

**IN THE THIRD JUDICIAL DISTRICT
DISTRICT COURT, SHAWNEE COUNTY, KANSAS
CIVIL DEPARTMENT**

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

Plaintiffs,

vs.

Case No. 2021-CV-000299

SCOTT SCHWAB, in his official capacity as
Kansas Secretary of State, and KRIS KOBACH,
in his official capacity as Kansas Attorney
General,

Defendants,

**DEFENDANTS' MEMORANDUM IN SUPPORT OF
MOTION FOR SUMMARY JUDGMENT**

TABLE OF CONTENTS

	Page
I. Introduction.....	1
II. Statement of Uncontroverted Facts	3
III. Standards Governing Motions for Summary Judgment.....	15
IV. Argument	16
<i>A. Plaintiffs’ Facial Attack on the SVR Imposes Steep Evidentiary Burden</i>	16
<i>B. SVR for Advance Ballots Does Not Violate Voters’ Equal Protection Rights</i>	16
1. <u>Governing Legal Standard</u>	17
a. <i>Traditional Equal Protection Principles Must Be Applied</i>	18
b. <i>Anderson-Burdick Balancing Would Also Result in Upholding of SVR</i>	20
2. <u>The SVR Process Employs an Extremely Lenient Regulatory Standard</u> ..	21
3. <u>De Minimis Nature of Alleged Harms Flowing from the SVR Undermines Plaintiffs’ Claims</u>	25
4. <u>Trivial Differences Between County SVR Procedures Do Not Amount to an Equal Protection Violation</u>	32
5. <u>Kansas Has Strong and Compelling Interests in the SVR</u>	38
a. <i>Voter Fraud</i>	39
b. <i>Orderly Administration of Elections</i>	42
c. <i>Promoting Public Confidence in Electoral Process</i>	43
<i>C. SVR for Advance Ballots Does Not Violate Voters’ Due Process Rights</i>	44
V. Conclusion	47

Defendants Scott Schwab and Kris Kobach, each sued in their official capacities, move for summary judgment on Plaintiffs’ equal protection and due process challenges (Counts III and VI) to Kansas’ signature verification requirement (“SVR”) for advance mail ballots, K.S.A. 25-1124(h). These are the only remaining claims following the Kansas Supreme Court’s remand of this case in *League of Women Voters v. Schwab*, 318 Kan. 777, 549 P.3d 363 (2024) (“*LWV II*”). For the reasons set forth below, there are no genuine issues of material fact with respect to those two claims. Accordingly, Defendants respectfully request that the Court grant their motion.

I. – Introduction

On remand from the Supreme Court’s decision in *LWV II*, discovery has confirmed what this Court correctly recognized from the very outset: there is no constitutional defect in K.S.A. 25-1124(h) or its implementing regulation, K.A.R. 7-36-9. Plaintiffs have blanketed the State with dozens of third-party subpoenas and scores of KORA requests directed at county election offices. Plaintiffs retained two expert witnesses, deposed the State’s Director of Elections and three county election officials, served 153 requests for admission, and produced north of 50,000 documents. All to facially attack a law that resulted in a mere 130 advance mail ballots being rejected due to a signature mismatch in the 2022 General Election in the entire State, and only 94 in 2024. They have fired a cannon in an effort to kill a flea. Yet their deployment of this heavy artillery has yielded *no* legally significant results.

All of this was predictable. Plaintiffs filed this lawsuit thirty days before the statute took effect, resting their claims on speculation that “countless” voters would be “disenfranchised.” Am. Pet. ¶ 17. Three election cycles later, the record instead reveals that signature verification in Kansas operates smoothly, uniformly, and with extraordinary leniency. Indeed, the number of mail ballots rejected due to a signature mismatch *declined* from 2022 to 2024, despite more mail

ballots being cast and counted in 2024 than in 2022. Counties statewide follow the identical standard, multiple trained personnel review signatures under an intentionally voter-friendly regulatory framework, and every voter flagged for an apparent signature mismatch is notified about the deficiency (via different means of communication) and afforded an opportunity to cure it at any time before the county canvass. The data tell the story: in two statewide general elections since the passage of the statute, the percentage of ballots ultimately uncounted due to a signature inconsistency was less than 1/10 of 1% in 2022 and less than 6/100 of 1% in 2024. There may not be a state with better numbers in the country.

Nor can Plaintiffs be heard to complain about any gaps in county documentation or the limited number of specific ballot rejection circumstances they have unearthed. State law requires the destruction of ballot materials twenty-two months after each election. K.S.A. 25-2708(b). The absence of a document in response to a third-party subpoena does not prove the absence of a process or any defects in such process. Plaintiffs' intimation to the contrary rests on a logical fallacy. *See NLRB v. Noel Canning*, 573 U.S. 513, 589 (2014) (Scalia, J. concurring) (describing the flaw in a "fallacy of the inverse" theory).

Ultimately, Plaintiffs' facial challenge cannot survive the steep evidentiary burden it imposes. To prevail, they must prove that *no set of circumstances* exists under which K.S.A. 25-1124(h) and its implementing regulation would be constitutional, a showing far beyond their reach. Both the statute and regulation easily withstand scrutiny under any standard. They apply objective, uniform criteria statewide; they afford every voter clear notice and multiple opportunities to cure; and they embody well-recognized state interests in preventing fraud, maintaining orderly and trustworthy administration of elections, and facilitating public confidence in the integrity of the electoral process.

Even assuming, *arguendo*, that a few individual voters encountered difficulties curing their ballots after the law took effect, such isolated anecdotes do not transform a facially valid statute into a constitutional infirmity. Courts across the country – including the Fifth, Sixth, and Ninth Circuits, as well as the Washington Supreme Court – have consistently upheld comparable signature-verification laws as reasonable, nondiscriminatory election regulations. The same outcome should follow here.

Because Plaintiffs have failed to produce any evidence of a genuine dispute of material fact, and because Kansas’s signature verification requirement easily satisfies both equal protection and due process under the Kansas Constitution, Defendants are entitled to summary judgment as a matter of law.

II. – Statement of Uncontroverted Facts (“SOF”)

1. Before 2021, Kansas law did not specifically require county election officials to conduct signature verification on advance ballots received by mail. (Stip. Fact ¶ 44)

2. Before 2021, Kansas law also did not specifically require county election officials to reject advance ballots due to a signature mismatch. Exhibit 1 – Bryan Caskey Affidavit (hereinafter, “Ex. 1”), at ¶ 13.

3. In 2021, the Kansas Legislature enacted K.S.A 25-1124(h), which requires county election officials to verify the signature on advance ballot envelopes transmitted by mail against the signature on file in the county voter registration records. (Stip. Fact ¶ 14)

4. The legislature passed HB 2183 over Governor Kelly’s veto on May 3, 2021, and the law took effect on July 1, 2021. (Stip. Fact ¶ 13)

5. The Kansas Secretary of State issued Temporary Administrative Regulation K.A.R. 7-36-9, effective May 26, 2022. (Stip. Fact ¶ 15)

6. The Kansas Secretary of State issued Permanent Administrative Regulation K.A.R. 7-36-9, effective September 23, 2022. (Stip. Fact ¶ 16)

7. The first statewide General Election in which K.S.A. 25-1124(h) and K.A.R. 7-36-9 were in effect was the 2022 statewide General Election. (Stip. Fact ¶ 17)

8. In the 2022 statewide General Election, approximately 131,204 advance mail ballots were cast and counted. (Stip. Fact ¶ 18); (Attachment A to Caskey Affidavit (Ex. 1) – 2022 County-by-County EAC Spreadsheet Summary) (hereinafter, “Ex. 1A”)

9. In the 2024 statewide General Election, approximately 148,138 advance mail ballots were cast and counted. (Stip. Fact ¶ 19); (Attachment B to Caskey Affidavit (Ex. 1) – 2024 County-by-County EAC Spreadsheet Summary) (hereinafter, “Ex. 1B”)

10. More than 150,000 people voted via an advance mail ballot in Johnson County in the 2020 General Election. (https://kansasreflector.com/2020/11/11/candidates-in-close-kansas-house-senate-races-await-johnson-county-canvass-results/?utm_source=chatgpt.com)

11. Under Kansas law, a valid signature on a voter registration form may be made by a “mark, initials, typewriter, print, stamp, symbol or any other manner if by placing the signature on the document the person intends the signature to be binding.” (Stip. Fact ¶ 21)

12. Any Kansas registered voter is eligible to vote by advance ballot by mail for the offices and questions submitted for which the elector is otherwise entitled to vote. K.S.A. 25-1119(a). (Stip. Fact ¶ 23)

13. Any Kansas registered voter is also permitted to vote in-person on Election Day. (Stip. Fact ¶ 24)

14. The only Kansas voters who automatically receive an advance mail ballot for every election are those with permanent advance voter status. (Stip. Fact ¶ 25)

15. Unless a voter has permanent advance voting status, Kansas voters who wish to vote by mail must submit an application to do so for each election in which they wish to vote by mail. (Stip. Fact ¶ 27)

16. To vote an advance ballot by mail, a Kansas registered voter must first file with the county election officer where the voter is a resident, or where such voter is authorized by law to vote as a former preceding resident, an application for an advance ballot by mail. K.S.A. 25-1122. (Stip. Fact ¶ 28)

17. Kansas counties receive and accept advance mail ballot applications signed with a digitally captured signature. (Stip. Fact ¶ 33)

18. With respect to advance voting by mail, the county election official, prior to transmitting a ballot to a Kansas voter, must verify that the voter's signature on the advance mail ballot application "matches" (as that term is defined in K.A.R. 7-36-9(b)(1)) the voter's signature on file in the county voter registration records, unless the voter has a disability preventing the voter from signing or preventing the voter from having a signature that matches the voter's registration form. (Stip. Fact ¶ 35)

19. Kansas election officials do not question a voter's self-designation as suffering from a "disability" or "illness." (Exhibit 2, Excerpts of the Deposition of Bryan Caskey ("Ex. 2"), at 181:3-183:16); (Exhibit 3, Excerpts of the Deposition of Rich Vargo ("Ex. 3"), at 115:3-116:10); (Exhibit 4, Excerpts of the Deposition of Frederick Sherman ("Ex. 4"), at 111:8-112:4); (Exhibit 5, Excerpts of the Deposition of Andrew Howell ("Ex. 5"), at 99:22-100:12)

20. When mailing an advance ballot to a voter, the county election official also mails an advance ballot envelope for the voter to use when returning the completed ballot to the county election office. (Stip. Fact ¶ 37)

21. The cover of the advance ballot envelope contains instructions prescribed by the Kansas Secretary of State, as well as certain statutory and regulatory language. K.S.A. 25-1123(a). (Stip. Fact ¶ 38)

22. After receiving an advance ballot by mail and making selections for candidates and/or questions submitted, a voter must place the ballot into the advance ballot envelope, seal the advance ballot envelope, sign the advance ballot envelope, and return the ballot inside the envelope to the voter's county election office. (Stip. Fact ¶ 41)

23. Riley County Clerk Rich Vargo and Shawnee County Election Commissioner Andrew Howell testified that their offices nearly always review advance mail ballot envelopes within one day of receipt to determine whether the voter's signature on the envelope matches the voter's signature on file. In rare scenarios, the review might occur up to two days after receipt. (Ex. 3 at 123:16-124:4); (Ex. 5 at 115:19-116:7, 117:24-118:13)

24. A Kansas voter who casts a ballot by mail can track online when the mail ballot reaches the county election office at <https://myvoteinfo.voteks.org/VoterView>. (Stip. Fact ¶ 42); (Ex. 2 at 28:15-29:2)

25. Under Kansas state law, ballots and ballot envelopes for state and federal elections must be destroyed 22 months after the election. (Stip. Fact ¶ 48)

26. Original ballot envelopes from the 2022 primary and general elections have been destroyed. (Stip. Fact ¶ 49)

27. K.A.R. 7-36-9(a)(2) directs that a voter's signature is deemed to be "inconsistent" when the signature on the voter's advance mail ballot envelope differs in multiple, significant, or obvious respects from the voter's signature in the voter registration database. (Stip. Fact ¶ 59)

28. K.A.R. 7-36-9(g)(3) directs that any signature submitted by the voter that is a “match” (as that term is defined in K.A.R. 7-36-9(a)(4)) with any signature of the voter in the voter registration database must be accepted. (Stip. Fact ¶ 60)

29. K.A.R. 7-36-9(g)(1) directs that county election officials compare a voter’s signature to as many recorded signatures as possible from the voter registration database when conducting the signature verification process.

30. On April 8, 2021, at the Conference Committee on Senate Federal and State Affairs and House Elections, Clay Barker, then deputy general counsel to the Kansas Secretary of State, stated: “Every signature that voter has submitted over time on advance ballot applications and motor vehicle signatures is compared to the ballot signature. It’s not necessarily the one you signed on your original registration 20 years ago.” (Stip. Fact ¶ 11)

31. Bryan Caskey, Kansas’ Director of Elections, has trained county election officials that, when reviewing the signature on a voter’s advance mail ballot envelope, they generally should presume the signature is valid. (Ex. 1 at ¶ 26); (Ex. 2 at 160:15-161:8)

32. Mr. Caskey has consistently informed county election officials over the last two years that the standard in K.A.R. 7-36-9 for determining whether the signature on a voter’s ballot envelope is a “match” to one of the voter’s signatures on file is deliberately very lenient. (Ex. 1 at ¶ 26)

33. Andrew Howell explained that Shawnee County gives voters the “benefit of the doubt” when determining whether the signature on an advance ballot envelope is a match with the voter’s signature on file. (Ex. 5 at 90:5-24)

34. Rich Vargo echoed that Riley County conducts its signature verification process “overwhelmingly in favor of wanting every ballot to be able to count. That’s why there [were]

zero [ballots rejected for a signature mismatch in 2024] and two [in 2022].” He added, “We are in the business to count ballots, not to reject.” (Ex. 3 at 97:18-98:15)

35. Johnson County Election Commissioner Fred Sherman noted that, “based off the number of ballots we process and receive versus the number that challenge, . . . the vast, vast majority of return envelopes do have a consistent signature.” (Ex. 4 at 97:19-98:2)

36. K.A.R. 7-36-9(g)(4) directs that at least two election officials who have been trained by the secretary of state must agree that a voter’s signature is “inconsistent” (as that term is defined in K.A.R. 7-36-9(a)(2)). (Stip. Fact ¶ 61)

37. If election officials know about a voter’s disability status, the election official will often take that fact into account when conducting the signature verification review. (Ex. 5 at 93:23-95:10)

38. In the event that at least two county election officials agree that the signature on an advance ballot envelope is “inconsistent” with the signatures in a voter’s registration file, the county is directed to undertake procedures to attempt to inform the voter of the inconsistent signature and to provide him/her with an opportunity to “cure” the inconsistent signature. K.A.R. 7-36-9(b)-(e). (Stip. Fact ¶ 62)

39. K.A.R. 7-36-9(g)(5) directs that verification of the voter’s signature is not required if a voter has a disability preventing the voter from signing the ballot or preventing the voter from having a signature that matches the voter’s registration form. (Stip. Fact ¶ 83)

40. A voter who has a disability that prevents the voter from either signing the ballot or from signing consistent with the voter’s registration form on file may have a third party sign the ballot on the voter’s behalf. To do so, the third party must either execute the affidavit on the

outside of the ballot envelope or complete a Form AV5 – Affidavit of Assistance – and return it to the county election office. (Ex. 1 at ¶ 23); (Ex. 5 at 98:9-99:21)

41. Following enactment of K.S.A. 25-1124(h), the Secretary of State approved the use of a video, originally produced by the Oregon Secretary of State, for use in training election officials on signature verification. (Stip. Fact ¶ 50)

42. The Kansas Secretary of State’s Office, through its State Election Director (Mr. Caskey), selected this video after reviewing the training used by seven to nine different states and making the determination that it most accurately reflected the standards and was the best training available at the time. (Ex. 1 at ¶ 28)

43. This video is used not only in Oregon, and now Kansas, but also in Tennessee. (Ex. 1 at ¶ 28)

44. All county election officials who conduct the signature verification review process on advance mail ballots must first view the training video approved by the Secretary of State. K.A.R. 7-36-9(f); (Ex. 3 at 89:7-14); (Ex. 4 at 82:2-84:21); (Ex. 5 at 81:20-84:1, 86:16-87:4)

45. Kansas’s AV5 form is titled “Affidavit of Assistance.” (Stip. Fact ¶ 85)

46. Kansas permits counties to conduct signature verification using digitally captured signatures as comparator signatures. (Stip. Fact ¶ 91)

47. Kansas requires counties to conduct signature verification for a voter even if the county only has a digital comparator on file in the voter’s registration record. (Stip. Fact ¶ 93)

48. K.A.R. 7-36-9(b)(2)(A) directs that, if the signature on the advance ballot envelope is determined to be “inconsistent” with the signatures in a voter’s registration file,

county election officials must attempt to call the voter at least three times, if the voter's telephone number is reasonably available. (Stip. Fact ¶ 94)

49. Unless it is unnecessary because of prior telephonic contact with the voter, the county election office is directed to send the voter a notice letter, by first-class mail, informing him/her of the "inconsistent" signature with instructions on how to verify the voter's identity. K.A.R. 7-36-9(b)(2)(B). (Stip. Fact ¶ 95)

50. In addition to phone and first-class mail, county election officials may use any other means, including electronic mail or a personal visit to a voter's residence, to contact the voter about the voter's apparently inconsistent signature. K.A.R. 7-36-9(b)(2)(C). (Stip. Fact ¶ 96)

51. K.A.R. 7-36-9(d)(1) directs that a voter's signature on an advance ballot envelope that has been deemed "inconsistent" with the voter's signature on file in the county voter registration records may be cured by providing an updated signature consistent with the signature on file until the commencement of the county board of canvassers. (Stip. Fact ¶ 97)

52. By permitting a voter to cure at any time up until the date of the county canvass, the regulation was designed to provide a voter with as much the most time possible to cure a mismatched signature. In fact, voters casting a mail ballot have the same amount of time to cure a mismatched signature as voters who cast a ballot in-person do to cure a problem with photo identification. (Ex. 1 at ¶ 33)

53. If a voter's phone number is reasonably available, and if the county election official is able to reach the voter, the voter's voicemail, or someone else who answers the phone when the county election official calls, the county election official is directed to inform the voter of, or leave a voicemail or message with the other person who answered the call, about the

apparently “inconsistent” signature on the ballot envelope and how to verify the voter’s identity. K.A.R. 7-36-9(b). (Stip. Fact ¶ 98)

54. County election officials are directed to record each contact by phone with the date, time, and phone number for each call as well as whether instructions for curing an apparently inconsistent signature were left by voice mail, by conversation with the voter, or by conversation with another individual. K.A.R. 7-36-9(b)(2)(A) and (c)(1)(A). (Stip. Fact ¶ 100)

55. County election officials are directed to record each contact by mail by notating the date the letter was sent, the address to which the letter was sent, and a copy of the letter that was sent. K.A.R. 7-36-9(c)(1)(B). (Stip. Fact ¶ 101)

56. County election officials are directed to record each contact by other means by providing a general description of the means of voter contact. K.A.R. 7-36-9(c)(1)(C). (Stip. Fact ¶ 102)

57. As part of this litigation, Plaintiffs issued business records subpoenas to 29 Kansas counties: Allen, Barton, Butler, Cowley, Dickinson, Douglas, Elk, Ellis, Finney, Geary, Harvey, Jackson, Johnson, Leavenworth, McPherson, Miami, Montgomery, Pottawatomie, Reno, Rice, Riley, Saline, Sedgwick, Shawnee, Sheridan, Sumner, Thomas, Wallace, and Wyandotte. (Stip. Fact ¶ 45)

58. Plaintiffs’ subpoenas requested, among other documents, “copies of any and all” ballot envelopes “that were identified for rejection in [each] county pursuant to KSA 25-1124(b), KSA 25-1124(h), or KAR 7-36-9.” (Stip. Fact ¶ 46)

59. Plaintiffs’ subpoenas also requested “copies of any signature exemplars used to determine if the signature on the ballot envelope is inconsistent or a match with a signature on file.” (Stip. Fact ¶ 47)

60. Some Kansas counties permit voters who are deemed to have an “inconsistent” signature to “correct[]” the “deficiency” or otherwise “verify” their identity with the county by providing another signature via email, and at least one Kansas county (Johnson) does not. (Stip. Fact ¶ 103)

61. Some Kansas counties will make personal home visits to voters who are deemed to have an “inconsistent” signature to allow them to “correct[]” the “deficiency” or otherwise “verify” their identity with the county, and at least one county (Johnson) does not. (Stip. Fact ¶ 104); (Ex. 3 at 145:8-146:2); (Ex. 5 at 114:19-115:5, 116:8-17)

62. In the 2022 statewide General Election, counties reported to the Secretary’s Office 130 advance mail ballots that were rejected and not counted due to a signature on the mail ballot envelope being deemed “inconsistent” and not subsequently cured by the voter. (Stip. Fact ¶ 108)

63. In the 2024 statewide General Election, counties reported to the Secretary’s Office 94 advance mail ballots that were rejected and not counted due to a signature on the mail ballot envelope being deemed “inconsistent” and not subsequently cured by the voter. (Stip. Fact ¶ 109)

64. A county-by-county breakdown – for both the 2022 and 2024 General Elections – of the number of advance mail ballots that were cast, and the number that were rejected and not counted due to a signature on the mail ballot envelope being deemed “inconsistent” and not subsequently cured by the voter, is provided at (Ex. 1 at ¶ 27); (Exs. 1A and 1B).

65. In administering the SVR, Kansas counties utilize all signatures they have on file for a voter, not just the signature from the voter’s most recent voter registration application. (Ex. 5 at 19:22-21:22)

66. Among the signatures of a voter that counties use in determining if the voter's signature on his/her advance mail ballot envelope is a match to the voter's signatures on file are the signatures on voter registration forms, advance ballot applications, advance mail ballot envelopes, and poll pads. (Ex. 5 at 13:16-16:16, 105:15-106:3)

67. Riley County Clerk Rich Vargo testified that signature verification represents the only reasonable mechanism for ensuring that the person who submits an advance ballot is the same person to whom the ballot was sent. (Ex. 3 at 203:11-17)

68. Andrew Howell, when asked whether he had ever encountered voter fraud during his tenure as Shawnee County Election Commissioner, testified that he had made referrals to law enforcement on multiple occasions about potential fraud in connection with advance mail ballot applications and envelopes. (Ex. 5 at 65:19-70:24)

69. State Election Director Caskey believes that signature verification is the least burdensome, and only feasible, method for confirming that the voter who cast a mail ballot is the same voter who was authorized to cast that particular ballot. (Ex. 1 at ¶ 24)

70. For general elections, Kansas counties have the discretion to set the date of their county's canvass between six and 13 days after the election. (Stip. Fact ¶ 107)

71. Larger counties, like Sedgwick, Wyandotte, and Johnson, tend to hold their county canvass in the latter portion of the county canvass permitted timeframe. (Ex. 1 at ¶ 32).

72. In 2022, Wyandotte County convened its canvass on November 17 (nine days after the election).¹ In 2024, Wyandotte County convened its canvass on November 14 (nine days after the election).²

¹ <https://wycovotesckk.gov/important-dates/2022/11/17/general-election-canvass>

² <https://wycovotesckk.gov/important-dates/2024/11/14/2024-general-election-canvass>

73. In 2022, Johnson County convened its canvass on November 16 (eight days after the election).³ In 2024, Johnson County convened its canvass on November 15 (ten days after the election).⁴

74. In 2022, Sedgwick County convened its canvass on November 18 (ten days after the election).⁵ In 2024, Sedgwick County convened its canvass on November 14 (nine days after the election).⁶

75. Thirty-two states use a signature verification process as part of their mail-in voting process. (Ex. 1 at ¶ 8)

76. Eight states require that the voters' signature be notarized as part of their mail-in voting process. (Ex. 1 at ¶ 8)

77. Following the 2020 Presidential Election, there was a surge of individuals throughout the country, including Kansas, who expressed skepticism regarding the security, and susceptibility to fraud, of mail ballots. (Ex. 1 at ¶ 15)

78. The Kansas Secretary of State's Office often references the signature verification requirement to voters as an illustration that mail ballots in Kansas are secure. (Ex. 1 at ¶¶ 16-17)

79. State Election Director Caskey believes that it is exceedingly difficult to identify a person who has illegally cast a ballot given that the act is generally inherently covert and designed to avoid detection. (Ex. 1 at ¶ 10)

80. Kansas has had numerous elections decided by fewer than 500 votes, and even numerous smaller elections decided by fewer than 10 votes. (Ex. 1 at ¶ 12)

³ <https://www.jocogov.org/meetings-events/vote-canvass-general-election>

⁴ <https://www.jocogov.org/meetings-events/vote-canvass-2024-general-election>

⁵ <https://www.sedgwickcounty.org/communications/news-releases/media-advisory-for-election-day-nov-8/>

⁶ <https://www.sedgwickcounty.org/elections/election-notices-news-releases/notice-of-time-and-place-of-canvass/>

III. – Standards Governing Motions for Summary Judgment

The Kansas Supreme Court has set forth the standard governing motions for summary judgment pursuant to K.S.A. 60-256(c)(2):

Summary judgment is appropriate when the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. The trial court is required to resolve all facts and inferences which may reasonably be drawn from the evidence in favor of the party against whom the ruling is sought. When opposing a motion for summary judgment, an adverse party must come forward with evidence to establish a dispute as to a material fact. In order to preclude summary judgment, the facts subject to the dispute must be material to the conclusive issues in the case.

An issue of fact is not genuine unless it has legal controlling force as to the controlling issue. The disputed question of fact which is immaterial to the issue does not preclude summary judgment. If the disputed fact, however resolved, could not affect the judgment, it does not present a genuine issue of material fact.

Mitchell v. City of Wichita, 270 Kan. 56, 59, 12 P.3d 402 (2000) (quotations omitted).

The Kansas Supreme Court has further underscored that “the burden is not on the party moving for summary judgment to produce evidence showing the absence of a genuine issue of material fact, even with respect to an issue on which the nonmoving party bears the burden of proof.” *USD No. 232 v. CWV Invs., LLC*, 288 Kan. 536, 555, 205 P.3d 1245 (2009) (citing *Celotex Corp. v. Catrett*, 477 U.S. 317, 325 (1986)). To the contrary, “the burden on the moving party may be discharged by ‘showing’ – that is, pointing out to the district court – that there is an absence of evidence to support the nonmoving party’s case.” *Id.* (emphasis removed). Indeed, a “movant may make its prima facie demonstration simply by pointing out to the court a lack of evidence for the nonmovant on an essential element of the nonmovant’s claim.” *Id.* (citation omitted).

IV. – Argument

Although the Kansas Supreme Court has already held that the SVR in K.S.A. 25-1124(h) does not result in a violation of Plaintiffs’ right to vote under the Kansas Constitution, Plaintiffs insist that the statute contravenes their equal protection and due process rights under Sections 2 and 18 of the State Constitution’s Bill of Rights. Neither theory has merit.

A. – Plaintiffs’ Facial Attack on the SVR Imposes Steep Evidentiary Burden

Before turning to the merits of Plaintiffs’ claims, it is critical to highlight the *facial* nature of their attack. Plaintiffs are waging a wholesale constitutional challenge to the law, which is an extremely arduous hill to climb. “A facial challenge to the constitutionality of legislation is ‘the most difficult challenge to mount successfully, since the challenger must establish that *no set of circumstances exists under which the Act would be valid.*’” *State v. Jones*, 313 Kan. 917, 931, 492 P.3d 433 (2021) (quoting *United States v. Salerno*, 481 U.S. 739, 749 (1987)) (emphasis added). “The fact that the [challenged legislation] might operate unconstitutionally under some conceivable set of circumstances is insufficient to render it wholly invalid, since [the Court has] not recognized an ‘overbreadth’ doctrine outside the limited context of the First Amendment.” *Id.* (quoting *Salerno*, 481 U.S. at 745) (cleaned up). Such claims are highly disfavored because they typically rest on speculation, run contrary to the principle of judicial restraint, and threaten to short-circuit the democratic process by preventing laws representing the will of the people from being implemented. *Wash. State Grange v. Wash. State Republican Party*, 552 U.S. 442, 450-51 (2008); *State v. Bollinger*, 302 Kan. 309, 318-19, 352 P.3d 1003 (2015).

B. – SVR for Advance Ballots Does Not Violate Voters’ Equal Protection Rights

Prior to 2021, Kansas law was ambiguous as to whether county election officials were required to reject advance ballots due to signature mismatch. Nor was there any uniform standard

for the State's 105 counties to reference when conducting signature review or the attendant cure process if an advance ballot was flagged as a potential mismatch. The Legislature responded to this lack of clarity by adopting K.S.A. 25-1124(h), which provides as follows:

Subject to the provisions of subsection (b) [which mandates that counties attempt to contact voters to give them an opportunity to cure their advance mail ballot envelope flagged with a potential signature mismatch], no county election officer shall accept an advance voting ballot transmitted by mail unless the county election officer verifies that the signature of the person on the advance voting ballot envelope matches the signature on file in the county voter registration records, except that verification of the voter's signature shall not be required if a voter has a disability preventing the voter from signing the ballot or preventing the voter from having a signature consistent with such voter's registration form. Signature verification may occur by electronic device or by human inspection. In the event that the signature of a person on the advance voting ballot envelope does not match the signature on file in the county voter registration records, the ballot shall not be counted.

The passage of this law, along with the Secretary of State's adoption of an implementing regulation (K.A.R. 7-36-9) in May 2022, set forth specific standards to govern both the signature review and cure processes.

1. Governing Legal Standard

Because the regulation had not yet been adopted at the time the district court dismissed Plaintiffs' claims, the Supreme Court opted not to address it in its initial opinion. *LWW II*, 318 Kan. at 807. Instead, the Court merely recited Plaintiffs' broad allegations from their Amended Petition and stated that it would give them an opportunity to prove their claims on remand. *Id.*

The Court did, however, articulate an overarching standard to govern the equal protection inquiry. Noting that Kansas is guided by U.S. Supreme Court precedent in interpreting the scope of equal protection guarantees in Section 2 of the Kansas Constitution, *id.* at 805 (quoting *Rivera v. Schwab*, 315 Kan. 877, 894, 512 P.3d 168 (2022)), our Supreme Court specifically held:

Equal protection requires similarly situated individuals should be treated alike. It does not require that all persons receive identical treatment, but only that persons similarly situated with respect to the legitimate purpose of the law receive like treatment. To comply with equal protection in the context of providing “proper proofs” of the right to be a qualified elector, any proper proofs devised by the Legislature must be capable of being applied with reasonable uniformity upon objective standards so that no voter is subject to arbitrary and disparate treatment. *LWV II*, 318 Kan. at 805 (internal quotations and citations omitted).

a. *Traditional Equal Protection Principles Must Be Applied*

This standard, in turn, must be applied in a manner that affords substantial deference to the State. This is true not only because of the facial nature of Plaintiffs’ attack on the SVR, but also due to the absence of any fundamental rights or protected classes. Where neither a fundamental right nor a suspect class is at issue, the court applies a rational basis standard to determine whether the challenged statutory scheme bears some rational relationship to a valid legislative purpose. *Downton Bar & Grill, LLC v. State*, 294 Kan. 188, 193-94, 273 P.3d 709 (2012). In fact, with a facially neutral law such as the SVR, the lack of any *discriminatory purpose* targeted at a suspect class – which is neither present nor alleged here – means the law must be evaluated under rational basis review even if there was a disparate impact. *See Washington v. Davis*, 426 U.S. 229, 238-42 (1976); *FCC v. Beach Commc’ns, Inc.*, 508 U.S. 307, 313 (1993); *see also Mays v. LaRose*, 951 F.3d 775, 783 & n.4 (6th Cir. 2020) (applying traditional equal protection test to allegation of disparate burden flowing from State’s absentee voting rules); *Crawford v. Kan. Dep’t of Rev.*, 46 Kan. App. 2d 464, 468, 263 P.3d 828 (2011) (“Evidence that similarly situated persons were treated differently is not, in and of itself, sufficient to establish an equal protection violation; an element of intentional or purposeful discrimination must also be present.”) (citing *Snowden v. Hughes*, 321 U.S. 1, 8 (1944), and *Pork Motel, Corp. v. Kan. Dep’t of Health & Env’t*, 234 Kan. 374, 387, 673 P.2d 1126 (1983)).

Although the SVR procedures adopted by Kansas represent the most reasonable manner of facilitating election integrity while minimizing any burdens on voters, it would be irrelevant if the State could have chosen a better, or less burdensome, method for pursuing its objectives. “[T]he relationship between the classification and the legislative objective it serves need not be narrowly tailored to the objective. A rational connection between the two will suffice.” *Hoesli v. Triplett, Inc.*, 303 Kan. 358, 370, 361 P.3d 504 (2015). “Relevance is the only relationship required between the classification and the objective.” *Id.* (quotation and alteration omitted). In other words, the “standard is met so long as the statute produces effects that advance, rather than retard or have no bearing on, the attainment of the objective.” *Id.* (quotations omitted); *accord Schweiker v. Wilson*, 450 U.S. 221, 230 (1981) (“The equal protection obligation . . . is not an obligation to provide the best governance possible.”).

The Kansas Supreme Court has already held that there is no freewheeling right to vote, divorced from “concrete and specific provisions of the Constitution or statutes.” *LWV II*, 318 Kan. at 799-800; *accord Rodriguez v. Popular Democratic Party*, 457 U.S. 1, 9 (1982) (“[T]he right to vote, *per se*, is not a constitutionally protected right.”). It is merely an “enumerated political right,” *id.* at 800, and the Legislature may validly impose pre-conditions like the SVR (i.e., “proper proofs”) pursuant to its constitutional authority. *Id.* at 801. *See also Common Cause Ind. v. Lawson*, 977 F.3d 663, 664 (7th Cir. 2020) (“As long as it is possible to vote in person, the rules for absentee ballots are constitutionally valid if they are supported by a rational basis and do not discriminate based on a forbidden characteristic such as race or sex.”); *Org. for Black Struggle v. Ashcroft*, 978 F.3d 603, 607 (8th Cir. 2020) (“[A]s long as the state allows voting in person, there is no constitutional right to vote by mail.”).

Moreover, while Plaintiffs contend the SVR has a disparate impact on disabled voters – a point for which there is no competent evidence – disabled individuals are not a protected class. *Bd. of Trustees v. Garrett*, 531 U.S. 356, 367 (2001) (“States are not required by the Fourteenth Amendment to make special accommodations for the disabled, so long as their actions towards such individuals are rational.”). Thus, even if the SVR did have a disparate impact on disabled voters, that would not suffice to trigger an equal protection violation. *Pers. Adm’r of Mass. v. Feeney*, 442 U.S. 256, 272 (1979). “The calculus of effects, the manner in which a particular law reverberates in a society, is a legislative and not a judicial responsibility.” *Id.* A challenged state law must be upheld under this standard “if there is any reasonably conceivable state of facts that could provide a rational basis” for it. *Beach Commc’ns*, 508 U.S. at 313.

b. *Anderson-Burdick* Balancing Would Also Result in Upholding of SVR

Although Defendants believe the traditional test for scrutinizing equal protection claims is the appropriate methodology for evaluating Plaintiffs’ equal protection cause of action, the same result would yield if the Court applied the so-called *Anderson-Burdick* balancing test used by federal courts to examine challenges to certain mechanics of the electoral process where the burden on voters is more than *de minimis*.⁷ See *Mazo v. N.J. Sec’y of State*, 54 F.4th 124, 138-39 (2022) (*Anderson-Burdick* does not apply where the burden is *de minimis*). Under the *Anderson-Burdick* test, “weigh ‘the character and magnitude of the asserted injury to the rights protected by the First and Fourteenth Amendments that the plaintiff seeks to vindicate’ against ‘the precise interests put forward by the state as justifications for the burden imposed by its rule,’ taking into consideration ‘the extent to which those interests make it necessary to burden the plaintiff’s

⁷ The *Anderson-Burdick* balancing test has come under heavy criticism due to, *inter alia*, its lack of clear guidelines, interference with legislative judgments, expansion of judicial discretion in sensitive policy matters, and encouragement of constant litigation. See *Eakin v. Adams Cnty. Bd. of Elections*, ___ F.4th ___, 2025 WL 2995469, at *3 (3d Cir. 2025) (Bove, J., dissenting from denial of rehearing en banc).

rights.” *Burdick v. Takushi*, 504 U.S. 428, 434 (1992) (quoting *Anderson v. Celebrezze*, 460 U.S. 780, 789 (1982)). “[W]hen those rights are subjected to severe restrictions, the regulation is subject to strict scrutiny and must be narrowly drawn to advance a state interest of compelling importance.” *Burdick*, 504 U.S. at 434. But when those rights are subjected to reasonable, nondiscriminatory restrictions, the challenged law is exposed to far less searching review that is closer to rational basis and “the State’s important regulatory interests are generally sufficient to justify the restrictions.” *Burdick*, 504 U.S. at 434.

Moreover, the burden of a nondiscriminatory law is analyzed *categorically* under *Anderson-Burdick*, without consideration of “the peculiar circumstances of individual voters.” *Crawford v. Marion Cnty. Election Bd.*, 553 U.S. 181, 206 (2008) (Scalia, J., concurring); *cf. id.* at 190 (plurality opinion) (noting that *Burdick* held that reasonable, nondiscriminatory election law imposed only a minimal burden despite preventing “a significant number of voters from participating in Hawaii elections in a meaningful manner”) (cleaned up); *Luft v. Evers*, 963 F.3d 665, 675 (7th Cir. 2020) (“One less-convenient feature does not an unconstitutional system make.”); *Memphis A. Philip Randolph Instit. v. Hargett*, 2 F.4th 548, 563 (6th Cir. 2021) (Readler, J., concurring) (same).

Taking into account K.S.A. 25-1124(h), K.A.R. 7-36-9, and the experience of the State’s 105 counties in carrying out the SVR over the last two general elections, it is beyond any serious dispute that the SVR suffers from no constitutional defects, regardless of whether the traditional equal protection analysis or the *Anderson-Burdick* balancing test is applied.

2. The SVR Process Employs an Extremely Lenient Regulatory Standard

Kansas employs a uniform regulatory standard across its 105 counties for determining whether voter signatures on advance mail ballot envelopes will be deemed to “match” the voter’s

signature on file in the voter registration database (i.e., ELVIS). And it is a very lenient standard. As long as a “signature is generally uniform and consistent with the voter’s signature” in ELVIS, it must be treated as a match. K.A.R. 7-36-9(a)(4). A signature will be adjudged “inconsistent” only if it “differs in multiple, significant, or obvious respects from the voter’s signature” on file in ELVIS. *Id.* § 7-36-9(a)(2). Moreover, every signature that a voter has submitted, or that some other state agency has transmitted, to the county election office since the voter’s registration will be considered in this evaluation. *Id.* § 7-36-9(g)(1). This universe could encompass, *inter alia*, voter registration forms, advance ballot applications, advance ballot envelopes, poll pads, and any other correspondence with the voter. SOF ¶ 66. If *any* signature in that database matches the signature on the advance mail ballot envelope, the ballot will be counted. *Id.* § 7-36-9(g)(3).

Before a signature on an advance mail ballot can be deemed “inconsistent,” at least two election officials who have undergone signature verification training required by the Secretary of State must agree as to the inconsistency. *Id.* § 7-36-9(g)(4). If they do agree, a robust “cure” opportunity is then triggered. The county election office must first attempt to contact the voter by phone (if a number is reasonably available) at least three times and leave a message if the voter does not personally answer. *Id.* § 7-36-9(b)(2)(A). Assuming the county election office does not reach the voter telephonically, the office must then send the voter, by first class mail, a notice informing the voter of the apparently inconsistent signature and providing instructions on how the voter can verify his/her identity. *Id.* § 7-36-9(b)(2)(B). Other means of contacting the voter are also expressly authorized, including e-mail and a personal visit to the voter’s residence. *Id.* § 7-36-9(b)(2)(C). Signature deficiencies can be corrected at any time, all the way up until the commencement of the county board of canvassers (which is held between six and thirteen days

after the election), by providing an updated signature that is consistent with one of the voter's signatures on file. *Id.* § 7-36-9(d)(1).

County election officials testified that mail ballot envelopes are nearly always reviewed within 24 hours of receipt. SOF ¶ 23. In rare scenarios, the review might occur two days after receipt. *Id.* But given that the county canvasses take place between six and thirteen days after the election, SOF ¶ 70, no reasonable argument can be made that voters are not afforded adequate time to cure a signature mismatch. In fact, the counties that Plaintiffs focus on in terms of having an allegedly “larger” number of advance ballots rejected due to signature mismatch (a relative figure, since the number is still so miniscule) – Johnson, Wyandotte, and Sedgwick – all tend to hold their county canvasses late in the permissible calendar. SOF ¶ 71.

Furthermore, the liberal regulatory standard for reviewing signatures on a ballot envelope in K.A.R. 7-36-9 effectively operates as a presumption in favor of treating such signatures as a match. Bryan Caskey, the State's Director of Elections, testified that he directs and trains county election officials to err on the side of counting advance mail ballots if there is ambiguity as to whether the signature is a match. SOF ¶¶ 31-32. Riley County Clerk Rich Vargo and Shawnee County Election Commissioner Andrew Howell testified that their offices either give voters “the benefit of the doubt” (Howell) or conduct the review process “overwhelmingly in favor of wanting every ballot to be able to count” (Vargo). SOF ¶¶ 33-34. While Johnson County Election Commissioner Fred Sherman said that he would not necessarily characterize the review as a “presumption,” the miniscule number of ballots rejected due to a mismatch in his county (e.g., only 12 in the 2024 General Election, *see* SOF ¶ 64), means that the signature review process effectively operates the same there as it does everywhere else. As he put it, “based off

the number of ballots we process and receive versus the number that challenge, . . . the vast, vast majority of return envelopes do have a consistent signature.” SOF ¶ 35.

Substantial accommodations are also made available to disabled voters in the signature review process. If, for example, a voter has a disability or illness that prevents her from either signing the ballot or from signing consistent with her signature(s) on file in ELVIS, verification of that voter’s signature will not be required. *See* K.S.A. 25-1124(c), (h). Instead, the voter may have a third party execute an affidavit (including the one contained on the outside of every ballot envelope) and sign on the voter’s behalf. *See* K.S.A. 25-1121(b)-(c). Kansas election officials do not question a voter’s self-designation as suffering from a “disability” or “illness.” SOF ¶ 19. Attestations are accepted at face value. Moreover, if election officials know about the voter’s disabled/ill status (a scenario most commonly arising where the voter is on the permanent advance voting list, which is reserved for individuals with a permanent disability or illness, K.S.A. 25-1122(h)), the election official will often take that fact into account when conducting the signature verification review. SOF ¶ 37.

Motivated by interests very different than the State’s desire to make it as easy as possible to vote by mail while still ensuring the integrity of the electoral process, Plaintiffs labor mightily to dice K.A.R. 7-36-9’s regulatory language as finely as possible so as to sow confusion where none exists and to suggest an arbitrariness in signature review that is contrary to practical reality. Plaintiffs advocate for the harshest conceivable construction, which they presumably believe will lead to the greatest number of signature rejections (and thus serve their goal of invalidating the SVR). But that is not the intention of the regulation, nor has it ever been interpreted that way by the State or counties, as evidenced by the tiny number of ballots rejected due to a signature mismatch since the regulation was adopted in 2022.

Plaintiffs’ parsing of K.A.R. 7-36-9(a)(2)’s “multiple, significant, or obvious” phrasing divorces it from how the signature verification process is administered and treats the deliberately broad definition of “match” in § 7-36-9(a)(4) as a virtual afterthought. *See Woessner v. Labor Max Staffing*, 312 Kan. 36, 49, 471 P.3d 1 (2020) (“To determine the meaning of statutes and regulations, all provisions, *in pari materia*, must be construed together.”) (quoting *Carnes v. Hannigan*, 27 Kan.App.2d 237, 239, 3 P.3d 548 (1999)); Scalia & Garner, *Reading Law: The Interpretation of Legal Texts* 180 (“The provisions of a text should be interpreted in a way that renders them compatible, not contradictory.”). The regulation is properly construed to instruct election officials to make a *global judgment* about overall uniformity – not some mechanical checklist of micro-criteria – while erring on the side of treating signatures as a match. The interpretation Plaintiffs propose, on the other hand, would manufacture unworkable mini-tests that no Kansas county employs.

3. *De Minimis* Nature of Alleged Harms Flowing from the SVR Undermines Plaintiffs’ Claims

Plaintiffs have demonstrated nothing remotely close to the kind of injuries or proof they would have to establish to prevail on a facial equal protection or due process attack on the SVR. In the 2022 General Election, the first election following the legislature’s passage of the challenged law and the Secretary of State’s adoption of an implementing regulation, there was a total of 131,204 advance mail ballots cast and counted in the State. SOF ¶¶ 7-8. Yet across all 105 counties, only 130 advance ballots during that election were rejected and not counted due to a mismatched signature on the ballot envelope that was not subsequently cured by the voter. SOF ¶ 62. In other words, less than 1/10 of 1% (0.00098) of mail ballots were rejected due to a signature mismatch in the 2022 election.

The statistics are even worse for Plaintiffs in the 2024 General Election, during which there were 148,138 advance mail ballots cast and counted in the State, with only 94 rejected and ultimately not counted due to a signature mismatch. SOF ¶¶ 7, 9, 63. That means an infinitesimally small 6/100 of 1% (0.00063) of mail ballots were rejected based on a signature mismatch in the 2024 election.

Meanwhile, despite blanketing Kansas county election offices with KORA requests and at least 29 third-party business record subpoenas, Plaintiffs identify only a handful of voters whose advance mail ballot envelope signatures were allegedly improperly flagged for a potential mismatch and/or who were allegedly not afforded an adequate opportunity to cure their signature mismatch. Although Defendants dispute that *anything* improper occurred with those individuals – and Plaintiffs lack any competent evidentiary foundation to prove to the contrary – the utterly *de minimis* nature of the alleged injury is fatal to Plaintiffs’ facial attack. *See Burdick*, 504 U.S. at 434 (if the magnitude of injury to plaintiffs from an election integrity law is minimal, the statute must be upheld as long as it is reasonable, non-discriminatory, and furthers important regulatory interests). In fact, *Anderson-Burdick* balancing does not even apply – and straight, ultra-deferential rational basis is properly invoked – when “the burden on a constitutional right is no more than *de minimis*.” *Mazo*, 54 F.4th at 138-39; *see also id.* at 139 n.10.

Confronted with the tiny number of voters whose advance mail ballots were rejected due to a signature mismatch since the challenged statute and associated regulation were adopted in 2021 and 2022 respectively, Plaintiffs advance a farfetched theory that the injury to voters from the SVR is not simply the potential rejection of their ballots. Rather, Plaintiffs maintain, the *cure process* – whereby voters whose signature on an advance ballot envelope has been flagged by the county as a possible mismatch and who are then given an opportunity to correct the mismatch at

any time prior to the county canvass – *itself* imposes a substantial burden. This position is nonsensical and is flatly contradicted by U.S. Supreme Court precedent.

Plaintiffs’ “expert,” Dr. Kenneth Mayer, argues the cure process is burdensome on voters – and increases the “cost” of voting – by forcing voters whose advance ballot envelope signature has been identified by county election officials as inconsistent with the voter’s signature on file to appear either in person at the election office to provide an updated signature or to complete an additional signature form to send back to the county via mail, e-mail, or fax. Exhibit 7, Expert Report of Dr. Kenneth Mayer (“Ex. 7”), at 9. Just as a matter of common sense, this burden theory is utterly frivolous. But Supreme Court precedent reinforces its lack of merit. The Court held, for example, in *Crawford v. Marion County Election Board*, 553 U.S. 181, 198 (2008), that “the inconvenience of making a trip to the BMV, gathering the required documents, and posing for a photograph surely does not qualify as a substantial burden on the right to vote, or even represent a significant increase over the usual burden of voting.” The fact that a photo ID requirement may also be more burdensome on some individuals than others, the Court added, is simply part of “life’s vagaries” and is “neither so serious nor so frequent as to raise any questions about the constitutionality” of the law. *Id.* at 197.

If being forced to traverse all the way across town to the Department of Motor Vehicles for a photo ID is not a burden of constitutional magnitude, then no serious argument can be made that having to mail in an updated signature card, or even having to go in person to the county election office to cure a signature mismatch, presents an unreasonable (let alone unconstitutional) burden. As the Fifth Circuit held in rejecting an equal protection attack on Texas’ signature verification law:

Signature-verification requirements, like photo-ID requirements, help to ensure the veracity of a ballot by identifying eligible voters. Signature-verification requirements are even less burdensome than photo-ID requirements, as they do not require a voter to secure or to assemble any documentation. True, some voters may have difficulty signing their names on ballots. But in *Crawford*, even though some voters might find it difficult either to secure a copy of their birth certificate or to assemble the other required documentation to obtain a state-issued identification, that difficulty did not render the photo-ID law a severe burden on the right to vote.

Even if some voters have trouble duplicating their signatures, that problem is neither so serious nor so frequent as to raise any question about the constitutionality of the signature-verification requirement. No citizen has a Fourteenth Amendment right to be free from the usual burdens of voting. And mail-in ballot rules that merely make casting a ballot more inconvenient for some voters are not constitutionally suspect.

Richardson v. Tex. Sec'y of State, 978 F.3d 220, 236-37 (5th Cir. 2020) (quoting *Crawford*, 553 U.S. at 199 (2008)) (internal alternations omitted).

Plus, the whole point of the cure process is that it is a *boon* to voters. Rather than having their ballot rejected due to a signature mismatch, voters are given the opportunity to correct any inconsistencies in their ballot envelope signature – all the way up until the county canvass – and thereby ensure that their vote will be counted. That is not a *flaw* in the Kansas procedure; it is a *feature*.

Dr. Mayer's burden theory, meanwhile, is largely predicated on *five* apparently disabled voters from Johnson County across three separate elections. Ex. 7 at 18. That obviously does not suffice to prove an equal protection violation. One need not have a statistical degree to know that Plaintiffs cannot extrapolate a *statewide burden* based on the anecdotes of just five voters, drawn from three different elections, involving a single county.⁸ See *Brnovich v. DNC*, 594 U.S. 647,

⁸ Even those five examples prove *nothing*. They certainly do not show that the State – or Johnson County for that matter – did anything improper. The referenced voters were individuals listed on a county provisional ballot report who were contacted by election officials about correcting a signature mismatch. Dr. Mayer simply produced excerpted pages from the Johnson County report in 2022 and 2024. In each

671 (2021) (the proper judicial inquiry is not on the burden to a handful of individual voters who might be adversely affected by a statute; it is on the electorate “as a whole”); *State v. Butts*, 31 Kan. 537, 2 P. 618, 622 (1884) (the mere fact that “isolated instances may occur where a party, through absence or sickness, is unable to register, and so loses his vote” is not a constitutional infirmity; “[i]f the legislature has the right to require proof of a man’s qualification, it has a right to say when such proof shall be furnished, and before what tribunal, and unless this power is abused the courts may not interfere.”). Furthermore, the Kansas Supreme Court already rejected Dr. Mayer’s theories. *See LWV II*, 318 Kan. at 805 (holding that any burdens under the signature verification law “are reasonably related to the Legislature’s duty and prerogative to provide proper proofs” and “courts may not interfere” with this legislative authority on those grounds) (internal quotation marks omitted).

