

No. 22-125084-A

**IN THE COURT OF APPEALS
OF THE STATE OF KANSAS**

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

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.

NOTICE OF ADDITIONAL AUTHORITY

To the Court:

Pursuant to Rule 6.09, Plaintiffs-Appellants (hereinafter, Plaintiffs) notify the Court of additional authority.

In *Montana Democratic Party v. Jacobsen*, No. DV 21-0451 (Mont. Dist. Ct. July 27, 2022), plaintiffs challenged a Montana law restricting ballot collection on multiple grounds, including that the law unconstitutionally infringed on their right to free speech. *Id.* at 22. The court denied defendants' motion for summary judgment noting:

When this issue was raised in another case, the District Court described that "by collecting and conveying ballots, [Plaintiffs] are engaged in the 'unfettered interchange of ideas for the bringing about of political and social changes desired by the people,' which is at the heart of freedom of expression protections."

Id. at 23 (quoting Courts Findings of Fact, Conclusions of Law, and Order, *Western Native Voice*, ¶ 30, No. DV 20-0377 (quoting *Dorn v. Bd. of Trs. of Billings Sch. Dist. No. 2*, 203 Mont. 136, 145, 661 P.2d 426, 431 (1983))).

The Order supports Plaintiffs' argument that they pleaded cognizable claims against the Ballot Collection Restriction. Multiple courts have recognized that Plaintiffs' ability to collect and convey ballots is conduct "at the heart of freedom of expression protections," directly countering Defendants' argument that the Restriction does not implicate free speech rights. (Appellants' Reply Brief at 13-14).

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 plaintiffs were injured because they had declined to fund or withheld funding from programs to instead “educate members” about and “counteract” the Texas law. *Id.* at 8-9. The court concluded that “[p]laintiffs’ have devoted significant resources—both in a qualitative and quantitative sense—to mitigate [d]efendants’ conduct.” *Id.* at 8.

The Order supports Plaintiffs’ argument that they have standing to challenge the Signature Verification Requirement because, to counteract the Requirement, they have diverted resources from other programs to educate members and fund cure efforts. (Appellants’ Reply Brief at 6-7).

Respectfully submitted, this 17th 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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