

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

LEAGUE OF WOMEN VOTERS OF
KANSAS, LOUD LIGHT, KANSAS
APPLESEED CENTER FOR LAW AND
JUSTICE, INC., and LOIS CURTIS
CENTER,

Plaintiffs,

v.

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

Defendants.

Case No. SN-2021-CV-000299

PLAINTIFFS' PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

COME NOW the League of Women Voters of Kansas, Loud Light, Kansas Appleseed Center for Law and Justice, Inc., and Lois Curtis Center ("Plaintiffs"), by and through counsel of record, and respectfully propose the following findings of fact and conclusions of law based upon the pleadings and the evidence presented during the bench trial from July 20 to July 24, 2026.

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INTRODUCTION

When the Kansas Supreme Court issued its decision in *League of Women Voters v. Schwab* (“*LWW III*”), 318 Kan. 777, 549 P.3d 363 (2024), it remanded to this Court to answer two questions: (1) whether Kansas’s signature verification requirement (“SVR”) is “capable of being applied with reasonable uniformity upon objective standards so that no voter is subject to arbitrary and disparate treatment” as required under the Kansas Constitution’s equal protection guarantee, and (2) whether the SVR “include[s] reasonable notice to the voter and 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” as required under the Kansas Constitution’s due process clause. *Id.* at 805.

Over the course of five days of evidence and the testimony of fifteen witnesses, Plaintiffs amply demonstrated that the SVR complies neither with the requirements of equal protection nor with the requirements of due process under the Kansas Constitution Bill of Rights, and that they are entitled to injunctive relief.

First, Plaintiffs have demonstrated organizational standing to challenge the SVR. The SVR perceptibly impairs and frustrates Plaintiffs’ ability to educate and encourage their constituents to vote, and to ensure their ballots are counted. As a result, Plaintiffs have been forced to divert resources from their core work to mitigate the SVR’s effects. These mitigation efforts include (1) attempting to educate voters about the SVR’s unclear standards and implementation, (2) administering ballot cure programs that obtain rejected-ballot data from individual counties, and (3) assisting voters whose ballots have been flagged and are at risk of being rejected because of the SVR. Plaintiff League of Women Voters of Kansas also has associational standing to challenge the SVR because (1) its members have standing to challenge the SVR in their own right; (2) the interests the League seeks to protect are germane to its organizational purpose of promoting civic

engagement through voting; and (3) neither the claim asserted nor the relief requested requires the participation of the League's members.

Plaintiffs have also demonstrated by competent evidence that the SVR is not "capable of being applied with reasonable uniformity upon objective standards so that no voter is subject to arbitrary and disparate treatment," *LWV III*, 318 Kan. at 805, and thus the SVR violates Kansans' right to equal protection under section 2 of the Kansas Constitution Bill of Rights in several ways. First, Plaintiffs put forth evidence, including unrebutted expert testimony, that Kansas's signature verification process is not capable of distinguishing between authentic and inauthentic signatures and is therefore an arbitrary means of assessing the qualifications of Kansas voters. *LWV III*, 318 Kan. at 804. Next, Plaintiffs presented testimony from election officials and experts showing that the SVR's standards are neither objective nor applied uniformly: counties differed in how they interpreted the implementing regulations, in how they trained signature verifiers, in how they conducted the signature verification process itself, and in how they allowed voters to cure ballots flagged for mismatched signatures.

Plaintiffs have further shown that the SVR violates procedural due process. The Kansas Supreme Court already concluded that the interests at issue in this case—the right to suffrage and having one's legal vote counted under the State's existing voting regime—are liberty interests subject to due process guarantees. *LWV III*, 318 Kan. at 806. There is an intolerably high risk that eligible Kansas electors will be erroneously swept up by the SVR: the lack of clear standards for comparing signatures; the lack of expertise and training given to election officials; and the poor quantity and quality of comparator signatures all contribute to a high likelihood of erroneous determinations. And substitute safeguards—like preventing election officials from rejecting ballots unless a voter disclaims their signature's authenticity—can mitigate the SVR's notice-and-

cure deficiencies, which fail to ensure timely notice and accessible curing options for affected voters.

The inevitable result of these failures, as the Court heard, is that qualified Kansas voters are either disenfranchised, or singled out arbitrarily and forced to navigate the cure process in order to have their ballots counted. Plaintiffs are suffering irreparable harm under the operation of the SVR due to the risk that their constituents will have their constitutional rights violated as a result of the SVR's operation. The balance of the equities also weighs in favor of granting an injunction. Defendants put forth no evidence of mail ballot fraud (or any voter fraud) that outweighs the SVR's burdens on Kansans' constitutional rights, nor have they demonstrated that the SVR could reliably detect or prevent hypothetical fraud.

The Court therefore enjoins the Secretary from enforcing K.S.A. 25-1124(h) or its implementing regulations to the extent that they require or permit election officials to reject or refuse to count advance mail ballots based on a determination that the signature on the ballot envelope does not match a signature on file in the voter registration records. This injunction is meant to prevent election officials from rejecting ballots solely because of a signature mismatch. It does not, however, prohibit county election officials from—acting in accordance with any other applicable state law—reviewing voter signatures and contacting voters to confirm that the voter did in fact sign the ballot envelope. Nor does it preclude county officials from refusing to count ballots if, after contacting the voter, *that voter* denies or disclaims that the signature on the ballot envelope is genuine.

FINDINGS OF FACT

I. Voting by mail in Kansas

1. In 1995, Kansas enacted 1995 Kansas Laws Ch. 192 (S.B. 232) § 25-1119, which provides that “any registered voter is eligible to vote by advance voting ballot.” PX 52,¹ Parties’ Stipulated Facts ¶ 22.

2. Kansans can become eligible to vote by advance mail ballot through one of two methods: (1) as permanent advance mail ballot voters, and (2) as single-election advance mail ballot voters. To qualify for permanent advance voting status, a voter must have a permanent disability or illness, and must complete a permanent advance ballot application. *See* K.S.A. 25-1122(h). The permanent advance voter application is called the “AV2 Form.” *See* PX 53. Kansans with permanent advance voter status automatically receive advance mail ballots before each election. PX 52, Parties’ Stipulated Facts ¶ 25.

3. Kansans without permanent advance voting status must submit an application to vote by mail for each election. PX 52, Parties’ Stipulated Facts ¶ 27. The Kansas advance mail ballot application is called the “AV1 Form.” *See* PX 58.

4. The AV1 Form requires voters to provide either a driver’s license number, the last four digits of their social security number, or a copy of “a government issued photo ID that allows the local election office to successfully verify their identity.” PX 52, Parties’ Stipulated Facts ¶ 29; *see also id.* ¶ 31.

5. As Secretary of State Scott Schwab testified before the Kansas House Elections Committee, Kansas is one of only a few states that require voters to produce identification as a prerequisite for obtaining a mail ballot. PX 52, Parties’ Stipulated Facts ¶ 4.

¹ Citations to exhibits are formatted as PX [YY] at [ZZZZ].

6. Since 2012, Kansas law has also required that voters' signatures on the AV1 mail-ballot application "match" their signature on file with the county's voter registration records, unless the voter has a disability preventing the voter from signing or from having a signature that matches the voter's registration form. PX 52, Parties' Stipulated Facts ¶¶ 35–36 (citing 2011 Kan. Sess. Laws Ch. 56, § 2).

7. The AV1 and AV2 forms require voters to affirm under penalty of perjury that they are a "qualified elector" residing at their provided address. *See* PX 53, PX 58.

8. When county election officials mail an advance-mail ballot to an eligible voter, they also include a ballot envelope for the voter to use when returning the completed ballot. PX 52, Parties' Stipulated Facts ¶ 37.

9. The outside of the advance ballot envelope contains instructions prescribed by the Kansas Secretary of State. PX 52, Parties' Stipulated Facts ¶ 38 (citing K.S.A. 25-1123(a)). The advance ballot envelope also requires voters to sign the following declaration, as prescribed by K.S.A. 25-1120:

THIS DECLARATION MUST BE COMPLETED AND SIGNED

"I _____ do hereby declare that I marked the enclosed ballot and that such ballot was enclosed and sealed in this envelope by me. My legal residence is in the _____ precinct, _____ township, (or, in the _____ precinct of the _____ ward, _____ street in the city of _____), in the county of _____, state of Kansas.

(Signed) _____."

Id. ¶ 39.

10. The ballot envelopes introduced at trial further instruct voters to ensure that their ballots are postmarked by election day, or alternatively, returned in-person to a polling place by 7 p.m. on election day. *See* PX 26, PX 71, PX 76.

11. Kansas law also permits voting assistants to sign mail-ballot envelopes and applications on behalf of a voter with an “illness or physical disability or who is not proficient in reading the English language and is unable to apply for or mark or transmit an advance voting ballot, or any voter who has a disability preventing the voter from signing an application or the form on the ballot envelope.” K.S.A. 25-1124(c).

12. Kansas law requires that an assistant sign a “written statement” that must be “submitted to the county election officer with the application or ballot.” K.S.A. 25-1124(e).

13. That “written statement” can be provided in the form of an “Affidavit of Assistance,” also called an “AV5 Form,” for disabled voters. PX 52, Parties’ Stipulated Facts ¶ 85; *see also* PX 90.

14. The AV5 form states that voters with disabilities, illnesses, or who are not proficient in English, “may request assistance” in filling out or returning a mail ballot, or “in signing” an application or ballot envelope. PX 90. The individual signing for a voter must declare under penalty of perjury that they were asked to sign for a voter “who has a disability preventing the voter from signing an application or advance voting ballot form.” *See id.*

15. Voters using an assistant may take advantage of the AV5 form, but they are not required to do so. That is because the ballot envelope itself also allows an assistant to sign under penalty of perjury that a voter “is physically unable to sign” the ballot envelope. K.S.A. 25-1121(c); *see also* PX 60 (ballot envelope including section for “Statement of Person Signing on Behalf of Advanced Voter”).

16. AV1 applications for advance mail ballots and AV2 applications for permanent advance status likewise authorize assistants to sign on behalf of a voter if the voter “has a disability

preventing the voter from signing an application.” *See* PX 58, PX 53. Those forms must also be signed under penalty of perjury. *See* PX 58, PX 53.

17. There is no place on a ballot envelope, or on the AV1, AV2, or AV5 forms, for a voter to mark that they are physically able to sign, but unable to sign their name *consistently* because of a disability. *See* PX 53, PX 58, PX 60, PX 90.

II. The Kansas Legislature adopted the SVR to authenticate mail-ballot envelope signatures.

18. Kansas lawmakers introduced HB 2183 in the 2021 legislative session. PX 52, Parties’ Stipulated Facts ¶ 5.

19. HB 2183 requires county election officials to verify that the voter signature on a mailed advance ballot envelope matches the voter’s previous signature retained in the county’s voter registration file. PX 52, Parties’ Stipulated Facts ¶ 14. The relevant language in HB 2183 states:

[S]ubject 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.

Sen. Sub. for HB 2183, 2021-22 Legis., Reg. Sess. (Kan. 2021), available at https://kslegislature.gov/li_2022/b2021_22/measures/documents/hb2183_enrolled.pdf.

20. In sum, HB 2183 bars county election officials from accepting an advance mail ballot transmitted by mail unless they confirm that the signature on the advance mail ballot envelope matches the signature on file in the county voter registration database. K.S.A. 25-

1124(h). If the signature on the ballot envelope does not “match” the signature on file in the voter registration database, the ballot shall not be counted. *Id.*

21. The Legislature passed HB 2183 over the Governor’s veto on May 3, 2021, and the law took effect on July 1, 2021. PX 52, Parties’ Stipulated Facts ¶ 13. The signature verification requirement in HB 2183 was codified at K.S.A. 25-1124(h).

22. On June 1, 2021, Plaintiffs filed this action challenging the SVR.

23. The following year, the Secretary of State issued Temporary Administrative Regulation K.A.R. 7-36-9, effective May 26, 2022, and Permanent Administrative Regulation K.A.R. 7-36-9 (the “Regulation”), effective September 23, 2022. *See* PX 52, Parties’ Stipulated Facts ¶¶ 15–16.

24. The Regulation defines “signature verification” as “the process to verify the authenticity of a voter’s signature on applications.” K.A.R. 7-36-9(a)(5).

25. The Regulation sets forth responsibilities for county election officials “receiv[ing] from a voter either an application or a mail ballot envelope.” K.A.R. 7-36-9(b). An “application or mail ballot envelope shall be processed” “[i]f the signature [on the application or mail ballot envelope] matches the voter’s signature on file.” K.A.R. 7-36-9(b)(1).

26. If, however, “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” through the following methods:

(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.

K.A.R. 7-36-9(b)(2) (emphasis added).

27. According to the Regulation, "inconsistent" means "that the signature differs in multiple, significant, or obvious respects from the voter's signature in the voter registration database." K.A.R. 7-36-9(a)(2). The Regulation defines "match" to mean "that the signature is generally uniform and consistent with the voter's signature in the voter registration database." K.A.R. 7-36-9(a)(4). At least two election officials must agree that the signature is inconsistent to flag it for rejection and thus begin the cure process. K.A.R. 7-36-9(g)(4).

28. The Regulation includes several other requirements too. County election officials "shall complete training approved by the secretary of state" before verifying signatures. K.A.R. 7-36-9(f). The Regulation also requires that an analyzed mail-ballot signature "shall be compared to as many recorded signatures as possible from the voter registration database," and "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." K.A.R. 7-36-9(g)(1), (5).

29. A voter whose mail-ballot signature is deemed "inconsistent" cannot have their ballot counted unless they "correct[]" the signature "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).

30. But the advance ballot envelope contains no language notifying voters that their signature must match the voter's signature on file to be counted. *See, e.g.*, PX 8, PX 26, PX 46, PX 63, PX 71, PX 72, PX 73, PX 76, PX 81.

III. The SVR does not reliably identify fraudulent or authentic signatures.

31. Testimonial evidence from individual voters, election officials, and Plaintiffs' experts established that the SVR is an error-prone endeavor. It has misled election officials into erroneously rejecting lawfully cast ballots or forcing select voters to jump through additional hoops to "cure" their authentic signatures and avoid disenfranchisement.

A. Individual Voters

32. Plaintiffs presented un rebutted testimony from three Kansas voters who testified that their ballots were erroneously flagged for inconsistent signatures; two of those voters were ultimately disenfranchised.

33. Elizabeth Anderson, a Kansas voter from Dickinson County, testified that she had signed her advance mail ballot envelope, 184:18–187:10,² and her ballot was not counted because of a signature mismatch determination, PX 52, Parties' Stipulated Facts ¶ 117. Ms. Anderson identified her signature on the advance mail ballot envelope at trial. 186:11–24.

34. Likewise, Abigail Moore, a Kansas voter from Butler County, testified that she cast an advance mail ballot in the 2024 general election, and her ballot was erroneously rejected because of a signature mismatch. 149:10–153:10. Ms. Moore also confirmed that she had personally signed the advance mail ballot envelope that was ultimately rejected. 151:13–24; PX 52, Parties' Stipulated Facts ¶ 113.

² Citations to the trial transcript are formatted as [Pg #]:[Line #]–[Pg #]:[Line #].

35. Haley Kottler, a Kansas voter from Sedgwick County, cast an advance mail ballot in the 2022 general election. Despite Ms. Kottler having signed her advance ballot envelope, her ballot was flagged as having a mismatched signature. She was contacted by Sedgwick County nearly a week after the election, while she was out of state for a work trip, and she was required to cure her ballot. 162:16–164:19.

B. Election Officials

36. The purpose of Kansas’s SVR is to confirm that the individual who signed their ballot envelope is the same individual to whom it was mailed, 806:19–807:7 (Bryan Caskey); or, in other words, to “identif[y] those who possess constitutionally required qualifications.” *League of Women Voters of Kan. v. Schwab* (“LWV III”), 318 Kan. 777, 804, 549 P.3d 363 (2024); *see also* 333:5–15 (Dr. Kenneth Mayer); 575:12–17 (Dr. Lonna Atkeson).

37. Yet Kansas election officials do not believe that they can reliably identify inauthentic signatures through the signature matching process.

38. Riley County Clerk Rich Vargo acknowledged that the overwhelming majority of ballots flagged under the SVR are cured, which demonstrates that the person was the legitimate signer of the envelope. 708:23–709:6. Mr. Vargo does not believe that an inconsistent determination is the equivalent of a determination that a ballot envelope was signed by someone other than the voter. 708:15–22. Indeed, Riley County does not assume any fraud has occurred and makes no referrals to law enforcement agencies even after a ballot flagged for a mismatch has not been cured. 709:18–710:3.

39. Former Johnson County Election Commissioner Fred Sherman testified that an election official’s determination that a ballot envelope’s signature is inconsistent with the voter’s signature on file is not sufficient evidence that someone other than the voter signed the envelope, and is not a determination that “fraud . . . ha[d] occurred.” 445:1–22.

40. As Mr. Sherman acknowledged, inconsistent signatures “may be legitimate” because “signatures can evolve through time” due to “the health or age of the voter,” including ailments like a “broken arm.” 446:15–447:10. And “just because [a voter] didn’t cure [their ballot] doesn’t necessarily mean it was a fraudulent signature.” 447:8–10. In fact, “[t]he Johnson County Election Commissioner does not believe that most of the uncured ballots are the product of fraud.” PX 52, Parties’ Stipulated Facts ¶ 106.

41. Current Election Commissioner for Shawnee County, Andrew Howell, testified that he would alert someone if he observed something that might constitute fraud; but he has never referred to law enforcement any of the ballots that were flagged and not counted for signature matching issues after the SVR took effect because he “had no specific reason to believe that it was somehow fraudulent” or that any of the rejected ballots were signed by someone other than the voter. 763:12–764:7; 766:6–11.

C. Plaintiffs’ Experts

42. Plaintiffs also presented un rebutted expert testimony from Dr. Linton Mohammed, a U.S.-certified and internationally recognized Forensic Document Examiner, who reviewed K.S.A. 25-1124, the Regulation, statewide and county-level training materials, rejected ballot envelopes and the corresponding comparator signatures that were used in examining those ballots. 231:17–232:9. Dr. Mohammed concluded that the current SVR process is not a reliable means of either (1) confirming authentic signatures, or (2) ruling out inauthentic signatures. 314:18–22. Rather, Dr. Mohammed testified, the SVR is likely to result in a “significant number of erroneous rejections” of ballots, 236:23–237:1, and creates “arbitrary and subjective outcomes across [Kansas’s] 105 counties.” 255:3–11; *see also* 214:22–215:1.