Nor do Plaintiffs gain any traction from Dr. Mayer’s flimsy comparison of the number of advance mail ballots flagged for an initial signature mismatch versus the number of such ballots that were subsequently cured. Ex. 7, at 16-17; Exhibit 8, Amended Table 1 from Dr. Mayer’s Expert Report (“Ex. 8”). First, this sort of comparison is pointless. A “cured” ballot represents a correction/verification of an advance mail ballot and is a normal and useful part of the signature verification process. A cured ballot means the voter’s ballot counted and election integrity safeguards were fulfilled. The fact that a signature mismatch was cured in no way means that

case, the county timely contacted the voter to give the voter an opportunity to cure the mismatch. In four of the examples, the voter apparently said that he/she could not come into the election office to cure because of some sort of illness or disability. While we do not know the full context of their circumstances other than a single cryptic sentence of hearsay in the provisional ballot report, each of those voters easily could have had a third party execute an affidavit of assistance (or sign the affidavit on the advance mail ballot envelope), thus allowing the third party to sign the voter’s ballot envelope on the voter’s behalf and have the ballot counted. The fact that those voters chose not to avail themselves of that opportunity is a problem of their own choosing, not a defect in the law. None of this matters anyway, of course, in a *facial* challenge like the one presented here.

county election officials made an “error” in the initial mismatch assessment. Voters may have “signed” their ballot envelope with a scribble rather than their normal signature (as many people do, for example, at the grocery store checkout or when signing for a UPS delivery), and election officials have no way of knowing if that scribble – assuming it does not match the signatures on file in ELVIS – is the signature of the voter or some third party possibly engaging in nefarious activity.

Second, Dr. Mayer provides no evidence – nor even an *allegation* – that *any* of the ballots he references in his updated Table 1 as having been flagged, at least initially, as containing a signature mismatch were *improperly* adjudged by the election office’s signature reviewers. As just noted, the mere fact that a signature mismatch was cured does not mean that county election officials made an “error” in the initial mismatch assessment.

Third, Dr. Mayer draws upon only *two counties* (Johnson and Wyandotte) in formulating his theory. It is simply not possible to make any *statewide* conclusions based on two counties in two common elections.⁹

Fourth, as explained in greater detail in Defendants’ accompanying *Daubert* motion to exclude Dr. Mayer’s testimony and opinions, the sample size in his report is so small that it is statistically insignificant. Plaintiffs retained him to review advance mail ballot signature rejections across Kansas counties and then, using the infinitesimally small number of such rejections, claim “rejection rates” of great disparity. In undertaking this endeavor, he calculated the number of ballots rejected due to a mismatched signature in a county and then divided that figure by the total number of advance mail ballots returned by voters in the county. Ex. 7 at 19-20. He

⁹ Dr. Mayer also includes figures for Johnson County in the 2020 General Election. But those numbers are immaterial given that the challenged law did not take effect until 2021 and the associated cure procedure regulations were only adopted in 2022. He also includes numbers for a Wyandotte County primary election in 2024, but that is the only primary election in the entire State that he analyzed.

described the resulting number as “county-level signature verification rejection rates.” Exhibit 9, Excerpts from the Deposition of Dr. Kenneth Mayer (“Ex. 9”), at 121:14-123:17. Using these tiny numbers, Dr. Mayer proceeded to claim that disparities among counties with non-zero rejection rates (i.e., counties that rejected at least one advance mail ballot even after accounting for the cure process) were “enormous.” Ex. 9 at 122:17-123:17. His analysis is complete bunk.

To begin with, all but two of the nine elections he analyzed (in Table 3 of his report) preceded the adoption of the challenged statute at issue here. Moreover, in the 2022 General Election, as reflected in Exs. 1A and 1B, 85 of the State’s 105 counties did not reject a single advance mail ballot because of a signature mismatch; in the 2024 General Election, 84 counties did not reject a single such ballot for that reason. Of the remaining counties that did reject at least one advance mail ballot due to an uncured signature mismatch, Dr. Mayer’s suggestion that the disparity among them was “enormous” is meaningless from a statistical perspective. The reason is that not only is Dr. Mayer’s underlying voter data incorrect (as Defendants explain in their accompanying *Daubert* motion), but his sample size is so small that it reveals nothing useful. The tiniest fluctuations can completely change the numbers. (For example, in a rural county with a small number of voters, a single mail ballot rejected due to a mismatch could cause that county’s “rejection rate” to literally double.) See *Brnovich*, 594 U.S. at 671 (“[T]he mere fact there is some disparity in impact does not necessarily mean that a system is not equally open or that it does not give everyone an equal opportunity to vote. The size of any disparity matters. And in assessing the size of any disparity, a meaningful comparison is essential. What are at bottom very small differences should not be artificially magnified.”) (citing *Frank v. Walker*, 768 F.3d 744, 752, n. 3 (7th Cir. 2014)); *Lemons v. Bradbury*, 538 F.3d 1098, 1106-1107 (9th Cir.

2008) (minor deviations in the signature rejection rates of different counties do not constitute an equal protection violation).

As for Plaintiffs' other expert, Dr. Linton Mohammed, his expertise is of no value in this case, as detailed at length in Defendants' accompanying *Daubert* motion. As described therein, he mixes apples and oranges by conflating forensic document comparison examinations with the fundamentally different signature screening review that is at the heart of the Kansas' process. He simply fails to grasp that election officers are not charged with conducting forensic-level examinations of signatures, nor are they required to apply scientific techniques and methods to investigate crimes. Instead, election officers simply review ballots and determine whether the standards set forth in the governing regulation (K.A.R. 7-36-9) have been met to warrant referral of a ballot to the curing process.

4. Trivial Differences Between County SVR Procedures Do Not Amount to an Equal Protection Violation

As noted above, the Kansas Supreme Court has held that to satisfy equal protection in the SVR context (a statute enacted pursuant to the Legislature's constitutional authority to require proper proofs in elections), identical treatment is unnecessary. The law simply requires that the SVR "must be capable of being applied with reasonable uniformity upon objective standards so that no voter is subject to arbitrary and disparate treatment." *LWV II*, 318 Kan. at 805. Particularly in the framework of a facial attack on the law, Plaintiffs come nowhere close to proving their case. It is not just the facts that stand in the way of Plaintiffs' theory; it is a plethora of case law as well.

Bush v. Gore, 531 U.S. 98 (2000), is perhaps the seminal Supreme Court case in this area. But the facts underlying that suit are not just distinguishable, they are unrecognizable, from this

action. The Supreme Court there invalidated the Florida Supreme Court’s mandated recount of the 2000 presidential election as lacking “sufficient guarantees of equal treatment” because the recount directive failed to provide *any* standard for election officials to use when determining the intent of the voter. *Id.* at 106-07. In the absence of such a uniform standard, Florida counties employed “varying standards to determine what was a legal vote,” resulting in recount outcomes that were “markedly disproportionate to the difference in population between the counties.” *Id.* at 107. It was complete chaos. At least one county changed the guiding principles *during* the count, three members of the county canvassing board in another county all used different evaluative rules, *id.* at 106, and “ad hoc teams of judges from various” counties – with “no previous training in handling and interpreting ballots” were pulled together to conduct the recount. Nor was there an opportunity for anyone to object to, or cure, purported defects. *Id.* at 109. Confronted with this erratic state of events, the Supreme Court held that the “recount mechanisms implemented in response to the decisions of the Florida Supreme Court do not satisfy the minimum requirement for nonarbitrary treatment of voters necessary to secure the fundamental right.” *Id.* at 105.

Federal appellate courts construing this decision have emphasized that “the standard [the Supreme Court] applied to Florida’s court-ordered recount was merely the ‘minimal’ standard of non-arbitrary state action.” *Election Integrity Project Cal., Inc. v. Weber*, 113 F.4th 1072, 1091 (9th Cir. 2024) (quoting *Bush*, 531 at 110). “That standard does not require absolute uniformity of election rules nor total precision in their formulation. State-by-state and intra-state variation in the administration of elections is a feature – not a bug – of our federal system.” *Id.* “All that is required is ‘some assurance’ that election rules and practices satisfy ‘the rudimentary requirements of equal treatment and fundamental fairness.’” *Id.* (quoting *Bush*, 531 U.S. at 109).

Critically, every federal appellate court but one to consider the issue has rejected equal protection challenges to SVR standards and procedures that are closely identical to, or substantially less protective of voters, than those used in Kansas. *See Weber*, 113 F.4th at 1079-80 & 1089-95; *Richardson*, 978 F.3d at 235-41; *Lemons*, 538 F.3d at 1105-07. And that one outlier, *Democratic Exec. Comm. of Fla. v. Lee*, 915 F.3d 1312 (11th Cir. 2019), bears zero resemblance to this case and was later criticized by the Eleventh Circuit itself, which questioned the case’s validity and precedential value.¹⁰ *Jacobson v. Fla. Sec’y of State*, 974 F.3d 1236, 1256 (11th Cir. 2020) (“Nor need we decide whether *Lee* – which was issued by a motions panel instead of a merits panel – is even binding precedent.”). State appellate courts have also joined this chorus. *See, e.g., Thurston v. League of Women Voters*, 687 S.W.3d 805, 812-13 (Ark. 2024); *Arizonans for Second Chances, Rehab. & Pub. Safety v. Hobbs*, 471 P.3d 607, 619-23 (Ariz. 2020).

Consider *Weber*. The plaintiffs in that case alleged that California’s SVR violated their equal protection rights. That State’s procedures were largely indistinguishable from Kansas’, *see Weber*, 113 F.4th at 1079-81, and the Ninth Circuit found no merit in the claim. While California included more detailed regulatory guidance than Kansas as to “which factors or characteristics to consider (or not consider) when comparing signatures,” *id.* at 1093, Kansas includes virtually the same instructions in the training video shown to all county election officials participating in the signature review process. What the Ninth Circuit said in blessing California’s SVR is equally true of Kansas:

¹⁰ In *Lee*, a 2-1 divided motions panel granted a stay after concluding that Florida’s signature-match requirement was not sufficiently uniform because (i) the law established no baseline statewide standard for comparing signatures, thereby freeing counties to adopt whatever standards and procedures they wanted, (ii) voters had little time to cure any signature mismatches, and (iii) county election officials received no training on signature comparison before undertaking their task. *Lee*, 915 F.3d at 1319-20. The SVR in Kansas is obviously completely different.

[T]he rules provide a uniform standard for determining when a signature must be rejected; a uniform process for matching signatures; a designation as to who is authorized to verify signatures; detailed and specific considerations for elections officials to follow when comparing signatures; and multiple, independent layers of review. Such rules and guidance are more than sufficient to satisfy the “rudimentary requirements of equal treatment and fundamental fairness.” *Bush*, 531 U.S. at 109.

Weber, 113 F.4th at 1093.

In both their deposition questioning and expert witness reports, Plaintiffs focused on a handful of voters scattered around the State whom they claim were improperly flagged for signature mismatches. Although Defendants believe that Plaintiffs have not established the requisite evidentiary foundation to prove the allegations about those particular voters, whether they could do so is beside the point. Even assuming, for the sake of argument, that some signatures *were* erroneously flagged – at least initially – as mismatches, such “isolated discrepancies are insufficient to demonstrate the absence of a uniform standard.” *Id.* at 1094 (quoting *Lemons*, 538 F.3d at 1106-07). This is particularly true where, as here, Plaintiffs have failed to demonstrate – or even allege – that “any difference between counties is markedly disproportionate to [a] difference in population.” *Id.* (quoting *Bush*, 531 U.S. at 107). After all, even “uniform standards can produce different results.” *Lemons*, 538 F.3d at 1107.¹¹

Common sense must also come into play. Human beings are not automatons. It is inevitable that certain signature verifiers may do a better job than others, but that is not constitutionally significant for purposes of the Equal Protection Clause. *Id.* As one court described it, “[a]rguable differences in how elections boards apply uniform statewide standards to the innumerable permutations of ballot irregularities, although perhaps unfortunate, are to be expected.” *N.E. Ohio Coal. for the Homeless v. Husted*, 837 F.3d 612, 636 (6th Cir. 2016). While objective standards are designed to

¹¹ In any event, the resulting “cure” process will negate any harm to the voter in nearly all cases.

minimize subjectivity, they still require judgment in their application. Reasonable minds can differ. But the rigorous test in K.A.R. 7-36-9 to deem a signature a non-match (i.e., “inconsistent”), combined with the elaborate and robust cure opportunity if the signature is so characterized, means that the likelihood of any arbitrary disenfranchisement occurring is next to zero.

Plaintiffs nevertheless fixate on minor differences in how some Kansas counties administer the SVR and associated cure process. Mostly, Plaintiffs train their fire on trivial distinctions between Johnson County (the State’s most populous county) and other locales. Their argument is overblown.

As an initial matter, equal protection analysis does not require absolute precision, nor does it mandate that all of Kansas’ 105 counties employ identical standards in every jot and tittle of their election administration practices. Every state’s electoral system is administered on a county-by-county basis. To suggest that *de minimis* deviations from one county to another – particularly on matters that involve human judgment – trigger equal protection violations would be both unprecedented and revolutionary. It would upend the county canvassing procedures. Neither the federal nor the state constitution requires anything so radical.

Moreover, many of the differences are completely logical. Plaintiffs lament, for example, that certain county election offices will travel to the home of a disabled voter so that such voter can cure a signature mismatch without having to come into the election office, while Johnson County does not. SOF ¶ 61. The concern here is of little relevance. While home visits are very rare, the sheer size of Johnson County renders such an option unfeasible there.¹² Plus, the notion

¹² Exhibit 6 shows the U.S. Census Bureau’s latest data – which is for 2023 and is derived from the American Community Survey – on the total population, voting age population, and citizen voting age population for every Kansas county. See U.S. Census Bureau, “Citizen Voting-Age Population (CVAP) Special Tabulation from the 2019-2023 5-Year American Community Survey (for county level),” Table B29001 and related datasets, available at <https://www.census.gov/data/datasets/2023/dec/rdo/2019-2023->

that a new floor is set anytime an election official in some county in the State goes above and beyond the minimum constitutional threshold is plain silly.

Other differences are equally explainable. Plaintiffs grumble that some counties permit voters to correct a signature mismatch by providing another signature via email, but Johnson does not. This makes sense, however, when one considers the exponentially greater volume of mail ballots processed in Johnson County.¹³ Requiring in-person curing ensures that election staff can confirm a voter's identity with certainty, helps maintain a secure chain of custody, and eliminates the risk of fraudulent or spoofed electronic submissions. All of this facilitates greater public confidence in the integrity of the election process, something especially important in such a populous county where results can influence statewide outcomes and are subject to greater scrutiny. By contrast, smaller counties typically manage far fewer ballots and often have more direct familiarity with individual voters, allowing them to verify emailed or faxed cures with less risk or administrative burden.

By way of example, in the 2024 General Election, there were 47,065 mail ballots cast and counted in Johnson County. SOF ¶ 64. In contrast, Riley County in 2024 had only 1,795 mail ballots cast and counted. *Id.* The logistical realities of scale, the need for uniformity and transparency, and the heightened risk management demands of a large jurisdiction thus provide a sound and practical rationale for Johnson County's in-person signature cure requirement.

[CVAP.html?utm_source=chatgpt.com](#). Although Defendants' point is just common sense, the Court may take judicial notice of such "matters of public record" in governmental bodies. *See Matter of Nwakanma*, 306 Kan. 704, 706, 397 P.3d 403 (2017).

¹³ Nearly 50,000 voted via advance mail ballot in Johnson County in the Nov. 2024 election. *See* <https://www.jocogov.org/newsroom/2024-general-election-results-certified-johnson-county>. In the Nov. 2020 election, more than 150,000 did. https://kansasreflector.com/2020/11/11/candidates-in-close-kansas-house-senate-races-await-johnson-county-canvass-results/?utm_source=chatgpt.com.

5. Kansas Has Strong and Compelling Interests in the SVR

As discussed previously, traditional equal protection analysis only requires a rational basis. But if the Court chooses to instead invoke *Anderson-Burdick* balancing, the State's powerful interests in the SVR are more than sufficient to defeat Plaintiffs' constitutional challenge. The bar on the State is set quite low in this inquiry. See *Timmons v. Twin Cities Area New Party*, 520 U.S. 351, 364 (1997) (when evaluating equal protection claim under *Anderson-Burdick* test in context of election integrity law where burdens imposed on voters by the law are not severe, "the State's asserted regulatory interests need only be sufficiently weighty to justify the limitation" on the voter's rights). The reason for such deference is that "a State's political system [need not] sustain some level of damage before the legislature [can] take corrective action." *Munro v. Socialist Workers Party*, 479 U.S. 189, 195 (1986). To the contrary, legislatures "should be permitted to respond to potential deficiencies in the electoral process with foresight rather than reactively." *Id.* at 195-96. This makes sense given that, "as a practical matter, there must be a substantial regulation of elections if they are to be fair and honest and if some sort of order, rather than chaos, is to accompany the democratic process." *Burdick*, 504 U.S. at 433 (quoting *Storer v. Brown*, 415 U.S. 724, 730 (1974)).

Defendants believe this Court need not even undertake an evaluation of Kansas' interests in the SVR inasmuch as the Kansas Supreme Court already recognized *in this case* that the statute serves legitimate and important purposes by protecting against invalidly cast ballots by ineligible voters. *LWV II*, 318 Kan. at 802-803. But if the Court does perform the analysis, the outcome could not be clearer that Defendants must prevail.

a. *Voter Fraud*

Kansas has multiple well-recognized interests in its SVR. The primary regulatory interest is in avoiding fraud, i.e., ensuring that the person who cast the ballot was the person authorized to cast the ballot. Signature verification is the best (and likely only) methodology to ensure that the advance mail ballot returned to the county election office was voted by the same voter to whom the ballot was sent. Kansas' election officials underscore this concern. SOF ¶¶ 67, 69.

The point makes perfect sense. When ballots are sent through the mail or handed to a third-party, election officials lose control of them. Ballot control is under the banner of chain-of-custody and when advance mail ballots leave the hands of the local election official, chain-of-custody is lost and the possibility of fraud by outside actors increases. Consequently, votes can more easily be either manufactured or stolen by outside sources, such as political operatives or party and candidate machines or others, than with in-person voting where ballot chain-of-custody is maintained throughout the process. Indeed, thirty-two states use a signature verification process as part of their mail ballot ecosystem. SOF ¶ 75. And eight more require that the voters' signature be notarized. SOF ¶ 76. In short, signature verification creates a security process to legitimize and verify the veracity of a ballot that has had an absence of chain-of-custody.

This interest is indisputably legitimate. "Fraud can affect the outcome of a close election, and fraudulent votes dilute the right of citizens to cast ballots that carry appropriate weight. Fraud can also undermine public confidence in the fairness of elections and the perceived legitimacy of the announced outcome." *Brnovich*, 594 U.S. at 672. The risk of voter fraud is particularly acute with mail-in voting. *See Crawford*, 553 U.S. at 195-96 ("flagrant examples of [voter] fraud . . . have been documented throughout this Nation's history by respected historians and journalists, and . . . Indiana's own experience with fraudulent voting in the 2003 Democratic

primary for East Chicago Mayor – though perpetrated using absentee ballots and not in-person fraud – demonstrate that not only is the risk of voter fraud real but that it could affect the outcome of a close election.”); *Richardson*, 978 F.3d at 239 (“Texas’s signature-verification requirement is not designed to stymie voter fraud only in the abstract. It seeks to stop voter fraud where the problem is most acute – in the context of mail-in voting.”).

Plaintiffs’ expert, Dr. Mayer, reiterating Plaintiffs’ allegation in their Amended Petition, (Am. Pet. ¶¶ 71, 194), complains that the Kansas legislature did not identify any advance ballot fraud when adopting the SVR. Ex. 7 at 22. But there is no such requirement:

[W]e do not force states to shoulder the burden of demonstrating empirically the objective effects of election laws. States may respond to potential deficiencies in the electoral process with foresight rather than reactively. States have thus never been required to justify their prophylactic measures to decrease occasions for voter fraud.

Richardson, 978 F.3d at 240 (quoting *Munro*, 479 U.S. at 195-96, and *Tex. LULAC v. Hughs*, 978 F.3d 136, 147 (5th Cir. 2020)); accord *Timmons*, 520 U.S. at 364 (“Nor do we require elaborate, empirical verification of the weightiness of the State’s asserted justifications.”); *League of Women Voters of Fla. Inc. v. Fla. Sec’y of State*, 66 F.4th 905, 925 (11th Cir. 2023) (“The Supreme Court has already held that deterring voter fraud is a legitimate policy on which to enact an election law, even in the absence of any record evidence of voter fraud.”) (quotation omitted). Moreover, Andrew Howell, when asked whether he had ever encountered voter fraud during his tenure as Shawnee County Election Commissioner, testified that he had made referrals to law enforcement on multiple occasions about potential fraud in connection with advance mail ballot applications and envelopes. SOF ¶ 68.

There are many examples of voter fraud involving mail ballots from across the country over the last ten years. See <https://electionfraud.heritage.org/> (search category of fraudulent use

of absentee ballots). And the Supreme Court has made clear that a State is not limited to fraud occurring within its own boundaries when demonstrating its interests in prophylactic election integrity measures. *See Crawford*, 553 U.S. at 194-96 (even though the “record contains no evidence of any such fraud actually occurring in Indiana at any time,” “flagrant examples of such fraud in other parts of the country” can help “demonstrate that not only is the risk of voter fraud real but that it could affect the outcome of a close election.”); *Brnovich*, 594 U.S. at 686 (“it should go without saying that a State may take action to prevent election fraud without waiting for it to occur and be detected within its own borders”).

Moreover, focusing myopically on confirmed cases of fraud that have been both detected and successfully prosecuted undervalues the preventative effect that election integrity laws serve. Voter fraud is extremely hard to detect, prosecutors have broad discretion as to what cases to charge, and election fraud cases historically have not been prioritized. SOF ¶ 79. The number of successful convictions is not an appropriate benchmark for its presence; such a standard tends to understate its true incidence. *See Vet Voice Found. v. Hobbs*, 564 P.3d 978, 990 (Wash. 2025) (rejecting facial challenge to Washington’s signature verification law and noting that there is “little reason to think the number of prosecutions are indicative of whether signature verification detects or deters election fraud. Prosecutors have discretion whether to charge and may well have other priorities.”).

What is undisputed is that mail-in voting creates more links in the chain between a ballot being created and a ballot being cast, received, adjudicated, and tabulated. This creates more opportunities for mistakes and political chicanery. It also creates opportunities for fraud. *See Brnovich*, 594 U.S. at 686 (“Fraud is a real risk that accompanies mail-in voting,” which “has had serious consequences in [the] States.”). The SVR helps ameliorate that concern.

b. *Orderly Administration of Elections*

In addition to preventing fraud, which safeguards the integrity of the electoral process, Kansas also has a strong interest in promoting the orderly administration of all elections. This interest was expressly endorsed by the Supreme Court in *Doe v. Reed*, 561 U.S. 186 (2010). The Court there noted:

[T]he State's interest in preserving electoral integrity is not limited to combating fraud. That interest extends to efforts to ferret out invalid signatures caused not by fraud but by simple mistake, such as duplicate signatures or signatures of individuals who are not registered to vote in the State. That interest also extends more generally to promoting transparency and accountability in the electoral process, which the State argues is essential to the proper functioning of a democracy.

Id. at 198.

Signature verification has a long pedigree of acceptance among both the public and election administration community as a viable means of ensuring the integrity of mail votes. It has low technological demands, is transparent, and creates an auditable record that can be used to legitimize advance mail voters in contested or close elections.

Moreover, signature verification is a widely accepted means of identity verification in an array of other contexts. Banks and financial institutions, for example, routinely rely on signature matching to verify the authenticity of checks, withdrawal slips, loan documents, and other financial instruments. Credit card companies likewise often use signature verification to resolve disputes over authorizations, particularly with physical receipts. Many government forms (e.g., driver's licenses and passport applications) similarly mandate signed attestations that are later verified if authenticity is questioned. If this practice is sufficient to safeguard billions of dollars in daily financial transactions and confirm the identity of parties in legally binding documents, it is certainly reasonable in the voting arena. Additional examples similarly illustrate the point, as

signature verification is used in the context of employment, education, healthcare, insurance, and property transactions.

Plaintiffs' theory that human beings are incapable of verifying signatures with reasonable reliability would, if accepted, undermine the entire edifice of commerce, law, and government. Every day, courts, banks, hospitals, and agencies rely on human beings to compare signatures to verify identity. To single out election officials as uniquely incapable of using such verification is not only empirically unsound but would also destabilize accepted legal and practical norms. Any suggestion, meanwhile, that all individuals conducting signature review outside the election administration process have (or must have) training as a forensic document examiner is folly.

c. Promoting Public Confidence in Electoral Process

Finally, the State has a compelling interest in both safeguarding and enhancing public confidence in the electoral process. This objective is not merely an ancillary gloss on anti-fraud enforcement; it is a discrete, constitutionally cognizable interest. *See Crawford*, 553 U.S. at 197 (State's interest in protecting "public confidence in the integrity of the electoral process has independent significance, because it encourages citizen participation in the democratic process.").

This is particularly relevant in light of what occurred in the 2020 Presidential Election, where there was a surge in concerns about the security of mail voting. SOF ¶ 77. Voter participation in elections is necessarily tied to voter confidence that adequate safeguards are in place to protect against malfeasance. *Id.* Signature verification is one of the best tools the State has for reassuring the public that mail voting is secure. SOF ¶ 78.

And the State need not wait for the storm before constructing the shelter. It may adopt prophylactic measures to forestall plausible pathways to abuse. If the State were required to

show actual fraud before enacting every protective rule, it would be foreclosed from adopting any preventive regulation until after harm has occurred, an untenable rule in a field where the mere perception of vulnerability can corrode legitimacy and public confidence.

In sum, Defendants have clearly established that the SVR is applied based upon objective standards that are administered with “reasonable uniformity” across the State. Perfect symmetry is not required, nor would it make sense given the significant population differences between many of Kansas’ 105 counties. Nearly all the minor administrative distinctions Plaintiffs trumpet are illusory or insignificant. And remaining differences are grounded in logical rationale.

Meanwhile, Plaintiffs have demonstrated no burden to voters flowing from the SVR. The law provides strong safeguards designed to protect against erroneous mismatch determinations and a further backstop in the form of a robust cure process. Even if a handful of voters might have fallen through the cracks in an election or two since the law took effect, that emphatically would not translate into the kind of proof necessary to prevail on a facial challenge like the one Plaintiffs pursue here. Accordingly, Defendants urge the Court to grant them summary judgment on Plaintiffs’ equal protection claim (Count III).

C. – SVR for Advance Ballots Does Not Violate Voters’ Due Process Rights

Turning to their due process cause of action, Plaintiffs contend that the SVR “subjects voters to an unacceptable risk of erroneous disenfranchisement and lacks sufficient safeguards to protect against such disenfranchisement.” Pl. Kansas Appleseed’s Resp. to Interrog. No. 7. They further allege:

[E]ven assuming that a voter receives actual notice that their ballot was rejected—which is far from a guarantee under the challenged statute—there is no requirement that voters be contacted promptly or within a specific time frame to ensure they have time to cure their ballot. Even if voters are contacted with sufficient time to cure, voters will inevitably be forced to take time off of work and school

and away from personal and family obligations on incredibly short notice in order to cure their ballot. For some voters, even if they are willing to make such sacrifices, it may not be possible for the voter to do so, including particularly because those who vote an advance ballot by mail are precisely those who may lack the ability to physically travel to their county election office to provide a new signature, whether because of illness, disability, because they live in a rural area of the state, or because they are simply away from their county at the time of the election. Even for those voters who receive notice and are able to jump through whatever hoops they must to “cure” their ballots and save them from rejection, the fact that they have to do so at all because of the State’s imposition of an unnecessary and unreliable [SVR] is itself a burden on the right to vote. No one should have to cure a ballot that was never invalid in the first place; that some must do so or lose their right to vote impedes that right.

Id. No. 11. As was true of their equal protection claim, Plaintiffs’ due process theory falls flat, and the evidence developed in discovery undermines their allegations.

Prior to remand, the Kansas Supreme Court held that the due process guarantee in Section 18 of the Kansas Constitution’s Bill of Rights is sufficiently protected in the context of the SVR if voters are afforded (i) “reasonable notice” of an identified signature mismatch on their advance mail ballot envelope and (ii) “an opportunity to be heard at a meaningful time and in a meaningful manner by providing an opportunity to contest the disqualification of otherwise valid absentee ballots and to cure deficiencies based on an apparent discrepancy between the voters’ signatures and sample signatures available to election officials.” *LWV II*, 318 Kan. at 806. In other words, does Kansas offer voters “reasonable notice of defects and an opportunity to cure?” *Id.* at 807. That is not a difficult standard to meet, as Justice Rosen acknowledged in dissent, *see id.* at 828 (Rosen, J., dissenting), and it is inconceivable that the SVR, in light of its detailed cure procedures set forth in K.A.R. 7-36-9, could be construed not to satisfy this test.

Plaintiffs’ response to Defendants’ interrogatory inquiring as to the factual basis for the due process claim largely seeks to relitigate the merits of Plaintiffs’ “right to vote” attack on the SVR. But the Supreme Court affirmed the dismissal of that claim, and it is no longer before this

Court. *Id.* at 793-805. As for Plaintiffs' contention that "there is no requirement that voters be contacted promptly or within a specific time frame to ensure they have time to cure their ballot," the election officials who were deposed in this case *all* testified that their offices attempt to reach every voter whose advance mail ballot is flagged as containing a potential signature mismatch within 24 hours of the ballot's receipt, except in very rare cases where the attempted contact may take 48 hours. Considering that voters may correct the mismatch and thereby effectuate the cure at any time prior to the county canvass, the cure time is more than sufficient. Moreover, the regulation directs that multiple methods of contact must be pursued – i.e., telephone (if a number is available) and notice via first class mail – and that other communication options also be used if feasible (e.g., email, fax, or home visit).

As was true of their equal protection cause of action, the mere fact that a small handful of voters among the nearly 300,000 Kansans who voted early by mail in the 2022 and 2024 General Elections *might* not have been timely contacted about a signature mismatch by their county election offices does not get Plaintiffs across the goal line in this facial attack on the statute. Nor is it legally significant that a few disabled voters *might* not have been able to cure their ballots due to an inability to come into the Johnson County Election Office. Those voters had other options (e.g., having a third party sign the mail ballot envelope on their behalf), yet they did not take advantage of those opportunities. But even if, for the sake of argument, the voters' lack of a cure opportunity is attributable to some election official making a mistake, that would not suffice to prevail on a facial challenge. The law affords a strong presumption of regularity to all government functions. *U.S. Postal Serv. v. Gregory*, 534 U.S. 1, 10 (2001); *United States v. Chem. Found., Inc.*, 272 U.S. 1, 14–15 (1926). No broader conclusions can be drawn from the (alleged) circumstances of a handful of voters.

As the Washington Supreme Court unanimously held earlier this year in turning away an identical facial due process attack on that State's signature verification law:

[Plaintiff] argues that signature verification is arbitrary and capricious, and unfairly values some voters in some counties over others. But, as with its other constitutional claims, it chose to bring this as a facial challenge, and, on its face, [Washington's law] does not value voters in some counties over others and is not arbitrary and capricious. Relevantly, it directs election workers to "verify that the voter's signature on the ballot declaration is the same as the signature of that voter in the registration files of the county." While differences in the rates of disqualifications in different counties or for different demographics might raise an as-applied challenge, on its face, the statute is not arbitrary.

Vet Voice Found., 564 P.3d at 992 (citations omitted).

V. – Conclusion

For all the foregoing reasons, Defendants respectfully request that the Court grant them summary judgment on Plaintiffs' equal protection and due process challenges to the SVR.

Respectfully Submitted,

By: /s/ Bradley J. Schlozman

Bradley J. Schlozman (Bar # 17621)

Scott R. Schillings (Bar # 16150)

Amy Decker (Bar # 18739)

HINKLE LAW FIRM LLC

1617 North Waterfront Parkway, Suite 400

Wichita, KS 67206

Telephone: (316) 267-2000

Facsimile: (316) 660-6596

Email: bschlozman@hinklaw.com

Email: sschillings@hinklaw.com

Email: adecker@hinklaw.com

Garrett R. Roe (Bar # 26867)

HINKLE LAW FIRM LLC

8711 Penrose Lane, Suite 400

Lenexa, KS 66219

Telephone: (913) 345-9205

Facsimile: (913) 345-4832

Email: groe@hinklaw.com

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of November, 2025, a true and correct copy of the above and foregoing was electronically filed with the Clerk of the District Court by using the eFlex filing system, which will transmit a copy to all counsel of record.

By: /s/ Bradley J. Schlozman

RETRIEVED FROM DEMOCRACYDOCKET.COM

**IN THE THIRD JUDICIAL DISTRICT
DISTRICT COURT, SHAWNEE COUNTY, KANSAS
CIVIL DEPARTMENT**

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

Plaintiffs,

vs.

Case No. 2021-CV-000299

SCOTT SCHWAB, in his official capacity as
Kansas Secretary of State, and KRIS KOBACH,
in his official capacity as Kansas Attorney
General,

Defendants,

DECLARATION OF BRADLEY J. SCHLOZMAN

I, Bradley J. Schlozman, declare as follows:

1. I am an attorney at Hinkle Law Firm LLC. We represent Defendants Scott Scwab, in his official capacity as Kansas Secretary of State, and Kris Kobach, in his official capacity as Kansas Attorney General (“Defendants”) in connection with this matter. This Declaration is submitted in support of Defendant’s Memorandum in Support of its Motion for Summary Judgment.

2. Attached hereto as **Exhibit 1** is a true and correct copy of an Affidavit submitted by Deputy Assistant Secretary of State Bryan Caskey and attached to Exhibit 1 as Attachments A and B are true and correct copies of ;

3. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts from the Deposition of Bryan Caskey, taken on October 2, 2025.

4. Attached hereto as **Exhibit 3** is a true and correct copy of excerpts from the Deposition of Rich Vargo, taken on September 26, 2025.

5. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts from the Deposition of Frederick Sherman, taken on October 1, 2025.

6. Attached hereto as **Exhibit 5** is a true and correct copy of excerpts from the Deposition of Andrew Howell, taken on October 24, 2025.

7. Attached hereto as **Exhibit 6** is a chart summarizing the estimated 2023 total population, voting age population, and citizen voting age population for each of the 105 counties in Kansas.

8. Attached hereto as **Exhibit 7** is a true and correct copy of Dr. Kenneth Mayer's Expert Report.

9. Attached hereto as **Exhibit 8** is a true and correct copy of Amended Table 1 from Dr. Kenneth Mayer's Expert Report.

10. Attached hereto as **Exhibit 9** is a true and correct copy of excerpts from the Deposition of Dr. Kenneth Mayer, taken on August 28, 2025.

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

Dated: November 14, 2025
Wichita, Kansas

/s/ Bradley J. Schlozman
Bradley J. Schlozman

**IN THE THIRD JUDICIAL DISTRICT
DISTRICT COURT, SHAWNEE COUNTY, KANSAS**

LEAGUE OF WOMEN VOTERS OF
KANSAS, et al.,

Plaintiffs,

vs.

SCOTT SCHWAB, et a,;

Defendants.

Case No. 2021-CV-000299

AFFIDAVIT OF BRYAN CASKY

1. My name is Bryan Caskey and I am the Deputy Assistant Secretary of State for Elections and Legislative Matters for the State of Kansas, more commonly referred to as the State Election Director.

2. I am over the age of 18 years and am competent to testify to the matters stated below and do so based on my personal knowledge.

3. During my time at the Office of the Secretary of State, I have served under five Secretaries of State, representing both Democratic and Republican administrations. In my current role as State Election Director, my duties include, among other things, overseeing the elections systems in the state of Kansas by providing guidance and instruction to election officials regarding their duties in conducting elections, including procedures for complying with federal and state laws and regulations. I also oversee all aspects of the Secretary of State's role as Chief Election Officer, including working with counties on election administration, developing and implementing election standards and training programs, and interacting with the public to address voters' questions and concerns and thereby promote voter confidence.



4. As part of these duties, I stay informed about legal requirements and participate in national conferences on election administration. For instance, I currently serve as the President of the National Association of State Election Directors (NASED), a nonpartisan professional organization that disseminates election best practices and information across the states. In my role, I regularly attend conferences of both the NASED and the National Association of Secretaries of State (NASS), the nation's oldest, nonpartisan professional organization for public officials that is designed to serve as a medium for the exchange of information between states and to foster cooperation in the development of public policies, including in the areas of elections and voting. Through my work and interactions with other election administrators, I also keep informed about other states' election administration practices and developments, particularly as it relates to voting by mail.

5. Having worked in election administration for roughly 27 years, I have observed that the goals of preserving election security and maintaining broad access to the ballot can sometimes be in tension. An election system with perfect accessibility will not necessarily be secure, and conversely, an election system with perfect security may not necessarily be accessible. It is the role of the Kansas Legislature to balance those goals, and it is the responsibility of election officials to implement those policy decisions.

6. Kansas has balanced these objectives by providing voters with numerous and convenient ways to vote, combined with minimal yet effective security measures that ensure only lawful votes are counted. For example, Kansas provides voters with several options for casting a ballot, including in-person voting prior to Election Day, in-person voting on Election Day, and voting by mail. With respect to voting by mail specifically, Kansas has allowed all eligible voters

to vote by mail without excuse since 1996 and was one of the pioneering states to adopt this practice.

7. To balance this broad ballot access with the need for security, Kansas has enacted measures that require photographic identification for in-person voting and signature verification for mail voting. Unlike in-person voting, a voter who casts a ballot by mail may never interact face-to-face with an election worker during the election cycle. Voters who choose to vote by mail may submit an application for a mail ballot either by mail or by electronic means and then may return a completed ballot in person, by mail, or through a third-party. While election workers overseeing in-person voting can physically compare a voter's face to a government-issued photo identification at the time of voting, a mail voter's eligibility is verified by matching the signature on the ballot envelope to the signature on file for that voter. In other words, the lynchpin for ensuring that a ballot cast by mail was actually cast by the correct person is signature verification.

8. Kansas is not alone in recognizing the importance of signature verification in securing mail ballots. I am aware that 31 other states and Puerto Rico currently require signature verification for mail ballots. Eleven other states require a stricter form of verification – eight require a witness signature and three require notarization. The National Conference of State Legislatures (NCSL) maintains a list of this information on its website, available at <https://www.ncsl.org/elections-and-campaigns/table-14-how-states-verify-voted-absentee-mail-ballots>. By providing voters with multiple voting options while maintaining targeted but effective security measures, Kansas ensures that it is easy for a qualified voter to obtain and cast a ballot while also preserving a layer of protection to ensure that only the ballots of qualified electors are counted.

9. In my position as State Election Director, I am aware that some people claim that signature verification is unnecessary because other laws already criminalize the act of voting by unqualified persons. But those laws do not proactively prevent the counting of unlawfully cast ballots. To promote efficiency, Kansas permits counties to begin verifying signatures and counting mail ballots when they are received, rather than waiting until after the polls close, as some other states require. Once a signature on a mail ballot envelope has been verified, the ballot is separated from the envelope to ensure the secrecy of the ballot. The separated ballots are then compiled and counted later. If it is subsequently discovered, however, that a separated ballot was fraudulently cast, election officials have no way to identify which specific ballot was unlawful, even if the fraudulent act is detected before Election Day. And if such an illegally cast ballot is discovered after the election, it is impossible for officials to isolate and reject that vote. Once a ballot has been accepted, one cannot “un-ring the bell” and the lawful voter’s vote is stolen.

10. Additionally, it is exceedingly difficult to identify a person who has illegally cast a ballot. The act of stealing someone’s vote is inherently covert and designed to avoid detection. Given Kansas’ open election procedures, it is conceivable that an individual who unlawfully casts another person’s mail ballot may never come into contact with a government official, let alone be identified by law enforcement. Moreover, within households, signature verification protects against a very real threat – the unlawful casting of one household member’s ballot by another. For example, absent signature verification, a parent could easily cast a mail ballot on behalf of an adult child who is registered to vote at the parent’s residence but is away at college, without that child’s knowledge. The ballot might even be cast for different candidates than those the child would have chosen if voting personally. Signature verification ensures that each individual is able to exercise his or her right to vote – or to abstain from voting – for the candidates of his or her choice.

11. Election integrity is essential at the local level. Candidates or partisans may seek an unfair advantage in an election, particularly in a tight race or in contests where a relatively small number of votes can determine the outcome, making such contests attractive targets for unscrupulous actors. A recent case in Bladen County, North Carolina, widely known among election officials nationwide, illustrates this point. In that case, a Republican Party operative illegally intercepted absentee ballots, fraudulently completed and signed them, and cast them, thereby influencing a U.S. Congressional race. Subsequent investigations revealed that such abuses had been occurring in the area for some time.

12. While Kansas has been fortunate, to date, to avoid large amounts of provable, known fraud, the threat remains real and ballot security measures are how Kansas guards against them. Kansas has many smaller counties and elections are often decided by small margins. For instance, in 2024, close races in our State included:

- Kansas Senate District 22 was decided by less than 400 votes
- Kansas House District 28 was decided by approximately 150 votes
- Kansas House District 39 was decided by approximately 400 votes
- Kansas House District 41 was decided by approximately 300 votes
- Kansas House District 49 was decided by approximately 150 votes
- Kansas House District 88 was decided by less than 200 votes
- Kansas House District 95 was decided by approximately 480 votes
- Kansas House District 39 was decided by approximately 500 votes
- Kansas House District 102 was decided by approximately 300 votes
- District Magistrate Judge 15-1 was decided by 25 votes

Included with my affidavit as Exhibit 1C is a copy of the official election results for the 2024 General Election. In 2022, five state legislative seats were decided by fewer than 150 votes. The official election results for the 2022 General Election are attached to my affidavit as Exhibit 1D. In fact, during my time as Elections Director, I am aware that numerous smaller elections have been decided by fewer than 10 votes. These close elections underscore the need for election security.

13. Prior to the 2021 passage of the law being challenged in this case, no Kansas law unambiguously required county election officials to verify the signatures on mail ballot envelopes. The law was passed in part to clear up that ambiguity.

14. Since the law at issue in this case was enacted, some ballots have been rejected for mismatched signatures. It is certainly possible that, on rare occasions, a voter may submit a ballot with a signature that does not match a signature on file even though that same individual was the person who previously provided the exemplar signature(s) on file in the election office. But it is also true that absent signature verification, counties may be forced to accept obviously fraudulent ballots, which is the antithesis of honest elections. Moreover, experience and common sense teach that voters occasionally sign their advance ballot envelopes in a manner that bears no resemblance to their true/normal/traditional signature. It is similar to what happens when people glibly sign the keypad in the grocery store checkout line or sign for a package delivery.

15. The 2020 election and its aftermath highlighted another major issue in election administration: the importance of voter confidence. In the wake of that election, there was a surge of individuals throughout the country, including here in Kansas, who expressed great skepticism regarding the security, and susceptibility to fraud, of mail ballots. Election safeguards are not only essential for protecting the integrity of elections but also for reassuring the public that elections are fair and secure. Voter confidence in election integrity is a critical consideration for election officials, as it directly affects participation. It is widely understood among election administrators that decreased public confidence in elections suppresses voter turnout, as voters are less likely to participate when they believe an election is not fair or secure.

16. Maintaining voter confidence requires that voters understand that Kansas has meaningful safeguards in place to prevent fraudulent ballots from being counted and to deter

attempts to submit fraudulent ballots in the first place. While not every voter can be persuaded, many voters are reassured that mail voting remains secure so long as signature verification is in place. It is important to be able to point to these protections to dispel conspiracy theories as they arise. Indeed, following the enactment of K.S.A. 25-1124(h), one of the front-line defenses this office has employed in explaining the safety of mail voting has been the existence of signature verification.

17. These types of unsupported voter fraud claims are corrosive to the election systems that I have spent my career building, and I need effective tools to combat them. This is particularly important given Kansas' vote-by-mail system, which allows any registered voter to vote by mail without providing a reason. In our current system, the greatest tool I have to combat these claims of voter fraud by mail is signature verification. Removing or invalidating this primary safeguard would have a deleterious effect on voter confidence.

18. I acknowledge that signature verification, like all forms of election security, is not perfect, and Kansas continually seeks ways to improve all aspects of election administration, including signature verification. For example, during this litigation, Kansas updated its training video to include additional guidance to ensure that counties understand how Kansas' signature verification rules are applied. Additionally, the Kansas Secretary of State hosts a website called "VoterView," which allows voters, among other things, to track when their mail ballot is received by the county election office. This is a feature that was added a few years ago, and the office continually seeks ways to improve this website and election systems more broadly to provide additional information to voters. I also routinely communicate with county election officials to reinforce proper election administration practices.

19. While election systems can be improved, I am aware of no better means or more accessible method for verifying that mail ballots are cast by the properly qualified voter than signature verification. Nearly all voters have a signature and Kansas law provides voters with significant discretion on what signature(s) a voter wants to use when registering to vote. State law, for example, permits a voter's signature on a registration form to be made by mark, initials, typewriter, print, stamp, symbol or any other manner if by placing the signature on the document the person intends the signature to be binding. Additionally, voters commonly submit additional signatures over time on various forms, including updated voter registration forms.

20. These signatures are captured by county election officials and generally stored in the Kansas voter registration database, known as Kansas Election Voter Information System ("ELVIS"). Once captured and stored in ELVIS, signatures become part of a voter's ELVIS file. Each voter has a single voter file, although duplicate files can occasionally be created and subsequently merged. Files are also not deleted from the database. A voter's singular file follows the voter if the voter moves. For example, a voter may initially register to vote in Johnson County but later move to Douglas County. In that scenario, when the voter registers in Douglas County, the voter's voter file is automatically transferred to Douglas County – because it is a file in the ELVIS database – and Douglas County then has access to review and modify the voter's file. Thus, even if a voter's signature was added to ELVIS a decade earlier in Johnson County, the Douglas County election office would have access to that signature as well as the newer signature submitted as part of the voter's current registration. The same is true for when a voter moves out of state and later returns: upon re-registering, the voter's registration file is reactivated, and the county election office has access to all previously inputted voter data in ELVIS.

21. The key is that, while Kansas places the duty on Kansans to register to vote, it also provides voters with significant flexibility in determining what signature(s) to include in their voter file. The *county* does not mandate to a voter which signatures a voter must provide. Instead, the *voter* determines how the voter wants to register, and the voter determines what signature(s) that he or she will provide to the county and that will later be used for signature verification.

22. Kansas also recognizes that voters' signatures may change over time and takes this into account. County election officials collect signatures from various documents over time, maintaining both newer and older signatures on file for comparisons. K.A.R. 7-36-9(g)(1) instructs county election officials to compare the signature on a voter's mail ballot to as many recorded signatures as possible. In fact, it is common in the curing process for a county election official to request an updated signature to compare with the signature on a submitted mail ballot envelope.

23. Furthermore, as noted previously, voters concerned about signature matching may choose to vote in-person rather than by mail and may also qualify for an exemption from signature verification if they nevertheless want to vote by mail. With respect to this latter category, if a voter has a disability that prevents the voter from either signing the ballot altogether or signing consistent with the voter's registration form on file, he or she may have a third party sign the ballot on his or her behalf. To do so, the third party must simply either execute the affidavit on the outside of the ballot envelope or complete a Form AV5 – Affidavit of Assistance – and return it to the county election office. *See* K.S.A. 25-1124(c), (e).

24. Absent signature verification, it is unclear what Kansas could reasonably do to ensure that a ballot is cast by a qualified voter. Alternative methods, such as multi-factor authentication or biometric data, are likely infeasible and would be much more burdensome on voters and election administrators than signature verification. Indeed, if one is concerned with

voter participation, as election administrators necessarily must be, requiring voters to submit fingerprints or use multi-factor authentication to cast a mail ballot would present more significant barriers than conducting signature verification. Given the public policy goals of keeping perceived barriers low while also protecting election security and improving voter confidence, signature verification remains the most effective and practical method of which I am aware.

25. I am also familiar with other aspects of the regulation, including the signature matching process, curing, and training, having participated in the drafting of the regulation and having approved the county training. Importantly, the regulation and training provide multiple safeguards to decrease the likelihood that a validly cast ballot is rejected. First, only individuals who have completed approved training may conduct signature verification. Second, at least two election officials must agree that a signature is inconsistent before it can be rejected, rather than relying on a single opinion. Third, a signature must be compared to as many signatures on file as possible before it can be rejected. Fourth, the regulation employs a forgiving standard, allowing a signature to be rejected only if it differs in “multiple, significant, or obvious respects” from the voter’s other signatures. Finally, the training and guidance reinforce this standard by emphasizing that the goal of signature verification is to count ballots, not to reject them, meaning counties should not reject signatures due to minor discrepancies but should err on the side of determining a match.

26. I have consistently informed county election officials over the last two years that the standard in K.A.R. 7-36-9 for determining whether the signature on a voter’s ballot envelope is a “match” to one of his or her signatures on file is deliberately very lenient. I often refer to this as a “presumption” in favor of treating the signature as a match and counting the ballot. Other election officials characterize this flexible regulatory framework as one that avoids hyper-technical

discrepancies and generally causes doubts to be resolved in favor of the voter. Regardless of how one chooses to characterize it, the bottom line is that the lenient standard is consistently applied across the State and, combined with the regulation, guidance, and training, the results have been an extremely low rate of ballots being rejected for mismatched signatures.

27. Attached to my Affidavit as Exhibits 1A and 1B, are breakdowns by counties for the 2022 and 2024 general elections, the only two statewide general elections to have occurred since implementation of the regulation and statute, which was compiled from data submitted to the Kansas Secretary of State by counties in their ordinary course of business. As the chart illustrates, in 2022, only 130 mail ballots were rejected for a mismatch signature, while 131,204 mail ballots were cast and counted. In 2024, only 94 mail ballots were rejected for a mismatch signature, while 148,138 mail ballots were cast and counted.

28. With respect to training, the Secretary of State's Office made the deliberate choice to utilize the training video originally prepared by the Election Division of the Oregon Secretary of State. In selecting this video for training, I reviewed the training used by seven to nine different states and, in my capacity as an election administrator, felt this video most accurately reflected the standards and was the best training available at the time. The training seemed clear and easy for election officials to understand and follow. Additionally, I understand that this video is used not only in Oregon but also in Tennessee, and that at least one federal appeals court has found the training sufficient for instructing election officials in signature verification.

29. The Kansas regulation governing the signature review process also provides for a broad curing process. "Curing" refers to the process by which a voter corrects a mismatched signature by submitting a subsequent signature, allowing the ballot to be counted. Under the regulation, counties are required to attempt to contact voters at least three times – ideally by phone

if a phone number is reasonably available – recording all attempts and any contacts, and to mail each voter a letter. The regulation also grants county election officials discretion to contact voters by other means available to the office. This process is designed to enable counties to use their resources to reach voters regarding a mismatch so that the voter can either cure the ballot or, in some cases, confirm that he or she did not cast the mail ballot.

30. As State Election Director, I am familiar with county canvassing procedures and the typical dates on which county canvasses are held. In Kansas, statewide elections are administered at the county level. The state has 105 counties. In 101 of these counties, the county clerk oversees election duties. In the remaining four counties – Johnson, Sedgwick, Shawnee, and Wyandotte – an election commissioner, appointed by the Kansas Secretary of State, administers elections.

31. Each county is responsible for tabulating and certifying election results for elections administered at the county level. For statewide elections, this certification is performed by the county board of canvassers and then the state board of canvassers conducts a final canvass. K.S.A. 25-3104 governs the time the county board of canvassers must meet to certify these elections. Kansas county boards of canvassers are required to meet to certify an election between six days and thirteen days following an election.

32. While each county determines the appropriate day to certify its election results, counties with the largest populations – and therefore the most ballots to process – generally hold their canvasses during the latter portion of that seven-day stretch. For example, in the 2024 general election, the Johnson County Board of Canvassers met on November 15, 2024, ten days after the November 5 election. Wyandotte County met on November 14, 2024, nine days after the election.

Sedgwick County also met on November 14, 2024, nine days after the election. Douglas County, the fifth-largest county in Kansas, met on November 18, 2024, the final day to certify the election.

33. Recognizing how county canvassing operates, the regulation's curing process is designed to provide voters with as much time as possible to cure a ballot. It was drafted to run in tandem with Kansas' photo identification law, which serves many of the same purposes as the signature verification law. Rather than requiring a voter to provide an updated signature before the polls close on Election Day or within a short period thereafter, K.A.R. 7-36-9(d)(1) allows voters to cure a mismatched signature by submitting an updated signature up until the date of the county canvass. This mirrors the timeframe provided under K.S.A. 25-2908(d) for voters to present photo identification if they failed to do so when voting in person.

