himmelreich*, 136 S. Ct. 1843, 1848 (2016) (describing the fundamental rule that a legislature "says what it means and means what it says"). In doing so, courts are "not permitted under the rules of statutory construction to treat any part of a statute as superfluous." *Scott v. Werholtz*, 38 Kan. App. 2d 667, 677, 171 P.3d 646 (2007). But the district court's reading of the Restriction leaves no room to distinguish among the three subsections. If the Restriction applies only when the speaker intends to falsely represent an election official (as the district court held), then its definition of what constitutes false representation of an election official could have been limited to the conduct set forth in (a)(1): "[r]epresenting oneself as an election official." But subsections (a)(2) and (a)(3) go further and criminalize "conduct that gives the appearance of being an election official" and "conduct that would cause another person to believe a person engaging in such conduct is an election official." The district court's interpretation reads each subsection to criminalize the exact same conduct. That reading renders Subsections (a)(2) and (a)(3) superfluous. Just as courts cannot properly read into a statute a provision that is not there, they cannot erase the meaning of clearly distinct provisions.

These significant legal errors regarding the meaning of a new felony offense that is already chilling core political speech serve only to aggravate Plaintiffs' constitutional injuries.

B. The district court's decision is inconsistent with the Supreme Court's guidance regarding the significance of fundamental rights.

The district court also erred by applying a standard of review that is far below the demands of the Kansas Constitution and runs contrary to prior decisions of the Kansas Supreme Court, as well as federal cases considering speech and association challenges brought under the First Amendment. When a law impermissibly regulates and chills protected political speech by reducing

its overall quantity, it violates Section 11 of the Kansas Constitution Bill of Rights. Although the Supreme Court has not specified a standard for evaluating laws challenged under Section 11 specifically, it has explained that its free-speech protections are “generally . . . coextensive” with the fundamental rights guaranteed to all Americans by the First Amendment. *State v. Russell*, 227 Kan. 897, 899, 610 P.2d 1122 (1980). And the Kansas Supreme Court has been clear that when “a fundamental right is implicated” under the Kansas Constitution, it often provides *more* protection than its federal counterpart. *See Hodes v. Nauser, MDs, P.A. v. Schmidt*, 309 Kan. 610, 663-71, 440 P.3d 461 (2019) (applying a more rigorous standard of scrutiny than under federal law “because it is our obligation to protect” the intentions of those who drafted and adopted the Kansas Constitution, as well as “the inalienable natural rights of all Kansans”); *see also e.g., Unified Sch. Dist. No. 503 v. McKinney*, 236 Kan. 224, 234, 689 P.2d 860 (1984) (recognizing that the freedom of speech protected under the Kansas Constitution is “among the most fundamental personal rights and liberties of the people.”); *W. Va. St. Bd. of Educ. v. Barnette*, 319 U.S. 624, 638 (1943) (describing “free speech” as a “fundamental right”). Even under federal law, when laws regulate or threaten core political speech, like the Restriction does here, constitutional protections are at their “zenith.” *Meyer v. Grant*, 486 U.S. 414, 425 (1988); *Chandler v. City of Arvada*, 292 F.3d 1236, 1241 (10th Cir. 2002) (applying “strict scrutiny” in challenges to laws that restrict “the overall quantum of speech available to the election or voting process.”).

The district court’s decision turns the Supreme Court’s constitutional precedent on its head. First, in accepting Defendants’ atextual reading of the statute at issue, the district court found that the Restriction imparts “no violation of Plaintiffs’ free speech rights under Section 11.” Ord. at 10. The court reached this conclusion after only a cursory assessment of the voluminous evidence that Plaintiffs-Appellants submitted in support of their Motion demonstrating the significant impact the

Restriction has had on their constitutionally protected activities. Then, instead of applying heightened or strict scrutiny to Plaintiffs-Appellants' claims (as it should have under relevant precedent), the district court found that the Restriction passed muster under either the "rational basis" or "flexible balancing" test articulated in *Anderson v. Celebrezze*, 460 U.S. 780 (1983), and *Burdick v. Takushi*, 504 U.S. 428 (1992). Ord. at 11.

As noted above, this test is not the one that federal courts apply to speech and associational claims like those at issue here; *Anderson-Burdick* is applicable to right-to-vote claims and is driven by concerns about federalism that arise when federal courts review state election laws (clearly not the case here). But even more fundamentally, Plaintiffs-Appellants' claims are raised entirely under the Kansas Constitution—they raise no federal constitutional claims at all—and the district court's legal analysis is at fundamental odds with the line of precedent from the Kansas Supreme Court that firmly establishes that when fundamental rights like the freedoms of speech and association are abridged, Kansas courts apply strict or significantly heightened scrutiny. *See McKinney*, 236 Kan. at 234 ("Freedom of speech and of the press are secured against abridgment by the federal and state Constitutions. They are among the most fundamental personal rights and liberties of the people.").

For similar reasons, the district court significantly erred in *presuming* the constitutionality of H.B. 2183 § 3. Even after acknowledging that the Kansas Supreme Court held *just two years ago* that statutes that have the effect of restricting fundamental rights *are due no such presumption*, *Hodes*, 309 Kan. at 673-74, the district court declared that "[b]ecause there is no such declaration by the Kansas Supreme Court in regard to Section 11 [of the Kansas Constitution specifically], the general presumption of constitutionality applies to the challenged provision." Ord. at 4. The only way that this conclusion could possibly be correct would be if the Kansas Supreme Court were to

declare that the protections the Kansas Constitution guarantees the rights of speech and association are not “fundamental.” But the Court *has already* clearly found that they are. *See McKinney*, 236 Kan. at 234. Even if that were not the case, the Court has been clear that at the very least they are co-extensive with federal free speech rights, which are protected by the “zenith” of constitutional scrutiny in federal court, *Meyer*, 486 U.S. at 416; *Chandler*, 292 F.3d at 1241. It is inconceivable that federal courts would view these rights as “fundamental,” but for some reason (and the district court did not suggest what that might be) the Kansas Supreme Court would not. This legal error is especially significant because, if adopted by courts throughout the state, statutes that regulate fundamental free speech and association rights would be presumed constitutional—in direct contradiction to the Supreme Court’s recent and unequivocally clear pronouncement in *Hodes*.

In short, by applying an improper standard that is lower than even the federal level of scrutiny for restrictions on core political speech, and by disregarding the fundamental interests inherent in the right to speak and associate under the Kansas Constitution, the district court’s decision sends a clear signal that Kansas courts have departed from their previous full-throated protection of fundamental rights. Such a signal should be decisively disavowed and warrants immediate attention from the Supreme Court.

EXPEDITING TRANSFER AND BRIEFING SCHEDULE

Plaintiffs-Appellants additionally request expedited resolution of this transfer motion and that an expedited briefing schedule be set thereafter. Kansas Supreme Court Rule 7.01 provides that the Supreme Court “on motion may advance other cases as justice or the public interest may require.” Justice and the public interest require expedited treatment in this case. “The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.” *Elrod v. Burns*, 427 U.S. 347, 373–74 (1976). This holds especially true in the context of voter outreach because “[t]he nature of elections, moreover, is that time is of the essence,” and

“when each chance [to vote] is gone, it is gone.” *Tennessee State Conf. of N.A.A.C.P. v. Hargett*, 420 F. Supp. 3d 683, 711 (M.D. Tenn. 2019). As detailed above, the Voter Education Restriction has already forced Plaintiffs-Appellants to forego many of their plans for voter education and registration both for the August primary and the lead up to the November election. *See* 2d Lightcap Aff., Ex. 8, ¶¶ 3-4; 3d Lightcap Aff., Ex. 11, ¶¶ 3-8; 3d Hammet Aff., Ex. 12, ¶¶ 4-6. The unique voter engagement that each of these activities would have produced is forever lost, and the number of such missed opportunities continues to grow with each passing day that the Voter Education Restriction hampers the Plaintiffs-Appellants’ important work.

More importantly, though Plaintiffs-Appellants have made every effort to resolve this matter as speedily as possible, the normally applicable appellate timeline would not allow this case to be decided until long after the October 12, 2021 deadline for voter registration. *See* Kansas Supreme Court Rule 8.02. In other words, if this case is not determined on an expedited schedule, Plaintiffs-Appellants will—through no fault of their own—be effectively denied *all* opportunity to obtain meaningful review of the Voter Education Restriction prior to the upcoming general election. This would be a particularly unjust outcome because it is not only Plaintiffs-Appellants’ rights that are at stake; the democratic participation that Plaintiffs-Appellants facilitate aids in producing representative election results and reinforcing public trust in the integrity of the electoral process. Thus, expedited consideration is needed not only to promote justice by affording Plaintiffs-Appellants the review to which they are entitled, but also to protect the public’s interest in ensuring that important questions with ramifications for the upcoming election are decided at a time when they are still meaningful, before an election takes place under the shadow of a potentially unconstitutional restriction.

CONCLUSION

For the reasons stated herein, Plaintiffs-Appellants request that this appeal be transferred to the Kansas Supreme Court for final determination on an expedited basis and that the briefing schedule be truncated to afford Plaintiffs-Appellants relief prior to the November election.

Respectfully submitted, this 22nd day of September 2021.

/s/ Pedro L. Irigonegaray

Pedro L. Irigonegaray (#08079)

Nicole Revenaugh (#25482)

Jason Zavadil (#26808)

J. Bo Turney (#26375)

IRIGONEGARAY, TURNEY, &

REVENAUGH LLP

1535 S.W. 29th Street

Topeka, KS 66611

(785) 267-6115

pli@plilaw.com

nicole@itrlaw.com

jason@itrlaw.com

bo@itrlaw.com

Counsel for Plaintiffs

Elisabeth C. Frost*

Henry J. Brewster*

Tyler L. Bishop*

ELIAS LAW GROUP LLP

10 G Street NE, Suite 600

Washington, DC 20002

(202) 968-4513

efrost@elias.law

hbrewster@elias.law

tbishop@elias.law

*Counsel for Loud Light, Kansas Appleseed Center
for Law and Justice, and Topeka Independent
Living Resource Center*

David Anstaett*

PERKINS COIE LLP

33 East Main Street, Suite 201

Madison, WI 53703

(608) 663-5408
danstaett@perkinscoie.com

Counsel for League of Women Voters of Kansas

** Pro Hac Vice Motions Pending*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing was electronically transmitted by email on September 22, 2021 to:

Brad Schlozman
Hinkle Law Firm
1617 North Waterfront Parkway, Suite 400
Wichita, KS 67206-6639
Email: BSchlozman@hinklawn.com
Attorney for Appellees Scott Schwab and Derek Schmidt

Scott Schillings
Hinkle Law Firm
1617 North Waterfront Parkway, Suite 400
Wichita, KS 67206-6639
Email: sschillings@hinklawn.com
Attorney for Appellees Scott Schwab and Derek Schmidt

Krystle Dalke
Hinkle Law Firm
1617 North Waterfront Parkway, Suite 400
Wichita, KS 67206-6639
Email: KDalke@email.com
Attorney for Appellees Scott Schwab and Derek Schmidt

/s/ Pedro L. Irigonegaray
Pedro L. Irigonegaray

IN COURT OF APPEALS IN THE STATE OF KANSAS

LEAGUE OF WOMEN VOTERS OF KANSAS,
LOUD LIGHT, KANSAS APPLESEED
CENTER FOR LAW AND JUSTICE, INC.,
TOPEKA INDEPENDENT LIVING RESOURCE
CENTER, CHARLEY CRABTREE, FAYE
HUELSMANN, and PATRICIA LEWTER

Plaintiffs,

v.

SCOTT SCHWAB, in his official capacity as
Kansas Secretary of State, and DEREK
SCHMIDT, in his official capacity as Kansas
Attorney General,

Defendants.

Appellate Case No. _____

Original Action No. 2021-CV-000299

PLAINTIFFS-APPELLANTS' EXHIBITS IN SUPPORT OF
MOTION TO TRANSFER TO SUPREME COURT

Exhibit List

Exhibit	Title/Description
1	Affidavit of Jacqueline Lightcap, Co-President, League of Women Voters of Kansas (June 17, 2021)
2	Affidavit of Davis Hammet, President and Executive Director, Loud Light (June 17, 2021)
3	Affidavit of Caleb Smith, Integrated Voter Engagement Director, Kansas Appleseed (June 16, 2021)
4	Affidavit of Ami Hyten, Executive Director, Topeka Independent Living Resource Center (June 17, 2021)
5	Affidavit of Jameson Shew, County Clerk, Douglas County (June 17, 2021)
6	Affidavit of Paris Raite, Fellow, Loud Light (June 17, 2021)
7	Affidavit of Gabriel Mullen, Advocate, Topeka Independent Living Resource Center (June 16, 2021)
8	Second Affidavit of Jacqueline Lightcap, Co-President, League of Women Voters of Kansas (July 6, 2021)
9	Second Affidavit of Davis Hammet, President and Executive Director, Loud Light (July 6, 2021)
10	Second Affidavit of Ami Hyten, Executive Director, Topeka Independent Living Resource Center (July 5, 2021)
11	Third Affidavit of Jacqueline Lightcap, Co-President, League of Women Voters of Kansas (Sept. 13, 2021)
12	Third Affidavit of Davis Hammet, President and Executive Director, Loud Light (Sept. 13, 2021)

Exhibit 1

**Affidavit of Jacqueline Lightcap, Co-President, League of Women Voters of Kansas
(June 17, 2021)**

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**IN THE STATE COURT OF KANSAS
DISTRICT COURT OF SHAWNEE COUNTY**

LEAGUE OF WOMEN VOTERS OF KANSAS,
LOUD LIGHT, KANSAS APPLESEED
CENTER FOR LAW AND JUSTICE, INC., and
TOPEKA INDEPENDENT LIVING RESOURCE
CENTER,

Plaintiffs,

v.

SCOTT SCHWAB, in his official capacity as
Kansas Secretary of State, and DEREK
SCHMIDT, in his official capacity as Kansas
Attorney General,

Defendants.

Original Action No. 2021-CV-000299

AFFIDAVIT OF JACQUELINE LIGHTCAP

1. My name is Jacqueline Lightcap, and I am over 18 years old and fully competent to provide this testimony. Under penalty of perjury, I declare the following.

2. I was born in Kansas and have lived in the state for a total of 24 years, including the last six. I currently live in Topeka, Kansas in Shawnee County.

3. In 2012, I lived in Iowa where I joined the League of Women Voters of Sioux City, Iowa. I was a member there for three years. When I moved back to Topeka in 2015, I joined the Topeka-Shawnee County League. I was selected to be a member of the board of the League of Women Voters of Kansas in April 2017. In January 2018, I joined as their sole employee, managing the day-to-day operations of the organization. I served in that role for more than three years until when, on April 24, 2021, my fellow members elected me to be one of the two Co-Presidents of the statewide organization. The second Co-President is Martha Pint, who was elected to the position the same day.

4. As Co-President of the League of Women Voters of Kansas, I oversee all aspects of the organization, including its day-to-day operations, strategic initiatives, board activities, and the other myriad tasks of running a large, statewide organization. Both Martha and I feel deeply honored to steward the Kansas unit of this historic organization.

5. The League of Women Voters of Kansas and the League of Women Voters Education Fund (collectively, the "Kansas League") are a pair of non-partisan, non-profit organizations, structured under Section 501(c)(4) and 501(c)(3) of the Internal Revenue Code respectively.

6. The Kansas League is a volunteer organization, relying on dues-paying members and non-member volunteers to conduct almost all its activities. It has approximately 1,300 dues-paying members. It employs just one part-time employee (the position I previously held for three years), whose primary responsibilities are administration, organization, and coordination of volunteer activities.

7. The annual budget of the Kansas League for the fiscal year 2020 was just shy of \$65,000. The 2021 number will be lower because the Kansas League received some special one-time grants in 2020, but our total expenditures are on track to hit nearly \$50,000 this year.

8. There are currently nine local League units that are affiliated with the Kansas League: (1) Emporia; (2) Great Bend; (3) Johnson County; (4) Lawrence-Douglas County; (5) Leavenworth County; (6) Manhattan-Riley County; (7) Salina; (8) Topeka-Shawnee County; and (9) Wichita-Metro. The average annual budget for these local Leagues varies, but the average budget for the largest local League, the Johnson County League, is approximately \$5,000 per year.

