

IN THE SUPREME COURT OF THE STATE OF KANSAS

No. 125,092

FAITH RIVERA et al., TOM ALONZO et al., and SUSAN FRICK et al.,
Appellees,

v.

SCOTT SCHWAB, Kansas Secretary of State, in His Official Capacity,
and MICHAEL ABBOTT, Wyandotte County Election Commissioner,
in His Official Capacity,

Appellants,

and

JAMIE SHEW, Douglas County Clerk,
in His Official Capacity,

Appellee.

SYLLABUS BY THE COURT

On the record before the court, Substitute for Senate Bill 355 is held not to violate the Kansas Constitution.

Appeal from Wyandotte District Court; BILL KLAPPER, judge. Opinion filed May 18, 2022.
Reversed and injunction order is lifted.

Brant M. Laue, solicitor general, argued the cause, and *Kurtis K. Wiard*, assistant solicitor general, *Shannon Grammel*, deputy solicitor general, *Dwight R. Carswell*, deputy solicitor general, *Jeffrey A. Chanay*, chief deputy attorney general, *Derek Schmidt*, attorney general, *Anthony F. Rupp*, of Foulston Siefkin LLP, of Overland Park, and *Gary Ayers* and *Clayton Kaiser*, of the same firm, of Wichita, were with him on the briefs for appellants.

Stephen R. McCallister, of Dentons US LLP, of Kansas City, Missouri, argued the cause, and *Mark P. Johnson*, *Betsey L. Lasister*, and *Curtis E. Woods*, pro hac vice, of the same firm, were with him on the briefs for appellees Susan Frick et al.

Lalitha D. Madduri, pro hac vice, of Elias Law Group LLP, of Washington, D.C., argued the cause, and *Spencer W. Klein*, pro hac vice, *Joseph N. Posimato*, pro hac vice, of the same firm, *Abha Khanna*, pro hac vice, and *Jonathan P. Hawley*, pro hac vice, of the same firm, of Seattle, Washington, and *Barry R. Grissom* and *Jake Miller*, pro hac vice, of Grissom Miller Law Firm LLC, of Kansas City, Missouri, were with her on the brief for appellees Faith Rivera et al.

Sharon Brett, *Josh Pierson*, and *Kayla DeLoach*, of American Civil Liberties Union Foundation of Kansas, of Overland Park, and *Mark P. Gaber*, pro hac vice, *Richard Samuel Horan*, pro hac vice, and *Orion de Nevers*, pro hac vice, of Campaign Legal Center, of Washington, D.C., *Elisabeth S. Theodore*, *R. Stanton Jones* and *John A. Freedman*, of Arnold & Porter Kaye Scholer LLP, of Washington, D.C., and *Rick Rehorn*, of Tomasic & Rehorn, of Kansas City, were on the briefs for appellees Tom Alonzo et al.

No appearance by *Jamie Shew*, appellee.

The opinion of the court was delivered by

STEGALL, J.: A majority of the court holds that, on the record before us, plaintiffs have not prevailed on their claims that Substitute for Senate Bill 355 violates the Kansas Constitution. Therefore, the judgment of the district court is reversed and the permanent injunction ordered by the district court is lifted.

A full opinion describing the facts, rationale, and holdings of the court is forthcoming, along with all dissenting or concurring opinions of members of the court.