

**UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS**

VERMIN LOVE SUPREME, an
individual;

Plaintiff,

v.

KANSAS STATE ELECTIONS BOARD;
SECRETARY OF STATE KRIS KOBACH
(in his official and personal
capacity); GOVERNOR JEFF
COLYER (in his official and personal
capacity); GOVERNOR'S CHIEF
COUNSEL BRANT LAUE (in his official
and personal capacity); KANSAS
ATTORNEY GENERAL DEREK
SCHMIDT (in his official and personal
capacity); Elections Director Bryan
Caskey (in his official capacity);

Defendants.

Civil Case No. _____

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
EMERGENCY EX PARTE MOTION FOR A TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

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MEMORANDUM OF POINTS AND AUTHORITIES

1.0 INTRODUCTION

Plaintiff Vermin Love Supreme is a political activist and public figure who has run for various elected offices since the 1980s including President of the United States. Mr. Supreme learned that under the Kansas Constitution and, “[u]nder Kansas law, there is no law governing the qualifications for governor, not one,”¹ Mr. Supreme announced he would run as a candidate for Kansas Attorney General.

Mr. Supreme timely filed a Declaration of Intention to become a candidate, in person and in Kansas, as required by Kansas Statute Annotated (“K.S.A.”) 25-206, before noon on June 1, 2018. As part of his commentary on American politics, Mr. Supreme’s political platform advocates for socialized distribution of equine companions and is known nationally for his political ambitions.² Mr. Supreme expected to receive substantial backing from his Kansas supporters.

Kansas made nationwide news due to its uniquely restrictive laws for Kansas voters, while having absolutely no laws about running for office in Kansas. Mr. Supreme wished to run for Kansas Attorney General (“AG”) in part to draw

¹ See **Exhibit 1**, Hunter Woodall, “The 16-Year-Old Running for Governor of Kansas,” TRIBUNE NEWS SERVICE (Aug. 8, 2017) (“**Under Kansas law, there is no law governing the qualifications for governor, not one,**” said Bryan Caskey, director of elections at the Kansas secretary of state’s office. “**So there’s seriously nothing on the books that lays out anything, no age, no residency, no experience. Nothing.**”) (emphasis added), available at: <<http://www.governing.com/topics/politics/tns-jack-bergeson-kansas-governor.html>>.

² Mr. Supreme’s long standing platform has been centered on mandatory tooth brushing and free ponies for all. See Declaration of Vermin Supreme (“Supreme Decl.”), attached as **Exhibit 2**, at ¶ 3. Although Supreme uses “joke humor” as a campaign device when he runs for office as a response to some of the issues inherent in democracy, Supreme is a sincere political activist, who has participated in protests such as the *Great Peace March for Global Nuclear Disarmament* and the Occupy protests. *Id.*

attention to these disparities, but also because he has a desire to serve the people of Kansas. There are no age, residency, or experience requirements to run for Kansas Attorney General pursuant to Kansas law or the Kansas Constitution.

After Mr. Supreme filed his Declaration of Intention, the Executive Director of the Kansas Republican Party, Mr. Jim Joice, filed an objection to Mr. Supreme's candidacy, based on a non-existent "residency" requirement. K.S.A. 25-308 states that anyone may object to any candidate and, [t]he causes for objection under this section as to any office *may be* any of those causes listed in K.S.A. 25-1436." (emphasis added). Residency is not listed as an enumerated requirement under K.S.A. 25-1436.

The Kansas Elections Board, which is comprised of elected officials (who are also running their own election campaigns), scheduled a hearing on the Opposition for Monday, June 11, 2018. Pursuant to the statute, the Lieutenant Governor, the Secretary of State, and the Attorney General, are the only officials authorized to vote on the objections.

As described in more detail below, the Attorney General abstained from participating in the hearing, without designating another officer to vote in his place, and the Kansas Election Board (the "Board") voted 2-0 to sustain Mr. Joice's objection, finding that Mr. Supreme was not a resident and thus was not qualified.

Directly after Mr. Supreme's hearing, the Board heard a substantially similar case, wherein a Democrat objected to a Republican's candidacy based on a residency requirement, and despite the fact that the second candidate had only recently stated an intention to move for the election on May 7, 2018, the Board arbitrarily approved that the second candidate would be allowed on the ballot.

Defendants' conduct is never constitutionally tolerable, but the harm caused by their actions is especially pronounced here. Access to the ballot and

the ballot box is one of the bedrock principals of our democracy by the people, and the regulations, the Constitution, and the Defendant's actions must be scrutinized. Plaintiff's freedom of association rights are protected by the First Amendment, and his due process rights are protected by the Fourteenth Amendment. This will not stand, and the Court should immediately remedy the unconstitutional wrong by ordering that the Defendants to place Mr. Supreme's name on the ballot, and enjoining the Defendants from disqualifying Mr. Supreme from appearing on the ballot.

2.0 FACTS

Vermin Love Supreme has run for President of the United States at least four times. See Supreme Decl. at ¶ 1. Mr. Supreme has appeared on several state's ballots in his bid to become President, and he placed fourth in New Hampshire's Democratic primary election in 2016.³ See Supreme Decl. at ¶ 2.

Part of Mr. Supreme's long standing campaign platform has centered on free ponies for all Americans and mandatory tooth-brushing laws. Supreme Decl. at ¶ 3. Some voters have interpreted this as commentary, satire, and political parody about a political system that rewards candidates who promise free benefits without discussing cost and to pass overprotective laws that interfere with individual choice.⁴

³ See **Exhibit 3**, Rebecca Kaplan, "Vermin Supreme finishes fourth in N.H. Democratic primaries," CBS NEWS (Feb. 10, 2016), available at <https://www.cbsnews.com/news/vermin-supreme-finishes-fourth-in-new-hampshire-democratic-primary/>.

⁴ See **Exhibit 4**, Megan Specia, "A man with a boot on his head got more primary votes than Jim Gilmore in New Hampshire," MASHABLE (Feb. 10, 2016), available at <https://mashable.com/2016/02/10/vermin-supreme-new-hampshire-primary/#zNrgewp6Ugqr>

The State of Kansas has made national news over the last few years regarding its voting laws. On the one hand, Kansas has made national news for having uniquely restrictive laws when it comes to access to the ballot box: Defendant Secretary of State Kris Kobach has been the face of the Non-Citizen Voter Fraud Movement, which led to Kansas having some of the most restrictive requirements to vote in the country.⁵ Kobach's "Documentary Proof" law, which requires voters in Kansas to present documentary proof that they are a U.S. citizen to register to vote,⁶ has received significant criticism.

On the other hand, the State of Kansas also made national news when the Kansas Elections Director Brian Caskey announced that Kansas has **no qualification requirements** when it comes to running for office in Kansas,⁷ and several teenagers,⁸ and several non-residents from Oregon,⁹ Pennsylvania,¹⁰ and

⁵ See **Exhibit 5**, Laurel Wamsley, "Kansas Scrambles To Change Rules After 6 Teens Enter Governor's Race," NATIONAL PUBLIC RADIO (Feb. 9, 2018), available at: <<https://www.npr.org/sections/thetwo-way/2018/02/09/584678163/kansas-scrambles-to-change-rules-after-6-teens-enter-governors-race>>.

⁶ A lawsuit regarding whether this law is Constitutional is currently pending before this Honorable Court: *Fish v. Kobach*, No. 16-2105-JAR, U.S. Dist. Kan. (Filed 2016).

⁷ See Woodall, "The 16-Year-Old Running for Governor of Kansas," TRIBUNE NEWS SERVICE, *supra*.

⁸ See **Exhibit 6**, Eric Levitz, "6 Teenage Boys Are Running for Governor of Kansas," NEW YORK MAGAZINE (February 6, 2018), available at: <<http://nymag.com/daily/intelligencer/2018/02/6-teenage-boys-are-running-for-governor-of-kansas.html>>.