34. Finally, it should be noted that, without signature verification, it is unclear what steps the Kansas Legislature might take to ensure that the voter casting and returning the advance mail ballot submitted to the election office is the same to whom the ballot was sent.

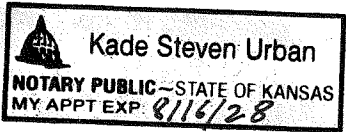
35. As an election administrator, my role is to implement election laws enacted by the Legislature. However, if the Legislature determined that no-excuse mail voting was unsafe without signature verification – which it likely would – there is a strong chance it would impose significant restrictions on mail voting in Kansas. Such restrictions would eliminate a convenience used by over 100,000 Kansans in the most recent election and would place additional burdens on election administrators and polling locations, which would need to accommodate more in-person voters. It would also require increased communication with those voters who typically vote by mail to inform them that mail voting is no longer an option.

Bryan Caskey

Bryan Caskey
Deputy Assistant Secretary of State for Elections and
Legislative Matters for the State of Kansas

SUBSCRIBED and SWORN to before me this 13th day of November, 2025.

Kade Urban
Notary Public



RETRIEVED FROM DEMOCRACYDOCKET.COM

	Total votes cast/counted VP: C4	In-person Election Day cast/counted VP: C5	Mail Ballot cast/counted VP: C7	In-person advance ballot cast/counted VP: C8	Mail ballots rejected by signatures AVBM: C43	
Allen	4158	2923	371	882		1
Anderson	2931	2247	210	445		0
Atchison	5541	3951	522	455		0
Barber	1763	1369	114	283		0
Barton	8130	5599	762	1716		1
Bourbon	4657	3214	343	1643		1
Brown	3405	2740	226	413		0
Butler	23978	15847	2591	5241		0
Chase	1191	714	132	355		0
Chautauqua	1185	969	107	105		0
Cherokee						
Cheyenne	1063	805	57	195		0
Clark	865	659	83	113		0
Clay	3326	2420	288	617		0
Cloud	3229	2164	305	724		0
Coffey	3,468	2572	227	657		0
Comanche	764	674	29	49		0
Cowley	10727	5623	1427	3677		0
Crawford	11929	9336	1353	1036		0
Decatur	1151	882	102	171		0
Dickinson	7138	5509	515	1092		1
Doniphan	2672	2322	161	183		0
Douglas	47565	24157	12733	9511		9
Edwards	1102	914	93	95		0
Elk	1085	834	93	155		1
Ellis	10612	7212	161	2568		2
Ellsworth	2269	1704	208	355		0
Finney	7229	5200	467	1559		1
Ford	6030	3518	718	1708		0
Franklin	9587	9511	601	1865		0
Geary	6116	3756	638	1574		0
Gove	1185	1032	75	55		0
Graham	1036	676	97	254		0
Grant	1627	1088	125	385		0
Gray	1743	1271	115	362		0
Greeley	458	307	22	126		0
Greenwood	2355	1797	198	0		0
Hamilton	614	372	37	207		0
Harper	1997	1997	169	3		0
Harvey	12989	8436	1887	2496		0
Haskell	1000	767	34	199		0
Hodgeman	813	631	76	103		0
Jackson	5146	3798	379	920		1
Jefferson	7665	7589	544	919		0
Jewell	1211	893	129	182		0
Johnson	263543	111359	35387	112458		37
Kearny	963	791	28	134		0
Kingman	3121	2499	319	303		0
Kiowa	953	803	33	115		0
Labette	5999	5243	500	253		0
Lane	683	545	41	91		0
Leavenworth	27033	17475	3399	5902		0
Lincoln	1218	912	110	190		0
Linn	3734	2984	175	574		0
Logan	1116	793	217	20		0
Lyon	10194	6989	944	2159		0
Marion	4841	3527	386	596		0
Marshall	2946	2793	358	762		0
McPherson	11295	8310	725	2090		0
Meade	1329	941	67	294		0
Miami	13563	7542	1374	4548		3
Mitchell	2396	1805	167	395		0
Montgomery	9679	7968	809	790		0
Morris	2257	1512	328	389		0
Morton	809	589	43	159		0
Nemaha	4652	3890	264	444		0
Neosho	5,076	4,434	334	308		0
Ness	1176	650	137	376		0
Norton	1,798	1450	125	205		0
Osage						
Osborne	1456	1169	201	167		0
Ottawa	2405	1906	157	342		0
Pawnee	2164	1546	158	446		0
Phillips	2190	1795	146	211		0
Pottawatomie	10549	8250	1053	1120		1
Pratt	3143	2321	266	548		0
Rawlins	1159	890	87	180		0
Reno	20908	14272	2301	5195		0
Republic	1988	1411	192	370		0
Rice	3014	2043	234	709		1
Riley	18,284	11,402	1714	5,049		2
Rooks	2101	1816	125	173		0
Rush	1345	964	51	320		0
Russell	2742	1978	264	499		0
Saline	17844	11752	1921	3981		0
Scott	1686	1338	93	257		0
Sedgwick	156,123	73,430	28,820	50,725		52
Seward	2973	1746	180	989		0
Shawnee	66207	46912	7676	11523		4
Sheridan	1127	888	129	100		1
Sherman	2065	1379	140	511		0
Smith	1655	1342	118	182		0
Stafford	1591	1166	257	167		0
Stanton	520	403	50	54		0
Stevens	1397	1086	68	246		0
Sumner	7932	6117	734	986		0
Thomas	2909	1573	493	807		1
Trego	1278	885	169	224		0
Wabaunsee	3368	2518	368	458		0
Wallace	680	501	32	146		2
Washington	0	1659	262	343		0
Wichita	716	541	44	129		0
Wilson	3075	2234	0	0		0
Woodson	1197	942	54	192		0
Wyandotte	35316	20164	6949	7606		8
Sum	999396	585087	131204	274519		130

Clerk provided numbers

Clerk updated: 1032 cast/counted

Clerk updated: 1271 voted at the polls cast/counted

Clerk provided information



	Total votes cast/counted	In-person Election Day cast/counted	Mail Ballot cast/counted	In-person advance ballot cast/counted	Mail ballots rejected by signatures
Allen	5648	3436	407	1767	0
Anderson	3843	2473	213	1100	0
Atchison	7400	4461	424	2415	0
Barber	2184	1310	132	684	0
Barton	10684	6088	797	3619	0
Bourbon	6588	3558	327	2583	1
Brown	4301	3143	199	878	0
Butler	32547	16096	2760	13248	5
Chase	1475	633	129	708	0
Chautauqua	1543	1124	150	254	0
Cherokee	8785	5882	655	2037	0
Cheyenne	1448	966	91	373	0
Clark	1016	667	97	239	0
Clay	4145	2421	256	1343	1
Cloud	4086	2308	387	1314	0
Coffey	4421	2879	214	1270	1
Comanche	855	636	42	145	0
Cowley	13704	5630	1173	6593	0
Crawford	16536	11034	1301	3772	0
Decatur	1474	1006	97	365	0
Dickinson	9214	5799	508	2709	2
Doniphan	3614	2847	162	577	0
Douglas	59054	23043	12897	20991	0
Edwards	1286	988	63	218	0
Elk	1356	962	102	276	0
Ellis	13634	7609	765	5009	2
Ellsworth	2796	1786	215	722	0
Finney	10888	5911	507	4060	2
Ford	8304	3613	712	3732	0
Franklin	12825	7608	688	4256	7
Geary	9232	4133	618	3977	0
Gove	1418	1130	81	190	0
Graham	1306	589	80	607	0
Grant	2245	1190	102	895	0
Gray	2217	1310	153	710	0
Greeley	598	244	28	326	0
Greenwood	2917	1983	204	712	0
Hamilton	828	261	64	485	0
Harper	2585	1784	153	585	0
Harvey	16273	8547	1829	5508	0
Haskell	1326	787	49	460	0
Hodgeman	969	599	73	275	0
Jackson	6596	4126	373	2012	0
Jefferson	10047	6800	475	2560	0
Jewell	1587	1057	121	397	0
Johnson	348594	88417	47065	204865	12
Kearny	1315	786	68	423	0
Kingman	3778	2556	296	871	0
Kiowa	1120	797	47	262	0
Labette	8003	6363	531	989	1
Lane	854	626	46	182	0
Leavenworth	36917	18629	3592	14090	0
Lincoln	1513	889	103	505	0
Linn	5045	3227	186	1517	0
Logan	1428	891	250	284	0
Lyon	13391	8043	845	4084	0
Marion	5968	3611	393	1844	5
Marshall	5022	3130	375	1410	0
McPherson	14189	9282	898	4041	0
Meade	1714	961	100	612	0
Miami	18824	7671	1619	9250	1
Mitchell	3189	1822	261	1043	0
Montgomery	12030	9101	763	1946	7
Morris	2831	1647	312	821	0
Morton	1065	558	53	425	0
Nemaha	5702	4366	314	909	0
Neosho	6835	5313	352	1013	0
Ness	1381	575	142	628	0
Norton	2296	1410	133	478	0
Osage	7812	3907	362	1369	0
Osborne	1789	1262	114	378	0
Ottawa	3026	2830	133	0	0
Pawnee	2690	1580	172	890	2
Phillips	2758	2173	135	406	0
Pottawatomie	13673	9293	1014	3062	2
Pratt	4113	2483	256	1356	0
Rawlins	1421	978	110	323	0
Reno	27178	14310	2101	10109	0
Republic	2448	1559	200	648	0
Rice	4015	2229	216	1513	0
Riley	24,670	11,635	1795	10,491	0
Rooks	2492	1821	140	528	2
Rush	1626	996	107	515	0
Russell	3350	2161	268	861	0
Saline	23468	12692	1941	8401	1
Scott	2155	1272	143	688	0
Sedgwick	216,621	81,962	32,047	96,527	20
Seward	4598	2270	179	1970	0
Shawnee	82702	48431	7056	25681	1
Sheridan	1386	1032	119	209	0
Sherman	2616	1399	152	995	0
Smith	2005	1491	123	369	0
Stafford	1939	1008	410	496	0
Stanton	671	389	46	222	0
Stevens	1843	1086	104	610	0
Sumner	10621	6598	740	3057	1
Thomas	3691	1570	459	1569	0
Trego	1607	895	159	530	0
Wabaunsee	3888	2469	350	981	0
Wallace	751	419	51	254	0
Washington	2732	1668	245	772	0
Wichita	868	507	53	301	0
Wilson	3468	2152	246	1036	0
Woodson	1445	1040	61	314	0
Wyandotte	51104	21660	6715	21241	18
Sum	1342042	604564	148138	558115	94

RETRIEVED FROM DEMOCRACY DOCKET.COM



Kansas Secretary of State

2024 General Election

Official Vote Totals

Race	Candidate	Votes	Percent
President / Vice President			
	R-Donald J. Trump / JD Vance	758,802	57.16%
	D-Kamala D. Harris / Tim Walz	544,853	41.04%
	i-Robert F. Kennedy Jr./ Nicole Shanahan	16,322	1.23%
	L-Chase Oliver / Mike ter Maat	7,614	0.57%
United States House of Representatives 1			
	R-Tracey Mann	210,493	69.14%
	D-Paul Buskirk	93,965	30.86%
United States House of Representatives 2			
	R-Derek Schmidt	172,847	57.09%
	D-Nancy Boyda	115,585	38.21%
	L-John Hauer	14,229	4.70%
United States House of Representatives 3			
	D-Sharice Davids	209,871	53.36%
	R-Prasanth Reddy	167,570	42.60%
	L-Steve Roberts	15,892	4.04%
United States House of Representatives 4			
	R-Ron Estes	198,465	65.05%
	D-Esau Freeman	106,632	34.95%
Kansas Senate 1			
	R-Craig Bowser	29,530	100.00%
Kansas Senate 2			
	D-Marci Francisco	24,004	78.30%
	R-David G. Miller	6,651	21.70%
Kansas Senate 3			
	R-Rick Kloos	21,942	57.40%
	D-Dena Sattler	16,285	42.60%
Kansas Senate 4			
	D-David Haley	13,941	100.00%
Kansas Senate 5			
	R-Jeff Klemp	15,732	50.05%
	D-Jeff Pittman	15,701	49.95%
Kansas Senate 6			
	D-Pat Pettey	12,882	62.79%
	R-Tabitha S. Burt	7,634	37.21%
Kansas Senate 7			
	D-Ethan Corson	29,014	64.33%
	R-Dave Dannov	16,085	35.67%



Kansas Secretary of State

2024 General Election

Official Vote Totals

Race	Candidate	Votes	Percent
Kansas Senate 8			
	D-Cindy Holscher	24,795	61.14%
	R-Benee' Hudson	15,758	38.86%
Kansas Senate 9			
	R-Beverly Gossage	24,242	61.17%
	D-Norman Mallicoat	15,389	38.83%
Kansas Senate 10			
	R-Mike Thompson	23,884	52.39%
	D-Andrew Mall	21,708	47.61%
Kansas Senate 11			
	R-Kellie Warren	22,905	52.17%
	D-Karen Thurlow	21,000	47.83%
Kansas Senate 12			
	R-Caryn Tyson	27,480	81.40%
	L-Cullene Lang	6,278	18.60%
Kansas Senate 13			
	R-Tim Shallenburger	21,366	68.62%
	D-Austin B. Stapleton	9,771	31.38%
Kansas Senate 14			
	R-Michael A. Fagg	29,264	100.00%
Kansas Senate 15			
	R-Virgil Peck	21,354	72.58%
	D-Jerry Reeves	8,069	27.42%
Kansas Senate 16			
	R-Ty Masterson	25,347	65.59%
	D-Sasha Islam	13,300	34.41%
Kansas Senate 17			
	R-Mike Argabright	14,689	59.86%
	D-Lillian G. Lingenfelter	9,851	40.14%
Kansas Senate 18			
	R-Kenny Titus	25,445	66.78%
	D-Matthew Robin	12,657	33.22%
Kansas Senate 19			
	D-Patrick Schmidt	16,784	64.55%
	R-Tyler Wible	9,216	35.45%
Kansas Senate 20			
	R-Brenda S. Dietrich	23,270	61.84%
	D-Candace L. Ayars	14,357	38.16%

Kansas Secretary of State

2024 General Election

Official Vote Totals

Race	Candidate	Votes	Percent
Kansas Senate 21			
	D-Dinah Sykes	25,979	100.00%
Kansas Senate 22			
	R-Brad Starnes	12,262	50.91%
	D-Usha Reddi	11,825	49.09%
Kansas Senate 23			
	R-Adam Thomas	18,362	52.39%
	D-Stacey B. Knoell	16,686	47.61%
Kansas Senate 24			
	R-J.R. Claeys	21,548	67.85%
	D-John Baker	10,210	32.15%
Kansas Senate 25			
	D-Mary Ware	11,638	57.09%
	R-Keenen Smith	8,746	42.91%
Kansas Senate 26			
	R-Chase Blasi	24,824	71.24%
	D-Raymond H. Shore Jr	8,014	23.00%
	UK-J.C. Moore	2,006	5.76%
Kansas Senate 27			
	R-Joe Claeys	20,833	60.27%
	D-Jennifer Herington	13,733	39.73%
Kansas Senate 28			
	R-Mike Petersen	15,406	100.00%
Kansas Senate 29			
	D-Oletha Faust Goudeau	14,158	100.00%
Kansas Senate 30			
	R-Renee Erickson	18,085	57.14%
	D-Richard Smith	11,180	35.32%
	L-Olivia Hayse	2,385	7.54%
Kansas Senate 31			
	R-Stephen Owens	22,422	64.26%
	D-Jason Miller	12,472	35.74%
Kansas Senate 32			
	R-Larry W Alley	23,603	73.38%
	D-Lawrence Moreno	8,562	26.62%
Kansas Senate 33			
	R-Tory Marie Blew	24,998	80.43%
	D-Matthew Westenfeld	6,082	19.57%

Kansas Secretary of State

2024 General Election

Official Vote Totals

Race	Candidate	Votes	Percent
Kansas Senate 34			
	R-Michael Murphy	22,757	70.82%
	D-Shanna Henry	9,375	29.18%
Kansas Senate 35			
	R-TJ Rose	23,088	52.77%
	D-Jason Anderson	20,664	47.23%
Kansas Senate 36			
	R-Elaine S. Bowers	33,162	100.00%
Kansas Senate 37			
	R-Douglas Shane	21,460	59.34%
	D-Sherry Giebler	14,705	40.66%
Kansas Senate 38			
	R-Ronald Ryckman	14,112	73.75%
	D-Jose G. Lara	5,023	26.25%
Kansas Senate 39			
	R-William Clifford	18,095	80.22%
	D-Isidro Marino	4,463	19.78%
Kansas Senate 40			
	R-Richard (Rick) Billinger	30,795	100.00%
Kansas House of Representatives 1			
	R-Dale Helwig	7,805	74.68%
	D-Janie G. Jarrett	2,646	25.32%
Kansas House of Representatives 2			
	R-Kenneth (Ken) Collins	7,547	69.23%
	D-Melesia "Lissa" Rhodes	3,355	30.77%
Kansas House of Representatives 3			
	R-Chuck Smith	5,261	60.18%
	D-Jordan Metcalf	3,481	39.82%
Kansas House of Representatives 4			
	R-Rick James	9,500	100.00%
Kansas House of Representatives 5			
	R-Carrie Barth	8,464	68.34%
	D-Henry Johns	3,921	31.66%
Kansas House of Representatives 6			
	R-Samantha M. Poetter Parshall	8,703	70.74%
	D-Elena Super	3,600	29.26%
Kansas House of Representatives 7			
	R-Dan Goddard	6,595	73.51%
	D-Vicki N. Pribble	2,377	26.49%

Kansas Secretary of State

2024 General Election

Official Vote Totals

Race	Candidate	Votes	Percent
Kansas House of Representatives 8			
	R-Chris Croft	7,287	55.26%
	D-Pam Shernuk	5,899	44.74%
Kansas House of Representatives 9			
	R-Fred Gardner	9,944	100.00%
Kansas House of Representatives 10			
	D-Suzanne Wikle	7,864	100.00%
Kansas House of Representatives 11			
	R-Ron Bryce	7,653	100.00%
Kansas House of Representatives 12			
	R-Doug Blex	10,133	100.00%
Kansas House of Representatives 13			
	R-Duane Droge	8,065	80.26%
	D-Edgar D. Chrisman	1,984	19.74%
Kansas House of Representatives 14			
	R-Charlotte Esau	7,589	51.37%
	D-Dennis Miller	7,185	48.63%
Kansas House of Representatives 15			
	R-Lauren N. Bohi	3,935	50.68%
	D-Allison Hougland	3,829	49.32%
Kansas House of Representatives 16			
	D-Linda Featherston	8,742	100.00%
Kansas House of Representatives 17			
	D-Jo Ella Hoyer	8,150	66.68%
	L-Michael Kerner	4,073	33.32%
Kansas House of Representatives 18			
	D-Cindy Neighbor	7,049	55.96%
	R-Robert Whitman	4,988	39.60%
	L-Steven A Hohe	560	4.45%
Kansas House of Representatives 19			
	D-Stephanie Sawyer Clayton	9,682	62.44%
	R-Mark Hermes	5,823	37.56%
Kansas House of Representatives 20			
	D-Mari-Lynn Poskin	8,826	57.58%
	R-Jerry Charlton	6,501	42.42%
Kansas House of Representatives 21			
	D-Jerry Stogsdill	10,708	100.00%
Kansas House of Representatives 22			
	D-Lindsay Vaughn	8,149	100.00%

Kansas Secretary of State

2024 General Election

Official Vote Totals

Race	Candidate	Votes	Percent
Kansas House of Representatives 23			
	D-Susan Ruiz	7,536	100.00%
Kansas House of Representatives 24			
	D-Jarrold Ousley	7,121	64.82%
	R-Dale L. Redick	3,865	35.18%
Kansas House of Representatives 25			
	D-Rui Xu	9,719	64.46%
	R-Greg J. Schoofs	5,358	35.54%
Kansas House of Representatives 26			
	R-Chip VanHouden	10,502	100.00%
Kansas House of Representatives 27			
	R-Sean E. Tarwater, Sr	9,049	58.93%
	D-David Benson	6,307	41.07%
Kansas House of Representatives 28			
	R-Carl Turner	6,604	50.59%
	D-Ace Allen	6,449	49.41%
Kansas House of Representatives 29			
	D-Heather Meyer	8,708	100.00%
Kansas House of Representatives 30			
	R-Laura Williams	6,149	52.60%
	D-Betsey Lasister	5,542	47.40%
Kansas House of Representatives 31			
	D-Louis E. Ruiz	4,405	70.28%
	R-Dennis Grindel	1,863	29.72%
Kansas House of Representatives 32			
	D-Pam Curtis	2,636	74.15%
	R-Joe Quinn	919	25.85%
Kansas House of Representatives 33			
	R-Mike Thompson	5,244	56.67%
	D-Eli Woody	4,009	43.33%
Kansas House of Representatives 34			
	D-Valdenia Winn	3,894	100.00%
Kansas House of Representatives 35			
	D-Wanda Brownlee Paige	4,837	100.00%
Kansas House of Representatives 36			
	D-Lynn Melton	6,629	60.95%
	R-Mark S. Gilstrap	4,247	39.05%

Kansas Secretary of State

2024 General Election

Official Vote Totals

Race	Candidate	Votes	Percent
Kansas House of Representatives 37			
	D-Melissa M Oropeza	4,336	62.82%
	R-Kevan Myers	2,566	37.18%
Kansas House of Representatives 38			
	R-Timothy H. Johnson	8,965	66.42%
	D-Richard Paz	4,533	33.58%
Kansas House of Representatives 39			
	R-Angela Stiens	6,837	51.58%
	D-Vanessa Vaughn West	6,418	48.42%
Kansas House of Representatives 40			
	R-David Buehler	7,678	100.00%
Kansas House of Representatives 41			
	R-Pat Proctor	3,338	52.55%
	D-Aimee M. Bateman	3,014	47.45%
Kansas House of Representatives 42			
	R-Lance W. Neelly	7,866	66.40%
	D-Eddy Martinez	3,980	33.60%
Kansas House of Representatives 43			
	R-Bill Sutton	8,166	100.00%
Kansas House of Representatives 44			
	D-Barbara W. Ballard	10,466	100.00%
Kansas House of Representatives 45			
	D-Mike Amyx	11,195	100.00%
Kansas House of Representatives 46			
	D-Brooklynne Mosley	6,651	100.00%
Kansas House of Representatives 47			
	R-Ronald B. Ellis	8,298	66.14%
	D-Mary T. Williams	4,248	33.86%
Kansas House of Representatives 48			
	D-Dan Osman	6,632	52.88%
	R-Randy Ross	5,909	47.12%
Kansas House of Representatives 49			
	D-Nikki L. McDonald	6,305	50.59%
	R-Kurtis Ruf	6,157	49.41%
Kansas House of Representatives 50			
	R-Kyle McNorton	8,663	66.34%
	D-Jessica "JP" Porter	4,396	33.66%

Kansas Secretary of State

2024 General Election

Official Vote Totals

Race	Candidate	Votes	Percent
Kansas House of Representatives 51			
	R-Megan D. Steele	8,090	68.78%
	D-Linda Morse	3,672	31.22%
Kansas House of Representatives 52			
	R-Jesse Borjon	7,646	55.64%
	D-Jacquie Whitney Lightcap	6,097	44.36%
Kansas House of Representatives 53			
	D-Kirk R. Haskins	5,556	51.10%
	R-Jeff Coen	4,742	43.61%
	L-Aric Hermann	575	5.29%
Kansas House of Representatives 54			
	R-Ken Corbet	8,028	67.73%
	D-Jade Pearson Ramsdell	3,825	32.27%
Kansas House of Representatives 55			
	D-Tobias Schlingensiepen	5,662	63.23%
	R-Michael Barron	3,292	36.77%
Kansas House of Representatives 56			
	D-Virgil Weigel	5,925	54.64%
	R-Pennie Boyer-Kloos	4,918	45.36%
Kansas House of Representatives 57			
	D-John Alcala	4,140	58.96%
	R-Donna J. McGinty	2,882	41.04%
Kansas House of Representatives 58			
	D-Alexis Simmons	4,759	63.54%
	R-Michael Mathewson	2,731	36.46%
Kansas House of Representatives 59			
	R-Rebecca Schmoe	7,895	72.27%
	D-Michael Lewis	3,030	27.73%
Kansas House of Representatives 60			
	R-Mark Schreiber	4,948	58.02%
	D-Mic McGuire	3,580	41.98%
Kansas House of Representatives 61			
	R-Francis Awerkamp	6,678	64.97%
	L-Robert Thomas	3,600	35.03%
Kansas House of Representatives 62			
	R-Sean M. Willcott	9,874	100.00%
Kansas House of Representatives 63			
	R-Allen B. Reavis	8,881	100.00%

Kansas Secretary of State

2024 General Election

Official Vote Totals

Race	Candidate	Votes	Percent
Kansas House of Representatives 64			
	R-Lewis (Bill) Bloom	8,214	100.00%
Kansas House of Representatives 65			
	R-Shawn Chauncey	3,519	57.02%
	D-Lorraine M Cenicerros	2,653	42.98%
Kansas House of Representatives 66			
	D-Sydney Carlin	4,546	100.00%
Kansas House of Representatives 67			
	R-Angel Roeser	5,704	52.43%
	D-Kim Zito	5,175	47.57%
Kansas House of Representatives 68			
	R-Nathan (Nate) Butler	4,417	68.94%
	D-Michael Seymour II	1,990	31.06%
Kansas House of Representatives 69			
	R-Clarke Sanders	5,590	58.21%
	D-Lori Blake	4,013	41.79%
Kansas House of Representatives 70			
	R-Scott Hill	9,874	100.00%
Kansas House of Representatives 71			
	R-Steven K. Howe	9,223	100.00%
Kansas House of Representatives 72			
	R-Avery Anderson	6,788	65.14%
	D-Heidi Hoskinson	3,633	34.86%
Kansas House of Representatives 73			
	R-Richard Wilborn	8,973	100.00%
Kansas House of Representatives 74			
	R-Mike King	7,794	70.66%
	D-Jenna Ratzlaff	3,236	29.34%
Kansas House of Representatives 75			
	R-Will Carpenter	8,995	100.00%
Kansas House of Representatives 76			
	R-Brad Barrett	10,083	100.00%
Kansas House of Representatives 77			
	R-Kristey S. Williams	9,340	100.00%
Kansas House of Representatives 78			
	R-Robyn R. Essex	6,880	54.40%
	D-Daniel Goodman	5,767	45.60%

Kansas Secretary of State

2024 General Election

Official Vote Totals

Race	Candidate	Votes	Percent
Kansas House of Representatives 79			
	R-Webster T. Roth	7,491	72.75%
	D-Siobhan McIntyre	2,806	27.25%
Kansas House of Representatives 80			
	R-Bill Rhiley	7,369	100.00%
Kansas House of Representatives 81			
	R-Blake Carpenter	5,896	100.00%
Kansas House of Representatives 82			
	R-Leah Howell	7,464	67.30%
	D-Kyle Beauchamp	3,626	32.70%
Kansas House of Representatives 83			
	D-Henry Helgerson	4,037	58.02%
	R-Erik Seligman	2,921	41.98%
Kansas House of Representatives 84			
	D-Ford Carr	5,195	100.00%
Kansas House of Representatives 85			
	R-Patrick A. Penn	6,870	57.85%
	D-Aonya Kendrick Barnett	5,005	42.15%
Kansas House of Representatives 86			
	D-Silas Miller	4,098	100.00%
Kansas House of Representatives 87			
	R-Susan Oliver Estes	6,105	54.29%
	D-Mike Snider	5,140	45.71%
Kansas House of Representatives 88			
	R-Sandy Pickert	4,524	51.06%
	D-Veronica Gillette	4,337	48.94%
Kansas House of Representatives 89			
	D-KC Ohaebosim	5,967	100.00%
Kansas House of Representatives 90			
	R-Steve Huebert	8,243	70.96%
	D-Tracy Edingfield	3,373	29.04%
Kansas House of Representatives 91			
	R-Emil Bergquist	8,145	65.89%
	D-Keisha McClish Coutts	4,216	34.11%
Kansas House of Representatives 92			
	D-John Carmichael	6,116	100.00%
Kansas House of Representatives 93			
	R-Brian Bergkamp	8,464	74.72%
	D-Justin L. Shore	2,863	25.28%

Kansas Secretary of State

2024 General Election

Official Vote Totals

Race	Candidate	Votes	Percent
Kansas House of Representatives 94			
	R-Leo Delperdang	8,812	100.00%
Kansas House of Representatives 95			
	D-Tom Sawyer	3,289	53.96%
	R-Christopher Parisho	2,806	46.04%
Kansas House of Representatives 96			
	R-Tom Kessler	2,947	52.04%
	D-Dan Johnson	2,412	42.59%
	L-Joseph Trotter	304	5.37%
Kansas House of Representatives 97			
	R-Nick Hoheisel	5,177	61.48%
	D-Christine Pruitt	3,244	38.52%
Kansas House of Representatives 98			
	R-Cyndi Howerton	4,370	62.22%
	D-Carol Brewer	2,654	37.78%
Kansas House of Representatives 99			
	R-Susan Humphries	9,696	100.00%
Kansas House of Representatives 100			
	R-Daniel Hawkins	7,368	60.79%
	D-Mike McCorkle	4,753	39.21%
Kansas House of Representatives 101			
	R-Joe Seiwert	10,267	100.00%
Kansas House of Representatives 102			
	R-Kyler Sweely	3,772	52.03%
	D-Jason Probst	3,478	47.97%
Kansas House of Representatives 103			
	D-Angela Martinez	2,817	100.00%
Kansas House of Representatives 104			
	R-Paul Waggoner	7,925	64.54%
	D-Lynnette Krieger-Zook	4,355	35.46%
Kansas House of Representatives 105			
	R-Jill Ann Ward	5,258	59.00%
	D-John Burke	3,654	41.00%
Kansas House of Representatives 106			
	R-Lisa M. Moser	10,449	100.00%
Kansas House of Representatives 107			
	R-Dawn Wolf	9,778	100.00%
Kansas House of Representatives 108			
	D-Brandon Woodard	8,527	100.00%

Kansas Secretary of State

2024 General Election

Official Vote Totals

Race	Candidate	Votes	Percent
Kansas House of Representatives 109			
	R-Troy L. Waymaster	8,884	79.78%
	D-Keith Griffin	1,288	11.57%
	L-Peter Solie	964	8.66%
Kansas House of Representatives 110			
	R-Ken Rahjes	9,531	85.13%
	D-ellace Henderson	1,665	14.87%
Kansas House of Representatives 111			
	R-Barb Wasinger	7,739	73.25%
	D-Joseph Burt Lantz IV	2,826	26.75%
Kansas House of Representatives 112			
	R-Sherri Brantley	6,375	71.45%
	D-Mark Rondeau	2,547	28.55%
Kansas House of Representatives 113			
	R-Brett Fairchild	8,296	77.08%
	D-Jo Ann Roth	2,467	22.92%
Kansas House of Representatives 114			
	R-Kevin D. Schwertfeger	9,971	100.00%
Kansas House of Representatives 115			
	R-Gary White	8,311	100.00%
Kansas House of Representatives 116			
	R-Kyle D. Hoffman	9,879	100.00%
Kansas House of Representatives 117			
	R-Adam Turk	8,552	57.50%
	D-Bill Hammond	6,320	42.50%
Kansas House of Representatives 118			
	R-Jim Minnix	10,435	100.00%
Kansas House of Representatives 119			
	R-Jason W. Goetz	3,383	100.00%
Kansas House of Representatives 120			
	R-Adam Smith	10,157	100.00%
Kansas House of Representatives 121			
	R-John Resman	6,800	55.49%
	D-Mel Pinick	5,454	44.51%
Kansas House of Representatives 122			
	R-Lon E. Pishny	5,989	100.00%
Kansas House of Representatives 123			
	R-Bob Lewis	4,327	65.41%
	D-Tracy Meinzer	2,288	34.59%

Kansas Secretary of State

2024 General Election

Official Vote Totals

Race	Candidate	Votes	Percent
Kansas House of Representatives 124			
	R-Martin (Marty) Long	7,013	100.00%
Kansas House of Representatives 125			
	R-Shannon Francis	4,292	100.00%
Member, State Board of Education 2			
	D-Melanie Haas	75,882	62.18%
	R-Fred Postlewait	40,699	33.35%
	i-Kiel Corkran	5,451	4.47%
Member, State Board of Education 4			
	R-Connie O'Brien	79,486	50.72%
	D-Kris Meyer	77,228	49.28%
Member, State Board of Education 6			
	D-Beryl Ann New	66,956	57.24%
	R-Bruce Schultz	50,013	42.76%
Member, State Board of Education 8			
	D-Betty Arnold	45,691	51.45%
	R-Jason Carmichael	43,113	48.55%
Member, State Board of Education 10			
	R-Debby Potter	80,610	59.65%
	D-Jeffrey Jarman	42,323	31.32%
	i-Kent Rowe	12,210	9.03%
Court of Appeals Judge 4			
	Sarah E. Warner - "YES"	796,547	75.97%
	Sarah E. Warner - "NO"	251,916	24.03%
Court of Appeals Judge 6			
	David E. Bruns - "YES"	757,871	73.11%
	David E. Bruns - "NO"	278,790	26.89%
Court of Appeals Judge 8			
	G. Gordon Atcheson - "YES"	694,843	67.53%
	G. Gordon Atcheson - "NO"	334,046	32.47%
Court of Appeals Judge 9			
	Karen Arnold-Burger - "YES"	710,812	68.84%
	Karen Arnold-Burger - "NO"	321,739	31.16%
Court of Appeals Judge 10			
	Rachel L. Pickering - "YES"	707,394	68.85%
	Rachel L. Pickering - "NO"	320,030	31.15%
Court of Appeals Judge 12			
	Angela D. Coble - "YES"	720,974	70.21%
	Angela D. Coble - "NO"	305,974	29.79%

**Kansas Secretary of State
2024 General Election
Official Vote Totals**

Race	Candidate	Votes	Percent
Court of Appeals Judge 14			
	Kathryn Gardner - "YES"	757,867	73.73%
	Kathryn Gardner - "NO"	270,006	26.27%
District Court Judge 1-1			
	Gerald R. Kuckelman - "YES"	25,508	68.08%
	Gerald R. Kuckelman - "NO"	11,958	31.92%
District Court Judge 1-2			
	Geoffrey Sonntag - "YES"	24,802	67.28%
	Geoffrey Sonntag - "NO"	12,061	32.72%
District Court Judge 1-4			
	John W. Fresh - "YES"	24,667	66.67%
	John W. Fresh - "NO"	12,329	33.33%
District Court Judge 1-7			
	Clinton W. Lee - "YES"	24,718	67.45%
	Clinton W. Lee - "NO"	11,926	32.55%
District Court Judge 3-2			
	Jessica L. Heinen - "YES"	48,329	72.39%
	Jessica L. Heinen - "NO"	18,437	27.61%
District Court Judge 3-3			
	Teresa L. Watson - "YES"	47,294	71.08%
	Teresa L. Watson - "NO"	19,244	28.92%
District Court Judge 3-4			
	Darian P. Dernovich - "YES"	45,239	68.42%
	Darian P. Dernovich - "NO"	20,882	31.58%
District Court Judge 3-6			
	Thomas G. Luedke - "YES"	45,747	69.34%
	Thomas G. Luedke - "NO"	20,227	30.66%
District Court Judge 3-8			
	James Crowl - "YES"	45,547	68.79%
	James Crowl - "NO"	20,664	31.21%
District Court Judge 3-12			
	Steven R. Ebberts - "YES"	46,070	69.35%
	Steven R. Ebberts - "NO"	20,365	30.65%
District Court Judge 3-13			
	Maban Wright - "YES"	45,469	68.78%
	Maban Wright - "NO"	20,638	31.22%
District Court Judge 3-14			
	Brett Watson - "YES"	45,876	69.39%
	Brett Watson - "NO"	20,240	30.61%

**Kansas Secretary of State
2024 General Election
Official Vote Totals**

Race	Candidate	Votes	Percent
District Court Judge 3-15			
	Jay D. Befort - "YES"	45,738	69.14%
	Jay D. Befort - "NO"	20,410	30.86%
District Court Judge 4-1			
	Taylor Wine - "YES"	17,429	71.74%
	Taylor Wine - "NO"	6,864	28.26%
District Court Judge 4-2			
	Douglas P. Witteman - "YES"	17,224	71.19%
	Douglas P. Witteman - "NO"	6,972	28.81%
District Court Judge 4-3			
	Eric W. Godderz - "YES"	17,676	72.30%
	Eric W. Godderz - "NO"	6,772	27.70%
District Court Judge 5-1			
	Jeffrey J. Larson - "YES"	10,340	82.04%
	Jeffrey J. Larson - "NO"	2,263	17.96%
District Court Judge 5-3			
	Laura L. Miser - "YES"	9,952	80.51%
	Laura L. Miser - "NO"	2,409	19.49%
District Court Judge 6-2			
	Andrea E. Purvis - "YES"	18,525	72.23%
	Andrea E. Purvis - "NO"	7,124	27.77%
District Court Judge 6-3			
	Mark A. Ward - "YES"	18,541	71.63%
	Mark A. Ward - "NO"	7,342	28.37%
District Court Judge 6-4			
	Sarah E. Stewart - "YES"	18,097	71.02%
	Sarah E. Stewart - "NO"	7,384	28.98%
District Court Judge 6-5			
	Richard M. Fisher, Jr. - "YES"	17,768	69.81%
	Richard M. Fisher, Jr. - "NO"	7,685	30.19%
District Court Judge 6-6			
	Elizabeth H. Sweeney-Reeder - "YES"	18,202	71.00%
	Elizabeth H. Sweeney-Reeder - "NO"	7,434	29.00%
District Court Judge 7-3			
	Catherine C. Theisen - "YES"	33,943	78.48%
	Catherine C. Theisen - "NO"	9,305	21.52%
District Court Judge 7-4			
	James R. McCabria - "YES"	31,877	73.27%
	James R. McCabria - "NO"	11,631	26.73%

**Kansas Secretary of State
2024 General Election
Official Vote Totals**

Race	Candidate	Votes	Percent
District Court Judge 7-5			
	Mark Simpson - "YES"	33,227	77.26%
	Mark Simpson - "NO"	9,781	22.74%
District Court Judge 7-7			
	Carl Folsom, III - "YES"	32,894	76.58%
	Carl Folsom, III - "NO"	10,059	23.42%
District Court Judge 8-2			
	Courtney D. Boehm - "YES"	17,688	77.79%
	Courtney D. Boehm - "NO"	5,050	22.21%
District Court Judge 8-3			
	Susan C. Robson - "YES"	17,214	75.81%
	Susan C. Robson - "NO"	5,493	24.19%
District Court Judge 8-5			
	Ryan W. Rosauer - "YES"	17,380	77.21%
	Ryan W. Rosauer - "NO"	5,130	22.79%
District Court Judge 9-1			
	Jason R. Lane - "YES"	19,121	79.44%
	Jason R. Lane - "NO"	4,950	20.56%
District Court Judge 9-4			
	Michael X. Llamas - "YES"	18,965	78.23%
	Michael X. Llamas - "NO"	5,279	21.77%
District Court Judge 10-2			
	James F. Vano - "YES"	184,533	71.30%
	James F. Vano - "NO"	74,283	28.70%
District Court Judge 10-3			
	Thomas Sutherland - "YES"	193,242	74.80%
	Thomas Sutherland - "NO"	65,119	25.20%
District Court Judge 10-6			
	Robert J. Wonnell - "YES"	182,426	70.85%
	Robert J. Wonnell - "NO"	75,057	29.15%
District Court Judge 10-8			
	James Charles Droege - "YES"	183,988	71.66%
	James Charles Droege - "NO"	72,747	28.34%
District Court Judge 10-11			
	Joann M. Woltman - "YES"	184,730	71.91%
	Joann M. Woltman - "NO"	72,178	28.09%
District Court Judge 10-13			
	Brenda Cameron - "YES"	185,778	72.13%
	Brenda Cameron - "NO"	71,766	27.87%

Kansas Secretary of State

2024 General Election

Official Vote Totals

Race	Candidate	Votes	Percent
District Court Judge 10-14			
	Paul W. Burmaster - "YES"	183,115	71.51%
	Paul W. Burmaster - "NO"	72,964	28.49%
District Court Judge 10-20			
	Stephanie Goodenow - "YES"	189,164	73.58%
	Stephanie Goodenow - "NO"	67,920	26.42%
District Court Judge 10-21			
	Catherine Decena Triplett - "YES"	186,004	72.61%
	Catherine Decena Triplett - "NO"	70,179	27.39%
District Court Judge 10-22			
	Jason B. Billam - "YES"	181,590	71.23%
	Jason B. Billam - "NO"	73,350	28.77%
District Court Judge 11-1			
	M. Jennifer Brunetti - "YES"	21,572	73.89%
	M. Jennifer Brunetti - "NO"	7,623	26.11%
District Court Judge 11-2			
	Maradeth Frederick - "YES"	20,877	73.35%
	Maradeth Frederick - "NO"	7,586	26.65%
District Court Judge 12			
	Kim W. Cudney - "YES"	11,055	80.79%
	Kim W. Cudney - "NO"	2,628	19.21%
District Court Judge 13-2			
	R-Charles M. "Chuck" Hart	30,806	100.00%
District Court Judge 13-3			
	R-David A. Ricke	30,684	100.00%
District Court Judge 14-3			
	R-Jeffrey W. Gettler	12,091	100.00%
District Court Judge 15-1			
	R-Kevin N. Berens	11,075	100.00%
District Court Judge 15-2			
	R-Scott I. Showalter	10,867	100.00%
District Court Judge 16-2			
	D-Andrew M. Stein	9,410	100.00%
District Court Judge 16-3			
	R-Laura H. Lewis	12,438	100.00%
District Court Judge 17-1			
	R-Jessie A. Thompson	10,199	100.00%
District Court Judge 17-2			
	R-Paula D. Hofaker	10,053	100.00%

**Kansas Secretary of State
2024 General Election
Official Vote Totals**

Race	Candidate	Votes	Percent
District Court Judge 18-1	R-Phillip B. Journey	135,294	100.00%
District Court Judge 18-2	R-Eric R. Yost	135,488	100.00%
District Court Judge 18-3	R-Gregory D. Keith	129,717	100.00%
District Court Judge 18-6	R-Eric N. Williams	132,836	100.00%
District Court Judge 18-9	R-Christopher Magana	132,711	100.00%
District Court Judge 18-10	R-Bruce Brown	128,516	100.00%
District Court Judge 18-11	R-Quentin Pittman	131,761	100.00%
District Court Judge 18-12	R-Kevin Mark Smith	131,036	100.00%
District Court Judge 18-13	R-Chrystal Krier	127,856	100.00%
District Court Judge 18-14	R-Jacqueline Kelly	133,860	100.00%
District Court Judge 18-16	R-Kellie E. Hogan	132,452	100.00%
District Court Judge 18-20	R-Stephen Joseph Ternes	130,623	100.00%
District Court Judge 18-21	R-Jeff Dewey	126,509	100.00%
District Court Judge 18-22	R-Deborah Hernandez Mitchell	130,640	100.00%
District Court Judge 18-23	R-William S. Woolley	125,376	100.00%
District Court Judge 18-24	R-Tyler J. Roush	125,510	100.00%
District Court Judge 18-25	R-Sean Hatfield	129,579	100.00%
District Court Judge 18-26	R-Jeff Goering	131,163	100.00%
District Court Judge 18-27	R-Jeff Syrios	129,482	100.00%

Kansas Secretary of State

2024 General Election

Official Vote Totals

Race	Candidate	Votes	Percent
District Court Judge 18-28			
	R-Eric A Commer	129,262	100.00%
District Court Judge 19-1			
	D-Nicholas M. St. Peter	9,477	100.00%
District Court Judge 19-2			
	R-Christopher E. Smith	11,531	100.00%
District Court Judge 20-2			
	R-Levi Morris	16,467	100.00%
District Court Judge 20-3			
	R-Lisa A. Beran	19,124	100.00%
District Court Judge 21-2			
	Kendra S. Lewison - "YES"	18,486	79.31%
	Kendra S. Lewison - "NO"	4,824	20.69%
District Court Judge 22-2			
	R-John Weingart	15,412	100.00%
District Court Judge 23-1			
	R-Thomas J. Drees	16,308	100.00%
District Court Judge 23-2			
	R-Curtis Brown	16,399	100.00%
District Court Judge 25-1			
	Richard L. Marquez - "YES"	11,723	80.94%
	Richard L. Marquez - "NO"	2,761	19.06%
District Court Judge 25-4			
	Rebecca J. Faurot - "YES"	11,835	81.70%
	Rebecca J. Faurot - "NO"	2,651	18.30%
District Court Judge 26-2			
	R-Clinton B. Peterson	10,000	100.00%
District Court Judge 27-2			
	R-Keith E. Schroeder	22,465	100.00%
District Court Judge 27-4			
	R-Greg Bell	21,981	100.00%
District Court Judge 28-1			
	Jared B. Johnson - "YES"	17,577	78.96%
	Jared B. Johnson - "NO"	4,684	21.04%
District Court Judge 28-2			
	Paul J. Hickman - "YES"	16,910	76.61%
	Paul J. Hickman - "NO"	5,163	23.39%

**Kansas Secretary of State
2024 General Election
Official Vote Totals**

Race	Candidate	Votes	Percent
District Court Judge 28-3			
	Rene Susan Young - "YES"	17,456	77.90%
	Rene Susan Young - "NO"	4,953	22.10%
District Court Judge 28-4			
	Jacob E. Peterson - "YES"	16,978	77.32%
	Jacob E. Peterson - "NO"	4,979	22.68%
District Court Judge 28-5			
	Amy Taylor Norton - "YES"	16,942	77.21%
	Amy Taylor Norton - "NO"	5,001	22.79%
District Court Judge 28-6			
	Andrea K. Swisher - "YES"	17,018	78.23%
	Andrea K. Swisher - "NO"	4,735	21.77%
District Court Judge 29-1			
	D-Robert P. Burns	35,709	100.00%
District Court Judge 29-2			
	D-Michael A. Russell	35,159	100.00%
District Court Judge 29-7			
	D-Courtney Mikesic	35,545	100.00%
District Court Judge 29-8			
	D-Jane Sieve Wilson	35,568	100.00%
District Court Judge 29-9			
	D-Daniel Cahill	34,847	100.00%
District Court Judge 29-13			
	D-Renee S. Henry	34,766	100.00%
District Court Judge 29-14			
	D-Jennifer Orth Myers	34,669	100.00%
District Court Judge 29-16			
	D-Constance M. Alvey	34,440	100.00%
District Court Judge 30-2			
	William R. Mott - "YES"	15,468	77.17%
	William R. Mott - "NO"	4,575	22.83%
District Court Judge 31-1			
	Daniel Dale Creitz - "YES"	12,415	78.93%
	Daniel Dale Creitz - "NO"	3,314	21.07%
District Court Judge 31-3			
	Daryl D. Ahlquist - "YES"	12,245	78.33%
	Daryl D. Ahlquist - "NO"	3,387	21.67%

**Kansas Secretary of State
2024 General Election
Official Vote Totals**

Race	Candidate	Votes	Percent
District Court Judge 31-4			
	Tod M. Davis - "YES"	11,916	77.50%
	Tod M. Davis - "NO"	3,459	22.50%
District Magistrate Judge 3-1			
	Christopher J. Turner - "YES"	46,149	69.76%
	Christopher J. Turner - "NO"	20,005	30.24%
District Magistrate Judge 3-2			
	Dennis C. Jones - "YES"	44,108	69.42%
	Dennis C. Jones - "NO"	19,433	30.58%
District Magistrate Judge 4-3			
	Kara L Reynolds - "YES"	3,119	80.02%
	Kara L Reynolds - "NO"	779	19.98%
District Magistrate Judge 6			
	Rhonda E. Cole - "YES"	4,327	75.67%
	Rhonda E. Cole - "NO"	1,391	24.33%
District Magistrate Judge 8-1			
	Neal A Gugler - "YES"	6,494	81.91%
	Neal A Gugler - "NO"	1,434	18.09%
District Magistrate Judge 8-2			
	Laura E. Viar - "YES"	1,563	61.75%
	Laura E. Viar - "NO"	968	38.25%
District Magistrate Judge 9-2			
	Joseph L. Uhlman - "YES"	9,968	80.87%
	Joseph L. Uhlman - "NO"	2,358	19.13%
District Magistrate Judge 10-2			
	Wayne E. Smith - "YES"	186,133	72.99%
	Wayne E. Smith - "NO"	68,892	27.01%
District Magistrate Judge 10-3			
	Curtis Sample - "YES"	184,037	72.59%
	Curtis Sample - "NO"	69,498	27.41%
District Magistrate Judge 10-4			
	John McEntee - "YES"	181,288	71.41%
	John McEntee - "NO"	72,573	28.59%
District Magistrate Judge 11			
	Douglas R. Steele - "YES"	5,803	74.02%
	Douglas R. Steele - "NO"	2,037	25.98%
District Magistrate Judge 11-2			
	J. Gordon Gregory - "YES"	11,054	76.97%
	J. Gordon Gregory - "NO"	3,308	23.03%

Kansas Secretary of State

2024 General Election

Official Vote Totals

Race	Candidate	Votes	Percent
District Magistrate Judge 12-2			
	Kevin L. Phillips - "YES"	1,249	85.78%
	Kevin L. Phillips - "NO"	207	14.22%
District Magistrate Judge 12-3			
	Jennifer R. O'Hare - "YES"	1,108	80.12%
	Jennifer R. O'Hare - "NO"	275	19.88%
District Magistrate Judge 13-1			
	R-Joe E. Lee	1,063	100.00%
District Magistrate Judge 13-2			
	R-Phyllis K. Webster	2,426	100.00%
District Magistrate Judge 14			
	R-Rebecca Stewart	1,367	100.00%
District Magistrate Judge 15-1			
	i-Justin J. Gardner	726	50.88%
	R-Cynthia Poling	701	49.12%
District Magistrate Judge 15-2			
	R-Greg Jirak	1,270	100.00%
District Magistrate Judge 15-3			
	R-John Cahoj	1,281	100.00%
District Magistrate Judge 15-4			
	R-Steve R. Unruh	642	100.00%
District Magistrate Judge 15-5			
	R-Richard J. "Rick" Ress	3,362	100.00%
District Magistrate Judge 15-6			
	R-James R. Schroeder	1,239	100.00%
District Magistrate Judge 16-1			
	R-Philip J. Moore	915	100.00%
District Magistrate Judge 16-2			
	R-Rustin Martin	806	100.00%
District Magistrate Judge 16-3			
	R-Anthony Bayer	1,616	100.00%
District Magistrate Judge 16-4			
	R-Richard McVey	986	100.00%
District Magistrate Judge 16-5			
	R-Keith A. Whitney	1,506	100.00%
District Magistrate Judge 17-1			
	R-Morgan Nutting	1,130	100.00%
District Magistrate Judge 17-2			
	R-Jay E. Tate	1,365	100.00%

Kansas Secretary of State

2024 General Election

Official Vote Totals

Race	Candidate	Votes	Percent
District Magistrate Judge 17-4			
	D-Renee J. Henke	1,365	100.00%
District Magistrate Judge 17-6			
	R-Shannon R. Schmidt	1,858	100.00%
District Magistrate Judge 18-1			
	R-Kathleen Watson	130,079	100.00%
District Magistrate Judge 20-1			
	R-Peggy Svaty	2,517	100.00%
District Magistrate Judge 20-2			
	R-Richard E. Burgess, Jr.	3,535	100.00%
District Magistrate Judge 20-3			
	R-Crystal Leigh Miner	2,875	100.00%
District Magistrate Judge 20-4			
	R-Timarie Walters	1,664	100.00%
District Magistrate Judge 21-2			
	Jeremy Larchick - "YES"	15,985	80.88%
	Jeremy Larchick - "NO"	3,780	19.12%
District Magistrate Judge 22-1			
	R-Kelly J. Fuemmeler	3,011	100.00%
District Magistrate Judge 22-2			
	R-Mike Vermetten	4,254	100.00%
District Magistrate Judge 23-2			
	R-Douglas E. (Doug) Bigge	2,240	100.00%
District Magistrate Judge 23-3			
	D-Richard A. Flax	913	57.64%
	R-Travis Phillips	671	42.36%
District Magistrate Judge 24-1			
	R-Ken Schmidt	1,131	100.00%
District Magistrate Judge 24-2			
	R-Kenton T. Gleason	870	100.00%
District Magistrate Judge 24-3			
	R-Thomas Bennett	716	100.00%
District Magistrate Judge 24-5			
	R-Julie Fletcher Cowell	2,463	100.00%
District Magistrate Judge 24-6			
	R-Dale Snyder	1,450	100.00%
District Magistrate Judge 25-2			
	Christopher James Velez - "YES"	580	81.12%
	Christopher James Velez - "NO"	135	18.88%