9. The Kansas League is an affiliate of the League of Women Voters of the United States ("LWVUS").

10. The Kansas League seeks to empower voters and promote civic engagement through informed and active participation in government. It works to increase understanding of major public policy issues, and to influence public policy through education and advocacy. Through these activities, and the conversations with voters that occur during them, the Kansas League's representatives convey their core message about the importance of voting and the benefits of increased political participation.

11. To meet these objectives and accomplish its mission, the Kansas League undertakes several activities related to voter registration, education, and assistance. While we are perhaps best known for our prolific voter registration drives, our work extends beyond helping eligible citizens register to vote. The Kansas League also advocates to the public about the importance of political participation and civic education. We strive to speak to the broadest possible swath of the potential electorate, from the newest 18-year-olds to those much later in life and those who have recently completed the naturalization process. And our work continues through all phases of the voting process, including helping voters return their sealed ballots to elected officials.

12. Our members and volunteers are out in their communities engaging voters in-person and online throughout the year and across the state, including in local high schools and community colleges, local libraries, public housing offices, the YMCAs and YWCAs, local utility offices, and events like state and county fairs.

13. Our local Leagues have done tremendous work across the state. For example, the Manhattan-Riley County unit of the Kansas League held seven voter registration drives in a single year, including events at the local high school, a celebration of National Voter Registration Day, and a commemoration of Juneteenth. The Topeka-Shawnee County League registered 1,012 individuals in 2019—a year, like 2021, with no state or federal offices on the ballot. The Johnson

County League conducted an unbelievable 240 voter registration events between 2018 and 2020; they registered 213 newly sworn in citizens at a single naturalization ceremony on March 20, 2019.

14. In 2020, the COVID-19 pandemic greatly impacted the Kansas League's efforts, particularly those efforts that would normally occur in-person at large gatherings. Nevertheless, the Kansas League and its local units persisted in holding COVID-safe in-person events while also furthering the League's mission through online organizing and advocacy. The Wichita-Metro League got creative by designing and executing low contact, socially distanced voter registration drives at six naturalization ceremonies. There were also caravans of decorated cars parading through communities where the data suggest a lower voter participation rate. The parading League members and volunteers waved signs and banners encouraging local citizens to register to vote and, more importantly, to actually cast a ballot. Signs would also promote the LWVUS's website Vote411.org, which provides a wealth of information to guide voters through the voting process. Similarly, League members would hand out materials listing KSVotes.org, a website managed by an independent non-profit which allows voters to register and sign up to vote by mail. In the end, the nine units of the Kansas League together hold more than 50 in-person events per year on average, including the months in 2020 and 2021 where the pandemic was at its height.

15. In 2020, Kansas saw an unprecedented surge in the use of advance ballots, reaching its highest usage since the program's inception nearly three decades ago. Because many voters were using advance ballots for the first time, they were unfamiliar with how to successfully apply for and vote using this method. That made voter education even more important than in a typical election year. The Kansas League joined other organizations like Loud Light, Kansas Appleseed, and the Topeka Independent Living Resource Center to promote and educate the public about the ease of voting an advance ballot under existing Kansas law. League members engaged their own

social networks of family and friends both on social media platforms and at limited in-person, socially distanced gatherings. In addition, Kansas League members also regularly assisted voters by collecting and delivering their sealed advance ballots. The activity became all the more important during a pandemic where people, especially those most vulnerable to the disease, wanted to limit in-person contact with large groups of voters in line at a polling location.

16. All told, from January 1 through November 3, 2020, the Kansas League coordinated 354 total election-related activities that utilized 1,123 individuals volunteering 2,079 hours. Those activities yielded 7,766 unique voter contacts and registered 1,990 voters through LWVUS's website Vote411.org and 292 voters through in-person contact.

17. Vote411.org also saw significant traffic from Kansas as a result of our activities. From January to November 2020, 26,332 unique individuals visited the site from a Kansas computer or cell phone, resulting in 32,385 total sessions. Kansas voters printed 778 voter guides from the website. The Kansas League's and its members' efforts were a critical part of safeguarding Kansans' right to vote during a global pandemic and their actions ensured that, even under such circumstances, the Kansas League was able to fulfill its mission of advocating for full civic participation in Kansas

18. The Kansas League is redoubling its efforts for the 2021 election cycle for two reasons. First and foremost, the League believes that the 2021 elections, which will include primaries and general elections for *all* of Kansas local offices, is vitally important to the promotion of American democracy. Second, the Kansas League looks forward to returning to in-person organizing and advocacy as COVID-19 vaccination rates continue to rise throughout the state and country.

19. Plans for this in-person advocacy continue to develop, but there are solidifying

plans to engage prospective voters at county fairs and art festivals across Kansas's 105 counties. On the weekend of June 5-6, the local Wichita-Metro League promoted their activities at the annual River Fest, the city's largest in-person gathering. The booth, adorned with banners and signs encouraging individuals to register to vote, was located directly next to the booth of the Sedgwick County Election office. And while the Sedgwick County Election booth displayed its voting machines, it did not register individuals to vote; that task was left to the Wichita-Metro League. A Kansan strolling by during the busy festival could have easily mistaken the two booths for one another or perceived it as one large installation from the local board. The Wichita-Metro League members, including my Co-President Martha Pint, were often intermingled with the local elections staff. Even though Martha always identified herself as a member of the Kansas League when asked, most passersby never posed the question.

20. The Wichita-Metro League is focusing its efforts on registering and then turning out the vote in Districts 1, 3, and 6 in 2021, which have traditionally lagged behind the rest of Sedgwick County in voter participation rates. To promote their goal of engaging the country's newest citizens in the electoral process, the Wichita-Metro League will return to its work at naturalization ceremonies. And the Wichita League will again host meet and greet events with candidates for all the local offices on the ballot this summer and fall.

21. The Topeka-Shawnee County League has a goal of returning to in-person voter education programming in *every* high school in Shawnee County in 2021. They plan to engage with the students in the brief period between the resumption of classes and the cutoff to register before the November local elections.

22. The Kansas League is also planning a large installation at this year's Kansas State Fair in celebration—a year delayed because of the pandemic—of the centennial of the adoption of

the Nineteenth Amendment. This event will include a large booth with multiple volunteers telling the story of the Kansas League and LWVUS as well as educating and registering would-be voters. During this event, as with other events throughout the state, the Kansas League will distribute hand cards that have QR codes that link citizens to voter registration website KSVotes.org.

23. All of these activities, however, are in flux because of one specific provision of the recently enacted HB 2183, which makes it a felony to “engage in conduct that gives the appearance of being an election official,” or “engage in conduct that would cause another person to believe a person engaging in such conduct is an election official” (the, “Voter Education Restriction”). HB 2183 Sec. 3(a)(1)-(3).

24. The Voter Education Restriction will make it harder, and in some cases impossible, for the Kansas League to achieve its mission moving forward because it directly hinders the League’s ability to engage in voter registration, education, and outreach. Election officials themselves may engage in many of these events, meaning that when Kansas League members and volunteers do this work, it could give the “appearance” that they are election officials. Individuals might also mistakenly believe that they are election officials when they engage in these activities. Given the risk of criminal prosecution and heavy criminal penalties, the Kansas League does not want to risk having its members or volunteers—many in their golden years—potentially prosecuted for violating the law.

25. At each in-person and virtual event, the Kansas League members have always represented themselves as such, and not local elections officials. But there remains a distinct possibility that community members watching the recent parades or interacting with our volunteers at a county fair would not have been able to make the distinction between our organization and the local government. The lines are all the more blurred when the Kansas League relies on and

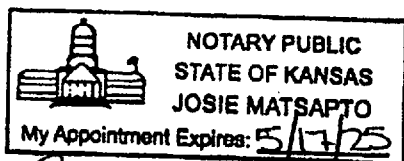
promotes websites and information sponsored by other organizations, like KSVotes.org, or in some instances by Kansas local and state elections officials. The happy co-existence between our local chapters and the local governments they assist has long been one of the Kansas League's greatest strengths. Now, it is the precise thing that may potentially subject some of its most committed members and volunteers to criminal prosecution.

26. The Voter Education Restriction threatens to significantly chill the League's and its members' engagement with voters in any of the ways it typically interacts with them, diminishing their ability to fulfill their mission and to fully exercise their free speech and association rights. If the Voter Education Restriction is not enjoined by the Court, I believe the Kansas League's board will vote to curtail much of this summer and fall's activities.

27. The Kansas League, its local chapters, and its members descend directly from those brave women who struggled—for nearly a century—to secure the vote for women in the United States. Local law enforcement regularly fined or even imprisoned those early suffragists for participating in the civil societies of their times. It was a dark time for our country, one to which I hope we never return. But the Voter Education Restriction threatens to return Kansas to those bygone days by criminalizing the Kansas League's core political speech.

I declare under penalty of perjury that the forgoing is true and correct.

Executed this 17th day of June, 2021.



Josie Matsapto
June 17th, 2021

Jacqueline Lightcap
Jacqueline Lightcap
Co-President,
League of Women Voters of Kansas

Exhibit 2

Affidavit of Davis Hammet, President and Executive Director, Loud Light (June 17, 2021)

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**IN THE STATE COURT OF KANSAS
DISTRICT COURT OF SHAWNEE COUNTY**

LEAGUE OF WOMEN VOTERS OF KANSAS,
LOUD LIGHT, KANSAS APPLESEED
CENTER FOR LAW AND JUSTICE, INC., and
TOPEKA INDEPENDENT LIVING RESOURCE
CENTER.

Plaintiffs.

v.

SCOTT SCHWAB, in his official capacity as
Kansas Secretary of State, and DEREK
SCHMIDT, in his official capacity as Kansas
Attorney General,

Defendants.

Original Action No. 2021-CV-000299

AFFIDAVIT OF DAVIS HAMMET

1. My name is Davis Hammet, and I am over 18 years old and fully competent to provide this testimony. Under penalty of perjury, I declare the following.

2. I was born and raised in Northwest Florida. I hold a Bachelor of Science degree, cum laude, from Florida State University where I majored in political science. I also obtained certificates in intensive research methods and urban planning and regional development.

3. I moved to Topeka, Kansas in January 2013 to pursue a career in nonprofit management, and currently reside in Topeka, Kansas in Shawnee County.

4. In December 2015, following Kansas's extremely low voter turnout in the 2014 midterm elections, I founded Loud Light, Inc., a nonpartisan nonprofit organization formed under sections 501(c)(3). In 2020, we added a sister 501(c)(4) organization called Loud Light Civic Action (collectively, "Loud Light"). I currently serve as Loud Light's president.

5. In the 2014 midterm election, Kansas saw its lowest voter turnout in more than a

decade. The turnout numbers for young voters was particularly bad, bordering on the lowest in the nation at just 14%. I wanted to take action and founding Loud Light was my solution to the problem of low voter participation and stilted civic and political engagement.

6. Loud Light has grown rapidly since its inception in 2015. In 2018, Loud Light hired its second full time staffer, and it now boasts 3 full time staffers, one part time staffer, 20 summer fellows, and numerous volunteers around the state that carry out its mission by conveying its message of promoting political participation. Last year, Loud Light's annual budget exceeded \$250,000. Most of this budget went to staff salaries and contract services, but we also spent significantly on direct mail pieces, texting, and digital advertising that helped promote voter registration and advance voting during the 2020 pandemic.

7. Loud Light's mission is to engage, educate, and empower individuals from underrepresented populations, and in particular, young voters, to become active in the political process. Loud Light and its employees and volunteers proceed from the fundamental belief that low voter turnout means fewer needs are met within the community.

8. Loud Light achieves its mission by focusing on strategies to increase turnout among Kansas's young voters, who have traditionally suffered lower turnout rates. To that end, Loud Light runs young voter registration drives, creates informative videos and other multi-media content about how to participate in elections, builds coalitions within the community to advocate for positive policy changes for youth, and educates Kansans about how to engage the government. It also hosts events on social media, engages in direct person-to-person contact with potential voters, gives classroom presentations on college campuses and online, and sends educational mailers to voters. Through these activities, Loud Light's representatives continuously convey its message that increased political participation means increased governmental responsiveness.

9. In addition, Loud Light has developed three seasonal fellowships that are designed to increase civic engagement and participation by directly involving young voters (or potential voters) in the political process. While Loud Light has hosted fellows of all ages, most fellows are college-aged individuals from around the state. Loud Light attempts to recruit fellows come from underrepresented communities, such as first-generation college students.

10. In the Spring, Loud Light fellows concentrate on understanding the legislative process in the Kansas state legislature, which includes tracking bills, monitoring committees, talking to state legislators, researching policies, and learning how to advocate for or against legislation through activities like giving testimony. The Summer fellowship challenges its participants to become more involved in their local communities through community organizing and voter engagement activities like voter registration and education. The Fall fellowship focuses on registering students to vote, educating them on the election process, and organizing college students to turnout to vote on campuses ahead of the November elections. The Summer 2021 fellowship, which began on June 11th, is Loud Light's largest ever. It includes 20 fellows from across Kansas who are eager to spread Loud Light's message by registering, educating, and engaging voters in advance of the upcoming August primary and November general local elections.

11. In 2020, in anticipation for the historic 2020 election, Loud Light's more than two-dozen paid student fellows, including eight Spanish-speaking fellows, as well as numerous volunteers encouraged voters to register to vote by implementing direct voter registration tabling on college campuses and in other locations, running phone banks, text banking, organizing in digital spaces, and holding other events.

12. As a result, in 2020 alone, Loud Light helped to register 9,621 voters, made 12,508 phone calls, sent 466,680 text messages, and mailed 115,775 pieces of mail.

13. Loud Light also worked tirelessly to encourage voters to sign up for advance voting and to educate them on the process. For example, it produced a widely shared educational video about the advance voting process, "Mail Voting Explained 2020," which was viewed more than 220,000 times online. It also used its social media platforms to combat misinformation about the advance ballot process in Kansas and provide updates to Kansans on rules, deadlines, and other information about the voting process.

14. Loud Light also organized ballot cure programs, contacting voters whose ballots are challenged by county election officers, including for mismatched signatures, educating these voters on how to cure their ballots. Much of Loud Light's efforts focused on voters who election officials had been unable to contact, and many of these voters likely would not have known about their rejected ballot if it had not been for Loud Lights' contact.

15. All of these efforts were aimed at ensuring that voters were able to register to vote, to cast their ballot, and, most importantly, have it counted. These activities were and are critical to Loud Light's ability to achieve its mission by interacting directly with voters and conveying its core message of political and civic participation.

16. Loud Light is aware that the Kansas State Legislature recently passed H.B. 2183, which includes several provisions that make it harder to vote as well as a provision that makes it harder, if not impossible, for Loud Light to continue to engage in the critical voter registration, education, and engagement activities described above.

17. Among its provisions, HB 2183 made it a felony to assist and educate voters where the assistance could be subjectively perceived as coming from an election official (the "Voter Education Restriction"). Specifically, the Legislature has empowered the State to criminally prosecute anyone who gives assistance to or educates a voter where the person providing assistance

knows that their conduct may “give[] the appearance of being an election official,” or “would cause another person to believe [the] person” is an election official. HB 2183, New Sec. 3. The law does not require that the person giving the assistance or engaging in the voter education intend to impersonate an election official. It is enough that the assistance simply raises the possibility that another might come to this conclusion.

18. Based on my experience, I believe that if the Voter Education Restriction goes into effect, its threat of criminal penalties will dissuade people from working with Loud Light to perform its activities because almost all of those activities could potentially be mistaken for the kinds of activity that an election official may perform. This will significantly reduce Loud Light’s ability to convey its message of political participation to Kansans.

19. Indeed, I have been mistaken for an election officer in the past, not because I represented myself as an election officer, but because voters innocently mistake people who are knowledgeable about voter registration and election procedures as election officials.

20. One such event occurred in 2018, when I was canvassing at an event in Pittsburg, Kansas. At the event, the Crawford County board of elections had a voter registration booth which was next to another booth with an organization doing voter registration, and Loud Light was walking through the crowd registering voters including at times being near the Crawford County board of elections booth. I vividly recall individuals approaching me and asking in confusion whether I was with the county election office. I told them that I was not, but had they never asked, I am not certain they would have ever reached the correct conclusion.

21. Similarly, the very steps that some counties take to help ensure that voters know that third-party registration drives are legitimate may also result in Loud Light’s staff, fellows, and volunteers being subject to criminal penalties due to the Voter Education Restriction.