⁹ See **Exhibit 7**, Associated Press, "2 Men From Oregon Say They Plan to Run for Kansas Office," US NEWS (Feb. 23, 2018), available at: <<https://www.usnews.com/news/best-states/oregon/articles/2018-02-23/2-men-from-oregon-say-they-plan-to-run-for-kansas-office>>.

¹⁰ See **Exhibit 8**, Allison Kite, "7th teen candidate for governor has never lived in Kansas," THE TOPEKA-KANSAS JOURNAL (Feb. 15, 2-18), available at: <<http://www.cjonline.com/news/20180215/7th-teen-candidate-for-governor-has-never-lived-in-kansas>>.

New York¹¹ announced they would run for office in Kansas. Mr. Supreme, who is actively engaged in politics and happens to be from Rockport, Massachusetts, followed the stories and originally announced he would run for Governor, but decided to run for Attorney General instead. See Supreme Decl. at ¶¶ 1, 4-5.

Currently, law makers in Kansas are working to change the law in Kansas so that only residents who are over 25 may run in Kansas and only attorneys may run for Kansas AG, however, these changes to the law will not take effect until 2019, after the November Election Cycle.¹² Mr. Supreme (who is not an attorney) believes the voters of Kansas will value having a non-attorney seek the office of Kansas AG. See Supreme Decl. at ¶ 6.

Mr. Supreme filed his Declaration of Intention to run for Kansas AG timely, and in person, before June 1st. See Supreme Decl. at ¶ 7. Mr. Supreme also secured a rental property on May 17, 2018, with a rental reservation dates of "May 31st, 2018 to TBD". See Supreme Decl. at ¶ 12. Although the rent is nominal, Mr. Supreme has paid rent for the property. See **Exhibit 11**; see also Supreme Decl. at ¶ 12.

Mr. Supreme asked Bryan Caskey, the Director of Elections at the Kansas Secretary of State's office, in person if there would be any issue if he listed both his Kansas rental property address and his Massachusetts address on the Declaration. See Supreme Decl. at ¶ 8. Mr. Caskey assured Mr. Supreme that since there were no residency requirements, he could not foresee any issue arising if he listed both

¹¹ See **Exhibit 9**, Courtney Ryan, "New York advertiser explains why he is running for Kansas governor," KSN WICHITA KANSAS LOCAL NEWS (May 9, 2018), attached as and available at: <<https://www.ksn.com/news/capitol-bureau/new-york-advertiser-explains-why-he-is-running-for-kansas-governor/1169205961>>.

¹² See Kansas House Bill No. 2539, attached as **Exhibit 10**, which pursuant to Section 1, goes into effect January of 2019, and amends K.S.A. 25-205 to read that electors must be 25 years old every candidate for the office of attorney general must be licensed to practice law within the state of Kansas.

addresses. *Id.* at ¶ 9. Republican Executive Director Jim Joice filed an Opposition to Mr. Supreme's candidacy, citing that Mr. Supreme was not qualified because he was not a resident. See Joice's Opposition, attached as **Exhibit 12**.

On Monday, June 11, 2018, the Kansas Elections Board held a hearing on Jim Joice's Opposition to Mr. Supreme's candidacy. See Supreme Decl. at ¶ 11. The Board also held a hearing on the candidacy of another alleged non-resident, Michael Capps. Mr. Supreme showed the Board that he had obtained a rental property in Kansas prior to filing his Declaration of Intent. However, more importantly, Mr. Supreme argued that this was irrelevant, because the Kansas Constitution does not require candidates for public office to be residents. Since the Kansas State Constitution¹³ was ratified in 1859, two years before Kansas became a State,¹⁴ the absence of a residency requirement, set in the context of the expanding west, cannot possibly be an omission. However, this is precisely what the incumbent officials in Kansas have argued, without reference to textual meaning¹⁵ or original intent, Kansas officials are systematically disqualifying certain candidates for office to narrow the playing field for themselves.

K.S.A. 25-308, as discussed in more detail below, states that the causes for objection to a candidate *may be* any one of a list of enumerated criteria. The use of the permissive word "may be", while referencing a list of enumerated causes for objection, is certainly vague, and facially appears to mean that

¹³ See Constitution of the State of Kansas, attached as **Exhibit 13**.

¹⁴ Kansas became a State in 1861, see National Archives at: <<https://www.archives.gov/legislative/features/kansas>>, attached as **Exhibit 14**.

¹⁵ Further, enlarging the qualifications to run for office, beyond the plain words of the qualification clause of the Kansas Constitution, and without statutory authority to the contrary, is highly disfavored in the federal context: while this is merely persuasive authority, the Ninth Circuit has held that residency requirements that handicap nonresident candidates who would otherwise meet the requirements of the Qualification Clause, U.S. Const. art. I, § 2, cl. 2, to be unconstitutional. See *Schaefer v. Townsend*, 215 F.3d 1031, 1032 (9th Cir. 2000).

people may object to a candidate for any reason, and Kansas officials may vote to get rid of or discriminate against any candidate for any reason, including political opponents.

Likely out of embarrassment of the recent news coverage and desperate to narrow the pool of candidates running for office, Kansas AG Derek Schmidt (who is up for re-election as the Attorney General) filed a lawsuit against Kobach (who is currently running for Governor as a Republican) seeking a declaration that only Kansas residents are eligible to run for Governor. Kansas State Court Judge Watson, over the objection of ousted gubernatorial candidate and New York resident Andy Maskin (who argued, like Supreme, that the omission of a candidate residency requirement from the Kansas Constitution was likely deliberate, since leaders, especially in 1861, came from all over the nation)¹⁶ declared that Maskins arguments were, “imaginative hypothesizing” and that declaring that there is a residency requirement for Governor is the, “common sense approach” and, “that the lack of an explicit candidate residency requirement was simply an oversight.” See *Kansas, ex rel. Schmidt v. Kobach*, Shawnee County District Court of Kansas, Case No. 2018-CV-285, Memorandum Decision and Order (Judge Watson) (May 31, 2018), attached as **Exhibit 15**.

The Kansas Elections Board, authorized by K.S.A. 25-308, cited to this declaratory judgment regarding the residency requirements for those running for

¹⁶ Most of the founding fathers of Kansas were not originally from Kansas (Kansas was not a state at the time the founders drafted the Constitution); most were also distinguished journalists in their day, likely not known for blatant omissions: the President of the Kansas Constitutional Convention, James Winchell of New York, wrote for *The New York Times*; two other signatories: journalists Edmund G. Ross of Wisconsin and Victor Murdock of Illinois, both covered Kansas politics and worked as war correspondents. See founders' biographies on the Kansas Historical Society Archives page, attached at **Exhibits 16, 17, & 18**, available at: <<https://www.kshs.org/>>.

governor, and voted against Mr. Supreme's candidacy, finding he was not a resident for purposes of being on the ballot as a candidate for Attorney General. However, directly after Mr. Supreme's hearing, the Board arbitrarily voted that another candidate, Michael Capps, who had also (1) only recently (May 5) moved, and (2) proclaimed to live in a house that was in foreclosure by a bank at the time of filing, was a resident for purposes of appearing on the ballot.¹⁷

The Kansas Elections Board has acted in bad faith, by seeking a declaratory judgment to narrow the field of candidates, and using the declaratory judgment to arbitrarily get rid of certain candidates that they claim do not meet the residency requirements (such as Mr. Supreme), but allowing other candidates, who objectively have the same "lack of residency criteria" to be named on the ballot. Both Capps and Supreme registered as Republicans, and in Kansas, the Republican nominee is chosen by *the voters* in a primary election held on August 7, 2018.¹⁸

For all of the following reasons, K.S.A. 25-308(a), (c), & (e) is unconstitutional on its face and as applied to Mr. Supreme. Further, the Kansas Elections Board has acted arbitrarily and capriciously, and has violated Mr. Supreme's free speech, free association, and due process rights, in violation of the First Amendment and Fourteenth Amendment of the U.S. Constitution and §§ 1, 2, 3, & 11 of the Kansas Constitution.

