

IN THE COURT OF APPEALS OF THE STATE OF KANSAS

KANSAS APPLESEED CENTER FOR
LAW AND JUSTICE, INC. et al.,

Plaintiffs/Appellees,

v.

No. 26-130839-A

SCOTT SCHWAB, in his official capacity
as the Kansas Secretary of State,

Defendant/Appellant,

and

JAMIE SHEW, in his official capacity as
the Douglas County Clerk, *Defendant.*

MOTION TO EXPEDITE APPEAL

Defendant/Appellant Scott Schwab (“the Secretary”) respectfully moves this Court to expedite this appeal so that the Court may issue an opinion—or, at the very least, a decision on the Secretary’s renewed motion to stay, which is being contemporaneously filed with this motion—before October 14, when the first general election ballots are directed by law to be mailed to voters. The district court’s July 16, 2026, order temporarily enjoined 2025 Senate Bill 4, a statute imposing an Election Day ballot receipt deadline for advanced mail ballots, and invented a three-day grace period constitutional right for ballot receipt. As explained in the Secretary’s opening brief, the district court’s decision finds no support in the Kansas Constitution and should be reversed. Because that decision affects which ballots will be counted in the November 3 general election, the interests of justice demand that a decision be issued before then, and issuing a decision before the first ballots are mailed on October 14 would assist in minimizing voter confusion.

In denying the Secretary's Motion to Transfer and Petition for Review from the denial of the Secretary's emergency stay motion, the Supreme Court noted that the "Court of Appeals appears ready, willing, and able to administer justice at this stage in the case." Order at *3, *Kansas Appleseed Center for Law and Justice, Inc. v. Schwab*, No. 130,839 (Kan. July 30, 2026). The Supreme Court also noted that "[t]he public at large will benefit from an expeditious decision from the Court of Appeals, which will have the opportunity to interpret and apply Kansas precedent to evaluate the propriety of the temporary injunction." *Id.* at *9. This Court now has the opportunity to demonstrate the Supreme Court's trust in this Court was well placed by considering the merits of this appeal in an expeditious fashion and granting relief from the district court's erroneous decision.

Accordingly, the Secretary requests that no extensions of time be granted to the briefing schedule and that oral argument be scheduled in sufficient time to allow this Court to issue an opinion, or at the very least a decision on the Secretary's renewed stay motion, before October 14.

Respectfully submitted,

By: /s/ Kris W. Kobach

Kris W. Kobach, #17280

Kansas Attorney General

Kurtis Wiard, #26373

Senior Counsel

Dwight Carswell, #25111

Acting Solicitor General

Kansas Attorney General's Office

120 S.W. 10th Street, Suite 200

Topeka, KS 66610

Tel: (785) 296-2218

Email: kris.kobach@ag.ks.gov

Email: kurtis.wiard@ag.ks.gov

Email: dwight.carswell@ag.ks.gov

Bradley J. Schlozman, #17621

Krystle M. S. Dalke, #23714

HINKLE LAW FIRM LLC

1617 North Waterfront Parkway
Suite 400

Wichita, KS 67206

Tel.: (316) 267-2000

Fax: (316) 660-6596

Email: bschlozman@hinklaw.com

Email: kdalke@hinklaw.com

Ashley N. Jarmer, #24722

HINKLE LAW FIRM LLC

8711 Penrose Lane, Suite 400

Lenexa, KS 66219

Tel.: (913) 345-9205

Fax: (913) 345-4832

Email: ajarmer@hinklaw.com

Attorneys for Defendant-Appellant

Scott Schwab

CERTIFICATE OF SERVICE

I certify that on August 14, 2026 the above motion was electronically filed with the Clerk of the Court using the Court's electronic filing system, which will send a notice of electronic filing to registered participants.

/s/ Dwight R. Carswell

RETRIEVED FROM DEMOCRACYDOCKET.COM