22. For example, the Shawnee County Board of Elections provides those wishing to conduct voter registration drives, including Loud Light, with a box of materials and supplies to make their event look official. These boxes include voter registration forms, banners advertising voter registration materials, and other materials to help volunteers run their event smoothly. While Loud Light sometimes utilizes these materials, it also supplements them with their own supplies. Nonetheless, the resources provided by Shawnee have their intended effect of helping to legitimize voter registration drives in the eyes of would-be voters—precisely the outcome most Kansas would hope for. But they could also leave an impression with voters that these drives are not conducted by Loud Light or volunteers but instead the local county board.

23. The possibility that citizens might mistake Loud Light's fellows and volunteers for election officials extends to other events too, not just voter registration drives. For example, Loud Light stood up a voter assistance program in 2020, which sought to help voters whose ballots had been flagged by the county elections boards for rejection to cure those deficiencies before counting began. The program involved direct calls to voters. While we always identified ourselves as affiliated with Loud Light and not any governmental organization, I am not certain most voters could appreciate the difference.

24. The Voter Education Restriction is scheduled to take effect on July 1, 2021. If that happens, I fear that Loud Light's staff, volunteers, and fellows, through no fault of their own, will be subject to criminal penalties if they engage in the core voter registration and education activities described above that Loud Light uses to achieve its mission and advance its message of civic participation and engagement.

25. Loud Light has big plans for its civic advocacy and voter engagement in 2021. This coming weekend, for example, on the celebration of Juneteeth, Loud Light is conducting voter

registration drives across the state. We hope to plan similar activities throughout the summer and fall of 2021 if legally permitted to do so. But all of these plans have been thrown into disarray by the looming July 1 implementation of the Voter Education Restriction.

26. Loud Light's Board and I have a lot of questions about what the Voter Education Restriction will mean for our activities and programming. Do we need to curtail *all* our activities or just some? If so, which ones run afoul of the law and which do not? Does the Restriction cover voter registration drives? Our voter assistance program? Other voter education initiatives? Would we be okay if we clearly identify ourselves as non-governmental actors and, if so, what would that look like? We simply do not know the answers to these questions, and do not feel comfortable sending our staff, volunteers, and fellows out to do this work since it appears they could go to jail for doing the work. We are also not sure whether we'll be able to recruit new fellows and interns if the specter of this law hangs over their heads. We're concerned about the resources it will take to create a system to know if anyone with Loud Light is arrested and jailed for participating in our civic engagement work. We're concerned about the resources it will take to create procedures to get anyone arrested out of jail. And we're fundamentally concerned that even discussing the potential for arrest with volunteers and fellows will have a permanent chilling effect on voter engagement activities in the State of Kansas.

27. The Voter Education Restriction is already wreaking havoc on our ability to plan for the second half of the summer and fall. We are not sure whether we should hire additional fellows, and if so, what we need to instruct them about the new law. I have a real fear that those types of conversations will do lasting damage to civic participation and voter turnout rates.

28. To avoid putting itself, its fellows, and its volunteers in legal jeopardy, if the Voter Education Restriction goes into effect, my worst fears will likely come to pass. Loud Light might

become completely inoperable as of July 1 without an injunction from the Court.

I declare under penalty of perjury that the forgoing is true and correct.

Executed this 17th day of June, 2021.



Davis Hammet,
President, Loud Light Inc.

State of Kansas
County of Douglas

Signed & sworn before me on June 17, 2021
By Davis Hammet.

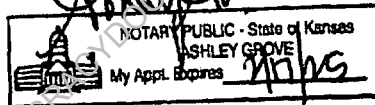


Exhibit 3

**Affidavit of Caleb Smith, Integrated Voter Engagement Director, Kansas Appleseed
(June 16, 2021)**

RETRIEVED FROM DEMOCRACYDOCKET.COM

**IN THE STATE COURT OF KANSAS
DISTRICT COURT OF SHAWNEE COUNTY**

LEAGUE OF WOMEN VOTERS OF KANSAS,
LOUD LIGHT, KANSAS APPLESEED
CENTER FOR LAW AND JUSTICE, INC., and
TOPEKA INDEPENDENT LIVING RESOURCE
CENTER,

Plaintiffs,

v.

SCOTT SCHWAB, in his official capacity as
Kansas Secretary of State, and DEREK
SCHMIDT, in his official capacity as Kansas
Attorney General,

Defendants.

Original Action No. 2021-CV-000299

AFFIDAVIT OF CALEB SMITH

1. My name is Caleb Smith, and I am over 18 years old and fully competent to provide this testimony. Under penalty of perjury, I declare the following.

2. I have lived in Kansas for 22 years, including the last three. I currently live and work in Pittsburg, Kansas in Crawford County. I have a bachelor's in philosophy and religion from Wichita State University. I also completed a JD at Washburn University in Topeka and a master's in theology from the Iliff School of Theology in Colorado.

3. Since February 2019, I have served as the Integrated Voter Engagement Director for the Kansas Appleseed Center for Law and Justice, Inc. ("Kansas Appleseed"), a statewide 501(c)(3) nonprofit, nonpartisan advocacy organization. Kansas Appleseed is dedicated to the belief that Kansans, working together, can build a state full of thriving, inclusive, and just communities. It is an affiliate of the National Appleseed Foundation, which is a network of 16

justice centers across the United States and Mexico working together to reduce poverty, combat discrimination, and advance the rule of law.

4. Reflecting its nonpartisan commitment, Kansas Appleseed's 25-member board hails from all parts of the ideological spectrum. The current board members are: Teresa Anderson; Gene Balloun; Samuel Blatnick; James Concannon; Karen Griffiths; Martha Hodgesmith; Pedro L. Irigonegaray; Lynn R. Johnson; William Kassebaum (President); Teresa M. Meagher (Treasurer); Steve Morris; Sylvia Penner; David Rebein; Nicki Rose; Larry Rute; Richard Seaton; Joy Springfield; Gene Tibbets (Secretary); Etta Walker; C. Edward Watson; and David Wing.

5. Founded in 2000, Kansas Appleseed has grown over the past two decades and is now comprised of 10 full-time staff and three legal fellows. Its annual budget in 2020 was approximately \$900,000. Through the Integrated Voter Engagement program, we have recruited and engaged just shy of 500 committed volunteers (264 volunteers in Southwest, Kansas and 233 in Southeast), all of whom work to convey our message of political and civic participation by the methods described above. We have also hosted multiple interns and fellows that have engaged in our programs during their tenure with the organization.

6. In my capacity as the Integrated Voter Engagement Director, I work to engage voters in civic society, primarily through the electoral system. Specifically, there are three main initiatives that Kansas Appleseed promotes to accomplish its mission. *First*, through its "Thriving" campaign, Kansas Appleseed helps provide affordable food as well as safe and secure housing to Kansans. *Second*, its "Just" initiative advocates for a fair and effective criminal justice system, primarily for Kansas youth. *Finally*, through its "Inclusive" program, which my job falls under, Kansas Appleseed works to ensure that that all Kansans are able to participate fully in their communities by, among other things, educating and engaging voters across the state.

7. Kansas Appleseed's voter engagement work focuses on voter education and turnout efforts in Southwest and Southeast Kansas where underrepresented populations—including voters experiencing food insecurity, immigrants, and minorities—are not afforded the same access to the ballot as others in Kansas.

8. Kansas Appleseed works to increase voter engagement among these populations by engaging in organizing activities in these communities. These activities include: helping voters engage with local candidates, issues on the ballot, and ways to vote through direct mailers; holding voter registration drives; posting and amplifying social media content about upcoming voting and registration deadlines; texting voters information about how and where they can vote; and hosting in-person and virtual events that strengthen the relationship between Kansas Appleseed and these communities' residents.

9. Our employees and volunteers also go out door-to-door canvassing and registering citizens to vote, just like some county officials in Kansas. They also table and engage with voters at local fairs, art festivals, and other large gatherings—again, much like some local election officials. Kansas Appleseed also assists voters in remote and rural areas with returning their completed and sealed advance voting ballots to county election offices that would otherwise be inaccessible to these voters. Through these activities, our employees and volunteers continuously convey Kansas Appleseed's message of encouraging political and civic participation so that Kansas governmental officials will become more responsive to the state's citizenry as the electorate expands. Our ability to engage in these activities determines the reach of this political message.

10. Kansas Appleseed believes that this type of work is often most important in critical "off year" elections, like this year, where local issues and offices are on the ballot. In 2019, Kansas

Appleseed hosted four voter registration training events in Independence, Pittsburg, Fort Scott, and Iola that had, between them, 65 attendees. Three volunteers in Allen county registered 20 high school students. Six other volunteers sent out 375 candidate questionnaires. We had a 5,500-person combined mailing and digital get out the vote (“GOTV”) universe. Kansas Appleseed volunteers canvassed 150 low income individuals receiving housing assistance through Section 8.

11. In the run up to the historic 2020 elections, Kansas Appleseed conveyed its message of civic and political participation by interacting with more than 13,000 voters through direct mail, digital communication, text banking, and virtual and in-person training and relationship-building events. It encouraged voters to sign up for advance voting as a means of helping to increase turnout among underrepresented and underserved populations, and sent mailers, including letters educating voters on how to register to vote and about polling locations. Kansas Appleseed and its volunteers sent 60,350 GOTV texts, 31,988 individual pieces of mail to voters, and held 11 virtual events.

12. In at least two instances, our text messages—while clearly identifying its sender as a Kansas Appleseed volunteer—linked to websites managed by the Kansas Secretary of State. Ten Kansas Appleseed volunteers delivered 1000 door hangers with QR codes linking to pages about voter registration that had been created and printed by the League of Women Voters of Kansas (“Kansas League”), another party to this lawsuit. This kind of collaborative work across the non-partisan civic community is common, and we believe it multiplies our efforts.

13. Because of these efforts, turnout among Kansas Appleseed’s target audience rose by 12 percent in the 2020 elections as compared to the 2016 election.

14. Our social media programming and in-person events have been, by any metric, widely successful with a broad, statewide reach. Our program’s social media content has reached

116,696 unique individuals since we began tracking such metrics in April 2018.

15. It is my understanding that the Kansas State Legislature enacted HB 2183 into law over Governor Kelly's veto on Monday, May 3, 2021. HB 2183 contains several provisions that are problematic to Kansas Appleseed's mission and work. In particular, the law creates a new crime for "false representation of an election official," making it a felony not only to intentionally "represent oneself as an election official," but also to knowingly engage "in conduct that gives the appearance of being an election official" or "engaging in conduct that would cause another person to believe a person engaging in such conduct is an election official." HB 2183, Sec. 3(a)(1)-(3).

16. This "Voter Education Restriction" carries heavy criminal penalties for violating it, with a maximum prison sentence of 15-17 months and a fine of up to \$100,000.

17. Kansas Appleseed is concerned that the broad, subjective language included in the Voter Education Restriction, coupled with its criminal penalties the Voter Education Restriction will directly hinder Kansas Appleseed's ability to engage in its voter education and outreach activities without its staff and volunteers risking criminal prosecution once the law takes effect. This is because Kansas Appleseed has no way of knowing whether a voter may mistakenly presume that its staff and volunteers are elections officials when they are engaged in many of these activities.

18. In fact, that same type of innocent confusion has occurred in the past. For example, my volunteers and I have been asked by citizens whether we were with one county board or another during our voter engagement activities. While we always correctly identify ourselves as affiliated with Kansas Appleseed, and not any governmental office or body, this confusion persists in our communities. At any given event, citizens will ask if Kansas Appleseed volunteers are affiliated with the local elections boards.

19. Now that the pandemic restrictions are easing, Kansas Appleseed is resuming in-person programming. Just last month, Kansas Appleseed hosted an event with Crawford County Clerk Don Pyles educating potential grassroots candidates about how to run for office in rural areas. On June 30, we are scheduled to host a joint event with the Kansas League to train volunteers on conducting voter registration drives of their own.

20. Beyond July 1, our plans are very much in flux as a result of the Voter Education Restriction. Because Kansas Appleseed does not want to put its staff or volunteers in legal jeopardy, its board will have to make difficult decisions about this upcoming programming. Indeed, while the 2021 engagement plans are still being finalized, it is becoming increasingly clear that the new law will greatly hinder our ability to engage in the kind of community-based voter registration, education, and engagement activities that further our mission and allow us to spread our message of political and civil engagement.

21. In the absence of the Voter Education Restriction, our 2021 activities would be robust starting in July. We would register new voters at in-person events across the state. We would hold digital training and voter registration drives as well. We would also plan to engage in similar events as past years: training people on how to return and collect advance ballots; hosting candidate forums; publishing the results from candidate questionnaires; text banking voters with instructions on how to request and return advance ballots; and, hopefully, many other GOTV events both alone and in conjunction with other Kansas groups, such as the Kansas League.

22. I know that there are many legal questions about specific terms in the law to which we just do not have an answer. We also do not know how broadly to interpret the Restriction's provisions. And we are actively contemplating canceling or postponing events in an effort to prevent criminal liability for our employees and volunteers.

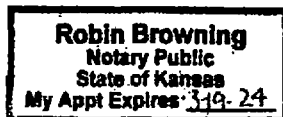
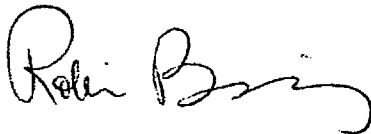
23. Based on my many years working with volunteers, I also believe that if the Restriction were allowed to go into effect, significantly fewer people would be willing to volunteer for Kansas Appleseed activities due to fear of prosecution, reducing the reach of our message.

24. As such, the Voter Education Restriction is directly chilling Kansas Appleseed from engaging with voters, diminishing its ability to fulfill its mission and to fully exercise our free speech and association rights.

25. The Voter Education Restriction is a dangerous law. It will drastically reduce the reach of Kansas Appleseed's message by limiting the opportunities for our staff and volunteers to engage in conversation with voters that convey the importance of political participation. It would force Kansas Appleseed to greatly curtail, if not completely halt, our efforts to increase civic participation across Kansas, particularly in underserved rural areas of the state in 2021 and beyond. It is my sincere hope that the Court will not allow that to become a reality. Our democracy is precious and, at its bedrock, is the ability of individuals and organizations to engage and fully participate in the political process.

I declare under penalty of perjury that the forgoing is true and correct.

Executed this 16th day of June, 2021.


Caleb Smith

Integrated Voter Engagement Director
Kansas Appleseed Center for Law and
Justice, Inc.

Exhibit 4

**Affidavit of Ami Hyten, Executive Director, Topeka Independent Living Resource
Center (June 17, 2021)**

RETRIEVED FROM DEMOCRACYDOCKET.COM

**IN THE STATE COURT OF KANSAS
DISTRICT COURT OF SHAWNEE COUNTY**

LEAGUE OF WOMEN VOTERS OF KANSAS,
LOUD LIGHT, KANSAS APPLESEED
CENTER FOR LAW AND JUSTICE, INC., and
TOPEKA INDEPENDENT LIVING RESOURCE
CENTER,

Plaintiffs,

v.

SCOTT SCHWAB, in his official capacity as
Kansas Secretary of State, and DEREK
SCHMIDT, in his official capacity as Kansas
Attorney General,

Defendants.

Original Action No. 2021-CV-000299

AFFIDAVIT OF AMI HYTEN

1. My name is Ami Hyten. I am over 18 years old and fully competent to provide this testimony. Under penalty of perjury, I declare the following.

2. I am a native of Kansas, where I have lived for 46 years. I currently reside in Lecompton, Kansas, in Douglas County.

3. I hold a J.D. from Washburn University School of Law, where I graduated in 1998. I am a licensed attorney in Kansas.

4. I serve as the Executive Director of the Topeka Independent Living Resource Center (the "Center"), a role I have held since June 2017. I began working at the Center in February 2003 as the Assistant Executive Director, with a total of more than 18 years with the agency. Prior to this role, from 2001 to 2003, I served as legislative counsel for the Kansas Supreme Court's Office of Judicial Administration, and previously as a trial lawyer representing plaintiffs in civil

and administrative matters.

5. The Center is a civil and human rights organization that opened in 1980. Our mission is to advocate for justice, equality, and essential services for a fully integrated and accessible society for all people with disabilities. The Center began with a staff of eight but currently has about twenty employees.