¹⁷ See **Exhibit 19**, Chris Reeves, "Not all voter fraud is equal, as Kris Kobach provides two different standards in same meeting," DAILY KOS (June 12, 2018), available at <<https://www.dailykos.com/stories/2018/6/12/1771350/-Not-all-voter-fraud-is-equal-as-Kris-Kobach-provides-two-different-standards-in-same-meeting>>.

¹⁸ See **Exhibit 20**, Office of the Kansas Secretary of State 2018 Election Information sheet, available at <https://www.kssos.org/elections/18elec/2018_Election_Information.pdf>.

3.0 STANDARDS FOR OBTAINING INJUNCTIVE RELIEF

In determining whether to issue preliminary injunctive relief, the moving party must establish: (1) a substantial likelihood of success on the merits; (2) a showing of irreparable injury unless the injunction issues; (3) proof that the threatened injury to the movant outweighs whatever damage the proposed injunction may cause the opposing party; and (4) a showing that the injunction, if issued, would not be adverse to the public interest. *Abilene Retail # 30, Inc. v. Six*, 641 F. Supp. 2d 1185, 1189 (D. Kan. 2009). If the movant prevails on the other factors, the Tenth Circuit uses, “a liberal standard for ‘probability of success on the merits,’ so the moving party need only raise questions going to the merits so serious, substantial, difficult and doubtful as to make them a fair ground for litigation and thus for more deliberate investigation.” *Id.* (internal quotations omitted), citing *Lundgrin v. Claytor*, 619 F.2d 61, 63 (10th Cir.1980).

When a violation of a constitutional right has been proven, however, no further showing of irreparable injury is required. See *Elrod v. Burns*, 427 U.S. 347, 373 (1976) (“The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.”) (internal citations omitted).

4.0 ARGUMENT

4.1 Plaintiff Has Standing

“To qualify as a party with standing to litigate, a person must show, first and foremost, an invasion of a legally protected interest that is concrete and particularized and actual or imminent.” *Arizonans for Official English v. Arizona*, 520 U.S. 43, 64 (1997). In the First Amendment context, a plaintiff has standing to sue if a challenged governmental action operates to “chill and deter” the plaintiff’s exercise of his or her First and Fourteenth Amendment Rights. See *Doe v. Bolton*, 410 U.S. 179, 188 (1973).

The constitutional minimum of standing contains three elements. First, the plaintiff must have suffered an "injury in fact," an invasion of a legally protected interest which is (a) concrete and particularized, and (b) actual or imminent, not "conjectural" or "hypothetical." Second, there must be a causal connection between the injury and the conduct complained of, the injury has to be fairly traceable to the challenged action of the defendant, and not the result of the independent action of some third party not before the court. Third, it must be "likely," as opposed to merely "speculative," that the injury will be "redressed by a favorable decision." See *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 557 (1992).

Here, Plaintiff's harm is readily apparent. Defendants have disqualified Plaintiff from running for office in Kansas and have disqualified him from appearing on the ballot. Defendants' actions burden the Plaintiff's right to associate for the advancement of his political beliefs. See *Anderson v. Celebrezze*, 460 U.S. 780, 787-88 (1983) ("[A]n election campaign is an effective platform for the expression of views on the issues of the day, and a candidate serves as a rallying-point for like-minded citizens.") Plaintiff's exclusion from the ballot deprives him of the opportunity to advance his positions on the issues of the day in Kansas, especially since the issues of the day in Kansas appear to be voting rights and ballot-access, according to various national news sources, *supra*. Defendants have arbitrarily decided that the Plaintiff is not eligible to run for office in Kansas, without a qualification statute or qualification clause in the Constitution, yet feel free to decide that other similarly situated candidates are qualified.

The threat is imminent since the Plaintiff will not be allowed to appear on the ballot in the primary election, which is fast approaching. An order from this Court compelling Defendants to place Plaintiff on the ballot would vindicate Plaintiff, and allow Plaintiff the opportunity to express his positions in the marketplace of ideas.

4.2 Plaintiff is Likely to Prevail on the Merits of His Claims

"It is beyond cavil that 'voting is of the most fundamental significance under our constitutional structure.'" *Burdick v. Takushi*, 504 U.S. 428, 433, 112 S. Ct. 2059, 119 L. Ed. 2d 245 (1992) (quoting *Ill. Bd. of Elections v. Socialist Workers Party*, 440 U.S. 173, 184 (1979)). "Access to the ballot and the ballot box is the necessary catalyst in the carefully calibrated system of individual freedoms and separation of powers crafted by our founding fathers. Accordingly, we take great care to scrutinize any electoral regulation that would appear to restrict this access." *Utah Republican Party v. Cox*, 885 F.3d 1219, 1228 (10th Cir. 2018).

The concept of "liberty" assured by the Due Process Clause of the Fourteenth Amendment and § 1 of the Kansas Constitution embraces those rights and freedoms which are, "so rooted in the traditions and conscience of our people as to be ranked as fundamental." *Palko v. Connecticut*, 302 U.S. 319, 325 (1937) (Cardozo, J.). Among the most fundamental rights and freedoms are those that flow from the First Amendment, including freedom of speech, *Gitlow v. New York*, 268 U.S. 652, 666 (1925), and the freedom "to engage in association for the advancement of beliefs and ideas," *NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449, 460 (1958) (Harlan, J.). When interpreting the Kansas Constitution, Kansas Courts "customarily interpret its provisions to echo federal standards." See *Hodes & Nauser v. Schmidt*, 52 Kan. App. 2d 274, 288, 368 P.3d 667, 675 (2016) (internal citations omitted).

4.2.1 K.S.A. 25-308(a), (c), and/or (e) are Unconstitutional and Defendants Have Violated Plaintiff's Constitutional Rights

K.S.A. 25-308(a) states that:

Any certificate of nomination, nomination petitions or declaration of intention to become a candidate, filed or issued in apparent conformity with law, shall be deemed to be valid unless: (1) Objection thereto is made in writing within three days from the date

the certificate, petitions or declaration is filed with or issued by the proper officers..."

K.S.A. 25-308(c) states that:

In the case of nominations of national and state officers, objections shall be filed with the secretary of state and shall be considered by the lieutenant governor, secretary of state, and attorney general, and a decision of a majority of these officers shall be final.

K.S.A. 25-308(e) states that:

The causes for objection under this section as to any office may be any of those causes listed in K.S.A. 25-1436.

K.S.A. 25-1436, referenced above, enumerates the following causes:

Grounds for contest. Any contest of election to which K.S.A. 25-1435, and amendments thereto, applies shall be brought on any one or more of the following grounds:

- (a) The person to whom a certificate of election was issued was ineligible to hold such office at the time of the election;
- (b) some voters were deprived of the right of voting for a candidate or on a question submitted, when such voters had the right under the election laws of this state to vote thereon, and such deprivation could change the result of the election;
- (c) illegal votes were received or legal votes were rejected which could change the result of the election;
- (d) error or fraud occurred in computing the results of the election which could change the result of the election;
- (e) the person to whom the certificate of election was issued offered or gave, or caused to be offered or given, a bribe to any person charged by law with any election duty, for the purpose of procuring such person's election; or
- (f) any other cause which shows that another was the person to whom the certificate of election for such office should have been issued.

First, none of the enumerated causes above fit Mr. Supreme's circumstance: (a) refers to eligibility **at the time of the election**, meaning that if Kansas did have a valid residency requirement (which it does not) then Mr. Supreme would have to be a resident by August 7, not June 1, so (a) could

not apply; (b) analyzes a situation where the voters were deprived of the right to vote for a candidate, and the Kansas Election Board apparently cares little about depriving the voters of the right to vote for Supreme; (c)-(f) are completely inapplicable since there is no issue or allegation here regarding illegal votes, fraud, bribes, or issuance to the wrong candidate. Accordingly, none of the enumerated causes for objecting to a candidate are met here. Thus, the Kansas Board of Elections has interpreted their power under K.S.A. 25-308(e) to mean that they may remove anyone from the ballot based on any objection for any reason. This statute, and this result, offends the Constitution.