43. On the question of whether Kansas’s SVR is error-prone and likely to misidentify authentic signatures as potentially fraudulent, the Court finds Dr. Mohammed’s testimony credible

and probative. Dr. Mohammed is well-credentialed in the field of forensic document examination. He has testified in court and in depositions more than 250 times in both civil and criminal cases. 213:22–214:3. He holds a Ph.D. in human biosciences, a science degree from the University of the West Indies, and a master’s degree in forensic sciences from National University in San Diego. 210:5–9. He is certified by the American Board of Forensic Document Examiners and is continuously re-certified every five years, 210:22–24, and he holds a diploma in document examination from the Chartered Society of Forensic Sciences. 210:25–211:3; *see also* PX 117 at 0001–0003.

44. Dr. Mohammed has also published sixteen papers and peer-reviewed articles about document examination and signatures, published two encyclopedia articles, has authored the book, *Forensic Examination of Signatures*, and co-authored the book, *The Neuroscience of Handwriting*. 213:2–10.

45. As Dr. Mohammed explained, reliable signature verification requires several conditions, including a sufficient number of “comparator” signatures or “exemplar specimens” from the writer, 225:7–22, and adequate training for reviewers, *see* 234:24–235:8; 236:17–20, neither of which conditions is present in Kansas.

i. Lack of adequate comparators

46. The ability to analyze the genuineness of a signature turns on the examiner’s ability to distinguish “natural variations” from unexplainable “differences.” 230:10–14; 235:2–8.

47. A number of factors can contribute to the range of an individual’s natural signature variation, including the context of signing, age, health, disability, medication, the writing instrument used (pen versus digital stylus, for example), and writing surface. 216:13–217:7; 218:10–219:17; 221:8–18. Certain cohorts—the elderly, people with disabilities, young adults

without settled signatures, and individuals who did not first learn to write in English—are more likely to have increased natural variations in their signatures. 219:7–17; 221:8–223:19.

48. As Dr. Mohammed testified, “determin[ing] [a] writer’s range of variation” requires access to “adequate exemplar” signatures, or “comparator signatures” from that same writer. 225:14–22. Additional comparator signatures demonstrate the full spectrum of a writer’s range of variation, including “formal signatures,” “informal signatures,” and “anything in between.” 225:14–22. This allows an examiner to determine whether observed signature distinctions are evidence of a different signer (unexplainable differences), or whether those distinctions are merely the result of the same writer’s different versions of their own signature (natural variations). *See* 216:13–23, 225:14–22; 283:19–24; 310:15–20.

49. That is why, Dr. Mohammed explained, having a sufficient number of high-quality comparator signatures to reference is “one of the most important factors” in signature verification; if an individual does not “have adequate specimens, then the examination is a nonstarter.” 225:7–12. An individual “looking at one or two comparators” simply “cannot make a decision that a feature is a significant difference” rather than a natural variation. 239:1–3.

50. Dr. Mohammed further explained that the conditions used to create a comparator for signature verification purposes should be similar to the conditions under which the examined signature was created: for example, if the signature being examined for authenticity was created with a ballpoint pen, then the “exemplar should be . . . ballpoint on paper” as well. 237:23–238:3. Signatures taken from a stylus and digital pad, which are commonly used when registering to vote at the DMV, *see* 431:14–16, 443:7–13, are not sufficient comparators because “writing on a digital pad can introduce more variations” than if the voter was “signing with a pen or paper,” 217:1–7. This was corroborated by former Johnson County Election Commissioner Fred Sherman, who

testified that in his personal experience, the use of an “electronic pad, like most of the DMV[']s ones today, versus a wet signature on a piece of paper” could result in signature variations. 443:7–13. And Mr. Sherman agreed that signatures on voter registration applications received from the DMV or from the KSVotes website could be messy.480:21–481:20.

51. Yet the SVR requires counties to conduct signature verification—and flag ballots for rejection based on perceived signature mismatches—“even if the county only has a digital comparator on file in the voter’s registration record.” PX 52, Parties’ Stipulated Facts ¶ 93; *see id.* ¶ 92.

52. Testimony from county officials confirms this. Riley County, for instance, conducts signature verification even when only digitally captured signatures are available as comparators. *Id.* ¶ 92. As Mr. Vargo acknowledged based on his own experience in Riley County, young voters may have only a digital signature on file, which may appear different from wet-ink signatures. 703:1–5, 707:4–7. Mr. Vargo agreed that if no other signatures are on file, a reviewer may have no other choice but to reject the ballot. 707:8–19.

53. Shawnee County Election Commissioner Andrew Howell also testified that the “majority” of signatures Shawnee County receives are retrieved “electronically through the DMV system.” 747:2–12.

54. Additionally, the SVR “does not require counties to obtain a specific number of signature comparators from voters before conducting signature verification.” PX 52, Parties’ Stipulated Facts ¶ 88. In fact, Riley County Clerk Rich Vargo testified that the overwhelming majority of voters in that county have *just one* signature comparator on file. 702:22–25.

55. Dr. Mohammed also examined the mail ballot envelope signatures of voter witnesses Elizabeth Anderson and Abigail Moore, and the comparators on file with each of their

respective county election officials. 243:9–245:10. The only comparator in Ms. Anderson’s file was a “digitally-captured signature,” which is different from a pen and paper signature used on a ballot envelope. 243:19–23. According to Ms. Anderson, this comparator signature in her voter file was taken from her at the DMV, and was the “worst possible representation” of her signature because it “wasn’t very easy to write” on the plastic digital pad, there was “limited space” to sign, and she “couldn’t really see [her] name as [she] was signing it.” 187:2–23.

56. Likewise, the only comparator signature in Ms. Moore’s file was a low-quality digital signature she provided to the DMV when she was just fifteen years old. *See* 151:25–152:12. As Ms. Moore recounted during her testimony, she executed this signature on a digital pad, and it differs from her current signature in part because her penmanship “changed significantly” in the time since she was fifteen. 152:6–12; *see also* 244:15–245:10 (Dr. Mohammed confirming Ms. Moore’s comparator signature was “digitally captured”).

57. In addition to the voter witnesses, Dr. Mohammed discussed two other voters whose files included only a single digitally captured comparator signature. *See* PX 26; 247:1–17; 248:19–24 (describing digital comparator for Riley County voter who was “19 or 20 years old” and who at that point would not have had a “fully developed” signature); PX 63; 252:14–24 (describing digital comparator for a Shawnee County voter that was styled differently from the rejected ballot envelope’s wet-ink signature).³ Riley County election officials flagged the first voter’s signature as a mismatch, but she was able to cure her ballot, which was ultimately counted. PX 57.⁴ Shawnee County election officials rejected the second voter’s signature, and her vote was not counted. PX 52, Parties’ Stipulated Facts ¶¶ 114–15.

³ PX 26 and PX 63 were admitted during testimony from Riley County Clerk Mr. Vargo and Shawnee County Election Commissioner Mr. Howell, respectively. 706:3–8 (Vargo); 750:23–751:3 (Howell).

⁴ PX 57 was admitted by stipulation of both parties. 7:3–8.

58. Dr. Mohammed opined that election officials' analysis of Ms. Anderson's signature "should not" have gone "any further" because a single digital signature is not an adequate comparator; a reliable signature examination would require additional comparators of Ms. Anderson's signature that were "written with [a] pen on paper," not a stylus and digital pad. 243:19–244:1; *see also* 244:20–245:10 (Dr. Mohammed discussing how Ms. Moore's ballot envelope—signed with a wet-ink signature—was also rejected). Dr. Mohammed concluded that election officials reviewing Ms. Anderson's and Ms. Moore's signatures could not have reached reliable conclusions as to their authenticity. *See* 244:10–245:10.

ii. Inadequate training

59. The evidence established that accurately distinguishing natural signature "variation[s]" from unexplainable "difference[s]" also requires significant expertise, skill, and training, 235:2–8; *see also* 223:23–225:5, which Kansas election officials administering the SVR do not possess, 232:23–233:1.

60. Determining the authenticity, age, and source of a document is a highly specialized practice conducted by forensic document examiners. 209:19–21. Forensic document examiners require a minimum of two years of full-time training, with at least eighteen months focused on signatures and handwriting, followed by board-certification examinations. 223:20–224:8. As Dr. Mohammed explained, properly trained document examiners are *far* less likely to reach erroneous determinations regarding a signature's authenticity than are laypersons. 229:6–230:1. The Secretary of State, on the other hand, relies on a 46-minute YouTube video—originally produced by the Oregon Secretary of State (the "Oregon video") to implement Oregon, not Kansas, law—to train Kansas election officials to implement the SVR. PX 52, Parties' Stipulated Facts ¶ 50.

61. This 46-minute YouTube training video from Oregon had different criteria and standards than Kansas's SVR for several reasons. 233:8–234:12. Not only was it created to

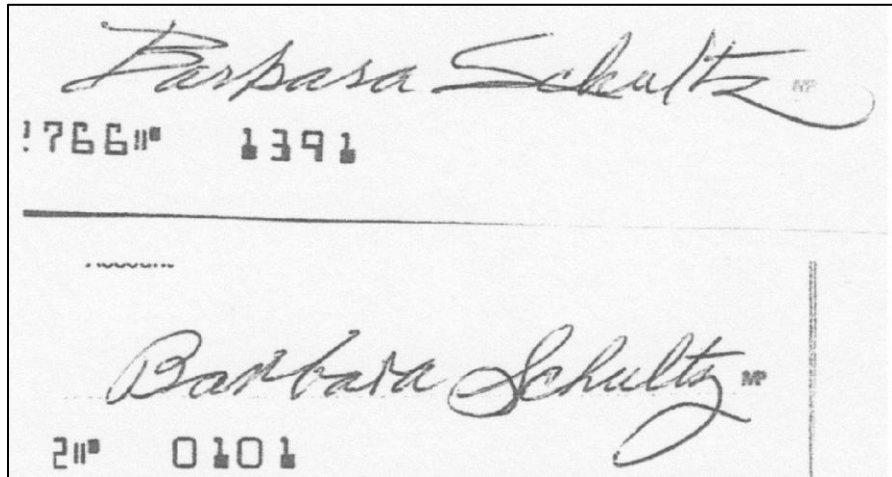
implement a different law in a different state, but Director of Elections Bryan Caskey selected the Oregon video for counties to review in 2020, before the SVR or its implementing regulations were passed, during which time some individual counties were performing signature verification despite there being no legal requirement that they do so. *See* 827:2–14; 819:6–17; 791:20–25; 792:24–793:8. Because Mr. Caskey selected that training video before the adoption of the SVR, it did not incorporate the standards articulated in the law or the Regulation. 793:9–794:7.

62. There are several other reasons why the Oregon video is facially inadequate to properly train any Kansas election official on signature verification. Its “rudimentary power point presentation” was presented by an individual who was not a certified forensic document examiner, and the presentation does not adequately explain reasons why multiple signatures from one individual may reveal natural variations, nor does it adequately explain how to distinguish between natural variations in signatures entered by the same writer, and differences in signatures entered by different writers. 233:8–10; 234:20–235:8.

63. The Secretary of State’s office does not require any additional training on signature verification beyond watching the Oregon video and reviewing the Regulation. 795:8–20.

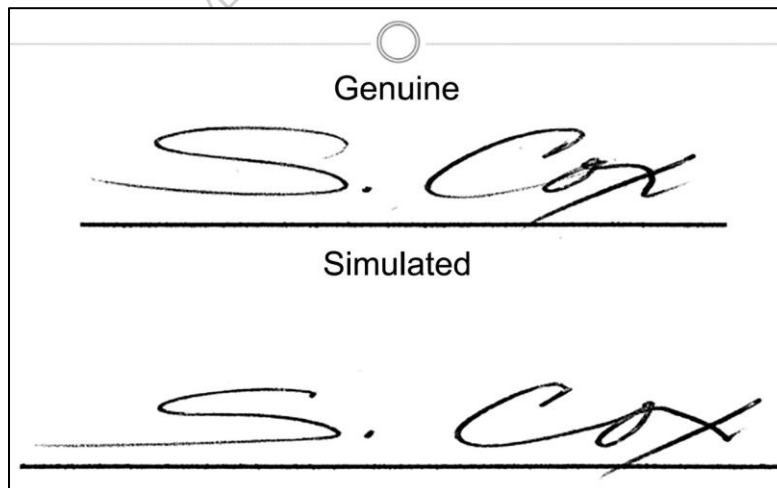
64. As Dr. Mohammed testified, laypersons without sufficient training are significantly more likely to make errors than trained document examiners in determining a signature’s authenticity. 229:20–230:1. One reason why laypersons make these errors is because they focus on “letter formations” and “picture[]” similarities between signatures, whereas trained document examiners appreciate that some part of a signature that *looks* different may simply be a natural variation. 230:2–6; 230:15–17.

65. Signatures may have pictorial dissimilarities but are nonetheless made by the same person; Dr. Mohammed provided the following as an example of two signatures written by *the same person* but made with alternate styles. See 227:21–228:12:



PX 18 at 0003, PX 85 at 0005 (Fig. 3.15, *Forensic Examination of Signatures*: Two signature styles of one writer)

66. The converse is also true. An examined signature might share pictorial similarities with the comparator signature yet still be fraudulent. The following are two signatures that appear similar, but are signed by *two different individuals*, see 230:18–231:13:



PX 18 at 0004, PX 85 at 0003 (Fig. 3.12, *Forensic Examination of Signatures*: Example of a genuine simple signature on top and a freehand simulation of that signature below)

iii. Other deficiencies in the signature verification process

67. In addition to adequate comparators and training, reliable signature verification also requires sufficient time for reviewers to analyze signatures. As Dr. Mohammed testified, the minimum amount of time necessary to conduct a reliable signature comparison spans from two to four hours. *See* 226:19–227:1.

68. But as Mr. Sherman from Johnson County explained, election officials’ initial review of ballot envelope signatures for consistency looks like a “fire hose workflow,” 427:20–23, where reviewers only have time to “do[] a quick, kind of, glancing [re]view,” 424:4–12. And in Douglas County, reviewers were asked to conduct signature comparisons on screens, with the screen depicting “four voter signatures at a time.” 236:7–8; 236:15–16.

69. The “lack of time” Kansas election officials have to review signatures, in Dr. Mohammed’s opinion, makes erroneous rejections of signatures “likely.” 236:23–237:1.

70. Finally, reliable signature verification requires the use of adequate equipment, including “microscope[s] that magnif[y] from five times to 50 times,” 224:20–24, and adequate “lighting sources,” “side light,” and “graphic software to extract the signatures and enlarge them for comparison,” 224:18–225:6; 236:9–14.

71. Yet the SVR does not ensure that Kansas election officials utilize such equipment, which also increases the likelihood of erroneous rejections. 236:23–237:1; *see also* 255:18–22; 723:20–23 (Mr. Vargo testifying that Riley County reviewers “never” use a microscope); 236:9–14 (Dr. Mohammed testifying that Douglas County reviewers utilized screens with subpar resolution that could “mislead them”).

IV. The signature verification standards and procedures applied across the State are neither objective nor uniform.

72. In addition to inadequate procedures and lack of training, Kansas's SVR provision and the Regulation do not set objective or uniform standards for determining whether signatures "match" or are "inconsistent." *See* K.S.A. 25-1124(h); K.A.R. 7-36-9; 238:21.

73. Plaintiffs presented expert testimony from Dr. Kenneth Mayer, a well-known professor of political science whose work centers on election administration. 319:7–9. He has frequently been qualified as an expert and provided opinions on election administration practices, which courts have consistently credited and relied upon. 320:8–22. Dr. Mayer concluded that the subjective nature of signature verification is exacerbated by characteristics that are unique to Kansas: specifically, that Kansas's signature verification training is inadequate and counties differ in how they implement signature verification and the cure process. 324:19–325:6. The Court finds Dr. Mayer's testimony credible and probative. Dr. Mayer is well-credentialed in the field of election administration. He holds master's and doctorate degrees in political science from Yale University, served as a tenured professor at the University of Wisconsin for nearly thirty years, and has received awards for his academic work regarding election administration and political science. PX 116 at 0001. His testimony was also corroborated by extensive evidence presented at trial.

A. Differing interpretations of the SVR Regulation

74. According to the Regulation, "match" means "that the signature is generally uniform and consistent with the voter's signature in the voter registration database," K.A.R. 7-36-9(a)(4), and "inconsistent" means "that the signature differs in multiple, significant, or obvious respects from the voter's signature in the voter registration database." K.A.R. 7-36-9(a)(2). Neither the Regulation nor the Oregon video that is the sole form of training that Kansas officials are given

by the State on signature verification explains what it means for signatures to be “uniform” or “generally consistent,” in determining whether signatures match, K.A.R. 7-36-9, nor do they define the terms “significant,” “obvious,” or “multiple,” in determining whether signatures are inconsistent.

75. As Dr. Mohammed testified, Kansas’s use of the terms “match” and “inconsistent” is “basically [] meaningless.” 238:21. Signatures can differ in “multiple, significant, or obvious respects” and still be perfectly genuine. 239:8–10. By the same token, a perceived difference between two signatures can be “obvious,” but still be “due to variation” in the same writer’s signature. 239:4–7.

76. Testimony from election officials confirmed the terms “match” and “inconsistent” are inherently subjective and their interpretations vary from one official to the next. When asked to explain what Kansas’s standard meant to him, former Johnson County Election Commissioner Fred Sherman, who has previously conducted signature matching and has also reviewed the Oregon training video, *see* 440:15–441:9, testified that a reviewer would look for “both conscious and unconscious movements of the voter,” which was “going to be things in terms of slant, size of loops, pen marks, those kind of things,” 437:20–438:6. His understanding of the term “inconsistent” meant that differences should be both “obvious and grotesque,” 500:19–22, and he described the signature verification process as a whole as one with an “artistic equation,” 449:16–24, that is like “judging art,” 539:5–8. Virtually none of these words appear in the Regulation.

77. Mr. Vargo, on the other hand, gave his own interpretation of the inquiry: “How T’s are crossed, T’s are slanted, I’s are dotted, how a signature started, how a signature ended.” 701:4–9. “There’s just a multitude of things to look at.” 701:8–9.

78. While the Regulation defines an “inconsistent” signature as one that differs in “multiple” respects from a signature in a voter’s file, K.A.R. 7-36-9(a)(2), it provides no guidance regarding “how many differences in a signature need to be present in order to require a rejection,” as Mr. Caskey acknowledged. 798:19–799:4. As Dr. Mohammed testified, the ambiguity in the *number* of differences needed to reach an “inconsistent” determination contributes to the definition’s “meaningless” nature. *See* 238:21–25. Mr. Vargo agreed that in Riley County, reviewers have to decide for themselves how many differences would warrant flagging a signature as inconsistent. 701:10–16.