**Kansas Secretary of State
2024 General Election
Official Vote Totals**

Race	Candidate	Votes	Percent
District Magistrate Judge 25-3			
	Darrell L. Walters - "YES"	1,022	87.13%
	Darrell L. Walters - "NO"	151	12.87%
District Magistrate Judge 25-4			
	Shairlyn Wasinger - "YES"	1,724	85.47%
	Shairlyn Wasinger - "NO"	293	14.53%
District Magistrate Judge 25-5			
	Korina Wedel - "YES"	689	84.54%
	Korina Wedel - "NO"	126	15.46%
District Magistrate Judge 26-1			
	R-Michael Winner	2,047	100.00%
District Magistrate Judge 26-2			
	R-Justin R. Groth	1,133	100.00%
District Magistrate Judge 26-3			
	R-Ethan G. Harder	972	100.00%
District Magistrate Judge 26-4			
	R-Jerry A. Gum	619	100.00%
District Magistrate Judge 26-5			
	R-Damon J. Simmons	1,652	100.00%
District Magistrate Judge 27			
	R-Jeff Newsum	21,783	100.00%
District Magistrate Judge 28-2			
	Claire Serrault-Wiseman - "YES"	15,034	77.74%
	Claire Serrault-Wiseman - "NO"	4,304	22.26%
District Magistrate Judge 30-2			
	Scott E. McPherson - "YES"	1,758	82.26%
	Scott E. McPherson - "NO"	379	17.74%
District Magistrate Judge 30-4			
	Ronald Sylvester - "YES"	2,409	69.34%
	Ronald Sylvester - "NO"	1,065	30.66%
District Magistrate Judge 31-1			
	Charles H. Apt III - "YES"	3,945	75.04%
	Charles H. Apt III - "NO"	1,312	24.96%
District Magistrate Judge 31-3			
	Melissa Rene Dugan Farren - "YES"	4,314	73.57%
	Melissa Rene Dugan Farren - "NO"	1,550	26.43%
District Attorney 3			
	R-Mike Kagay	61,583	100.00%

**Kansas Secretary of State
2024 General Election
Official Vote Totals**

Race	Candidate	Votes	Percent
District Attorney 7			
	D-Dakota Loomis	36,554	64.64%
	R-Mike Warner	19,994	35.36%
District Attorney 10			
	R-Steve Howe	167,873	50.52%
	D-Vanessa M. Riebli	164,427	49.48%
District Attorney 18			
	R-Marc Bennett	132,883	100.00%
District Attorney 27			
	R-Thomas R. Stanton	21,768	100.00%
District Attorney 29			
	D-Mark A. Dupree, Sr.	32,929	100.00%

RETRIEVED FROM DEMOCRACYDOCKET.COM

Kansas Secretary of State

2022 General Election

Official Vote Totals

Race	Candidate	Votes	Percent
United States Senate			
	R-Jerry Moran	602,976	60.00%
	D-Mark R. Holland	372,214	37.04%
	L-David C Graham	29,766	2.96%
United States House of Representatives 1			
	R-Tracey Mann	161,333	67.67%
	D-James "Jimmy" Beard	77,092	32.33%
United States House of Representatives 2			
	R-Jake LaTurner	134,506	57.64%
	D-Patrick Schmidt	98,852	42.36%
United States House of Representatives 3			
	D-Sharice Davids	165,527	54.94%
	R-Amanda L. Adkins	128,839	42.76%
	L-Steven A Hohe	6,928	2.30%
United States House of Representatives 4			
	R-Ron Estes	144,889	63.34%
	D-Bob Hernandez	83,851	36.66%
Governor / Lt. Governor			
	D-Laura Kelly / David Toland	499,849	49.54%
	R-Derek Schmidt / Katie Sawyer	477,591	47.33%
	i-Dennis Pyle / Kathleen E. Garrison	20,452	2.03%
	L-Seth Cordell / Evan Laudick-Gains	11,106	1.10%
Secretary of State			
	R-Scott J Schwab	580,908	58.36%
	D-Jeanna Repass	386,661	38.84%
	L-Cullene Lang	27,844	2.80%
Attorney General			
	R-Kris Kobach	506,817	50.80%
	D-Chris Mann	490,925	49.20%
State Treasurer			
	R-Steven Johnson	537,488	54.03%
	D-Lynn W Rogers	411,813	41.39%
	L-Steve Roberts	45,540	4.58%
Commissioner of Insurance			
	R-Vicki Schmidt	618,108	63.01%
	D-Kiel Corkran	362,882	36.99%
Kansas Senate 38			
	R-Ronald W. Ryckman Sr	10,067	75.27%
	D-Jose Lara	3,307	24.73%



Kansas Secretary of State

2022 General Election

Official Vote Totals

Race	Candidate	Votes	Percent
Kansas House of Representatives 1			
	R-Michael Houser	5,847	75.20%
	D-Paul D. Rogers	1,928	24.80%
Kansas House of Representatives 2			
	R-Kenneth (Ken) Collins	6,566	100.00%
Kansas House of Representatives 3			
	R-Chuck Smith	4,714	100.00%
Kansas House of Representatives 4			
	R-Trevor Jacobs	7,069	100.00%
Kansas House of Representatives 5			
	R-Carrie Barth	7,085	100.00%
Kansas House of Representatives 6			
	R-Samantha M. Poetter Parshall	6,265	67.96%
	D-Nina Fricke	2,954	32.04%
Kansas House of Representatives 7			
	R-Dan Goddard	5,789	100.00%
Kansas House of Representatives 8			
	R-Chris Croft	5,451	54.48%
	D-Pam Shernuk	4,555	45.52%
Kansas House of Representatives 9			
	R-Fred Gardner	6,101	74.15%
	D-Alana Cloutier	2,127	25.85%
Kansas House of Representatives 10			
	D-Christina Haswood	6,695	100.00%
Kansas House of Representatives 11			
	R-Ron Bryce	5,104	74.88%
	D-Gregory L. Wilkinson	1,712	25.12%
Kansas House of Representatives 12			
	R-Doug Blex	7,674	100.00%
Kansas House of Representatives 13			
	R-Joe Newland	7,742	100.00%
Kansas House of Representatives 14			
	D-Dennis Miller	5,647	51.00%
	R-Charlotte Esau	5,426	49.00%
Kansas House of Representatives 15			
	D-Allison Houglund	2,915	50.68%
	R-Matt Bingesser	2,837	49.32%

Kansas Secretary of State

2022 General Election

Official Vote Totals

Race	Candidate	Votes	Percent
Kansas House of Representatives 16			
	D-Linda Featherston	5,970	54.23%
	R-Ed Roitz	5,039	45.77%
Kansas House of Representatives 17			
	D-Jo Ella Hoyer	6,139	53.58%
	R-Emily Carpenter	5,102	44.53%
	L-Michael Kerner	217	1.89%
Kansas House of Representatives 18			
	D-Cindy Neighbor	5,746	57.34%
	R-Cathy Gordon	4,275	42.66%
Kansas House of Representatives 19			
	D-Stephanie Sawyer Clayton	8,027	61.99%
	R-Nicholas Reddell	4,922	38.01%
Kansas House of Representatives 20			
	D-Mari-Lynn Poskin	7,048	55.70%
	R-Carrie Rahfaldt	5,606	44.30%
Kansas House of Representatives 21			
	D-Jerry Stogsdill	9,143	100.00%
Kansas House of Representatives 22			
	D-Lindsay Vaughn	5,574	65.03%
	R-Robert "Chris" Colburn	2,997	34.97%
Kansas House of Representatives 23			
	D-Susan Ruiz	6,115	100.00%
Kansas House of Representatives 24			
	D-Jarrold Ousley	6,733	100.00%
Kansas House of Representatives 25			
	D-Rui Xu	9,766	100.00%
Kansas House of Representatives 26			
	R-Adam T. Thomas	5,766	59.30%
	D-Cheron Tiffany	3,958	40.70%
Kansas House of Representatives 27			
	R-Sean Edward Tarwater Sr.	6,648	57.34%
	D-Christi Pribula	4,945	42.66%
Kansas House of Representatives 28			
	R-Carl Turner	5,151	50.29%
	D-Ace Allen	5,091	49.71%
Kansas House of Representatives 29			
	D-Heather Meyer	5,558	57.16%
	R-David Soffer	4,166	42.84%

Kansas Secretary of State

2022 General Election

Official Vote Totals

Race	Candidate	Votes	Percent
Kansas House of Representatives 30			
	R-Laura Williams	4,499	50.79%
	D-Courtney Eiterich	4,359	49.21%
Kansas House of Representatives 31			
	D-Louis E. Ruiz	3,290	73.77%
	R-Dennis Grindel	1,170	26.23%
Kansas House of Representatives 32			
	D-Pam Curtis	1,857	100.00%
Kansas House of Representatives 33			
	R-Mike Thompson	3,350	51.44%
	D-Bill Hutton	2,983	45.80%
	L-Stephanie Barton	180	2.76%
Kansas House of Representatives 34			
	D-Valdenia C. Winn	2,572	79.43%
	R-Pepe Cabrera	666	20.57%
Kansas House of Representatives 35			
	D-Marvin S. Robinson II	3,290	80.13%
	R-Sam Stillwell	816	19.87%
Kansas House of Representatives 36			
	D-Lynn Melton	4,999	62.29%
	R-Kevin Braun	3,027	37.71%
Kansas House of Representatives 37			
	D-Melissa Oropeza	2,997	61.84%
	R-Diana Whittington	1,849	38.16%
Kansas House of Representatives 38			
	R-Timothy H. Johnson	7,832	100.00%
Kansas House of Representatives 39			
	R-Owen Donohoe	5,052	51.04%
	D-Vanessa Vaughn West	4,847	48.96%
Kansas House of Representatives 40			
	R-David Buehler	3,999	55.38%
	D-Martha Allen	3,222	44.62%
Kansas House of Representatives 41			
	R-Pat Proctor	2,324	51.60%
	D-Harry Schwarz	2,180	48.40%
Kansas House of Representatives 42			
	R-Lance W. Neelly	6,705	100.00%

Kansas Secretary of State

2022 General Election

Official Vote Totals

Race	Candidate	Votes	Percent
Kansas House of Representatives 43			
	R-Bill Sutton	4,202	58.07%
	D-Keith Davenport	3,034	41.93%
Kansas House of Representatives 44			
	D-Barbara W. Ballard	8,890	100.00%
Kansas House of Representatives 45			
	D-Mike Amyx	9,613	100.00%
Kansas House of Representatives 46			
	D-Dennis "Boog" Highberger	5,715	100.00%
Kansas House of Representatives 47			
	R-Ronald Ellis	7,819	100.00%
Kansas House of Representatives 48			
	D-Dan Osman	5,161	51.33%
	R-Terry Frederick	4,894	48.67%
Kansas House of Representatives 49			
	D-Brad Boyd	4,789	50.77%
	R-Kristin A. Clark	4,643	49.23%
Kansas House of Representatives 50			
	R-Fred C. Patton	8,918	100.00%
Kansas House of Representatives 51			
	R-Kenny Titus	7,702	100.00%
Kansas House of Representatives 52			
	R-Jesse Borjon	6,426	56.30%
	D-Derik Flehage	4,987	43.70%
Kansas House of Representatives 53			
	D-Kirk R. Haskins	4,948	55.37%
	R-Bruce Williamson	3,988	44.63%
Kansas House of Representatives 54			
	R-Ken Corbet	6,446	66.61%
	D-Lyndon Johnson	3,231	33.39%
Kansas House of Representatives 55			
	D-Tobias Schlingensiepen	4,853	65.61%
	R-Todd C. Staerke	2,544	34.39%
Kansas House of Representatives 56			
	D-Virgil Weigel	6,349	100.00%
Kansas House of Representatives 57			
	D-John Alcalá	4,221	100.00%
Kansas House of Representatives 58			
	D-Vic Miller	4,455	100.00%

Kansas Secretary of State

2022 General Election

Official Vote Totals

Race	Candidate	Votes	Percent
Kansas House of Representatives 59			
	R-Rebecca Schmoe	5,344	64.53%
	D-Darrell McCune	2,937	35.47%
Kansas House of Representatives 60			
	R-Mark Schreiber	3,649	55.27%
	D-Mic McGuire	2,953	44.73%
Kansas House of Representatives 61			
	R-Francis Awerkamp	6,677	100.00%
Kansas House of Representatives 62			
	R-Randy Garber	7,872	100.00%
Kansas House of Representatives 63			
	R-John R. Eplee	7,116	100.00%
Kansas House of Representatives 64			
	R-Lewis (Bill) Bloom	5,721	77.34%
	D-Patricia Smetana	1,676	22.66%
Kansas House of Representatives 65			
	R-Jeff Underhill	3,121	100.00%
Kansas House of Representatives 66			
	D-Sydney Carlin	3,317	100.00%
Kansas House of Representatives 67			
	R-Mike Dodson	4,559	52.41%
	D-Kim Zito	4,139	47.59%
Kansas House of Representatives 68			
	R-Nathan (Nate) Butler	3,207	67.77%
	D-Michael Seymour II	1,525	32.23%
Kansas House of Representatives 69			
	R-Clarke Sanders	4,747	65.00%
	D-Sarah Crews	2,556	35.00%
Kansas House of Representatives 70			
	R-Scott Hill	7,460	100.00%
Kansas House of Representatives 71			
	R-Steven K. Howe	7,096	100.00%
Kansas House of Representatives 72			
	R-Avery Anderson	6,325	100.00%
Kansas House of Representatives 73			
	R-Les Mason	7,258	100.00%
Kansas House of Representatives 74			
	R-Stephen Owens	6,414	76.80%
	L-Henry Hein	1,938	23.20%

Kansas Secretary of State

2022 General Election

Official Vote Totals

Race	Candidate	Votes	Percent
Kansas House of Representatives 75			
	R-Will Carpenter	6,813	100.00%
Kansas House of Representatives 76			
	R-Eric L. Smith	6,623	72.82%
	D-Chuck Torres	2,472	27.18%
Kansas House of Representatives 77			
	R-Kristey S. Williams	6,753	100.00%
Kansas House of Representatives 78			
	R-Robyn R. Essex	5,030	53.50%
	D-W. Michael Shimeall	4,371	46.50%
Kansas House of Representatives 79			
	R-Webster T. Roth	5,244	63.43%
	D-Kris Trimmer	3,024	36.57%
Kansas House of Representatives 80			
	R-Bill Rhiley	5,409	100.00%
Kansas House of Representatives 81			
	R-Blake Carpenter	4,231	100.00%
Kansas House of Representatives 82			
	R-Leah Howell	5,453	65.48%
	D-Misti Hobbs	2,875	34.52%
Kansas House of Representatives 83			
	D-Henry Helgerson	3,695	100.00%
Kansas House of Representatives 84			
	D-Ford Carr	4,067	100.00%
Kansas House of Representatives 85			
	R-Patrick A. Penn	5,064	57.02%
	D-Jalon Britton	3,817	42.98%
Kansas House of Representatives 86			
	D-Silas Miller	2,527	57.79%
	R-Rick Lindsey	1,846	42.21%
Kansas House of Representatives 87			
	R-Susan Oliver Estes	4,890	55.72%
	D-Chris Strong	3,886	44.28%
Kansas House of Representatives 88			
	R-Sandy Pickert	3,022	50.96%
	D-Chuck Schmidt	2,908	49.04%
Kansas House of Representatives 89			
	D-KC Ohaebosim	4,547	100.00%

Kansas Secretary of State

2022 General Election

Official Vote Totals

Race	Candidate	Votes	Percent
Kansas House of Representatives 90			
	R-Carl Maughan	6,683	100.00%
Kansas House of Representatives 91			
	R-Emil M. Bergquist	5,826	64.04%
	D-Brooke Chong	2,962	32.56%
	L-Steve Baird	309	3.40%
Kansas House of Representatives 92			
	D-John Carmichael	4,752	100.00%
Kansas House of Representatives 93			
	R-Brian Bergkamp	6,646	100.00%
Kansas House of Representatives 94			
	R-Leo G. Delperdang	5,840	64.16%
	D-Robert Howes	3,262	35.84%
Kansas House of Representatives 95			
	D-Tom Sawyer	2,433	56.00%
	R-Christopher Parisho	1,912	44.00%
Kansas House of Representatives 96			
	R-Tom Kessler	2,648	100.00%
Kansas House of Representatives 97			
	R-Nick Hoheisel	4,289	100.00%
Kansas House of Representatives 98			
	R-Cyndi Howerton	3,627	100.00%
Kansas House of Representatives 99			
	R-Susan Humphries	7,273	100.00%
Kansas House of Representatives 100			
	R-Daniel Hawkins	5,641	59.70%
	D-Mike McCorkle	3,808	40.30%
Kansas House of Representatives 101			
	R-Joe Seiwert	7,501	100.00%
Kansas House of Representatives 102			
	D-Jason Probst	2,719	52.44%
	R-John Whitesel	2,466	47.56%
Kansas House of Representatives 103			
	D-Angela Martinez	1,717	73.60%
	L-Loren John Hermreck	616	26.40%
Kansas House of Representatives 104			
	R-Paul Waggoner	6,003	60.57%
	D-Garth Strand	3,908	39.43%

Kansas Secretary of State

2022 General Election

Official Vote Totals

Race	Candidate	Votes	Percent
Kansas House of Representatives 105			
	R-Brenda K. Landwehr	3,788	58.30%
	D-Jaelynn Elise Abegg	2,709	41.70%
Kansas House of Representatives 106			
	R-Lisa M. Moser	8,302	100.00%
Kansas House of Representatives 107			
	R-Susan L Concannon	7,570	100.00%
Kansas House of Representatives 108			
	D-Brandon Woodard	6,753	100.00%
Kansas House of Representatives 109			
	R-Troy L. Waymaster	7,698	85.32%
	L-Peter Solie	1,324	14.68%
Kansas House of Representatives 110			
	R-Ken Rahjes	8,366	100.00%
Kansas House of Representatives 111			
	R-Barb Wasinger	5,038	60.49%
	D-Edward H. Hammond	3,291	39.51%
Kansas House of Representatives 112			
	R-Tory Marie Blew	6,074	100.00%
Kansas House of Representatives 113			
	R-Brett Fairchild	6,610	75.99%
	D-Jo Ann Roth	2,089	24.01%
Kansas House of Representatives 114			
	R-Michael Murphy	7,768	100.00%
Kansas House of Representatives 115			
	R-Gary White	6,738	100.00%
Kansas House of Representatives 116			
	R-Kyle D. Hoffman	6,996	79.38%
	D-Kirsten Lee Barger	1,817	20.62%
Kansas House of Representatives 117			
	R-Adam Turk	5,813	51.94%
	D-Courtney Tripp	5,378	48.06%
Kansas House of Representatives 118			
	R-Jim Minnix	8,414	100.00%
Kansas House of Representatives 119			
	R-Jason W. Goetz	2,213	100.00%
Kansas House of Representatives 120			
	R-Adam Smith	8,120	100.00%

Kansas Secretary of State

2022 General Election

Official Vote Totals

Race	Candidate	Votes	Percent
Kansas House of Representatives 121			
	R-John Resman	4,972	54.61%
	D-Mel Pinick	4,133	45.39%
Kansas House of Representatives 122			
	R-William Clifford	4,465	100.00%
Kansas House of Representatives 123			
	R-Bob Lewis	3,746	100.00%
Kansas House of Representatives 124			
	R-David Younger	5,350	100.00%
Kansas House of Representatives 125			
	R-Shannon Francis	2,859	100.00%
Member, State Board of Education 1			
	R-Danny Zeck	59,425	61.36%
	D-Jeffrey M. Howards	37,417	38.64%
Member, State Board of Education 3			
	R-Michelle Dombrosky	61,757	52.40%
	D-Sheila Albers	56,101	47.60%
Member, State Board of Education 5			
	R-Cathy Hopkins	74,080	100.00%
Member, State Board of Education 7			
	R-Dennis Hershberger	83,029	100.00%
Member, State Board of Education 9			
	R-Jim Porter	85,015	100.00%
Supreme Court Justice 1			
	Melissa Taylor Standridge - "YES"	592,572	66.76%
	Melissa Taylor Standridge - "NO"	295,029	33.24%
Supreme Court Justice 2			
	Dan Biles - "YES"	571,967	65.16%
	Dan Biles - "NO"	305,828	34.84%
Supreme Court Justice 3			
	K. J. Wall - "YES"	567,079	64.73%
	K. J. Wall - "NO"	308,976	35.27%
Supreme Court Justice 5			
	Marla Luckert - "YES"	577,028	65.83%
	Marla Luckert - "NO"	299,524	34.17%
Supreme Court Justice 6			
	Evelyn Z. Wilson - "YES"	574,938	65.72%
	Evelyn Z. Wilson - "NO"	299,941	34.28%

**Kansas Secretary of State
2022 General Election
Official Vote Totals**

Race	Candidate	Votes	Percent
Supreme Court Justice 7			
	Caleb Stegall - "YES"	639,624	72.89%
	Caleb Stegall - "NO"	237,864	27.11%
Court of Appeals Judge 1			
	Stephen D. Hill - "YES"	588,865	69.51%
	Stephen D. Hill - "NO"	258,303	30.49%
Court of Appeals Judge 2			
	Lesley Ann Isherwood - "YES"	585,458	69.30%
	Lesley Ann Isherwood - "NO"	259,376	30.70%
Court of Appeals Judge 3			
	Amy Fellows Cline - "YES"	580,472	68.83%
	Amy Fellows Cline - "NO"	262,901	31.17%
Court of Appeals Judge 5			
	Kim R. Schroeder - "YES"	609,039	72.26%
	Kim R. Schroeder - "NO"	233,862	27.74%
Court of Appeals Judge 7			
	Henry W. Green Jr. - "YES"	581,926	69.38%
	Henry W. Green Jr. - "NO"	256,797	30.62%
Court of Appeals Judge 11			
	Tom Malone - "YES"	581,830	69.26%
	Tom Malone - "NO"	258,187	30.74%
Court of Appeals Judge 13			
	Jacy J. Hurst - "YES"	573,829	68.48%
	Jacy J. Hurst - "NO"	264,160	31.52%
District Court Judge 1-3			
	Dan K. Wiley - "YES"	17,581	60.56%
	Dan K. Wiley - "NO"	11,449	39.44%
District Court Judge 1-4			
	David J. King - "YES"	17,596	60.80%
	David J. King - "NO"	11,347	39.20%
District Court Judge 1-5			
	Joan M. Lowdon - "YES"	17,533	60.79%
	Joan M. Lowdon - "NO"	11,311	39.21%
District Court Judge 1-6			
	John J Bryant - "YES"	17,577	60.96%
	John J Bryant - "NO"	11,255	39.04%
District Court Judge 2-1			
	Norbert C. Marek - "YES"	16,241	71.07%
	Norbert C. Marek - "NO"	6,612	28.93%

**Kansas Secretary of State
2022 General Election
Official Vote Totals**

Race	Candidate	Votes	Percent
District Court Judge 2-2			
	Christopher T. Etzel - "YES"	16,177	72.22%
	Christopher T. Etzel - "NO"	6,224	27.78%
District Court Judge 2-3			
	Jeff Elder - "YES"	16,994	74.01%
	Jeff Elder - "NO"	5,968	25.99%
District Court Judge 3-1			
	Jason E. Geier - "YES"	40,192	71.11%
	Jason E. Geier - "NO"	16,327	28.89%
District Court Judge 3-5			
	Lori D. Dougherty-Bichsel - "YES"	39,518	70.46%
	Lori D. Dougherty-Bichsel - "NO"	16,566	29.54%
District Court Judge 3-7			
	Penny R. Moylan - "YES"	40,105	71.26%
	Penny R. Moylan - "NO"	16,174	28.74%
District Court Judge 3-9			
	Carl William Ossmann - "YES"	39,430	70.01%
	Carl William Ossmann - "NO"	16,889	29.99%
District Court Judge 3-10			
	Mary Mattivi - "YES"	40,593	71.61%
	Mary Mattivi - "NO"	16,090	28.39%
District Court Judge 3-11			
	Cheryl Ann Rios - "YES"	40,494	71.36%
	Cheryl Ann Rios - "NO"	16,252	28.64%
District Court Judge 5-2			
	W. Lee Fowler - "YES"	8,268	79.58%
	W. Lee Fowler - "NO"	2,122	20.42%
District Court Judge 6-1			
	Amy L. Harth - "YES"	13,075	66.21%
	Amy L. Harth - "NO"	6,674	33.79%
District Court Judge 7-1			
	Amy J. Hanley - "YES"	32,029	78.15%
	Amy J. Hanley - "NO"	8,956	21.85%
District Court Judge 7-2			
	Sally D. Pokorny - "YES"	33,217	80.52%
	Sally D. Pokorny - "NO"	8,035	19.48%
District Court Judge 7-6			
	Stacey L. Donovan - "YES"	33,076	80.76%
	Stacey L. Donovan - "NO"	7,881	19.24%

**Kansas Secretary of State
2022 General Election
Official Vote Totals**

Race	Candidate	Votes	Percent
District Court Judge 8-1			
	Ben J. Sexton - "YES"	14,011	77.82%
	Ben J. Sexton - "NO"	3,994	22.18%
District Court Judge 8-4			
	Keith Collett - "YES"	13,960	78.45%
	Keith Collett - "NO"	3,834	21.55%
District Court Judge 9-2			
	Marilyn M. Wilder - "YES"	16,333	78.90%
	Marilyn M. Wilder - "NO"	4,369	21.10%
District Court Judge 9-3			
	John B. Klenda - "YES"	15,357	78.66%
	John B. Klenda - "NO"	4,328	21.34%
District Court Judge 10-1			
	Keven M. P. O'Grady - "YES"	161,046	72.70%
	Keven M. P. O'Grady - "NO"	60,485	27.30%
District Court Judge 10-4			
	Rhonda K. Mason - "YES"	162,878	73.61%
	Rhonda K. Mason - "NO"	58,392	26.39%
District Court Judge 10-5			
	Erica K. Schoenig - "YES"	163,671	73.90%
	Erica K. Schoenig - "NO"	57,804	26.10%
District Court Judge 10-7			
	David W. Hauber - "YES"	158,032	71.52%
	David W. Hauber - "NO"	62,926	28.48%
District Court Judge 10-9			
	Christina Dunn Gyllenborg - "YES"	163,501	73.80%
	Christina Dunn Gyllenborg - "NO"	58,043	26.20%
District Court Judge 10-10			
	Kathleen L. Sloan - "YES"	159,219	71.82%
	Kathleen L. Sloan - "NO"	62,478	28.18%
District Court Judge 10-12			
	K. Christopher Jayaram - "YES"	157,565	71.40%
	K. Christopher Jayaram - "NO"	63,105	28.60%
District Court Judge 10-15			
	Michael P. Joyce - "YES"	158,346	71.66%
	Michael P. Joyce - "NO"	62,617	28.34%
District Court Judge 10-16			
	Neil B. Foth - "YES"	158,048	71.59%
	Neil B. Foth - "NO"	62,705	28.41%

**Kansas Secretary of State
2022 General Election
Official Vote Totals**

Race	Candidate	Votes	Percent
District Court Judge 10-17			
	Thomas Kelly Ryan - "YES"	159,828	72.27%
	Thomas Kelly Ryan - "NO"	61,319	27.73%
District Court Judge 10-18			
	Timothy P. McCarthy - "YES"	161,589	73.06%
	Timothy P. McCarthy - "NO"	59,569	26.94%
District Court Judge 10-19			
	Jacquelyn Ellen Rokusek - "YES"	160,015	72.46%
	Jacquelyn Ellen Rokusek - "NO"	60,832	27.54%
District Court Judge 11-3			
	Fred W. Johnson - "YES"	14,373	70.44%
	Fred W. Johnson - "NO"	6,283	29.56%
District Court Judge 11-4			
	Lori A. Bolton Fleming - "YES"	15,344	70.91%
	Lori A. Bolton Fleming - "NO"	6,294	29.09%
District Court Judge 11-5			
	Kurtis I. Loy - "YES"	15,321	70.83%
	Kurtis I. Loy - "NO"	6,311	29.17%
District Court Judge 11-6			
	Steve A. Stockard - "YES"	14,606	68.15%
	Steve A. Stockard - "NO"	6,826	31.85%
District Court Judge 13-1			
	R-Jan Satterfield	22,936	100.00%
District Court Judge 13-4			
	R-Chad M. Crum	23,045	100.00%
District Court Judge 14-1			
	R-F. William Cullins	8,863	100.00%
District Court Judge 14-2			
	R-Jeffrey D. Gossard	9,145	100.00%
District Court Judge 14-4			
	R-Daniel M. Reynolds	8,912	100.00%
District Court Judge 16-1			
	R-Sidney R. Thomas	9,797	100.00%
District Court Judge 18-4			
	R-Robb W. Rumsey	103,544	100.00%
District Court Judge 18-5			
	R-Seth L. Rundle	102,479	100.00%
District Court Judge 18-7			
	R-Rodger L. Woods	102,187	100.00%

Kansas Secretary of State

2022 General Election

Official Vote Totals

Race	Candidate	Votes	Percent
District Court Judge 18-8			
	R-Richard A. "Rick" Macias	101,469	100.00%
District Court Judge 18-15			
	R-David J. Kaufman	101,471	100.00%
District Court Judge 18-17			
	R-Linda Kirby	100,290	100.00%
District Court Judge 18-18			
	R-Faith Maughan	100,075	100.00%
District Court Judge 18-19			
	R-Michael Hoelscher	99,705	100.00%
District Court Judge 18-29			
	R-Shawn Elliott	99,556	100.00%
District Court Judge 18-30			
	R-Francesca Montes-Williams	99,286	100.00%
District Court Judge 19-3			
	R-LaDonna L. Lanning	8,860	100.00%
District Court Judge 20-1			
	R-Carey Hipp	15,492	100.00%
District Court Judge 21-1			
	John F. Bosch - "YES"	15,057	76.16%
	John F. Bosch - "NO"	4,712	23.84%
District Court Judge 21-3			
	Grant Bannister - "YES"	15,418	78.78%
	Grant Bannister - "NO"	4,154	21.22%
District Court Judge 22-1			
	R-Laura Johnson-McNish	11,937	100.00%
District Court Judge 24			
	R-Bruce T. Gatterman	6,462	100.00%
District Court Judge 25-2			
	Christopher D. Sanders - "YES"	8,176	78.39%
	Christopher D. Sanders - "NO"	2,254	21.61%
District Court Judge 25-3			
	Kristi M. Cott - "YES"	7,975	76.59%
	Kristi M. Cott - "NO"	2,437	23.41%
District Court Judge 26-1			
	R-Bradley E. Ambrosier	7,273	100.00%
District Court Judge 26-3			
	R-Linda Gilmore	7,321	100.00%

**Kansas Secretary of State
2022 General Election
Official Vote Totals**

Race	Candidate	Votes	Percent
District Court Judge 27-1			
	D-Trish Rose	13,557	100.00%
District Court Judge 27-3			
	R-Daniel D. Gilligan	16,896	100.00%
District Court Judge 29-3			
	D-Delia Maria York	24,699	100.00%
District Court Judge 29-4			
	D-William P. Mahoney	24,868	100.00%
District Court Judge 29-5			
	D-Tony Martinez	24,772	100.00%
District Court Judge 29-6			
	D-Kate Lynch	24,908	100.00%
District Court Judge 29-10			
	D-Bill L. Klapper	24,612	100.00%
District Court Judge 29-11			
	D-Timothy L. Dupree	24,105	100.00%
District Court Judge 29-12			
	D-Candice Alcaraz	24,101	100.00%
District Court Judge 29-15			
	D-Aaron T. Roberts	24,309	100.00%
District Court Judge 30-1			
	Francis E. Meisenheimer - "YES"	11,654	73.24%
	Francis E. Meisenheimer - "NO"	4,257	26.76%
District Court Judge 30-3			
	Gaten Thomas Wood - "YES"	10,768	68.26%
	Gaten Thomas Wood - "NO"	5,007	31.74%
District Court Judge 31-2			
	David W. Rogers - "YES"	9,275	74.36%
	David W. Rogers - "NO"	3,198	25.64%
District Magistrate Judge 2-2			
	Erich G. Campbell - "YES"	7,158	79.52%
	Erich G. Campbell - "NO"	1,844	20.48%
District Magistrate Judge 2-3			
	Angela M. Anderson - "YES"	2,300	76.62%
	Angela M. Anderson - "NO"	702	23.38%
District Magistrate Judge 4-1			
	Lori D. Breshears - "YES"	3,921	70.03%
	Lori D. Breshears - "NO"	1,678	29.97%

**Kansas Secretary of State
2022 General Election
Official Vote Totals**

Race	Candidate	Votes	Percent
District Magistrate Judge 5			
	Douglas P. Jones - "YES"	962	85.97%
	Douglas P. Jones - "NO"	157	14.03%
District Magistrate Judge 8-3			
	Amy C. Coppola - "YES"	4,234	77.42%
	Amy C. Coppola - "NO"	1,235	22.58%
District Magistrate Judge 9			
	Ellen G. Neufeld - "YES"	7,836	80.22%
	Ellen G. Neufeld - "NO"	1,932	19.78%
District Magistrate Judge 10-1			
	Jenifer J. Ashford - "YES"	159,348	72.62%
	Jenifer J. Ashford - "NO"	60,267	27.38%
District Magistrate Judge 10-2			
	Robert G. Scott - "YES"	156,690	71.27%
	Robert G. Scott - "NO"	63,154	28.73%
District Magistrate Judge 12-1			
	Guy R. Steier - "YES"	2,394	81.13%
	Guy R. Steier - "NO"	557	18.87%
District Magistrate Judge 12-4			
	Debra J.G. Wright - "YES"	1,897	84.76%
	Debra J.G. Wright - "NO"	341	15.24%
District Magistrate Judge 12-5			
	Regine L. Thompson - "YES"	1,417	75.41%
	Regine L. Thompson - "NO"	462	24.59%
District Magistrate Judge 12-6			
	Jason C. Cohorst - "YES"	1,543	78.60%
	Jason C. Cohorst - "NO"	420	21.40%
District Magistrate Judge 17-3			
	R-Jody Enfield	1,564	100.00%
District Magistrate Judge 18-1			
	R-Jesse Burris	98,984	100.00%
District Magistrate Judge 19-1			
	R-David Maslen	8,886	100.00%
District Magistrate Judge 20-3			
	R-Crystal Leigh Miner	1,852	69.00%
	D-Andrea Cross	832	31.00%
District Magistrate Judge 21-2			
	James R. Kepple - "YES"	13,042	78.57%
	James R. Kepple - "NO"	3,558	21.43%

**Kansas Secretary of State
2022 General Election
Official Vote Totals**

Race	Candidate	Votes	Percent
District Magistrate Judge 22-3			
	R-Scott Anson	3,842	100.00%
District Magistrate Judge 23-1			
	R-Brendon J. Boone	1,086	100.00%
District Magistrate Judge 24-4			
	R-R. Scott Barrows	1,068	100.00%
District Magistrate Judge 25-1			
	Wade M. Dixon - "YES"	339	78.84%
	Wade M. Dixon - "NO"	91	21.16%
District Magistrate Judge 25-4			
	Edward Frock - "YES"	975	80.18%
	Edward Frock - "NO"	241	19.82%
District Magistrate Judge 25-7			
	Timothy R. Woods - "YES"	5,283	79.91%
	Timothy R. Woods - "NO"	1,328	20.09%
District Magistrate Judge 28			
	Jason C. Parks - "YES"	1,644	76.57%
	Jason C. Parks - "NO"	503	23.43%
District Magistrate Judge 31-1			
	Tod M. Davis - "YES"	2,851	74.13%
	Tod M. Davis - "NO"	995	25.87%
District Magistrate Judge 31-2			
	Thomas P. Mikulka - "YES"	750	71.63%
	Thomas P. Mikulka - "NO"	297	28.37%
Constitutional Amendment - Legislative Oversight (Rules and Regulations)			
	Legislative Oversight - "NO"	480,719	50.45%
	Legislative Oversight - "YES"	472,074	49.55%
Constitutional Amendment - Sheriff Election and Recall			
	Sheriff Election and Recall - "YES"	588,417	61.64%
	Sheriff Election and Recall - "NO"	366,167	38.36%

BRYAN CASKEY

1 .

2

IN THE THIRD JUDICIAL DISTRICT

3

DISTRICT COURT OF SHAWNEE COUNTY, KANSAS

4 .

5 .

6

LEAGUE OF WOMEN VOTERS OF KANSAS, et al.,

7

Plaintiffs,

8 .

9

vs.

Case No. 2021-CV-000299

10 .

11

SCOTT SCHWAB, in his official capacity

12

as Kansas Secretary of State, et al.,

13

Defendants.

14 .

15 .

16

DEPOSITION OF

17

BRYAN CASKEY

18

taken on behalf of the Plaintiffs, pursuant to

19

Subpoena for Virtual Deposition Testimony of Bryan

20

Caskey pursuant to K.S.A. 60-230(b)(6), beginning

21

at 9:04 a.m. on the 2nd day of October, 2025, via

22

Zoom web conference, before Lee Ann Bates, CSR,

23

RPR, CRR, Kansas CSR No. 1065.

24 .

25 .

RETRIEVED FROM DEMOCRACYDOCKET.COM



BRYAN CASKEY

1 the advance or absentee ballot application;
2 correct?

3 A. I am not familiar with every state's laws
4 as relates to the administration of elections.

5 Q. Are you aware that there are other states
6 that do not require voter ID on the advance or
7 absentee ballot application?

8 MR. SHILLINGS: Form. Go ahead if you
9 know.

10 THE WITNESS: I am not aware of a
11 specific state that does not. That is an
12 assumption that I could agree with, but I do not
13 have personal knowledge that that's the case.

14 BY MS. FORD:

15 Q. Okay. Kansas voters who vote by mail can
16 track the status of their ballot online; right?

17 A. They can track where their ballot is in
18 the process, meaning --

19 Q. Okay. Just to -- sorry. Finish your
20 answer, please.

21 A. Meaning we have a website that a voter
22 can use and acknowledge that the election office
23 has received their ballot application, that the
24 ballot has been transmitted to the voter, and the
25 ballot has been received back by the election

BRYAN CASKEY

1 office. That does not mean anything more than
2 that.

3 MS. FORD: Thank you for that. I want to
4 pull up and ask you a couple questions about
5 interrogatories, interrogatory responses. I'm
6 going to share my screen.

7 So these are the State's Third Supplemental
8 Responses and Objections to Plaintiffs' First Set
9 of Interrogatories. Let's mark this as Exhibit 5.

10 BY MS. FORD:

11 **Q. Mr. Caskey, did you participate in**
12 **responding to the plaintiffs' interrogatories in**
13 **this matter?**

14 A. Yes, I have.

15 **Q. Okay. So these are specifically the**
16 **revised interrogatory responses that the Secretary**
17 **provided regarding the number of ballots that were**
18 **ultimately not counted as a result of signature**
19 **verification because they had a -- an inconsistent**
20 **signature.**

21 So I want to go to page 5. So in a
22 supplemental answer, the Secretary revised the
23 answer from 181 ballots, you can see up here is
24 the initial answer, to 94 ballots. What accounted
25 for that discrepancy?

BRYAN CASKEY

1 **envelope is valid?**

2 A. Yes.

3 **Q. Okay. That's not in the statute;**
4 **correct?**

5 A. It is not.

6 **Q. Okay. And it's not in the regulation,**
7 **also; right?**

8 A. Correct.

9 **Q. Is that written down anywhere?**

10 A. I'm not sure. I will have to double-
11 check.

12 (THEREUPON, a brief discussion held off
13 the record.)

14 BY MS. FORD:

15 **Q. Okay. So, to your knowledge, where or**
16 **when are -- are signature reviewers instructed**
17 **about that presumption, to presume that a**
18 **signature on a ballot envelope is valid?**

19 A. It has been said from the very beginning,
20 from the first time the video was shown. It's
21 been said at every statewide conference. It's
22 been said on Q and A's probably half a dozen
23 times. It's been said multiple and repeated
24 times.

25 **Q. Okay.**

BRYAN CASKEY

1 A. The presumption is it shall count unless
2 there's clear and convincing evidence. That's not
3 the right phrase, but that it's not a match.

4 Q. So you -- so it's -- it's your
5 understanding it's part of -- it's part of their
6 training, even if it's not in the statute or the
7 regulation?

8 A. Yes.

9 Q. Okay. Thank you. All right
10 So I understand that after every general
11 election, the Secretary collects certain election
12 data to report to the Election Assistance
13 Commission; is that right?

14 A. After every even year election, yes.
15 After every year even general election, yes.

16 Q. Thank you. Other than the data reported
17 to the Election Assistance Commission, does the
18 Secretary routinely collect any other data or
19 information from the counties regarding signature
20 verification?

21 A. No, we do not.

22 Q. So the Secretary doesn't collect
23 information about how long signature reviewers
24 spend examining signatures while conducting
25 signature verification?

BRYAN CASKEY

1 person. Every situation is going to be different,
2 based on the fact pattern.

3 **Q. Do -- are counties required to maintain a**
4 **list of voters who are exempt from signature**
5 **matching as a result of disability?**

6 A. Counties have a list of people who have
7 filed an affidavit saying that they want to be on
8 the permanent advance ballot list for reason of a
9 disability or permanent illness, so they have that
10 list, but you cannot independently flag people
11 with a disability.

12 Quite frankly, A., that's offensive and, B.,
13 that would be -- that would get me stewed, so
14 absolutely not, we don't keep a list of persons
15 who are otherwise disabled.

16 **Q. Okay. Do you believe that -- I'm not**
17 **talking about voters who are physically unable to**
18 **sign, but voters who are prevented from having a**
19 **signature that is consistent with the one on file**
20 **because of a -- of a disability.**

21 **Do you believe they are eligible to fill out**
22 **an AV5 form for assistance?**

23 A. I believe that's up to the voter to make
24 that decision; not the State.

25 **Q. Okay. I'm going to pull up the AV5 form**

BRYAN CASKEY

1 from the State, which is an affidavit of
2 assistance. Mr. Caskey, does this look like the
3 AV5 form you recognize?

4 A. Yes, it is. Thank you.

5 Q. I'm going to go down to the signature of
6 the person providing assistance in box 3 here.

7 A. Yes.

8 Q. This says "I hereby declare" -- do you
9 see this?

10 A. Yes, I do.

11 Q. Okay.

12 MR. SHILLINGS: When you get to -- take a
13 break, please?

14 MS. FORD: Yeah, after I finish this
15 question, we can take a break. Sure.

16 MR. SHILLINGS: Thank you.

17 BY MS. FORD:

18 Q. This says "I hereby declare under penalty
19 of perjury that I have been requested to provide
20 assistance in marking and/or transmitting the
21 enclosed ballot of the above named voter or to
22 sign for the above named voter who has a
23 disability preventing the voter from signing an
24 application or advance voting ballot form." Do
25 you see that?

BRYAN CASKEY

1 A. Yes, I do.

2 Q. Okay. So this refers only to voters who
3 have a disability preventing them from signing the
4 form. It does not mention voters who have
5 disability preventing them from having a
6 consistent signature; correct?

7 A. That's what it says, yes.

8 Q. Okay. Is the State's position that
9 someone is supposed to sign under penalty of
10 perjury that they are assisting a voter, quote,
11 who has a disability preventing the voter from
12 signing the application or advance ballot form,
13 end quote, even if that voter is physically
14 capable of signing that application or envelope?

15 A. It's up to the voter to make that
16 determination; not the government.

17 MS. FORD: Okay. Scott, I just have one
18 or two more questions on this topic, if we can
19 finish.

20 MR. SHILLINGS: That's fine. We can
21 finish this topic.

22 MS. FORD: Okay. I'm going to go to an
23 example of -- I'm sorry. I didn't mark the last
24 thing as an exhibit, I don't think, the AV5 form.
25 Can we mark that as Exhibit -- are we on 19?

BRYAN CASKEY

1 AFFIDAVIT

2 .

3 STATE OF _____ :

4 COUNTY/CITY OF _____ :

5 .

6 Before me, this day, personally appeared,
7 BRYAN CASKEY, who, being duly sworn, states that
8 the foregoing transcript of his/her Deposition,
9 taken in the matter, on the date, and at the time
10 and place set out on the title page hereof,
11 constitutes a true and accurate transcript of said
12 deposition, along with the attached Errata Sheet,
13 if changes or corrections were made.

14 .

15 _____

16 BRYAN CASKEY

17 .

18 SUBSCRIBED and SWORN to before me this
19 _____ day of _____, 2025 in the
20 jurisdiction aforesaid.

21 .

22 _____

23 My Commission Expires

Notary Public

24 .

25 .

RICH VARGO

1 .
2
3
4 .
5 .
6
7
8 .
9
10 .
11
12
13
14 .
15 .
16
17
18
19
20
21
22
23 .
24 .
25 .

IN THE THIRD JUDICIAL DISTRICT
DISTRICT COURT OF SHAWNEE COUNTY, KANSAS

LEAGUE OF WOMEN VOTERS, et al.,
Plaintiffs,

vs. Case No. 2021-CV-000299

SCOTT SCHWAB, in his official capacity
as Kansas Secretary of State, et al.,
Defendants.

DEPOSITION OF
RICHARD VARGO,

taken on behalf of the Plaintiffs, pursuant to
Notice to Take Deposition, beginning at 10:05 a.m.
Central Time, on the 26th day of September, 2025,
via web conference, before Ksenija M. Zeltkalns,
RPR, Kansas CCR No. 1461.



RICH VARGO

1 any other training materials that the secretary of
2 state's office has provided to Riley County about
3 how to conduct signature verification?

4 MR. BIELENBERG: Asked and answered.

5 A. Yeah. Do not recall.

6 BY MS. O'GARA:

7 Q. Okay. Now let's go back to the video.
8 Do you track who in the Riley County Election
9 Office has completed that training? In other
10 words, who has watched the video?

11 A. Absolutely.

12 Q. How do you track who in Riley County's
13 election staff has completed the video?

14 A. Just through spreadsheets.

15 Q. Through spreadsheets. Do you also issue
16 a certificate?

17 A. Yeah. No, I wouldn't say a certificate
18 is presented by any organization for it. We just
19 document that they have taken the training.

20 Q. Okay. I'm going to pull up one more
21 exhibit.

22 A. (Inaudible.)

23 THE REPORTER: I didn't hear what you
24 said.

25 BY MS. O'GARA:

RICH VARGO

1 they educate us that we do need to have that as
2 it's accessible for us at any point in time, like
3 I stated we do with all new employees, it's a
4 requirement.

5 Q. Okay. So the secretary of state's office
6 provides training annually but that training does
7 not always include a signature verification
8 component; correct?

9 A. Yeah.

10 Q. Do you know if all counties in Kansas use
11 the same signature verification training?

12 A. I do not.

13 Q. Okay. Are you aware of any Kansas
14 counties that utilize different or additional
15 signature verification training from what you use
16 in Riley County?

17 A. I do not.

18 Q. In Riley County do you -- when you're --
19 when you and your staff are conducting signature
20 matching, do you apply a presumption that a
21 signature matches or do you apply no presumption
22 at all?

23 A. Our goal (inaudible) I think you can
24 state based on the two elections in question --

25 THE REPORTER: I'm sorry to interrupt.

RICH VARGO

1 Could you start your answer over? The beginning
2 cut out a little on my end.

3 THE WITNESS: Okay.

4 A. Yeah. I believe as the evidence has
5 shown in '22 and '24, we have overwhelmingly in
6 favor of wanting every ballot to be able to count.
7 That's why there are zero and two in those two
8 respective years.

9 BY MS. O'GARA:

10 Q. Okay. And just to make sure I understood
11 you correctly, so you do apply a presumption that
12 a signature matches when you conduct signature
13 verification?

14 A. Correct. We are in the business to count
15 ballots, not to reject.

16 Q. Okay. We talked very briefly earlier
17 about digital signatures. I want to circle back
18 on that. Are election officials in Riley County
19 given any guidance on how to go about comparing a
20 digital signature to a signature produced with wet
21 ink?

22 A. They do talk about it, but yeah, there's
23 -- it's all about matching what you have before
24 you, regardless of where it's signed at.

25 Q. Okay. And when you say they do talk

RICH VARGO

1 couldn't tell you.

2 BY MS. O'GARA:

3 Q. Okay. If a voter told the Riley County
4 Elections Office that they had a broken arm and
5 they believed that they qualified for the
6 disability exception, would you take them at their
7 word?

8 MR. BIELENBERG: Same objection.

9 A. Yeah. According to law we'd have to. If
10 they fill out the appropriate paperwork, or their
11 assistant fills out the appropriate paperwork, and
12 they're stating on that document, as it says in
13 fine print, that everything is true and correct,
14 we have to take them at their word.

15 BY MS. O'GARA:

16 Q. Okay. What about schizophrenia? Is that
17 a disability that you believe could qualify for
18 the exception in subsection (h) of Exhibit 1?

19 MR. BIELENBERG: Same objections.

20 A. That's not for me to decide. That's for
21 them and their assistant to decide.

22 BY MS. O'GARA:

23 Q. Okay. So if a voter called Riley County
24 Elections Office and said, "I have schizophrenia.
25 I believe I qualify for the disability exemption,"

RICH VARGO

1 you would take them at their word?

2 MR. BIELENBERG: Same objections.

3 A. We would explain to them their options.
4 Sign to the best of your ability. If your
5 signature does not match, we'll allow you to
6 update your signature to match so that you can do
7 it solely on your own. If you do not believe you
8 have the ability to do that, you need an
9 assistant, and they'll have to sign on these two
10 places in order for you to receive that ballot.

11 BY MS. O'GARA:

12 Q. Okay. So just to be clear, you do not
13 consider this exemption in subsection (h) of
14 Exhibit 1 to be any different than the
15 availability of permanent advance voting status in
16 voter assistance for voters with disability. Is
17 that correct?

18 A. I'm not sure I understand the question.

19 Q. Sure. I can rephrase that. So when you
20 look at this exception in subsection (h), the
21 disability exemption on Exhibit 1, you do not
22 consider, if I understand you correctly, this to
23 allow any other -- any voter -- strike that.

24 I'm going to start that again. When you look
25 at subsection (h) of Exhibit 1 and you look at

RICH VARGO

1 A. Not that we have had that ourselves, but
2 we're trained to be aware of those types of
3 things.

4 BY MS. O'GARA:

5 Q. Okay. So if I understand you correctly,
6 Mr. Vargo, if you were to see that the same voting
7 assistant was being used for voters at nursing
8 homes multiple times, that might prompt you to
9 conduct signature verification of the voting
10 assistant's signature. Is that correct?

11 A. Correct.

12 Q. Okay. And to do that you would follow
13 the same process that you used to conduct
14 signature verification for anyone else?

15 A. Correct.

16 Q. Okay. Let's talk a little bit more
17 broadly about conducting signature matching in
18 Riley County. When an advance ballot is received
19 by your office in the mail, how soon after that is
20 it reviewed for signature matching?

21 A. That very day when we start processing
22 them.

23 Q. That very day, you said?

24 A. Yeah. Um-hm.

25 Q. Okay. Is that always --

RICH VARGO

1 A. Depending on the volume, of course. It
2 depends on the volume. There may be enough that
3 it would be the next day but it's -- it's as soon
4 as possible.