The Statute on its face, in particular K.S.A. 25-308(e), appears to allow the Board to disqualify anyone they choose, since the word "may" is permissive, and the Board apparently has not interpreted the inclusion of the enumerated list as a limit, since the Board has arbitrarily applied different standards to different candidates, and has not limited its causes to those enumerated. So either the Board has not followed the statute, or the Board has interpreted the enumerated list as one that is merely permissive.

If the statute does in fact not any limits, then the statute is impermissibly vague under the Due Process Clause of the Fourteenth Amendment as well as overbroad under the First Amendment. First, the language of the statute contains insufficient guidelines as to how anyone may be eligible to run for Attorney General in Kansas, which means the statute is vague. See *Grayned v. City of Rockford*, 408 U.S. 104, 108 (1972) ("It is a basic principle of due process that an enactment is void for vagueness if its (guidelines) are not clearly defined."). Next, the statute is overbroad because it "reaches a substantial amount constitutionally protected conduct" by giving government officials unfettered discretion to prohibit any candidate from running for office, in

violation of the candidates First Amendment free speech and free association rights. See *Hoffman Estates v. Flipside, Hoffman Estates*, 455 U.S. 489, 491 (1982).

On its face, the statute is impossible to interpret, especially since it does not list a residency requirement in its enumerated subsection. This would mean that the Kansas Election Board can disqualify anyone for any reason it chooses, even if that reason is to disqualify a political opponent. As applied, the Kansas Election Board has already created different standards for different candidates. By extension, subsection (a), which highlights the process for objecting to a candidate, is also impossible to interpret and unconstitutional, because if an objector does not have to choose from an enumerated list, there is nothing to stop an objector from objecting to a candidate based merely on creating an uneven playing field and limiting voter choices.

Subsection (c), as discussed in more detail below, is unconstitutional on its face: it does not have a requirement that the AG designate a proxy, which means that the Attorney General, pursuant to the plain language of the statute, may either vote against a political opponent, or abstain, which would mean that candidates for the office of the Attorney General must gain unanimous support from the Board. Finally, as applied, the Defendants actions are unconstitutional, as they are empowered by the statute, and they have used their unfettered discretion to arbitrarily deny Plaintiff access to the Kansas Ballot.

4.2.2 Standard for Evaluating Constitutional Challenges to State Election Laws

The United States Supreme Court has outlined the court's function in evaluating a constitutional challenge to a State's election law. It must first consider the character and magnitude of the asserted injury to the rights protected by the First and Fourteenth Amendments that the plaintiff seeks to vindicate. It then must identify and evaluate the precise interests put forward by

the State as justifications for the burden imposed by its rule. In passing judgment, the Court must not only determine the legitimacy and strength of each of those interests, it also must consider the extent to which those interests make it necessary to burden the plaintiff's rights. Only after weighing all these factors is the reviewing court in a position to decide whether the challenged provision is unconstitutional. *Anderson v. Celebrezze*, 460 U.S. 780, 789 (1983).

Under this test, the level of scrutiny varies on a sliding scale with the extent of the asserted injury. At the low end of that scale, the law imposes only "reasonable, nondiscriminatory restrictions" upon the First and Fourteenth Amendment rights of candidates. See *Burdick v. Takushi*, 504 U.S. 428, 434 (1992) (citing to *Anderson*, 460 U.S. at 788, 788-89 n.9). When the state action places "severe" burdens on the rights of political parties, candidates or voters, the state action must be narrowly tailored to advance a state interest of compelling importance. *Id.* at 434 (citing to *Norman v. Reed*, 502 U.S. 279, 289 (1992)).

4.2.2.1 The Character and Magnitude of the Burdens

K.S.A 25-308 effectively empowers the Kansas Elections Board to get rid of any political adversary they choose for any reason. Defendants' actions of arbitrarily deciding that Plaintiff was not a resident and thus not eligible to be on the ballot, despite the fact that there is no statutory or Kansas State Constitutional residency requirement,¹⁹ and then immediately deciding that a similarly situated candidate was a resident and eligible to appear on the ballot burdens the Plaintiff's constitutional rights. First, the Defendants' actions in arbitrarily restricting access to the ballot burdens the right of the Plaintiff to associate for the advancement of his political beliefs in Kansas, which would give Kansas voters

¹⁹ Further, the Board's reliance on Judge Watson's Declaratory judgment is in bad faith because, despite the poor reasoning of the judgment, the judgment specifically applies to candidates running for governor, not attorney general.

the right to cast their votes effectively. Freedom of association, “rank(s) among our most precious freedoms.” *Williams v. Rhodes*, 393 U.S. 23, 30-31 (1968). “[A]n election campaign is an effective platform for the expression of views on the issues of the day, and a candidate serves as a rallying-point for like-minded citizens.”

Here, the magnitude of the asserted injury to the rights protected by the First and Fourteenth Amendments that Supreme seeks to vindicate is severe. The application of the relevant Kansas election law completely prohibits Supreme from appearing on the primary ballot to challenge the Kansas Attorney General, incumbent Attorney General Schmitt. The statute, not only authorizing, but requiring the Attorney General to serve on a three-person board with the power to disqualify political rivals from challenging him in open and fair elections serves no legitimate purpose. Political patronage is not a legitimate state interest. See *Rutan v. Republican Party of Illinois*, 497 U.S. 62 (1990) (political patronage can be a very effective impediment to the associational freedoms which are essential to a meaningful system of democracy).

As noted earlier, the Defendants’ actions of excluding Plaintiff from the ballot deprives him of the opportunity to advance his positions on Kansas politics. The magnitude of these burdens could hardly be more severe. Here, government officials up for re-election, rather than Republican party primary voters, have selected the candidates they deem to be desirable to run against. Similarly, in *California Democratic Party v. Jones*, 530 U.S., 567, 569 (2000), the Supreme Court invalidated California’s blanket primary on the ground that the, “statute would produce nominees and nominee positions other than those the parties would choose if left to their own devices.” Here, the incumbent officials have arbitrarily decided to narrow the playing field of a primary election rather than let the Plaintiff appeal to the Republican primary voters, and allow the

voters to decide who will be the party candidate. Given the Defendants' arbitrary basis for applying a residency requirement (a requirement that does not actually exist), the incumbent officials have unfettered discretion regarding who the competition on the ballot will be.

Plaintiff's constitutional rights were violated by Defendants' actions, specifically by telling Plaintiff he could not engage in constitutionally protected free speech by spreading his political message; and First Amendment associational activities by disqualifying Plaintiff from running for office in Kansas and from appearing on the ballot for the Republican primary election. The statute, which empowers the Defendants to make arbitrary decisions about their political rivals, is accordingly unconstitutional on its face and as applied to Mr. Supreme. The Plaintiff is unable to associate with the voters who would have supported his candidacy, which places a heavy burden on Plaintiff's First Amendment Rights. Without an injunction, Plaintiff has no way of running for office or appearing on the ballot so that voters can effectively choose the candidate they prefer.

4.2.2.2 State Interests and Narrow Tailoring

The Defendants' actions impose heavy constitutional burdens, that must be narrowly tailored to advance a compelling state interest. Although it remains to be seen what interests, if any, the Defendants will identify to support their actions, the State cannot have any legitimate interest in giving a group of incumbents who are up for re-election an effective veto over who will appear on the primary ballot.

Here, the law is not sufficiently narrowed. For example, the law could provide for a substitute state official to stand in the place of the Attorney General when ruling on the eligibility of candidates for Attorney General. It could do the same for candidates running for Secretary of State or Lieutenant Governor.

