Court:	Court of Appeals
Case Number:	130839
Case Title:	Kansas Appleseed Center for Law and Justice, Inc., et al., Appellees, v. Scott Schwab, In His Official Capacity as the Kansas Secretary of State; Appellant, and Jamie Shew, In His Official Capacity as Douglas County Clerk, Defendant.
Type:	COA Order by the Court Appellant's Reply in Support of Renewed Motion to Stay Injunction

Noted.

SO ORDERED,

/s/ Sarah E. Warner, Court of Appeals Judge

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IN THE COURT OF APPEALS OF THE STATE OF KANSAS

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

Plaintiffs/Appellees,

v.

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*.

No. 26-130839-A

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REPLY IN SUPPORT OF RENEWED MOTION TO STAY INJUNCTION

Plaintiffs wrongly claim that Secretary Schwab's motion to stay the district court's injunction is the "exact same request" this Court previously denied. Resp. to Stay Motion at 1. The Secretary's previous request was filed before any briefing on the merits, and the Kansas Supreme Court excused this Court's prior failure to consider the Secretary's likelihood of success by noting that this Court did not have "the benefit of the usual appellate litigation process—i.e., briefing and argument." Order at *7, *Kansas Appleseed Center for Law and Justice, Inc. v. Schwab*, No. 130,839 (Kan. July 30, 2026). Both the Secretary and Plaintiffs have now filed their principal briefs, and the Secretary's reply brief will be filed shortly. This Court also has the opportunity to conduct oral argument before October 14, when the first general election ballots will be mailed to voters. Thus, unlike in the primary election where this case had reached this Court after thousands of ballots had already been mailed, this Court can now review the merits and determine that there

is no constitutional basis to support the district court's injunction before ballots are again mailed to voters.

Plaintiffs are also wrong that the Kansas Supreme Court anticipated the district court's injunction would necessarily remain in effect through the general election. Rather, the Supreme Court held 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." Order at *9 (emphasis added). There were be no need for an expeditious decision from this Court unless the Kansas Supreme Court expected this Court to address the merits *before* the general election.

The lack of any legal basis for the district court's injunction dooms Plaintiffs' other arguments. Because S.B. 4 is plainly constitutional, the district court's injunction inflicts irreparable harm on the State. *See* Renewed Stay Motion at 8. And while the Secretary disagrees with Plaintiffs on whether a stay would minimize voter confusion and promote confidence in the electoral process, a constitutional statute cannot be enjoined merely for policy reasons.

Accordingly, the Secretary requests that this Court review the merits, determine that the district court's injunction lacks any constitutional basis, and stay that injunction before October 14.

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on September 17, 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

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