79. Given these varying interpretations of the same Regulation, it should come as no surprise that county election officials agreed that different individuals can reach different conclusions about the same signature. 442:6–10 (Sherman); 710:16–19 (Vargo).

B. Inconsistent signature verification procedures

80. Individual counties have adopted varying signature verification procedures.

81. Riley County, for instance, begins with a presumption that signatures are matching and consistent. 701:17–20. But Johnson County does *not* apply such a presumption. 449:1–10.

82. Counties are also inconsistent in their consideration of a voter’s status on the permanent advance ballot list during signature verification.⁵ In Riley County, reviewers do not consider as a factor whether a voter appears on the permanent advance ballot list while comparing signatures. 701:21–702:3. Yet in Johnson County, a voter’s status on the permanent advance voter list could be “datum that is part of the . . . artistic equation” in judging whether a signature is a match or inconsistent. 449:11–24.

⁵ As noted previously, voters must have a permanent disability or illness to qualify for permanent advance status. *See* K.S.A. 25-1122(h).

83. Counties have also adopted different adjudicative procedures for determining whether a ballot envelope signature is a match or is inconsistent under the SVR. According to Mr. Sherman, there is a unique process in Johnson County for verifying signatures: if two individuals reach an “inconsistent” determination, the ballot envelope is sent to a “Special Board” for additional inspection and an additional vote. 427:5–430:2; *see also* 506:1–14; PX 52, Parties’ Stipulated Facts ¶¶ 76–81. Two additional individuals from the Special Board need to agree that the signature is “inconsistent” for the ballot to be set aside for rejection or cure. 506:2–10.

84. But, in Shawnee County, there is no separate “mail ballot board” involvement with signature matching. 756:16–21. Only two reviewers are required to reach a determination that the signature is “inconsistent” to flag a ballot as mismatched and trigger the cure process. 756:7–10.

85. In Riley County, if an election official identifies an inconsistency in a ballot envelope signature, that official would seek the opinion of a second official, and both would then review the signature together. 736:24–737:8. Though the parties stipulated that “Riley County requires at least three election officials to agree that a signature is inconsistent before rejecting it,” PX 52, Parties’ Stipulated Facts ¶ 73, trial testimony cast significant doubt over the consistency of that rule. Mr. Vargo testified that a ballot could be flagged for rejection even if “just two” individuals reached a determination that a signature is “inconsistent,” if the inconsistency was “very obvious.” 712:21–25. Mr. Vargo did not elaborate on what a “very obvious” inconsistency might be.

86. Mr. Vargo also testified that, in Riley County, if two individuals disagreed in their determination about a signature’s consistency, instead of being automatically counted, that ballot would “sometimes” go to “the election division supervisor” or Mr. Vargo himself. 728:22–25.

87. Counties are also inconsistent in how they verify signatures from assistants signing on behalf of voters with disabilities. While Mr. Caskey testified that a voter assistant's signature is "not" subject to signature verification, 808:23–809:3, Mr. Sherman confirmed that Johnson County election officials "attempt to compare the voter's assister's signature on the return envelope to the signature on [an] AV5 form." 489:1–8. When pressed about whether the fate of a ballot submitted by a voter aided by an assistant in Johnson County depends "on whether the assister" would be "able to cure," Mr. Sherman responded in part: "Who knows." 546:20–25.

88. Meanwhile, Riley and Shawnee Counties have the opposite policy: they conduct no signature verification for voter assistants. 718:24–719:2 (Riley); 765:11–16 (Shawnee).

89. Kansas counties are also inconsistent in determining which documents and signatures are scanned into the voter registration system to serve as comparators. 434:18–435:15. Mr. Sherman testified that Johnson County "took it upon [itself]" to scan "virtually[] every submitted signed document from a voter." 431:11–14.⁶ But that is "not generally the practice of every county." 515:12–14.

90. As Mr. Sherman explained, when voters "move[d] to Johnson County from another county in Kansas," there was "shockingly" a "lack of a lot of documentation" for those voters. 435:1–4. Some voters only have one comparator on file, which is the signature from the voter's original voter registration application. 435:24–436:3.

⁶ Though Mr. Sherman testified that Johnson County scanned virtually every signed document received from a voter, 421:20–22, 431:11–25, that the vast majority of advance mail ballot applications are scanned, 433:7–20, and that Johnson County's production of comparator signatures did not intentionally leave out any signatures, 448:23–25, the comparators produced in this litigation for voters whose ballots were flagged for signature mismatch in Johnson County in the 2024 general election do not include any advance mail ballot applications. *See* PX 46 (Johnson County's discovery production).

91. In Riley County, the overwhelming majority of voters have just one signature comparator on file. *See* 702:22–25.

92. Shawnee County does not scan the entirety of a voter's records into its system. *See* 754:13–755:1. It is “fairly rare” for election officials in Shawnee County to add voter signatures from advance mail ballot applications to the voter's registration record, 754:8–12, though they will sometimes look for comparator signatures that are “beyond the database itself,” and will reference signatures captured on “poll book[s]” that have not been scanned into the system. 747:13–25; 748:5–15; 754:23–755:1.

C. Varying cure procedures

93. The evidence at trial also revealed significant variation in the methods and procedures adopted by county officials for curing flagged signatures.

94. For instance, Johnson County's general practice is to require voters to appear at an election office in person to cure a flagged ballot, *e.g.*, 462:12–17, and the County does not typically allow voters to cure via email. PX 52, Parties' Stipulated Facts ¶ 103.

95. Though Johnson County instituted a new exception for voters with disabilities—which requires an individual with a disability to “specifically advise[] the election office that he/she is physically unable to come into the office to cure a signature mismatch” before the County will allow that individual to cure by email, fax, text, or regular mail—the parties have stipulated that Johnson County still “normally requires voters to cure their signature mismatches on advance mail ballots *in person*.” Joint Stipulation Regarding Testimony of Connie Schmidt ¶ 7 (July 21, 2026).

96. In Riley and Shawnee Counties, however, voters with flagged signatures have the option to fill out a signature verification card and submit it to the counties electronically, including via email. 716:13–717:8 (Riley); 759:14–20 (Shawnee).

97. Additionally, voters in Johnson County must also provide photo ID when they arrive in-person to cure signature mismatches. 461:8–13; 466:21–467:1. But in Shawnee County, there is “no hard rule” about whether voters must provide photo ID to cure as long as election officials are “certain” that the voter is who they say they are. 759:21–25.

98. Furthermore, voters across counties do not have the same amount of time to cure their ballots after they have been flagged for an inconsistent signature. 342:14–343:3. Voters have “until the commencement of the county board of canvassers” to cure their ballots, PX 52, Parties’ Stipulated Facts ¶ 97 (quoting K.A.R. 7-36-9(d)(1)), but in general elections, Kansas counties have discretion to set the date of their county’s canvass between six and thirteen days after the election. *Id.* ¶ 107. As Mr. Caskey confirmed, the date “each county sets” for the start of its canvass is the deadline for when a voter can cure a ballot that has been flagged for signature verification. 813:12–25; *see also* 714:25–715:12 (Mr. Vargo confirming the same). For some voters, that deadline may fall up to a week earlier (or later) than the deadlines imposed on voters in other counties.

99. As Plaintiffs’ expert Dr. Mayer testified, these variations in methods of curing impose different costs and burdens on voters depending on the county they live in. 343:4–344:4.

D. Inconsistent use of training materials

100. Kansas counties also differ in providing training or guidance to election officials tasked with verifying mail-ballot signatures.

101. As Dr. Mayer testified, some individual Kansas counties have supplemented the Secretary of State’s training (i.e., the Oregon video) with their own idiosyncratic materials, including Johnson and Douglas Counties. *See* 336:11–337:9 (Mayer discussing training materials).

102. In Riley County, election officials still reference materials that were distributed during a presentation by a “signature verification specialist” from Colorado in 2016. *See* 720:6–15; 721:10–17; 725:11–18; PX 23. But, as Mr. Vargo testified, Riley County officials do not

necessarily follow all aspects of that presentation. While the training materials recommend the use of equipment like microscopes and protractors, Riley County officials use neither. 723:14–724:12.

103. The Riley County training materials are also of questionable quality. Though Mr. Vargo testified that his election staff used only some “parts of” the consultant’s guidance, the training document made dubious claims that cast serious doubt on its reliability. It claimed, for example, that an examiner can tell the “gender of [a person’s] unborn baby” based on their handwriting, and that an examiner can tell whether someone is “gullible or trusting” based on their handwriting. PX 23 at 0005; *see also* 725:1–10; 724:21–25. It also claimed that handwriting can be analyzed to “help choos[e] a good partner,” determine whether someone is a “big thinker,” or displays “optimism/pessimism.” PX 23 at 0004–5.

104. Johnson County, on the other hand, developed its own “Signature Verification Guide” for training purposes, 471:4–6, which was given to Johnson County’s “Special Board,” 475:15–20. The guide was created by a staff member after having conducted “online research,” 473:17; *see* PX 7; *see also* PX 52, Parties’ Stipulated Facts ¶ 58. Johnson County continued to use its Signature Verification Guide after the Secretary published the Regulation, even though the guide did not incorporate the Secretary’s guidance. 536:8–22.

105. Shawnee County requires no formal training of signature reviewers other than the Oregon video distributed by the Kansas Secretary of State’s office. 761:3–15.

106. In sum, the Court finds that the weight of the evidence presented at trial establishes that the SVR is not applied uniformly or with objective standards across Kansas. Defendants did not dispute that counties applied the varying standards and procedures identified by Plaintiffs, and the Court was not persuaded by Defendants’ attempt to rebut Plaintiffs’ evidence through their expert, Dr. Lonna Atkeson. During her testimony, Dr. Atkeson admitted that she did not assess

whether Kansas counties are implementing the SVR uniformly, and therefore offered no expert opinion on that issue. 626:11–14.

V. Kansas’s cure procedures do not ensure that voters will be notified in a timely manner or have a meaningful opportunity to cure.

107. Implicitly acknowledging the high risk that the SVR will result in the rejection of advance mail ballots with authentic signatures during county officials’ initial signature comparison, Defendants point to the cure process as a backstop to protect voters from disenfranchisement. It is not.

108. K.S.A. 25-1124(b) states that a 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 commencement of the final county canvass.”

109. Neither the Regulation nor the statute requires that counties *successfully* make contact with voters whose ballots have been flagged under the SVR before rejecting their ballots. These authorities require only that county election officials attempt to contact the voter. *See* K.A.R. 7-36-9(b)(2).

110. That means ballots in Kansas can be rejected for signature mismatch without the relevant voter having been given actual notice.

111. As Mr. Sherman testified, “contacting” voters to cure their ballots “has some problems.” 458:5–7. For instance, while the Regulation requires county election officials to contact voters by phone, for many voters, election officials do not have accurate phone records. 458:7–14.

112. In fact, voters Elizabeth Anderson and Abigail Moore testified that they did not receive any notice from their counties that their ballots had been flagged for a mismatched signature and ultimately rejected. 185:9–21; 150:24–151:12.

113. Voter Haley Kottler did not receive notice that her ballot had been flagged for a signature mismatch until the week after the election. 164:1–11; PX 83 at 0005 (confirming that Ms. Kottler was not contacted by phone until November 14, 2022).

114. Ms. Kottler was not the only voter in Sedgwick County who was not contacted about a signature mismatch until the week after the election; documents show that at least three other voters in Sedgwick County were not called until November 14, 2022, and that one of those voters, S.C., attempted to cure her signature but her cure documentation was received too late for her vote to be counted. *See* PX 83 at 0005 (Reg. ID # 5013175).⁷

115. While the Regulation also authorizes contact by “electronic mail,” this option is unavailable for many voters. As Mr. Vargo testified, Riley County does not “have a lot of e-mails for registered voters.” 716:1–3. Mr. Sherman agreed: “a lot of people don’t want to put their e-mail address in the voter registration record.” 458:12–14.

116. Nor is first-class mail an adequate means to notify affected voters. Some voters might not receive mail notice at all. Evidence at trial demonstrates that mail notice is sent to voters’ registration address, not the address at which they received their mail ballot—such as a college dormitory. *See* 715:13–20; *see also* PX 63, PX 64 (showing mail notice sent to voter’s registration address, not the mailing address where their ballot was delivered).

⁷ The Kansas Supreme Court has held that “[n]o evidentiary rule requires a foundation; rather, it is a ‘loose term for preliminary questions designed to establish that evidence is admissible.’” *Wiles v. Am. Fam. Life Assur. Co. of Columbus*, 302 Kan. 66, 74, 350 P.3d 1071 (2015). This evidence is admissible because it was authenticated by the affidavit of the custodian of business records under K.S.A. 60-460(m). In *State v. Cleverley*, 53 Kan. App. 2d 491, 390 P.3d 75 (2017), the Kansas Court of Appeals rejected an argument that the district court erred by “relying on the affidavits submitted by the records custodians to admit the evidence without requiring the personal attendance of the records custodians at the trial.” *Id.* at 497. This Court may therefore rely on the exhibits that were properly accompanied by a business records affidavit and were therefore self-authenticating under Kansas law. This document’s accuracy was attested to by the records custodian of Sedgwick County, and logs contacts with voters related to signature mismatches, as is required under K.A.R. 7-36-9(c). This Court finds the log credible.

117. Even for voters who receive actual notice that their ballots have been flagged for signature mismatch, delayed notices often truncate the period by which voters will have an opportunity to cure.

118. Records from Sedgwick County demonstrate that county officials mailed notices *after* election day, and waited days later to follow up with calls. *See* PX 83, PX 84. For example, election officials mailed voter J.H. notice that his signature had been flagged on November 9, 2022, but the County did not attempt to call him by phone until days later, on November 14, 2022—almost a week after the election. *See* PX 83 at 0004. His signature was ultimately not cured. *See id.* The record is replete with similar instances. *See generally* PX 84.

119. Moreover, as Mr. Sherman explained, mail delivery in Kansas may take three to five days, even within the same zip code. 460:5–8. That is because “the vast majority of mail ballots” are processed by “a vend[o]r that’s located out of state.” 459:18–20. Mr. Caskey agreed that the Secretary of State’s Office has advised that voters should assume their mail could take a week to reach their county election office, and both the Secretary himself and Mr. Caskey have complained about mail delays in Kansas. 814:6–15.

120. In addition to ensuring sufficient notice, the SVR also does not afford voters meaningful opportunities to cure, even if they are notified.

121. While voters in some counties may cure by mail or electronic device, others—particularly those in Kansas’s most populous county, Johnson County—are required to present themselves in person, along with photo ID. *See* 462:12–17; 543:12–544:2; PX 52, Parties’ Stipulated Facts ¶ 103.

122. Though Johnson County recently instituted a new exception for voters with disabilities, the county’s current election commissioner has confirmed that Johnson County still

“normally requires voters to cure their signature mismatches on advance mail ballots *in person*.” Joint Stipulation Regarding Testimony of Connie Schmidt ¶ 7 (July 21, 2026).

123. Records maintained by election officials during the cure process corroborate this. They reveal that even voters who expressed to election officials that they faced extenuating circumstances preventing them from curing in person were ultimately unable to cure their ballots. *See* PX 12 at 0135 (noting that voter S.A.G. was “bed-ridden” and unable to visit election office in person); *id.* at 0010 (noting that voter J.G. was “unable to leave” nursing home); PX 15 at 0006 (noting that voter M.J.C. had “medical issue and cannot not [sic] come to office”). And Mr. Sherman agreed that these exhibits reflect the final outcome of attempts to cure voters’ ballots up through the canvass. 456:14–19.

124. The availability of flexible curing options is critical to protect all voters whose signatures have been incorrectly flagged. As Dr. Mayer testified, some cohorts of voters are better able to comply with burdensome administrative rules than others. Specifically, voters who are older or have higher socioeconomic status are more likely to overcome administrative barriers than voters who are younger, have lower income, or have less education. 328:9–329:15.

VI. The SVR does not sufficiently advance any relevant state interest.

125. Defendants seek to justify the SVR as an election integrity measure meant to prevent voter fraud and ensure public confidence in elections. But these justifications are neither relevant nor supported by the evidence presented at trial.

126. Plaintiffs’ expert testified—and Defendants’ expert agreed—that voter fraud is vanishingly rare. 344:12–25 (Mayer); 615:25–616:1 (Atkeson). There is no evidence of material levels of voter fraud in Kansas. 347:8–12. Defendants’ expert Dr. Atkeson could not identify a single time when a ballot was stolen and voted by a third party in Kansas. *See* 616:22–25. And there is no evidence that the SVR has detected advance voter fraud. *See* 347:25–348:3.

127. County election officials themselves testified that when conducting signature verification, they do not consider a mismatched signature as evidence of voter fraud or an inauthentic signature warranting referral to law enforcement officials. 445:1–22; 708:15–22; 763:12–764:7; 766:6–11.

128. Indeed, election officials—including the Secretary of State’s Election Director, Bryan Caskey—repeatedly declined to defend signature matching as a process that could reliably detect fraud or authenticity. 445:1–22; 708:15–22; 763:12–764:7; 766:6–11; 806:8–18 (Caskey). A “signature, by itself,” Mr. Caskey explained, “can’t determine whether or not someone is legally qualified.” 806:8–18; *see also* 445:1–22 (Fred Sherman testifying that flagging a signature as inconsistent is not a determination that “fraud [] ha[d] occurred.”); 498:13–21 (Fred Sherman testifying that signature verifiers are not trying to determine authenticity to a scientific certainty, but that they are “trying to make sure [signatures] are generally consistent and uniform”); PX 52, Parties’ Stipulated Facts ¶ 106.

129. Furthermore, as Mr. Vargo acknowledged, the overwhelming majority of ballots flagged under the SVR are cured, which is strong evidence that the flagged signature was actually authentic, 708:23–709:6, and an “inconsistent” determination is not the same thing as saying that the envelope was signed by someone other than the voter, 708:15–22. Indeed, Riley County makes no referrals to law enforcement agencies even after a ballot flagged for a signature mismatch has not been cured, 709:18–22, and does not assume the mismatch was the result of fraud, 709:23–710:3.

130. Shawnee County Election Commissioner, Andrew Howell, also testified that he has never referred to law enforcement any of the ballots that were flagged and not counted for signature matching issues after the SVR took effect, because he “had no specific reason to believe that it

was somehow fraudulent” or that any of the rejected ballots were signed by someone other than the voter. 763:12–764:7; 766:6–11. Mr. Howell has, however, referred other *non*-signature-matching issues to the Sheriff’s Office for fraud investigations. 775:11–776:11.