5 Q. Okay. So you don't always conduct
6 signature matching the same day it arrives, but
7 when possible you conduct signature matching the
8 same day it arrives?

9 A. Correct.

10 Q. Okay. Does Riley County currently
11 conduct signature matching by human inspection or
12 electronic device?

13 A. Human inspection.

14 Q. Okay. Are machines used in any way even
15 to, you know, cue up a signature, for example?

16 A. Absolutely. We have them scanned in to
17 the ELVIS system to pull up the latest, and all of
18 their signatures, if we need to review more than
19 one signature, on that registrant.

20 Q. Okay. So I understand what you're saying
21 to be that the signatures that you're viewing
22 might be available electronically. Is that
23 correct?

24 A. No, they are available electronically.
25 They're all scanned documents.

RICH VARGO

1 mailed, if you have an e-mail for a voter you
2 would then contact them by e-mail?

3 A. Or we may contact them by e-mail during
4 that process and not wait till the last one.

5 Q. Okay. During the process of contacting
6 them by phone?

7 A. Correct.

8 Q. Does Riley County contact voters whose
9 signatures do not match by personal visits to
10 their residences?

11 A. No. But if we ran across someone that
12 was elderly or had a disability that said I would
13 love to but I can't, many times staff will go on
14 their way home and swing by and let them do it.
15 So if we're aware of that, we will make the extra
16 effort to help them cure their ballot so it can be
17 cast.

18 Q. And do -- does Riley County offer that
19 option to voters that you know might be disabled
20 or elderly or -- or do you wait for a voter to
21 request a visit to their home?

22 A. That's requested when we make that phone
23 call or e-mail and they say hey -- a lot of times
24 they're upset about it and they can't get out and
25 so we say hey, not a problem. We live in that

RICH VARGO

1 area or whatever and we'll send someone out there
2 to do it.

3 **Q. Does Riley County ever contact voters**
4 **whose signatures do not match by text message?**

5 A. I can't say that I know that we have, but
6 I would not be surprised if we have.

7 **Q. Okay. Does Riley County use any other**
8 **methods that we haven't discussed to contact**
9 **voters whose signatures do not match?**

10 A. Not that I can think of.

11 **Q. Okay. The regulation K.A.R. 7-36-9 says**
12 **to call the voter if the voter's number is**
13 **reasonably available. What does reasonably**
14 **available mean to you?**

15 A. It means that we have it on file.

16 **Q. Okay. If a voter's phone number was not**
17 **on file, what steps if any would you take to find**
18 **a voter's phone number?**

19 A. Oh, we would take every step that we can.
20 I mean we would try and Google it if possible but
21 if not, of course we're going to send a letter for
22 sure.

23 **Q. Does Riley County have a requirement that**
24 **election officials contact voters within a certain**
25 **period of time after their ballot is flagged for a**

RICH VARGO

1 before?

2 A. Absolutely not.

3 MS. O'GARA: Form.

4 BY MR. SCHLOZMAN:

5 Q. Does the fact that it's difficult to
6 cheat mean that there shouldn't be anti-fraud
7 measures?

8 MS. O'GARA: Same objection.

9 A. It does not mean that to me.

10 BY MR. SCHLOZMAN:

11 Q. Is there any mechanism, other than
12 signature verification review, to be sure that a
13 -- that the person who submits an advance ballot
14 is the same person that -- to whom the advance
15 ballot was sent?

16 A. Yeah. I don't know. Not that I can
17 think of. Not that I can think of.

18 Q. And in 2022, the 2022 general election,
19 how many ballots were rejected in Riley County due
20 to a signature mismatch?

21 A. I believe that was zero.

22 Q. And what about in November of 2024?

23 A. Two.

24 Q. Okay. Is it possible that you have that
25 backwards, by the way?

RICH VARGO

1 AFFIDAVIT

2 .

3 STATE OF _____ :

4 COUNTY/CITY OF _____ :

5 .

6 Before me, this day, personally appeared,
7 RICH VARGO, who, being duly sworn, states that the
8 foregoing transcript of his/her Deposition, taken
9 in the matter, on the date, and at the time and
10 place set out on the title page hereof,
11 constitutes a true and accurate transcript of said
12 deposition, along with the attached Errata Sheet,
13 if changes or corrections were made.

14 .

15

16

RICH VARGO

17 .

18 SUBSCRIBED and SWORN to before me this
19 _____ day of _____, 2025 in the
20 jurisdiction aforesaid.

21 .

22

23 My Commission Expires

Notary Public

24 .

25 .

FREDERICK LOUIS SHERMAN - CONFIDENTIAL

1 .
2
3
4 .
5 .
6
7
8 .
9
10 .
11
12
13
14 .
15 .
16
17
18
19
20
21
22
23 .
24 .
25 .

IN THE THIRD JUDICIAL DISTRICT
DISTRICT COURT OF SHAWNEE COUNTY, KANSAS

LEAGUE OF WOMEN VOTERS OF KANSAS, et al.,
Plaintiffs,

vs. Case No. 2021-CV-000299

SCOTT SCHWAB, in his official capacity
as Kansas Secretary of State, et al.,
Defendants.

DEPOSITION OF

FREDERICK LOUIS SHERMAN,

taken on behalf of the Plaintiffs, pursuant to
Notice to Take Deposition, beginning at 9:02 a.m.,
on the 1st day of October, 2025, via Zoom web
conference, before Christie Pease, CCR, Kansas CCR
No. 1763, Missouri CCR No. 1528.



FREDERICK LOUIS SHERMAN - CONFIDENTIAL

1 BY MS. FORD:

2 Q. So I'll mark this as Exhibit 4. Do you
3 recognize this as the -- as the training video
4 that you've received from the Secretary of State's
5 office?

6 A. I -- that's not necessarily the video, as
7 I believe it's a supplementary document that's
8 been endorsed by the state of Oregon that relates
9 to the same training video that's been referenced.

10 Q. You're right. The training is a YouTube
11 video. We sort of -- we got this from a county.
12 It's reduced to a PDF format. But does this look
13 like the training that you've received from the
14 Secretary of State?

15 A. Generally, yes, it's the same document.

16 Q. Okay, great. I'll take this down.

17 Were you in attendance at a KCCEOA conference
18 when Bryan Caskey presented a signature
19 verification training with this video?

20 A. Yes, I believe I was at that particular
21 training session.

22 Q. Okay. And was the full video played?

23 A. I believe it was, yes.

24 Q. Okay. And did you have the opportunity
25 to ask questions about it?

FREDERICK LOUIS SHERMAN - CONFIDENTIAL

1 A. I believe there was a short Q&A session
2 after the conclusion of the video, but it was part
3 of an all-day Secretary of State overview and
4 training session on elections with the county
5 clerks. They typically do that --

6 **Q. Okay.**

7 A. -- every year as a day of the clerk
8 conference.

9 **Q. And do you remember anything else that**
10 **was done as part of the signature verification**
11 **training other than watching this video and a**
12 **short Q&A?**

13 A. I'm not recalling anything specific in
14 another timeframe by the Secretary of State.

15 **Q. Okay. So either at that conference or**
16 **any other time, has your office received anything**
17 **else from the Secretary's office about how to do**
18 **signature verification?**

19 A. No. The referencing the video, which I
20 believe has been referenced a handful of times,
21 half a dozen or so, and correspondence from the
22 deputy over elections from the Secretary of
23 State's office.

24 **Q. Okay. And we understand that during this**
25 **litigation the Secretary has been working on a**

FREDERICK LOUIS SHERMAN - CONFIDENTIAL

1 slightly updated training. Have you heard
2 anything about this?

3 A. Updated training in general or updated
4 training on signatures?

5 Q. Updated signature training. Have you
6 received a new training recently?

7 A. No, we have not received anything new or
8 supplemental from the Secretary of State's office
9 that I'm aware of.

10 Q. Okay. So can you walk me through how
11 signature reviewers in your county are trained?

12 A. So the folks that are sworn on the
13 special board are full-time staff that have a part
14 of their job responsibilities and workflow is
15 doing the signature verification process are
16 required or do watch that video, and then they
17 also have provided the PDF or other documents. In
18 fact, I think Johnson County in 2021 may have also
19 created a more revised version with very similar
20 characteristics of it in terms of signature
21 training for those special board members.

22 Q. Okay. I have that document. I was going
23 to ask you a couple questions about it.

24 Okay. So they watched the Secretary of
25 State's video and they have the Johnson County

FREDERICK LOUIS SHERMAN - CONFIDENTIAL

1 **presumption that a signature matches when doing**
2 **signature verification?**

3 A. So restate your question and kind of
4 define presumption, please.

5 Q. Sure. I guess I'm asking when a reviewer
6 approaches the exercise, are they trained to make
7 any assumptions or baseline assumptions about
8 whether the signature matches, or is there no
9 presumption? Do they start with a clean slate?
10 Does Johnson County train anything on this?

11 A. There's probably no specific policy
12 guidance that you're inferring there as much as
13 the training is going through the different
14 elements of style, be it looping, rhythm, spacing,
15 angles, speed, all those factors go into both the
16 qualitative and quantitative elements of gauging
17 whether a signature that's presented to you is
18 consistent or not with the one on file.

19 Q. Okay. So to your knowledge, there's not
20 a presumption in Johnson County that a signature
21 matches when you do the process. Is that correct?

22 A. I wouldn't necessarily categorize it as
23 presumption. I would just say anecdotally and
24 based off the number of ballots we process and
25 receive versus the number that challenge, that the

FREDERICK LOUIS SHERMAN - CONFIDENTIAL

1 vast, vast majority of return envelopes do have a
2 consistent signature with the ones on record.

3 **Q. Are election officials in Johnson County**
4 **trained to approach signature matching any**
5 **differently based on whether the voter is on the**
6 **Permanent Advance Voter List?**

7 A. They're not trained specifically in terms
8 of that category, but there are some elements of
9 whether there's an AV5 Form on form. That AV5
10 Form is an Affidavit of Assistance where someone
11 else can sign on it.

12 The other component is there are a number of
13 variables or options on the return envelope of
14 whether the assister and to what kind of
15 assistance that assister noted on that return
16 envelope.

17 **Q. Okay.**

18 A. And again, not all those are specifically
19 voters that are on the Permanent Advance List.

20 **Q. Okay. Great. Yeah, so let's talk about**
21 **disability in that list. So voters who have a**
22 **permanent disability or illness can apply for a**
23 **permanent advance voter status. Is that correct?**

24 A. That is correct. Kansas has a provision
25 where a voter can submit a document and they need

FREDERICK LOUIS SHERMAN - CONFIDENTIAL

1 **Is that right?**

2 MR. SCHLOZMAN: Objection, form --
3 misstates the -- objection, form.

4 A. We have referenced the AV5 Form to
5 various voters and assistants as a means to help
6 document that level of assistance to the voter.

7 BY MS. FORD:

8 **Q. What sort of disabilities would qualify**
9 **for this part of the statute that exempts voters**
10 **who cannot provide a consistent signature?**

11 A. So I don't believe the statute
12 specifically deals with just the signature issue.
13 Like on the Permanent Advance List, there is some
14 broad guidance. The only relevance that I've seen
15 was done by the legislative research -- or not
16 legislative research, legislative post audit went
17 through and did an audit on these in some
18 counties, and the only thing noted as part of that
19 audit was you just can't say old age. You have
20 to list your disability or limitation. And what
21 we coach folks in saying is saying I can't drive
22 is not a disability. You have to have a reason,
23 whether it's glaucoma or arthritis or something
24 like that has to be noted on that form for
25 requesting Permanent Advance Status. On the AV5

FREDERICK LOUIS SHERMAN - CONFIDENTIAL

1 Form, I do not believe there is a need to list
2 the disability. It's just more of a documentation
3 that an individual is providing assistance to the
4 voter.

5 Q. Okay. So you don't know what kind of
6 disability a voter may have if you just have an
7 AV5 Form on file, as opposed to you do know what
8 the disability is if you have the Permanent
9 Advance Voter file. Is that correct?

10 MR. SCHLOZMAN: Objection, form.

11 A. That is a correct statement, yes. That
12 is a correct statement, yes.

13 BY MS. FORD:

14 Q. Okay. For the voters, just -- I'm
15 talking about the signature verification part, who
16 have a disability who they can't provide a
17 consistent signature, is that required to be a
18 permanent disability?

19 A. No. I think we've had situations where
20 people have broken their arm and they hope that's
21 not permanent, you know, but trying to sign your
22 signature with a broken arm or in a cast has been
23 a challenge for some, or with your left hand if
24 you're a right-handed signer or something like
25 that.

FREDERICK LOUIS SHERMAN - CONFIDENTIAL

1 AFFIDAVIT

2 .

3 STATE OF _____ :

4 COUNTY/CITY OF _____ :

5 .

6 Before me, this day, personally appeared,
7 FREDERICK LOUIS SHERMAN, who, being duly sworn,
8 states that the foregoing transcript of his/her
9 Deposition, taken in the matter, on the date, and
10 at the time and place set out on the title page
11 hereof, constitutes a true and accurate transcript
12 of said deposition, along with the attached Errata
13 Sheet, if changes or corrections were made.

14 .

15 _____
16 FREDERICK LOUIS SHERMAN

17 .

18 SUBSCRIBED and SWORN to before me this
19 _____ day of _____, 2025 in the
20 jurisdiction aforesaid.

21 .

22 _____
23 My Commission Expires Notary Public

24 .

25 .

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE THIRD JUDICIAL DISTRICT
DISTRICT COURT OF SHAWNEE COUNTY, KS

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

Plaintiffs,)

v.)

Case No. 2021-CV-000299

SCOTT SCHWAB, in his official)
capacity as Kansas Secretary)
of State, and KRIS KOBACH, in)
his official capacity as)
Kansas Attorney General,)

Defendants.)

VIRTUAL ZOOM DEPOSITION OF ANDREW HOWELL
Taken on Behalf of Plaintiffs
October 24, 2025

(Starting time of the deposition: 9:35 a.m.)



1 regulation?

2 A. I do not, no.

3 Q. So let's turn back to the statute itself,
4 which is Exhibit 1. We briefly spoke about Subsection
5 H, but I'd like to look more closely at it.

6 Do you see where the statute says, "Subject
7 to the provisions of Subsection B, no county election
8 officer shall accept an advance voting ballot
9 transmitted by mail unless the county election officer
10 verifies that the signature of the person" in the
11 advance voting ballot -- "on the advance voting ballot
12 envelope matches the signature on file in the county
13 voter registration records."

14 Do you see that?

15 A. I do see it.

16 Q. What does Shawnee County consider to be the
17 voter's registration record?

18 A. I'm going to have to see if I can find out
19 what the B refers back to, because I do not remember
20 that portion.

21 Q. Well, you can scroll up. That's the cure
22 provision, to my knowledge, here, if you can see that.
23 "The county election officer shall attempt to contact
24 each person who submits an advance voting ballot where
25 there's no signature or where the signature does not

1 match."

2 So now that you know what Section B says,
3 could you just tell me what is the County Voter
4 Registration record?

5 A. The voter registration record would be
6 certainly a copy of any registration documents that we
7 have on file for that particular voter.

8 Q. What kind of documents might those be?

9 A. Registration forms.

10 Q. Okay. Is there anything else in that
11 voter's registration record?

12 A. I think if we have -- again, I think we have
13 other known signatures in that registration record
14 from those voters inside the ELVIS System.

15 Q. Where might those other signatures come
16 from?

17 A. Other signatures from voters, again, once
18 they're a registered voter, they could come certainly
19 from an application for a ballot. It could come from
20 an envelope. And it could come from, I guess, other
21 known registration or registration-related documents
22 possibly, but, again, I'm certain that the
23 registration document in registration system is the
24 one that we're going to focus on most of the time.

25 Q. Okay. So I just want to be clear. So

1 documents that might be included in the voter
2 registration record include the actual Voter
3 Registration Form, the -- any applications for mail
4 ballots, possibly signatures on ballot envelopes
5 themselves. Any other documents you can think of?

6 A. I'm sure there may be additional ones in the
7 file, but those are certainly the ones that come to
8 mind at this time.

9 Q. What do mean -- what did you mean when you
10 said that the voter registration document was the one
11 that you'd focus on?

12 A. I think it's clear that a Voter Registration
13 Form is the original document that has the signature
14 of the person who registered to vote.

15 Q. Do you consider that more representative of
16 a voter's accurate signature than other documents?

17 A. No. I think over time, you have additional
18 documents, and as long as you're certain that that is
19 from that voter and it's part of their record of
20 interaction with the office, that that -- that can be,
21 I think, practically speaking, a part of -- part of
22 that process.

23 Q. When, if ever, do you add signatures to a
24 voter's registration record in Shawnee County?

25 A. Whenever we receive an application from a

1 voter for a ballot. Probably the single -- that's
2 probably the single easiest thing, and from time to
3 time people will change their information on their
4 driver's license, and then we will get additional
5 copies of driver license information and signatures
6 from the DMV.

7 Q. And Shawnee County makes a practice of
8 uploading all of this to this -- to ELVIS?

9 A. Yes, I believe. Actually, I think most of
10 those, not all, but most of those actually sort of
11 come in, so we have already them pre-populated inside
12 the ELVIS System as part of that process.

13 Q. When you say "most of those," do you mean
14 the DMV records, or do you also mean --

15 A. I do, but we do get an occasional hard copy
16 from DMV as well from various locations.

17 Q. And so applications for ballot envelopes do
18 not come pre-populated into ELVIS. You have to do
19 that yourself?

20 A. Yeah. They're not going to come inside the
21 ELVIS system.

22 Q. Okay. Have you received, or are you aware
23 of any guidance or direction from the Secretary as to
24 what should be considered part of the voters
25 registration record?

1 This says that "The signature must match or be
2 consistent with the voter's signature on file." Do
3 you see that?

4 A. I do.

5 Q. What's your understanding of which signature
6 or signatures that refers to?

7 A. Remind me what statute you're reading from.

8 Q. I'm reading from K.A.R. 7-36-9.

9 A. I'm trying to find it. I've got a copy of
10 that. I'm just trying to find it to make sure I know
11 the context around it. That's B.

12 Q. And just to be clear, you're looking at a
13 paper copy of K.A.R. 7-36-9?

14 A. I am, yes. Can you highlight your --

15 Q. Yes, sure.

16 A. -- questionnaire just to make sure I --

17 Q. Yes. Here's B-1, the voter's signature on
18 file, the same language as here in B-2.

19 A. So remind me your specific question again.
20 I think I'm -- I think I'm with you. I'm just trying
21 to make sure I'm answering the exact question.

22 Q. Yeah. I'm asking what your understanding is
23 of the signature or signatures that that phrase is
24 referring to, "the voter's signature on file"?

25 A. I believe it's referring to signatures that

1 we know are from that voter. Typically, those will be
2 signatures found inside the Voter Registration System
3 or maybe other signatures that may or may not be
4 stored directly in there, but certainly the ones for
5 sure that are -- that are a part of the registration
6 process, or I would even say that we're certain are
7 from that voter.

8 Q. Okay. You said there -- that -- sorry.
9 Strike that. Let me start over.

10 You said typically these are the signatures
11 in the voter registration record or database that we
12 just talked about. You said there may be other
13 documents that did not make it into that database.
14 What might those be?

15 A. Like I said, we -- while we do keep our
16 application documents inside there, we also can
17 access -- at least in Shawnee County, we do have
18 additional documents that are not necessarily stored
19 inside the official database, but that we have used
20 and do use, such as signatures on the mail ballot
21 envelopes themselves. If that's really what else we
22 need to look at, we can do that.

23 Q. Okay. You also said if your signature is --

24 A. I'm sorry. I can't -- I'm not hearing you
25 at all.

1 Q. Can you hear me now?

2 A. Yeah.

3 Q. You also said that there's -- there might be
4 signatures you're sure are from the voter. What --
5 what were you referring to when you said that?

6 A. Well, if I'm understanding your question, I
7 think it's important to know that when we're trying to
8 do a signature match, that we use -- on multiple
9 occasions, we will use more than one simple signature,
10 and that could be, like I said, signatures that we
11 know are a part of a -- part of a request for a ballot
12 or even possibly prior -- if we need to, just to do
13 some additional verification work, we can use mail
14 ballot signatures that we know have come from the
15 voter as well.

16 So I think those are probably -- we have, on
17 occasion, when we're really working hard to do
18 signature verification work, and there's some
19 question, we also can use additional signatures and
20 have used known signatures from the voter that are a
21 part of the pulled-up records as well, and those are
22 not specifically stored inside the database.

23 Q. Got it. Okay. And I want to look again at
24 the (a)(2) here. This defines an inconsistent
25 signature has "one that differs in multiple

1 interviewed every voter. I don't know what's going
2 through every voter's mind.

3 Q. Yeah. I'm just trying to -- I just trying
4 to understand.

5 A. Well, let me say this. I think that most
6 voters understand that the purpose of signature match
7 in Kansas is to give a relatively similar example. So
8 I've had those conversations with enough voters to
9 know that a number of voters understand that.

10 Q. Okay. And because they understand that,
11 they're making a particular effort to write their
12 signature in a particular way?

13 A. I know that a few of them are, because I've
14 had those conversations with a few people.

15 Q. Secretary Schwab has repeatedly said that
16 Kansas elections are safe and secured. Do you agree
17 with that?

18 A. As a general statement, yes.

19 Q. Have you encountered voter fraud in Shawnee
20 County?

21 A. I have turned a number of documents over to
22 law enforcement multiple times because I thought there
23 were significant questions that ought to be
24 investigated.

25 Q. Tell me more about that. What happened in

1 those cases?

2 A. In more than one case, I've had questions
3 about residents that I thought were significant.
4 While I turned them over to law enforcement for
5 further investigation, I don't know the final outcome.
6 Our job is to actually -- if we see something that we
7 think is significant, is to inform law enforcement
8 about it, and they've taken their steps.

9 I don't know the final outcome of those, but
10 I have seen enough things that I have actually
11 requested law enforcement assistance -- not
12 assistance, but we just turn over it to them since
13 we're not directly involved in any prosecution of
14 anything.

15 Q. Right. So you mentioned residence issues.
16 Have there been any other sort of fraud issues?

17 A. I would say that every -- not every
18 election, but in some major elections, I have had
19 enough questions either on an application or on a mail
20 ballot that we have, like I said, handed off things to
21 either law enforcement, or I think at one point we
22 handed some things off to the Secretary of State and
23 the Attorney General's office because we had concerns
24 about them.

25 Q. When that that?

1 A. I believe that might have been the 2020
2 election.

3 Q. Have you had any incidents like that in 2022
4 or 2024?

5 A. I think we may have had, but to be honest
6 with you, I don't remember since then. I just
7 specifically am thinking of one in 2020, I believe it
8 was.

9 Q. Okay. And what happened in that case?

10 A. If memory serves me, I believe there were
11 some applications for ballots that had multiple colors
12 of ink, which indicated to me some question marks
13 about who filled them out and why they were, in some
14 cases, two and three different colors of ink,
15 different handwriting, and even some questions about
16 signatures on those application documents.

17 Q. And to clarify, this was a potential fraud
18 incident related to mail ballot applications; is that
19 correct?

20 A. Again, not knowing how the final
21 investigation came out, but I -- I think it was just I
22 was concerned enough about some of what have I was
23 seeing, that I thought it was good to make sure other
24 people were aware and were helping in an
25 investigation. We were too busy running the election

1 to dig deep into all the facts, but, yes, I have
2 turned things over to other agencies multiple times
3 because of concerns.

4 Q. Right. I'm speaking about the specific
5 incident we're talking about in 2020. This was about
6 mail balance applications?

7 A. Correct.

8 Q. And -- and you don't have any idea how that
9 criminal investigation came out?

10 A. I don't know if it actually got turned into
11 a criminal investigation. Like I said, I gave a
12 number of documents to a couple of other agencies. I
13 said I had concerns about them. I'm not quite sure
14 what happened. Like I said, we get -- when we get
15 into that phase of the election, we're very busy.
16 It's not technically our job to go deep into
17 investigation prosecution. So when we see something
18 we have questions about, we turn it over to other
19 agencies and let them do what they do. I don't know
20 the final outcome.

21 Q. And you said that this has occurred multiple
22 times, and we've now talked about one? Can you think
23 of other times that you've turned documents over to
24 law enforcement.

25 A. Yeah. I know that -- I know that we've

1 turned some registration forms over to the -- I
2 believe we had a conversation with the sheriff's
3 office, and they did some investigation on some
4 registration forms. One that I can think of, but I
5 believe there may have been another incident, but I
6 can't remember the details of what that one was
7 around. It's been too long.

8 Q. Okay. And by registration form, you mean
9 you think that there was a fraudulent voter
10 registration submitted?

11 A. I think there were questions about the
12 accuracy of the information on the registration form.
13 In fact, now I'm think about it, I'm thinking of
14 another one where there were significant questions
15 about the name of the person. It was clearly, on its
16 face, fraudulent. I was convinced of that.

17 Unfortunately, we couldn't get as far as we
18 would have liked to with deep diving and figuring out
19 what really happened, but it was a registration that
20 was formed. It was clearly fraudulent. There was no
21 question in my mind about that. We could not get
22 enough information or enough investigative deep diving
23 to actually figure out what happened. So I can't
24 think of two, exactly, registration form issues.

25 Q. I think in discussing the 2020 incident, you

1 also mentioned that there was some question about
2 signatures. When you said that there were some
3 questions about signatures, did you mean on the mail
4 ballot application forms, or did you mean on a mail
5 ballot envelope.

6 A. I mean on the mail ballot application form
7 itself, the request for a ballot.

8 Q. Have you encountered voter fraud in Shawnee
9 County on mail ballot envelopes?

10 A. I have encountered -- I'm thinking of at
11 least one time that we've had conversation with law
12 enforcement because we believe there was fraud related
13 to the signature, specifically. It's been too long
14 ago. I don't remember how that ended or what the
15 details were, but I have had conversations with law
16 enforcement about things that I thought looked very,
17 very strange.

18 Q. Okay. Do you recall around when that might
19 have been?

20 A. I actually don't. It's been a while, and
21 I've really -- you know, I actually don't.

22 Q. Could you ballpark more than five years?

23 A. Within the last eight years, I'm pretty
24 confident.

25 Q. And do you recall what happened in that

1 for other purposes."

2 Q. Okay.

3 A. And it wasn't overly clear what that was,
4 and I think most voters don't know that.

5 Q. Okay. Do you see a lot of voters'
6 signatures through KS Votes?

7 A. I'd say there was some. Again, it seems to
8 be kind of inconsistent as to how many and how often,
9 but certainly some.

10 Q. And when the signatures come through
11 KS Votes, what form is that for? Like, is that a
12 Voter Registration Form? Is that like an Advanced
13 Ballot Application? What is that?

14 A. I actually don't know all the different
15 things they give to us. I know for sure they do, for
16 sure give us applications for ballots. They may
17 assist with registrations. I can't remember on that
18 one for sure, but I know we do get, for sure,
19 applications for ballots through there.

20 Q. So we talked earlier, or you mentioned
21 earlier the training in signature verification that
22 the people in your office receive. And so are there
23 people in your office who have received training in
24 signature verification?

25 A. They've received, and they're required video

1 training, and they have received sitting with people
2 who have done it for years, and then we do have
3 conversations about the law, so, yes, they have
4 received training.

5 Q. So this video training, do the signature
6 verifiers watch it annually, or do they have to watch
7 it once? Is there some other?

8 A. We've actually gone to requiring it, and I
9 don't remember exactly, but my concern with that was I
10 want every person who does that work to watch the
11 video before every election that they're involved in.
12 So it's more than an annual, but if they're directly
13 involved in it, we watch pretty closely to make sure
14 that they're recent with having done it when they're
15 involved in that election with making those decisions.

16 Q. So when you say that, do you mean that, for
17 example, before the primary election and before a
18 general election, you'd have to watch it?

19 A. Yes, that is what I mean.

20 Q. And the training that we're talking about,
21 this is the YouTube video with training slides that
22 the Secretary of State has distributed; is that
23 correct?

24 A. Yes. I'm trying to remember. I believe it
25 might have been from an Oregon training, and I think

1 that the Secretary of State's Office -- and I can't
2 remember the details, but I swear that they've told us
3 there's a small variation from Oregon's processes to
4 ours, and I think that they've mentioned that to us
5 too.

6 MS. ASTARITA: Okay. I want to share my
7 screen just to show you what I believe we are talking
8 about.

9 So this is, I guess -- I've turned into --
10 I've turned it into like a slide format, because the
11 video is obviously hard to show during a deposition.
12 I'm going to mark this is as Exhibit 5, I believe.

13 [Marked Exhibit No. 5.]

14 Q. (By Ms. Astarita) And is this the same -- is
15 this the training that you've received from the
16 Secretary of State for signature verification
17 purposes.

18 A. That appears to be it, yes.

19 Q. When did you first see this video?

20 A. I believe it was at a conference with other
21 election officials at which the Secretary of State's
22 Office was talking about the new law, so I'm going to
23 take a guess. Within six months after the law was
24 passed or when it was about to be applied, so I can't
25 remember if that's was '21 or not, but that's my best

1 guess at this point.

2 Q. And you said that the Secretary of State's
3 Office had mentioned there's a difference between
4 Oregon and Kansas. What difference was that?

5 A. I actually -- it's been too long. I don't
6 remember the details. I'm confident that my staff
7 does and talks about it. I just actually don't happen
8 to remember it today.

9 Q. Okay. When you first saw this video, were
10 you able to ask questions about it.

11 A. I mean, I can always jump on my e-mail and
12 certainly get ahold of somebody at the Secretary of
13 State. If I had a significant question, I probably
14 would have done that.

15 Q. Did you do that?

16 A. No.

17 Q. Do the people in your office who conduct
18 signature verification, did they attend the KCCEOA
19 Conference where this was presented?

20 A. I believe they all did. I'm trying to
21 remember. I think that was the -- I think that
22 particular session, I did have everybody that does it
23 there at that initial roll-out video.

24 Q. Were you there as well?

25 A. I was.

1 law that you need to consider. I don't remember all
2 of those today, but they do have those conversations
3 from time to time.

4 Q. And are your -- are your -- are the people
5 in your office who work on signature verification, are
6 they present for these phones calls as well?

7 A. Actually, I encouraged probably a lot more
8 of my office to be involved in those conversations, so
9 yes, I would say most of the people that are involved
10 in that are there for most of those conversations. On
11 occasion, someone's out. They're on vacation, so
12 they're not going to hit every one of them, but yeah,
13 I would say the majority of our people certainly at
14 management level, in addition to myself, are a part of
15 those on a regular basis.

16 Q. Does Shawnee County do anything to confirm
17 that the staff has completed the signature
18 verification training video?

19 A. I actually require them to watch it
20 themselves, and I don't remember exactly when we
21 started doing this, but some time ago we actually
22 started having a signature sheet along with, "Hey, I
23 hereby swear" -- a statement to the effect that yes,
24 I've been a part of having had this training.

25 Again, I don't remember exactly when we

1 started it, but we thought it was good to have
2 documentation showing that our people watched it
3 consistently and understood it and at least had the
4 opportunity to get the training and did so.

5 Q. Do you do anything to confirm that your
6 staff understands the training?

7 A. I've watched them personally. Again, I,
8 from time to time, will watch what they're doing and
9 how they're doing it, so I'm personally overseeing it
10 and checking in with it. I know that they have years
11 of experience. The two people in that department, I
12 think they've been there close to ten years, so I know
13 that they know what they're doing.

14 They watch it. They pay attention to it.
15 And if there's question marks about anything, they
16 also have other people in there who may be temporary
17 seasonal staff, but they've been doing it -- I've got
18 one lady that's been there for 28 years, so there are
19 a number of people with a lot of years of experience,
20 but we do have a spot check and monitor it, yes.

21 Q. Okay. But there's no, like, test or
22 assessment that you do after the -- watching the
23 training?

24 A. I -- I don't do a test as a part of that. I
25 require them to watch it, and then we monitor how it

1 A. We do not refer to it. Since we've gotten
2 the instruction about using the other video, we stick
3 to the current video that's been used by the Secretary
4 of State's Office that we train our people to.

5 Q. Okay. In Shawnee County, do you apply a
6 presumption that a signature matches when doing
7 signature verification?

8 A. I don't -- I'm not sure I fully understand
9 your question. What is the presumption you're asking
10 about?

11 Q. Do you apply a presumption that a signature
12 matches when you're doing signature verification?

13 A. What do you mean do I apply a presumption?

14 Q. Yep. Is your staff instructed to presume
15 that a signature matches unless they see things that
16 differ, or is there no presumption at all.

17 A. I'm going -- I'm going to say that it's more
18 like this, that if there is a question about it and
19 there's a significant uncertainty, that we will
20 probably tend to give the voter a little bit of
21 benefit of the doubt. I don't know that we do a
22 blanket assumption of anything. We really follow the
23 law, look at the three rules and statute and follow
24 our video training.

25 Q. Okay. Are election officials given any

1 yeah, we're going to give it to the voter.

2 Q. But you don't ask them to make that
3 assumption to assume that it's valid?

4 A. Our Legal Department has told us that we
5 need to be confident, that we are giving a benefit of
6 the doubt if it really comes down to that, which is
7 rare, but if it does, then we will probably give a
8 benefit of the doubt to a voter if it looks like it
9 meets enough of the criteria.

10 Q. There was talk a little --

11 A. I'm sorry. I can't --

12 Q. I don't know what's happening. Can you hear
13 me now?

14 A. I can.

15 Q. You can?

16 A. Uh-huh.

17 Q. What about if a voter is very young? Is
18 their age taken into account in that circumstance?

19 A. I don't typically see, and what I'm saying,
20 I don't typically see younger voters with shaky or
21 movement issues, so I can't think of a situation where
22 that's going to be a significant issue.

23 Q. Are election officials in Shawnee County
24 trained for signature matching any differently based
25 on whether the voter he is on the permanent advanced

1 voter list?

2 A. Well, if they're on the permanent list, we
3 know that they likely have some type of disability or
4 concern. So while we may or may not know exactly what
5 their issue is, I think we're going to look at it with
6 those considerations in mind.

7 Q. Okay. When you say that, do you mean you're
8 more likely to be -- give them a stronger benefit of
9 the doubt or something else?

10 MR. SCHILLINGS: Object to form. Go ahead.

11 A. I don't -- I'm not quite sure how to answer
12 that question, because I find that even most people
13 with -- that have given us their signature, we're able
14 to determine if it's them or not most of the time
15 without too much trouble.

16 Q. (By Ms. Astarita) Okay. And I'm
17 specifically asking because you said that you would
18 take that into consideration whether they're on the
19 advanced voter list. How would you do that?

20 A. If they're on the permanent list, which
21 means that they have some type of impairment, I think
22 we have to be aware of the fact that they have an
23 impairment. They've told us that they have one. We
24 have a document that says they have an impairment, so
25 I think we have to really be paying attention to that

1 potential.

2 Q. When you say you're paying attention to that
3 potential, what are you -- potential for what?

4 MR. SCHILLINGS: I'm just going to object to
5 form. An incomplete hypothetical, asking him to fill
6 in a lot of gaps, but go ahead if you can.

7 A. If I know that someone has Parkinson's, then
8 I'm expecting that their signature may be shakier than
9 normal, and I'm probably going to consider that when
10 looking at that particular signature.

11 Q. (By Ms. Astarita) Okay. And so all voters
12 on permanent vote -- sorry. Strike that.

13 All voters who have permanent advanced voter
14 status have a personal disability or an illness; is
15 that correct?

16 A. I think that's the assumption that we have
17 to operate with.

18 Q. And if a voter has permanent advanced voter
19 status, are they exempt from the signature matching
20 requirement for advanced mail ballots?

21 A. I believe that they may be exempt in some
22 situations, yes.

23 Q. When an advanced ballot comes in before
24 conducting signature verification, does your staff
25 check if it's a voter with permanent advanced status,

1 exemplar match.

2 Q. If the voter cannot physically sign a
3 ballot, a voter assistant needs to sign for them.
4 Right?

5 A. That sounds correct, yes.

6 Q. Does Shawnee County conduct signature
7 matching for the voter assistant signature?

8 A. I don't believe so.

9 Q. If a voter has a disability that prevents
10 them from having a signature consistent with their
11 registration form, are they still required to sign the
12 envelope?

13 A. I think it's their option. I think they can
14 sign it, or they can ask someone to sign on their
15 behalf.

16 Q. If they do sign it, when the county gets the
17 ballot back with their signature, how does the county
18 know that they're exempt from meeting the signature
19 verification requirement.

20 A. We're very careful with how we handle
21 permanent signatures. The majority or a significant
22 amount of the time that they sign it were familiar
23 with how they sign it, because we've got exemplars in
24 prior elections most of the time that we compare to it
25 easily, and be like, yes, that is consistent with

1 their difficulty, but they chose to sign it. So,
2 yeah, I think most of the time we can figure that out,
3 but we're much more careful with them.

4 Q. Okay. So the county still conducts
5 signature verification if the voter has chosen to
6 sign?

7 A. Yes.

8 Q. And if they choose not to sign, do they
9 still have to have a voter assistant sign for them?

10 A. I believe that's the requirement.

11 Q. Okay. Has the Secretary issued any guidance
12 about whether voters with this kind of disability need
13 to sign a ballot?

14 MR. SCHILLINGS: Object to form.

15 A. Yeah, I -- I don't -- I don't remember the
16 specifics, but I know that we have had conversations
17 with the Secretary of State's office about that, and
18 they have said be very careful about rejecting a
19 permanent ballot signature, because there are various
20 valid concerns around that. So we're very careful
21 with that.

22 Q. (By Mr. Astarita) And I'm interested. What
23 kind of disabilities qualify for the part of the
24 statute that exempts voters who can't provide a
25 consistent signature? Do you think it's required to

1 be a -- does Shawnee County consider it to be -- is it
2 required to be a permanent disability?

3 A. Under the ADA, we do not make judgments
4 ourselves as to who does or does not comply or whether
5 it's a permanent or not. If they sign a statement
6 saying they have a disability, we accept that.

7 Q. Okay. If someone has, for example, as a
8 broken arm in Shawnee County, would they qualify for
9 the part of the statute that exempts voters who can't
10 provide a consistent signature?

11 A. That's going to be their call. We're not
12 going to have a significant judgment on that.

13 Q. Okay. When you call -- so when you find
14 that a -- sorry. Strike that.

15 When your office determines that a signature
16 is mismatched, do they contact the voter?

17 A. Yes, we do.

18 Q. Do you contact them by phone?

19 A. We contact them at least by phone, and it's
20 our office policy, especially if we can't get it
21 resolved very quickly, to also send out, at a minimum,
22 a piece of mail.

23 Q. When you call a voter with a mismatched
24 signature, do you ask the voter if they have a
25 disability that prevents them from having a consistent

1 words. Do you know what signature comes up first for
2 the -- for the reviewer to compare to?

3 MR. SCHILLINGS: Form.

4 A. Yeah. Again, I'm -- I don't -- I'm not
5 aware that there is a default or a significant
6 assumption as to which one's is first.

7 Q. (By Mr. Astarita) Okay. So I guess I'm
8 asking, is it their voter registration sig- -- Like
9 does their voter registration signature come up? Is
10 it their most recent signature? Is it some other --
11 is it random?

12 A. I think it varies, but clearly we prefer to
13 start with voter registration forms first, as a
14 general rule.

15 Q. And I think we covered this briefly before,
16 but how many signature comparators does Shawnee County
17 usually have available for a voter?

18 MR. SCHILLINGS: Form.

19 A. Yeah, I've not done a deep dive into an
20 average of how many signatures we have. I would note
21 that we have not only the signatures from prior
22 registrations, prior DMVs, prior applications for
23 ballots. We additionally, if it really comes down to
24 trying to make determinations, can also look at up to
25 ten years' worth of Poll Books that we have on the

1 shelf. We also have mail ballot signatures, that if
2 we really need to, we can additionally go digging
3 through those outside the official ELVIS System.

4 Q. (By Mr. Astarita) Are there any voters who
5 would have only one comparator on file?

6 A. If you have a recent registrant, it is
7 possible. I think it -- there are not a lot of those.
8 But, yes, you can have a recent registrant who has one
9 signature on file.

10 Q. Are there voters in your county for whom you
11 only have old -- very old signatures?

12 A. Having not reviewed every one of them, I
13 don't know that. But I think it's a safe assumption
14 that there are people who have been registered for 30
15 or 40 years and have not moved.

16 Q. Approximately how much time does your staff
17 spend matching or verifying each signature?

18 A. It varies. Again, I don't -- I think until
19 they're confident they've made a good call, and that
20 can vary a great deal.

21 Q. Is there anything different about how
22 Shawnee County conducts signature matching for
23 advanced ballot applications versus envelopes?

24 A. Well, I'm not quite sure I understand.
25 Again, we're using the totality.

1 Q. Yeah, that makes sense. And we've talked
2 about how your county contacts voters whose signatures
3 don't match. You said that they contact them by phone
4 and also have to send at least one piece of mail; is
5 that correct?

6 A. That is correct.

7 Q. Okay. When you send mail, what address do
8 you send it to? Is it the address where the voter is
9 registered?

10 A. It's the address at which they are
11 registered, unless they have a mailing address. And
12 then if they have a mailing address, we will send it
13 to their mailing address as a matter of -- that's our
14 standard practice, yes.

15 Q. Okay. Would the mailing address be the
16 address that the ballot was sent to?

17 A. If they have a mailing address, I believe
18 that is correct.

19 Q. Okay. In addition to contacting voters by
20 phone or by mail, KAR7-36-9 says that "the county
21 official can also attempt to contact the voter by any
22 other means, including electronic mail or a personal
23 visit at the voter's residence." Does Shawnee County
24 try to contact voters by any other means besides phone
25 and mail?

1 A. On rare occasion, I think it just depends on
2 if we're having difficulty contacting them. But
3 it's -- but it's pretty rare. I would say most of the
4 time either by mail or phone, we're in pretty good
5 shape with most voters in making that system work.

6 Q. Okay. Does Shawnee County contact voters
7 whose signature don't match by e-mail?

8 A. I think that we have. However, I prefer
9 phone. And I actually prefer mail. At least in my
10 experience, there are a lot of folks that really don't
11 watch their e-mail very closely or can miss it or it
12 could get into a junk folder. So as a matter of
13 general practice, I prefer phone call first and then
14 mail second, because my confidence level of those
15 methodologies, at least historically, has been better.
16 So that's also why I require that, again, as an office
17 policy. We always try to send out a piece of mail.
18 We always try to make numerous phone contacts.

19 Q. How soon after a -- how soon after the
20 county rejects the ballot did you contact the voter?

21 A. Well, when you say reject, can you help me
22 understand what you mean by that word?

23 Q. Yeah. How soon after the county determines
24 that a signature is inconsistent do they contact the
25 voter to cure?

1 A. So our standard practice is to try to
2 reach -- to process and begin the reach out process
3 within 24 hours. It can be up to 48 hours in rare
4 circumstances, it's pretty rare. The only time I
5 remember that happening was in the year 2020 when we
6 were inundated with mass amounts of mail in one day.
7 I think it took us a little bit longer at that point.

8 Q. Does Shawnee County ever contact voters by
9 personal visit to their residence if they have
10 signature mismatch?

11 A. I feel like I did it once. It's pretty
12 rare, and it was kind of an unusual circumstance.
13 Again, I don't remember the exact details, but I feel
14 like I have, on an occasion or two, when someone with
15 disability couldn't figure it out that we did go the
16 extra mile, but it is pretty rare. It is not a
17 standard practice.

18 Q. I understand. How about by text message?
19 Does Shawnee County contact voters whose signatures
20 don't by text message?

21 A. I believe that I have reached out to a voter
22 or two by text. Again, that's pretty rare, not
23 typically necessary, but that I can think of a time
24 when I did do some conversation via text initially.

25 Q. Okay. And you -- can you think of any other

1 method that Shawnee County might use to contact voters
2 whose signatures don't match?

3 A. Typically phone, typically mail. I believe
4 we've used some e-mail. Like I said, it's rare that
5 we go beyond those three.

6 Q. Yeah. And is the first method of contact
7 the phone call?

8 A. I think it depends a little bit. Typically
9 yes, we're making sure that the phone call occurs.
10 But like I said, in an interest of making sure that we
11 don't miss somebody or have an -- an abundance of time
12 occur, we do try to get a letter out fairly quickly as
13 well if we're not able to make an initial contact via
14 phone.

15 Q. Okay. So I'm just trying to understand the
16 order of operation. So first the letter is sent out,
17 and then the phone call is made, or some other way?

18 A. Again, it depends a little bit on staff and
19 what they can do. Like I said, in 2020, we were so
20 inundated with mail -- I'm not going to -- if I know
21 I've still got two weeks to contact a voter, that may
22 get to sit on the back burner for a half a day while
23 we finish processing the mail.

24 Because -- I mean, you have to be careful,
25 and what we try to do is be careful that we give

1 everybody as much opportunity as we can, and I don't
2 want mail sitting in an envelope for two days while
3 we're busy sending a letter to one person. I want
4 that mail processed daily. And 95 percent of the time
5 or more, we get that done. Again, 2020 was a little
6 bit of an anomaly.

7 So can it vary a little bit, yes. But as a
8 general rule we're getting phone calls and mail sent
9 out within -- within, most of the time, 24 to no more
10 than 48 hours. However, it depends on when I get the
11 mail. It depends on all the other factors of
12 available staff, what the critical components of all
13 those pieces are. So it can vary some.

14 Q. How long do election officials wait in
15 between each phone call to the same voter?

16 A. I don't think we have a hard and fast rule.
17 However, I am aware of situations where I was not able
18 to get in touch with somebody with several phone
19 calls, and so I have done -- been a part of situations
20 where I have spaced those calls out hoping to catch
21 somebody who might be available that wasn't available
22 earlier.

23 Q. Okay. I'm actually asking more if you call
24 voters on consecutive days if you're unable to reach
25 them at first.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

DEPOSITION REVIEW
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 7680226
CASE NAME: League Of Women Voters Of Kansas, Et Al. v.
Schwab, Scott, Et Al.

DATE OF DEPOSITION: 10/24/2025

WITNESS' NAME: Andrew Howell

In accordance with the Rules of Civil
Procedure, I have read the entire transcript of
my testimony or it has been read to me.

I have made no changes to the testimony
as transcribed by the court reporter.

Date Andrew Howell

Sworn to and subscribed before me, a
Notary Public in and for the State and County,
the referenced witness did personally appear
and acknowledge that:

They have read the transcript;
They signed the foregoing Sworn
Statement; and
Their execution of this Statement is of
their free act and deed.

I have affixed my name and official seal
this _____ day of _____, 20_____.

Notary Public

Commission Expiration Date

Kansas Counties: Population, VAP, and CVAP (2023)

County	Total Population (2023)	Voting Age Population (VAP)	Citizen Voting Age Population (CVAP)
Allen County	12466.0	9725	9495
Anderson County	7813.0	5755	5750
Atchison County	16142.0	12630	12535
Barber County	4078.0	3120	3095
Barton County	24901.0	19130	18590
Bourbon County	14432.0	10785	10620
Brown County	9267.0	7035	6970
Butler County	68638.0	50955	49735
Chase County	2555.0	2040	1940
Chautauqua County	3360.0	2615	2600
Cherokee County	19095.0	14870	14775
Cheyenne County	2634.0	2020	1935
Clark County	1861.0	1500	1485
Clay County	7996.0	6205	6155
Cloud County	8849.0	6835	6660
Coffey County	8272.0	6515	6495
Comanche County	1674.0	1375	1375
Cowley County	34245.0	26320	25550
Crawford County	38969.0	30325	29700
Decatur County	2732.0	2200	2160
Dickinson County	18432.0	14205	14150

County	Total Population (2023)	Voting Age Population (VAP)	Citizen Voting Age Population (CVAP)
Doniphan County	7530.0	5965	5885
Douglas County	121179.0	98245	93735
Edwards County	2731.0	2165	1960
Elk County	2478.0	1890	1885
Ellis County	28920.0	23000	22495
Ellsworth County	6387.0	5245	5185
Finney County	37999.0	26575	21850
Ford County	34047.0	23615	18950
Franklin County	26223.0	19940	19715
Geary County	35192.0	24540	23565
Gove County	2733.0	2075	2075
Graham County	2371.0	1905	1900
Grant County	7158.0	5055	4000
Gray County	5765.0	4035	3525
Greeley County	1174.0	900	840
Greenwood County	5909.0	4680	4660
Hamilton County	2459.0	1705	1300
Harper County	5392.0	4045	3945
Harvey County	33635.0	25750	25335
Haskell County	3630.0	2690	2135
Hodgeman County	1681.0	1265	1250
Jackson County	13392.0	10000	9720
Jefferson County	18307.0	14300	14235
Jewell County	2901.0	2285	2270

County	Total Population (2023)	Voting Age Population (VAP)	Citizen Voting Age Population (CVAP)
Johnson County	625444.0	468370	444420
Kearny County	3803.0	2745	2400
Kingman County	7091.0	5685	5665
Kiowa County	2404.0	1865	1800
Labette County	19833.0	15075	14990
Lane County	1533.0	1145	1090
Leavenworth County	83735.0	62925	61810
Lincoln County	2924.0	2305	2295
Linn County	9885.0	7580	7550
Logan County	2678.0	2080	2035
Lyon County	32267.0	24975	23100
Marion County	11768.0	9290	9240
Marshall County	9963.0	7555	7535
McPherson County	30236.0	23565	23050
Meade County	3911.0	2900	2630
Miami County	35333.0	26345	26195
Mitchell County	5789.0	4430	4415
Montgomery County	30756.0	23640	23060
Morris County	5289.0	4280	4245
Morton County	2592.0	1995	1840
Nemaha County	10094.0	7385	7355
Neosho County	15451.0	11925	11770
Ness County	2639.0	2125	2015
Norton County	5314.0	4290	4230

County	Total Population (2023)	Voting Age Population (VAP)	Citizen Voting Age Population (CVAP)
Osage County	15798.0	12100	12040
Osborne County	3440.0	2725	2695
Ottawa County	5842.0	4450	4405
Pawnee County	6068.0	5325	5315
Phillips County	4762.0	3755	3725
Pottawatomie County	26506.0	18310	18085
Pratt County	9107.0	6840	6825
Rawlins County	2480.0	1960	1930
Reno County	61419.0	47960	47145
Republic County	4608.0	3575	3570
Rice County	9305.0	7190	7070
Riley County	71673.0	60070	57275
Rooks County	4776.0	3845	3840
Rush County	2833.0	2360	2320
Russell County	6683.0	5225	5125
Saline County	53342.0	41485	40455
Scott County	4962.0	3740	3375
Sedgwick County	530254.0	392630	370300
Seward County	21209.0	14955	11185
Shawnee County	177596.0	136775	132575
Sheridan County	2409.0	1820	1775
Sherman County	5791.0	4500	4385
Smith County	3541.0	2855	2840
Stafford County	3948.0	3025	2870

County	Total Population (2023)	Voting Age Population (VAP)	Citizen Voting Age Population (CVAP)
Stanton County	2012.0	1485	1180
Stevens County	5074.0	3705	3135
Sumner County	22393.0	16970	16830
Thomas County	7858.0	6000	5720
Trego County	2758.0	2235	2225
Wabaunsee County	7073.0	5365	5345
Wallace County	1501.0	1120	1100
Washington County	5553.0	4195	4080
Wichita County	2093.0	1565	1445
Wilson County	8438.0	6520	6455
Woodson County	3127.0	2525	2525
Wyandotte County	166932.0	121090	102715

RETRIEVED FROM DEMOCRACYDOCKET.COM

**IN THE THIRD JUDICIAL DISTRICT
DISTRICT COURT, SHAWNEE COUNTY, KANSAS
CIVIL DEPARTMENT**

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

Plaintiffs,

vs.

Case No. 2021-CV-000299

SCOTT SCHWAB, in his official capacity as
Kansas Secretary of State; and KRIS KOBACH,
in his official capacity as Kansas Attorney
General,

Defendants.