6. At the Center, we believe that people with any type of disability have a right to equal access to public services and accommodations, and a right to exercise and exert choice and self-determination in all areas of life. For this reason, the Center invests a significant portion of its roughly \$1.4 million annual budget on service activities that support the right and ability of people with disabilities—from ages 18 to the end of their life—to vote in local, state, and federal elections.

7. In particular, the Center actively encourages the use and expansion of advance voting because the ability to vote by mail is an extraordinarily important tool, and in many cases a necessity for voters with disabilities, who often encounter challenges with voting in person due to ambulatory limitations, visual and hearing impairments, a lack of accessible and reliable transportation, and difficulties with voting technology. The availability of remote voting has been shown to increase turnout among individuals with disabilities. Indeed, since the very beginning of advance voting in Kansas over 25 years ago, the Center has worked to ensure that voters (1) can continue to access advance voting, and (2) are not disenfranchised by shortcomings in the advance voting system—such as by helping individuals complete their advance voting ballots, comply with signature requirements and other restrictions, and deliver completed ballots to the county election official.

8. The Center also works to ensure that all of the individuals we serve have adequate access to the official election materials produced by the state. This includes voter registration

forms, advance voting applications, permanent advance voting applications, and voter education documents, such as advance voting guides and voting accessibility guides. The Center uses its own resources to help ensure that these and other materials are available in large print, braille, audio, and other electronic formats. We keep these materials in our office, they are presented to all the people who use our services, and our advocates typically bring them to our events to provide directly to voters.

9. In addition to producing and providing these important resources to the individuals whom the Center serves, the Center has also long operated a robust voter registration, education, and outreach campaign. In fact, for more than 40 years, every public event hosted by the Center—whether the event was related to voting or not—has included voter registration and education activities. These activities are the core way the Center conveys its message about the importance of voting and other forms of political and civic participation to the members of its community, and ultimately achieves its mission by helping increase voter participation among Kansans with disabilities.

10. For example, in 2019, as part of the Center's get-out-the-vote outreach program, the Center used grant money to directly engage voters with disabilities in the Topeka Community. It generated an area mailing list of individuals who were not registered to vote, and then sent letters with voting information and registration forms specifically to those individuals. The Center's advocates then followed up by phone to offer individuals support with the registration process, and/or with casting their ballot. Individuals who were identified as already registered to vote received phone calls from the Center's staff to remind them of upcoming voting deadlines, to ask whether they desired an advanced ballot, and to offer other assistance such as providing transportation to their voting location or delivering completed ballots.

11. Between August, September, and October alone, the Center and its advocates offered support to 488 Kansans with disabilities, helped to register 96 of these individuals to vote, and spent about \$8,300 on just this project. Because of our outreach, an 85-year-old man registered and voted for the first time in his life. He was extremely proud of himself for making the decision to finally vote, and very appreciative of the support provided by the Center and his advocate to help make voting possible for him. Experiences like this demonstrate the Center's commitment to never give up on advocating and supporting any and all individuals with disabilities who seek to exercise their right to vote or otherwise get involved in elections.

12. In November and December 2019, the Center's advocates followed up with community members to obtain information about their voting experience and to identify any barriers experienced by voters. For example, we learned that four individuals were too sick to vote, three individuals did not vote due to a lack of information about the candidates, one person's transportation fell through on Election Day and one individual did not have enough time to turn in her registration form before the deadline. This type of information helps the Center better tailor its future outreach and advocacy programs to reach voters with disabilities who are unable to exercise their right to vote due to such barriers as well as to continue to build relationships with voters in the disabled community and convey our message of civic participation, all of which are important to the Center's mission of ensuring access and increasing turnout among Kansans with disabilities.

13. The Center's vigorous commitment to helping people register to vote and cast their ballots in 2019 was no anomaly. In 2020, the Center dedicated 351.75 staff hours to voter engagement activities, including voter registration, assisting voters with identifying accessible voting locations, and making and executing plans to participate in voting.

14. In September 2020, the Center organized a statewide voter outreach and education drive with other disability organizations located in the state. The agency hosted a day-long event where organizations called all the people who receive services from their agencies to verify voter status online, offer assistance to people with registering to vote or with completing advance ballot requests, and discuss voters' plans for voting in upcoming elections given the social distancing and safety concerns unique to many disabled voters.

15. Given the Center's traditional and ongoing commitment to voter registration, voter education, and voter assistance activities, I closely follow developments in election law in Kansas. As a result, I understand that the Kansas Legislature has passed HB 2183 over the Governor's veto. This legislation includes several provisions that will make it harder for Kansans to vote and for organizations like the Center to help voters. In particular, I am concerned about the new felony offense created by HB 2183 for "false representation of an election official" (herein, "Voter Education Restriction").

16. This provision makes it a nonperson level 7 felony not only to knowingly "[r]epresent oneself as an election official," but also to "engage in conduct that *gives the appearance* of being an election official," or to "engage in conduct that would *cause another person to believe* a person engaging in such conduct is an election official." HB 2183, Sec. 3(a)(1)-(3). In my understanding, a nonperson level 7 felony carries up to 17 months of prison time and up to a \$100,000 fine in Kansas.

17. Several weeks after HB 2183 passed, I participated in a roundtable with my colleagues at other Centers for Independent Living in Kansas to discuss the problems that this law poses for our types of organizations. I, other Center directors, and advocates are extremely concerned that if we continue to engage in our typical voter registration and education activities—

including reproducing official state documents for the individuals we serve—as described above, we could be prosecuted for violating the Voter Education Restriction and be subject to its substantial criminal penalties.

18. I have also convened a roundtable with advocates and direct service staff in my Center to discuss the problems that this law poses for our organization. I, along with advocates at my Center, are extremely concerned that if we continue to engage in our typical voter registration and education activities—including reproducing official state documents for the individuals we serve—as described above, the Center and those who represent it could be prosecuted for violating the Voter Education Restriction and be subject to its substantial criminal penalties.

19. Indeed, given the broad language of the statute, the absence of any apparent intent requirement, and the inability for us to know where the cut-off point is for being charged with this crime given the subjective nature of the provision, we must assume that any election related activity we engage in may trigger criminal prosecution because these actions might appear to be the actions an election official engages in or could inadvertently cause someone else to think one of our volunteers or advocates is an election official. As anyone who has worked on voter education activities long enough knows, voters may innocently mistake people who conduct the work we conduct as election officials. Unfortunately, the Voter Education Restriction goes into effect just days from now, on July 1, 2021.

20. As a result, our voter education activities are effectively on hold. The law is therefore significantly reducing the reach of our message promoting political participation among people with disabilities in Kansas.

21. Most imminently, on July 17, we are hosting our annual celebration of the

Americans With Disabilities Act (“ADA”).¹ Prior to the Voter Education Restriction’s passage, we intended to run our typical voter registration drives and distribute our voter education materials at the event. But now we are concerned that the Center, its employees, and its volunteers could be held criminally liable of a false representation offense if we do so.

22. This reality is especially disappointing for us because we recently added a new staff member who is very enthusiastic about helping us operate the Center’s voter education and outreach activities. Because of the new Voter Education Restriction, however, I’m worried his plans will be watered down, if not altogether cancelled.

23. For example, for our July 17 event, he has been planning to create an informational board to display information about candidates running in the 2021 elections and to make himself available to answer questions about voter and advance ballot registration, and provide the Center’s voter resources. This is exactly the type of activity that could cause others to mistake someone for an election official because, for example, county election officers in Shawnee County engage with voters in similar ways, such as by hosting booths at fairs and other events to promote the engagement of Kansas citizens. Unfortunately, as noted, a simple misconception by someone other than our advocates is all the statute requires to be liable for serious prison time and crippling fines.

24. Shortly after our July 17 event, we would also like to begin our voter outreach operation—like we always do—in advance of the Kansas Municipal Primary Elections, which fall on August 3, 2021. Our outreach, as noted above, involves contacting voters to offer an array of assistance, an activity that some people associate with election officials. We would also plan—like we always do—to do another round of this outreach prior to the general election.

¹ The actual anniversary of the ADA’s passage is on July 26, but we are hosting the event early this year to accommodate other events and commitments in late July.

25. On top of this outreach, we also had hoped to send out a candidate questionnaire in August and to host a candidate forum in September or October, where candidates may share their position on issues important to the disabled community. In fact, excitement at the Center and in our community is particularly high this year because we have more competitive local races than usual. The Voter Education Restriction has unfortunately thrown cold water on this excitement because of its potential to criminalize this work.


26. To be clear, nobody—not myself, nor anyone else I’m aware of—wants to be mistaken for an election official, and to my knowledge, if anyone at the Center has been mistaken for an election official, we have moved swiftly to correct that misunderstanding. Nor am I aware of anyone at the Center or elsewhere intentionally misrepresenting themselves as an election official. But the Voter Education Restriction’s language goes well beyond an actual attempt to represent oneself as an election official and its highly inclusive language would likely make anyone subject to prosecution if they were mistaken for an election official. As a result, I believe the Center’s and my own rights to engage in what should be protected voter education and outreach activity have been infringed by HB 2183.

27. In addition to these planned activities, I’m also concerned that the Voter Education Restriction and its criminal penalties will cause the Center to have more difficulty recruiting *future* advocates and staffers to participate in our voter education and outreach work, further limiting our ability to engage with voters and to communicate our core message of civic engagement and voter participation among the disabled community. In my judgment, this chilling effect is likely, given that we know our activities can very well give the appearance of an election official. Again, this will significantly reduce our ability to convey our message promoting political participation in Kansas.

28. As result, I have been left with many questions about how and in what form our commitment to voter education and assistance—the lifeblood of our organization and how we convey our core message of political and civic engagement to our constituents—can continue in the future. I and others at the Center have been spending hours weekly, if not daily, thinking about the impact of the new legislation, time that we could be using to advocate for justice, equality, and essential services for all people with disabilities.

I declare under penalty of perjury that the forgoing is true and correct.

Executed this 17th day of June, 2021.


Ami Hyten
Executive Director, Topeka Independent
Living Resource Center



Notarized 17 June 21
Patrick Nichols

Exhibit 5

Affidavit of Jameson Shew, County Clerk, Douglas County (June 17, 2021)

RETRIEVED FROM DEMOCRACYDOCKET.COM

**IN THE STATE COURT OF KANSAS
DISTRICT COURT OF SHAWNEE COUNTY**

LEAGUE OF WOMEN VOTERS OF KANSAS,
LOUD LIGHT, KANSAS APPLESEED
CENTER FOR LAW AND JUSTICE, INC., and
TOPEKA INDEPENDENT LIVING RESOURCE
CENTER,

Plaintiffs,

v.

SCOTT SCHWAB, in his official capacity as
Kansas Secretary of State, and DEREK
SCHMIDT, in his official capacity as Kansas
Attorney General,

Defendants.

Original Action No. 2021-CV-000299

AFFIDAVIT OF JAMESON SHEW

1. My name is Jameson ("Jamie") Shew, and I am over 18 years old and fully competent to provide this testimony. Under penalty of perjury, I declare the following.

2. I moved to Kansas in the year 2000 and have lived in Lawrence, Kansas in Douglas County ever since.

3. I hold a Bachelor of Arts in political science from Missouri State University and a master's in public administration from the University of Kansas. I am also a Certified Election Registrar Administrator ("CERA"), which is a combined accreditation of Auburn University and the national Election Center. Being a CERA is the most prestigious credential in the profession of election administration.

4. I currently serve as the Douglas County Clerk, a position to which I was first elected in 2004 and have held ever since, having been re-elected four times to the position. While the

Clerk's office in Douglas County is an elected office held by someone representing a particular political party, I view the role as a non-partisan public service to the community. The Clerk's office is responsible for several operations of the county government, including processing the payroll of all county employees, serving as an agent of the State Wildlife and Parks commission, issuing park and boat permits, and managing real estate ownership lists in the county. But perhaps more importantly, the County Clerk's office administers all elections in Douglas County, including federal, state, and local elections.

5. Douglas County has approximately 120,000 residents, about 76,000 of which are registered to vote. Many of these voters are students at the University of Kansas, which is located within the county. Despite Douglas County being Kansas's fifth most populous county, the clerk's office is relatively small. I have three full-time and one part-time staff (in addition to myself) that work on the administration of elections.

6. While my staff is highly capable and professional, there is only so much four people can accomplish. We administer, plan, and execute all elections, but we also rely on outside groups to do much of the civic engagement work in the community, including almost all of our voter registration drives. To that end, I have worked hand-in-hand with the Douglas County chapter of the League of Women Voters of Kansas (the "Douglas County League") for years as well as other organizations—such as the Student Leadership Advisory Board at the University of Kansas—to conduct voter registration drives. The Douglas County League in particular is responsible for the majority of voter registration drives in the county.

7. To enable these organizations and others like them to perform this crucial service, my office often provides them with materials to execute their registration drives. These materials include official signs, banners, and leaflets advertising the voter registration drives. These

materials are typically marked with the Douglas County Clerk's Office emblem or other identifying information for the Clerk's office.

8. My office also helps the Douglas County League with other advocacy and civic events. For example, I have personally spoken at several informational sessions about upcoming elections sponsored by the Douglas County League. These events are critical to spreading the word throughout the community about important elections, particularly low turnout local elections held in odd-numbered years.

9. In the run up to election days, my office is in near constant communication with the Douglas County League, often speaking daily about questions they've received from their ongoing community engagement. If my office receives a call about setting up a voter registration drive at their upcoming event, we often refer them directly to the Douglas County League to field the questions and execute the drive. They are extremely knowledgeable and professional, and allowing them to answer questions helps to free up my small staff to prepare for the administration of the election, including securing polling locations, ensuring voting machines are properly calibrated, and recruiting and training poll workers. Over the years, I have relied on the Douglas County League and other groups to fulfill outreach and registration functions my office does not have the resources to fulfill. They provide valuable education and other voter related assistance that helps to ensure the smooth operation of our elections and the robust engagement of Douglas County voters.

10. As part of my job, I track election-related bills as they move through the state legislature. This past legislative session I became aware of House Bill 2183 as it made its way through the two chambers. As the bill reached the final stages, it was amended in such a way that I became concerned. One provision in particular, the "false representation of an election official,"

was added to the bill as a floor amendment during a meeting of the Committee of the Whole on March 31. That provision created a new felony offense called “false representation of an election official.” Sec. 3(a). The definition of this crime provided that anyone who either knowingly represented oneself as an election official or engaged in conduct that would cause another to believe the person was affiliated in some way with the government, was potentially committing a felony. Sec. 3(a)(1)-(3).

11. This new false representation crime has broad implications for my office and its work in the county. While I agree that there should be consequences for individuals who intentionally attempt to falsely represent an election official, the definition of this crime appears to go much farther than that. It appears to implicate groups just like the Douglas County League whose members and volunteers often go out into the community to do important work registering, educating, and engaging voters. While they are not actual members of my office, they do work which many might perceive as falling under the purview of my office and its employees given that they use (as they should) official registration forms, education materials, and engage in the same type of education and registration work that my offices does when we have the capacity. I am gravely concerned that these groups’ members and volunteers—long bedrocks of the community—will soon be subject to serious criminal penalties as a result of this sweeping language in the new false representation of an election official crime.

12. This law is already having an impact on voter engagement opportunities within Douglas County. Just this week, the local public library called to ask whether the informational brochures and pamphlets that we provided them, and which are on display in their front lobby, run afoul of this new law. We were unable to answer that question and referred them to the library’s attorney to seek legal counsel.

13. In addition to my concern that the work these organizations do is being criminalized, I am also concerned that without their work, many fewer people will be encouraged to participate in the democratic process. My office simply does not have the capacity or budget to replace their work if groups like the Douglas County League are unable to safely and legally register, educate, and engage voters within the county.

14. I have served the people of Douglas County for more than 15 years, and I have rarely, if ever, been as concerned by the potential impact of a new bill as I have been with HB 2183's false representation of an election official crime. My deepest concern is about the vagueness of this law and what implications it could have on participation from any citizen in the democratic process. This law has the potential to be used as a sword to chill speech against one's political opponents. This new crime will also impede the necessary political and civic work of many of the county's most important and storied organizations and community members. Their work is irreplaceable, and I cannot imagine a world in which they are no longer afforded the opportunity to engage their neighbors, family, and friends. I write today to emphasize for the Court that, absent an injunction, there will be great confusion for candidates, citizens, and organizations in Douglas County. It is my sincere hope that this new provision will not be permitted to go into effect on July 1, 2021.