131. Defendants likewise presented no evidence that the SVR is needed to prevent hypothetical future instances of voter fraud. There are significant safeguards against voter fraud already in place in Kansas, including criminal penalties and maintenance of voter rolls, as well as the security features of the advance ballot application, which itself requires voters to provide their government ID number and their signature, which county election officials verify. *See* 348:4–16; 617:17–618:11.

132. Nor is there evidence, as Dr. Mayer confirmed, that Kansas’s SVR has any effect on voters’ confidence in elections. 348:17–351:5. On that score, the Court is not persuaded by Dr. Lonna Atkeson’s testimony about voter confidence. The testimony was based on a survey that Dr. Atkeson admitted did not reference any of the conditions present in Kansas’s signature verification process, including the highly error-prone nature of the signature review process, the inadequate number of comparators, and the lack of any meaningful training, among other issues. 621:15–623:3.

133. On the flip side, even one negative experience during the voting process has been shown to have a significant negative effect on voter confidence that can last for years. 350:22–351:11. The Kansas voters whose ballots were rejected or identified as having a signature mismatch all testified that their confidence in Kansas elections was shaken as a result of their experiences. 152:23–153:11; 168:12–21; 188:7–21; 190:8–14.

134. Ms. Kottler has chosen not to vote by mail at all since her ballot was flagged for rejection, because her experience was so stressful. 164:20–165:16, 168:12–21. Ms. Anderson would not vote by mail again in the state of Kansas. 190:6–7.

135. The Court concludes that the SVR does not serve the purpose of preventing voter fraud or promoting public confidence in elections.

VII. The SVR impacts a significant number of voters in each election.

136. In determining how many voters are impacted by Kansas’s SVR, the raw number of rejected ballots does not tell the full story.

137. The parties agree that, in the 2022 and 2024 general elections, county officials reportedly rejected 130 and 94 advance mail ballots respectively due to an “inconsistent” signature determination. *See* PX 52, Parties’ Stipulated Facts ¶¶ 108–09. But the Secretary of State’s Office does not track the total number of voters whose signatures were initially deemed to be inconsistent but ultimately had their ballots counted because they took additional steps to “cure” their signatures. *Id.* ¶¶ 67–69.

138. While Defendants’ mathematics expert, Dr. Aleksandr Aravkin, attempted to quantify the risk of a voter having their ballot rejected due to an inconsistent signature, 663:20–664:25, Dr. Aravkin’s opinions addressed only the downstream impact of Kansas’s SVR, 683:21–25. He did not know the *total* number of ballots judged to have an inconsistent signature before going through the cure process—he focused solely on the ballots that were not counted. 688:17–21; 682:7–9.

139. Furthermore, Dr. Aravkin, a mathematician, has no background in election administration or signature matching, *see* 673:15–676:11, and he admitted on cross-examination that the same mathematical outcome he observed in Kansas’s 2022 and 2024 elections could theoretically have arisen under any process Kansas chose to implement for rejecting ballots,

686:6–14, even one that required election officials to flag ballots based on nothing more than a gut feeling, 685:21–686:14.

VIII. Plaintiffs and their constituents are harmed by the SVR.

140. Plaintiffs presented compelling testimony from their executive officers establishing that the SVR harms their organizational activities and constituents. The Court finds this testimony credible and also consistent with testimony from other witnesses presented throughout Plaintiffs' case-in-chief. *See, e.g.*, 324:14–18; 330:1–331:5 (testimony from Plaintiffs' expert Dr. Mayer that the SVR imposes burdens on voters that are difficult to comply with if their signatures are not judged to match); 188:9–21; 150:15–18 (testimony from individual voters Abigail Moore and Elizabeth Anderson about the harm and discouragement stemming from ballots rejected due to the SVR).

A. Plaintiff Loud Light

141. Plaintiff Loud Light is a nonprofit organization that increases civic engagement among underrepresented populations in Kansas.

142. Loud Light's President, Davis Hammet, testified on behalf of Loud Light at trial. The Court credits Mr. Hammet's testimony regarding Loud Light's operations and the SVR's impact on Loud Light's organizational activities.

143. Loud Light's activities focus on empowering underrepresented individuals to impact decision makers, filling gaps in electoral representation, and increasing civic engagement among young Kansans—which necessarily includes helping voters both (1) register to vote and (2) vote. 99:3–12. It employs community organizers, staff, and fellows across the state. 100:25; 101:13–21; 102:3–103:6. The organization's organizers, staff, and fellows engage with voters before, during, and after elections. 103:20–24.

144. The SVR directly harms Loud Light as an organization by frustrating Loud Light's efforts to ensure voters have their votes counted, thus requiring the organization to divert resources from its other voting and non-voting related activities toward education and ballot cure programs to prevent voters from having their ballots rejected under the SVR.

145. Before elections, Loud Light engages in community canvassing, door-knocking, and registering voters. 104:2–5. The SVR makes it more difficult for Loud Light to educate voters about the voting process, including about how to successfully vote by mail. 106:5–18; 107:16–108:14. Because the SVR requires counties to reject mail ballots bearing signatures that are deemed inconsistent with voters' previous signatures, Loud Light must spend time educating its constituents about how to confirm their votes were actually counted, and how to cure their ballots if they are flagged for rejection. *Infra* ¶¶ 148–51.

146. Answering voters' questions about the SVR represents a significant challenge for Loud Light. 107:16–108:14. Loud Light grapples with questions like: “how do I make sure my signature is matching?”; “[h]ow do I know . . . what is it matching against?”; and “how will I be told if my signature is flagged?” 108:9–12. As a result, the organization has to devote an increasing amount of time to addressing these questions given the absence of uniform standards, 142:16–23, 143:8–14, and the practical difficulties inherent in instructing voters on how to “make a matching signature,” 106:17–18. In doing so, Loud Light spends “many, many hours” contacting Kansas's 105 counties for information about the SVR's implementation. 109:5–16; 110:15–22.

147. The SVR also harms Loud Light's post-election day organizational activities.

148. Loud Light administers a contact-and-cure program for voters whose ballots are flagged and at risk of not being counted under the SVR. 104:8–17; 112:3–4.

149. As part of its cure program, Loud Light must contact counties to request “ballot data,” which includes information about ballots that have been flagged for rejection under the SVR and are subject to cure. 111:9–19. Loud Light uses this data to then “identify” and “attempt to contact” voters whose ballots have been challenged. 111:9–19.

150. Because of the SVR, Loud Light must devote additional time to obtaining and deciphering data from different counties, much of which “is not kept in a standard form,” 112:3–4, to identify voters whose ballots were flagged with inconsistent signatures and advise them of their need to cure. 111:9–19.

151. Thus, the SVR perceptibly impairs Loud Light’s programs, including particularly in their efforts to encourage voting and ensure their constituents’ ballots are counted. 112:10–15. Mitigating the SVR’s effects on its programming also requires Loud Light to divert resources from other non-SVR-related activities towards its ballot curing program. 113:22–115:19. Loud Light has had to expend more executive-level time toward contacting counties for information about the SVR’s implementation and ballot data, which takes time away from the organization’s get-out-the-vote outreach and micro-targeting activities. 114:2–20; 116:4–11.

B. Plaintiff Lois Curtis Center

152. Plaintiff the Lois Curtis Center provides resources, services, and guidance for individuals with disabilities experiencing barriers in their lives and communities. 12:10–15.

153. The Center’s Director, Ami Hyten, testified on the Center’s behalf. The Court credits Ms. Hyten’s testimony regarding the Center’s operations and the SVR’s harmful impact on the Center’s organizational activities.

154. The Center serves “all people with disabilities,” along with individuals who face other kinds of barriers like transitioning from institutional settings such as incarceration, foster care, nursing homes, and state hospitals, or individuals who are unhoused. 15:15–16:2.

155. The Center has a “two[-]track[ed]” mission. 12:18. Its first track minimizes barriers faced by community members in their everyday lives by offering them direct resources, services, and support. 13:1–4. The second track examines and minimizes *systemic* barriers that impact the Center’s community members. 13:5–10.

156. The Center provides a variety of services to its community members. It offers, for example, laundry facilities, shower facilities, and a food pantry at its physical location. 17:5–10. The Center also assists individuals with applying for housing and benefits, and provides telehealth spaces. 17:14–25.

157. The Center also offers voting-related services at its community events. 18:3–12. It offers voter registration to everyone who comes into the Center’s facility, “education” to individuals about voter registration, and has direct conversations with individuals about their physical disabilities and other voting-related “barriers.” 18:3–12. The Center also educates and assists its community members with “advance ballots and application[s] for advance ballots.” 18:3–12.

158. Increasing access to the franchise is directly related to both prongs of the Center’s two-tracked mission. Ms. Hyten explained that because voting is a “turnkey for systemic change,” the Center’s activities seek to reduce everyday barriers for individuals in accessing the ballot box. 18:18–19:7.

159. Since the Center’s community members face numerous hurdles associated with attending election offices in person, including accessibility accommodations and transportation options, 23:22–24:13, voting by advance ballot is particularly important for many of the Center’s voters. By and large, the Center’s community members vote by advance mail ballot, and the Center spends “a lot of time talking to people” about mail voting. 19:15–21.

160. After the SVR went into effect, Kansans with disabilities began expressing concerns to the Center about how the requirement to sign ballot envelopes consistently would impact the legal status of their ballots. 24:24–25:5.

161. Though Ms. Hyten acknowledged that the SVR contains an exception for individuals with disabilities, she also testified that she was unaware of any standards defining what it means for a voter to be unable to sign their name consistently, “really can’t give [voters] any sort of guidance” regarding how to “assert the exception,” and confirmed there is no place on a ballot envelope for voters to mark that they are unable to sign their names consistently because of a disability, 29:13–15; 29:24–30:2.

162. As such, the Center had to pivot and start providing individuals with “signature stamps” so they “would at least have something that was consistent with respect to their signature that they could use.” 25:8–18. But as Ms. Hyten testified, these signature stamps only bore voters’ “current signatures,” not previous signature styles that these individuals with disabilities might have used to sign documents in the past. 26:1–7. The Center does not have “any way” to create stamps bearing previous versions of voters’ signatures. 26:6–7.

163. In addition to providing signature stamps for some of the Center’s community members, the Center has had to expend resources on education programs to “mak[e] sure that people recognize and understand the requirement and what it means for their ballot.” 26:8–25. These efforts include meeting with other statewide groups and engaging with individual voters themselves. 26:8–27:7. Indeed, the Center has engaged with over 2,000 individual Kansas voters in the Center’s educational settings. 27:1–7.

164. These efforts to assist community members to navigate the SVR demand more resources than before, 30:23–31:21, including hiring staff who are adequately informed and can “give people good information” about the SVR’s requirements. 31:11–15.

165. Given the additional staff needed to address voters’ questions and assist voters in navigating the SVR, the Center is no longer able to engage in other voter engagement activities important to its mission, like door-knocking, 31:16–32:14, and non-voting related activities, including programs that help individuals navigate the criminal expungement process, 32:15–33:12.

C. Plaintiff Kansas Appleseed

166. Kansas Appleseed’s Executive Director, Jami Reeve, testified on behalf of Kansas Appleseed. The Court credits Ms. Reeve’s testimony regarding Kansas Appleseed’s operations and the SVR’s harmful impact on Kansas Appleseed’s organizational activities.

167. Plaintiff Kansas Appleseed is a nonprofit organization that actively works to ensure that Kansans live in “thriving, just, and inclusive communities.” 78:9–11. Two of its three campaigns—called “thriving” and “just” campaigns—focus on non-voting related activities such as increasing access to SNAP benefits, expanding child nutritional programs, and advocating for changes to driver’s license suspension laws that impact young adults. 78:15–79:11.

168. Kansas Appleseed’s “[i]nclusive” campaign houses “[its] civic engagement work,” which encourages Kansans to become engaged with their communities through “service, participat[ing] in elections,” and “advocating with their elected officials.” 79:12–16. Kansas Appleseed encourages participation in Kansas elections by hosting voter registration tables at gatherings across the state, including at farmer’s markets and college campuses, 79:20–80:1, writing publications about voting laws, and hosting webinars and in-person presentations, 80:14–19.

169. Advance mail voting is “really important” for Kansas Appleseed’s constituency. 81:11–16. These individuals often have low income and do not have flexible jobs or a driver’s license; voting by advance mail ballot is one of the best ways for them to participate in elections. 81:14–21; *see also* 86:24–87:10.

170. Kansas Appleseed’s constituents rely on the organization for advice, research, and guidance about laws that impact their lives, 89:20–24, but the SVR has made it more difficult for the organization to educate voters about the mail voting process, 84:13–16. Indeed, Kansas Appleseed “immediately saw the harms” caused by the SVR shortly after it was implemented, 82:23–24, when one of its own employees, Haley Kottler, had her ballot flagged for signature mismatch. 89:4–16. In response to the SVR, Kansas Appleseed has been forced to divert resources and staff away from non-voting related activities and toward the more “technical” aspects of voting in order to support its constituents in using advance mail ballots and navigating the signature verification process in particular. 90:16–21.

171. As Ms. Reeve explained, the SVR’s implementation has many “gray areas”: (1) the organization is unsure how a voter can ensure their vote will count if it is flagged by an election official for a signature mismatch but the voter “doesn’t actually receive a phone call” about curing; (2) the organization does not know which signatures voters’ ballot envelopes will be matched to; and (3) the organization finds it difficult to advise voters to “try [and] match” their signature to “whatever signature that they’re going to be held accountable to.” 83:14–84:7; 84:18–23. As a result, Kansas Appleseed now has to educate constituents about these “gray areas” at its voting-centered events, and provide voters with guidance about how to cure their ballots to prepare them to navigate the mail voting process. 88:7–24.

172. Addressing the SVR's added difficulties has required the organization to divert resources "away" from other activities. 90:16–21. Kansas Appleseed now focuses less on its integrated voter engagement campaign—which "link[s] up issues" of policy to voting—and has also "had to shift [its] employees" who work on its Hunger and Youth and Adult Justice campaigns "to do voter registration and presentations" to "make sure voters were aware of what the changes were in the [SVR]." 83:3–7; 91:1–7. As Ms. Reeve explained at trial, absent the SVR, Kansas Appleseed could "more fully commit to [its] integrated voter engagement model," 91:8–13, which involves "educat[ing]" its constituents "about the power of their vote," 80:4–10, by "linking . . . issues to voting," which helps Kansas Appleseed's constituents make their "lives . . . better off because of their vote," 90:10–15.

D. Plaintiff League of Women Voters of Kansas

173. Plaintiff the League of Women Voters of Kansas (the "League") is a nonpartisan, volunteer-led organization whose primary mission is to promote voter engagement, voter registration and civic engagement, and help community members feel more involved in the electoral process. 51:4–8; 52:2.

174. The League's current member, former co-president, and former communications chair, Jacqueline Lightcap, testified on behalf of the League at trial. The Court credits Ms. Lightcap's testimony regarding the League's membership, operations and the SVR's impact on the League's membership.

175. The League is a member of the national League of Women Voters, which is based out of Washington, D.C. 50:11–14. The League has nine local leagues across Kansas, 50:13–16, and approximately 1,000 dues-paying members in Kansas, 51:20–22, the vast majority of whom are registered voters, 64:25–65:1. The League also has members who vote by advance mail ballot. 52:22–23.

176. The League encourages Kansans to vote by hosting voter registration tables, answering voters' questions, and holding candidate forums at various events, among other forms of outreach. 53:4–54:16. Through these activities, the League both promotes and educates Kansans on voting by advance ballot. 55:10–12.

177. A “large” portion of the League’s membership is “over . . . retirement age,” and as Ms. Lightcap has observed, “handwriting is an area that can get worse as one gets older,” meaning that the SVR could be “more challeng[ing]” for the League’s members than the general population. 61:21–62:1; *see also* 61:19–62:1 (Ms. Lightcap testifying that she was concerned about the SVR’s effects on the League’s membership, specifically).

178. The same is true for the League’s members with disabilities, who are also at risk of being swept up by the SVR. 62:13–15. One of the League’s members, for example, votes by advance ballot and suffers from limb-girdle muscular dystrophy, which makes it challenging to move, and creates a high chance that this member’s signature will be affected as her condition worsens over time. 63:5–12; 63:19–22; 66:5–7.

179. As Ms. Lightcap testified, there are “many” similarly situated members for whom the SVR can also pose an “extra burden.” 63:23–64:5. This is especially true because, as Ms. Lightcap explained, the language on Kansas’s AV5 form (used to designate voter assistants who may sign a mail ballot envelope on a voter’s behalf) refers only to individuals with disabilities who are “prevent[ed] . . . from signing,” but does not extend the same accommodation to those who are physically able to sign their ballot envelope but, because of their disabilities, cannot produce a *consistent* signature. 74:20–25.

CONCLUSIONS OF LAW

I. Plaintiffs have standing to challenge the SVR.

A. Organizational Standing

180. Plaintiffs Loud Light, Kansas Appleseed, and Lois Curtis Center have organizational standing to challenge the SVR.

181. “Parties in a judicial action must have standing as part of the Kansas case-or-controversy requirement imposed by the Judicial Power Clause of Article 3, § 1 of the Kansas Constitution.” *League of Women Voters of Kan. v. Schwab* (“*LWV IP*”), 317 Kan. 805, 812, 539 P.3d 1022 (2023).

182. Kansas’s two-part standing test “differs from the federal standard.” *Id.* (citing *Kan. Bldg. Indus. Workers Comp. Fund v. State*, 302 Kan. 656, 679–80, 359 P.3d 33 (2015)). It requires only that a party “demonstrate they have ‘suffered a cognizable injury’ and that there is ‘a causal connection between the injury and the challenged conduct.’” *Id.* (quoting *State v. Bodine*, 313 Kan. 378, 385, 486 P.3d 551 (2021)). A cognizable injury arises when a party “suffer[s] some actual or threatened injury as a result of the challenged conduct.” *Id.* (quoting *State v. Stoll*, 312 Kan. 726, 734, 480 P.3d 158 (2021)). “An organization may assert standing in its own right if it can establish a cognizable injury and a causal connection between the injury and the challenged conduct.” *League of Women Voters of Kan. v. Schwab* (“*LWV*”), 63 Kan. App. 2d 187, 203, 525 P.3d 803 (2023) (citing *Gannon v. State*, 298 Kan. 1107, 1127, 319 P.3d 1196 (2014)), *aff’d in part, rev’d in part*, 318 Kan. 777, 549 P.3d 363 (2024).

183. In 2023, the Kansas Court of Appeals concluded that Plaintiffs’ allegations of standing were sufficient to challenge the SVR. *See id.* at 201–04; *see also* Order Denying Defs.’ Mot. to Dismiss (Mar. 27, 2025) (“Mar. 2025 Order”) (“[T]he *LOWV I* panel concluded that Plaintiffs had standing to raise various challenges to the signature verification requirement . . .”).