Indeed, the Kansas statute demonstrates the ability to do just that. Kansas Statute § 25-308 subsection (c) sets forth the procedures for considering objections to nominations. The first sentence addresses challenges to nominations of national and state officers and provides that, "objections shall be filed with the secretary of state and shall be considered by the lieutenant governor, secretary of state, and attorney general, and a decision of a majority of these officers shall be final." However, "[i]n the case of nominations for county, township, city and school officers, objections shall be filed with the county election officer and shall be considered by the county election officer, county attorney or district attorney and **an elected official of the county whose position is not involved in the controversy**, who shall be designated by the county election officer. The decision of a majority of these officers shall be final." Kan. Stat. 25-308(c) (emphasis added.). Abstention does not cure this defect for it significantly changes the percentage of votes required to overcome a challenge from 2 out of 3 (66 2/3%), to 2 out of 2 (100%). Further, abstention is not mentioned in the statute, which means the statute, on its face, may allow a sitting Attorney General to remove political rivals. Regardless, even though the sitting Attorney General did not vote in Mr. Supreme's case, Mr. Supreme faced a greater challenge in convincing a two-member Board based on percentages alone.

Even if Kansas could claim a compelling interest in limiting who will appear on the ballot, the Defendants actions are not narrowly tailored to advance that interest. Assuming *arguendo* that the newly discovered residency requirement is valid, the Defendants have not applied the "residency qualification" in a consistent manner, and have instead arbitrarily applied the qualification to certain candidates, such as Mr. Supreme, and not others. Mr. Supreme has serious constitutional interests at stake and the Defendants have overstepped their bounds in claiming that there is a residency requirement for the Kansas

Attorney General when in fact there is not one, and applying this requirement to some candidates but not other similarly situated candidates.

Plaintiff's First Amendment free speech and free association rights were violated when the Defendants arbitrarily disqualified him from appearing on the primary ballot, and the Defendants violated his due process rights by acting in a manner that was arbitrary and capricious. Procedural due process under the Fourteenth Amendment is meant to protect persons not from the deprivation, but from the mistaken or unjustified deprivation of life, liberty, or property. *Carey v. Phipps*, 435 U.S. 247, 248 (1978). The constitutional guarantee of due process requires that a purpose of procedural due process is to convey to the individual a feeling that the government has dealt with him fairly, as well as to minimize the risk of mistaken deprivations of protected interests. *Id.* What is worse, is that the statute apparently endorses this result, since the Election Board Officials have apparently interpreted the statute to mean that the causes for objecting to a candidate need not be limited to the enumerated list, even though the statute specifically addresses the enumerated list. Thus, the statute is vague or overbroad on its face, because it gives the Board unfettered discretion to rule any way they choose. A law without guidelines is not due process. Additionally, the statute, as applied, violates the Plaintiff's constitutional rights. This Court should therefore conclude that the Plaintiffs have a substantial likelihood of prevailing on the merits because the first factor weighs heavily in Plaintiff's favor.

4.3 Without Injunctive Relief, Mr. Supreme Will Continue to Suffer Irreparable Harm

As stated above, the Court must consider whether in the absence of injunctive relief Plaintiff would suffer irreparable injury, whether the balance of harms militates in favor of granting injunctive relief, and whether the public interest lies in favor of granting or withholding relief. Here, Mr. Supreme fits all the

criteria. As discussed above, he has a high probability of prevailing on the merits. It is well established that the loss of First Amendment freedoms, even for minimal periods of time, unquestionably constitutes irreparable injury. See *Elrod v. Burns*, 427 U.S. 347, 373 (1976). Free-speech restrictions and harms that touch upon the constitutional and statutory rights of candidates, as opined upon in *Elrod*, are generally not compensable by money damages and are therefore considered irreparable. Thus, a likelihood of success on a First Amendment claim will likely satisfy all four preliminary injunction factors. *Id.*

The treatment of political, voting, and ballot-access harms is of special importance and relates to the right to vote in the American democratic tradition:

Undoubtedly, the right of suffrage is a fundamental matter in a free and democratic society. Especially since the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights, any alleged infringement of the right of citizens to vote must be carefully and meticulously scrutinized.

Reynolds v. Sims, 377 U.S. 533, 561-62 (1964); accord *Wesberry v. Sanders*, 376 U.S. 1, 17 (1964) (“No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live.”). Here, the only voice that can be heard is that of the incumbent officials, not Mr. Supreme’s or the Republican primary voters. Money cannot fully compensate an individual for the loss of a right so fundamental. Part of the reason is also practical: a court simply cannot undo—by means of a special election or otherwise—all of the effects of an invalid election. Tremendous practical advantages accrue to those who win even invalid elections, and a court simply has no way to re-level the playing field.

Here, the irreparable nature of the denial of access to the primary ballot is apparent. Without an injunction, Mr. Supreme will not be able to run in the Republican primary, and by extension, voters will not be able to cast an effective

vote in support of Mr. Supreme. The primary election will be long over and the opportunity that the election presents for Mr. Supreme to run as a Republican candidate for AG will have passed. Further, given that Kansas has passed new qualification requirements that will go into effect in 2019, and since it is highly unlikely that Mr. Supreme would be able to attend law school and pass the Kansas Bar exam before the next election cycle, Mr. Supreme's irreparable harm is exacerbated by the by the short duration of this once-in-a-lifetime event.

On balance, the harm militates in favor of granting injunctive relief because Mr. Supreme's fundamental rights, protected by the U.S. and Kansas Constitutions, are at stake. This means that withholding injunctive relief will cause more harm to Mr. Supreme than granting injunctive relief will cause to Defendants because his fundamental rights will be denied.

The absence of an injunction would allow the Defendants to shut the Plaintiff out of the political process. Defendants cannot claim any hardship, because the requested relief would simply require the Defendants to include Mr. Supreme on the Republican primary ballot. Since Defendant's denial is unconstitutional, there is no harm in compelling them to place Mr. Supreme's name on the Kansas primary ballot. The lack of damage that would occur if injunctive relief were granted obviously cannot compare with the irreparable harm Mr. Supreme suffers, because his constitutional rights are at stake. Under these circumstances, the Plaintiff will suffer actual, imminent, and irreparable harm in the absence of preliminary relief. Any inconvenience to the Defendants is far outweighed by the severe injury to Mr. Supreme should the preliminary relief not be granted.

Last, the public interest in this matter is best served by the protection of Mr. Supreme's constitutional rights. *Id.* The requested injunction will ensure that voters will have the opportunity to vote for the Republican candidate of their

choice in the Republican primary. Without the injunction, voters' choices will be arbitrarily limited. The public undoubtedly has a vital interest in a broad selection of candidates as well as the conduct of free, fair and constitutional elections. Our constitutional rights are our freedoms, reserved by the people; not rights granted to us. To deny Mr. Supreme his fundamental freedoms protected by the U.S. and Kansas Constitutions would not serve the public interest. The requested injunction, if granted, would therefore favor the public interest.

5.0 CONCLUSION

For the foregoing reasons, Mr. Supreme respectfully requests that the Court provide injunctive relief and compel Defendants to place Vermin Love Supreme's name on the Kansas Republican primary ballot.

Dated: June 22, 2018.

Respectfully submitted,

/s/ David P. Calvert

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**UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS**

VERMIN LOVE SUPREME, an
individual;

Plaintiff,

v.

KANSAS STATE ELECTIONS BOARD;
ET

Defendants.

Civil Case No. 6:18-cv-01182

**NOTICE OF FILING EXHIBITS TO
MEMORANDUM IN SUPPORT OF
EMERGENCY EX PARTE MOTION
FOR A TEMPORARY RESTRAINING
ORDER AND PRELIMINARY
INJUNCTION**

PLEASE TAKE NOTICE that Plaintiff Vermin Love Supreme hereby files his exhibits in support of his Memorandum in Support of Emergency *Ex Parte* Motion for a Temporary Restraining Order and Preliminary Injunction [Dkt. No. 5].

Dated: June 22, 2018.

Respectfully submitted,

/s/ David P. Calvert

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

VERMIN LOVE SUPREME,
an individual;

Plaintiff,

v.

KANSAS STATE ELECTIONS BOARD;
et al.

Defendants.