I declare under penalty of perjury that the forgoing is true and correct.

Executed this 17 day of June, 2021.



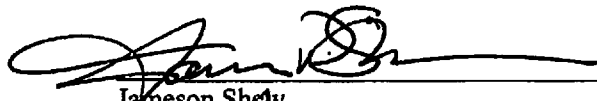

Jameson Shaw,
Douglas County Clerk

Exhibit 6

Affidavit of Paris Raite, Fellow, Loud Light (June 17, 2021)

RETRIEVED FROM DEMOCRACYDOCKET.COM

**IN THE STATE COURT OF KANSAS
DISTRICT COURT OF SHAWNEE COUNTY**

LEAGUE OF WOMEN VOTERS OF KANSAS,
LOUD LIGHT, KANSAS APPLESEED
CENTER FOR LAW AND JUSTICE, INC., and
TOPEKA INDEPENDENT LIVING RESOURCE
CENTER.

Plaintiffs,

v.

SCOTT SCHWAB, in his official capacity as
Kansas Secretary of State, and DEREK
SCHMIDT, in his official capacity as Kansas
Attorney General,

Defendants.

Original Action No. 2021-CV-000299

AFFIDAVIT OF PARIS RAITE

1. My name is Paris Raite, and I am over 18 years old and fully competent to provide this testimony. Under penalty of perjury, I declare the following.

2. I am a rising junior at the University of Kansas studying political science, and I currently reside in Lawrence, Kansas in Douglas County. From 2015 until I went to college, I lived with my family in Manhattan, Kansas.

3. When I initially started college, I was interested in politics and civic society so I chose to study political science. However, I was not very civically or politically engaged in my own community. I simply read the news and generally kept abreast of important local and national events, but I was not an activist by any stretch of the imagination.

4. That all changed in August of 2020 when I received an email from Amii Castle, the President of the Kansas University chapter of the ACLU, challenging students to get involved in the upcoming election. It was definitively not a partisan invitation. Rather, the ACLU hoped we

would get involved in civic life more generally. Among the materials Amii sent was information about an organization I had never heard of: Loud Light.

5. Loud Light is a non-profit, non-partisan organization dedicated to making young Kansans visible, vocal forces for good in our communities. The organization's founder and President, Davis Hammet, is widely known throughout the state as a leading proponent of civic engagement. His work with Loud Light over the past several years has galvanized hundreds of Kansans, mostly—though not exclusively—college aged students like me to become voters.

6. My introduction to Loud Light was a real turning point in my political and civic life. After the initial email, I did my own independent research on the organization and then decided to apply for a fellowship.

7. I was accepted as a fellow in September 2020. Through that fellowship, I spoke to other students at school about the importance of voting, and, in some instances, helped them register to vote. I promoted Loud Light's informational social media posts about the best way to vote an advance ballot under Kansas law. And I watched, along with every other civically minded organization in the space, as the country went through one of the most contentious tests of its democratic principles in the election and its aftermath. In short, since I started my first fellowship with Loud Light in the Fall of 2020, I have become 20 times more involved in the civic life of my community.

8. My experience with Loud Light was so profound that after the 2020 general election, I have continued to work with them and to be an actively engaged citizen. In particular, I joined Loud Light's spring fellowship program. I completed several projects during my second fellowship. For example, I published an Op-Ed in the *Lawrence Times* about a bill, Senate Bill 172, that threatened to criminalize the protest activities of environmentalists in Kansas. In my

article, I urged the Kansas legislature to reject the problematic bill. I also closely followed other pieces of legislation as they moved through the chambers, engaging lawmakers on issues important to me and Loud Light. Starting this summer, I will also be involved in voter registration drives throughout the state as part of my third fellowship with the organization.

9. Among the bills I tracked during my Spring fellowship was HB 2183, which included several problematic provisions that I knew would impact the work of Loud Light as well as my own volunteer efforts. Chief among my concerns was a provision of the bill that made it a felony to engage in activities that others might perceive as being the work of elections officials.

10. The language in HB 2183 is both incredibly vague and also very broad at the same time, and it seemed like it would include many of the activities that I have participated in with Loud Light as well as other activities that Loud Light fellows and volunteers perform, particularly voter education and registration events.

11. This summer I also plan to be involved in Loud Light's New Frontiers Project (the "Project"), which focuses on political representation, food stability, equity for all, justice and liberation, sanctuary, and physical and mental wellness in rural Southwest Kansas where there are large and growing Latinx communities. We believe that if these "frontiers" are provided for and maintained, more of the communities in Southwest Kansas will be engaged and motivated to vote. As part of the Project we plan to register voters in these rural areas in the run up to this year's local elections. The more people that vote in this community, the thinking goes, the more representation these communities will have in their state and local governments. But I—along with the Project's leaders—are gravely concerned that some aspects of the planned programming will run afoul of HB 2183.

12. The work of the Project in Southwest Kansas is vital. In 2018, the ACLU sued

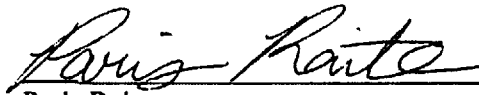
Dodge City after the Ford County Clerk decided to move the county's sole polling place outside of town. The case was dismissed voluntarily after Ford County agreed to open two new polling places. This shows that the Project's activism is important, particularly in these underserved communities.

13. Despite the importance of this work and my desire to do it, I fear that I will be arrested or fined exorbitant amounts under the provisions of this law, and if the law goes into effect, I may not be able to do some or all of this work. I do not want to be charged with a felony. But I want to keep working with Loud Light to convey its message that political participation helps everyone. The Restriction has put me in an impossible position between my right to speak and potential incarceration

14. I am proud of my work—and the work of my contemporaries—over the past year. I feel more engaged in my community than in any other time in my life. I also feel like my work is making a difference, and I want to continue this work unabated. Nevertheless, all of that has been thrown into doubt by the potential for legal jeopardy from HB 2183. I am hopeful that this Court will stop this dangerous law from going into effect.

I declare under penalty of perjury that the forgoing is true and correct.

Executed this 17 day of June, 2021.

 06/17/21
Paris Raite
Fellow, Loud Light Inc.

State of Kansas
County of Douglas

Signed & sworn before me on June 17, 2021
By Paris Raite.

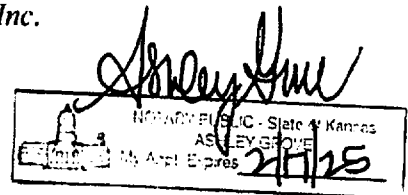


Exhibit 7

**Affidavit of Gabriel Mullen, Advocate, Topeka Independent Living Resource Center
(June 16, 2021)**

RETRIEVED FROM DEMOCRACYDOCKET.COM

**IN THE STATE COURT OF KANSAS
DISTRICT COURT OF SHAWNEE COUNTY**

LEAGUE OF WOMEN VOTERS OF KANSAS,
LOUD LIGHT, KANSAS APPLESEED
CENTER FOR LAW AND JUSTICE, INC., and
TOPEKA INDEPENDENT LIVING RESOURCE
CENTER,

Plaintiffs,

v.

SCOTT SCHWAB, in his official capacity as
Kansas Secretary of State, and DEREK
SCHMIDT, in his official capacity as Kansas
Attorney General,

Defendants.

Original Action No. 2021-CV-000299

AFFIDAVIT OF GABRIEL MULLEN

1. My name is Gabriel Mullen. I am over 18 years old and fully competent to provide this testimony. Under penalty of perjury, I declare the following.

2. I am a native of Kansas, where I have lived my entire life. I currently reside in Lawrence, Kansas, in Douglas County.

3. In May 2020, I graduated from the University of Kansas ("KU") with a bachelor's degree in political science and a minor in sociology. Throughout college, I was actively engaged in efforts to encourage participation in civic activism and elections. For example, I volunteered with multiple organizations to engage with fellow voters and potential voters, such as the ACLU chapter at KU and the Dole Institute of Politics Student Advisory Board.

4. I have also cultivated a passion for advocating for people with disabilities. In the summer of 2016, for instance, I worked at Audio Reader, a reading and information service for

people who are blind, visually impaired, or have other disabilities in Kansas and western Missouri. I care about this type of work because I have a disability and am passionate about making sure that other people with disabilities are able to live independently.

5. For this reason, in my final year at KU, I served as an intern for the National Council on Independent Living (“NCIL”), a grassroots organization run by and for people with disabilities to advocate for the human and civil rights of people throughout the United States. The “Independent Living” philosophy rests on the fundamental belief that people with disabilities are the best experts about their own needs and are deserving of equal opportunities to determine how to live and participate in their communities. NCIL provides capacity-building support to individual Centers for Independent Living and other organizations that share their mission of advocating for people with disabilities through efforts aimed at increasing and advancing opportunities to effect change, especially through participation in the political process.

6. One of those organizations is the Topeka Independent Living Resource Center (the “Center”), where I am now proud to work. I currently serve as a policy advocate at the Center, a position I have held since June 2020. Given that I share the Center’s devotion to encouraging Kansans with disabilities to express their own voice in our democracy, I am particularly grateful that in my current role I am empowered to help the Center convey through its actions and words the importance that every individual register to vote and cast their ballot. This is a message we convey to every person we serve, both at our events and during individual contacts, and we do so primarily by registering people to vote, signing them up for an advance ballot (if they determine that is the best option for them), and helping them cast it (if they so desire).

7. For example, in 2020, I participated in the Center’s voter registration drives, which mostly had to happen over the phone due to the deadly risks posed by the pandemic. In doing so,

I spoke with dozens of Kansans, offering support with registering to vote and signing up for an advance ballot as well as answering questions about the election. When a voter needed assistance getting the proper forms or necessary documentation, we did everything we could to get materials to them and also did everything we could to help them complete the process. I contributed to the Center's 350-plus hours of total staff time on these important projects in 2020.

8. I was very excited to continue and help grow these activities for the upcoming 2021 municipal and city elections, especially because local elections provide an opportunity to explain to voters why engaging in the political process is important every year, not just in high-profile elections. I and the Center were hoping to kick off our voter engagement efforts in just a few short weeks at this year's annual celebration of the Americans With Disabilities Act ("ADA"), which will take place on July 17, 2021.

9. Like we do at all of our events, I was planning to provide voter registration and advance voting application forms in print and online formats, guides to accessible voting, and information about legal protections for people with disabilities who would like to vote at our ADA celebration. I also planned to make myself available to answer questions and help ensure that voters have the support they need to complete the registration process.

10. I have also been working on developing an informational candidate board to provide nonpartisan information about the candidates who will appear on the ballot and their views on issues that are important to the Center and to the disability community, including but not limited to housing, transportation, and voting rights issues. I would display this board and explain it at the July 17 event, as well as the other events we have been planning to host this summer and fall, including a candidate forum at which we would host candidates who are willing to participate so that they could communicate their views directly to the people we serve.

11. Beyond these plans, it was also my intention to participate in our robust outreach program for the 2021 primary and general elections. Much like in 2020, through this program we would contact voters with disabilities in the Topeka community to ensure that—if they so choose—they are able to obtain, complete, and cast their ballots. This year, thankfully, more of that activity would be able to take place in person.

12. Unfortunately, those plans may now never come to fruition. It is my understanding that the Kansas Legislature enacted House Bill 2183 (“HB 2183”) last month, despite Governor Kelly’s veto of the bill. The legislation makes it a felony not just to represent yourself as an election official, but also to engage in conduct that gives the appearance of being an election official or engage in conduct that would cause another person to believe you are one. It is also my understanding that under Kansas law, the crime is a felony with jail time and potentially large fines.

13. The activities we have planned for July and beyond may well fall within the definition of the new crime because voter registration, education, and assistance activities are also activities that employees at election offices in Kansas, including in Shawnee and Douglas counties, perform. In my experience, voters often make assumptions that such activities are run by such election officials.

14. This new crime personally makes me worry because I can’t control what other people think. I already do everything I can to make sure I’m not misrepresenting myself when I engage with voters, so this obviously raises the question for me of how, if at all, can we do more to make sure that we’re not engaging in conduct that would be perceived by others as being employed by any election office or county clerk. This new restriction is simply not necessary because, at the end of the day, we’re just trying to help people with disabilities get involved in our

democracy, and that should be something that everyone is able to do.

15. Nevertheless, the Center has unfortunately but understandably concluded that many aspects of our voter engagement programming—the core way we encourage voters with disabilities to make their voices heard in our democracy—need to be put on hold if this law is given full effect. Although my devotion to registering voters and helping them cast their ballot is as strong as it can be, I am not willing to engage in these activities if there is a looming threat of prosecution for doing so, and I certainly don't want any of my peers to face prosecution either. We should not have to risk going to prison or getting saddled with fines simply for doing something that gives the appearance of an election official or might cause someone to believe we are election officials.

16. I therefore understand this result, although it would truly be a tragedy if we did end up having to cancel or even just water down our plans for the year. This is because the long-term effect of not being able to mobilize the disability vote is that people with disabilities feel that much less empowered. I don't want to say that people with disabilities in Kansas only vote because of what the Center does, but as a general rule, every registration drive an organization puts on and every time somebody says, "hey you should vote," we make a little bit of progress toward full participation in our democratic system. And many voters with disabilities actually rely on the Center to register and to help them sign up for a method of voting that works for them because they are unable to do so without assistance from an advocate they trust to have their best interest in mind—and that's what we do here.

17. As a result, there is no escaping the fact that if the new law is allowed to go into effect, the amount and types of voter education and engagement activities we can comfortably engage in will be reduced or altogether eliminated, stifling our message about the importance of

democratic participation that we strive to convey to voters with disabilities, and causing some who we would have otherwise empowered to vote to not participate in the elections this year.

I declare under penalty of perjury that the forgoing is true and correct.

Executed this 16th day of June, 2021.

Gabriel Thompson Mullen

Gabriel Mullen

Policy Advocate, Topeka Independent

Living Resource Center

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JURAT

State/Commonwealth of FLORIDA)

☐ City ☒ County of Seminole)

On 06/16/2021, before me, Tanica L. Minnis,
Date Notary Name

the foregoing instrument was subscribed and sworn (or affirmed) before me by:

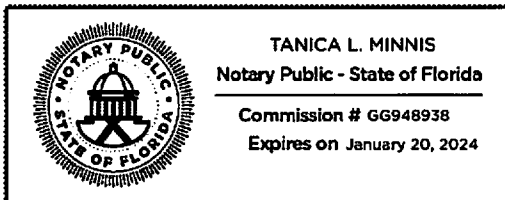
Gabriel Thompson Mullen

Name of Affiant(s)

☐ Personally known to me -- OR --

☐ Proved to me on the basis of the oath of _____ -- OR --
Name of Credible Witness

☒ Proved to me on the basis of satisfactory evidence: Kansas Driver License
Type of ID Presented



WITNESS my hand and official seal.

Notary Public Signature: Tanica L. Minnis

Notary Name: Tanica L. Minnis

Notary Commission Number: GG948938

Notary Commission Expires: 01/20/2024

Notarized online using audio-video communication

DESCRIPTION OF ATTACHED DOCUMENT

Title or Type of Document: AFFIDAVIT OF GABRIEL MULLEN

Document Date: 06/16/2021

Number of Pages (including notarial certificate): 7

Exhibit 8

**Second Affidavit of Jacqueline Lightcap, Co-President, League of Women Voters of
Kansas (July 6, 2021)**

RETRIEVED FROM DEMOCRACYDOCKET.COM

**IN THE STATE COURT OF KANSAS
DISTRICT COURT OF SHAWNEE COUNTY**

LEAGUE OF WOMEN VOTERS OF KANSAS,
LOUD LIGHT, KANSAS APPLESEED
CENTER FOR LAW AND JUSTICE, INC., and
TOPEKA INDEPENDENT LIVING RESOURCE
CENTER,

Plaintiffs,

v.

SCOTT SCHWAB, in his official capacity as
Kansas Secretary of State, and DEREK
SCHMIDT, in his official capacity as Kansas
Attorney General,

Defendants.

Original Action No. 2021-CV-000299

AFFIDAVIT OF JACQUELINE LIGHTCAP

1. My name is Jacqueline Lightcap, and I am over 18 years old and fully competent to provide this testimony. Under penalty of perjury, I declare the following.