184. In particular, the Court of Appeals determined that Plaintiffs’ allegations of injury were sufficient because “they encourage advance voting” and would “have to divert resources from their other voter assistance activities to ballot cure programs to prevent voters from being disenfranchised by the new signature matching requirement.” *Id.* at 204. The Court of Appeals specifically noted Plaintiffs’ allegations that they (1) “organize[] ballot cure programs, contact[] voters whose ballots are challenged by election officers for mismatched signatures, and educate[] them on how to cure their ballots”; (2) “encourage[] voters to sign up for advance voting” and have constituencies that “are far more likely to have their ballot rejected due to purportedly mismatched signatures”; and (3) “promote[] advance voting to increase voter turnout among individuals with disabilities” *Id.* at 201–02.

185. The Court of Appeals further highlighted Plaintiffs’ allegations that, because of the SVR, Plaintiffs would “expend greater resources educating the public about the lack of standards for signature rejection, and how to avoid its disenfranchising effects,” and “help[ing] voters cure their ballots and combat the disenfranchising effects of county election officials rejecting purportedly mismatched signatures”; and “expend more resources, including limited staff hours, ensuring that people are educated about its disenfranchising effects and how to avoid them, as well as assisting any voters whose ballots are rejected as a result of a signature mismatch.” *Id.*

186. As this Court has already held, “the Court of Appeals in *LOWV I* concluded that Plaintiffs had standing to challenge the [SVR], and this conclusion was not disturbed by the [Kansas] Supreme Court in *LOWV III*.” Mar. 2025 Order at 6. That the Kansas Supreme Court “chose not to disturb the Court of Appeals ruling on Plaintiffs’ standing” is “a strong indication that the Supreme Court believed Plaintiffs had standing.” *Id.* at 7.

187. That conclusion still holds, and now Plaintiffs have established at trial the same organizational injuries the Court of Appeals determined were sufficient to confer standing, and which the Kansas Supreme Court did “not . . . disturb.” Mar. 2025 Order at 7. As a result, this Court is bound to find that Plaintiffs have standing.

188. First, the Court considers Loud Light. The evidence shows that the SVR “perceptibly impair[s]” and “frustrate[s]” Loud Light’s ability to educate and encourage voters to vote before elections, and to ensure their ballots are counted after elections. *LWV*, 63 Kan. App. 2d at 203 (quoting *Havens Realty Corp. v. Coleman*, 455 U.S. 363, 379 (1982)); *supra* ¶¶ 141–51. Loud Light has been forced to divert more resources from its core work— “[p]romoting people to get registered to vote,” educating them about “what elections are coming up,” “what is on the ballot,” “actually get[ting] out the vote,” “hosting events,” “making content to educate the Kansas public about elections,” “being at poll [sites],” engaging in “community canvassing,” identifying local community issues, and analyzing proposed legislation in the State legislature, 100:7–21; 101:12–104:5—to mitigate the SVR’s effects. These mitigation efforts include (1) attempting to educate voters about the SVR’s unclear standards and implementation, (2) administering ballot cure programs to obtain rejected-ballot data from individual counties, which is particularly difficult for ballot data related to signature verification, and (3) assisting voters whose ballots have been flagged and are at risk of being rejected because of the SVR. *Supra* ¶¶ 141–51.

189. Only one Plaintiff must have standing for the Court to have jurisdiction, *see Gannon v. State*, 298 Kan. 1107, 1135, 319 P.3d 1196 (2014), but the evidence establishes that the Lois Curtis Center also has standing because the SVR has directly impeded its programs and forced the organization to divert resources in response. *Supra* ¶¶ 152–65. Ensuring that its community members’ votes are counted is critical to advancing the Center’s two-tracked mission of (1)

offering direct resources, services, and support to minimize barriers faced by its community members in their everyday lives, and (2) examining and minimizing *systemic* barriers that impact them. *Supra* ¶¶ 152–65. The Center’s community members typically rely on advance mail ballots to vote because of their issues with accessibility accommodations and transportation. *Supra* ¶ 159; *see also supra* ¶ 47 (Dr. Mohammed’s testimony regarding handwriting and physical disabilities).

190. The SVR “frustrate[s]” and “perceptibly impair[s]” the Center’s activities, *LWV*, 63 Kan. App. 2d at 203 (quoting *Havens*, 455 U.S. at 379), because it requires the Center to expend additional resources on voter education programs to “mak[e] sure that people recognize and understand the [SVR] and what it means for their ballot,” 26:8–25—a significant undertaking considering that SVR procedures vary across counties. 28:2–6. The Center has also had to expend resources providing its community members with signature stamps to help them produce consistent signatures on their ballot envelopes. *Supra* ¶ 162. Counteracting the SVR’s detrimental impacts has forced the Center to divert resources from its non-SVR-related activities and decline offers to participate in other activities for lack of staff time. *Supra* ¶¶ 164–65; 31:22–32:25.

191. Kansas Appleseed also established standing based on the direct harm the SVR caused it as an organization. *Supra* ¶¶ 166–72. Ensuring that its constituent members’ votes are counted is critical for meeting the goals of Kansas Appleseed’s “[i]nclusive” campaign, which encourages Kansans to become engaged with their communities through “service, participat[ing] in elections,” and “advocating with their elected officials.” 79:12–16. But the SVR “frustrate[s]” and “perceptibly impair[s]” Kansas Appleseed’s activities, *LWV*, 63 Kan. App. 2d at 203 (quoting *Havens*, 455 U.S. at 379), because it has made it more difficult for Kansas Appleseed to adequately educate its constituents about voting given the SVR’s gray areas, including (1) how voters can ensure their vote will count if it is flagged by an election official but the voter “doesn’t actually

receive a phone call” about curing; (2) which signatures voters’ ballot envelopes will be matched to; and (3) how to advise voters to “try and match” their signature to “whatever signature they’re going to be held accountable to.” 83:14–84:7; 84:18–23. Counteracting difficulties caused by the SVR has required Kansas Appleseed to move resources and staff away from voter engagement activities like “link[ing] up the issues” of policy to voting, and non-voting related activities—like its Hunger and Youth and Adult Justice campaigns—to focus on the “technical” aspects of voting by mail. *Supra* ¶¶ 170–72; 83:3–7.

192. While the U.S. Supreme Court’s discussion of federal standing principles in *Food & Drug Administration v. Alliance for Hippocratic Medicine* (“*Alliance*”), 602 U.S. 367, 393–96 (2024), is not binding on this Court, this Court’s conclusion that Plaintiffs have organizational standing here is in harmony with *Alliance*. While *Alliance* held that an organization cannot “manufacture . . . standing” under Article III of the U.S. Constitution by “expending money to gather information and advocate against the defendant’s action,” *id.* at 394, even if the same were true under Kansas’s less demanding standing test, this is not a case like *Alliance*. The SVR “directly affect[s] and interfere[s] with [Plaintiff’s] core business activities,” *id.* at 395, by making it (1) more difficult for Plaintiffs to educate and activate voters, (2) more difficult to ensure their ballots count, and (3) more difficult to engage in their non-voting-related core activities.

193. Since *Alliance*, multiple federal courts have continued to find that organizational plaintiffs have established standing on similar facts. *See, e.g., Colo. Mont. Wyo. State Area Conf. of the NAACP v. Smith*, 180 F.4th 1266, 1275 (10th Cir. 2026) (finding organizational standing where plaintiffs “engag[ed] in some form of voter outreach and education to increase voter participation” and diverted resources to “counter potential voter confusion or intimidation,” and revised voter education and training materials to address defendant’s actions in investigating

purported voter fraud); *League of United Latin Am. Citizens v. Exec. Off. of the President*, 780 F. Supp. 3d 135, 189 (D.D.C. 2025) (finding Article III standing, after *Alliance*, where nonprofit organizations alleged challenged executive order would force them to “update educational information that they provide to prospective voters” and require them “to invest additional resources in training their staff and volunteers”); *March for Our Lives Idaho v. McGrane*, 749 F. Supp. 3d 1128, 1138–39 (D. Idaho 2024) (applying *Alliance* and finding organizational standing to voter organization challenging voting law), *appeal pending*, No. 24-6376 (9th Cir. argued Sept. 17, 2025).

194. Plaintiffs have thus demonstrated organizational standing.

B. Associational Standing

195. Plaintiff League of Women Voters of Kansas separately and independently has associational standing to bring this action, because (1) its members have standing to challenge the SVR in their own right; (2) the interests the League seeks to protect are germane to its organizational purposes; and (3) neither the claim asserted nor the relief requested requires the participation of the League’s members. *Sierra Club v. Moser*, 298 Kan. 22, 33, 310 P.3d 360 (2013); *see Kan. Nat’l Educ. Ass’n v. State*, 305 Kan. 739, 748, 387 P.3d 795 (2017) (finding associational standing where it could be “inferred that at least one” of plaintiff’s members would be affected by the challenged statute).

196. First, it is well established that a registered voter has standing to challenge a law that regulates how they may cast a ballot. Thus, every one of the League’s registered voters would have standing to challenge the SVR in their own right. *See, e.g., People First of Ala. v. Merrill*, 467 F. Supp. 3d 1179, 1198 (N.D. Ala. 2020) (“[A] voter always has standing to challenge a statute that places a requirement on the exercise of his or her right to vote.”); *New Ga. Project v. Raffensperger*, 484 F. Supp. 3d 1265, 1285 (N.D. Ga. 2020); *Nielsen v. DeSantis*, 469 F. Supp. 3d

1261, 1266 (N.D. Fla. 2020); *Jones v. U.S. Postal Serv.*, 488 F. Supp. 3d 103, 122–23 (S.D.N.Y. 2020). This is true even if the voter can overcome the threat that the challenged law poses to their right to vote. *See, e.g., Common Cause/Ga. v. Billups*, 554 F.3d 1340, 1351–52 (11th Cir. 2009) (holding even if voters “possessed an acceptable form of photo identification, they would still have standing to challenge the statute that required them to produce” photo ID to cast a ballot). No more is needed.

197. The SVR also poses a heightened threat to the League’s members in particular, because a “large” portion of the League’s membership is “over . . . retirement age,” and, as Ms. Lightcap observed, “handwriting is an area that can get worse as one gets older,” meaning that the SVR could be “more challeng[ing]” for the League’s members than the general population. 61:21–62:1; *see also* 61:19–62:1 (Ms. Lightcap testifying that she was concerned about the SVR’s effects on the League’s membership, specifically); 219:7–17; 221:8–223:19 (Dr. Mohammed’s testimony that elderly individuals are more likely to have increased natural variations in their signatures).

198. The same is true for the League’s members with disabilities, who are also at risk of having their ballots flagged during signature verification. *Supra* ¶ 178. One of the League’s members, for example, votes by advance ballot and suffers from limb-girdle muscular dystrophy, which makes it challenging to move, and which creates a high risk that this member’s signature will be affected as her condition worsens over time. *Supra* ¶ 178. As Ms. Lightcap testified, there are “many” similarly situated individuals for whom the SVR can also pose an “extra burden.” *Supra* ¶ 179. This is especially true because, as Ms. Lightcap explained further, the language on Kansas’s AV5 form only speaks to an exception for individuals with disabilities who are “prevent[ed] . . . from signing”; it does not mention voters who can physically make a signature, but, because of their disabilities, might not have consistent signatures. *Supra* ¶ 179.

199. The League also satisfies the second prong for associational standing because the interests it seeks to protect are clearly germane to its purpose: promoting civic engagement through voting. *Supra* ¶ 176.

200. Lastly, neither the League's asserted claims nor its requested relief requires individual member participation. *312 Educ. Ass'n v. U.S.D. No. 312*, 273 Kan. 875, 884–86, 47 P.3d 383 (2002); *see also Kan. Health Care Ass'n v. State*, 958 F.2d 1018, 1021–22 (10th Cir. 1992) (distinguishing cases where an organization seeks declaratory or injunctive relief from cases in which damages are sought).

201. The League of Women Voters of Kansas therefore has associational standing.

C. Traceability

202. Plaintiffs also meet the traceability requirement for standing because “the injury” is “fairly . . . traceable to the challenged action of the defendant[s].” *Kan. Bldg. Indus. Workers Comp. Fund v. State*, 302 Kan. at 681 (citation modified) (quoting *Gannon*, 298 Kan. at 1130). This requirement “is lower than that of proximate cause” and “does not set a high bar for plaintiffs.” *Id.* at 681–82.

203. Plaintiffs' injuries are traceable to the Secretary's conduct. The Secretary has a mandatory duty to instruct county election officers “in conducting official elections, including procedures for complying with federal and state laws and regulations.” K.S.A. 25-124; *see also* K.S.A. 25-126(a) (Secretary “shall be responsible for assisting and advising county election officers in conducting elections”); 790:20–791:2 (Election Director Mr. Caskey acknowledging responsibilities to “answer[] questions about election procedures from county election officials” and “training [] every county election officer in the state”). The Secretary's Office was the entity responsible for adopting regulations to implement the SVR, *see* K.S.A. 25-124, 25-126(a), 791:10–15, and is responsible for approving the training that election officials must take before applying

it, *see* K.A.R. 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.”).

204. Plaintiffs’ injuries are therefore traceable to the Secretary’s challenged conduct.

II. Kansas’s SVR violates section 2 of the Kansas Constitution Bill of Rights.

A. Legal standard

205. In *LWV III*, as is relevant to this case, the Kansas Supreme Court assessed whether Plaintiffs had stated a claim upon which relief could be granted with regard to three questions: whether the SVR violated a fundamental right to vote under section 1 of the Kansas Constitution Bill of Rights; whether the SVR violated the equal protection clause under section 2 of the Kansas Constitution Bill of Rights; and whether the SVR violated the due process provision of section 18 of the Kansas Constitution Bill of Rights. *See* 318 Kan. at 793–807.

206. The Court declined to hold that the Kansas Constitution Bill of Rights contained a fundamental right to vote. It instead held the Kansas Constitution protects the *enumerated* right to suffrage, located in articles 4 and 5 of the Kansas Constitution, *id.* at 798, and found that the SVR was a “valid effort by the Legislature to provide ‘proper proofs’ of the right to be a qualified elector,” or the right to suffrage. *Id.* at 780. The Court held, however, that “[i]n designing a process of providing proper proofs, the Legislature still must comply with other constitutional guarantees such as those of equal protection and due process.” *Id.* at 805.

207. The Supreme Court then gave this Court clear instruction on the legal standard: “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.” *Id.*

208. Defendants have repeatedly asserted that this Court should apply a rational basis standard to Plaintiffs’ equal protection claims, because “neither a fundamental right nor a suspect class is at issue,” and “traditional equal protection principles must be applied.” Defs.’ Mot. Summ. J. at 18; *see also* Defs.’ Response to Pls.’ Mot. Summ. J. at 5–10; Defs.’ Reply Supp. Mot. Summ. J. at 20–22. Primarily, they argue that the Kansas Supreme Court’s statement in *Rivera v. Schwab*, that the equal protection guarantees found in section 2 are “coextensive with the equal protection guarantees afforded under the Fourteenth Amendment to the United States Constitution” means that Plaintiffs’ claim must be treated like a *differential treatment* equal protection claim. 315 Kan. 877, 894, 512 P.3d 168 (2022).

209. But Kansas courts have recognized other kinds of equal protection claims, including those based on impingement of fundamental rights (just as federal courts have). *See, e.g., Farley v. Engelken*, 241 Kan. 663, 667, 740 P.2d 1058 (1987); *State v. LaPointe*, 309 Kan. 299, 316, 434 P.3d 850 (2019); *see also Kitchen v. Herbert*, 755 F.3d 1193, 1218 (10th Cir. 2014) (“[I]f a classification ‘impinge[s] upon the exercise of a fundamental right,’ the Equal Protection Clause requires ‘the State to demonstrate that its classification has been precisely tailored to serve a compelling governmental interest.’” (second alteration in original) (quoting *Plyler v. Doe*, 457 U.S. 202, 216–17 (1982))); *Price-Cornelison v. Brooks*, 524 F.3d 1103, 1109 (10th Cir. 2008) (same).

210. Plaintiffs’ claim is a species of rights-based equal protection claim. Defendants gloss over the Supreme Court’s holding that the SVR is a system of “proper proofs” and therefore implicates the article 5, section 4 right to suffrage—an “*expressly enumerated right*” in the Kansas Constitution, which is entitled to “the strongest possible constitutional protections.” *LWV III*, 318 Kan. at 800. This was a fundamental shift in how the Supreme Court “describe[s] [Kansas’s]

constitutional provisions and how they function together to guarantee and protect the people's constituting decision to form a government of limited and delegated powers." *Id.* at 799.

211. As the Supreme Court explained in *LWV III*, enumerated rights receive even *more* protection, not less. To contrast with the "'fundamental rights' mode of analysis," which requires "appl[ication] [of] strict scrutiny under sections 1 and 2 of the Kansas Constitution Bill of Rights," *id.* at 800, in the context of potential violations of enumerated rights, "courts *need not permit the government an opportunity to satisfy a balancing test, even such a stringent one as strict scrutiny.*" *Id.* at 802 (emphasis added).

212. The Court in *LWV III* therefore set out a test without any balancing, because Plaintiffs' claim involves equal protection of *an enumerated right*—the right to suffrage. *Id.* at 805 (establishing standard "[t]o comply with equal protection in the context of providing 'proper proofs' of the right to be a qualified elector"). And this "decision does not conflict with any of [the Kansas Supreme Court's] past precedent," *id.* at 799, including *Rivera*, because the Court in *LWV III* laid out the concept of enumerated rights in this way for the first time, and because *Rivera* did not implicate the enumerated right to suffrage.

213. Reinforcing the conclusion that no tiered scrutiny analysis of any kind—let alone rational basis scrutiny—applies here, the Kansas Supreme Court in its decision cited *Bush v. Gore*, 531 U.S. 98 (2000) (per curiam), and *Minnesota Voters Alliance v. Mansky*, 585 U.S. 1 (2018), which likewise did not apply a tiered scrutiny analysis. *See LWV III*, 318 Kan. at 805–07; *Bush*, 531 U.S. at 104–05 (explaining that, "[h]aving once granted the right to vote on equal terms, the State may not, by later arbitrary and disparate treatment, value one person's vote over that of another"); *Mansky*, 585 U.S. at 16–17 (holding in a challenge to a prohibition on wearing anything

“political” inside a polling place that a State must “be able to articulate some sensible basis for distinguishing what may come in from what must stay out”).

