

No. 22-124378-S

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**IN THE SUPREME COURT OF THE  
STATE OF KANSAS**

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

Plaintiffs-Appellants,

vs.

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

Defendants-Appellees.

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**NOTICE OF ADDITIONAL AUTHORITY**

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To the Court:

Pursuant to Rule 6.09, Plaintiffs-Appellants (hereinafter, Plaintiffs) notify the Court of additional authority supporting Plaintiffs' argument that the Court of Appeals erred in dismissing their claims for lack of standing. (Petition at 7-13).

In *Texas State LULAC v. Elfant*, No. 1:21-CV-546-LY (W.D. Tex. Aug. 2, 2022), the court held that plaintiffs, organizations committed to educating and registering voters in Texas, had organizational standing to challenge a Texas election law. In reaching this conclusion, the court found that "[t]he threat of prosecution is particularly fraught where the State has publicly declared one of its key priorities to be 'to investigate and prosecute.'" *Id.* at 11. "By helping Texans register to vote," the legal liability plaintiffs faced had a "'chilling effect' on [the organizations'] core political speech." *Id.* at 11-12. Put simply, the law posed a "direct harm[]" to the organizations' "First Amendment right to advise voters without threat of prosecution." *Id.* at 14.

The same is true here. Out of fear of prosecution, Plaintiffs have severely curtailed or ceased to conduct voter registration activities—harms that are neither "routine" nor "conjecture." (Petition at 11). The threat of prosecution is also "particularly fraught" because, in response to the Douglas County District Attorney's announcement that she would not prosecute the types of activities Plaintiffs engage in, the Attorney General publicly declared his intent to prosecute any "election crimes." (R. II, 291, 293). Accordingly, the Court of Appeals erred in concluding that Plaintiffs' fear of prosecution was not justified. (Petition 7-8).

Respectfully submitted, this 16th day of August, 2022.

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## CERTIFICATE OF SERVICE

I certify that a true and correct copy of this Notice of Additional Authority was electronically transmitted via the Court's electronic filing system, to the following:

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