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 Notice Regarding Secretary Schwab's Pending Motions to Stay and Expedite

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Noted.

SO ORDERED,



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

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 DOUGLAS COUNTY CLERK, *Defendant*.	)	Case No. 130,839

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NOTICE REGARDING SECRETARY SCHWAB'S
PENDING MOTIONS TO STAY AND EXPEDITE

Due to the rapidly approaching general election, Defendant-Appellant Scott Schwab ("the Secretary") respectfully submits this Notice regarding his pending (i) Renewed Motion to Stay or Suspend the Temporary Injunction, and (ii) Motion to Expedite, both of which have been pending since August 14, 2026. Advance mail voting for the full electorate is around the corner, with ballots scheduled to be mailed to voters on October 14. The circumstances that led this Court to deny a stay in connection with the August primary election, therefore, are about to recur for the November general election unless the Court rules promptly.

The district court entered its temporary injunction on July 16, after advance voting for the primary election had already begun. The Secretary immediately appealed and, within two business days, sought a stay, (Dkt Index #8), but this Court denied that request on July 27, concluding that

altering the applicable ballot-receipt deadline after voting had begun could create confusion and disruption. (Dkt Index # 19).

Once the primary concluded, the Secretary thus promptly filed a Renewed Motion to Stay and a Motion to Expedite on August 14, specifically seeking a ruling sufficiently in advance of the November 3 general election to avoid the same timing concerns. (Dkt Index # 31-32). The Motion to Expedite has been fully briefed for nearly a month-and-a-half, the Motion to Stay has been fully briefed for more than two weeks, and even the merits briefing was completed nearly two weeks ago after the Secretary filed his Reply a week early.

Time is now critical. Advance mail ballots for the general election will be transmitted beginning October 14, just twelve days away. Unless this Court rules before then, the very concern that led the Court to deny relief before the primary election will arise again. The Secretary thus respectfully requests a ruling on his Renewed Motion to Stay as soon as possible.

This request is consistent with the Kansas Supreme Court's July 30 Order denying the Secretary's Petition for Review and Motion to Transfer. (Dkt Index #24). Although the Supreme Court declined to intervene because it found the Court of Appeals "appear[ed] ready, willing, and able to administer justice at this stage in the case," the Supreme Court expressly recognized that "[t]he public at large will benefit from an expeditious decision from the Court of Appeals." *Id.* at 3, 9. With the general election nearly upon us, the need for the expeditious decision contemplated by the Supreme Court has become immediate.

This Court issued its standard oral argument notice on September 29, but no argument date has been set, and the Renewed Motion to Stay remains pending. The Secretary remains prepared to participate in oral argument at any time if the Court believes it would be helpful. Given the rapidly approaching October 14 ballot mailing date, however, the fully developed written record

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provides ample basis to resolve the Renewed Motion to Stay without awaiting oral argument. The Secretary urges the Court to do so before advance mail ballots begin to be transmitted to voters.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I certify that on October 2, 2026, the above Notice 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/ Bradley J. Schlozman

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