EXPERT REPORT OF DR. KENNETH MAYER

RETRIEVED FROM DEMOCRACYDOCKET.COM



I. Introduction and Summary of Conclusions

I have been asked by counsel to analyze Kansas's application of its signature verification requirement to advance mail ballots, which went into effect in 2021, across Kansas counties. As a political scientist with an expertise in studying election administration issues, I reviewed counties' practices for implementation of the signature verification requirement to assess the likelihood of uniform application of the signature verification requirement across Kansas counties, as well as the accuracy and uniformity of signature verification outcomes across Kansas counties. I was also asked to examine the likelihood that signature verification is necessary to combat voter fraud in Kansas.

As I demonstrate in this report, hundreds of thousands of Kansas voters rely on voting by mail, including in particular Kansas voters with a permanent disability or illness. Under Kansas law, before an advance ballot transmitted by mail can be counted, election officials are required to compare the voter's signature on the advance ballot envelope to the voter's signatures on file in registration records, rejecting those ballots with signatures that do not "match." For signatures that are deemed "inconsistent," election officials are required to "attempt to contact" voters to give them an opportunity to cure before their ballot is rejected. Voters with a disability that prevents them from signing the ballot or from signing in a manner that is consistent with their signature on file are supposed to be exempt from this requirement under the law.

My conclusion is that the signature verification process in Kansas is *certain* to reject valid votes. The political science literature has found that signature matching in election administration is an inherently subjective process with proven error rates—that is, with genuine signatures wrongly rejected—as high as 60% in statewide elections; the county-level error rate in Kansas, however, is as high as 95%. Again and again, researchers have found that signature matching in the election context inevitably results in subjective standards that vary from one jurisdiction to the next and even from one person to another, to say nothing about variation from one election to the next.

The inherent inaccuracy and inconsistency of signature matching in election administration is exacerbated in Kansas by the lack of clear standards for signature verification, including a lack of any serious training for election officials engaged in signature verification, to a failure to implement the statutory disability exemption in Kansas law. In the end, I find the error rate for identifying alleged signature mismatches in Kansas is both extraordinarily high (near 70%, across the counties and elections I reviewed), and shows considerable variation both across counties and even within the same county from election to election.

It is crucial to bear in mind that the "cure" process is a method of dealing with *errors* in the signature verification process: A cured ballot is an indication that Kansas election workers erred in concluding that a signature did not match. The error in rejecting a voter's signature as not authentic and requiring a voter to cure their ballot for it to be counted imposes real costs on Kansas voters. In my review of documents produced in this litigation, I identified voters who, when contacted to cure their ballot, said they were unable to send in a new signature verification card or appear at a clerk's office to cure their ballot, because they were out of the county, sick, bedridden, lacked transportation, or for any of the other reasons that may motivate a voter to vote by mail in the first place.

These stories from voters are supported by the data. In particular, I find that only 39.7% of permanent advance voters—i.e., those with a permanent illness or disability—were able to cure their ballots after their ballots were flagged for a signature mismatch, compared to 73.9% of voters applying for an advance ballot in only a single election (voters presumably without a permanent disability or illness).

My review of counties' curing practices demonstrates that they too vary widely, including in the most basic ways of how voters are given an opportunity to cure: some counties appear to require voters to cure in person, others allow voters to mail or email new signatures, and at least one county sends staff to the homes of voters whose signatures have been rejected.

The end result is precisely what the peer-reviewed literature on signature matching in elections has repeatedly found: the process is inevitably applied inconsistently across jurisdictions even in the same state. This is true in Kansas, where advance ballot rejection rates for a signature mismatch in 2022, the first general election conducted under the signature verification regime, varied by a factor of more than 100. In 2024, rejection rates varied by a factor of nearly 19. In 2024, 8 counties reported rejecting ballots for mismatched signatures (out of a reported 78,824 returned advanced ballots), while 97 counties, which together received 74,767 ballots, reported no rejections.

In return for this subjective, unwieldy, error-prone, and complicated regime that has been (and will continue to be) implemented in an inconsistent way across the state, and which has disenfranchised eligible voters (and will continue to do so), Kansas residents get nothing. There is no evidence that the signature verification process will do anything to enhance the security of the advance voting process or improve the integrity of elections in Kansas, a state in which voter fraud is vanishingly rare, and where mail ballot impersonation fraud is virtually nonexistent. The only thing that the signature verification process does is prevent eligible Kansas voters from casting a ballot that is counted and make it more difficult for them to do so.

II. Qualifications and Expertise

I have a Ph.D. in political science from Yale University (1988), where my graduate training included courses in econometrics and statistics. My undergraduate degree is from the University of California, San Diego (1982), where I majored in political science and minored in applied mathematics. I am Professor Emeritus of Political Science at the University of Wisconsin-Madison, and retired in May 2024 after 35 years on the faculty and 24 years as a Full Professor. My CV is attached to this report as Appendix B.

All publications that I have authored and published in the past ten years appear in my CV. Those publications include the following peer-reviewed journals: *Journal of Politics*, *American Journal of Political Science*, *Election Law Journal*, *Legislative Studies Quarterly*, *Presidential Studies Quarterly*, *American Politics Research*, *Congress and the Presidency*, *Public Administration Review*, *Political Research Quarterly*, and *PS: Political Science and Politics*. I have also published in law reviews, including the *Richmond Law Review*, the *UCLA Pacific Basin Law Journal*, and the *University of Utah Law Review*. My work on campaign finance has been published in *Legislative Studies Quarterly*, *Regulation*, *PS: Political Science and Politics*, *Richmond Law Review*, the *Democratic Audit of Australia*, and in an edited volume on electoral competitiveness published by the Brookings Institution Press. My research on campaign finance has been cited by the U.S. Government Accountability Office, and by legislative research offices in Connecticut and Wisconsin.

My work on election administration has been published in the *Election Law Journal*, *American Journal of Political Science*, *Public Administration Review*, *Political Research Quarterly*, and *American Politics Research*. I was part of a research group retained by the Wisconsin Government Accountability Board to review their compliance with federal mandates and reporting systems under the Help America Vote Act, and to survey local election officials throughout the state. I served on the Steering Committee of the Wisconsin Elections Research Center, a unit within the UW-Madison College of Letters and Science. In 2012, I was retained by the United States Department of Justice to analyze data and methods regarding

Florida's efforts to identify and remove purportedly ineligible noncitizens from the statewide file of registered voters. In 2022, I chaired the Dane County (WI) Election Security Review Committee, which produced a report for county officials on the physical security of election infrastructure.

In the past ten years, I have testified as an expert witness in trial or deposition or submitted a report in the following cases:

Federal: *Coalition for Open Democracy et al. v Scanlan et al.*, Case No. 1:24-cv-00312-SE-TSM (D. N.H.); *Equality State Policy Center v. Gray*, Case No. 25-cv-00117-SWS (D. Wyo.); *LULAC Texas, et al., v. John Scott, et al.*, No. 1:21-cv-0786-XR (W.D. Tex.); *League of Women Voters of Fla., Inc., et al. v. Lee, et al.*, No. 4:21-cv-00186-MW-MAF (N.D. Fla.); *Fair Fight Inc., et al. v. True the Vote, Inc., et al.*, No. 2:20-cv-00302-SCJ (N.D. Ga.); *The Andrew Goodman Found. v. Bostelmann*, No. 3:19-cv-00955-JDP (W.D. Wis.); *Majority Forward and Gamliel Warren Turner, Sr. v. Ben Hill Cnty. Bd. of Elections, et al.*, No. 1:20-cv-00266-LAG (M.D. Ga.); *Pearson, et al. v. Kemp, et al.*, No. 1:20-cv-4809-TCB (N.D. Ga.); *The New Ga. Project, et al. v. Raffensperger, et al.* No. 1:20-cv-01986-ELR (N.D. Ga.); *Fair Fight Action v. Raffensperger*, No. 1:18-cv-05391-SCJ (N.D. Ga.); *Kumar v. Frisco Indep. Sch. Dist., et al.*, No. 4:19-cv-00284-ALM (E.D. Tex.); *Vaughan v. Lewisville Indep. Sch. Dist., et al.*, No. 4:19-cv-00109-SDJ (E.D. Tex.); *Tyson v. Richardson Indep. Sch. Dist., et al.*, No. 3:18-cv-00212-K (N.D. Tex.); *Dwight, et al. v Kemp*, No: 1:18-cv-2869-JPB (N.D. Ga.); *League of Women Voters of Mich., et al. v. Benson*, No. 2:17-cv-14148-DPH-GJQ (E.D. Mich.); *One Wis. Inst., Inc. v. Thomsen* 198 F. Supp. 3d 896 (W.D. Wis. 2016); *Whitford v. Gill*, 218 F. Supp. 3d 837 (W.D. Wis.).

State: *Eucke, et al. v. Wisconsin Elections Commission, et al.*, 2024CV007822 (Cir. Ct., Milwaukee Cty., WI); *League Of Women Voters of Missouri and Missouri State NAACP v. State of Missouri et al.* 22AC-CC04333 (Cir. Ct. of Cole Cnty., MO); *Missouri State Conference of the NAACP et. al. v. State of Missouri, et al.*, 22AC-CC04439, (Cir. Ct. of Cole Cnty., MO); *Lake v. Hobbs, et al.*, CV-2022-095403 (Maricopa Cty. Sup. Ct, AZ); *Montana Democratic Party and Mitch Bohn v. Christi Jacobsen*, consolidated Case No. DV 21-0451 (13th Judicial Ct. Yellowstone Cty., MT); *Johnson, et al. v Wis. Elections Comm'n, et al.*, No. 2021AP1450-OA (Wis. Sup. Ct.); *League of Women Voters v. Thurston*, No. 60CV-21-3138 (5th Div. Cir. Ct. Pulaski Cnty., AR); *Driscoll v. Stapleton*, No. DV 20 0408 (13th Judicial Ct. Yellowstone Cnty., MT); *N.C. All. for Retired Ams., et al. v. N.C. State Bd. of Elections* (Wake Cnty., NC); *LaRose et al. v. Simon*, No. 62-CV-20-3149 (2d Jud. Dist. Ct., Ramsey Cnty., MN); *Mich. All. for Retired Ams., et al. v. Benson, et al.* No 2020-000108-MM (Mich. Ct. of Claims); *Priorities U.S.A, et al. v. Missouri, et al.*, No. 19AC-CC00226 (Cir. Ct. of Cole Cnty., MO).

Courts consistently have accepted my expert opinions and the basis for those opinions. No court has ever excluded my expert opinion under *Daubert* or any other standard. Courts have cited my expert opinions in their decisions, finding my opinions reliable and persuasive. See *League Of Women Voters of Missouri and Missouri State NAACP v. State of Missouri et al.* 22AC-CC04333 (Cir. Ct. of Cole Cnty., MO); *Fair Fight Inc., et al. v. True the Vote, Inc., et al.*, No. 2:20-cv-00302-SCJ (N.D. Ga.); *League of Women Voters v. Thurston*, No. 60CV-21-3138 (5th Div. Cir. Ct. Pulaski Cnty., AR); *Driscoll v. Stapleton*, No. DV 20 0408 (13th Judicial Ct. Yellowstone Cnty., MT); *Priorities U.S.A., et al. v. Missouri, et al.*, No. 19AC-CC00226 (Cir. Ct. Cole Cnty., MO); *Whitford v. Gill*, 218 F. Supp. 3d 837 (W.D. Wis. 2016); *One Wis. Inst., Inc. v. Thomsen*, 198 F. Supp. 3d 896 (W.D. Wis. 2016); *Baldus v. Members of Wis. Gov't Accountability Bd.*, 849 F. Supp. 2d 840 (E.D. Wis. 2012); *Milwaukee Branch of the NAACP v. Walker*, 851 N.W. 2d 262 (Wis. 2014); *Baumgart v. Wendelberger*, No. 01-C-0121, 2002 WL 34127471 (E.D. Wis. May 30, 2002).

I am being compensated at a rate of \$600 per hour for my services in this matter. My work in this case is independent and impartial. My compensation is not dependent on either the substance of my opinion or the outcome of this case.

III. Data and Materials

In forming my opinions on this matter, I relied on the following data and source material:

- (1) The relevant provisions of Kansas law concerning signature matching, *see* K.S.A. § 25-1124(b), (h) and Kansas Administrative Regulations 7-36-9
- (2) Reports from the Kansas Secretary of State's Office or other Kansas public agencies, including:
 - a. Kansas Elections Standards, dated May 27, 2024 (<https://sos.ks.gov/elections/election-guides.html>)
 - b. Reports from the Kansas Legislative Division of Post Audit
 - c. Report from the Kansas Secretary of State concerning voter fraud records
- (3) Data from the Kansas Secretary of State's office, including:
 - a. The Kansas voter file (a statewide list of all registered voters), dated July 11, 2025.
 - b. Election result data from the Kansas Secretary of State (<https://sos.ks.gov/elections/election-results.html>).
- (4) Records regarding signature matching in Allen, Barton, Butler, Cowley, Dickinson, Douglas, Ellis, Finney, Geary, Harvey, Jackson, Johnson, Leavenworth, McPherson, Montgomery, Reno, Rice, Riley, Saline, Sedgwick, Shawnee, Sumner, Thomas, and Wallace Counties.
- (5) Data from the federal Election Administration and Voting (EAVS) Survey from 2008-2024
- (6) Voter turnout data from University of Florida Elections Lab (<https://election.lab.ufl.edu/>).
- (7) Database of alleged instances of voter fraud from the Heritage Foundation
- (8) The peer-reviewed academic literature and other sources cited in this report.

As I note above, for this report, I reviewed hundreds of records concerning signature matching processes from dozens of Kansas counties. I received those documents from Plaintiffs' counsel and I understand they were obtained via third party subpoenas or KORA Requests. I asked Plaintiffs' counsel to provide to me every document obtained from those counties, which I understand they have done. Although I did not have access to signature matching records from all 105 of Kansas counties, the counties I was able to review include some of Kansas's most-populous, most urban, and most-resourced counties, as well as counties that have much smaller populations, may be more rural, or have far fewer resources than Kansas's largest counties, which likely has consequences for election administration.

IV. Advance Voting By Mail in Kansas

Kansas allows two types of absentee voting, which Kansas calls advance voting. Advance voting can occur either in-person (analogous to in-person early voting in other states) or via a mail ballot. Most Kansas voters wishing to vote by mail must submit an application to do so for each election. But Kansas voters with a “permanent illness or disability or have been diagnosed as having a permanent illness” can apply for permanent advance voting status, using a separate application form that requires disclosure of the qualifying illness or disability.¹

In a typical November general election, hundreds of thousands of Kansans rely on voting by mail. According to the federal Election Administration and Voting Survey (EAVS), in the 2024 election, nearly 150,000 Kansans voted by mail. Since Kansas started reporting EAVS data in 2008, the data show that Kansas voters have returned at least 1.6 million mail ballots between 2008 and 2024.²

The number of Kansas voters qualifying for a permanent advance voter status is also substantial. In the 2024 general election, 38,635 mail advance voters were listed as having an “indefinite” status, which I interpret as having permanent advance voting status. That represents 23.3% of all voters sent an advance mail ballot in that election, and 2.2% of all registrants in the voter file listed as active and registered by the 21-day deadline before the November 5, 2024 election (a total of 1,783,749 voters).

Under Kansas law, before an advance ballot transmitted by mail can be counted, the signature on the ballot must be verified—the primary subject of this report.

V. Kansas Law Regarding Signature Verification

A. Statutory Provisions

K.S.A. 25-1124(h), which took effect on July 1, 2021, specifies that:

Subject to the provisions of subsection (b), no county election officer shall accept an advance voting ballot transmitted by mail unless the county election officer verifies that the signature of the person on the advance voting ballot envelope matches the signature on file in the county voter registration records, except that verification of the voter's signature shall not be required if a voter has a disability preventing the voter from signing the ballot or preventing the voter from having a signature consistent with such voter's registration form. Signature verification may occur by electronic device or by human inspection. In the event that the signature of a person on the advance voting ballot envelope does not match the signature on file in the county voter registration records, the ballot shall not be counted.

K.S.A. 25-1124(b) also states that:

The county election officer shall attempt to contact each person who submits an advance voting ballot where there is no signature or where the signature does not match with the signature on file and allow such voter the opportunity to correct the deficiency before the

¹ <https://sos.ks.gov/forms/Elections/AV2.pdf>.

² Because not all counties report data to EAVS in all years, this is an undercount of the true number of mail ballots returned in November elections over that time.

commencement of the final county canvass.

B. Regulatory Provisions

Kansas Administrative Regulations 7-36-9 sets forth definitions and processes of the signature matching regime. I have broken them into the topics listed below.

1. Definitions

7-36-9 (a) (2): “Inconsistent,” when used regarding a signature means that the signature differs in multiple, significant, or obvious respects from the voter’s signature in the voter registration database.

7-36-9 (a) (4): “Match,” when used regarding a signature, means that the signature is generally uniform and consistent with the voter’s signature in the voter registration database.

7-36-9 (a) (5): “Signature verification” means the process to verify the authenticity of a voter's signature on applications, as required by K.S.A. 25-1122(e)(1) and amendments thereto, and on mail ballot envelopes, as required by K.S.A. 25-1124(d) and (h) and K.S.A. 25-433(e) and amendments thereto.

2. Signature Verification and Voter Contact Process

7-36-9 (b): When a county election officer receives from a voter either an application or a mail ballot envelope, the county election official shall conduct signature verification as follows:

(1) If the signature matches the voter's signature on file, the application or mail ballot envelope shall be processed pursuant to K.S.A. 25-1134, K.S.A. 25-1135, and K.S.A. 25-1136, and amendments thereto.

(2) If the signature on the application or mail ballot envelope is inconsistent with the voter's signature on file or there is no signature, the county election official shall attempt to contact the voter as follows:

(A) If the voter's phone number is reasonably available, the county election official shall attempt to call the voter at least three times. The county election official shall inform the voter or leave a message with another person who answered the call or on voice mail of the apparently inconsistent or missing signature and the way to verify the voter's identity or correct the missing signature.

(B) The county election official shall send to the voter by first-class mail a notice informing the voter of the apparently inconsistent or missing signature, with instructions on how to verify the voter's identity or correct the missing signature.

(C) The county election official may also attempt to contact the voter by any other means, including electronic mail or personal visit at the voter's residence.

7-36-9 (c): The county election official shall record the following:

(1)(A) For contact by phone, the date, time, and phone number for each

- call and specification of whether instructions were left by voice mail, by conversation with the voter, or by conversation with another individual;
- (B) for contact by mail, the date the letter was sent to the voter, the address to which the letter was sent, and a copy of the letter; or
- (C) for other means of contact, a general description of the means of voter contact; and
- (2) for all means of contact, specification of whether the voter corrected the missing or inconsistent signature.

7-36-9 (f): Before performing signature verification, the county election official shall complete training approved by the secretary of state on procedures to determine whether a voter's signature is consistent with the signature in the voter registration database.

7-36-9 (g): When conducting signature verification, the following shall apply:

- (1) The voter's signature shall be compared to as many recorded signatures as possible from the voter registration database.
- (2) Signature verification may occur by electronic device or by human inspection.
- (3) All signatures that match those in the voter registration database shall be accepted.
- (4) Before a signature on any application or mail ballot envelope is deemed inconsistent, at least two election officials who have been trained by the secretary of state shall agree that the signatures are inconsistent.
- (5) Signature verification shall not be required if a voter has a disability preventing the voter from signing the ballot or preventing the voter from having a signature that matches the voter's registration form.

3. Cure Process

7-36-9 (d): If a voter receives notice of a signature that is inconsistent with the voter's signature on file, the signature deficiency may be corrected as follows:

- (1) On a mail ballot envelope, by providing an updated signature consistent with the signature on file at any time until the commencement of the county board of canvassers; or
- (2) on an application, by providing an updated signature consistent with the signature on file at any time through the Tuesday of the week preceding the election.

VI. Cost of Voting Model

To evaluate the effects of the signature verification requirement under Kansas law, I turn first to the models and methods used to study voter turnout and evaluate the effects of changes to the voting

process. For at least 60 years, political scientists and economists have accepted the model of voter turnout described below as a function of the costs and benefits of voting. As an intellectual framework, it is canonical.

The basic model, originally proposed by Riker and Ordeshook (1968, 28), postulates that the utility of voting is expressed in the following form:

$$\text{Utility of voting} = BP - C + D$$

Here, B is the benefit a voter receives if her candidate wins; P is the probability of a voter casting the decisive vote; C is a measure of the cost of voting; and D is a theoretical measure of the nonmaterial satisfaction a voter derives from the act of casting a ballot (such as participating in an important civic ritual, or compliance with the social expectation of voting). The probability of an individual voting rises as the utility goes up. The cost term, C, reflects the concrete monetary, time, informational, and compliance costs associated with voting.

Because the probability that a single vote will be decisive is extremely low (meaning that BP is very close to zero), theorists have focused on examining the cost side of the voting calculus (as measured by C).³ This conceptual relationship prompted decades of scholarship confirming the broad outlines of the basic theory (Sanders 1980; Rosenstone and Wolfinger 1978; Aldrich 1993; Darmofal 2010; Monroe and Sylvester 2011; Leighley and Nagler 2014; Blais et al., 2019; Cantoni 2020; Barber and Holbein 2022). As a rule, increasing the direct or indirect costs associated with voting—higher information costs associated with complex administrative processes or confusing eligibility requirements, increased direct costs such as the time required to travel to inconvenient polling place locations, shortened polling place hours, or long wait times at polling places—will reduce turnout, both in the aggregate and in the probability that a given individual votes. Moreover, unexpected changes to voting processes can increase the informational and administrative costs of compliance, as voters accustomed to voting in a habitual way face new rules and unfamiliar requirements (Michelson et al., 2012).

A clear demonstration of the validity of cost considerations is the connection between socioeconomic status and turnout, a relationship uncontested in the academic literature. Voters better positioned to overcome the informational and time costs of compliance with administrative and regulatory requirements for voting have higher turnout. Voters less able to overcome those costs are less likely to vote. Education and income (as well as experience with voting) lowers the costs of complying with bureaucratic requirements, as well as the informational costs of learning about those requirements.

Education and income are the factors most strongly linked to turnout (Leighley and Nagler 2014, 27-29; Ojeda 2018; Burden et al. 2014). “The relationship between education and voter turnout,” note Sondheimer and Green (2010, 174), “ranks among the most extensively documented correlations in American survey research.” Turnout is also associated with health (Pacheco and Fletcher 2015; Blakely, Kennedy, and Kawachi 2001; Cox, Epp, and Shepherd 2024), as well as unemployment, poverty, and income loss (Rosenstone 1982; Shah and Wichowsky 2018).

Leighley and Nagler summarize the effects of socioeconomic status as affecting the ability to absorb the costs side of the voting calculus. Higher education increases the probability of voting “by enhancing individuals’ cognitive skills (and therefore reducing information costs), by increasing the

³ This is also why voter fraud is so rare: the benefit of casting such a vote is near zero, and the penalties can be enormous, including lengthy prison terms and, for a noncitizen, deportation. *See* Morales-Doyle (2024).

gratification that individuals receive from politics (thus increasing benefits), and by providing (bureaucratic) experience that is useful in dealing with the costs of voting such as voter registration” (2014, 58-59). Similarly, income affects turnout via analogous mechanisms: people living in poverty have less time to expend on nonessential day-to-day activities; wealthy people are more likely to live in a context where political engagement is a norm, and perceive themselves to have higher stakes (2014, 58-59).

The concept of transaction costs captures the burdens associated with overcoming bureaucratic requirements, compliance costs, and administrative hurdles associated with an individual’s interaction with government to attain a specific goal or fulfill a legal requirement (such as filing a tax return or enrolling in Medicare or Medicaid). In the context of voting, these costs include informational and learning costs, the effort required to comply with administrative requirements, indirect costs (such as time or opportunity costs), and the time costs of curing an advance vote rejected for a signature mismatch.

Under Kansas law, a voter whose advance mail ballot is rejected because of a signature mismatch should be given an opportunity to cure the ballot by providing a new signature consistent with the signature on file. The ballot must be cured prior to the date of the official county canvass, which can vary because counties have some discretion in selecting the date. *See* K.S.A. 25-3104. A county canvass for an election held on a Tuesday, which includes general elections, must take place between the first Monday following an election and the second Monday following an election. *See id.*

The cure process imposes an additional burden on voters, who must take a series of steps to correct the alleged deficiency in their ballots. Appearing in person at a clerk’s office to provide an updated signature or completing an additional signature form to send back to the county via mail, email, or fax (if the county even accepts such a method), takes time and has an opportunity cost. Records of counties’ attempts to contact voters to cure their ballot often show that voters cannot appear in person to cure their signature, often for the same reasons that led the voter to vote by mail in the first place (because they are out of state, away from home, or have an illness or disability which makes voting in person difficult or impossible), or cannot return a mailed signature verification card in time to meet the deadline. In other cases, election officials cannot make contact with the voter, who may not even know that their advance ballot was rejected.

As I show below, a cured ballot is not a success story; it is an indication that the initial signature verification process was erroneous.

VII. Unreliability of Signature Matching in Election Administration

The academic literature on election administration recognizes that the practice of signature verification—the practice of attempting to compare signatures on two or more documents in an effort to verify that the same person signed them—is the archetype of an idiosyncratic judgment that can easily result in false non-matches, where election workers reject a signature that was in fact made by the same individual. Again and again, researchers have found that signature matching in the election context inevitably results in subjective standards that vary from one jurisdiction to the next and even from one person to another, to say nothing about variation from one election to the next. Indeed, even in states that devote considerable resources to identifying best practices and training—which Kansas does not, see Section VIII(A) below—local officials use widely varying methods and standards depending on local personnel and judgements (Janover and Westphal 2020).⁴ In Washington State, which conducts all-mail

⁴ In California, for example, Janover and Westphal (2020) find county-level variation in (1) the use of automated scanners to compare signatures; (2) the number of people who evaluate signatures; (3) whether

elections and conducts signature verification on every ballot received, a 2022 report by the Office of the Washington State Auditor found significant county-level variation in the rate of signature-match rejections and county practices, with rejection rates ranging from 0.04% to 1.5%. The audit found higher rejection rates for younger voters, those with less experience voting, males, and members of some racial and ethnic minority groups (Office of the Washington State Auditor 2022).

It is easy to see why there is such variation: Conducting signature matching reliably and uniformly is a very difficult task. An individual's signature will vary with age, disability, how much time has elapsed between a signature and reference signatures, whether the context in which the signature is recorded is formal or informal, how much time the individual spends on the signature, whether the signature is recorded with a pen or pencil or on an electronic signature pad, and whether the individual is ill or stressed or on medication (Street 2024; Janover and Westphal 2020). The accuracy of the signature matching process may also depend on the number of reference signatures, which is likely to be lower for younger voters. An analysis of signature matching in Maricopa County, Arizona, for example, found that younger voters were more likely to have their mail ballot signatures rejected. (Fifield 2024).

Given the difficulty of conducting signature matching accurately, errors in the signature matching process are universal and unavoidable. A 2020 and 2021 review of absentee ballots in Georgia rejected for mismatched signatures and subsequently cured found that the *lower bound* of the error rate—easily identifiable from the number of voters who cured signature mismatches, which is equivalent to the number of false mismatches—was 32.4% in the 2020 general election in Georgia, and 60.4% in the January 2021 runoff elections (Swift and Gomen 2021, 8). The true error rate was undoubtedly higher, as it is inevitable that some voters were unable (or did not try) to cure their ballots.

These errors are also inevitable because of the conditions in which election workers are asked to perform signature matching, including in particular with little training and under rushed conditions. Street (2024, 548) captures the problem:

Even under the most favorable circumstances there are inherent problems with requiring election workers to verify mail ballot return signatures. Signatures written by the same person exhibit natural variation, which tends to become more pronounced as people age, making it hard to tell whether a particular signature is genuine. Variation may also arise due to health problems or medication, for instance. . . In this context, mistaken decisions by election workers are unavoidable, in one of two forms: either wrongly accepting an invalid signature, or wrongly rejecting a valid signature. Since the overwhelming majority of ballot return signatures are valid, even low rates of the second kind of wrongful rejection will result in many voters being deprived of the right of suffrage (or obliged to put in the time to cure, where this is possible).

A literature review by Street (2024) found that even professionally trained experts make false negative mistakes (rejecting a valid signature) between 7% and 12% of the time (Street 2024, 549). Error rates for poorly trained election workers, who may be evaluating hundreds of signatures or more under time pressure, are likely to be higher. In a Bayesian analysis that quantifies the sensitivity of signature matching (the probability that a signature is rejected given that it is from different individuals) and the specificity of signature matching (the probability that a signature is rejected given that it is from the same

signatures are verified in single-level vs. multiple-level reviews; (3) whether a county has a presumption that a signature matches; (4) how counties handle individuals who cannot sign their names; (5) how training is conducted; and (6) how challenges are handled.

individual), Street calculates that signature verifiers will wrongly reject far more valid signatures than the number of invalid signatures that they identify – up to 200 times more, depending on Bayesian priors about the frequency of fraud and the accuracy of signature verifiers (Street 2024, 550).

VIII. Kansas’s Lack of Standards Exacerbates the Unreliability, Subjectivity, and Non-Uniformity of Signature Verification

The inherent inaccuracy and inconsistency of signature matching in election administration is exacerbated in Kansas by its standards for signature verification (or lack thereof), which inevitably have led to variation in county practices, both for verifying signatures in the first instance, and for offering voters the opportunity to cure their ballot based on which county the voter lives in. It is no surprise, then, that we find the error rate for identifying alleged signature mismatches in Kansas is both extraordinarily high and shows considerable variation, both across counties and even within the same county from election to election.

A. Kansas Standards for Signature Verification

1. Lack of Training and Improper Training

Although Kansas regulations specify that “[b]efore performing signature verification, the county election official shall complete training approved by the secretary of state on procedures to determine whether a voter’s signature is consistent with the signature in the voter registration database,” K.A.R. 7-36-9(f), the training that the Kansas Secretary of State has approved for Kansas election workers falls woefully short. Not only is there is no formal training process for election officials or poll workers who will be conducting signature verification, the “training” that is promulgated provides incorrect information about the process of verifying signatures in Kansas.

As the state confirmed in its discovery responses, which I reviewed for the purposes of this report, the only training required in Kansas before election workers can reject voters’ ballots on the basis of an alleged signature mismatch is watching a forty-five-minute YouTube video on signature verification produced by the Oregon Secretary of State’s Office from 2019.⁵ Even if this training were sufficient—and it is not, at least for the reasons I explain below—I have seen no evidence that the state verifies that anyone conducting signature verification actually completed the training, or that the state employs any methods that assess an election worker’s understanding of the training.⁶

⁵ The YouTube presentation from the Oregon Secretary of State’s Office can be accessed here: https://www.youtube.com/watch?v=UKiYGONnNT0&ab_channel=ElectionsDivision.

⁶ In February 2023, a Kansas Legislative Division of Post Audit conducted a review of election security in Kansas. One section of the report addressed the training available to county election officers (CEOs, the chief election official in each county) and their staff. The audit found wide variation in the amount of training that CEOs receive, or even whether they received it, and concluded that “County election officers told us they felt prepared to oversee elections, but we couldn’t verify training for officers or workers because this generally isn’t tracked” (Kansas Legislative Division of Post Audit 2023, 4).

Notably, the video created by the Oregon Secretary of State's Office appears to provide incorrect information about accepting or rejecting signatures in Kansas—likely because it was not created for reviewing signatures in accordance with Kansas law.⁷

To start, while K.A.R. 7-36 (a)(4) defines a “match” as a signature that is “generally uniform and consistent with the voter’s signature in the voter registration database,” the Oregon Secretary of State presentation articulates a different standard: “Only a signature possessing obvious and predominantly matching characteristics (more similarities than dissimilarities) with the signatures in the voter’s registration record may be accepted as a valid signature.”⁸

Next, while K.A.R. 7-36-9(g)(4) specifies that no signature will be rejected unless “at least two election officials who have been trained by the Secretary of State agree that the signatures are inconsistent,” the Oregon Secretary of State presentation reverses this presumption, stating that a signature must be rejected unless two different election officials agree that it is a match: “A signature possessing one or more distinctive dissimilarities from the signatures in the voter’s registration record shall be reviewed by at least two different elections officials before it may be accepted as a valid signature or rejected as non-matching.”⁹

In effect, then, signature verifiers in Kansas are trained to reject signatures that do not “possess obvious and predominately matching characteristics” with “more similarities than dissimilarities,” and, if there is any question as to whether the signature is genuine, to require two separate election officials to agree that a signature is a match before accepting it. That may be what Oregon law requires, but it is not what Kansas law requires.

In my review of records of Kansas counties’ signature matching practices, I also identified a handful of other training materials that counties appear to have independently collected and distributed to their staff. These include a presentation from 2016 called “How to Spot a Forgery,” produced in discovery by Shawnee County (but originally presented to the Riley County Election Division),¹⁰ a document from 2020 from the Johnson County Election Office that reproduces, almost word-for-word, a signature verification training created by the Colorado Secretary of State, and substitutes the word “Colorado” for “Kansas,”¹¹ and a 2019 PowerPoint about signature verification from the Douglas County Election Office borrowed from King County, Washington.¹² There is nothing specific to Kansas in any of these training documents, none of them were created by state or local officials in Kansas, and to the extent the documents provide information about legal requirements, it is about the requirements in other states.

⁷ The slides “Evaluating Signatures” (slides 21 and 22), for example, are taken almost word for word from the Oregon Vote By Mail Procedures Manual (Appendix 13), which can be found at <https://statelibraryor.recollectcms.com/nodes/view/217782>.

⁸ See Slide 23 of the Oregon Secretary of State Presentation.

⁹ See *id.*

¹⁰ SUBPOENAS_001771-001828 (Shawnee County).

¹¹ SUBPOENAS_035843-SUBPOENAS_035856 (Johnson County), Johnson County Elections Office, *Signature Verification Guide*, Version 1.2, October 2020. The document is identical to Colorado Secretary of State *Signature Verification Guide*, Version 2.1 (September 13, 2018), other than replacing references to “Colorado” in the document with “Kansas” and replacing the name of the Colorado voter registration system (Statewide Colorado Voter and Registration system, or SCORE) with the Kansas system (Election Voter Information system, or ELVIS).

¹² SUBPOENAS_000196–000238 (Douglas County).

Finally, I am aware of no evidence that any county in Kansas evaluates the accuracy or efficiency of their signature verification processes.

2. Variation and Lack of Standards in Signature Verification Methods

Kansas Administrative Regulations permit signature verification to occur either by “by electronic device or by human inspection.” K.A.R. 7-36-9(g)(2). My review of county records found that although most counties in Kansas verify signatures by hand,¹³ Douglas County has previously employed (and may still employ) an automated signature-matching system that includes machines and computer software.¹⁴ Notably, Kansas law contains no requirements for how such a system should be programmed to recommend accepting or rejecting ballots.

3. Variation and Lack of Standards in Number of Comparators

Although Kansas Administrative Regulations specify that “a voter’s signature shall be compared to as many recorded signatures as possible from the voter registration database,” K.A.R. 7-36-9(g)(1), there is no minimum number of comparators that a county is required to have on file before they can conclude that a signature is not a match. Nor is there any clear system in place for counties to collect and maintain comparison signatures. The result is considerable variation in the number of comparator signatures on file across counties. While some counties appear to collect each iteration of a voter’s signature and add them to their voter file, for example, from each change of address form or each application for an advance ballot,¹⁵ others have only a single comparator signature.¹⁶ The number of comparators has consequences: Because “[a]ll signatures that match those in the voter registration database shall be accepted,” K.A.R. 7-36-9(g)(3), having more signature comparators makes it more likely that a voter’s signature will be able to be identified as a “match.”

4. Lack of Implementation of the Disability “Exception”

According to K.S.A. 25-1124(h) and K.A.R. 7-36-9(g)(5), signature verification “shall not be required if a voter has a disability preventing the voter from signing the ballot or preventing the voter from having a signature consistent with the voter’s registration form.” My review of the records in this case, however, found no evidence that Kansas voters are made aware of this exemption or are able to rely on it. Most glaringly, although Kansas law states that voters are exempt from signature verification if they have a disability “preventing the voter from having a signature consistent with the voter’s registration form,” the ballot envelopes that Kansas voters receive do not contain that information. Instead, the envelopes say only that a voter is exempt from the requirement if the voter is “physically unable to sign,”¹⁷ the first part of the exemption in K.S.A. 25-1124(h) and K.A.R. 7-36-9(g)(5), but not the second, as shown below:¹⁸

¹³ SUBPOENAS_003386 (Finney County); SUBPOENAS_035010 (Leavenworth County); SUBPOENAS_035014 (Saline County); SUBPOENAS_034821 (Harvey County).

¹⁴ SUBPOENAS_000309 (Douglas County).

¹⁵ SUBPOENAS_003218 (Douglas County); SUBPOENAS_030892-97 (Saline County); SUBPOENAS_033284-85 (Riley County).

¹⁶ *See, e.g.*, SUBPOENAS_001672-73 (Shawnee County), SUBPOENAS_000160, 162, 165, 167 (Dickinson County); SUBPOENAS_034240-SUBPOENAS_034270 (Butler County)

¹⁷ SUBPOENAS_000153 (Dickinson County); SUBPOENAS_033282 (Riley County); SUBPOENAS_003651 (Leavenworth County); SUBPOENAS_030901 (Douglas County); SUBPOENAS_001669 (Shawnee County).

¹⁸ SUBPOENAS_000160 (Dickinson County).

3

**Statement of Person Signing
on Behalf of Advanced Voter**

**Only if Advance Voter is
Physically Unable to Sign.**

My signature constitutes an affidavit that the person for whom I sign the envelope is a person who is physically unable to sign such envelope. By signing this envelope, I swear this information is true and correct, and that signing an advance voting ballot envelope under false pretenses shall constitute the crime of perjury.

Name of Person Signing on Behalf of Voter

Although I have not reviewed samples of advance mail ballot envelopes in every county, counties almost certainly have this incomplete language on their ballot envelopes, despite the exception embedded in K.S.A. 25-1124(h) and K.A.R. 7-36-9(g)(5), because Kansas law requires them to use this specific language on ballot envelopes. *See* K.S.A. 25-1121(b), (c).

Beyond this omission on the ballot envelope itself, which fails to let voters know that they do need not sign their ballot if they have a disability that makes it difficult for them to provide a consistent signature (a reality for many voters with disabilities; see Syeed et al. 2022), the law also does not provide any guidance on which disabilities might qualify for the exemption. Even if a voter with a disability somehow manages to take advantage of the exemption, that voter still must find *someone else* to sign their ballot envelope on their behalf, creating yet another barrier to voting for voters who already face significant barriers to accessing the franchise.

As I show below, voters on the permanent advance voter list in 2024 (who qualify because of a permanent disability or illness) cure their ballots rejected because of an alleged signature mismatch at far lower rates than advance voters not on the permanent advance voter list.

B. Kansas Standards for Curing

1. Lack of Requirement to Notify Voters Before Rejection

K.S.A. 25-1124(b) and K.A.R. 7-36-9(b)(2) require only that the county election official “attempt to contact the voter” if the signature on the voter’s mail ballot envelope is deemed inconsistent with the voter’s signature on file. Neither contains any requirement that voters be contacted promptly or within any specific timeframe to ensure they have adequate time to cure their ballot, much less that the voter *ever* receive actual notice that their ballot will be rejected before it is not counted.

Without such requirements, in some counties voters are given very little time to cure their ballots before those ballots are rejected in the county canvass. In the 2022 general election in Johnson County, for example, multiple voters were not contacted and told that their ballot was slated to be rejected until three days after Election Day, with one voter not being contacted for the first time until six days after Election Day.¹⁹ Similarly, in the 2022 general election in Sedgwick County, while the county mailed a

¹⁹ SUBPOENAS_032512 (Robert Mahaffy); SUBPOENAS_032459 (Henry A. III Roberts); SUBPOENAS_032463 (Kristen L. Ackland); SUBPOENAS_032491 (Andrea Wickstrom); SUBPOENAS_032493 (Brodie Rush); SUBPOENAS_032500 (Danielle Marie London); SUBPOENAS_032513 (Jacob Christopher Hendricks); SUBPOENAS_032519 (Shane Eric Soltvedt); SUBPOENAS_032521 (Kristen Marie Pardee Laychus) (Johnson County).

notification to several voters alerting them to the need to cure either on the day before or the day after Election Day, those voters were not contacted by phone until the following week—significantly reducing the time that they had to cure their ballots.²⁰

The lack of a requirement that election officials contact voters within a certain period of time after their ballot is flagged for an alleged signature mismatch is exacerbated by the reality that Kansas has one of the shortest periods for voting by mail in the country.²¹ Specifically, under Kansas law, election officials cannot mail ballots to voters prior to the 20th day before the election, *see* K.S.A. 25-1123, leaving a short window of time for voters to both receive and return their ballot by mail. Under these circumstances, voters will not have long to cure even if they return their ballot promptly and even if they are contacted by the most diligent of election officials as soon as their signature is flagged for an alleged inconsistent signature.

Finally, because counties may set their own canvass dates (the date on which their County Board of Canvassers meets to verify the election results), voters in different counties may have different amounts of time to cure their ballots. For example, the canvass date for Shawnee and Sedgwick Counties for the 2024 general election was November 18, 2024;²² the canvass date for Johnson County was November 15, 2024;²³ and the canvass date for Wyandotte County was November 14, 2024.²⁴

2. Variation in Cure Methods Permitted

Kansas law states that a voter may cure their ballot by “providing an updated signature consistent with the signature on file at any time until the commencement of the county board of canvassers.” K.A.R. 7-36-9 (d) (1). But there are a number of ways that a voter can do this, and in practice I identified substantial variation in the methods by which counties allow voters to cure their ballots. Some counties, including Johnson County, appear to require voters to appear in-person at the election office to cure their ballots.²⁵ Others also allow voters to fill out and mail a new signature in; some permit curing by email or fax as well.²⁶ Still others will send an individual to the voter’s home in order to help them cure.²⁷

County election officers also vary in how much contact information they have for voters, and consequently, the methods by which they are able to contact voters to notify them that their ballot needs to be cured. Although the Kansas voter file contains address information for every voter, the voter file has phone numbers for only about 42% of registrants.²⁸

²⁰ SUBPOENAS_006478 (Sedgwick County).

²¹ Of the states that specify the earliest date that absentee ballots can be mailed, only Washington (18 days) and Colorado (18-22 days) have shorter mail voting periods. <https://www.ncsl.org/elections-and-campaigns/table-7-when-states-mail-out-absentee-mail-ballots>.

²² SUBPOENAS_001103–SUBPOENAS_001104 (Sedgwick County); SUBPOENAS_003014–SUBPOENAS_003034 (Shawnee County).

²³ SUBPOENAS_031040–SUBPOENAS_031041 (Johnson County).

²⁴ SUBPOENAS_033599–SUBPOENAS_033602 (Wyandotte County).

²⁵ SUBPOENAS_031040–SUBPOENAS_031041 (Johnson County).

²⁶ SUBPOENAS_003080–SUBPOENAS_003081 (Sumner County); SUBPOENAS_000788 (Reno County); SUBPOENAS_003668 (Riley County); SUBPOENAS_006440 (Riley County); SUBPOENAS_001108 (Sedgwick County); SUBPOENAS_001134–SUBPOENAS_001135 (Shawnee County).

²⁷ SUBPOENAS_003167 (Cowley County).

²⁸ The voter file contains a field with an area code, one with a prefix (or exchange), and one with the last four numbers of a phone number. I determined which numbers were at least the correct format by

Table A3 in Appendix A of this report shows the percentage of registrants in each county with no 10-digit phone number recorded in their voter record. The percentages vary by a factor of nearly 4, from a low of 16.1% in Sheridan County (one of Kansas’s smallest counties, with 1,843 registered voters) to a high of 57.8% in Shawnee County (one of Kansas’s largest counties, with 115,472 registered voters). Table A3 also shows the percentage of advance mail voters in the 2024 general election with no 10-digit phone number attached to their advance ballot record. For this set of voters, the countywide percentages vary by a factor of over 9, from a low of 6.8% in Wichita County to a high of 63.5% in Lincoln County.

C. Kansas’s Signature Verification System Results in Both Extraordinarily High Error Rates and Disparate Cure Rates

A straightforward way of assessing the accuracy of the signature verification process in Kansas is observing the number of ballots initially rejected because of an alleged signature mismatch that the voter later cures. Here, the cure in itself is an indication that the original determination that the voter’s signature was not authentic was incorrect (Swift and Gomen 2021; Shino, Suttman-Lea and Smith 2022).

To conduct this analysis, I examined files from Johnson County for the 2024, 2022, and 2020 general election, Leavenworth County for the 2024 and 2022 general election, Saline County for the 2022 general election, and Wyandotte County for the 2024 and 2022 general election and 2024 primary election.²⁹ I selected these counties and these elections because these counties provided the most detailed information about ballots that were rejected on the basis of a nonmatching signature. In addition, for Johnson County, the records show efforts to contact voters, whether those contact efforts were successful, and whether the voter cured the ballot; and for Wyandotte County, the records show data on attempts to contact voters for most (but not all) records. Because a ballot cannot be accepted by a county election officer if the voter’s signature is not deemed to match a signature on file, *see* K.S.A. 25-1124(h), the presumption is that ballots that were ultimately “accepted” were in fact cured by the voter, and that those that were “rejected” were not.

Table 1 shows the disposition of advance ballots initially flagged as a signature mismatch because of an election worker’s conclusion that the signature on the ballot envelope did not match a signature in the voter’s registration records.³⁰

identifying records with a 3 digit area code, a 3 digit prefix, and a 4-digit number in the “last four” field. Among 1,867,170 active voters, county clerks had a validly formatted phone number for 778,237 voters, or 41.7%. Not all of these numbers will be current or working, so the true number of voters who could be contacted via phone is smaller. The files indicating whether an advance ballot was cured also include records of phone calls for voters with no phone number in the record; it is not clear whether county clerks had the information in other records, searched for the phone numbers, or obtained phone numbers after the voter had responded to mail notifications by calling clerks’ offices.

²⁹ The files were provided to me by counsel and have the following designations: LL_002198 (Johnson County 2024 General); LL_001454 (Johnson County 2022 General); LL_006119 (Johnson County 2020); LL_002202, (Leavenworth County 2024 General); LL_001472, (Leavenworth County 2022 General); LL_001433, (Saline County 2022 General); SUBPOENAS_033897–034172 (Wyandotte County 2024 General); SUBPOENAS_033617–033720 (Wyandotte County 2022 General); SUBPOENAS_034189–034224, (Wyandotte County 2024 Primary).

³⁰ These calculations likely include some in-person advance votes, as the files do not reliably distinguish between in person and mail advance voting. The calculations exclude voters listed in suspense status, even if the reason listed is a signature mismatch, as according to the Kansas Election Standards a ballot in suspense states is a registration that is “incomplete.” Kansas Election Standards (2024 edition), p. I-12.

Table 1: Provisional Ballot Cure/Acceptance Rate				
Ballots Initially Judged As Signature Mismatch				
County	Election	Initial Signature Mismatches	Number Cured or Accepted	Error Rate (cured/Initial)
Johnson	2024 General	37	23	62.2%
Johnson	2022 General	43	10	23.3%
Johnson	2020 General	388	284	73.2%
Leavenworth	2024 General	58	32	55.2%
Leavenworth	2022 General	81	77	95.1%
Saline	2022 General	22	17	77.3%
Wyandotte	2024 General	40	20	50.0%
Wyandotte	2022 General	8	0	0.0%
Wyandotte	2024 Primary	9	6	66.7%
Totals		686	469	68.4%

Table 1 shows that in these four counties, nearly 70% of the initial signature rejections were incorrect, as the voter later cured their ballot, indicating it was in fact signed by the voter in question. Notably, the cure rate, and consequently the error rate, exceeded 95% in Leavenworth County in 2022.

Table 1 shows significant variation in error rates in signature verification across counties in the same election. In the 2022 election, for instance, Johnson County had a minimum error rate of 23.3%, while Leavenworth County had a minimum error rate of 95.1%. In addition to substantial variation between counties, even in the same county the minimum error rates varied widely, from 0% to 66.7% in Wyandotte County between the 2022 general and 2024 primary, from 55.2% and 95.1% in Leavenworth County between the 2022 and 2024 general elections, and from 23.3% and 73.2% in the 2022 and 2020 general elections in Johnson County.

Importantly, the observed error rate in Table 1 is a lower bound that understates the total number of signature verification errors, as it does not capture erroneous rejections that voters were unable to cure, even if they did in fact sign the original ballot. This is not a hypothetical: As I discuss below in Section IX(B), I identified voters who, when contacted and told their ballot was flagged for a non-matching signature, said they were unable to send in a new signature verification card or appear at a clerk's office to cure their ballot, whether because they were out of the county, sick, bedridden, lacked transportation, or for any of the other reasons that may motivate a voter to vote by mail in the first place.

<https://sos.ks.gov/elections/election-standards/Kansas-Election-Standards-Chapter-I-Voter-Registration.pdf>.

IX. Burdens on Kansas Voters

A. General

The Cost of Voting Framework (described in Section VI above) sets out the consequences of additional administrative burdens imposed on voters and the depressive effects those burdens have on turnout.

The signature verification requirement falls into this category, as voters are required to take additional steps if their advance mail ballots are initially rejected because of a mismatched signature: a separate trip to a clerk's office, or completion and return of an updated signature card, depending on what modalities a voter's county clerks allow. In many cases, voters will not have enough time to cure their ballots in time for their votes to be counted, especially for those away from home.

B. Disability or Illness

Advance voting by mail or absentee voting is especially important for people with disabilities, who may lack transportation, have difficult traveling, or face accessibility problems at polling places (Tokaji and Colker 2007; Schur, Adya and Ameri 2015; Schur, Ameri and Adya 2017; Sayeed et al. 2022).

Signature verification imposes particular burdens on voters who are ill or disabled. This can occur because those voters can be less able to have a consistent signature, *and* because of the additional effort and costs associated with curing a rejected advance vote on such voters (Syeed et al. 2022).

Records from Johnson County, which appears to require voters to cure an alleged signature mismatch in-person, show multiple examples of voters who, after being contacted and told their advance ballot was rejected because of a signature mismatch, could not come cure their ballot because of disability or illness:

- A voter who could not come to county offices to cure because of a medical issue (2022 primary).³¹
- A voter who cannot drive and cannot appear to cure (2022 primary).³²
- A voter who is bed-ridden and cannot come in to sign (2024 general).³³
- A voter who signed with her nickname who would not be able to cure ballot because of disability (2023 general).³⁴
- A voter who said "serious health conditions" affected his signature (2024 general).³⁵

None of these voters were able to cure their ballot, and consequently their ballots would not have been counted.

Beyond these specific voters, however, it is possible to determine whether voters on the permanent advance voter list (who qualified as a result of a permanent disability or illness) generally have more difficulty curing their ballot than other advance voters. Unsurprisingly, the answer is that they do.

³¹ SUBPOENAS_031346 (Johnson County).

³² SUBPOENAS_031348 (Johnson County).

³³ SUBPOENAS_033190 (Johnson County).

³⁴ SUBPOENAS_032033 (Johnson County).

³⁵ LL_002198 (Row 13) (Johnson County).

The advance voter file indicates whether a voter has applied for a ballot in single election, or is on the permanent (recorded in the file as “indefinite”) advance ballot list, indicating that they have an illness or disability that permits them to receive advance ballots indefinitely. For the counties and elections in Table 1, I matched the voter record in the file to the voter record in the 2024 advance ballot file using the unique voter identification number in both sets of files. Not all of the records matched, either because a voter in 2022 or 2020 did not appear in the 2024 advance ballot file, or because of a clerical error in recording the voter number in the county files. But for the records that do match, I can identify which voters are permanent absentee (indicating that they have a permanent disability or illness), and those voters who requested an absentee ballot just for the 2024 election (indicating that they have not told election officials that they have a permanent disability or illness). I can also identify whether the advance ballot was cured. That data is shown in Table 2.