Civil Case No. _____

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EXHIBIT 1

Hunter Woodall,
“The 16-Year-Old Running
for Governor of Kansas,”
TRIBUNE NEWS SERVICE
(Aug. 8, 2017)

2018 ELECTIONS: [Ratings & Analysis for Every State's Governor, Attorney General, Secretary of State & Legislature Race](#)

by [Tribune News Service](#) | August 8, 2017

By Hunter Woodall

Jack Bergeson is trying to be the next governor of Kansas, even though he won't be able to legally cast a vote when the chance comes.

He's not letting that dampen his run for the state's leading office in 2018.

"Under Kansas law, there is no law governing the qualifications for governor, not one," said Bryan Caskey, director of elections at the Kansas secretary of state's office. "So there's seriously nothing on the books that lays out anything, no age, no residency, no experience. Nothing."

Bergeson, a 16-year-old from Wichita, said finding that out sparked his interest and made him think, "Oh, I could do that."

"I thought, you know, let's give the people of Kansas a chance," Bergeson said. "Let's try something new that has never really been tried anywhere else before."

Other states have a minimum age, including Missouri, which requires the governor be at least 30 years old, according to the secretary of state's website.

Bergeson described his run for the Democratic nomination as an "anti-establishment" campaign that would focus on bringing "a clean slate."

In a phone interview Monday, Bergeson said he's a junior at The Independent School in Wichita. He said he looks up to Bernie Sanders, Ross Perot, Jesse Ventura and former President Dwight Eisenhower.

"I'm getting in to give the people a chance," Bergeson said. "It doesn't matter much if I win or lose. I'm giving people the option."

The teenager said he wants to "radically change" the health care system and pledged his support to fully legalize marijuana for medical purposes. He's also willing to explore legalization for recreational use.

But he also said he's more conservative when it comes to gun rights, noting that he supports open carry.

"I think if you offer the people of Kansas something radical, something new so then that shows that we can move in a new direction, I think that will put the Democratic Party in a good position to win the seat next year," Bergeson said.

He is among a handful of declared Democratic candidates who have announced runs for the seat, including former state Secretary of Agriculture Josh Svaty, former Wichita Mayor Carl Brewer and Arden Andersen, an Olathe doctor.

The plan is for Alexander Cline, a classmate of Bergeson's, to be his lieutenant governor.

Cline, 17, is expected to have the ability to do one thing Bergeson can't: vote in 2018.

A teenager, let alone a high school student, running for governor in 2018 caught some political observers by surprise, including Michael Smith, a political scientist at Emporia State University.

"If this guy is at all reasonable, it could be a very good thing," Smith said. "It's always such a challenge to get young people to politically engage. ... I'm not saying he'll win the nomination or anything, but if he could talk to other, maybe not 16-year-olds but people just turning 18 and get them to engage, I mean it could be a really good thing."

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EXHIBIT 2

Declaration of Vermin Love Supreme

1
2
3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF KANSAS**
5

6 VERMIN LOVE SUPREME, an individual;

7 Plaintiff,
8

9 v.

10 KANSAS STATE ELECTIONS BOARD,
11 et al.,

12 Defendants.
13

Case No. _____

**DECLARATION OF
VERMIN LOVE SUPREME**

14 I, Vermin Love Supreme, declare as follows:

15 1. I am an actively engaged political activist and public figure from
16 Rockport, Massachusetts, and have run for various elected offices since the 1980s,
17 including President of the United States at least four times. I have participated in
18 protests such as the *Great Peace March for Global Nuclear Disarmament* and the
19 Occupy protests.
20

21 2. I have appeared on several state's ballots in my bid to become
22 President, and I placed fourth in New Hampshire's Democratic primary election in
23 2016.

24 3. My long-standing platform has been centered on mandatory tooth
25 brushing and free ponies for all Americans.
26
27

1 4. Being actively engaged in politics, I followed news stories in which it
2 was discussed that Kansas has no qualification requirements when it comes to
3 running for office in Kansas, and that several non-residents were running for
4 political office there.

5 5. I originally announced that I would run for Governor of Kansas, but
6 instead decided to run for Kansas Attorney General.

7 6. Although I am not an attorney, I believe the voters of Kansas will
8 value having a non-attorney seek the office of Kansas AG.

9 7. Prior to June 1, 2018, I filed a Declaration of Intention to become a
10 candidate, in person.

11 8. I asked Bryan Caskey, the Director of Elections at the Kansas
12 Secretary of State's office, in person, if there would be any issue if I listed both
13 Kansas rental property address and Massachusetts address on the Declaration.

14 9. Mr. Caskey assured me that since there were no residency
15 requirements, he could not foresee any issue arising if I listed both addresses.

16 10. After I filed my Declaration of Intention, the Executive Director of the
17 Kansas Republican Party, Mr. Jim Joice, filed an Opposition to my candidacy.

18 11. On Monday, June 11, 2018, the Kansas Elections Board held a hearing
19 on Jim Joice's Opposition to my candidacy.

20 12. I secured a rental property on May 17, 2018, with a rental reservation
21 dates of "May 31st, 2018 to TBD". Although the rent is nominal, I have paid rent for
22 the property.

23 13. I showed the Board that I had obtained a rental property in Kansas
24 prior to filing my Declaration of Intent. I argued that the status of my rental
25
26
27

1 property was irrelevant because the Kansas Constitution does not require
2 candidates for public office to be residents.

3
4 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the
5 foregoing is true and correct to the best of my knowledge.
6

7 Dated: June 22, 2018.

DocuSigned by:

Vermin Love Supreme

95DF7A02E09B4611

Vermin Love Supreme

EXHIBIT 3

Rebecca Kaplan,
“Vermin Supreme finishes fourth
in N.H. Democratic primaries,”
CBS NEWS
(Feb. 10, 2016)

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CBS This Morning
What's next for separated families?

By REBECCA KAPLAN / CBS NEWS / February 10, 2016, 12:41 PM

Vermin Supreme finishes fourth in N.H. Democratic primaries

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Vermin Supreme, a boot-wearing, pony-loving political satirist who runs for president every four years, placed fourth in **New Hampshire's Democratic primary election** and ultimately received more votes than Republican candidate Jim Gilmore.

Supreme got 256 votes Tuesday evening, finishing just behind former Maryland Gov. Martin O'Malley, who attracted 619 votes **despite dropping out of the race** after the Iowa caucuses. Gilmore, the former Virginia governor and last-place finisher on the Republican side, received just 131 votes.



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Brown bear likely killed hiker and mauled search party member in Alaska



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Pittsburgh cop kills unarmed teen, sparking outrage & protests in Pennsylvania



Unarmed 17-year-old boy shot while running from police in Pennsylvania



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Ex-DEA agent: Opioid crisis fueled by drug industry and Congress



The long, unconventional career of Donald Sutherland



North Korea Summit: What's at stake?



The Trump campaign's secret weapon

Vermin Supreme talks through a bullhorn at the bus carrying U.S. Republican presidential candidate Ted Cruz at a campaign event in Manchester, New Hampshire, February 8, 2016. / **ERIC THAYER/REUTERS**

Sporting a boot on his head, Supreme is a fixture in New Hampshire politics, where he has run for president seven times. In a recent interview with FOX25 News, he described the four planks of his platform:

- 1) Mandatory tooth-brushing laws ("Gingivitis has been eroding the gumline of this great nation of ours for long enough and must be stopped.");
- 2) Time travel research ("I'm the only candidate who is willing to fully fund time travel, go back in time and kill baby Hitler with my bare hands before he's even born.");
- 3) Zombie preparedness ("I am the only candidate who has a plan to protect America from the imminent zombie invasion and I will be harnessing the awesome power of zombies to create electric energy utilizing the latest in giant hamster wheel technology."); and
4. Free ponies for all Americans ("A federal pony identification system and you must have your pony with you at all times.").

It's worth noting that he is not the only candidate who has said he would kill baby Hitler. Former Florida Gov. Jeb Bush **said, "hell yeah, I would"** when asked about it in November.