B. Analysis

214. This Court is bound to apply the test as contemplated by the Kansas Supreme Court. Accordingly, it must first consider, as in all equal protection claims, “whether the legislation creates a classification resulting in different treatment of similarly situated individuals. If the statute treats “‘arguably indistinguishable’ individuals differently,” the test to be applied depends on the “right at issue.” *LaPointe*, 309 Kan. at 316 (citation omitted). Here, the right at issue is the enumerated right to suffrage. *LWV III*, 318 Kan. at 800. This Court must then ask the questions directed by the Supreme Court in *LWV III*: “Does the signature requirement (and its implementing regulations and policies, such as those promulgated in [the Regulation]) achieve reasonable uniformity on objective standards . . . ?” *Id.* at 807.

i. Kansas’s SVR treats similarly situated individuals in different ways.

215. Kansas’s SVR necessarily results in different treatment of similarly situated voters. The Kansas Supreme Court recognized this as such in *LWV III*, quoting *Reynolds v. Sims* for its statement that equal protection requires “uniform treatment of persons standing in the same relation to the governmental action questioned or challenged.” 318 Kan. at 806 (quoting *Reynolds*, 377 U.S. 533, 565 (1964)).

216. The statute and Regulation require voters who are found to have a mismatched signature to provide additional verification of their identity to election officials in order for their ballots to be counted—that is, to serve as an elector in an election for which they are qualified to participate. Voters whose signatures are flagged as a mismatch, like Haley Kottler, Abigail Moore, and Elizabeth Anderson, are therefore treated differently from any other registered voter who signed their own ballot and submitted it to their county election officials.

217. The SVR also treats similarly situated voters differently based on which county they live in. Different counties apply different interpretations of the SVR’s standards, use different processes to evaluate signatures, add different documents to the voter registration record, and allow different methods of curing. *See supra* Findings of Fact (“FOF”) § IV; *infra* Conclusions of Law (“COL”) §§ II.B.ii–iii.

ii. Kansas’s SVR lacks objective standards and is not applied uniformly.

218. The Court finds that the statute and Regulation implementing the SVR lack objective standards and are not applied uniformly so that no voter is subject to arbitrary and disparate treatment. *See LWV III*, 318 Kan. at 807 (“The League has made a colorable claim . . . that the signature requirement is not sufficiently uniform *or* objective” (emphasis added)).

a) Kansas’s signature verification process is arbitrary at its core.

219. 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 III*, 318 Kan. at 805 (emphasis added). Plaintiffs have demonstrated that voters are indeed subject to arbitrary and disparate treatment under Kansas’s SVR.

220. The Kansas Supreme Court’s decision in *LWV III* explained that the SVR was a system of “proper proofs,” which identifies voters and thereby confirms their status as a constitutionally qualified elector. *LWV III*, 318 Kan. at 805.

221. “Proper proofs” are intended to “allow[] election officials to ascertain whether a citizen possesses the qualifications required of an elector—which ‘includes the ability to require a potential voter to identify himself or herself in some fashion, thereby answering the question, “Are you who you say you are, a constitutionally qualified elector?”’ *Id.* at 803.

222. But at trial, the evidence has shown something else. Specifically, the record is replete with un rebutted evidence that Kansas’s SVR can neither reliably confirm authentic

signatures nor rule out inauthentic signatures. 314:18–22. In other words, Kansas election officials can neither reliably identify qualified voters nor reliably determine that a signature is fraudulent, and therefore the SVR results in ballots being erroneously flagged for inconsistent signatures, and in some cases wrongfully rejected. *See* 314:18–22; 236:23–237:1; 214:22–215:1; 255:3–11.

223. This evidence was corroborated by testimony from three Kansas voters whose signatures were flagged as inconsistent or mismatched, even though they were genuine, 186:11–24; 151:13–24; 162:16–164:19, and by testimony from Dr. Mayer who explained that the rate of error in signature verification in the election administration context is very high. 331:11–334:4.

224. Defendants do not actually dispute this. Quite to the contrary, Defendants have acknowledged repeatedly, and county election officials have testified, that Kansas’s SVR process does *not* determine whether the voter’s signature is authentic or fraudulent. *See, e.g.*, 445:1–22 (Fred Sherman testifying that flagging a signature as inconsistent is not a determination that “fraud [] ha[d] occurred”); 708:15–22 (acknowledging that a determination that an envelope signature was inconsistent is not the same thing as saying that the envelope was signed by someone other than the voter); 709:18–22 (acknowledging that Riley County makes no referrals to law enforcement agencies even after a flagged ballot has not been cured); 763:16–25 (Shawnee County Election Commissioner has “no specific reason to believe that [a signature] was somehow fraudulent” when it was determined to be inconsistent with the ones on file).

225. Instead of using the SVR to confirm the voter’s identity, election officials testified that they are just “trying to make sure [signatures] are generally consistent and uniform.” 498:13–21. But determining whether a signature is “generally consistent” is meaningless unless it is in some way tied to the purpose of the SVR—ensuring that an advance ballot was actually completed

by the qualified voter in whose name it is submitted. In other words, election officials are merely conducting a handwriting test, rather than confirming the identities of qualified voters.

226. The result is that the SVR arbitrarily singles out Kansas voters for disfavored treatment: to either jump through additional hoops to cure their signatures, or have their ballots rejected altogether—all based on factors that bear little to no relation to their qualifications to vote.

227. Defendants' focus on the low number of voters who were confirmed to have been disenfranchised by the SVR is misplaced. The Supreme Court in *LWV III* was very clear: *no voter* can be subject to arbitrary and disparate treatment. *LWV III*, 318 Kan. at 805. And the impact of the SVR extends well beyond the number of voters whose ballots are not counted, including to those who are arbitrarily required to participate in curing procedures in order for their ballots to count. *See supra* FOF § VII.

b) Kansas's SVR lacks objective standards.

228. Even if officials applying the SVR were in fact attempting to confirm the authenticity of voter signatures, the standards they apply are not objective. In reaching this conclusion, the Court first looks to the Regulation, which implements the SVR and establishes the standards for election officials to determine whether a signature is a match under that law.

229. K.A.R. 7-36-9(a)(4) provides that a signature is a “match” when it is “generally uniform and consistent with the voter’s signature in the voter registration database,” but fails to provide any further detail regarding what it means for a signature to be “uniform” or “consistent.”

230. K.A.R. 7-36-9(a)(2) provides that a signature is “inconsistent” when it “differs in multiple, significant, or obvious respects from the voter’s signature in the voter registration database”; but it fails to provide any further detail regarding how many differences are required, what differences are significant, and what differences are obvious such that the standards can be applied objectively.

231. The definitions of “match” and “inconsistent” provided by the Secretary of State do not create an objective standard, and the Secretary’s office has not produced or issued any written guidance as to how these standards ought to be applied in practice. 798:19–799:4; 700:13–24. Nothing in the Kansas Election Standards guide published by the Secretary of State explains these standards. PX 52, Parties’ Stipulated Facts ¶ 72.

232. The Secretary of State has instead pointed to a signature verification video created by the State of Oregon and first distributed to Kansas election officials in 2020—before the SVR went into effect and before the administrative regulations were drafted—as a source of guidance in interpreting the Regulation’s terms. 792:24–793:8; 794:5–7; 797:15–798:16.

233. But this video, which the Secretary used for training from 2020 to 2025, did not fill any of the holes left by the Regulation (nor could that have even been its purpose, as it was selected well before the Regulation was drafted or issued). In fact, the video addressed only Oregon law, which has different standards for assessing whether a signature is a match, 234:1–12; 793:19–794:14, and it offered no further definition of “uniform” or “generally consistent,” nor did it explain the meaning of “significant,” “obvious,” or “multiple” differences in signatures, as those terms are used in the Regulation. *See generally* PX 6.

234. The updated training video that was circulated to election officials in 2025 does not resolve these issues either. The new video simply removes a slide discussing the Oregon statutory standard for assessing signatures and adds a two-minute voiceover to the beginning, in which an individual recites the provisions of K.A.R. 7-36-9. *Compare* PX 37, *with* PX 6; 337:22–338:6.

235. Dr. Mohammed’s un rebutted testimony also highlighted the subjectivity and vague standards that have plagued both the SVR and the Secretary’s Regulation. As Dr. Mohammed testified, the terms used in Kansas law, “match” and “inconsistent,” are “basically[] meaningless”

to forensic document examiners. 238:21. That is because signatures can differ in multiple, significant, or obvious respects and still be perfectly genuine. 239:8–10. A perceived difference between two signatures can also be “obvious,” but still be due to “variation” in the same writer’s signature. 239:4–7. Indeed, Mr. Caskey himself agreed months before trial at his deposition that a signature could have multiple differences and still be generally uniform and consistent. 799:23–801:16.

236. Dr. Mohammed also testified that Kansas’s terms “match” and “inconsistent” could be “interpreted differently by election officials” across the state of Kansas. 239:16–19. And the county election officials’ testimony at trial *confirms* that these standards are *subjective*, not *objective*.

237. For example, Fred Sherman, the former Johnson County Election Commissioner, testified he has described the signature verification process as “somewhat artistic” and similar to “judging art.” 440:8–12; 539:5–17. Riley County Clerk Rich Vargo also agreed that reviewers have to decide for themselves how many differences would be sufficient to find a signature inconsistent under the SVR, based on the training they received. 701:10–16.

238. Kansas’s SVR also lacks objective standards for applying other key elements of the SVR, including what signatures must be kept “on file” in county voter registration records, or the minimum number of comparator signatures officials should review before flagging a signature as inconsistent. 338:15–25; 435:19–23.

c) Kansas’s SVR is not applied uniformly.

239. As a result of this lack of objectivity, Kansas’s SVR is not applied uniformly across counties.

240. To begin, Kansas’s training video is “inadequate” to teach county election officials how to conduct signature verification in a reasonably uniform manner, which is likely to lead to a

“significant number of erroneous rejections.” 236:19–237:1; 214:22–25. As Dr. Mohammed explained, the video does not adequately explain how to distinguish between (1) natural variations in signatures, which may arise based on the context of signing, age, health, disability, medication, the writing instrument used, or the writing surface, and (2) differences, which cannot be explained and therefore suggest that two signatures were made by different individuals and one is therefore not authentic. 217:8–219:17.

241. Aside from the training deficiencies, some counties appear to be more stringent than others in determining whether signatures match. Riley County’s clerk testified that reviewers “absolutely” start with a presumption that a voter’s signature matches or is consistent. 701:17–20. In Johnson County, however, election officials do not start off with any presumption one way or another. 449:1–10.

242. Counties also differ in terms of the number of comparator signatures they have available, as well as their policies on scanning available signatures into the voter registration record. While Johnson County scans “virtually [] every submitted signed document from a voter” 431:11–13, former Johnson County Election Commissioner Fred Sherman testified that when voters moved to Johnson County from other Kansas counties, there was “shockingly, a lack of a lot of documentation” of those voters’ prior signatures. 435:1–4. Shawnee County does not scan all available signatures into the voter registration record but will sometimes “deep dive” into signatures not in the database, referencing signatures captured in poll books. 747:13–25, 748:5–15; 754:13–755:1. And in Riley County, the overwhelming majority of voters have only one signature comparator on file. *See* 702:22–25. Riley County Clerk Rich Vargo testified that, if the County only has one digital signature on file, the reviewer might have no choice but to reject the

voter's ballot and begin the curing process because a digital signature may appear different from a wet signature. 707:8–19.

243. Because the ability to analyze the genuineness of a signature turns on the examiner's ability to distinguish "natural variations" from unexplainable "differences," 230:10–14; 235:2–8, an examiner must have access to enough comparator signatures to capture the "writer's range of variation." 225:14–22. As Dr. Mohammed explained, without a sufficient number of comparators, "the examination is a nonstarter." 225:7–12.

244. Counties also differ in how they apply the statutory exemption from the SVR for individuals with disabilities. Johnson County election officials conduct signature verification on voter assistant signatures. 489:1–8; *but see* 808:23–809:3 (Caskey testifying that voter assistant signatures are not subject to verification). Riley and Shawnee Counties do not conduct signature verification on voter assistants. 718:24–719:2 (Riley); 765:11–16 (Shawnee).

245. In short, the evidence established that the SVR does not provide objective standards by which election officials can judge signatures to determine if they are a match or inconsistent, nor can it be enforced with uniformity.

iii. A cure procedure cannot ameliorate an equal protection violation.

246. The SVR's cure procedure does not neutralize the arbitrary and disparate treatment imposed upon voters whose ballots are flagged by the SVR. It simply operationalizes the SVR's uneven treatment.

247. It is axiomatic that the injury in an equal protection case "is the denial of equal treatment resulting from the imposition of the barrier, not the ultimate inability to obtain the benefit." *Ne. Fla. Chapter of Associated Gen. Contractors of Am. v. City of Jacksonville*, 508 U.S. 656, 666 (1993); *see also Miami Cnty. Bd. of Comm'rs v. Kanza Rail-Trails Conservancy, Inc.*, 292 Kan. 285, 315, 255 P.3d 1186 (2011) (explaining that "differing *treatment* of similarly situated

individuals” implicates the federal and Kansas Equal Protection Clauses) (emphasis added); *Jurado v. Popejoy Const. Co.*, 253 Kan. 116, 126, 853 P.2d 669 (1993) (similar).

248. It therefore makes no difference that some Kansas voters will have an opportunity to prove the genuineness of their ballot after it has been flagged. The SVR imposes a “barrier” to voters the moment their ballots are first flagged and presumptively voided, even if those voters are “ultimate[ly]” able to take advantage of Kansas’s cure procedure. *Ne. Fla. Chapter of Associated Gen. Contractors of Am.*, 508 U.S. at 666. The cure itself is a barrier that is imposed only on those voters unlucky enough to have been arbitrarily flagged by Kansas’s SVR in the first place.

249. It is well established that an equal protection violation materializes at the point of uneven selection, even where the selectees can jump through additional administrative hoops to undo that disfavored treatment. *See Frontiero v. Richardson*, 411 U.S. 677, 688 (1973) (invalidating law requiring female military members to “prove [their husbands’] dependency in fact” to receive benefits, while placing “no such burden” on men); *Wengler v. Druggists Mut. Ins. Co.*, 446 U.S. 142, 146 (1980) (similar); *City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 447–48 (1985) (holding equal protection clause violation where law required special permits only for homes for the mentally disabled).

250. This principle has been applied in election law too. In *Griffin v. North Carolina State Board of Elections*, a losing candidate received an order from the state’s high court presumptively throwing out absentee ballots in only *some* counties for failing to include photo ID, but the state court still gave those affected voters an opportunity to cure. 781 F. Supp. 3d 411, 434 (E.D.N.C. 2025). In federal court, the losing candidate defended the state court decision by arguing that a cure process “actually ‘makes it easier to vote and have one’s vote counted—not harder.’” *Id.* The court rejected that argument: had the state court not imposed unequal treatment in the first

place, “the affected overseas military and civilian voters would have to do *nothing* to have their ballots counted in the 2024 election.” *Id.*

251. So, too, here. A cure does not remedy an equal protection clause violation where the arbitrary and unequal treatment occurs at the point of selection.

iv. The cure procedure itself also subjects voters to arbitrary, varying standards.

252. Given the lack of standardization in Kansas’s SVR, counties have also adopted a patchwork of procedures in implementing the cure process, many of which can impair (or improve) a voter’s chances of avoiding disenfranchisement once their ballot is flagged for an inconsistent signature.

253. The first step in the cure process is notifying impacted voters. While some Kansas counties have phone numbers for “virtually every voter in the county,” “[o]ther counties only have phone numbers for half.” 341:4–342:3. The practical effect of that disparity is that, in some counties, voters must be notified by first-class mail, which can take several days, affording them less time to cure their ballots. *Id.*

254. Counties also vary in *how* they permit voters to cure a mismatched signature. In Johnson County, for example, voters normally must present in person with a photo ID to cure a mismatched signature. Joint Stipulation Regarding Testimony of Connie Schmidt ¶ 7 (July 21, 2026). This is true despite the fact that Johnson County voters may cure other defects—including failure to present photo ID at the polls—by text message. 467:9–468:4; PX 17 at 0002. By contrast, in Riley and Shawnee Counties, election officials permit voters to cure mismatched signatures by text message, by email, by fax, or by mail. 716:13–717:8 (Riley); 759:14–20 (Shawnee).

255. Counties also vary in how much time they give voters to cure a mismatched signature. By operation of state law, counties may set the date for their county canvass between

six and thirteen days after election day. Because voters must cure their ballots before the county canvass begins, the date on which their county holds their canvass impacts the amount of time they may have to cure. Some counties can set the date for six days after the election, leaving voters little time to be notified about the signature mismatch and then to cure, while others may set it for thirteen days later, giving voters much more time. *See* 714:25–715:12.

256. These differences in Kansas’s cure process result in further arbitrary treatment of voters whose ballots are flagged as having a mismatched signature. They result in some voters “bear[ing] higher administrative costs” depending on where they live. 343:9–344:4.

257. For all of these reasons, the Court concludes that the SVR violates section 2 of the Kansas Constitution Bill of Rights because it is not applied with reasonable uniformity upon objective standards, so that no voter is subject to arbitrary and disparate treatment.

v. In the alternative, no state interest justifies the SVR’s arbitrary and disparate treatment of voters’ ballots.

258. The Court would reach the same conclusion and find that the SVR violates section 2 of the Kansas Constitution Bill of Rights even if traditional tiers of scrutiny applied to Plaintiffs’ claim, as Defendants argue. Defs.’ Resp. Pls.’ Mot. Summ. J. at 18; *but see LWV III*, 318 Kan. at 802 (in the context of enumerated rights, “courts need not permit the government an opportunity to satisfy a balancing test, even such a stringent one as strict scrutiny”).

259. In this case, the appropriate level of scrutiny to apply would be strict scrutiny, which would require Defendants to identify a compelling state interest that is advanced by the SVR, and demonstrate that the SVR is narrowly tailored to advance that interest. This conclusion is compelled by precedent.

260. It is true that, in Kansas, “when a statute is attacked on equal protection grounds, the general rule is that the statute is presumed constitutional, and the burden is on the party

attacking the statute to prove otherwise.” *Farley*, 241 Kan. at 667. But in “cases involving ‘suspect classifications’ or ‘fundamental interests,’” “the presumption of constitutionality [is] displaced and the burden [is] placed on the party asserting constitutionality to demonstrate a compelling state interest which justifies the classification.” *Id.* Because the Kansas Supreme Court in *LWV III* explained that enumerated rights receive the “strongest possible constitutional protections,” 318 Kan. at 800, strict scrutiny is the appropriate standard of review for equal protection claims involving enumerated rights like the right to suffrage.