Table 2: Ballot Cures by Advance Voting Status			
	Voter Cured Ballot	Voter Did Not Cure Ballot	Totals
Voter on Permanent Mail Advance List	25	38	63
%	39.7%	60.3%	
Voter Requesting for Single election	136	48	184
%	73.9%	26.1%	
Totals	161	86	247

χ^2 (1 d.f.) = 24.23 p < .0001

Overall, of the voters who matched to the advance voting file, only 39.7% of permanent advance voters—i.e., those with a permanent illness or disability—were able to cure their ballots after a signature mismatch, compared to 73.9% of voters applying for an advance ballot in only a single election. 60.3% of permanent advance voters did not cure, compared to 26.3% of non-permanent advance voters. The relationship is statistically significant at a very high level of confidence. This disparity is especially glaring as voters with experience using mail voting (which permanent mail advance voters will have) typically see lower rejection rates than voters who are more inexperienced at voting by mail (Cottrell, Herron, and Smith 2021).

These data do not indicate in every case why voters did not (or could not) cure their advance ballot. But they are entirely consistent with the conclusion that the burdens of signature verification fall most heavily on voters with disabilities or illnesses, who are about half as likely to cure their rejected ballots as voters who are not on the permanent advance list.

X. Disparate Outcomes in Signature Rejections in Kansas

Another way to determine whether counties implement signature verification procedures differently is to look at the end result: The rate of signature mismatch rejections in each county, calculated as the number of advance mail ballots ultimately rejected because of an alleged signature mismatch,

divided by the number of advance mail ballots returned by voters. As the results below detail, there is substantial variation in rejection rates on the basis of signature mismatch statewide.³⁶

This result is not surprising. As I noted above, apart from the general unreliability of signature matching in election administration, Kansas’s lack of standards and lack of any serious training for election officials who engage in signature verification will guarantee uneven administration across the state.

Unequal exercise of discretion by election officials is a well-documented phenomenon in the elections administration literature (White, Nathan and Faller 2015; Atkeson et al. 2009; Atkeson et al. 2014; Cobb, Greiner and Quinn 2010; Kimball, Kropf and Battles 2006; Shino, Suttman-Lea and Smith 2022; Porter and Rogowski 2018; Page and Pitts 2009; Suttman-Lea 2020; Merivaki and Smith 2020). Even when policies and rules are consistent, local officials can differ in how they interpret those rules and policies. This is not merely a theoretical problem. Peer-reviewed research has found wide variation in how election laws are applied at the local level, with differences attributable to how election officials are selected (Burden et al. 2013), partisanship (Porter and Rogowski 2018; Kimball, Kropf, and Battles 2006), polling place size (Burden et al. 2016), attitudes toward technology (Moynihan and Lavéru 2012), the complexity of election administrative rules (Chambers 2016; Burden et al. 2012), types of technology used at polling places (Anthony and Kimball 2019), and poll worker race and ideology (Page and Pitts 2009). As election laws become more complex, or in the case of Kansas’ signature verification requirement, subjective, the likelihood of errors and unequal application increases (Chambers 2016).

This is already occurring in Kansas. The Election Administration and Voting Survey (EAVS), administered by the U.S. Election Assistance Administration after each November general election, provides the number of advance mail ballots sent, returned by voters, counted, or rejected for a number of reasons, including because of a signature mismatch. This data undercounts the total number of signature match rejections in Kansas, as it does not include data from primaries or special elections, and likely even underreports the number of ballots rejected in general elections because of a signature mismatch.³⁷

Table 3 shows the rejection rates for advance ballots rejected because of a mismatched signature in Kansas for general elections since 2008.³⁸ Rejection rates are calculated by dividing the number of advance ballots rejected for a signature mismatch (and ultimately not counted) by the number of advance mail ballots returned by voters.³⁹ Overall, Table 3 shows us that, across the 105 counties in Kansas, there were large differences in the rejection rate of advance ballots because of an adjudged signature mismatch.

³⁶ In this section, I use “rejection” or “rejected” to refer to advance mail ballots that were not counted, because of a signature mismatch that voters did not or could not cure.

³⁷ To give one example, Johnson County reported to EAVS that they rejected 5 advance mail ballots because of a signature mismatch in the 2024 general election. An examination of more detailed county files suggest that the true number of advance mail ballots rejected for a signature mismatch may be as high as 12 or 13.

³⁸ Note that prior to 2022, Kansas counties had the option to verify signatures, but not all did. Table A1 shows the number of mail advance ballot rejected because of a signature mismatch, from data reported in EAVS. Table A2 shows has the county rejection rates, calculated as the number of rejected mail advance ballots rejected because of a signature mismatch divided by the number of mail advance ballots returned.

³⁹ In 2022 and 2024, counties could report the number of mail ballots returned via drop boxes, but reporting was inconsistent: Kansas counties sometimes included drop box returns as mail return, while others did not.

	Table 3: Signature Mismatch Rejection Rates (%)								
	# Rejected Ballots/Advance Ballots Returned								
	Election Administration and Voting Survey (November General Elections)								
	2008	2010	2012	2014	2016	2018	2020	2022	2024
Highest Rate	1.98%	1.16%	2.27%	5.91%	1.82%	0.81%	0.32%	20.0%	0.19%
Lowest Nonzero Rate	0.009%	0.013%	0.020%	0.026%	0.028%	0.026%	0.008%	0.052%	0.010%
High-Low Disparity	232.1	90.0	116.5	226.2	65.3	31.3	39.8	387.5	18.6
# Counties Reporting 0 Rejections	84	84	78	87	87	92	87	88	97

In 2022, the first general election in which signature matching was required, 17 counties reported rejecting at least one advance ballot for a nonmatching signature and 88 counties reported zero rejections. In 2024, eight counties reported advance ballots rejected for signature mismatch and 97 counties reported zero rejections. The signature rejection *rates* in counties with a nonzero number of rejections varied by a factor of nearly 19 in 2024 (from 0.193% in Dickinson County to 0.0104% in Johnson County) to a factor of nearly 400 in 2022 (from 20% in Wallace County to 0.052% in Shawnee County).⁴⁰ Although these rates may appear small, they represent real voters whose ballots were not counted and amount to thousands of Kansas voters over the course of several election cycles.

XI. Lack of Justification for the Signature Verification Requirement

A. Existing Procedures and Laws Protect Against Fraud

Kansas already has processes in place to prevent voter fraud. To receive an advance mail ballot in the first place, a voter must submit a written application for each election (unless they are on the permanent mail advance voting list), and must provide either their Kansas driver’s license or state ID number, or a photocopy of another qualifying ID. This means that a mail ballot cannot be mailed to a voter unless a county clerk is able to verify the applicant provided unique information to that voter.

Voter fraud is a serious crime in Kansas, and with it comes serious penalties. Voter impersonation (voting in another’s name) is a felony (K.S.A. 25-2431) that can result in as much as 23 months in prison.⁴¹ Voting illegally in a federal election is a federal crime that can result in 5 years in prison.⁴² Further it is a crime that has no conceivable benefit to an individual voter, as the likelihood that a single

⁴⁰ In 2022, Wallace County reported mail ballots returned by drop box separately. Including those ballots in the total of mail ballots returned overall, the signature match rejection percentage is 5.88%, a rate over 100 times larger than the smallest rate (0.052%).

⁴¹ See Kansas Sentencing Ranges, <https://www.sentencing.ks.gov/home/showpublisheddocument/1168>.

⁴² 52 U.S. Code § 10307.

vote would determine the outcome of even a low-turnout election is very close to zero (Minnite 2010, Chapter 5). Gelman, Silver and Edline (2012) estimate that the probability of a vote in Kansas being decisive in a presidential election is roughly one in ten billion.⁴³

B. Voter Fraud in Kansas is Vanishingly Rare

Despite the robust safeguards that have long been in place in Kansas to protect against fraud, I understand that the state has maintained that the signature verification requirement helps prevent fraudulent votes and protect the integrity of the election process, or is necessary to preserve public confidence in the electoral process.

There is no credible evidence that the Kansas legislature identified such fraud when it passed the signature verification requirement into law. In the floor debate in the Kansas Senate Committee of the Whole, held on March 31, 2021, Senator Larry Alley (R-Cowley) was asked by a colleague why a signature verification process was necessary. Senator Alley responded: “As we’ve seen in the last election, there was (*sic*) was a lot of allegations. There was a lot of election things that happened that we can’t explain. And so what we want to make sure of and what these bills are trying to do is make sure that those do not happen in Kansas.”⁴⁴

In fact, there is no credible evidence of irregularities in the 2020 election that Senator Alley was referencing; claims about alleged fraud have repeatedly and definitively debunked as false (Canon and Sherman 2021; Danforth et al. 2022; Hasen 2022; Eggers, Garro and Grimmer 2021).

Indeed, there is no evidence of material levels of voter fraud in Kansas, including no evidence of material irregularities or fraud with advance mail ballots in Kansas. This finding is consistent with decades of research into electoral fraud, which finds that voter fraud is vanishingly rare (see Minnite 2010, which remains the foundational work in the area). A broad research literature has confirmed this conclusion (Ahlquist, Mayer and Jackman 2014; McDonald and Levitt 2008; Levitt 2007; Cottrell, Herron and Smith 2018).

1. Sources Consulted

To analyze proven (or potential) instances of voter fraud, and in particular evidence that fraudulent votes have been cast via advance mail ballot in Kansas elections, I reviewed: a common database of voter fraud cases maintained by the Heritage Foundation, a 2012 Report by the Kansas Secretary of State, files from Kansas county election officials provided to me by counsel, and discovery responses provided by the state in this litigation. The results show that instances of voter fraud are *extremely* rare, that advance mail voting fraud is even less common, and that most allegations of fraudulent activity do not rise to the level of criminal prosecution.

a. The Heritage Foundation Voter Fraud Database

A database of actual election fraud cases maintained by the Heritage Foundation—including administrative findings, criminal convictions, or pleas—shows 24 proven instances of voter fraud in Kansas since 1982, the year the database begins.⁴⁵ Of these 24 instances, 19 involved people voting in

⁴³ Many cases of alleged illegal voting, moreover, are actually instances where a voter (or even an election official) made a mistake (Cover 2025).

⁴⁴ Kansas Legislature, Senate Committee of the Whole (Floor Session) Transcript at 62 (Mar. 31, 2021).

⁴⁵ This count includes people convicted of voting illegally in more than one Kansas election as multiple instances of voter fraud.

both Kansas and another state (known as double voting); 3 of those double votes appear to have been submitted by advance mail ballot in Kansas, but signature verification would not have caught them, as there is no evidence anyone attempted to submit a ballot in someone else's name. None of the remaining instances of voter fraud in Kansas since 1982 involve fraud that would be prevented by signature matching (they involve instead a false registration and ineligible voting).

b. Kansas Secretary of State's 2012 Open Records Response

In 2012, the Kansas Secretary of State sent a response to a Kansas Open Records Request filed by a journalist seeking allegations of voter fraud.⁴⁶ The claims went as far back as 1998. Many allegations involve invalid votes that were identified in the normal course of election administration, including mistakes by voters in an advance ballot application, voters who cast an advance ballot but then cast provisional in-person ballots on election day (which were not counted), ineligible felons who cast a ballot, or voting in two states. Others involved allegations that did not involve voters, such as illegal electioneering at a polling place, registration drives that did not deliver registration forms, or improper activity by poll watchers. Although the report does include claims that mismatched signatures on advance ballots represented fraudulent votes, the report does not substantiate those claims.

As is common in claims of voter fraud, most of the allegations in the Report were unproven, and the ones that resulted in prosecution or conviction appear in the Heritage database above.

c. County Files

I also reviewed files provided by several Kansas counties with information about their advance ballot signature verification records and voter contact attempts. In these files, I saw a handful of instances in which the county appears to have correctly identified that the voter did not sign their ballot, but that does not necessarily indicate any fraud occurred. For example, spouses or members of the same household may accidentally sign each other's ballot; those ballots may be rejected, but they are not fraudulent ballots.⁴⁷ The only instance of suspected advance ballot fraud identified by a mismatched signature was in Riley County in the November 2022 general election, in which a clerk claimed that a man stated he directed his wife to sign his advance ballot envelope because he was traveling.⁴⁸ I am not aware of any prosecutions or convictions resulting from that incident.

As I noted previously, the vast majority of the county files demonstrate only that counties are erroneously flagging voters' legitimate ballots as potentially fraudulent ones. This is demonstrated not only by the minimum error rate I showed above, but also by the counties' own contact with voters in which voters, once reached, confirmed that they did indeed sign the ballot, see Section IX(B).

d. State's Discovery Responses

Finally, I also reviewed the discovery responses from Secretary Schwab and Attorney General Kobach in this litigation. When asked to identify, for example, any documents or communications that any ballot that has been flagged for rejection due to signature issues was not, in fact, cast by that voter, or

⁴⁶ Letter from Ryan Kriegshauser, Deputy Assistant Secretary of State, Office of Legal Counsel and Policy, to Corbin Carson, Cronkite School of Journalism, re: Kansas Open Records Act Request, July 11, 2012.

⁴⁷ See, e.g., SUBPOENAS_003043–003048 (Shawnee County); SUBPOENAS_006484 (Codes Pane, defining code "MISMATCH" as "Household swap sigs") (Sedgwick County).

⁴⁸ SUBPOENAS_006463 (Riley County).

was otherwise a fraudulent ballot, the Secretary and Attorney General confirmed they had no such documents.⁴⁹

2. Overall Findings

This review of databases, reports, county files, and discovery in this litigation show that there have been a very small number of cases of voter fraud in Kansas going back as far as 1982. And although I find a handful of *alleged* instances advance mail ballot impersonation fraud, I see no instances of proven advance mail ballot impersonation fraud at all, and no prosecutions or convictions for such conduct.

Using these findings, I can estimate the percentage of known fraudulent votes in Kansas elections going back to 1982. Since 1982, over 22 million votes have been cast in November general elections in Kansas, and another 4.1 million in primary elections since 2004.⁵⁰ This 26 million vote total is a significant understatement of the true number of voters, as it does not include primary elections before 2004, presidential primaries, special elections, or constitutional referenda held in off-years, but my inability to determine the total number of votes cast since 1982 does not affect my conclusions. Although I do not have data on mail voting going back to 1982, data from the federal Election Administration and Voting Survey shows that since 2008, at least 1,642,122 advance mail ballots have been returned between 2008 and 2024.⁵¹ This is an undercount of the total number of advance mail ballots over that period, as it does not include primaries, special elections, or off-year elections.

Using the Heritage data as the baseline, 24 cases over this period of documented, proven voter fraud from 1982 to the present produces a voter fraud rate of approximately 0.000092%. The rate is even lower for advance mail voting fraud. Even assuming the alleged case in Riley County in 2022 is true (which was never proven to my knowledge), the rate of advance mail voter impersonation fraud is 0.000061% since 2008. These percentages are ceilings, as the denominator in these calculations does not include the total number of votes that have been cast in all elections over these time periods.

In short, there is simply no evidence whatsoever of material levels of voter fraud of any kind in Kansas, and even less evidence of material levels of advance mail voter fraud that would be caught via signature verification.

It is a certainty that far more valid advance mail votes have been incorrectly rejected for a signature mismatch than the number of fraudulent votes that would be—or have been—prevented by signature verification. EAVS data, which is likely an undercount, show 1,913 advance mail ballots that were not counted because of an alleged signature mismatch since 2008 in Kansas (see Table A2 in Appendix A).

C. There is Little Evidence that Signature Verification Leads to Increased Public Confidence in Election Integrity

A broad array of political science literature has demonstrated that voter beliefs in voter fraud are affected by partisanship, partisan affect, whether the voter's preferred candidate won, media consumption habits, elite signaling, voting methods, the voting experience, education and knowledge,

⁴⁹ See Defendants' Responses and Objections to Plaintiffs' First Requests for Production at RFP 10.

⁵⁰ Data from the University of Florida Elections Lab, run by Dr. Michael McDonald in the Department of Political Science (<https://election.lab.ufl.edu/voter-turnout/>) and primary election results data from the Kansas Secretary of State.

⁵¹ This figure underreports the total since not all jurisdictions reported data in all years, some counties reported mail ballots returned via drop box in a separate category.

and local election administrative practices (Albertson and Guiler 2020; Alvarez, Hall and Llewellyn 2020; Berinski et al. 2023; Coll 2021; Coll 2024; Edelson et al. 2017; Levy 2020; Pennycook and Rand 2021; Sinclair, Smith and Tucker 2018; Udani, Kimball and Fogarth 2018; Van Ham, Sipma and Fiselier 2025). Voter confidence is also affected by false claims of election fraud and elite signaling (Berinsky et al. 2023; Hasen 2022; Van Ham, Sipma and Fiselier 2025). In other words, beliefs about voter fraud are strongly affected by things unrelated to the actual existence or frequency of voter fraud.

Actual data has found that voter confidence has improved generally since 2020, though it is still affected by whether a voter's preferred candidate won that state's presidential election. For example, the 2022 Survey on the Performance of American Elections (SPAЕ), an authoritative survey on election practice, reached the following conclusions about voter confidence in the 2022 general election:

- Measured across all voters, confidence that votes were counted as intended remained similar to past years.
- The partisan gap in confidence that opened up in 2020 closed somewhat in 2022, with the primary reason being Republicans becoming more confident.
- Compared to 2020, the Democratic-Republican gap in state-level confidence declined significantly in most states. Major exceptions were Pennsylvania and Arizona.
- Among Republicans, lack of confidence in whether votes were counted as intended at the state level was strongly correlated with whether Donald Trump won the respondent's state and with the fraction of votes cast by mail in the state. (Stewart 2023, 3).

The 2024 data show a continuation of these patterns, with confidence in the integrity of the election process improving and partisan differences in that confidence narrowing (Stewart 2025, 4).

With respect to Kansas, data from the SPAЕ show that in 2020, 56.2% of respondents said that voter impersonation “almost never occurs.” In the 2024 survey, three years after the signature verification process was mandated statewide, the percentage of respondents saying voter impersonation almost never occurs *went down* to 43.1%. It is possible that requiring signature verification could have the effect of *undermining* public confidence in the election process, both by signaling to voters that such fraud is possible or even likely, and by incorrectly flagging a voter's ballot for rejection, resulting in that voter either having to cure their ballot or having their ballot rejected altogether.⁵² Even a single bad experience in the voting process—and, specifically, in mail voting—can reduce a voter's sense of political efficacy and depress their turnout for years (Miller et al., 2025).

XII. Conclusion

As this report has shown, Kansas's signature verification requirement is subjective, lacks clear standards, is unevenly applied, implemented by poorly trained staff, and highly likely to result in the rejection of legitimate ballots cast by lawful Kansas voters. Counties vary in how many signatures staff use to verify signatures, how they are able to contact voters, how voters are able to cure their ballots, whether voters have to appear in person to provide an updated signature or whether county election officials will travel to voters' homes to cure the ballot, whether voters are given timely notification of a signature mismatch, and how much time they have to correct the ballot.

⁵² See also *Fish v. Kobach*, 309 F. Supp. 3d 1048, 1113 (D. Kan. 2018) (finding that a documentary proof of citizenship law in Kansas, which “disproportionately impacts duly qualified registration applicants, while only nominally preventing noncitizen voter registration,” “may have the inadvertent effect of eroding, instead of maintaining, confidence in the electoral system”).

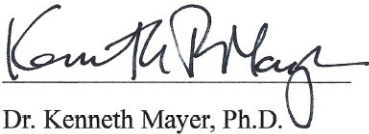
The data show clearly that signature ballot rejection rates vary widely across the state, with 20-fold (or even 400-fold) differences in the county-level percentages of advance mail ballots rejected because of an alleged signature mismatch.

The burden of this system falls most heavily on voters with disabilities or illnesses, who are far less likely to be able to cure a signature mismatch than a voter not on the permanent advance voter list, and who are not even provided accurate information on the requirements for submitting an advance mail ballot if they are unable to provide a signature that is consistent with what election officials have on file.

This subjective, unwieldy, error-prone, and unevenly administered system does nothing but make it more difficult for Kansas residents to vote.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on July 28, 2025



Dr. Kenneth Mayer, Ph.D.

RETRIEVED FROM DEMOCRACYDOCKET.COM

Sources

- Ahlquist, Joh. S., Kenneth R. Mayer and Simon Jackman. 2014. "Alien abduction and voter impersonation in the 2012 us general election: Evidence from a survey list experiment." *Election Law Journal* 13: 460–475
- Albertson, Bethany and Kimberly Guiler. 2020. "Conspiracy Theories, Election Rigging, and Support for Democratic Norms." *Research & Politics* 7(3): 2053168020959859
- Aldrich, John H. 1993. "Rational Choice and Turnout." *American Journal of Political Science* 37:246- 278.
- Alvarez, R. Michael, Thad E. Hall, and Morgan H Llewellyn. 2020. "Are Americans Confident Their Ballots Are Counted?" *Journal of Politics* 70:754-766.
- Atkeson, Lonna Rae, Lisa A. Bryant, Thad E. Hall, Kyle L. Sanders, and R. Michael Alvarez. 2009. "A New Barrier to Participation: Heterogenous Application of Voter Identification Policies." *Electoral Studies* 29:66-73
- Atkeson, Lonna Rae, Yann P. Kerevel, R. Michael Alvarez and Thad E. Hall. 2014. "Who Asks for Voter Identification? Explaining Poll-Worker Discretion." *Journal of Politics* 76:944–957.
- Berinski, Nicolas, Margaret Doyle, Andrew M. Guess, Gabrielle Levy, Benjamin Lyons, Jacob M. Montgomery, Brendan Nyhan, and Jason Reifler. 2023. "The Effects of Unsubstantiated Claims of Voter Fraud on Confidence in Elections." *Journal of Experimental Political Science* 10:34-49.
- Blais, André, Jean-François Daoust, Ruth Dassonneville, Gabrielle Péloquin-Skulski. 2019. "What is the Cost of Voting?" *Electoral Studies* 59:145-157.
- Blakely, Tony A., Bruce E. Kennedy, and Ichiro Kawachi. 2001. Socioeconomic Inequality in Voting Participation and Self-Rated Health. *American Journal of Public Health* 91:99-104.
- Bloomgarden, Ali, Arushi Gupta, Garrett Jensen, Zahavah Levine, Chris Middleton, and Kyra Sikora. 2021. *Behind the Scenes of Mail Voting: Signature Verification and Witness Requirements in the 2020 Elections*. Stanford-MIT Healthy Elections Project. March 10. https://web.mit.edu/healthyelections/www/sites/default/files/2021-06/Signature_Verification.pdf.
- Braconnier, Céline, Jean-Yves Dormagen, and Vincent Pons. 2017. "Voter Registration Costs and Disenfranchisement: Experimental Evidence from France." *American Political Science Review* 111:584-604.
- Burden, Barry C., David T. Canon, Kenneth R. Mayer, and Donald P. Moynihan. 2012. "The Effect of Administrative Burden on Bureaucratic Perceptions of Policies: Evidence from Election Administration." *Public Administration Review* 72:141-751.
- Burden, Barry C., David T. Canon, Stéphane Lavertu, Kenneth R. Mayer, and Donald P. Moynihan. 2013. "Selection Method, Partisanship, and the Administration of Elections." *American Politics Research* 41:903-936.
- Burden, Barry C., David T. Canon, Kenneth R. Mayer, and Donald P. Moynihan. 2014. "Election Laws, Mobilization, and Turnout: The Unanticipated Consequences of Election Reform." *American Journal of Political Science* 58:95-109.

- Burden, Barry C., David T. Canon, Kenneth R. Mayer, and Donald P. Moynihan. 2016. "What Happens at the Polling Place: Using Administrative Data to Look Inside Elections." *Public Administration Review* 77:354-364.
- Canon, David T. Owen Sherman. 2021. "Debunking the 'Big Lie': Election Administration in the 2020 Presidential Election," *Presidential Studies Quarterly* 51:546-581.
- Cantoni, Enrico. 2020. "A Precinct Too Far: Turnout and Voting Costs." *American Economic Journal: Applied Economics* 1:61-85.
- Chambers, Henry L. 2016. "State and Local Officials and Voter ID." *Election Law Journal* 15 (3): 234–246.
- Cobb, Rachael V., D. James Greiner and Kevin M. Quinn. 2010. "Can Voter Id Laws Be Administered in a Race-Neutral Manner? Evidence From the City of Boston in 2008." *Quarterly Journal of Political Science* 7:1–33.
- Coll, Joseph A. 2024. "Measuring the Extent to Which Voter Fraud Beliefs Link Election Reforms to Voter Confidence in the United States." *Public Opinion Quarterly* 88:735-756.
- Cottrell, David, Michael C. Herron and Daniel A. Smith. 2018. "An Exploration of Donald Trump's Allegations of Massive Voter Fraud in the 2016 General Election." *Electoral Studies* 51:123-142.
- Cottrell, David, Michael C. Herron, and Daniel A. Smith. 2021. "Vote-by-mail Ballot Rejection and Experience with Mail-in Voting." *American Politics Research* 49:577-590.
- Cover, Benjamin Plener. 2025. "Voter ~~Fraud~~ Mistake." *William & Mary Bill of Rights Journal* 33:709-809.
- Cox, Christian, Derek A. Epp, and Michael F. Shepherd. 2024. "Access to Healthcare and Voting: The Case of Hospital Closures in Rural America." *American Political Science Review* first view. October 25. <https://doi.org/10.1017/S0003055424001035>.
- Darmofal, David. 2010. "Reexamining the Calculus of Voting." *Political Psychology* 31:149-174.
- Danforth, John, Benjamin Ginsberg, The Hon. Thomas B. Griffith, David Hoppe, The Hon. J. Michael Luttig, The Hon. Michael W. McConnell, The Hon. Theodore B. Olson, and Senator Gordon Smith. 2022. *Lost, Not Stolen: The Conservative Case that Trump Lost and Biden Won the 2020 Presidential Election*. July. <https://lostnotstolen.org/>.
- Dyck, Joshua J. and James G. Gimpel. 2005. "Distance, Turnout, and the Convenience of Voting." *Social Science Quarterly* 86:531-548.
- Edelson, Jack, Alexander Alduncin, Christopher Krewson, James A. Sieja and Joseph E. Uscinski. 2017. "The Effect of Conspiratorial Thinking and Motivated Reasoning on Belief in Election Fraud." *Political Research Quarterly* 70: 933–946.
- Eggers, Andrew C., Haritz Garro, and Justin Grimmer. 2021. "No Evidence for Systematic Voter Fraud: A Guide to Statistical Claims Bout the 2020 Election." *Proceedings of the National Academy of Sciences* 118 (45): 1-7.

- Fifield, Jen. 2024 . “Signed. Sealed. Rejected.” Votebeat, October 16.
<https://www.votebeat.org/republish/arizona/2024/10/16/maricopa-county-signature-verification-process-flaws-disenfranchisement/>.
- Gelman, Andrew, Nate Silver, and Aaron Edlin. 2012. “What is the Probability Your Vote Will Make a Difference?” *Economic Inquiry* 50:321-326.
- Halling, Aske and Martin Baekgaard. 2023. “Administrative Burden in Citizen-State Interactions: A Systematic Literature Review.” *Journal of Public Administration Research and Theory* 20-1-16.
- Haspel, Moshe and H. Gibbs Knotts. 2005. “Location, Location, Location: Precinct Placement and the Costs of Voting.” *The Journal of Politics* 67:560-573.
- Hasen, Richard L. 2022. *Cheap Speech: How Disinformation Poisons Our Politics – And How to Cure It*. New Haven: Yale University Press.
- Janover, William and Tom Westphal. 2020. “Signature Verification and Mail Ballots: Guaranteeing Access While Preserving Integrity – A Case Study of California’s Every Vote Counts Act.” *Election Law Journal*. 19:1-23.
- Kansas Legislative Division of Post Audit. 2023. *Reviewing Kansas’ Procedures for Election Security, Part I*. Performance Audit Report Presented to the Legislative Post Audit Committee. February.
- Kimball, David C., Martha Kropf, and Lindsay Battles. 2006. Helping America vote? Election administration, partisanship, and provisional voting in the 2004 election. *Election Law Journal* 5: 447–61.
- Leighley, Jan E. and Jonathan Nagler. 2014. *Who Votes Now? Demographics, Issues, Inequality, and Turnout in the United States*. Princeton: Princeton University Press.
- Levitt, Justin. 2007. *The Truth About Voter Fraud*. Brennan Center for Justice, New York University Law School.
- Levy, Morris. 2020. “Winning Cures Everything? Beliefs about Voter Fraud, Voter Confidence, and the 2016 Election.” *Electoral Studies* 102156. doi: 10.1016/j.electstud.2020.102156.
- McDonald, Michal P. and Justin Levitt. 2008. “Seeing Double Voting: An Extension of the Birthday Problem.” *Election Law Journal* 7:111-122.
- McNulty, John E., Conor M. Dowling, and Margaret H. Ariotti. 2009. “Driving Saints to Sin: How Increasing the Difficulty of Voters Dissuades Even the Most Motivated Voters.” *Political Analysis* 17:435-455.
- Meredith, Marc and Lucy Kronenberg. 2024. “Who Cures Ballots? Evidence from North Carolina’s 2020 General Election.” *Election Law Journal* 22:306-326.
- Merivaki, Thessalia, and Daniel A. Smith. 2020. “A Failsafe for Voters? Cast and Rejected Provisional Ballots in North Carolina.” *Political Research Quarterly* 73:65-78.
- Michelson, Melissa R., Neil Malhotra, Andrew Healy, Donald P. Green, Allison Carnegie, and Ali Adam Valenzuela. 2012. “The Effect of Prepaid Postage on Turnout: A Cautionary Tale for Election Administrators.” *Election Law Journal* 11:279-290.

- Miller, Michael G., Kevin T. Morris, Ian Shapiro, and Coryn Grange. 2025. "The Disparate and Durable Effects of Mail Voting Restrictions: Evidence from Texas." Conditionally accepted at *Journal of Politics*. April 25.
- Minnite, Lorraine C. 2010. *The Myth of Voter Fraud*. Ithaca: Cornell University Press.
- Moynihan, Donald and Pamela Herd. 2010. "Red Tape and Democracy: How Rules Affect Citizenship Rights." *The American Review of Public Administration* 40:654-670.
- Moynihan, Donald, Pamela Herd, and Hope Harvey. 2014. "Administrative Burden: Learning, Psychological, and Compliance Costs in Citizen-State Interactions." *Journal of Public Administration Research and Theory* 25:43-69.
- Ojeda, Christopher. 2018. "The Two Income-Participation Gaps." *American Political Science Review* 62:813-829.
- Pacheco, Julianna and Jason Fletcher. 2015. "Incorporating Health into Studies of Political Behavior: Evidence for Turnout and Partisanship." *Political Research Quarterly* 61:104-116.
- Page, Antony, and Michael J. Pitts. 2009. "Poll Workers, Election Administration, and the Problem of Implicit Bias." *Michigan Journal of Race & Law*, 15: 1-56.
- Pennycook, Gordon and D.G. Rand. 2021. "Examining false beliefs about voter fraud in the wake of the 2020 Presidential Election." *The Harvard Kennedy School Misinformation Review* 2:1-19. DOI: 10.37016/mr-2020-51.
- Riker, William H. and Peter C. Ordeshook. 1968. "A Theory of the Calculus of Voting." *The American Political Science Review* 62:25-42.
- Rosenstone, Steven. 1982. "Economic Adversity and Voter Turnout." *American Journal of Political Science* 26:25-46.
- Rosenstone, S.J. and R.E. Wolfinger. 1978. "The Effect of Registration Laws on Voter Turnout." *American Political Science Review* 72 45.
- Porter, Ethan and Jon C. Rogowski. 2018. "Partisanship, Bureaucratic Responsiveness, and Election Administration: Evidence from a Field Experiment." *Journal of Public Administration Research and Theory* 28:602-617.
- Schur, Lisa, Meera Adya, and Mason Ameri. 2015. "Accessible Democracy: Reducing Voting Obstacles for People with Disabilities." *Election Law Journal* 14:60-65.
- Schur, Lisa, Mason Ameri, and Meera Adya. 2017. "Disability, Voter Turnout, and Polling Place Accessibility." *Social Science Quarterly* 98:1374-1390.
- Shah, Paru and Amber Wichowsky. 2019. "Foreclosure's Fallout: Economic Adversity and Voter Turnout." *Political Behavior* 41:1099-1115.
- Shino, Enrijeta, Mara Suttman-Lea and Daniel A. Smith. 2022. "Determinants of Rejected Mail Ballots in Georgia's 2018 General Election." *Political Research Quarterly* 75:231-243.
- Shino, Enrijeta, and Daniel A. Smith. 2025. "Vote Method and Confidence in Elections." *Political Research Quarterly* 78:568-584.

- Sinclair, Betsy, Steven S. Smith and Patrick D. Tucker. 2018. “‘It’s Largely a Rigged System’: Voter Confidence and the Winner Effect in 2016.” *Political Research Quarterly* 71: 854–868.
- Sondheimer, Rachel Milstein and Donald P. Green. 2010. “Using Experiments to Estimate the Effects of Education on Voter Turnout.” *American Journal of Political Science* 54:174-189.
- Stewart, Charles III. 2023. *How We Voted in 2022: A Topical Look at the Survey of the Performance of American Elections*. MIT Election Data and Science Lab.
- Stewart, Charles III. 2025. *How We Voted in 2024: A Topical Look at the Survey of the Performance of American Elections*. MIT Election Data and Science Lab.
- Street, Alex. 2024. “Errors And Calibration in Mail Ballot Signature Rejections.” *American Politics Research* 52:546-564.
- Suttman-Lea, Mara. 2020. “Poll Worker Decision Making at the American Ballot Box.” *American Politics Research* 48:714-718.
- Swift, Clint S., and Delaney Gomen. 2021. “Invalid Signature Rejections in Georgia Absentee Voting: Comparing the 2020 General to the 2020 Senate Runoff.” https://electionlab.mit.edu/sites/default/files/2021-07/swiftgomen_garejections.pdf.
- Syeed, Ihaab, Michelle Bishop, Sarah Brannon, Erika Hudson, and Krisen Lee.. 2022. “Designing Accessible Elections: Recommendations from Disability Voting Rights Advocates.” *Electon Law Journal* 21: 60-83.
- Tokaji, Daniel P, and Ruth Colker. 2007. “Absentee Voting by People with Disabilities: Promoting Access and Integrity.” *McGeorge Law Review* 38:1015-1064.
- Udani, Adriano, David C. Kimball and Brian Fogarty. 2018. “How Local Media Coverage of Voter Fraud Influences Partisan Perceptions in the United States.” *State Politics & Policy Quarterly* 18:193–210.
- Van Ham, Carolien, Take Sipma, and Toine Fiselier. 2025. “Why do Citizens Perceive Free and Fair Elections as Fraudulent? The Role of Elite and Media Information Cues. *Election Law Journal* 24:108-129.
- Office of the Washington State Auditor. 2022. *Performance Audit: Evaluating Washington’s Ballot Rejection Rates*. Report Number 1029711. February 1.
- White, Ariel R., Noah L. Nathan and Julie K. Faller. 2015. “What Do I Need to Vote? Bureaucratic Discretion and Discrimination by Local Election Officials.” *American Political Science Review* 109:129–142.
- Wu, Jennifer, Jennifer Wu, Chenoa Yorgason, Hanna Folsz, Cassandra Handan-Nader, Andrew Myers, Tobias Nowacki, Daniel M. Thompson, Jesse Yoder, and Andrew B. Hall. 2024. “Are Dead People Voting by Mail: Evidence from Washington State Administrative Data.” *Election Law Journal* (online access). <http://dx.doi.org/10.1089/elj.2023.0047>.

Appendix A – Data Tables

	Table A1 Number of Advance Ballots Rejected for Signature Mismatch									
	Election Administration and Voting Survey (November General Elections)									
	2008	2010	2012	2014	2016	2018	2020	2022	2024	Totals
Allen	1	2	2	0	0	0	0	1	0	6
Anderson	0	0	0	0	0	0	2	0	0	2
Atchison	1	0	1	0	0	0	0	0	0	2
Barber	0	0	0	0	0	0	0	0	0	0
Barton	6	1	3	0	0	0	0	1	0	11
Bourbon	0	0	0	0	0	2	0	0	0	2
Brown	0	0	0	0	0	0	0	0	0	0
Butler	16	14	16	0	43	3	5	0	0	98
Chase	0	0	0	0	0	0	0	0	0	0
Chautauqua	0	0	0	0	0	0	0	0	0	0
Cherokee	0	0	0	0	0	0	0	0	0	0
Cheyenne	0	0	0	0	0	0	0	0	0	0
Clark	0	0	0	0	0	0	0	0	0	0
Clay	0	1	0	1	0	1	0	0	0	3
Cloud	1	0	0	0	0	0	0	0	0	1
Coffey	0	0	0	0	0	2	0	0	0	2
Comanche	0	0	0	0	0	0	0	0	0	0
Cowley	0	2	0	1	14	0	4	0	0	21
Crawford	0	0	6	0	0	4	0	0	0	10
Decatur	0	0	0	0	0	0	0	0	0	0
Dickinson	0	0	0	0	0	0	0	1	1	2
Doniphan	0	0	1	0	0	0	0	0	0	1
Douglas	0	0	0	0	0	0	5	9	2	16
Edwards	2	0	0	0	0	0	1	0	0	3
Elk	0	0	0	0	0	0	1	1	0	2
Ellis	8	0	1	0	7	0	0	2	0	18
Ellsworth	1	0	0	0	0	0	0	0	0	1
Finney	0	0	0	0	0	0	2	1	0	3
Ford	6	0	0	2	0	0	0	0	0	8
Franklin	0	0	0	4	2	1	8	0	0	15
Geary	0	0	0	0	0	0	0	0	1	1
Gove	0	0	0	0	0	0	0	0	0	0
Graham	0	0	0	0	0	0	0	0	0	0
Grant	0	0	0	0	0	0	0	0	0	0
Gray	0	0	0	0	0	0	0	0	0	0
Greeley	0	0	1	0	0	0	0	0	0	1
Greenwood	0	0	0	0	0	0	0	0	0	0
Hamilton	0	0	0	0	0	0	0	0	0	0
Harper	0	0	0	0	0	0	0	0	0	0
Harvey	4	0	0	0	0	0	7	0	0	11
Haskell	0	0	0	0	0	0	0	0	0	0

Hodgeman	0	0	0	0	0	0	0	0	0	0
Jackson	0	0	0	0	0	0	0	1	0	1
Jefferson	0	0	0	0	0	0	0	0	0	0
Jewell	0	0	0	0	0	0	0	0	0	0
Johnson	0	160	182	303	337	14	0	37	5	1038
Kearny	0	0	0	0	0	0	0	0	0	0
Kingman	0	0	0	0	0	0	0	0	0	0
Kiowa	0	0	0	0	0	0	0	0	0	0
Labette	0	0	4	1	3	1	0	0	1	10
Lane	0	0	0	0	0	0	0	0	0	0
Leavenworth	3	0	0	0	0	1	0	0	1	5
Lincoln	0	1	2	0	0	0	0	0	0	3
Linn	0	1	1	3	0	0	0	0	0	5
Logan	0	0	0	0	0	0	0	0	0	0
Lyon	0	0	0	0	0	0	0	0	0	0
Marion	9	0	0	0	1	0	1	0	0	11
Marshall	0	0	1	0	0	0	0	0	0	1
Mcperson	0	4	0	0	2	0	0	0	0	6
Meade	0	0	0	0	0	0	0	0	0	0
Miami	1	1	7	1	0	0	3	3	0	16
Mitchell	0	0	1	0	0	0	0	0	0	1
Montgomery	2	0	1	0	2	1	0	0	0	6
Morris	0	1	0	0	0	0	0	0	0	1
Morton	0	0	0	0	0	0	0	0	0	0
Nemaha	0	0	0	0	0	0	0	0	0	0
Neosho	0	0	0	0	0	0	0	0	0	0
Ness	0	0	0	0	0	0	0	0	0	0
Norton	0	0	0	0	0	0	1	0	0	1
Osage	0	0	0	0	0	0	2	0	0	2
Osborne	0	0	1	0	0	0	0	0	0	1
Ottawa	0	2	0	0	0	0	0	0	0	2
Pawnee	0	0	1	0	0	0	0	0	0	1
Phillips	0	0	0	1	0	0	0	0	0	1
Pottawatomie	4	0	4	0	0	0	0	1	0	9
Pratt	0	0	0	0	0	0	0	0	0	0
Rawlins	0	0	0	0	0	0	0	0	0	0
Reno	0	6	0	9	2	0	0	0	0	17
Republic	0	0	1	0	0	0	0	0	0	1
Rice	0	0	1	11	5	1	2	1	0	21
Riley	3	14	6	0	0	0	0	2	2	27
Rooks	0	0	0	0	0	0	0	0	0	0
Rush	0	0	0	0	0	0	0	0	0	0
Russell	0	0	2	2	0	0	1	0	0	5
Saline	0	0	0	0	0	4	0	0	0	4
Scott	0	0	0	0	0	0	0	0	0	0
Sedgwick	0	11	173	12	57	56	35	52	0	396
Seward	2	1	2	3	0	0	0	0	0	8
Shawnee	1	0	5	0	2	0	2	4	0	14
Sheridan	0	0	0	0	0	0	0	1	0	1
Sherman	0	1	0	0	0	0	0	0	0	1
Smith	1	0	0	0	3	0	0	0	0	4

Stafford	1	1	0	0	5	0	0	0	0	7
Stanton	0	0	0	0	0	0	0	0	0	0
Stevens	0	0	0	0	0	0	0	0	0	0
Sumner	0	1	1	1	3	0	3	0	0	9
Thomas	0	0	0	0	0	0	0	1	0	1
Trego	1	0	0	1	0	0	0	0	0	2
Wabaunsee	0	0	0	0	0	0	0	0	0	0
Wallace	0	0	0	0	0	0	0	2	0	2
Washington	0	2	0	2	1	0	0	0	0	5
Wichita	0	0	0	0	0	0	0	0	0	0
Wilson	0	0	0	0	0	0	0	0	0	0
Woodson	0	0	0	0	0	0	0	0	0	0
Wyandotte	0	1	2	3	4	0	0	8	9	27
Totals	74	228	429	361	493	91	86	129	22	1913

RETRIEVED FROM DEMOCRACYDOCKET.COM

County	Table A2 Signature Mismatch Rejection Rates # Rejected Ballots/Advance Ballots Returned Election Administration and Voting Survey (November General Elections)								
	2008	2010	2012	2014	2016	2018	2020	2022	2024
	Allen	0.09%	0.43%	0.44%	0%	0%	0%	0%	0.27%
Anderson	0%	0%	0%	0%	0%	0%	0.24%	0%	0%
Atchison	0.15%	0%	0.26%	0%	0%	0%	0%	0%	0%
Barber	0%	0%	0%	0%	0%	0%	0%	0%	0%
Barton	0.46%	0.10%	0.38%	0%	0%	0%	0%	0.13%	0%
Bourbon	0%	0%	0%	0%	0%	0.51%	0%		0%
Brown	0%	0%	0%	0%	0%	0%	0%	0%	0%
Butler	0.45%	0.44%	0.61%	0%	1.27%	0.10%	0.07%	0%	0%
Chase	0%	0%	0%	0%	0%	0%	0%	0%	0%
Chautauqua	0%	0%	0%	0%	0%	0%		0%	0%
Cherokee	0%	0%	0%	0%	0%	0%	0%		0%
Cheyenne	0%	0%	0%	0%	0%	0%			0%
Clark	0%	0%	0%	0%	0%	0%	0%	0%	0%
Clay		0.19%	0%	0.36%	0%	0.42%	0%	0%	0%
Cloud	0.26%	0%	0%	0%	0%	0%	0%	0%	0%
Coffey		0%	0%	0%	0%	0.81%	0%	0%	0%
Comanche		0%	0%	0%	0%	0%	0%	0%	0%
Cowley		0.13%	0%	0.11%	0.99%	0%	0.09%	0%	0%
Crawford	0%	0%	0.33%	0%	0%	0.22%		0%	0%
Decatur		0%	0%	0%	0%	0%	0%	0%	0%
Dickinson		0%	0%	0%	0%	0%	0%	0.19%	0.19%
Doniphan		0%	0.45%	0%	0%	0%	0%	0%	0%
Douglas	0%	0%	0%	0%	0%	0%	0.02%	0.07%	0.02%
Edwards	1.98%	0%	0%	0%	0%	0%	0.19%	0%	0%
Elk	0%	0%	0%	0%	0%	0%	0.32%	1.06%	0%
Ellis	0.81%	0%	0.10%	0%	0.64%	0%	0%	0.36%	0%
Ellsworth	0.43%	0%	0%	0%	0%	0%	0%	0%	0%
Finney	0%	0%	0%	0%	0%	0%	0.10%	0.21%	0%
Ford	0.55%	0%	0%	0.32%	0%	0%	0%	0%	0%
Franklin		0%	0%	1.01%	0.35%	0.15%	0.27%	0%	0%
Geary	0%	0%	0%	0%	0%	0%	0%	0%	0.16%
Gove	0%	0%	0%	0%	0%	0%	0%		0%
Graham		0%	0%	0%	0%	0%		0%	0%
Grant	0%	0%	0%	0%	0%	0%	0%	0%	0%
Gray		0%	0%	0%	0%	0%	0%	0%	0%
Greeley		0%	2.27%	0%	0%	0%	0%	0%	0%

Greenwood	0%	0%	0%	0%	0%	0%		0%	0%
Hamilton		0%	0%	0%	0%	0%	0%	0%	0%
Harper		0%	0%	0%	0%	0%	0%	0%	0%
Harvey	1.03%	0%	0%	0%	0%	0%	0.09%	0%	0%
Haskell	0%	0%	0%	0%	0%	0%	0%	0%	0%
Hodgeman		0%	0%	0%	0%	0%	0%	0%	0%
Jackson	0%	0%	0%	0%	0%	0%	0%		0%
Jefferson	0%	0%	0%	0%	0%	0%	0%	0%	0%
Jewell	0%	0%	0%	0%	0%	0%	0%		0%
Johnson		0.44%		1.08%	0.72%	0.03%		0.10%	0.01%
Kearny		0%	0%	0%	0%	0%	0%	0%	0%
Kingman		0%	0%	0%	0%	0%	0%	0%	0%
Kiowa		0%	0%	0%	0%	0%	0%	0%	0%
Labette	0%	0%	0.80%	0.24%	0.59%	0.18%	0%	0%	0.19%
Lane		0%	0%	0%	0%	0%	0%	0%	0%
Leavenworth	0.07%	0%	0%	0%	0%	0.03%	0%	0%	0.03%
Lincoln	0%	0.58%	1.17%	0%	0%	0%	0%	0%	0%
Linn		0.49%	0.34%	2.11%	0%	0%	0%	0%	0%
Logan	0%	0%	0%	0%	0%	0%	0%	0%	0%
Lyon	0%	0%	0%	0%	0%	0%	0%	0%	0%
Marion	1.66%	0%	0%	0%	0.23%	0%	0.06%	0%	0%
Marshall		0%	0.23%	0%	0%	0%	0%	0%	0%
Mcperson		0.52%	0%	0%	0.32%	0%		0%	0%
Meade	0%	0%	0%	0%	0%	0%		0%	0%
Miami	0.04%	0.09%	0.51%	0.12%	0%	0%	0.08%	0.22%	0%
Mitchell		0%	0.41%	0%	0%	0%	0%		0%
Montgomery	0.22%	0%	0.11%	0%	0.27%	0.12%		0%	0%
Morris		0.16%	0%	0%	0%	0%	0%	0%	0%
Morton		0%	0%	0%	0%	0%	0%	0%	0%
Nemaha	0%	0%	0%	0%	0%	0%	0%	0%	0%
Neosho	0%	0%	0%	0%	0%	0%	0%	0%	0%
Ness	0%	0%	0%	0%	0%	0%	0%	0%	0%
Norton		0%	0%	0%	0%	0%	0.30%	0%	0%
Osage		0%	0%	0%	0%	0%	0.15%		0%
Osborne		0%	0.58%	0%	0%	0%		0%	0%
Ottawa	0%	0.93%	0%	0%	0%	0%	0%	0%	0%
Pawnee		0%	0.56%	0%	0%	0%	0%	0%	0%
Phillips		0%	0%	0.62%	0%	0%	0%	0%	0%
Pottawatomie	0.37%	0%	0.61%		0%	0%	0%	0.10%	0%
Pratt		0%	0%		0%	0%	0%		0%
Rawlins		0%	0%		0%	0%	0%	0%	0%

Reno	0%	0.22%	0%	0.56%	0.10%	0%	0%	0%	0%
Republic	0%	0%	0.29%		0%	0%	0%	0%	0%
Rice	0%	0%	0.34%	5.91%	1.69%	0.49%	0.17%		0%
Riley	0.11%	1.16%	0.47%		0%	0%	0%	0.12%	0.11%
Rooks		0%	0%		0%	0%	0%	0%	0%
Rush	0%	0%	0%		0%	0%		0%	0%
Russell	0%	0%	0.69%	0.86%	0%	0%	0.12%	0%	0%
Saline		0%	0%		0%	0.24%		0%	0%
Scott	0%	0%	0%		0%	0%		0%	0%
Sedgwick		0.02%	0.24%	0.03%	0.09%	0.11%	0.04%	0.18%	0%
Seward	0.53%	0.41%	0.94%	1.71%	0%	0%	0%	0%	0%
Shawnee	0.01%	0%	0.06%		0.03%	0%	0.01%	0.05%	0%
Sheridan	0%	0%	0%	0%	0%	0%		0.43%	0%
Sherman		0.56%	0%	0%	0%	0%	0%	0%	0%
Smith	0.50%	0%	0%		1.82%	0%		0%	0%
Stafford	0.20%	0.30%	0%		1.59%	0%	0%		0%
Stanton		0%	0%		0%	0%	0%	0%	0%
Stevens		0%	0%		0%	0%	0%	0%	0%
Sumner		0.09%	0.11%	0.18%	0.27%	0%	0.15%	0%	0%
Thomas		0%	0%		0%	0%	0%	0.20%	0%
Trego	0.20%	0%	0%	0.75%	0%	0%	0%	0%	0%
Wabaunsee	0%	0%	0%	0%	0%	0%		0%	0%
Wallace	0%	0%	0%		0%	0%	0%	20.00%	0%
Washington		0.66%	0%	0.57%	0.27%	0%		0%	0%
Wichita	0%	0%	0%		0%	0%	0%	0%	0%
Wilson		0%	0%		0%	0%	0%	0%	0%
Woodson	0%	0%	0%		0%	0%	0%	0%	0%
Wyandotte		0.01%	0.02%	0.07%	0.03%	0%	0%	0.11%	0.13%

Note: Blank values indicate missing data or no reported advance ballots returned

Table A3		
Percent of Registrants with no Phone # In Voter File or Advance Ballot File		
County	Statewide Voter File	Advance Mail Ballot File 2024
Allen	46.8%	42.4%
Anderson	30.4%	24.1%
Atchison	39.1%	25.3%
Barber	22.2%	19.2%
Barton	28.9%	15.3%
Bourbon	36.0%	26.3%
Brown	33.0%	18.5%
Butler	39.6%	29.5%
Chase	26.3%	19.2%
Chautauqua	43.7%	34.4%
Cherokee	56.1%	40.0%
Cheyenne	20.4%	20.6%
Clark	39.8%	40.8%
Clay	40.6%	30.1%
Cloud	29.5%	30.3%
Coffey	32.9%	21.2%
Comanche	20.8%	22.7%
Cowley	28.5%	15.9%
Crawford	39.2%	23.8%
Decatur	18.8%	8.0%
Dickinson	25.3%	20.5%
Doniphan	37.2%	22.4%
Douglas	29.5%	22.8%
Edwards	27.3%	19.3%
Elk	30.6%	23.9%
Ellis	28.2%	13.6%
Ellsworth	34.5%	30.6%
Finney	53.9%	45.4%
Ford	29.1%	21.1%
Franklin	42.0%	33.7%
Geary	28.6%	29.1%
Gove	36.3%	35.3%
Graham	44.7%	33.3%
Grant	34.7%	32.5%
Gray	33.5%	26.0%
Greeley	25.5%	44.8%
Greenwood	36.3%	36.5%

Hamilton	28.7%	20.0%
Harper	30.6%	21.6%
Harvey	27.2%	19.8%
Haskell	27.0%	17.7%
Hodgeman	38.5%	36.7%
Jackson	31.6%	19.1%
Jefferson	36.0%	20.9%
Jewell	26.0%	14.1%
Johnson	52.2%	46.9%
Kearny	26.1%	25.3%
Kingman	25.1%	18.3%
Kiowa	55.8%	42.9%
Labette	44.9%	34.0%
Lane	38.0%	26.4%
Leavenworth	48.3%	39.5%
Lincoln	55.5%	63.5%
Linn	29.7%	22.6%
Logan	27.5%	15.1%
Lyon	34.2%	31.7%
Marion	27.2%	24.2%
Marshall	27.2%	20.3%
McPherson	32.7%	31.1%
Meade	26.7%	16.2%
Miami	40.6%	36.3%
Mitchell	31.0%	24.1%
Montgomery	39.9%	33.5%
Morris	24.9%	9.7%
Morton	46.3%	52.5%
Nemaha	33.7%	24.6%
Neosho	44.2%	35.9%
Ness	32.1%	14.6%
Norton	56.9%	14.3%
Osage	30.2%	16.6%
Osborne	21.5%	7.1%
Ottawa	34.8%	29.7%
Pawnee	27.2%	33.2%
Phillips	27.5%	15.6%
Pottawatomie	30.5%	24.3%
Pratt	22.0%	18.7%
Rawlins	24.2%	16.7%
Reno	30.1%	18.2%
Republic	42.1%	43.3%
Rice	30.7%	15.7%

Riley	30.2%	25.4%
Rooks	34.1%	22.2%
Rush	24.2%	20.6%
Russell	42.4%	24.6%
Saline	32.0%	24.5%
Scott	39.7%	28.5%
Sedgwick	45.3%	38.3%
Seward	32.9%	22.5%
Shawnee	57.8%	50.2%
Sheridan	16.1%	10.2%
Sherman	23.7%	14.8%
Smith	24.7%	14.6%
Stafford	56.3%	60.8%
Stanton	27.4%	20.0%
Stevens	36.9%	36.5%
Sumner	38.5%	19.0%
Thomas	25.7%	14.4%
Trego	20.9%	23.3%
Wabaunsee	31.1%	27.0%
Wallace	21.5%	20.7%
Washington	32.8%	27.6%
Wichita	20.5%	6.8%
Wilson	39.9%	33.0%
Woodson	28.4%	16.4%
Wyandotte	41.0%	22.2%

RETRIEVED FROM DEMOCRACYDOCS.COM

Appendix B – Mayer CV

Kenneth R. Mayer

July 2025

Emeritus Professor
Department of Political Science
University of Wisconsin – Madison
Madison, WI 53706

Email: krmayer@wisc.edu

Education

Yale University, Department of Political Science, Ph.D., 1988.
Yale University, Department of Political Science, M.A., M.Phil., 1987.
University of California, San Diego, Department of Political Science, B.A., 1982.