In the interview, Supreme said that Republicans Rand Paul, Bobby Jindal and Rick Santorum dropped out because they "knew they could not get more votes than Vermin Supreme in New Hampshire."



Play VIDEO
Analysis of the Republican results in New Hampshire

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Rebecca Kaplan
Rebecca Kaplan is a political reporter for CBSNews.com.

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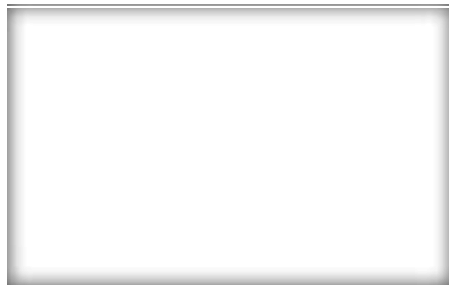
Con larvas, sucia y olor fétido, habitantes de Tláhuac reciben agua



Autoridades de la CDMX aseguran que no han perdido el control de la seguridad en la ciudad, tras la primera balacera entre policías y presuntos criminales.

Americans give Trump credit for good economy

CBS News Nation Tracker poll finds early 2 in 3 Americans think the nation's economy is in good shape

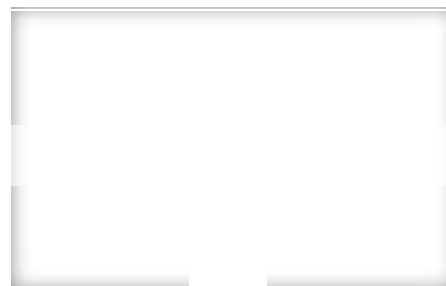


'The Restless Wave': Parting words from John McCain

Co-writer Mark Salter talks about the themes of the latest memoir by the 81-year-old Arizona senator, who has been diagnosed with brain cancer



Todo En Uno: Matan a otro candidato en Michoacán; suman 4 asesinados



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EXHIBIT 4

Megan Specia,
“A man with a boot on his head
got more primary votes than Jim
Gilmore in New Hampshire,”
MASHABLE
(Feb. 10, 2016)

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A man with a boot on his head got more primary votes than Jim Gilmore in New Hampshire

WE ENCOURAGE YOU TO READ OUR UPDATED [PRIVACY POLICY](#) AND [COOKIE POLICY](#).

☐



Democratic presidential candidate Vermin Supreme smiles while holding a giant toothbrush with a boot on his head while visiting a polling station on primary day during a campaign stop in Londonderry, N.H., Tuesday, Feb. 9, 2016.

IMAGE: CHARLES KRUPA/ASSOCIATED PRESS

BY MEGAN SPECIA
FEB 10, 2016

MANCHESTER, N.H. — Meet Vermin Supreme. The Gandalf-esque staple of the New Hampshire political scene sports a long grey beard, a half dozen wild neckties and a leopard print cape.

He also just placed fourth in the New Hampshire Democratic primary.

Supreme, who carried a 3-foot-tall toothbrush with him as he canvassed the state, managed to pull in 260 votes from New Hampshire residents on Tuesday, according to official [primary results](#).

That's nearly double the support that Republican contender and former Virginia Gov. Jim Gilmore, who is still actively campaigning, saw in the state.

SEE ALSO: [Media goes weirdly nuclear on Donald Trump after New Hampshire primary win](#)

"Vermin Supreme wants you to help take back America into the Future," declares the mission statement atop Supreme's bare bones [website](#), taking aim at another well-known 2016 mantra.



Vermin Supreme outside T-Bone Diner in Londonderry, N.H., Tuesday, Feb. 9, 2016.

WE ENCOURAGE YOU TO READ OUR UPDATED [PRIVACY POLICY](#) AND [COOKIE POLICY](#).

IMAGE: MASHABLE/MEGAN SPECIA

This isn't Vermin Supreme's first rodeo. He has become something of a staple of the New Hampshire political landscape. Vermin Supreme (yes, that is his legal name) has been running in the state's primary since 1992, and has been using satire and political parody to poke fun at the system ever since.

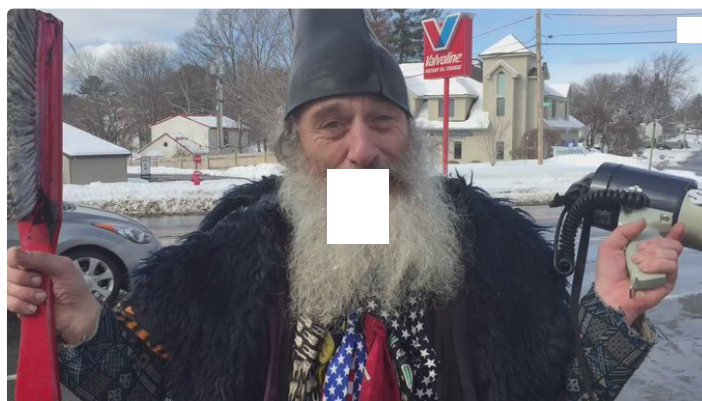
But it wasn't until 2012, when a [YouTube video](#) of Supreme appearing at the Lesser Known Candidate's Debate in the state went viral, that Supreme really began making waves.

Now he's something of a New Hampshire novelty.

On Tuesday, Vermin Supreme spent primary day like many of his more well-known opponents, fluttering around to locations across the southern portion of the state, pitching his free pony and mandatory tooth brushing platforms to everyone within earshot.

Team Supreme had a [packed schedule](#). His public appearances mostly involve ruthlessly heckling candidates, mostly Republicans during this cycle, from the sidelines.

"Chris Christie is anti free ponies, and I think that's all you need to know this election year," shouted Supreme outside T-Bone Diner in Derry on Tuesday. "I'm Vermin Supreme and I am for free ponies, and never before has there been such a clear cut difference in candidates."



Megan Specia
@meganspecia

Activist "Vermin Supreme" protesting outside NH Diner where
[@ChrisChristie](#) met w/ voters. His message for candidate:



His outlandish antics have put him on the radar of some of the top Republican contenders, including the one he was targeting this particular morning.

"Is that Vermin Supreme?" asked New Jersey Gov. Chris Christie with a laugh, as he ducked into the diner trailed by a hoard of reporters for some last-minute campaigning.

He seemed to shake the shouts off as the quirky reality of life on New Hampshire's campaign trail.

Christie's four kids looked over a little more skeptically in the direction of the boot wearing wizard.

Vermin Supreme had set up shop across the diner parking lot with a small crew of supporters wearing his black and white image on their capes. The crowd came fully equipped with megaphones, and were shouting about free ponies and time traveling in Christie's general direction.

The week before the election, Supreme was popping up again and again on the campaign trail. He [crossed paths](#) with Ted Cruz earlier in the week, and asked the candidate if he thought the water used for waterboarding should be treated with fluoride.



IJR
@TheIJR

Vermin Supreme trolls Ted Cruz

6:32 PM - Feb 8, 2016

247 281 people are talking about this

Marco Rubio even made mention of Vermin Supreme when he noted, "It's hard to compete with ponies" during a campaign stop.



Dave Weigel
@daveweigel

Rubio on [@VerminSupreme](#): "I just met a guy who was giving away ponies. You know who he is? It's hard to compete against ponies!"

5:25 PM - Feb 8, 2016

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But Supreme's votes in the state were hard won. He kept up a frantic schedule of stops ahead of the primary, making the most of his free media coverage and grinning for the camera. Supreme was nothing short of dedicated, eeking out those 260 vote through sheer will.

Even in the final dwindling hours before the polls closed, Supreme was hard at work, targeting potential supporters.



He offered a friendly, "Have you voted yet?" to a young man in a baseball cap, who walked briskly by him on Elm Street, quickly adding, "Thanks for your support!" before the man had the time to react.

The man stopped in his tracks and laughed as he looked at Supreme's get up.

"Free ponies for all!" shouted the bearded satirist, as much for the benefit of this passing journalist as for his potential supporter.