2. As I described in my first affidavit in this case, I am one of the two Co-Presidents of the League of Women Voters of Kansas ("Kansas League"). The Kansas League is a 100-year-old organization, which has long been an institution in Kansas communities large and small. It is comprised of nine local league chapters spread out across the state that operate semi-independently and plan events and activities in their communities.

3. At the very beginning of June, the Kansas League joined three other Kansas organizations in suing to block implementation of four provisions of newly enacted Kansas laws, House Bills 2183 and 2332. Among the provisions we challenged is the portion of HB 2183 that criminalizes behavior that either gives the appearance of being election official or that would cause

another to believe the person was somehow an election official (“Voter Education Restriction” or “Restriction”). This provision went into effect on July 1, 2021, and already it has hindered our ability to spread our core message of civic engagement through our voter registration and education activities. The Kansas League has had to suspend all voter registration and education events due to fear of prosecution for its members and volunteers under the Restriction. This is not a decision we made lightly. But as I explained in my first affidavit in this case, the threat of criminal prosecution of Kansas League members and volunteers—many of whom are older—is a risk we do not think we can bear, as unfortunate as it is for the achievement of our mission.

4. As a result of the Restriction, the Kansas League has had to cancel more than a dozen voter registration drives in the next two months. In Johnson County, the local Kansas League Chapter has canceled three voter registration events at local senior living centers on July 1, July 12, and August 12. In the Lawrence-Douglas County League Chapter, that number jumps to seven, including events at public libraries, local farmers markets, and a local grocery store. The Leavenworth County League Chapter has had to pull down two events at local farmers markets ahead of the upcoming local primary elections. Meanwhile, the Manhattan-Riley County League Chapter has canceled three voter registration events, including one at the Everybody Counts community-wide event on August 7, which is the League’s second largest event each year in terms of voters registered. The Manhattan-Riley County League Chapter is also determining whether it can hand out voter registration literature at Kansas State University’s welcome-back week in late August. In Salina, the League Chapter currently thinks it must cancel its annual Back-to-School Bash on July 30, and the Topeka-Shawnee County League Chapter will likely cancel its registration event at a naturalization ceremony in August if the challenged provision remains in place. Finally, the Wichita Metro League Chapter is canceling two

registration events in July and August and will forego registering voters at the Visions of Our Future rally on July 10, even though it has already paid to partially sponsor the event.

5. Making the decision to cancel or postpone these events has been both demoralizing and frustrating. We at the Kansas League know the work engaging our communities is vital and important to our promotion of participation in civic life. But we feel unable to safely engage in these activities so long as the challenged provision remains in place. And the damage is not reversible. We will not regain an opportunity to register voters in the key days ahead of the July 13 registration deadline for the August primary. Nor will we get a second chance to engage newly naturalized citizens or newly enrolled college students at events in the coming weeks and months, unless this law is enjoined.

6. The free speech activities of the Kansas League have been demonstrably diminished as a result of the Voter Education Restriction, and the Kansas League hopes the Court will block this dangerous law quickly, thereby lessening the impact on our future voter registration and engagement activities.

I declare under penalty of perjury that the forgoing is true and correct.

Executed this 6th day of July, 2021.

Subscribed and sworn to before me in my Presence, this 6 day of July, a Notary Public in and for the County of Snowe State of Kansas
JoVaughn D. Anderson
(Signature) Notary Public
My commission expires Oct 21, 2024

Jaqueline Lightcap
Jaqueline Lightcap
Co-President,
League of Women Voters of Kansas

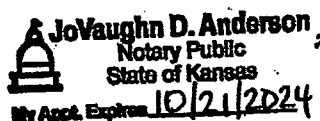
JoVaughn D. Anderson
Notary Public
State of Kansas
My Appt. Expires 10/21/2024

Exhibit 9

**Second Affidavit of Davis Hammet, President and Executive Director, Loud Light
(July 6, 2021)**

RETRIEVED FROM DEMOCRACYDOCKET.COM

**IN THE STATE COURT OF KANSAS
DISTRICT COURT OF SHAWNEE COUNTY**

LEAGUE OF WOMEN VOTERS OF KANSAS,
LOUD LIGHT, KANSAS APPLESEED
CENTER FOR LAW AND JUSTICE, INC., and
TOPEKA INDEPENDENT LIVING RESOURCE
CENTER,

Plaintiffs,

v.

SCOTT SCHWAB, in his official capacity as
Kansas Secretary of State, and DEREK
SCHMIDT, in his official capacity as Kansas
Attorney General,

Defendants.

Original Action No. 2021-CV-000299

AFFIDAVIT OF DAVIS HAMMET

1. My name is Davis Hammet, and I am over 18 years old and fully competent to provide this testimony. Under penalty of perjury, I declare the following.

2. This is the second affidavit I have submitted in this lawsuit. In my first affidavit, submitted as part of Plaintiffs' Motion for a Temporary Injunction on June 17, I explained that I am the president and founder of Loud Light, Inc.

3. As described in more detail in my first affidavit, Loud Light's mission is to mold individuals into visible, vocal forces for good in their communities. While we work with Kansans of all ages, we are primarily a group made up of, and focused on, young voters. Our work includes, among other things, voter registration drives, particularly around the deadlines for upcoming primary and general elections.

4. On June 1, Loud Light, in conjunction with three other non-partisan, non-profit organizations, challenged the constitutionality of four provisions from two new laws, House Bill 2183

and House Bill 2332, that the legislature enacted over Governor Kelly's veto. Of the four challenged provisions, however, one posed a more immediate threat to Loud Light's operations: HB 2183's criminalization of activities that give "the appearance of being an election official" or that "would cause another person to believe" the person is an election official (the "Voter Education Restriction" or "Restriction"). With an effective date of July 1, the Voter Education Restriction threatened to throw Loud Light's operations into complete disarray. As the July 1 deadline drew near, Loud Light began taking measures to insulate itself from potential criminal liability, including altering our plans for the Independence Day weekend. Unfortunately, the Voter Education Restriction meant that Loud Light was unable to register voters on that weekend, which marked the 50th anniversary of the ratification of the 26th amendment to the U.S. Constitution, which lowered the voting age to 18.

5. Now, as a direct results of the Voter Education Restriction's criminal penalties, Loud Light has made the difficult decision to halt *all* voter engagement activities until the Restriction is enjoined. In addition to the 26th Amendment anniversary events, Loud Light was standing up its fellowship program, described in more detail in my first affidavit, to begin voter registration activities throughout the state in early and mid-August. Those activities are on hold for the foreseeable future. And in any other year, Loud Light would normally focus a great deal of attention and resources on registering new college students during universities' welcome weeks in late August and early September. But the Voter Education Restriction has thrown those plans into disarray as well.

6. The longer the Restriction stays in place, the more dire the consequences for Loud Light. Our programs take a long time to coordinate and plan, and the uncertainty caused by the Restriction means we do not know which programs we will be able to execute in the coming months. The Restriction will also harm Loud Light financially as our ability to apply for grants and raise funds has been diminished without the ability to conduct these core voter engagement activities.

7. Each day the Restriction remains in effect means greater and greater harm to Loud Light's mission. Given the timeline, there is a significant chance that Loud Light will be unable to conduct any registration activities before the July 13 registration deadline for this year's August primary election. Our free speech activities have diminished substantially just before this important cutoff.

I declare under penalty of perjury that the forgoing is true and correct.

Executed this 6th day of July, 2021.



Davis Hammet,
President, Loud Light Inc.

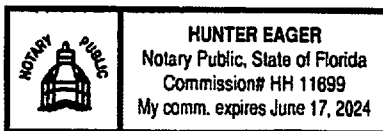
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FL Jurat Notary Certificate

Document Name: Affidavit of Davis Hammet

STATE OF FLORIDA
COUNTY OF Okaloosa
(County where notarization occurred)

Sworn to (or affirmed) and subscribed by personally appearing before me by physical presence this 6th
day of July, 2021, by, Davis Hammet (name of signer(s)).



Hunter M. Eager
(Signature of notary public)

Hunter M Eager
(Name of notary public)

My commission expires: June 17, 2024

Official Seal

Personally known _____ OR

Produced identification ☒ Type of identification produced: Florida Driver License

Exhibit 10

**Second Affidavit of Ami Hyten, Executive Director, Topeka Independent Living
Resource Center (July 5, 2021)**

RETRIEVED FROM DEMOCRACYDOCKET.COM

**IN THE STATE COURT OF KANSAS
DISTRICT COURT OF SHAWNEE COUNTY**

LEAGUE OF WOMEN VOTERS OF KANSAS,
LOUD LIGHT, KANSAS APPLESEED
CENTER FOR LAW AND JUSTICE, INC., and
TOPEKA INDEPENDENT LIVING RESOURCE
CENTER,

Plaintiffs,

v.

SCOTT SCHWAB, in his official capacity as
Kansas Secretary of State, and DEREK
SCHMIDT, in his official capacity as Kansas
Attorney General,

Defendants.

Original Action No. 2021-CV-000299

SECOND AFFIDAVIT OF AMI HYTEN

1. My name is Ami Hyten. I am over 18 years old and fully competent to provide this testimony. Under penalty of perjury, I declare the following.

2. I am the executive director of the Topeka Independent Living Resource Center ("the Center"). As I explained in my first affidavit in support of our request for an injunction against enforcement of the unconstitutional provisions of the new "false representation of an election official" crime (herein, the "Voter Education Restriction," or "the Restriction"), the Center offers a wide array of services to people with disabilities in Kansas, but a core way in which we communicate our central message—the importance of individuals with disabilities having an equal voice in our society and democracy—is by registering Kansans to vote and providing assistance and education about the voting process.

3. Although the Center is always looking for new ways to accomplish this goal, there are two key aspects of our voter engagement program. First, any time a new person comes to us

for any service, we offer to register them to vote and to provide any other education and assistance they need to navigate the voting process.

4. Second, at our events, we provide voter registration applications and other voting materials such as applications to vote by advance ballot and guides to accessible voting (in paper and accessible formats) to attendees. Our advocates actively encourage people to register to vote, and they answer questions about the voting process and elections in Kansas. As explained in my previous affidavit, many of the people we interact with are new to voting, and based on our past experiences, may mistake us for elections officials while we are performing these activities. As of July 1, 2021, such conduct is now a felony in the state of Kansas under the Voter Education Restriction. As a result, for the first time in the Center's memory, we have been forced to suspend these critical activities to protect the Center and our advocates from felony prosecution.

5. Specifically, as of July 1st, the Center is no longer offering voter assistance to new clients when they come to us for any of our services. Hopefully, in the future (if the Voter Education Restriction is no longer in effect), we will be able to follow up with those individuals to offer our typical array of voter registration, education, and assistance with the voting process. In the meantime, we are marking the files of individuals so that we can identify them later. Nevertheless, as long as the Restriction is in effect, every intake we complete represents another missed opportunity to educate and engage disabled voters in their franchise.

6. This decision not only diminishes our ability to spread our core message, but it really puts us between a rock and a hard place. Our agency is a disability services provider offering state services; Under the National Voter Registration Act, that means we have an obligation to register and educate voters. But, given that we aren't election officials, we can't do that safely with the Restriction in place.

7. With the July 13th voter registration deadline for the upcoming 2021 city and municipal elections now just days away, this issue is all the more pressing for us. As I explained in my first affidavit, we are often successful in encouraging and helping people register and vote, so the Restriction is already stifling our ability to advance our core message just as this critical deadline approaches.

8. In addition to suspending voter registration and assistance during direct contacts as described above, the Center will also place a freeze on our usual voter registration, education, and assistance activities at public events because of the Voter Education Restriction. This includes our plan to table and present information about the election at our upcoming annual celebration of the Americans With Disabilities Act ("ADA")'s anniversary, which is planned for July 17th, less than two weeks away.


9. There are no alternatives for us to advance our core message other than the activities that are being stifled by the Voter Education Restriction. Through decades of experience working with Kansans with disabilities, I and the Center have found that directly registering and assisting new people with the voter registration process—whether they come to us for one of our services or hear from us at a public event—is the most meaningful way to fully advance our message because these activities go hand-in-hand with conversations about the importance of people with disabilities participating and having equal voice. In other words, those conversations don't happen if we can't offer registration and education services.

10. Nor does any suggestion from the Secretary of State and Attorney General that our activities are not implicated by the provision eliminate our fear of prosecution. The vague language of the law threatens me, the Center, and our advocates with felony prosecution because we know that our key voter engagement activities, even if not intended to do so, cause some people

to think we are election officials. As long as the law is on the books and can be enforced against us, it will continue to suppress our core message and chill our ability to engage and assist new voters in the future.

I declare under penalty of perjury that the forgoing is true and correct.

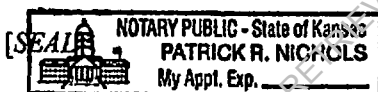
Executed this 5th day of July, 2021.

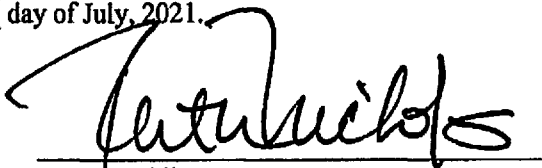

Ami Hyten
Executive Director, Topeka Independent
Living Resource Center

NOTARIZATION

STATE OF KANSAS)
)
DOUGLAS COUNTY)

Signed and sworn before me this 5th day of July, 2021.




Notary Public

My seal expires: 10/27/22

Exhibit 11

**Third Affidavit of Jacqueline Lightcap, Co-President, League of Women Voters of
Kansas (Sept. 13, 2021)**

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IN THE STATE COURT OF KANSAS
DISTRICT COURT OF SHAWNEE COUNTY

LEAGUE OF WOMEN VOTERS OF KANSAS,
LOUD LIGHT, KANSAS APPLESEED
CENTER FOR LAW AND JUSTICE, INC., and
TOPEKA INDEPENDENT LIVING
RESOURCE CENTER,

Plaintiffs,

v.

SCOTT SCHWAB, in his official capacity as
Kansas Secretary of State, and DEREK
SCHMIDT, in his official capacity as Kansas
Attorney General,

Defendants.

Original Action No. 2021-CV-000299

THIRD AFFIDAVIT OF JACQUELINE LIGHTCAP

1. My name is Jacqueline Lightcap, and I am over 18 years old and fully competent to provide this testimony. Under penalty of perjury, I declare the following.

2. This is the third affidavit I have prepared in this case. As I explained in my previous affidavits, I am one of the two Co-Presidents of the League of Women Voters of Kansas ("Kansas League"). The Kansas League is a 100-year-old organization, which has long been an institution in Kansas communities large and small. It is comprised of nine local League chapters spread across the state that operate semi-independently and plan events and activities in their communities.

3. I have prepared this third affidavit to describe the ongoing hindrance to the Kansas League's voter registration activities arising directly from the Voter Education Restriction, which was enacted as part of HB 2183 and is described in my first affidavit.

4. The Kansas State Fair runs from September 10-21, 2021. In my first affidavit, I noted that the Kansas League was planning a large installation at the Fair in celebration—a year delayed because of the pandemic—of the centennial of the adoption of the Nineteenth Amendment. Among other things, the event includes a large booth with multiple volunteers telling the story of the Kansas League and the League of Women Voters of the United States, as well as educating and registering would-be voters. As one part of this event, the Kansas League had intended to directly register voters. Registering voters is one of the core ways in which the League has traditionally interacted with voters to communicate the importance of Kansas elections and persuade them to participate.

5. As a result of Voter Education Restriction, however, the Kansas League has had to significantly alter those plans. While the installation celebrating the centennial of the Nineteenth Amendment is at the Fair, the Kansas League is not directly registering would-be voters at the Fair given the risk of criminal prosecution and penalties arising from the Voter Education Restriction.

6. Local Leagues are also suffering ongoing harm to their activities from the Voter Education Restriction. For example, the Lawrence-Douglas County League Chapter has numerous events scheduled for fall 2021, including tables at the Lawrence Farmers Market and at other venues. While those events would normally include registering would-be voters, the voter-registration component of the events have been cancelled given the risk of criminal prosecution and penalties arising from the Voter Education Restriction. For the same reason, Lawrence-Douglas County League members will be unable to register voters at any naturalization ceremonies and are unable to go to local high schools to register voters.