261. The strict scrutiny test “requires the State prove three things: (1) it has a compelling interest; (2) the challenged action actually furthers that interest; and (3) it does so in a way that is narrowly tailored.” *Hodes & Nauser, MDs, P.A. v. Kobach* (“*Hodes IP*”), 318 Kan. 940, 951–52, 551 P.3d 37 (2024). A compelling interest must be “more than advancing a ‘commendable goal.’” *Id.* at 952.

262. Defendants have gestured towards two state interests to justify the SVR: the prevention of voter fraud and preserving public confidence in elections.

263. The Court need not consider whether Defendants have met their burden to prove these interests are compelling, because Defendants have failed to establish that the SVR actually “further[s] the identified state interest that motivated the regulation not merely in theory, but in fact.” *Hodes & Nauser, MDs, P.A. v. Stanek* (“*Hodes IIP*”), 318 Kan. 995, 1018, 551 P.3d 62 (2024).

264. First, with regard to voter fraud, Defendants have offered no evidence that the SVR has prevented or even identified voter fraud in the five years it has operated. *See* 347:25–348:3.

265. Second, county election officials agreed that they do not report mismatched signatures caught by the SVR as fraudulent. 445:1–22; 708:15–22; 763:12–764:7; 766:6–11.

Indeed, election officials acknowledged that an “inconsistent” signature is not a reason to suggest that any fraud occurred. 446:14–447:10; 708:15–710:3; 763:12–764:7; 766:6–14; PX 52, Parties’ Stipulated Facts ¶ 106.

266. Furthermore, the overwhelming majority of ballots flagged under the SVR are cured, which is strong evidence that the flagged signatures are actually authentic. 708:23–709:6; *see also* 365:22–366:3 (“[G]iven the exceedingly vanishingly rare rate of voter impersonation, the presumption is – and I think it’s accurate – that most – I would say virtually all of those [ballots rejected for signature mismatch], were most likely, almost certainly the voter.”).

267. Defendants have not put forth any evidence that the SVR furthers the goal of preventing voter fraud or of deterring hypothetical future instances of voter fraud. Defendants therefore “failed to meet [their] evidentiary burden to establish” that the SVR furthered its stated interest in preventing voter fraud. *Hodes III*, 318 Kan. at 1030.

268. With regard to public confidence in elections, the Court is not persuaded by Dr. Lonna Atkeson’s testimony. The survey upon which Dr. Atkeson’s testimony is based did not reference any of the conditions present in Kansas’s signature verification process, including the highly error-prone nature of the signature review process, the inadequate number of comparators, and the lack of any meaningful training, among other issues. 621:15–623:3.

269. While there is no evidence that Kansas’s SVR has any effect on voters’ confidence in elections, 348:17–351:5, Dr. Mayer testified (and no witness or evidence refuted his testimony) that political science research has found that even a single negative experience during the voting process can have a significant negative effect on voter confidence in elections that can last for years. 348:17–351:5. Indeed, the voters whose ballots were rejected or identified as having a

signature mismatch under the SVR all testified that their confidence in Kansas elections was shaken as a result of their experiences. 152:23–153:11; 168:12–21; 188:7–21; 190:8–14.

270. For all of these reasons, the Court concludes that the SVR does not further the purpose of promoting public confidence in elections.

271. Because the Court finds that the SVR does not further the State’s purported interests, it need not consider whether the government’s action is “narrowly tailored in its furtherance of the compelling interest.” *Hodes II*, 318 Kan. at 954.

272. But even if the Court were to reach that question, it would conclude that the SVR is not narrowly tailored to serve the interests of preventing voter fraud or promoting public confidence in elections. Under this third prong, courts consider “whether the action is necessary,” “whether the action is underinclusive,” and “whether the action is overinclusive.” *Id.*

273. The evidence establishes that the SVR is not necessary to prevent voter fraud. There are significant safeguards against voter fraud already in place in Kansas, including criminal penalties and maintenance of voter rolls, as well as the security features of the advance ballot application, which itself requires voters to provide their government ID number and their signature, which county election officials must verify. *See* 348:4–16; 617:17–618:11.

274. Furthermore, both parties’ experts agreed that voter fraud is vanishingly rare. 344:12–25 (Mayer); 615:25–616:1 (Atkeson). There is no evidence of material levels of voter fraud in Kansas, 347:8–12. Defendants’ expert could not identify a single time when a ballot was stolen and voted by a third party in Kansas. *See* 616:22–25.

275. The Court also concludes that the SVR is not necessary to promote public confidence in elections, because Defendants put forth no evidence demonstrating its necessity.

III. Due Process Clause

A. Legal standard

276. Section 18 of the Kansas Constitution Bill of Rights provides: “All persons, for injuries suffered in person, reputation or property, shall have remedy by due course of law, and justice administered without delay.”

277. A court “reviewing a procedural due process claim . . . must first determine whether a protected liberty or property interest is involved and, if it is, the court must then determine the nature and extent of the process which is due.” *State v. Wilkinson*, 269 Kan. 603, 608–09, 9 P.3d 1 (2000) (citing *Murphy v. Nelson*, 260 Kan. 589, 598, 921 P.2d 1225 (1996)).

278. In determining what process is due, courts apply a balancing test that weighs: “(1) the individual interest at stake, (2) the risk of erroneous deprivation of the interest through the procedures used and the probable value, if any, of additional or substitute procedural safeguards, and (3) the State’s interest in the procedures used, including the fiscal and administrative burdens that the additional or substitute procedures would entail.” *Id.* at 608–09 (citing *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976)); see *In re B.H.*, 64 Kan. App. 2d 480, 490, 550 P.3d 1274 (2024) (“Kansas courts adopted the three-part balancing test from *Mathews* to determine the nature and extent of what due process requires.”).

B. The SVR implicates a liberty interest.

279. The Kansas Supreme Court already concluded that the interests at issue in this case—the right to suffrage and having one’s legal vote counted under the State’s existing voting regime—are liberty interests subject to guarantees of procedural due process. *LWV III*, 318 Kan. at 806.

280. Requiring election officials to reject legal ballots cast by eligible voters implicates voters’ liberty interests because it (1) prevents them from serving as qualified electors, and (2)

denies their right to have their lawful votes counted under Kansas’s voting scheme. Once the State extends the right of suffrage to its citizens, it “cannot take [that right] away” by preventing eligible Kansans from serving as electors “without providing procedural due process.” *Creecy v. Kan. Dep’t of Revenue*, 310 Kan. 454, 466, 447 P.3d 959 (2019).

281. The same reasoning applies to the interest in having one’s ballot *counted* under Kansas’s voting scheme. Once a state creates a particular “voting regime,” it “‘must administer [that regime] in accordance with the Constitution’ and ‘afford appropriate due process protections . . . before rejecting’” a ballot. *Frederick v. Lawson*, 481 F. Supp. 3d 774, 793 (S.D. Ind. 2020) (first alteration in original) (quoting *Zessar v. Helander*, No. 05 C 1917, 2006 WL 642646, at *5–6 (N.D. Ill. Mar. 13, 2006)); *see also Saucedo v. Gardner*, 335 F. Supp. 3d 202, 217 (D.N.H. 2018) (“Having induced voters to vote by absentee ballot, the State must provide adequate process to ensure that voters’ ballots are fairly considered and, if eligible, counted.”); *see also Raetzel v. Parks/Bellefont Absentee Election Bd.*, 762 F. Supp. 1354, 1358 (D. Ariz. 1990) (“While the state is able to regulate absentee voting, it cannot disqualify ballots, and thus disenfranchise voters, without affording the individual appropriate due process protection.”).

282. The Kansas Supreme Court in *LWV III* similarly reached this very conclusion. In remanding this case for factual development on Plaintiffs’ procedural due process claim, the Kansas Supreme Court held that “any required proper proofs must also comply with due process.” 318 Kan. at 806. It remanded for this Court to analyze whether the SVR “include[s] reasonable notice to the voter and an opportunity to be heard.” *Id.* at 806 (citations omitted). And of course, identifying “a protected liberty or property interest is” a *predicate* to “determin[ing] the nature and extent of the process due,” *In re J.D.C.*, 284 Kan. 155, 166, 159 P.3d 974 (2007). So the Supreme Court’s remand on the latter question is an unmistakable determination that the SVR implicates a

liberty interest. *See also LWV III*, 318 Kan. at 828 (Rosen, J., concurring in part and dissenting in part) (observing that the majority “appears to agree the legislation denies a liberty interest”).

C. The interests at stake are weighty.

283. The liberty interests at stake are also weighty ones. Voters’ right to suffrage is entitled to the “strongest possible constitutional protections.” *LWV III*, 318 Kan. at 800. “[P]rohibiting a qualified” voter from participating as an elector constitutes “disenfranchise[ment].” *Id.* at 802; *see also Moore v. Shanahan*, 207 Kan. 645, 649, 486 P.2d 506 (1971) (“Since the right of suffrage is a fundamental matter, any alleged restriction or infringement of that right strikes at the heart of orderly constitutional government, and must be carefully and meticulously scrutinized.”). And the interest in having one’s legal vote *counted* once cast is deserving of “significant weight” as well. *Saucedo*, 335 F. Supp. 3d at 217; *see also Frederick*, 481 F. Supp. 3d at 794 (noting this interest is “entitled to substantial weight” in procedural due process challenge (citation omitted)).

D. There is a high risk of erroneous deprivation of Kansans’ liberty interests, and high value in substitute safeguards for voters.

284. The lack of clear standards for comparing signatures; the lack of expertise and training given to Kansas election officials; and the poor quantity and quality of comparator signatures all contribute to a high likelihood of error when conducting signature verification. *See also supra* COL § II.B.ii. Valuable substitute safeguards—like preventing election officials from rejecting ballots unless a voter affirmatively disclaims the signature’s authenticity—can mitigate the SVR’s notice-and-cure deficiencies, which fail to ensure timely notice and accessible curing options for affected voters.

i. There is a high risk of erroneous deprivation of Kansans' liberty interests because the SVR is incapable of reliably identifying authentic signatures.

285. There is a high risk that Kansas election officials will erroneously flag authentic signatures as “inconsistent.” While “the overall number of voters disenfranchised by the” SVR might not be “overwhelmingly large,” that is not at all inconsistent with a “real risk of erroneous” matching determinations. *Frederick*, 481 F. Supp. 3d at 796. Plaintiffs’ un rebutted expert testimony demonstrates that Kansas’s SVR is incapable of confirming authentic signatures or ruling out inauthentic signatures, and the SVR will likely lead to a “significant number of erroneous rejections” of ballots, 236:23–237:1; *see also* 331:11–334:4 (Dr. Mayer testifying that academic literature shows that signature verification results in a high error rate).

286. Reliable signature verification also requires “functional standards to distinguish the natural variations of one writer from other variations that suggest two different writers.” *Saucedo*, 335 F. Supp. 3d at 206. But, as Dr. Mohammed testified, Kansas’s terms “match” and “inconsistent” are “basically[] meaningless” in this context. 238:21. Signatures can differ in multiple, significant, or obvious respects and still be perfectly genuine. 239:8–10.

287. Reliable signature verification also requires the availability of a sufficient number of sample signatures for comparison. 225:7–12. But Kansas election officials lack adequate comparators. 236:23–237:1. An individual “looking at one or two comparators” simply “cannot make a decision that a feature is a significant difference.” 239:1–3. And Kansas does not mandate that counties rely on more than one comparator when conducting signature verification. 314:4–5. Indeed, just a single comparator is often the norm. 702:22–25 (Riley County’s clerk testifying that the overwhelming majority of voters in that county have just one signature comparator on file); *see also* PX 52, Parties’ Stipulated Facts ¶ 88 (stipulating that “Kansas does not require counties

to obtain a specific number of signature comparators from voters before conducting signature verification”).

288. The lack of adequate comparators in Kansas is particularly problematic given Kansas’s practice of conducting signature verification using digitally captured signatures. As Plaintiffs’ expert testimony demonstrated, signatures taken from a stylus and digital pad are not sufficient comparators because “writing on a digital pad can introduce more variations” than if the voter was “signing with a pen or paper.” 217:1–7.

289. This expert testimony was corroborated by county election officials themselves. As Mr. Howell acknowledged, the “majority” of signatures Shawnee County receives are retrieved “electronically through the DMV system.” 747:2–12. Mr. Sherman confirmed that comparators received from the DMV or from the KSVotes website were “messy.” 480:21–481:20. Mr. Vargo also acknowledged that digital signatures could appear different from wet-ink signatures, 703:1–5, 707:4–7, and that a voter’s record might even contain a “type[d]” signature, 749:4–8.

290. Yet election officials do—and are in fact *required* to—conduct signature verification using these insufficient digital signatures. *See* PX 52, Parties’ Stipulated Facts ¶ 33 (stipulation that “Kansas counties receive and accept advance ballot applications signed with a digitally captured signature”); *id.* ¶ 91 (stipulation that “Kansas permits counties to conduct signature verification using digitally captured signatures as comparator signatures”); *id.* ¶ 93 (stipulation that “even if the county only has a digital comparator on file in the voter’s registration record,” Kansas still “requires counties to conduct signature verification” for that voter).

291. Indeed, both Elizabeth Anderson and Abigail Moore—voter witnesses whose ballots were rejected for signature mismatch—each had just a single digital comparator signature in their respective files. *See* PX 60, PX 71.

292. Thus, the trial record is consistent with what numerous other courts have recognized: “[E]ven if election officials uniformly and expertly judged signatures, rightful ballots still would be rejected just because of the inherent nature of signatures,” and “legitimate . . . voters, through factors out of their control” face a “risk that their ballots will incorrectly be rejected for signature mismatch.” *Democratic Exec. Comm. of Fla. v. Lee*, 915 F.3d 1312, 1319–20 (11th Cir. 2019); *see also Fla. Democratic Party v. Detzner*, No. 4:16CV607-MW/CAS, 2016 WL 6090943, at *2 n.3 (N.D. Fla. Oct. 16, 2016) (recognizing the irony “that handwriting experts are often challenged under *Daubert*” and yet states empower laypersons with much less training “to declare ballots illegal”); *Saucedo*, 335 F. Supp. 3d at 217 (“[T]he task of handwriting analysis by laypersons . . . is fraught with error”); *League of Women Voters of S.C. v. Andino*, 497 F. Supp. 3d 59, 69–70 (D.S.C. 2020) (collecting cases and noting their discussion of “the high risk of erroneous deprivation of the right to vote by unskilled and untrained election officials attempting to match voters’ signatures”); *League of United Latin Am. Citizens of Iowa v. Iowa Sec’y of State*, No. CVCV056403, 2019 WL 6358335, at *17 (Iowa Dist. Ct. Sept. 30, 2019) (noting the “likelihood of error in determining a voter’s signature doesn’t match” by election officials); *Frederick*, 481 F. Supp. 3d at 796 (noting the “real risk of erroneous rejection” in the signature matching context).

293. The Court thus concludes that there is a high risk under Kansas’s SVR that lawful ballots will be erroneously flagged for signature mismatch.

ii. There is high value in implementing substitute safeguards.

294. The SVR fails to provide affected voters with adequate notice and opportunities to cure; putting in place additional, substitute safeguards for affected voters is highly valuable.

295. K.S.A. 25-1124(b) sets forth that counties “shall attempt to contact” voters whose signatures do not match, and “allow such voter the opportunity to correct the deficiency before the

commencement of the final county canvass.” And K.A.R. 7-36-9(b)(2) requires county officials to “attempt to contact the voter” by phone, mail, or “any other means.”

296. Neither source of authority requires county officials to (1) initiate contact in a timely manner, or (2) actually make contact with voters before discarding a flagged ballot.

297. Under the plain terms of the SVR, Kansas counties have no obligation to alert voters of the need to cure within any specific timeline after flagging their ballot. As demonstrated at trial, it is critical that county election officials begin contacting voters as soon as possible to alert them of the need to cure their signature. *Supra* FOF § IV.C. In Kansas, mail ballots are not sent to voters until twenty days before an election. *See* K.S.A. 25-1123(a). This means that even voters who return their ballots promptly may have limited time to cure. The window for curing a ballot that has been flagged for an inconsistent signature can end as soon as six days after election day. 813:23–814:1; *see also* 714:25–715:12. On this timeline, even short delays between an election official’s decision to flag a ballot and provide notice can prove fatal.

298. Delays do occur, and they have been documented. As Mr. Sherman testified, “contacting” voters to cure their ballots over the phone “has some problems” because election officials do not have accurate phone records. 458:5–14. This makes mail notice all the more crucial; but even where mail notice is sent immediately after a voter’s ballot is flagged, mail itself is insufficient to give affected voters timely notice, as mail delivery in Kansas may take three to five days, even for mail sent within the same zip code. 460:5–8. In fact, the Secretary of State’s Office has advised that voters should assume that their mail could take *a week* to reach their county election office. 814:6–15. If a voter does not learn that their ballot has been flagged for rejection until a full week after mail is sent by election officials, it may very well be too late for their ballot to count.

299. Reasonable notice also requires that voters be notified at an address where they reasonably will receive it—that is, the address to which their ballot was sent, which may not be their permanent home address. But Kansas’s SVR fails to provide constitutionally sufficient notice because even when mail arrives on time, Kansas’s SVR does not ensure that it arrives at the right place. Kansans who are not physically located in their county at or around election day may reasonably choose to—or need to—vote by mail ballot. *Cf.* 150:4–14 (testimony from Ms. Moore that she voted by advance mail ballot because she attended college two hours from her county). Yet evidence demonstrates that mail can be sent to voters’ *registration* address, not the address at which they received their mail ballot. *See* 715:13–25 (Mr. Vargo testifying that mail notice is sent to “registration” addresses); *see also* PX 63, 64 (showing mail notice sent to voter’s registration address, not the mailing address where their ballot was delivered).

300. For all of these reasons, this Court therefore concludes that Kansas’s SVR does not ensure constitutionally sufficient notice for Kansans whose votes are at risk of rejection.

301. The SVR also does not guarantee that voters will have a meaningful opportunity to cure, which means, at a minimum, ensuring that absentee voters are not forced to appear in person in order to cure their ballots. *See Martin v. Kemp*, 341 F. Supp. 3d 1326, 1339 (N.D. Ga. 2018) (holding Georgia’s in-person cure procedures did not comply with procedural due process where “absentee voters who vote by mail . . . cannot show up in person”).