Positions Held

University of Wisconsin, Madison. Department of Political Science
Emeritus Professor, May 2024-present
Professor, July 2000-May 2024.
Associate Professor, June 1996-June 2000.
Assistant Professor, August 1989-May 1996.
Fulbright-ANU Distinguished Chair in Political Science, Australian National University (Canberra, ACT), July-December 2006.
Director, Data and Computation Center, College of Letters and Science, University of Wisconsin-Madison, June 1996-September 2003
Consultant, The RAND Corporation, Washington DC, 1988-1994. Conducted study of acquisition reform, and the effects of acquisition policy on the defense industrial base. Performed computer simulations of U.S. strategic force posture and capabilities.
Contract Specialist, Naval Air Systems Command, Washington D.C., 1985-1986. Responsible for cost and price analysis, contract negotiation, and contract administration for aerial target missile programs in the \$5 million - \$100 million range.

Awards

American Political Science Association, State Politics and Policy Section. Award for best Journal Article Published in the *American Journal of Political Science* in 2014. Awarded for Burden, Canon, Mayer, and Moynihan, "Election Laws, Mobilization, and Turnout."
Robert H. Durr Award, from the Midwest Political Science Association, for Best Paper Applying Quantitative Methods to a Substantive Problem Presented at the 2013 Meeting. Awarded for Burden, Canon, Mayer, and Moynihan, "Election Laws and Partisan Gains."
Leon Epstein Faculty Fellow, College of Letters and Science, 2012-2015
UW Housing Honored Instructor Award, 2012, 2014, 2017, 2018
Recipient, Jerry J. and Mary M. Cotter Award, College of Letters and Science, 2011-2012
Alliant Underkofler Excellence in Teaching Award, University of Wisconsin System, 2006
Pi Sigma Alpha Teaching Award, Fall 2006
Vilas Associate, 2003-2004, University of Wisconsin-Madison Graduate School.
2002 Neustadt Award. Awarded by the Presidency Research Group of the American Political Science Association, for the best book published on the American presidency in 2001. Awarded for *With the Stroke of a Pen: Executive Orders and Presidential Power*.
Lilly Teaching Fellow, University of Wisconsin-Madison, 1993-1994.
Interfraternity Council award for Outstanding Teaching, University of Wisconsin-Madison, 1993.
Selected as one of the 100 best professors at University of Wisconsin-Madison, Wisconsin Student

Association, March 1992.
Olin Dissertation Fellow, Center for International Affairs, Harvard University, 1987-1988

Service as an Expert Witness

1. *Coalition for Open Democracy et al. v. Scanlan et al.*, Case No. 1:24-cv-00312-SE-TSM (D.N.H.)
2. *Equality State Policy Center v. Gray*, Case No. 25-cv-00117-SWS (D. Wyo.). Voter registration (2025)
3. *Eucke, et al. v. Wisconsin Elections Commission, et al.*, 2024CV007822 (Cir. Ct., Milwaukee Cty., WI), voter challenges (2024).
4. *League Of Women Voters of Missouri and Missouri State NAACP v. State of Missouri et al.*, Case No. 22AC-CC04333 (Cir. Ct. of Cole Cnty., MO), voter registration (2024).
5. *Montana Public Interest Research Group, et al., v. Jacobsen, et al.*, Case No. 6:23-cv-00070-DWM (D. Mont.), voter registration (2024).
6. *Vote.org, et al., v. Georgia State Election Board, et al.*, Case No. 1:22-cv-01734-JPB (N.D. GA), election administration (2023).
7. *March for Our Lives Idaho and Idaho Alliance for Retired Americans v. McGrane*, Case No.: 1:23-cv-00107-AKB (D. Idaho), election administration (2023).
8. *Vote.org, et al. v. Cord Byrd, et al.*, Case No. 4:23-cv-111-AW-MAF (N.D. Fla.).
9. *Northeast Ohio Coalition for the Homeless et al. v. Frank LaRose*, Case No. 1:23-cv-26-DCN (E.D. Ohio), election administration (2023).
10. *Missouri State Conference of the NAACP, et. al. v. State of Missouri, et al.*, Case 22AC-CC04439 (Cir. Ct. of Cole Cnty., MO) voting rights, voter ID (2023).
11. *Lake v. Hobbs, et al.*, Case CV-2022-095403 (Maricopa Cty. Sup. Ct, AZ), election contest (2022).
12. *Johnson, et al., v. WEC, et al.*, 2021 WI 87 (Wis. 2021), redistricting.
13. *LULAC Texas et al. v. Scott et al.*, Case No. 1:21-cv-0786-XR (W.D. Tex.), election administration (2022).
14. *Montana Democratic Party and Mitch Bohn v. Christi Jacobsen*, Consolidated Case No. DV 21-0451 (13th Judicial Ct. Yellowstone Cty., MT), election administration (2022).
15. *Fair Fight Inc., et al. v. True the Vote, Inc., et al.*, Case No. 2:20-CV-00302-SCJ (N.D. GA), election administration (2022).
16. *League of Women Voters of Arkansas et al. v. Thurston et al.*, Case No. 60CV-21-3138 (5th Circ. Ct., Pulaski Cty., AR), election administration (2021).
17. *League of Women Voters of Florida, Inc., et al. v. Lee, et al.*, Case No. 4:21-cv-00186-MW-MAF (N.D. Fla.), election administration (2021).
18. *Majority Forward and Gamliel Warren Turner, Sr. v. Ben Hill County Board of Elections, et al.*, No. 1:20-CV-00266-LAG (M.D. Ga), election administration (2020).
19. *Pearson et al. v. Kemp et al.*, No. 1:20-cv-4809-TCB (N.D. Ga), election administration (2020).
20. *North Carolina Alliance for Retired Americans et al. v. North Carolina State Board of Elections* (Wake Cty., NC), absentee ballots (2020).
21. *LaRose et al. v. Simon*, No. 62-CV-20-3149 (2d Jud. Dist. Ct., Ramsey Cty., MN), absentee ballots (2020).
22. *Michigan Alliance for Retired Americans et al. v. Benson et al.* No 2020-000108-MM (Mich. Court of Claims), absentee ballots (2020).
23. *The New Georgia Project et al. v. Raffensperger et al.* No. 1:20-CV-01986-EL0052 (N.D. Ga.), absentee ballots (2020).
24. *Driscoll v. Stapleton*, No. DV 20 0408 (13th Judicial Ct. Yellowstone Cty., MT), absentee ballots (2020).
25. *The Andrew Goodman Foundation v. Bostelmann*, No. 19-cv-955 (W.D. Wisc.), voter ID (2020).

26. *Kumar v. Frisco Independent School District et al.*, No.4:19-cv-00284 (E.D. Tex.), voting rights (2019).
27. *Fair Fight Action v. Raffensperger* No. 1:18-cv-05391-SCJ (N.D. Ga.), voting rights (2019)
28. *Vaughan v. Lewisville Independent School District*, No. 4:19-cv-00109 (E.D. Texas), voting rights (2019).
29. *Dwight et al. v Raffensperger*, No: 1:18-cv-2869-RWS (N.D. Ga.), redistricting, voting rights (2018).
30. *Priorities U.S.A.et al. v. Missouri et al.*, No. 19AC-CC00226 (Cir. Ct. of Cole Cty., MO), voter ID (2018).
31. *Tyson v. Richardson Independent School District*, No. 3:18-cv-00212 (N.D. Texas), voting rights (2018).
32. *League of Women Voters of Michigan, et al. v. Johnson*, No. 2:17-cv-14148-DPH-SDD (E.D. Mich.), redistricting (2018).
33. *One Wisconsin Institute, Inc., et al. v. Nichol, et al.*, 198 F. Supp. 3d 896 (W.D. Wis.), voting rights (2016).
34. *Whitford et al. v. Gill et al*, 218 F. Supp. 3d 837, (W.D. Wis.), redistricting (2016).
35. *Milwaukee NAACP et al. v. Scott Walker et. al*, N.W.2d 262 (Wis. 2014), voter ID (2012).
36. *Baldus et al. v. Brennan et al.*, 849 F. Supp. 2d 840 (E.D. Wis.), redistricting, voting rights (2012).
37. *County of Kenosha v. City of Kenosha*, No. 22-CV-1813 (Wis. Cir. Ct., Kenosha Cty.), municipal redistricting (2011).
38. *McComish et al. v Brewer et al.*. 2010 WL 2292213 (D. Ariz.), campaign finance (2009).
39. *Baumgart et al. v. Wendelberger et al.*, 2002 WL 34127471 (E.D. Wis.), redistricting (2002).

Grants

- “A Multidisciplinary Approach for Redistricting Knowledge.” Principal Investigator. Co-PIs Adeline Lo (UW Madison, Department of Political Science), Song Gao (UW Madison, Department of Geography), and Barton Miller and Jin-Yi Cai (UW Madison, Department of Computer Sciences). UW 2020 Program, Wisconsin Alumni Research Foundation. July 1, 2020-June 30, 2023. \$410,711.
- “Analyzing Nonvoting and the Student Voting Experience in Wisconsin.” Dane County (WI) Clerk, \$44,157. November 2016-December 2017. Additional support (\$30,000) provided by the Office of the Chancellor, UW-Madison.
- Campaign Finance Task Force, Stanford University and New York University, \$36,585. September 2016-August 2017.
- “How do You Know? The Structure of Presidential Advising and Error Correction in the White House.” Graduate School Research Committee, University of Wisconsin, \$18,941. July 1, 2015-June 30, 2016.
- “Study and Recommendations for the Government Accountability Board Chief Inspectors’ Statements and Election Incident Report Logs.” \$43,234. Co-PI. With Barry C. Burden (PI), David T. Canon (co-PI), and Donald Moynihan (co-PI). October 2011-May 2012.
- “Public Funding in Connecticut Legislative Elections.” Open Society Institute. September 2009-December 2010. \$55,000.
- “Early Voting and Same Day Registration in Wisconsin and Beyond.” Co-PI. October 2008- September 2009. Pew Charitable Trusts. \$49,400. With Barry C. Burden (PI), David T. Canon (Co-PI), Kevin J. Kennedy (Co-PI), and Donald P. Moynihan (Co-PI).
- City of Madison, Blue Ribbon Commission on Clean Elections. Joyce Foundation, Chicago, IL. \$16,188. January-July 2008.
- “Wisconsin Campaign Finance Project: Public Funding in Connecticut State Legislative Elections.” JEHT Foundation, New York, NY. \$84,735. November 2006-November 2007.
- “Does Public Election Funding Change Public Policy? Evaluating the State of Knowledge.” JEHT

Foundation, New York, NY. \$42,291. October 2005-April 2006.

“Wisconsin Campaign Finance Project: Disseminating Data to the Academic, Reform, and Policy Communities.” Joyce Foundation, Chicago, IL. \$20,900. September 2005- August 2006.

“Enhancing Electoral Competition: Do Public Funding Programs for State and Local Elections Work?” Smith Richardson Foundation, Westport, CT. \$129,611. December 2002-June 2005

WebWorks Grant (implementation of web-based instructional technologies), Division of Information Technology, UW-Madison, \$1,000. November 1999.

“Issue Advocacy in Wisconsin during the 1998 Election.” Joyce Foundation, Chicago, IL. \$15,499. April 1999.

Instructional Technology in the Multimedia Environment (IN-TIME) grant, Learning Support Services, University of Wisconsin. \$5,000. March 1997.

“Public Financing and Electoral Competitiveness in the Minnesota State Legislature.” Citizens’ Research Foundation, Los Angeles, CA, \$2,000. May-November 1996.

“The Reach of Presidential Power: Policy Making Through Executive Orders.” National Science Foundation (SBR-9511444), \$60,004. September 1, 1995-August 31, 1998. Graduate School Research Committee, University of Wisconsin, \$21,965. Additional support provided by the Gerald R. Ford Library Foundation, the Eisenhower World Affairs Institute, and the Harry S Truman Library Foundation.

The Future of the Combat Aircraft Industrial Base.” Changing Security Environment Project, John M. Olin Institute for Strategic Studies, Harvard University (with Ethan B. Kapstein). June 1993-January 1995. \$15,000.

Hilldale Student Faculty Research Grant, College of Letters and Sciences, University of Wisconsin (with John M. Wood). 1992. \$1,000 (\$3,000 award to student)

“Electoral Cycles in Federal Government Prime Contract Awards” March 1992 – February 1995. National Science Foundation (SES-9121931). \$74,216. Graduate School Research Committee at the University of Wisconsin, \$2,600. MacArthur Foundation, \$2,500.

C-SPAN In the Classroom Faculty Development Grant, 1991. \$500

Professional and Public Service

Town of Middleton, Review of Polling Place Resource Allocation, 2023 (with Jessie Munson).

Chair, Election Security Review Committee, Dane County, Wisconsin 2022.

Participant and Board Member, 2016 White House Transition Project, PIs Martha Joynt Kumar (Towson State University) and Terry Sullivan (University of North Carolina-Chapel Hill).

Education and Social and Behavioral Sciences Institutional Review Board, 2008-2014. Acting Chair, Summer 2011. Chair, May 2012- June 2014.

Participant, U.S. Public Speaker Grant Program. United States Department of State (nationwide speaking tour in Australia, May 11-June 2, 2012).

Expert Consultant, Voces de la Frontera. Milwaukee Aldermanic redistricting, (2011).

Expert Consultant, Prosser for Supreme Court. Wisconsin Supreme Court election recount (2011).

Chair, Blue Ribbon Commission on Clean Elections (Madison, WI), August 2007-April 2011.

Consultant, Consulate of the Government of Japan (Chicago) on state politics in Illinois, Indiana, Minnesota, and Wisconsin, 2006-2011.

Section Head, Presidency Studies, 2006 Annual Meeting of the American Political Science Association.

Co-Chair, Committee on Redistricting, Supreme Court of Wisconsin, November 2003-December 2009.

Section Head, Presidency and Executive Politics, 2004 Annual Meeting of the Midwest Political Science Association, Chicago, IL.

Presidency Research Group (organized section of the American Political Science Association) Board, September 2002-present.

Book Review Editor, *Congress and the Presidency*, 2001-2006.

Editorial Board, *American Political Science Review*, September 2004-September 2007.

Consultant, Governor’s Blue Ribbon Commission on Campaign Finance Reform (Wisconsin), 1997.

PUBLICATIONS

Books

- Presidential Leadership: Politics and Policymaking*, 14th edition. Forthcoming, 2026. Lanham, MD: Rowman and Littlefield, 2024. With George C. Edwards, III and Steven J. Wayne. Previous editions 10th (2018), 11th (2020), 12th (2023), 13th (2024).
- The Enduring Debate: Classic and Contemporary Readings in American Government*. 9th ed. New York: W.W. Norton & Co., 2023. Co-edited with David T. Canon and John Coleman. Previous editions 1st (1997), 2nd (2000), 3rd (2002), 4th (2006), 5th (2009), 6th (2011), 7th (2013), 8th (2017).
- The 2016 Presidential Elections: The Causes and Consequences of an Electoral Earthquake*. Lanham, MD: Lexington Press, 2017. Co-edited with Amnon Cavari and Richard J. Powell.
- Faultlines: Readings in American Government*, 5th ed. New York: W.W. Norton & Co. 2017. Co-edited with David T. Canon and John Coleman. Previous editions 1st (2004), 2nd (2007), 3rd (2011), 4th (2013).
- The 2012 Presidential Election: Forecasts, Outcomes, and Consequences*. Lanham, MD: Rowman and Littlefield, 2014. Co-edited with Amnon Cavari and Richard J. Powell.
- Readings in American Government*, 7th edition. New York: W.W. Norton & Co. 2002. Co-edited with Theodore J. Lowi, Benjamin Ginsberg, David T. Canon, and John Coleman. Previous editions 4th (1996), 5th (1998), 6th (2000).
- With the Stroke of a Pen: Executive Orders and Presidential Power*. Princeton, NJ: Princeton University Press. 2001. Winner of the 2002 Neustadt Award from the Presidency Studies Group of the American Political Science Association, for the Best Book on the Presidency Published in 2001.
- The Dysfunctional Congress? The Individual Roots of an Institutional Dilemma*. Boulder, CO: Westview Press. 1999. With David T. Canon.
- The Political Economy of Defense Contracting*. New Haven: Yale University Press. 1991.

Articles

- "Identifying Rich Clubs in Spatiotemporal Interaction Networks." *Annals of the American Association of Geographers* 115:899-922 (2025). With Jake Kruse, Song Gao, Yuhan Ji, Keith Levin, and Qunying Huang.
- "Guardians at the Gate: Poll Worker Retention in a Challenging Election Environment." *Election Law Journal*. With Robert M. Stein, Barry C. Burden, Matt Lamb, et. al (March 2025).
- "Bringing Spatial Interaction Measures into Multi-Criteria Assessment of Redistricting Plans Using Interactive Web Mapping," *Cartography and Geographic Information Science* 51:513-532 (2023). With Jake Kruse, Song Gao, Yuhan Ji, and Daniel P. Szabo.
- "Mapping Literature with Networks: An Application to Redistricting," *Political Analysis* 31:669-678 (2023). With Adeline Lo, Devin Judge-Lord, and Kyler Hudson.
- "The Random Walk Presidency," *Presidential Studies Quarterly* 51: 71-95 (2021)
- "Voter Identification and Nonvoting in Wisconsin - Evidence from the 2016 Election." *Election Law Journal* 18:342-359 (2019). With Michael DeCrescenzo.
- "Waiting to Vote in the 2016 Presidential Election: Evidence from a Multi-county Study." *Political Research Quarterly* 71 (2019). With Robert M. Stein, Christopher Mann, Charles Stewart III, et al.
- "Learning from Recounts." *Election Law Journal* 17:100-116 (No. 2, 2018). With Stephen Ansolabehere, Barry C. Burden, and Charles Stewart, III.
- "The Complicated Partisan Effects of State Election Laws." *Political Research Quarterly* 70:549-563 (No. 3, September 2017). With Barry C. Burden, David T. Canon, and Donald P. Moynihan.
- "What Happens at the Polling Place: Using Administrative Data to Look Inside Elections." *Public Administration Review* 77:354-364 (No. 3, May/June 2017). With Barry C. Burden, David T. Canon, Donald P. Moynihan, and Jacob R. Neihsel.

- “Working Through the Unworkable? The View from Inside an Institutional Review Board.” *PS: Political Science and Politics* 49:289-293 (No. 2, April 2016).
- “Alien Abduction, and Voter Impersonation in the 2012 U.S. General Election: Evidence from a Survey List Experiment.” *Election Law Journal* 13:460-475 No.4, December 2014). With John S. Ahlquist and Simon Jackman.
- “Election Laws, Mobilization, and Turnout: The Unanticipated Consequences of Election Reform.” *American Journal of Political Science*, 58:95-109 (No. 1, January 2014). With Barry C. Burden, David T. Canon, and Donald P. Moynihan. Winner of the State Politics and Politics Section of the American Political Science Association Award for the best article published in the *AJPS* in 2014.
- “Executive Power in the Obama Administration and the Decision to Seek Congressional Authorization for a Military Attack Against Syria: Implications for Theories of Unilateral Action.” *Utah Law Review* 2014:821-841 (No. 4, 2014).
- “Public Election Funding: An Assessment of What We Would Like to Know.” *The Forum* 11:365-485 (No. 3, 2013).
- “Selection Method, Partisanship, and the Administration of Elections.” *American Politics Research* 41:903-936 (No. 6, November 2013). With Barry C. Burden, David T. Canon, Stéphane Lavertu, and Donald Moynihan.
- “The Effect of Administrative Burden on Bureaucratic Perception of Policies: Evidence from Election Administration.” *Public Administration Review* 72:741-451 (No. 5, September/October 2012). With Barry C. Burden, David T. Canon, and Donald Moynihan.
- “Early Voting and Election Day Registration in the Trenches: Local Officials’ Perceptions of Election Reform.” *Election Law Journal* 10:89-102 (No. 2, 2011). With Barry C. Burden, David T. Canon, and Donald Moynihan.
- “Is Political Science Relevant? Ask an Expert Witness,” *The Forum*: Vol. 8, No. 3, Article 6 (2010).
- “Thoughts on the Revolution in Presidency Studies,” *Presidential Studies Quarterly* 39 (no. 4, December 2009).
- “Does Australia Have a Constitution? Part I – Powers: A Constitution Without Constitutionalism.” *UCLA Pacific Basin Law Journal* 25:228-264 (No. 2, Spring 2008). With Howard Schweber.
- “Does Australia Have a Constitution? Part II: The Rights Constitution.” *UCLA Pacific Basin Law Journal* 25:265-355 (No. 2, Spring 2008). With Howard Schweber.
- “Public Election Funding, Competition, and Candidate Gender.” *PS: Political Science and Politics* XL:661-667 (No. 4, October 2007). With Timothy Werner.
- “Do Public Funding Programs Enhance Electoral Competition?” In Michael P. McDonald and John Samples, eds., *The Marketplace of Democracy: Electoral Competition and American Politics* (Washington, DC: Brookings Institution Press, 2006). With Timothy Werner and Amanda Williams. Excerpted in Daniel H. Lowenstein, Richard L. Hasen, and Daniel P. Tokaji, *Election Law: Cases and Materials*. Durham, NC: Carolina Academic Press, 2008.
- “The Last 100 Days.” *Presidential Studies Quarterly* 35:533-553 (No. 3, September 2005). With William Howell.
- “Political Reality and Unforeseen Consequences: Why Campaign Finance Reform is Too Important To Be Left To The Lawyers,” *University of Richmond Law Review* 37:1069-1110 (No. 4, May 2003).
- “Unilateral Presidential Powers: Significant Executive Orders, 1949-1999.” *Presidential Studies Quarterly* 32:367-386 (No. 2, June 2002). With Kevin Price.
- “Answering Ayres: Requiring Campaign Contributors to Remain Anonymous Would Not Resolve Corruption Concerns.” *Regulation* 24:24-29 (No. 4, Winter 2001).
- “Student Attitudes Toward Instructional Technology in the Large Introductory US Government Course.” *PS: Political Science and Politics* 33:597-604 (No. 3 September 2000). With John Coleman.
- “The Limits of Delegation – the Rise and Fall of BRAC.” *Regulation* 22:32-38 (No. 3, October 1999).
- “Executive Orders and Presidential Power.” *The Journal of Politics* 61:445-466 (No.2, May 1999).

- “Bringing Politics Back In: Defense Policy and the Theoretical Study of Institutions and Processes.” *Public Administration Review* 56:180-190 (1996). With Anne Khademian.
- “Closing Military Bases (Finally): Solving Collective Dilemmas Through Delegation.” *Legislative Studies Quarterly*, 20:393-414 (No. 3, August 1995).
- “Electoral Cycles in Federal Government Prime Contract Awards: State-Level Evidence from the 1988 and 1992 Presidential Elections.” *American Journal of Political Science* 40:162-185 (No. 1, February 1995).
- “The Impact of Public Financing on Electoral Competitiveness: Evidence from Wisconsin, 1964-1990.” *Legislative Studies Quarterly* 20:69-88 (No. 1, February 1995). With John M. Wood.
- “Policy Disputes as a Source of Administrative Controls: Congressional Micromanagement of the Department of Defense.” *Public Administration Review* 53:293-302 (No. 4, July-August 1993).
- “Combat Aircraft Production in the United States, 1950-2000: Maintaining Industry Capability in an Era of Shrinking Budgets.” *Defense Analysis* 9:159-169 (No. 2, 1993).

Book Chapters

- “Framing Controversies over Free Speech and Academic Freedom in The University Setting.” In *Campus Free Speech*, Lori Cox Han and Jerry Price, eds. *ABC-CLIO*. 2023. With Howard Schweber.
- “Is President Trump Conventionally Disruptive, or Unconventionally Destructive?” In *The 2016 Presidential Elections: The Causes and Consequences of an Electoral Earthquake*. Lanham, MD: Lexington Press, 2017. Co-edited with Amon Cavari and Richard J. Powell.
- “Lessons of Defeat: Republican Party Responses to the 2012 Presidential Election. In Amnon Cavari, Richard J. Powell, and Kenneth R. Mayer, eds. *The 2012 Presidential Election: Forecasts, Outcomes, and Consequences*. Lanham, MD: Rowman and Littlefield. 2014.
- “Unilateral Action.” George C. Edwards, III, and William G. Howell, *Oxford Handbook of the American Presidency* (New York: Oxford University Press, 2009).
- “Executive Orders,” in Joseph Bessette and Jeffrey Tulis, *The Constitutional Presidency*. Baltimore: Johns Hopkins University Press, 2009.
- “Hey, Wait a Minute: The Assumptions Behind the Case for Campaign Finance Reform.” In Gerald C. Lubenow, ed., *A User’s Guide to Campaign Finance Reform*. Lanham, MD: Rowman & Littlefield, 2001.
- “Everything You Thought You Knew About Impeachment Was Wrong.” In Leonard V. Kaplan and Beverly I. Moran, ed., *Aftermath: The Clinton Impeachment and the Presidency in the Age of Political Spectacle*. New York: New York University Press. 2001. With David T. Canon.
- “The Institutionalization of Power.” In Robert Y. Shapiro, Martha Joynt Kumar, and Lawrence R. Jacobs, eds. *Presidential Power: Forging the Presidency for the 21st Century*. New York: Columbia University Press, 2000. With Thomas J. Weko.
- “Congressional-DoD Relations After the Cold War: The Politics of Uncertainty.” In *Downsizing Defense*, Ethan Kapstein ed. Washington DC: Congressional Quarterly Press. 1993.
- “Elections, Business Cycles, and the Timing of Defense Contract Awards in the United States.” In Alex Mintz, ed. *The Political Economy of Military Spending*. London: Routledge. 1991.
- “Patterns of Congressional Influence In Defense Contracting.” In Robert Higgs, ed., *Arms, Politics, and the Economy: Contemporary and Historical Perspectives*. New York: Holmes and Meier. 1990.

Monographs

- 2008 Election Data Collection Grant Program: Wisconsin Evaluation Report*. Report to the Wisconsin Government Accountability Board, September 2009. With Barry C. Burden, David T. Canon, Stéphane Lavertu, and Donald P. Moynihan.
- Issue Advocacy in Wisconsin: Analysis of the 1998 Elections and A Proposal for Enhanced Disclosure*. September 1999.
- Public Financing and Electoral Competition in Minnesota and Wisconsin*. Citizens’ Research

- Foundation, April 1998.
- Campaign Finance Reform in the States*. Report prepared for the Governor's Blue Ribbon Commission on Campaign Finance Reform (State of Wisconsin). February 1998. Portions reprinted in Anthony Corrado, Thomas E. Mann, Daniel Ortiz, Trevor Potter, and Frank J. Sorauf, ed., *Campaign Finance Reform: A Sourcebook*. Washington, D.C.: Brookings Institution, 1997.
- "Does Public Financing of Campaigns Work?" *Trends in Campaign Financing*. Occasional Paper Series, Citizens' Research Foundation, Los Angeles, CA. 1996. With John M. Wood.
- The Development of the Advanced Medium Range Air-to-Air Missile: A Case Study of Risk and Reward in Weapon System Acquisition*. N-3620-AF. Santa Monica: RAND Corporation. 1993.
- Barriers to Managing Risk in Large Scale Weapons System Development Programs*. N-4624-AF. Santa Monica: RAND Corporation. 1993. With Thomas K. Glennan, Jr., Susan J. Bodilly, Frank Camm, and Timothy J. Webb.

Other

- "Presidents Can't Declassify Documents with Green Lantern Superpowers." *The Monkey Cage* (Washington Post), August 19, 2022. With Andrew Rudalevige.
- "Campaign Finance: Some Basics." Bauer-Ginsberg Campaign Finance Task Force, Stanford University. September 2017. With Elizabeth M. Sawyer.
- "The Wisconsin Recount May Have a Surprise in Store after All." *The Monkey Cage* (Washington Post), December 5, 2016. With Stephen Ansolabehere, Barry C. Burden, and Charles Stewart, III.
- Review of Jason K. Dempsey, *Our Army: Soldiers, Politicians, and American Civil-Military Relations*. *The Forum* 9 (No. 3, 2011).
- "Voting Early, but Not Often." *New York Times*, October 25, 2010. With Barry C. Burden.
- Review of John Samples, *The Fallacy of Campaign Finance Reform* and Raymond J. La Raja, *Small Change: Money, Political Parties, and Campaign Finance Reform*. *The Forum* 6 (No. 1, 2008).
- Review Essay, *Executing the Constitution: Putting the President Back Into the Constitution*, Christopher S. Kelley, ed.; *Presidents in Culture: The Meaning of Presidential Communication*, David Michael Ryfe; *Executive Orders and the Modern Presidency: Legislating from the Oval Office*, Adam L. Warber. In *Perspective on Politics* 5:635-637 (No. 3, September 2007).
- "The Base Realignment and Closure Process: Is It Possible to Make Rational Policy?" Brademas Center for the Study of Congress, New York University. 2007.
- "Controlling Executive Authority in a Constitutional System" (comparative analysis of executive power in the U.S. and Australia), manuscript, February 2007.
- "Campaigns, Elections, and Campaign Finance Reform." *Focus on Law Studies*, XXI, No. 2 (Spring 2006). American Bar Association, Division for Public Education.
- "Review Essay: Assessing The 2000 Presidential Election – Judicial and Social Science Perspectives." *Congress and the Presidency* 29: 91-98 (No. 1, Spring 2002).
- Issue Briefs (Midterm Elections, Homeland Security; Foreign Affairs and Defense Policy; Education; Budget and Economy; Entitlement Reform) *2006 Reporter's Source Book*. Project Vote Smart. 2006. With Meghan Condon.
- "Sunlight as the Best Disinfectant: Campaign Finance in Australia." Democratic Audit of Australia, Australian National University. October 2006.
- "Return to the Norm," *Brisbane Courier-Mail*, November 10, 2006.
- "The Return of the King? Presidential Power and the Law," *PRG Report* XXVI, No. 2 (Spring 2004).
- Issue Briefs (Campaign Finance Reform, Homeland Security; Foreign Affairs and Defense Policy; Education; Budget and Economy; Entitlement Reform), *2004 Reporter's Source Book*. Project Vote Smart. 2004. With Patricia Strach and Arnold Shober.
- "Where's That Crystal Ball When You Need It? Finicky Voters and Creaky Campaigns Made for a Surprise Electoral Season. And the Fun's Just Begun." *Madison Magazine*. April 2002.
- "Capitol Overkill." *Madison Magazine*, July 2002.

- Issue Briefs (Homeland Security; Foreign Affairs and Defense Policy; Education; Economy, Budget and Taxes; Social Welfare Policy), *2002 Reporter's Source Book*. Project Vote Smart. 2002. With Patricia Strach and Paul Manna.
- "Presidential Emergency Powers." *Oxford Analytica Daily Brief*. December 18, 2001.
- "An Analysis of the Issue of Issue Ads." *Wisconsin State Journal*, November 7, 1999.
- "Background of Issue Ad Controversy." *Wisconsin State Journal*, November 7, 1999.
- "Eliminating Public Funding Reduces Election Competition." *Wisconsin State Journal*, June 27, 1999.
- Review of *Executive Privilege: The Dilemma of Secrecy and Democratic Accountability*, by Mark J. Rozell. *Congress and the Presidency* 24 (No. 1, 1997).
- "Like Marriage, New Presidency Starts In Hope." *Wisconsin State Journal*. March 31, 1996.
- Review of *The Tyranny of the Majority: Fundamental Fairness in Representative Democracy*, by Lani Guinier. *Congress and the Presidency* 21: 149-151 (No. 2, 1994).
- Review of *The Best Defense: Policy Alternatives for U.S. Nuclear Security From the 1950s to the 1990s*, by David Goldfisher. *Science, Technology, and Environmental Politics Newsletter* 6 (1994).
- Review of *The Strategic Defense Initiative*, by Edward Reiss. *American Political Science Review* 87:1061-1062 (No. 4, December 1993).
- Review of *The Political Economy of Defense: Issues and Perspectives*, Andrew L. Ross ed. *Armed Forces and Society* 19:460-462 (No. 3, April 1993)
- Review of *Space Weapons and the Strategic Defense Initiative*, by Crockett Grabbe. *Annals of the American Academy of Political and Social Science* 527: 193-194 (May 1993).
- "Limits Wouldn't Solve the Problem." *Wisconsin State Journal*, November 5, 1992. With David T. Canon.
- "Convention Ceded Middle Ground." *Wisconsin State Journal*, August 23, 1992.
- "CBS Economy Poll Meaningless." *Wisconsin State Journal*, February 3, 1992.
- "It's a Matter of Character: Pentagon Doesn't Need New Laws, it Needs Good People." *Los Angeles Times*, July 8, 1988.

Conference Papers

- "A New Individual-Level Model for Estimating and Simulating the Effects of Redistricting." Presented at the 2023 Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 12-16, 2023. With Blake Reynolds.
- "Voter Identification and Nonvoting in Wisconsin – Evidence from the 2016 Election." Presented at the 2018 Annual Meeting of the Midwest Political Science Association, Chicago, IL April 5-8, 2018. With Michael G. DeCrescenzo.
- "Learning from Recounts." Presented at the Workshop on Electoral Integrity, San Francisco, CA, August 30, 2017, and at the 2017 Annual Meeting of the American Political Science Association, San Francisco, CA, August 31-September 3, 2017. With Stephen Ansolabehere, Barry C. Burden, and Charles Stewart, III.
- "What Happens at the Polling Place: Using Administrative Data to Understand Irregularities at the Polls." Conference on New Research on Election Administration and Reform, Massachusetts Institute of Technology, Cambridge, MA, June 8, 2015. With Barry C. Burden, David T. Canon, Donald P. Moynihan, and Jake R. Neihsel.
- "Election Laws and Partisan Gains: What are the Effects of Early Voting and Same Day Registration on the Parties' Vote Shares." 2013 Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 11-14, 2013. Winner of the Robert H. Durr Award.
- "The Effect of Public Funding on Electoral Competition: Evidence from the 2008 and 2010 Cycles." Annual Meeting of the American Political Science Association, Seattle, WA, September 1-4, 2011. With Amnon Cavari.
- "What Happens at the Polling Place: A Preliminary Analysis in the November 2008 General Election." Annual Meeting of the American Political Science Association, Seattle, WA, September 1-4, 2011. With Barry C. Burden, David T. Canon, Donald P. Moynihan, and Jake R. Neihsel.

- “Election Laws, Mobilization, and Turnout: The Unanticipated Consequences of Election Reform.” 2010 Annual Meeting of the American Political Science Association, Washington, DC, September 2-5, 2010. With Barry C. Burden, David T. Canon, Stéphane Lavertu and Donald P. Moynihan.
- “Selection Methods, Partisanship, and the Administration of Elections. Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 22-25, 2010. Revised version presented at the Annual Meeting of the European Political Science Association, June 16-19, 2011, Dublin, Ireland. With Barry C. Burden, David T. Canon, Stéphane Lavertu and Donald P. Moynihan.
- “The Effects and Costs of Early Voting, Election Day Registration, and Same Day Registration in the 2008 Elections.” Annual Meeting of the American Political Science Association, Toronto, Canada, September 3-5, 2009. With Barry C. Burden, David T. Canon, and Donald P. Moynihan.
- “Comparative Election Administration: Can We Learn Anything From the Australian Electoral Commission?” Annual Meeting of the American Political Science Association, Chicago, IL, August 29-September 1, 2007.
- “Electoral Transitions in Connecticut: Implementation of Public Funding for State Legislative Elections.” Annual Meeting of the American Political Science Association, Chicago, IL, August 29-September 1, 2007. With Timothy Werner.
- “Candidate Gender and Participation in Public Campaign Finance Programs.” Annual Meeting of the Midwest Political Science Association, Chicago IL, April 7-10, 2005. With Timothy Werner.
- “Do Public Funding Programs Enhance Electoral Competition?” 4th Annual State Politics and Policy Conference,” Akron, OH, April 30-May 1, 2004. With Timothy Werner and Amanda Williams.
- “The Last 100 Days.” Annual Meeting of the American Political Science Association, Philadelphia, PA, August 28-31, 2003. With William Howell.
- “Hey, Wait a Minute: The Assumptions Behind the Case for Campaign Finance Reform.” Citizens’ Research Foundation Forum on Campaign Finance Reform, Institute for Governmental Studies, University of California Berkeley. August 2000.
- “The Importance of Moving First: Presidential Initiative and Executive Orders.” Annual Meeting of the American Political Science Association, San Francisco, CA, August 28-September 1, 1996.
- “Informational vs. Distributive Theories of Legislative Organization: Committee Membership and Defense Policy in the House.” Annual Meeting of the American Political Science Association, Washington, DC, September 2-5, 1993.
- “Department of Defense Contracts, Presidential Elections, and the Political-Business Cycle.” Annual Meeting of the American Political Science Association, Washington, DC, September 2-5, 1993.
- “Problem? What Problem? Congressional Micromanagement of the Department of Defense.” Annual Meeting of the American Political Science Association, Washington DC, August 29 - September 2, 1991.

Talks and Presentations

- “Turnout Effects of Voter ID Laws.” Rice University, March 23, 2018; Wisconsin Alumni Association, October 13, 2017. With Michael DeCrescenzo.
- “Informational and Turnout Effects of Voter ID Laws.” Wisconsin State Elections Commission, December 12, 2017; Dane County Board of Supervisors, October 26, 2017. With Michael DeCrescenzo.
- “Voter Identification and Nonvoting in Wisconsin, Election 2016. American Politics Workshop, University of Wisconsin, Madison, November 24, 2017.
- “Gerrymandering: Is There A Way Out?” Marquette University. October 24, 2017.
- “What Happens in the Districting Room and What Happens in the Courtroom” Geometry of Redistricting Conference, University of Wisconsin-Madison October 12, 2017.
- “How Do You Know? The Epistemology of White House Knowledge.” Clemson University, February 23, 2016.
- Roundtable Discussant, Separation of Powers Conference, School of Public and International Affairs, University of Georgia, February 19-20, 2016.

Campaign Finance Task Force Meeting, Stanford University, February 4, 2016.

Discussant, "The Use of Unilateral Powers." American Political Science Association Annual Meeting, August 28-31, 2014, Washington, DC.

Presenter, "Roundtable on Money and Politics: What do Scholars Know and What Do We Need to Know?" American Political Science Association Annual Meeting, August 28-September 1, 2013, Chicago, IL.

Presenter, "Roundtable: Evaluating the Obama Presidency." Midwest Political Science Association Annual Meeting, April 11-14, 2012, Chicago, IL.

Panel Participant, "Redistricting in the 2010 Cycle," Midwest Democracy Network,

Speaker, "Redistricting and Election Administration," Dane County League of Women Voters, March 4, 2010.

Keynote Speaker, "Engaging the Electorate: The Dynamics of Politics and Participation in 2008." Foreign Fulbright Enrichment Seminar, Chicago, IL, March 2008.

Participant, Election Visitor Program, Australian Electoral Commission, Canberra, ACT, Australia. November 2007.

Invited Talk, "Public Funding in State and Local Elections." Reed College Public Policy Lecture Series. Portland, Oregon, March 19, 2007.

Fulbright Distinguished Chair Lecture Tour, 2006. Public lectures on election administration and executive power. University of Tasmania, Hobart (TAS); Flinders University and University of South Australia, Adelaide (SA); University of Melbourne, Melbourne (VIC); University of Western Australia, Perth (WA); Griffith University and University of Queensland, Brisbane (QLD); Institute for Public Affairs, Sydney (NSW); The Australian National University, Canberra (ACT).

Discussant, "Both Ends of the Avenue: Congress and the President Revisited," American Political Science Association Meeting, September 2-5, 2004, Chicago, IL.

Presenter, "Researching the Presidency," Short Course, American Political Science Association Meeting, September 2-5, 2004, Chicago, IL.

Discussant, Conference on Presidential Rhetoric, Texas A&M University, College Station, TX. February 2004.

Presenter, "Author Meets Author: New Research on the Presidency," 2004 Southern Political Science Association Meeting, January 8-11, New Orleans, LA.

Chair, "Presidential Secrecy," American Political Science Association Meeting, August 28-31, 2003, Philadelphia, PA.

Discussant, "New Looks at Public Approval of Presidents." Midwest Political Science Association Meeting, April 3-6, 2003, Chicago, IL.

Discussant, "Presidential Use of Strategic Tools." American Political Science Association Meeting, August 28-September 1, 2002, Boston, MA.

Chair and Discussant, "Branching Out: Congress and the President." Midwest Political Science Association Meeting, April 19-22, 2001, Chicago, IL.

Invited witness, Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, U.S. House of Representatives. *Hearing on Executive Order and Presidential Power*, Washington, DC. March 22, 2001.

"The History of the Executive Order," Miller Center for Public Affairs, University of Virginia (with Griffin Bell and William Howell), January 26, 2001.

Presenter and Discussant, Future Voting Technologies Symposium, Madison, WI May 2, 2000.

Moderator, Panel on Electric Utility Reliability. Assembly Staff Leadership Development Seminar, Madison, WI. August 11, 1999.

Chair, Panel on "Legal Aspects of the Presidency: Clinton and Beyond." Midwest Political Science Association Meeting, April 15-17, 1999, Chicago, IL.

Session Moderator, National Performance Review Acquisition Working Summit, Milwaukee, WI. June 1995.

American Politics Seminar, The George Washington University, Washington D.C., April 1995.
Invited speaker, Defense and Arms Control Studies Program, Massachusetts Institute of Technology, Cambridge, MA, March 1994.
Discussant, International Studies Association (Midwest Chapter) Annual Meeting, Chicago IL, October 29-30, 1993.
Seminar on American Politics, Princeton University, January 16-17, 1992.
Conference on Defense Downsizing and Economic Conversion, October 4, 1991, Harvard University.
Conference on Congress and New Foreign and Defense Policy Challenges, The Ohio State University, Columbus OH, September 21-22, 1990, and September 19-21, 1991.
Presenter, "A New Look at Short Term Change in Party Identification," 1990 Meeting of the American Political Science Association, San Francisco, CA.

University and Department Service

Faculty Advisor, UW Mock Trial Team, 2023-2025
Cross-Campus Human Research Protection Program (HRPP) Advisory Committee, 2019-2024.
UW Athletic Board, 2014-2022.
General Education Requirements Committee (Letters and Science), 1997-1998.
Communications-B Implementation Committee (Letters and Science), 1997-1999
Verbal Assessment Committee (University) 1997-1998.
College of Letters & Science Faculty Appeals Committee (for students dismissed for academic reasons).
Committee on Information Technology, Distance Education and Outreach, 1997-98.
Hilldale Faculty-Student Research Grants, Evaluation Committee, 1997, 1998.
Department Computer Committee, 1996-1997; 1997-1998, 2005-2006. Chair, 2013-present.
Faculty Senate, 2000-2002, 2002-2005. Alternate, 1994-1995; 1996-1999; 2015-2016.
Preliminary Exam Appeals Committee, Department of Political Science, 1994-1995.
Faculty Advisor, Pi Sigma Alpha (Political Science Honors Society), 1993-1994.
Department Honors Advisor, 1991-1993.
Brown-bag Seminar Series on Job Talks (for graduate students), 1992.
Keynote speaker, Undergraduate Honors Symposium, April 1991.
Undergraduate Curriculum Committee, Department of Political Science, 1990-1992; 1993-1994.
Individual Majors Committee, College of Letters and Sciences, 1990-1991.
Dean Reading Room Committee, Department of Political Science, 1989-1990; 1994-1995.

Teaching

Undergraduate

Introduction to American Government (regular and honors)
The American Presidency
Campaign Finance
Election Law
Classics of American Politics
Presidential Debates
Comparative Electoral Systems
Legislative Process
Theories of Legislative Organization
Senior Honors Thesis Seminar

Graduate

Contemporary Presidency
American National Institutions
Classics of American Politics
Legislative Process

Table 1: Provisional Ballot Cure/Acceptance Rate				
Ballots Initially Judged As Signature Mismatch				
County	Election	Initial Signature Mismatches	Number Cured or Accepted	Error Rate (cured/Initial)
Johnson	2024 General	37	23	62.2%
Johnson	2022 General	43	10	23.3%
Johnson	2020 General	388	284	73.2%
Leavenworth	2024 General	58	32	55.2%
Leavenworth	2022 General	81	77	95.1%
Saline	2022 General	22	17	77.3%
Wyandotte	2024 General	40	20	50.0%
Wyandotte	2022 General	8	0	0.0%
Wyandotte	2024 Primary	9	6	66.7%
Totals		686	469	68.4%

RETRIEVED FROM DEMOCRACYDOCKET.COM



CORRECTED Table 1: Provisional Ballot Cure/Acceptance Rate
 Ballots Initially Judged As Signature Mismatch

County	Election	Initial Signature Mismatches	Number Cured or Accepted	Error Rate (cured/Initial)
Johnson	2024 General	37	23	62.2%
Johnson	2022 General	42	10	23.8%
Johnson	2020 General	388	284	73.2%
Leavenworth	2024 General	58	32	55.2%
Leavenworth	2022 General	81	77	95.1%
Saline	2022 General	22	17	77.3%
Wyandotte	2024 General	39	20	51.3%
Wyandotte	2022 General	8	0	0.0%
Wyandotte	2024 Primary	9	6	66.7%
Totals		684	469	68.6%

RETRIEVED FROM DEMOCRACYDOCKET.COM

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE THIRD JUDICIAL DISTRICT
DISTRICT COURT, SHAWNEE COUNTY, KANSAS
CIVIL DEPARTMENT

LEAGUE OF WOMEN VOTERS OF)
KANSAS; LOUD LIGHT; KANSAS)
APPLESEED CENTER FOR LAW AND)
JUSTICE, INC.; AND TOPEKA)
INDEPENDENT LIVING RESOURCES)
CENTER,)

Plaintiffs,)

vs.)

Case No.

SCOTT SCHWAB, in his official)
capacity as Kansas Secretary)
of State; and KRIS KOBACH, in)
his official capacity as)
Kansas Attorney General,)

2021-CV-000299

Defendants.)

DEPOSITION

The deposition of **KENNETH R. MAYER, Ph.D**, taken
via Zoom platform on behalf of the Defendants pursuant
to the Kansas Code of Civil Procedure before Jeffrey
J. Elliott, Kansas CCR #912, the 28th day of August,
2026 at 8:57 a.m. (CST)



HARRISON-ELLIOTT, LLC
Certified Court Reporters
1417 North Saint Paul, Wichita, Kansas 67203
(316)267-8278 phone (316)267-8621 fax
jeff@harrisonelliott.com

1 verifications let's say for 2022, that's 20
2 percent. Do you know what county that was?

3 A. I believe that was Wallace County.

4 Q. And so then to inform us what Wallace County's
5 rates were -- well, first of all, do you know
6 how big a county Wallace County is?

7 A. I believe Wallace County is pretty small. I
8 think it has -- it's one of the smaller more
9 rural counties.

10 Q. And in Wallace County, how many votes were
11 rejected? Is that where we have to go to your
12 Table A1?

13 A. That's correct.

14 Q. So in other words there is two, so that means
15 that under your error rate, the number of votes
16 that they would've had to reject -- well, wait
17 a second. How do you get there? So you've got
18 two that were rejected. How do you get to that
19 20 percent error rate on that from two? It
20 seems to me you either have 150 or zero.

21 A. Right, you're not calculating it correctly.
22 Those rates are determined by the number of
23 rejected ballots divided by the number of mail
24 ballots returned.

25 Q. Ah, so in other words that would mean to get to

1 the 20 percent on your Table 3, that means
2 there were 10 initially rejected ballots?

3 A. I think that's -- no, no, no, that's incorrect.
4 This doesn't tell you anything about cure rates.
5 This just tells you the number of ultimately
6 rejected ballots divided by the number of mail
7 ballots returned.

8 Q. Okay, sorry, I've got to go back to wherever
9 that was. What page was that? I apologize.

10 A. 21.

11 Q. Okay, Rejected Ballots of Advance Ballots
12 Returned. So if we look at 2022, the highest
13 rate in the state of what you looked at was 20
14 percent. So that means there were two rejected
15 ballots and there were 10 advance ballots
16 returned.

17 A. Well, I also note in footnote 40 that Wallace
18 County appears to have recorded mailed ballots
19 returned in a drop box separately. There were
20 actually more ballots than appears to have been
21 returned, although it's not entirely clear how
22 many of them were delivered by postal mail. But
23 again, the point of this table, that has nothing
24 to do with error rates or cure rates. This is
25 just looking at the county-level signature

1 verification rejection rates and, you know, what
2 it shows is that there are enormous differences.
3 The rejection rates in 2024, the highest non-
4 zero rejection rate was almost 19 times higher
5 than the lowest nonzero reduction rate, but the
6 actual ratio is actually infinity because you
7 can't calculate that ratio compared to a county
8 that rejected none. So what this table tells us
9 is that there are enormous differences or
10 disparities in the rejection rates in different
11 counties. This is the final reported rejection
12 rate. It doesn't tell us about the cure rates
13 or the number of ballots that were initially
14 rejected. What this table indicates is that
15 there is enormous variation from one part of the
16 state to another or one county to another in the
17 signature rejection rates.

18 Q. And I appreciate that, but I guess what we were
19 talking about earlier with the hypothetical
20 county is you said something like, well, the
21 smaller counties are not statistically
22 significant.

23 A. That's not the term that I used, counsel.

24 Q. What did you say, then?

25 A. I said that would not have a significant -- that