THIRD AFFIDAVIT OF
JACQUELINE LIGHTCAP

7. As another example, the Johnson County League Chapter (which is the largest Kansas Local League with over 300 members) is extremely active and traditionally runs numerous voter registration events year-round. However, as a result of the Voter Education Restriction, the Johnson County League has held no voter-registration events since June 30, 2021, the day before the Restriction took effect. Attached hereto as Exhibit A is a copy of the Johnson County League's voter registration event report from April 2018 through the present. As shown in Exhibit A, the Johnson County League has conducted hundreds of voter registration events over that time-period and frequently conducts many such events each month. As also shown in Exhibit A, and as previously mentioned, the Johnson County Local League has not conducted any voter registration events since June 30, 2021, because of the risks to its members arising from the enactment of the Voter Education Restriction as part of HB 2183.

8. For the same reason, the Wichita Local League Chapter has also had to curtail voter registration activities at several recent and upcoming events, including a Neighborhood Night Out sponsored by the Urban League, new teacher orientations in several school districts, registration events at multiple high schools, and a naturalization ceremony planned for September 17, 2021. The Emporia Local League Chapter has also had to cancel planned voter registration activities at a student engagement fair at Flint Hills Technical College, at Emporia State University, and at the Emporia Public Library in conjunction with the upcoming National Voter Registration Day.

I declare under penalty of perjury that the foregoing is true and correct.

THIRD AFFIDAVIT OF
JACQUELINE LIGHTCAP

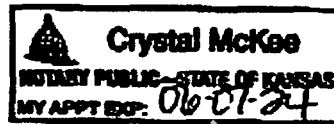
Executed this 13th day of September, 2021

Jacqueline Lightcap
Jacqueline Lightcap
Co-President,
League of Women Voters of Kansas

STATE OF KANSAS
COUNTY OF SHAWNEE

This document was signed before me on
this 13 day of September, 2021
by Jacqueline Lightcap

Crystal McKee
(Notary's name), Notary Public
My Commission Expires: 06-01-24



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THIRD AFFIDAVIT OF
JACQUELINE LIGHTCAP

Exhibit A

RETRIEVED FROM DEMOCRACYDOCKET.COM

**THIRD AFFIDAVIT OF
JACQUELINE LIGHTCAP**

Location	Date	Beginning Time	End Time
Kansas School for the Blind	5/1/2018	10:00:00 AM	10:00:00 AM
Concert at Unitarian Universalist Church, 9400 Pflumm Road	5/5/2018	6:15:00 PM	9:00:00 PM
Leawood United Methodist Church 2915 W 95th St	4/29/2018	1:00:00 PM	3:00:00 PM
KCKCC (Kansas City Kansas Community College)	5/4/2018	11:00:00 AM	1:00:00 PM
Schlägel High School	5/7/2018	9:00:00 AM	11:00:00 AM
JC Harmon HS	5/9/2018	9:00:00 AM	10:00:00 AM
Wyandotte High School KCKS	5/8/2018	8:00:00 AM	10:00 AM
Village Presbyterian Church Food Pantry	4/9/2018	10:00:00 PM	2:00:00 PM
J C Harmon High School KCKS	5/2/2018	9:00:00 AM	10:00:00 AM
Lenexa Art Fair	5/12/2018	10:00:00 AM	6:00:00 PM
JCCC Campus Craze Event	5/9/2018	11:00:00 AM	2:00:00 PM
Sunflower Apartments, Merriam. HUD Senior Focused Housing	5/10/2018	1:30:00 PM	3:00:00 PM
Rosedale Bike-in	5/17/2018	6:30:00 PM	8:30:00 PM
Sumner Academy	5/14/2018	8:00:00 AM	2:30:00 AM
Cross Lines Cooperative Council, KCK	5/18/2018	11:30:00 AM	2:00:00 PM
Ten Thousand Villages OP 3rd Friday	5/18/2018	5:00:00 PM	8:00:00 PM
Jewish Community Center	5/30/2018	3:00:00 PM	7:00:00 PM
Old Shawnee Days Parade	6/2/2018	10:00:00 AM	12:00:00 PM
Rosedale Farmers Market	6/3/2018	10:00:00 AM	2:00:00 PM
Prairie Village Art Show	6/3/2018	11:00:00 AM	1:15:00 PM
Abbey Road Concert	6/3/2018	5:00:00 PM	6:00:00 PM
Overland Towers Senior Housing	5/24/2018	10:00:00 AM	11:00:00 AM
Walk the Vote event	6/9/2018	8:00:00 AM	10:00:00 AM
Welstone Retirement Center	6/7/2018	9:00:00 AM	11:00:00 AM
Downtown Overland Park 3rd Friday	6/15/2018	6:00:00 PM	8:00:00 PM
Shawnee Community Services	6/12/2018	1:00:00 PM	3:00:00 PM
Mission Farmer's Market	6/14/2018	5:00:00 PM	6:30:00 PM
Olathe Farmers Market on Blackbob	6/23/2018	9:00:00 AM	11:00:00 AM
JoCo Central Library	6/18/2018	1:00:00 PM	4:00:00 PM
March for Change	6/18/2018	5:30:00 PM	8:00:00 PM
Mission Farmers Market	6/21/2018	6:30:00 PM	7:30:00 PM

Location	Date	Beginning Time	End Time
Rosedale Farmer's Market	6/24/2018	10:00:00 AM	12:01:00 PM
Blackbob FM Olathe	6/23/2018	9:00:00 AM	12:00:00 PM
Shawnee Community Services	6/26/2018	1:00:00 PM	2:00:00 PM
Poplar Court (HUD retirement)519 E Poplar St, Olathe	6/26/2018	1:30:00 PM	3:00:00 PM
JoCo Central Library	6/27/2018	1:00:00 PM	4:00:00 PM
Shawnee Community Services	7/6/2018	1:00:00 PM	2:00:00 PM
Rosedale Farmers Market	7/1/2018	10:30:00 AM	12:00:00 PM
Lenexa Community Days Parade	7/4/2018	10:00:00 AM	12:00:00 PM
Olathe Farmers Market – Stagecoach	7/7/2018	9:00:00 AM	11:00:00 AM
Rosedale Farmer's Market	7/8/2018	10:30:00 PM	12:00:00 PM
Johnson County Central Library	7/11/2018	12:00:00 PM	4:00:00 PM
Rosedale Farmers Market	7/15/2018	10:30:00 AM	12:00:00 PM
Center for Grace	7/11/2018	5:30:00 PM	6:30:00 PM
Brookdale Overland Park 119 (6101 W 119th St)	7/18/2018	10:00:00 AM	2:00:00 PM
Brookdale Overland Park 119	7/25/2018	10:15:00 AM	2:00:00 PM
Village Presbyterian Church	7/15/2018	10:00:00 AM	12:00:00 PM
Village Presbyterian Church	7/29/2018	10:00:00 AM	12:00:00 PM
Brookedale 119 Senior Center	8/1/2018	10:30:00 AM	12:30:00 PM
Lackman Library	8/11/2018	11:00:00 AM	3:00:00 PM
Belinder Elementary Parent's night	8/21/2018	5:30:00 PM	8:00:00 PM
JoCo Mental Health Recovery Conference	8/22/2018	8:00:00 AM	2:00:00 PM
Turner High School	8/23/2018	4:00:00 PM	7:00:00 PM
JCCC (Johnson County Community College)	8/22/2018	10:00:00 AM	2:00:00 PM
Rosedale Farmers Market	8/26/2018	10:30:00 AM	12:00:00 PM
Olathe YMCA	8/29/2018	10:00:00 AM	1:00:00 PM
Blue Valley Library	9/4/2018	3:00:00 PM	6:00:00 PM
Gov Debate Watch Party @ Central Library	9/5/2018	6:30:00 PM	8:00:00 PM
Village Presbyterian Church	8/5/2018	10:00:00 AM	12:00:00 PM
Addington Place of Prairie Village	9/7/2018	11:30:00 AM	1:00:00 PM
Rosedale Market	9/9/2018	10:30:00 AM	12:00:00 PM

Location	Date	Beginning Time	End Time
JCCC (Johnson County Community College)	9/12/2018	11:00:00 AM	1:30:00 PM
Vintage Park, Gardner, KS	9/13/2018	1:30:00 PM	2:30:00 PM
Washington High School	9/12/2018	9:00:00 AM	10:30:00 AM
Rosedale Farmers Market	9/16/2018	10:30:00 PM	12:00:00 PM
KU Allied Health	9/17/2018	11:00:00 AM	1:00:00 PM
JCCC (Johnson County Community College)	9/17/2018	11:00:00 AM	1:01:00 PM
SM North HS	9/17/2018	7:30:00 AM	2:15:00 PM
Big 11 Lake, KCKS, Library in the Park	9/15/2018	11:00:00 AM	1:00:00 PM
Tall Grass Creek Assisted Living	9/17/2018	11:00:00 AM	1:00:00 PM
The Forum at Overland Park Assisted Living	9/18/2018	10:30:00 AM	12:30:00 PM
Brighton Gardens Prairie Village	9/19/2018	11:00:00 AM	1:30:00 PM
Shawnee Mission Unitarian Universalist Church	9/22/2018	5:00:00 PM	8:30:00 PM
JCCC (Johnson County Community College)	9/25/2018	10:00:00 AM	2:00:00 PM
Johnson county Central Library	9/25/2018	2:00:00 PM	6:00:00 PM
Shawnee Mission South HS	9/24/2018	7:00:00 AM	2:00:00 PM
Monticello Library	9/25/2018	2:00:00 PM	6:00:00 PM
Leawood Pioneer Library	9/25/2018	2:00:00 PM	6:00:00 PM
Wyandotte High School KCK	9/26/2018	7:45:00 AM	8:55:00 AM
Schlagle High School KCK	9/19/2018	9:00:00 AM	9:35:00 AM
Sumner High School	9/20/2018	1:55:00 PM	3:05:00 PM
Olathe East High School	10/2/2018	11:00:00 AM	12:30:00 PM
KCK Learning Club	10/1/2018	2:45:00 PM	3:45:00 PM
J C Harmon High School KCKS	10/3/2018	9:55:00 AM	10:50:00 AM
SM West High School	10/4/2018	10:00:00 AM	11:10:00 AM
Westchester Senior Living	10/4/2018	9:30:00 AM	11:30:00 PM
Tall Grass Creek Retirement Community	10/3/2018	11:00:00 AM	1:00:00 PM
KU Edwards Campus	10/3/2018	4:00:00 PM	8:00:00 PM
KCK Learning Club	10/4/2018	2:45:00 PM	3:45:00 PM
Park Meadows Senior Living	10/5/2018	11:00:00 AM	1:30:00 PM
KU Edwards Campus	10/4/2018	4:00:00 PM	7:00:00 PM

Location	Date	Beginning Time	End Time
Sylvester Powell Community Center	10/8/2018	4:45:00 PM	7:15:00 PM
Poplar Court Retirement, Olathe	10/8/2018	10:00:00 AM	11:00:00 AM
Sierra Club Meeting	9/25/2018	6:30:00 PM	7:30:00 PM
Islamic Center of Johnson County	10/12/2018	11:00:00 AM	3:00:00 PM
Brookdale Overland Park, 120000 Lamar	10/9/2018	1:00:00 PM	4:00:00 PM
Brookdale Rosehill Senior Living	10/11/2018	1:00:00 PM	3:00:00 PM
Johnson County Central Library	10/10/2018	2:00:00 PM	6:00:00 PM
Park Meadows Senior Living	10/8/2018	11:00:00 AM	1:30:00 PM
Santa Marta Retirement Community	10/11/2018	10:00:00 AM	1:00:00 PM
Rio Bravo grocery store 10th and Central KCK	10/11/2018	1:30:00 PM	5:00:00 PM
Rio Bravo	10/12/2018	10:00:00 AM	1:30:00 PM
Rio Bravo grocery store 10th and Central KCKS	10/13/2018	11:15:00 AM	1:45:00 PM
Permanent Supportive Housing Apartments 438 & 444 N 18th St K neighbors	10/16/2018	12:00:00 PM	2:30:00 PM
	10/16/2018	3:30:00 PM	4:30:00 PM
Sylvester Powell Community Center	10/12/2018	9:15:00 AM	11:30:00 AM
Prairie Village YMCA	10/15/2018	9:00:00 AM	12:00:00 PM
Prairie Village YMCA	10/16/2018	9:00:00 AM	12:00:00 PM
KCK Learning Club	10/10/2018	1:30:00 PM	2:20:00 PM
Serenity Assisted Living/Overland Park Center	10/15/2018	11:30:00 AM	3:30:00 PM
Homestead of Leawood	10/16/2018	11:30:00 AM	2:00:00 PM
Cedar Lake Village	10/15/2018	11:30:00 AM	2:00:00 PM
Brittany court Apts (HUD), Gardner	10/15/2018	1:00:00 PM	3:00:00 PM
Olathe Towers and College Way Village	10/13/2018	1:00:00 PM	2:00:00 PM
Sante Fe Towers	10/15/2018	2:30:00 PM	4:30:00 PM
Overland Towers 8580 Farley	10/16/2018	1:00:00 PM	3:00:00 PM
St Michaels and All Angels Episcopal Church	10/14/2018	11:00:00 AM	1:00:00 PM
St Michaels and All Angels Episcopal Church	10/21/2018	11:00:00 AM	1:00:00 PM
Whole Person Open House, 8040 Parallel Avenue, KCKS	10/12/2018	3:00:00 PM	5:00:00 PM
JCCC (Johnson County Community College)	10/16/2018	10:00:00 AM	2:00:00 PM
KU Health Education	10/30/2018	11:00:00 AM	1:00:00 PM

Location	Date	Beginning Time	End Time
Apartment complex (name?)	10/15/2018	8:00:00 AM	11:00:00 AM
KCKCC (Kansas City Kansas Community College)	2/22/2019	9:00:00 AM	1:00:00 PM
KCKCC (Kansas City Kansas Community College)	3/4/2019	4:00:00 PM	6:00:00 PM
KCKCC (Kansas City Kansas Community College)	3/5/2019	9:00:00 AM	1:00:00 PM
KCK Downtown Library	3/9/2019	10:00:00 AM	3:00:00 PM
Jewish Community Center	3/10/2019	1:30:00 PM	4:30:00 PM
Kansas City KS Comm College Tech Campus	3/14/2019	9:00:00 AM	11:00:00 AM
Kansas School for the Deaf and Blind	3/27/2019	10:00:00 AM	12:00:00 PM
Donnelly College	3/27/2019	9:00:00 AM	12:00:00 PM
Healthy Yard Expo	4/6/2019	1:00:00 PM	4:00:00 PM
Schlagle High School	4/10/2019	8:30:00 AM	12:30:00 PM
Turner High School	4/17/2019	11:00:00 AM	12:30:00 PM
Dole Federal Courthouse, KCK	1/18/2019	10:00:00 AM	12:30:00 AM
Dole Federal Courthouse, KCK	2/22/2019	10:00:00 AM	12:30:00 PM
JCCC Naturalization Ceremony	3/20/2019	9:30:00 AM	1:00:00 PM
St Thomas Aquinas HS	4/25/2019	11:00:00 AM	1:30:00 PM
Horizons High School	4/25/2019	10:00:00 AM	11:30:00 AM
Dole Federal Courthouse, KCK	4/26/2019	9:30:00 AM	12:30:00 PM
Dia Del Nino (Kid's Day)	4/30/2019	3:30:00 PM	7:00:00 PM
Sumner High School	5/2/2019	10:30:00 AM	1:00:00 PM
Wyndam Place	5/3/2019	10:00:00 AM	12:00:00 PM
Harmon High School	5/7/2019	10:30:00 AM	1:30:00 PM
Wyandotte High School	5/9/2019	10:30:00 AM	1:00:00 PM
Brittany Court, Gardner KS	5/6/2019	11:30:00 AM	1:30:00 PM
Santa Marta	5/7/2019	10:30:00 AM	1:00:00 PM
Gardens at Creekside, Olathe	5/9/2019	1:00:00 PM	3:00:00 PM
Park Meadows Independent Living	5/14/2019	11:00:00 AM	1:00:00 PM
Park Meadows Assisted Living	5/15/2019	11:00:00 AM	1:00:00 PM
JCCC Campus Craze (Johnson County Community College)	5/15/2019	10:00:00 AM	2:00:00 PM
Rosedale Bike-In	5/16/2019	6:00:00 PM	8:00:00 PM