302. Johnson County—Kansas’s largest county—still “requires voters to cure their signature mismatches on advance mail ballots in person,” Joint Stipulation Regarding Testimony of Connie Schmidt ¶ 7 (July 21, 2026), which is plainly insufficient for voters who voted by mail because they could not appear in person at or around election day. Though Johnson County recently changed its policy for voters with disabilities, for disabled voters to even avail themselves

of Johnson County's exception to its in-person curing requirement, they must "specifically advise[] the election office that [they are] physically unable to come into the office to cure a signature mismatch as a result of a disability." *Id.*

303. But as Johnson County's former election commissioner himself noted, voters are often "reluctan[t]" to even "admit that they have disabilities." 525:24–526:8. In any event, Johnson County's late-breaking, discretionary policy change is still just that: *discretionary*. The fact that voters' procedural due process rights might ultimately hinge on fluid and opaque administration decisions made by different counties at different times is not the kind of "opportunity to contest the disqualification of otherwise valid absentee ballots" that due process guarantees. *LWV III*, 318 Kan. at 806.

304. In light of these significant shortcomings in Kansas's notice-and-cure provisions, the value of imposing substitute, voter-friendly safeguards is high.

305. Precluding election officials from rejecting mail ballots under the SVR, except only where an affected voter expressly *disclaims* their mail-ballot signature's authenticity, is valuable for voters because it ameliorates the prejudice caused by an erroneous signature verification determination, and a deficient notice-and-cure process.

306. Under such substitute safeguards, the high likelihood of an erroneously flagged ballot exacts a significantly lower cost on the voter: instead of presuming the ballot's illegality, election officials would presume legality. And Kansas election officials' mere failure to make contact with an affected voter would not result in that ballot's rejection.

E. The State has no interest in these deficient cure procedures.

307. Kansas has no interest in the deficiencies in K.S.A. 25-1124(b) and K.A.R. 7-36-9(b)(2), which fall markedly short in ensuring both (1) that Kansas voters will receive sufficient

and timely notice of their responsibility to cure ballots flagged as inconsistent, and (2) that these voters will have reasonable opportunities to do so.

308. The Kansas Supreme Court has already determined that the State's interest in administering the SVR is to "identify[] those who possess constitutionally required qualifications." *LWV III*, 318 Kan. at 804.

309. But the nature of the SVR's open-ended notice-and-cure procedures—which do not require timely notice or accessible curing options—cannot further that state interest. They fail to ensure that eligible votes, cast by eligible electors, will be counted if they are erroneously swept up by Kansas's unreliable matching procedures. It is not hyperbole or speculation that Kansas's failure to mandate sufficient notice-and-cure procedures has facilitated rejection of lawful votes cast by eligible electors. Defendants have not disputed this point, nor have they disputed that Kansas voters Abigail Moore's and Elizabeth Anderson's ballots were erroneously rejected under the SVR and had no opportunity to cure because of deficient notice. *Supra* ¶¶ 33–34, 112. This furthers no legitimate state interest. *Cf. Griffin*, 781 F. Supp. 3d at 448 (noting court was "unable to detect any state interest in depriving an eligible voter of the right to vote" without proper procedures).

310. Defendants presented no plausible state interest at all for failing to mandate constitutionally sufficient procedures, except with testimony from some election officials that, as a general matter, it would not make sense for Kansas to have the same procedural requirements in every single county. 773:2–14; *see also* 735:17–25 (similar). But the Court does not find that testimony credible, as it was Mr. Caskey himself who agreed that one purpose in developing the signature review process was to provide uniformity, and that the cure process was implemented to ensure "that *every voter* would have the chance to cure" a ballot flagged for signature mismatch.

822:1–11 (emphasis added). As noted above, Kansas’s procedures do not ensure that “every voter” has a chance to cure, so it fails to further the State’s interest even on its own terms. *Id.*

311. On the other side of the ledger, the State has a strong interest in implementing substitute safeguards that would preclude election officials from rejecting mail ballots under the SVR except where an affected voter expressly *disclaims* their mail-ballot signature’s authenticity. There is no surer way to detect a fraudulent signature than affirmative confirmation from the voters themselves. Further, courts have repeatedly found in the signature matching context that stronger procedural protections actually advance the State’s interest in the integrity of its elections; they do not weaken it. *See, e.g., Saucedo*, 335 F. Supp. 3d at 220 (“[I]f anything, additional procedures further the State’s interest in preventing voter fraud while ensuring that qualified voters are not wrongly disenfranchised.”); *see also Lee*, 915 F.3d at 1325 (“[T]he state’s interest in preventing fraud is not in conflict with the voters’ interest in having their legitimately-cast ballots counted”).

312. That conclusion is especially warranted here, where election officials in Kansas “already engage in a practice of” contacting voters whose ballots were flagged under the SVR. *Saucedo*, 335 F. Supp. 3d at 221. As Dr. Mayer testified, these substitute procedures would impose no additional election administration burdens. 401:17–23. This would not be a case “of foisting wholly novel procedures on state election officials.” *Saucedo*, 335 F. Supp. 3d at 221. It would simply “refin[e] an existing one to allow voters to participate and to ensure that the process operates with basic fairness.” *Id.* at 221.

313. And even if these substitute procedures did create some negligible burden on election officials, the U.S. Supreme Court has made clear that “administrative convenience” cannot justify the deprivation of a constitutional right. *Taylor v. Louisiana*, 419 U.S. 522, 535 (1975); *see*

also *Democratic Exec. Comm. of Fla. v. Detzner*, 347 F. Supp. 3d 1017, 1032 (N.D. Fla. 2018) (finding “[a]ny potential hardship imposed” by requiring additional notice and cure procedures for ballots rejected for signature mismatch “is out-weighed by the risk of unconstitutionally depriving eligible voters of their right to vote and have that vote counted”); *Self Advoc. Sols. N.D. v. Jaeger*, 464 F. Supp. 3d 1039, 1054 (D.N.D. 2020) (“[A]ny fiscal or administrative burden is miniscule when compared to the palpable threat of disenfranchisement.”).

IV. Plaintiffs do not need to demonstrate that “no set of circumstances exists” under which the SVR would be valid.

314. Cases challenging laws that impact voters often proceed, and succeed, as facial challenges, including when they challenge signature verification regimes in particular. *See, e.g., Saucedo*, 335 F. Supp. 3d at 213, 217–19 (holding New Hampshire’s signature-matching law “facially violate[d]” due process after examining the statutory scheme and evidence “in the record,” including expert analysis on the reliability of signature matching by Dr. Mohammed, Plaintiffs’ expert); *Frederick*, 481 F. Supp. 3d at 796–97 (holding Indiana’s signature verification system “facially . . . violative” of due process after examining the statutory scheme and evidence from experts like Dr. Mohammed, who helped the court understand the likelihood of “a real risk of erroneous rejection” as a result of signature verification); *see also Martin*, 341 F. Supp. 3d 1326; *Jaeger*, 464 F. Supp. 3d 1039.

315. As the Tenth Circuit has summarized the case law on facial challenges, “[t]he idea that the Supreme Court applies the ‘no set of circumstances’ test to every facial challenge is simply a fiction, readily dispelled by a plethora of Supreme Court authority.” *Doe v. City of Albuquerque*, 667 F.3d 1111, 1124 (10th Cir. 2012). In fact, after *United States v. Salerno*, 481 U.S. 739, 749 (1987), “the [Supreme] Court has repeatedly considered facial challenges simply by applying the relevant constitutional test to the challenged statute without attempting to conjure up whether or

not there is a hypothetical situation in which application of the statute might be valid.” *Doe*, 667 F.3d at 1124.

316. The Kansas Supreme Court has likewise not enforced the “no set of circumstances” test in all facial challenges. *See, e.g., State v. Ryce*, 303 Kan. 899, 915, 368 P.3d 342 (2016) (in facial challenge, rejecting State’s attempt to apply *Salerno*), *adhered to on reh’g*, 306 Kan. 682, 396 P.3d 711 (2017).

317. Even applying the “no set of circumstances” test, the “proper focus” of the Court’s inquiry is how the law affects “the group [of people] for whom the law is a restriction, not the group for whom the law is irrelevant.” *City of Los Angeles v. Patel*, 576 U.S. 409, 415–19 (2015). Thus, it is voters who genuinely signed their ballot envelope, but whose ballot was subject to an arbitrary and standardless decision about whether it should be counted, that make up the relevant population. And the Kansas Supreme Court made clear in *LWV III* that *all* mail voters are entitled to a signature verification process that complies with equal protection and due process. 318 Kan. at 805 (requiring “reasonable uniformity upon objective standards so that *no voter* is subject to arbitrary and disparate treatment”). If the law does not comply with equal protection or procedural due process, it is facially unconstitutional.

318. Furthermore, in an equal protection case like this one, in which the plaintiffs have proven that a law requires election officials to select voters for disfavored treatment on an arbitrary basis, there is no set of circumstances under which that arbitrary treatment is lawful—regardless of how many people are ultimately injured.

V. Plaintiffs satisfied the remaining factors for securing injunctive relief.

319. Because Plaintiffs have shown actual success on the merits, they are entitled to injunctive relief if (1) there is a reasonable probability of irreparable future injury; (2) an action at law will not provide an adequate remedy; (3) the threatened injury to Plaintiffs outweighs whatever

damage the proposed injunction may cause Defendants; and (4) the injunction, if issued, would not be adverse to the public interest. *See Nat'l Compressed Steel Corp. v. Unified Gov't of Wyandotte Cnty./Kan. City*, 272 Kan. 1239, 1246, 38 P.3d 723 (2002).

320. Plaintiffs satisfy these factors and are entitled to injunctive relief.

A. Irreparable harm

321. First, without an injunction, Plaintiffs, their members, and constituents are reasonably likely to suffer irreparable harm.

322. “When an alleged constitutional right is involved, most courts hold that no further showing of irreparable injury is necessary.” *Fish v. Kobach*, 840 F.3d 710, 752 (10th Cir. 2016) (citation omitted). This is because “a deprivation of a constitutional right is in and of itself irreparable harm.” *Hodes & Nauser, MDs, P.A. v. Schmidt*, No. 2015-CV-490, 2015 WL 13065200, at *5 (Kan. Dist. Ct. Shawnee Cnty. June 30, 2015); *see Trust Women Found. Inc. v. Bennett*, 2022 WL 1597011, at *7 (Kan. Ct. App. 2022) (unpublished) (noting that “courts presume that irreparable injury results when a constitutional right is violated”). “This is especially so” in the voting context, where “there can be no ‘do-over’ or redress” after an election, which “weighs heavily in determining whether plaintiffs would be irreparably harmed absent an injunction.” *Fish*, 840 F.3d at 752 (citation omitted).

323. There is a reasonable probability that Plaintiffs’ members and constituents will suffer irreparable injuries to their equal protection and due process rights in the upcoming 2026 elections, as well as all elections that follow, absent an injunction. Plaintiffs’ members and constituents include young voters, voters with disabilities, and voters who are aging, among others, *see supra* FOF § VIII. Absent injunctive relief, these voters’ rights will be at risk of arbitrary and erroneous treatment, which at the very least will impose additional curing costs on them based solely on election officials’ unreliable determinations, and at the worst, disenfranchisement. *See*

supra COL §§ II, III. Such unconstitutional treatment also harms Plaintiffs as organizations, whose missions include empowering their members and constituents to participate in the political process, *see supra* FOF § VIII. Plaintiffs will also suffer direct irreparable injury because they must divert critical resources to mitigate the burdens of the SVR—resources that they would otherwise put toward other mission-critical activities. *See supra* FOF § VIII; Order at 50, *Kansas Appleseed Ctr. for Law and Just., Inc., v. Schwab*, No. DG-2025-CV-000206 (Kan. Dist. Ct. July 16, 2026) (“*Kansas Appleseed Order*”) (granting injunction and noting that organizational plaintiffs’ resource-related harms “cannot be compensated by a legal remedy like money damages”). Indeed, “[c]ourts routinely recognize that organizations suffer irreparable harm when a defendant’s conduct causes them to lose opportunities to conduct election-related activities, such as voter registration and education.” *League of Women Voters of Mo. v. Ashcroft*, 336 F. Supp. 3d 998, 1005 (W.D. Mo. 2018) (collecting cases). Any opportunity to remedy these harms will be forever lost “once the election occurs,” at which point, “there can be no do-over and no redress.” *League of Women Voters of N.C. v. North Carolina*, 769 F.3d 224, 247 (4th Cir. 2014); *see also League of United Latin Am. Citizens*, 780 F. Supp. 3d at 200–01 (finding irreparable harm where challenged action would force plaintiff to “divert resources from their other electoral efforts to counteract the provision’s effects on their voter-registration and mobilization efforts”).

324. Nor can damages sufficiently compensate for Plaintiffs’ organizational injuries. “Because this Court can neither postpone an election nor turn back the clock to give Plaintiffs additional time to pursue their [program]s, this is not a case in which ‘adequate compensatory or other corrective relief will be available at a later date.’” *League of United Latin Am. Citizens*, 780 F. Supp. 3d at 201 (citation omitted). Plaintiffs have thus demonstrated a “reasonable probability”

of irreparable injury absent a permanent injunction, and that “an action at law will not provide an adequate remedy.” *Nat’l Compressed Steel*, 272 Kan. at 1246.

B. Equitable factors

325. Plaintiffs also satisfy the remaining permanent injunction factors: the threatened injuries to them outweigh any injury to Defendants, and an injunction is squarely in the public’s interest.

326. To the extent the State claims that the SVR protects the State’s interests in preventing fraud, Defendants failed to produce any evidence of actual fraud, let alone widespread fraud, that would result if the SVR were enjoined. The SVR also fails to advance—and, in fact, undermines—the State’s interest in election integrity because it results in the arbitrary and erroneous disenfranchisement of eligible voters. *See supra* COL § II; ¶¶ 32–34 (testimony from voters Anderson and Moore); *see also, e.g., Martin*, 341 F. Supp. 3d at 1340 (“[A]ssuring that all eligible voters are permitted to vote [does not] undermine[] integrity of the election process . . . it strengthens it.”).

327. The SVR itself creates additional administrative burdens on election officials, so it is unlikely that a permanent injunction would impose any additional administrative burdens on the State. Moreover, and as Dr. Mayer testified, the substitute procedures discussed above—which would permit election officials to reject ballots on the basis of signature mismatch *only* where a voter expressly disclaims the signature’s authenticity—would place no additional burdens on election officials. 401:17–23.

328. In any event, any administrative burdens stemming from an injunction are outweighed by a loss of voters’ constitutional rights. *See, e.g., Fish*, 840 F.3d at 755 (“There is no contest between the mass denial of a fundamental constitutional right and the modest administrative burdens to be borne by [state] and local offices involved in elections.”). The SVR

has already resulted in past disenfranchisement and will continue to do so. *See supra* COL § III.D. Absent an injunction, Plaintiffs’ abilities to pursue their organizational missions will continue to suffer, and they will be forced to continue to divert more resources away from their other civic engagement activities to help Kansans avoid disenfranchisement and navigate the SVR’s cure process. *See supra* COL §§ I.A–B.

329. An injunction is also in the public interest. “[E]nsuring qualified voters exercise their right to vote is *always* in the public interest.” *League of Women Voters of Mo.*, 336 F. Supp. 3d at 1006 (emphasis added) (citation omitted); *Fish*, 840 F.3d at 756 (holding “[t]he public interest in broad exercise of the right to vote will be furthered rather than harmed” by an injunction); *cf. Burke v. State Bd. of Canvassers*, 152 Kan. 826, 107 P.2d 773, 779 (1940) (“Election laws are liberally construed to permit exercise of the right of suffrage conferred by the Constitution and laws of the state.”). By issuing an injunction, this Court will be “correcting a violation of the law,” which is also “in the public interest.” *Wing v. City of Edwardsville*, 51 Kan. App. 2d 58, 66, 341 P.3d 607 (2014); *see also, e.g., KH Outdoor, LLC v. City of Trussville*, 458 F.3d 1261, 1272 (11th Cir. 2006) (noting the “public has no interest in enforcing an unconstitutional” law).

330. Plaintiffs thus satisfy the factors necessary to obtain permanent injunctive relief.

VI. Remedy

331. “An injunction is an equitable remedy governed by the principles of equity.” *State ex rel. Stovall v. Martinez*, 27 Kan. App. 2d 9, 12, 996 P.2d 371 (2000). A court sitting in equity has “broad discretion in framing its decrees in order to adapt the relief to the circumstances of particular cases.” *Banner v. Welch*, 115 Kan. 868, 225 P. 98, 100 (1924) (citation omitted). This includes the “equitable authority to issue statewide injunctions of unconstitutional state laws.” *Kansas Appleseed Order* at 52; *see also Hodes & Nauser, MDs, P.A. v. Schmidt* (“*Hodes I*”), 309

Kan. 610, 614, 440 P.3d 461 (2019) (per curiam) (affirming trial court’s injunction temporarily enjoining the enforcement of S.B. 95). “Where an act of the legislature or a portion thereof is clearly unconstitutional, it is the duty of the courts to so declare and to hold the unconstitutional provision or provisions null and void.” *State v. Cody*, 272 Kan. 564, 566, 35 P.3d 800 (2001).

332. Here, a “facial injunction with statewide effect is the appropriate scope of relief for the . . . injunction.” *Kansas Appleseed Order* at 52. As such, the Court enjoins the Secretary of State from enforcing K.S.A. 25-1124(h) and its implementing Regulation to the extent that it requires or permits county officials to reject or refuse to count advance mail ballots based on a determination that the signature on the ballot envelope does not match a signature on file in the voter registration records. The Court also orders the Secretary of State to inform all Kansas county election officials of the injunction and advise them they are not permitted to reject an advance mail ballot based on a determination that a “signature of a person on the advance voting ballot envelope does not match the signature on file in the county voter registration records.” K.S.A. 25-1124(h).

333. Notably, this injunction does not preclude individual county election officials from—acting in accordance with any other applicable state law—reviewing signatures and contacting voters where they identify a purported mismatch between a ballot envelope and a signature in a county’s voter registration records. Nor does it preclude election officials from setting aside ballots where *the voter* disclaims the authenticity of the ballot-envelope signature. This injunction only forbids the *rejection* of advance mail ballots based solely on a determination that a ballot-envelope signature did not match the voter’s signature on file and was not cured.

334. The Court permanently:

- (1) Enjoins the Secretary and those in concert with him from enforcing the SVR under K.S.A. 25-1124(h), specifically to the extent it requires or allows for the rejection of ballots on the sole basis of mismatched signatures; and
- (2) Orders the Secretary to inform all Kansas county election officials of the injunction and advise them they are not permitted to reject or refuse to count an advance ballot based solely on election officials' determination that the signature on the ballot envelope does not match the signature on file.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of September, 2026, a true and correct copy of the above and foregoing was served on all parties by electronic transmission via the Court's electronic filing system and electronically mailed to all counsel of record.

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