Location	Date	Beginning Time	End Time
Lamar Court Assisted Living	5/21/2019	10:30:00 AM	12:30:00 PM
Johnson County Comm College	5/29/2019	9:30:00 AM	12:30:00 PM
Brighton Gardens of PV	6/5/2019	11:00:00 AM	1:00:00 PM
Lakeview Village Lenexa	6/5/2019	10:00:00 AM	1:00:00 PM
Olathe Towers	6/10/2019	11:00:00 AM	1:00:00 PM
Rosedale Farmer's Market	6/9/2019	11:00:00 AM	12:00:00 PM
Overland Towers	6/12/2019	12:00:00 PM	2:00:00 PM
Lenexa Farmer's Market	6/22/2019	10:00:00 AM	11:00:00 AM
Dole Federal Courthouse, KCK	6/21/2019	9:30:00 AM	12:30:00 PM
KC Auto Show	6/30/2019	10:00:00 AM	12:00:00 PM
Olathe Public Library	7/12/2019	10:30:00 AM	1:30:00 PM
Crosslines	7/13/2019	10:00:00 AM	12:00:00 PM
Village Shalom Enhanced living Apts	7/10/2019	11:00:00 AM	1:00:00 PM
Vintage Park at Stanley	7/12/2019	11:15:00 AM	1:30:00 PM
Vintage Park in Gardner	7/15/2019	11:00:00 AM	1:30:00 PM
Westchester Place, Lenexa	7/16/2019	10:45:00 AM	1:30:00 PM
Johnson County Comm College Cavalier Kick-Off	8/21/2019	10:00:00 AM	2:00:00 PM
Rockhurst University	8/22/2019	4:00:00 PM	5:30:00 PM
Dole Federal Courthouse	8/23/2019	9:30:00 AM	12:30:00 PM
KU Regents Center	8/29/2019	4:00:00 PM	7:00:00 PM
Grinter House Apple Fest	9/7/2019	9:00:00 AM	5:00:00 PM
Neighborhood 47 Foodie Fest	9/8/2019	12:30:00 PM	3:30:00 PM
Wellstone at Mission Crossing	9/12/2019	10:00:00 AM	12:00:00 PM
Lenexa City Center Library	9/14/2019	9:00:00 AM	1:00:00 PM
Climate Action Summit by MARC	9/14/2019	12:00:00 PM	2:30:00 PM
Shawnee Library	9/16/2019	3:00:00 PM	6:00:00 PM
Stratford Commons Rehab Center	9/16/2019	12:00:00 PM	1:30:00 PM
Johnson County Community College Constitution Day event	9/17/2019	11:00:00 AM	1:00:00 PM
Gardner Library	9/17/2019	11:00:00 AM	2:00:00 PM
Shawnee Mission North HS	9/17/2019	7:30:00 AM	2:30:00 PM

Location	Date	Beginning Time	End Time
Kansas City KS Comm College Technical Ed Campus	9/18/2019	9:00:00 AM	1:00:00 PM
KU Edwards Campus	9/18/2019	4:00:00 PM	7:00:00 PM
Blue Valley Library	9/19/2019	3:00:00 PM	6:00:00 PM
Cedar Roe Library	9/21/2019	10:00:00 AM	2:00:00 PM
Johnson County Central Library	9/24/2019	10:45:00 AM	2:00:00 PM
Olathe Central Library	9/24/2019	10:00:00 AM	1:00:00 PM
UMKC Student Union	9/25/2019	12:30:00 PM	2:30:00 PM
Wilhelmina Gill Service Center in KCK	9/27/2019	9:15:00 AM	12:15:00 PM
Monticello Library	9/26/2019	3:00:00 PM	6:00:00 PM
Federal Courthouse in Fort Scott KS	9/27/2019	8:00:00 AM	1:30:00 PM
Leawood Library	9/30/2019	11:00:00 AM	2:00:00 PM
Wilhelmina Gill Services Center	10/3/2019	7:30:00 AM	12:00:00 PM
Pembroke Hill School	10/2/2019	12:00:00 PM	1:30:00 PM
The Learning Club – 4 sites	10/7/2019	2:45:00 PM	3:45:00 PM
Geico Corporation	10/9/2019	12:00:00 PM	4:00:00 PM
SilverCrest at Deer Creek	10/10/2019	11:30:00 AM	1:30:00 PM
Political Engagement and Leadership[Alliance Club at JCCC Co-L	10/10/2019	2:30:00 PM	4:00:00 PM
Shawnee Mission Unitarian Universalist Church	10/12/2019	6:00:00 PM	9:00:00 PM
Wyandotte Tower at 9th and Washington in KCK	10/24/2019	10:00:00 AM	11:00:00 AM
Dole Federal Courthouse	10/25/2019	10:00:00 AM	12:00:00 PM
Dole Federal Courthouse	11/15/2019	10:00:00 AM	12:00:00 PM
Dole Federal Courthouse	12/13/2019	9:45:00 AM	12:15:00 PM
Women's Equality Coalition Panel Discussion	12/17/2019	6:00:00 PM	8:00:00 PM
Quindaro First Baptist Church 3030 Farrow	2/23/2020	9:00:00 AM	10:00:00 AM
Notre Dame de Sion HS	2/24/2020	11:00:00 AM	12:30:00 AM
Kansas City KS Comm College	2/25/2020	11:00:00 AM	1:00:00 PM
Dole Federal Courthouse	2/21/2020	10:00:00 AM	12:30:00 PM
St Luke's School of Nursing	2/27/2020	11:00:00 AM	1:00:00 PM
KCKCC Tech Ed Center	2/28/2020	9:00:00 AM	12:30:00 PM

Location	Date	Beginning Time	End Time
Shawnee Mission North HS	3/2/2020	8:00:00 AM	2:00:00 PM
Johnson County Comm College Co-Lab	3/5/2020	11:00:00 AM	2:00:00 PM
Monticello Library	3/5/2020	3:00:00 PM	5:00:00 PM
Shawnee Town Hall Suffragette Tea	3/8/2020	2:00:00 PM	4:00:00 PM
Johnson County Comm College Commons Bldg Room 201	3/10/2020	11:00:00 AM	2:00:00 PM
Johnson County Comm College Commons Bldg Room 201	3/12/2020	11:00:00 AM	2:00:00 PM
Downtown Overland Park Voter registration	6/20/2020	10:00:00 AM	1:00:00 PM
Shawnee Town	8/26/2020	7:00:00 PM	8:30:00 PM
Kansas City KS Comm College	9/14/2020	8:30:00 AM	10:00:00 AM
Kansas City KS Comm College	9/15/2020	8:30:00 AM	10:00:00 AM
Providence YMCA	9/14/2020	3:00:00 PM	7:00:00 PM
Paul Henson YMCA	9/14/2020	3:00:00 PM	7:00:00 PM
Bonner Springs YMCA	9/14/2020	3:00:00 PM	7:00:00 PM
Olathe YMCA	9/14/2020	3:00:00 PM	7:00:00 PM
Roeland Park City Hall	9/19/2020	10:00:00 AM	2:00:00 PM
TEC Kansas City KS Comm College Technical Education Center	9/16/2020	9:45:00 AM	12:00:00 PM
Atonement Lutheran Church parking lot	9/21/2020	10:00:00 AM	11:30:00 AM
Crosslines Food Pantry	9/22/2020	10:00:00 AM	12:00:00 PM
Notre Dame de Sion High School	9/22/2020	11:15:00 AM	1:15:00 PM
Atonement Church parking lot	9/22/2020	2:00:00 PM	3:30:00 PM
Crosslines	9/23/2020	10:30:00 AM	12:30:00 PM
The Welstone Senior Living	9/30/2020	11:00:00 AM	1:00:00 PM
Kendra Scott Plaza	10/1/2020	12:00:00 PM	2:00:00 PM
Kendra Scott Plaza	10/2/2020	12:00:00 PM	2:00:00 PM
The Merc Co-op	10/3/2020	10:00:00 AM	2:00:00 PM
Kendra Scott Leawood	10/7/2020	11:01:00 AM	2:00:00 PM
Kendra Scott Leawood	10/8/2020	10:45:00 AM	2:00:00 PM
The Learning Club Blessed Sacrament KCK	10/5/2020	2:30:00 PM	3:30:00 PM
Bishop Ward High School	5/3/2021	11:20:00 AM	3:00:00 PM
Bishop Ward High School	5/3/2021	11:20:00 AM	11:20:00 AM

Location	Date	Beginning Time	End Time
Crosslines Community Kitchen	6/21/2021	10:00:00 AM	12:00:00 PM
Crosslines Community Kitchen	6/21/2021	10:00:00 AM	12:00:00 PM
Tallgrass Creek Senior Living	6/24/2021	11:00:00 AM	1:00:00 PM
The Welstone, 5060 Broadmoor, Mission KS	6/30/2021	10:00:00 AM	12:00:00 PM

RETRIEVED FROM DEMOCRACYDOCKET.COM

Exhibit 12

**Third Affidavit of Davis Hammet, President and Executive Director, Loud Light
(Sept. 13, 2021)**

RETRIEVED FROM DEMOCRACYDOCKET.COM

**IN THE STATE COURT OF KANSAS
DISTRICT COURT OF SHAWNEE COUNTY**

LEAGUE OF WOMEN VOTERS OF KANSAS,
LOUD LIGHT, KANSAS APPLESEED
CENTER FOR LAW AND JUSTICE, INC.,
TOPEKA INDEPENDENT LIVING
RESOURCE CENTER, CHARLEY
CRABTREE, FAYE HUELSMANN, and
PATRICIA LEWTER,

Plaintiffs,

v.

SCOTT SCHWAB, in his official capacity as
Kansas Secretary of State, and DEREK
SCHMIDT, in his official capacity as Kansas
Attorney General,

Defendants.

No. 2021-CV-000299

THIRD AFFIDAVIT OF DAVIS HAMMET

1. My name is Davis Hammet. I am over 18 years old and fully competent to provide this testimony. Under penalty of perjury, I declare the following.

2. This is the third affidavit I have submitted in this case. As I explained in my previous affidavits, I am the President of Loud Light. Loud Light is a nonpartisan nonprofit organization whose mission is to engage, educate, and assist voters—particularly voters from underrepresented populations and young voters—and empower them to become active in Kansas elections and the political process.

3. I have prepared this third affidavit to explain the ongoing and long-term impact of H.B. 2183, § 3 (the “Voter Education Restriction,” or “Restriction”) on Loud Light’s ability to interact and communicate with Kansas voters. In short, since the Restriction went into effect, Loud Light has been forced to shutter numerous planned voter engagement activities and our staff and volunteers have missed out on tens of thousands of opportunities to interact with Kansans, help them register to vote, and persuade them to participate.

4. First, the 50th Anniversary of the ratification of the 26th Amendment, which prohibits abridgment of the right to vote on account of age, was July 1, 2021—the day the Voter Education Restriction went into effect. Loud Light had planned to celebrate this milestone by registering young voters and educating them about the voting process in Kansas. Instead, the threat of prosecution under the Restriction forced Loud Light, its employees, and its volunteers to halt these plans.

5. The harm to Loud Light and its engagement with Kansas voters has persisted and intensified this summer. Specifically, as explained in my Second Affidavit, we had established plans for our fellows to begin voter registration and education ahead of the local elections this year. Unfortunately, due to the Restriction, we were unable to carry them out. These activities represent the bread and butter of Loud Light's core mission to engage and empower young voters to exercise their rights and use their voices to make change.

6. Another devastating loss to Loud Light's voter engagement program this year as a result of the Restriction was the cancellation of its plan to register and educate voters on college campuses throughout the state during "Welcome Week," or the orientation period. Typically, Loud Light makes major inroads engaging with new voters by canvassing, tabling, presenting in classrooms, and conducting voter-related trainings during these periods, when students and others in campus communities are beginning to engage in their new communities. Given the risk of prosecution on the vague wording of the law, Loud Light did not have a presence on college campuses for this purpose. This is the first Welcome Week that Loud Light has not participated in since the organization was founded.

7. Furthermore, as a result of the Voter Education Restriction, Loud Light was unable to carry out its typical voter engagement and mobilization efforts for the August primary election, which has now come and gone. During the last local election in November 2019, for example, Loud Light made contacts with 7,700 18-29 year-old registered voters in Shawnee County alone, and numerous other potential voters to help them register and to encourage them to participate. Since then, Loud Light has grown, and we likely would have contacted tens of thousands of young

voters through similar efforts in the run up to the August 2021 primary. Yet, because the Restriction reaches effectively all forms of communication, Loud Light did not make these contacts with voters and potential voters because, as I have previously explained, we know that doing so could cause another person to believe we are election officials, which is a felony under the new law.

8. Every day that passes represents more voter engagements that are not happening because of the Restriction. But two imminent dates are particularly worth emphasizing. First, September 28, just two weeks away, is National Voter Registration Day. Loud Light would like to operate a plan to engage, register, and educate voters on this holiday as it has done in previous years, but its ability to do so remains on hold due to the Voter Education Restriction. Second, the last day to register for the November election, October 12, is now *less than a month away*. Without the Restriction in place, we would similarly operate a major voter engagement and registration program leading up to and on this day as well, which we have done since the organization was founded.

9. It takes significant lead time—at least several weeks—to conduct the necessary training, establish the necessary partnerships, and execute these large, coordinated activities. Unless the Restriction is enjoined soon, Loud Light will not be able to engage with voters in advance of or on the last day to register to vote in 2021 because of a lack of time to sufficiently plan the events.

10. Finally, the Voter Education Restriction has had a significant impact on Loud Light's ability to recruit and mobilize volunteers. Assisting trained fellows with voter registration drives or education outreach is an entry-level activity for new volunteers from which they build to more complex voter engagement opportunities. Without these opportunities, the organization is unable to provide opportunities that are accessible to first-time volunteers. This dismantles our ladder of volunteer engagement, preventing us from identifying volunteers for more specialized opportunities. The fear of prosecution has even caused existing specialized volunteers to stop working with us, and made it difficult to recruit new volunteers due to hesitancy. This substantially

denies us the ability to grow our organization and grassroots movement. Because we are unable to do this work at all right now, the suppressive impact of the Restriction on the voter engagement and education in the state is only multiplying.

11. The harm of having to miss each one of these opportunities extends much further than just the single voter contact or engagement. Indeed, Loud Light's mission and voter program recognizes and relies on the reality that registering young and marginalized voters is about "meeting them where they are." In other words, we know that many voters, for a variety of reasons, are unable to successfully seek out information and resources to get involved in civic life. Thus, when we miss an opportunity to engage with a voter, we know we may not *ever* be able to reach them to advance our core message. This includes many of the voters who we have missed or will miss this summer and fall who now may not ultimately vote this year, in 2022, or even beyond. Those voters, Loud Light's mission, and the volume of civic engagement in Kansas are all worse off for it.

12. In short, the Voter Education Restriction has already inflicted significant, ongoing, and long-term harm to Loud Light and its ability to engage with, register, and educate Kansas voters. We therefore hope the Court will swiftly act to prevent further harm while we proceed through this case.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 13th day of September, 2021

Davis Hammet
Davis Hammet
President, Loud Light

09/13/2021

JURAT

State/Commonwealth of TEXAS

☐ City ☒ County of Dallas

On 09/13/2021, before me, Jalanda Greene
Date *Notary Name*

the foregoing instrument was subscribed and sworn (or affirmed) before me by:

Davis Hammet
Name of Affiant(s)

☐ Personally known to me – OR –

☐ Proved to me on the basis of the oath of _____ -- OR --
Name of Credible Witness

☒ Proved to me on the basis of satisfactory evidence: driver_license
Type of ID Presented

WITNESS my hand and official seal.

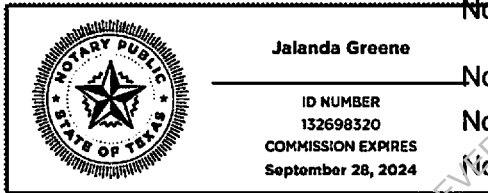
Notary Public Signature: Jalanda Greene

Notary Name: Jalanda Greene

Notary Commission Number: 132698320

Notary Commission Expires: 09/28/2024

Notarized online using audio-video communication

**DESCRIPTION OF ATTACHED DOCUMENT**

Title or Type of Document: Affidavit

Document Date: 09/13/2021

Number of Pages (including notarial certificate): 5