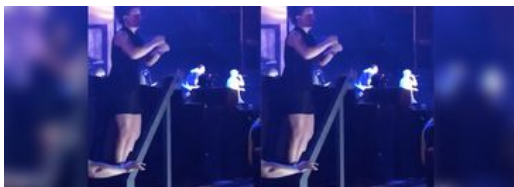
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Martha Tesema

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3 hours ago

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[Melania Trump boards plane to meet immigrants wearing 'I really don't care' jacket](#)

Chloe Bryan

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Culture

Rogue hot dog gives Philadelphia Phillies fan a black eye

Martha Tesema

"You would think you would get hit by a baseball instead of a flying hot dog!" Kathy McVay told local media.

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Watch this compelling ad for hero pilot and Texas congressional candidate MJ Hegar

Marcus Gilmer

From military pilot to military boundary breaker, Hegar has seen it all

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Nicole Gallucci

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6/21/2018

A man with a boot on his head got more primary votes than Jim Gilmore in New Hampshire

- Designed in collaboration with [Code & Theory](#).

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EXHIBIT 5

Laurel Wamsley,
“Kansas Scrambles To Change Rules
After 6 Teens Enter Governor's Race,”
NATIONAL PUBLIC RADIO
(Feb. 9, 2018)



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Kansas Scrambles To Change Rules After 6 Teens Enter Governor's Race

February 9, 2018 · 6:44 PM ET

LAUREL WAMSLEY



Six Kansas teens are running for governor, following the lead of Jack Bergeson (center). Some of the candidates are seen here participating in a forum at a high school in Lawrence, Kan., in October.

Christopher Smith/AFP/Getty Images

There are a lot of requirements if you want to vote in Kansas. You must be 18 years old. You need to show a photo ID at your polling place and show proof of U.S. citizenship when you register to vote. The U.S. Commission on Civil Rights says the state's voter ID laws are among the strictest in the nation.

But when it comes to the rules about who can run for state office? There are no rules.

"Under Kansas law, there is no law governing the qualifications for governor, not one," Bryan Caskey, director of elections at the Kansas secretary of state's office, told The Kansas City Star last year. "So there's seriously nothing on the books that lays out anything, no age, no residency, no experience. Nothing."

So into the race jumped then 16-year-old Jack Bergeson. Calling himself an anti-establishment candidate, Bergeson is pursuing the Democratic nomination, advocating for a \$12 minimum wage, legalization of medical marijuana, and high-speed rail for major cities in the region.

"I thought, you know, let's give the people of Kansas a chance," Bergeson told the Star in August. "Let's try something new that has never really been tried anywhere else before."

Three more teen boys, running as Republicans, soon entered the governor's race – so many that they had their own candidates' forum in a high school gym in Lawrence.

"This needs to be a government that represents everyone, not just 30 years old up," said 17-year-old candidate Dominic Scavuzzo.

Two more teen boys threw hats in the ring, spurring Kansas lawmakers to try to put a stop to such youthful exuberance. Republican Rep. Blake Carpenter introduced a bill requiring candidates to be at least 18 years old to run for the state's top elected offices, such as governor, secretary of state or attorney general. And candidates for governor and lieutenant governor would have to have lived in the state for four years.

"We have age requirements on voters, and I really think that anybody who's running should be able to vote for themselves," Rep. Keith Esau, a Republican running for secretary of state, told The Topeka Capital-Journal.

The Star reports that the bill passed out of House committee on Monday.

"I don't think it's a good thing," Bergeson, now 17, told the Star. "I'm not a fan of it. I think it's a reactionary bill. I think it's trying to disenfranchise candidates."

The law wouldn't take effect until after the November elections. And that's important, said Caskey at the secretary of state's office.

"The secretary of state does not want there to be any appearance of a conflict of interest concerning persons who are currently candidates and do not meet these proposed requirements," he told the Capital-Journal.

He's referring to Secretary of State Kris Kobach, the force behind the state's strict voter ID law, who is running for governor. Kobach was also co-chair of President Trump's controversial voting commission, which was dissolved last month.

But the anything-goes system that has been so appealing to Kansas teenagers has been less appealing to one group: women.

State Sen. Laura Kelly, a Democrat, became the first woman to enter the crowded field for governor in December. Meanwhile, more than 20 men or boys have declared their candidacy.

The state's lack of rules for candidacy are so profound that Caskey could not even find a rule limiting the field to human candidates.

"[A] dog has never tried to file," he told the Star last year. "I don't know what would happen if one tried to."

Correction

Feb. 10, 2018

A correction to a correction: We were right the first time. Jack Bergeson was 16 when he entered the race. He's now 17.

kris kobach kansas

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EXHIBIT 6

Eric Levitz,
“6 Teenage Boys Are Running
for Governor of Kansas,”
NEW YORK MAGAZINE
(Feb. 6, 2018)

February 6, 2018 3:15 pm

6 Teenage Boys Are Running for Governor of Kansas

By **Eric Levitz** | [@EricLevitz](#)
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"Your old road is rapidly aging. Please get out of the new one, if you can't lend your hand."

Sam Brownback hurt a lot of Kansans during his [disastrous tenure](#) as governor of the Sunflower State. But few paid a bigger price for Brownback's seven-year experiment with supply-side social engineering than Kansas's schoolchildren. The governor's giant, regressive tax cuts forced reductions in education spending so extreme, the Kansas Supreme Court found that they [violated the state's constitution](#), which guarantees all children the right to a quality education.

Ironically, Brownback's dereliction of duty has, apparently, given the young people of his state an education in the importance of civic engagement — and now, [six different teenage boys](#) are running to replace him.

Last summer, Jack Bergeson, a 16-year-old Democrat from Wichita, discovered that Kansas had no age requirements for its top statewide offices. After forming an exploratory committee (and/or, discussing the matter with friends and family) Bergeson launched his gubernatorial candidacy. Shortly thereafter, five of his peers did the same — while high-school student Lucy Steyer of Lenexa hopped into the race for secretary of state.

Not everyone in Kansas politics appreciates all this youthful competition. As the [Garden City Telegram](#) reports:

Consternation about the number of teens in already crowded 2018 races inspired a bill discussed Wednesday by the House Elections Committee that would set a minimum age of 18 for candidates running for governor, secretary of state, attorney general, state treasurer and state commissioner of insurance.

In an impassioned piece of written testimony against the legislation, Bergeson implored his fellow Kansans not to judge candidates by the dates on their birth certificates, but by the content of their policy platforms.

“Allow me to clear up a misconception, I am not running for governor as a stunt, or a gag...I am running for governor because of the minimum wage worker that has to work three jobs just to get by,” Bergeson said. “I am running because our education system has been lagging behind other states. I am running to get money out of politics, but most importantly, I am running to get as many people involved in politics as possible.”

Bergeson said it is “imperative” to tear down barriers to political participation.

Ultimately, the debate over whether Kansas should establish age requirements is almost certainly moot. Even those pushing such restrictions don’t want to impose them until after November’s election — at which point, Governor Bergeson is sure to repeal the law.

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We Owe Central American Migrants Much More Than This





UH | 3:26 P.M.

Melania Trump Wears 'I Really Don't Care' Jacket to Border Hmmmmmm.

By Gabriella Paiella

2:22 P.M.

Womp Womp: Corey Lewandowski Dropped by Speaker's Bureau



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The Shameless Fakery of Trump's Retreat on Family Separations



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8 Days After Primary, Maine Democrats Get Their Top Nominees



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GOP Senators: Climate-Change Education Program Is Propaganda, Not Science



9:51 A.M.

Trump Tossed Starburst to Merkel at G7: 'Don't Say I Never Gave You Anything'



6:47 A.M.

Trump to Propose Merging Labor and Education Departments, Rebranding Welfare





5:08 A.M.

Protesters Gather at La Guardia Airport as Separated Children Arrive in New York Hundreds turned out upon learning that federal officials surreptitiously transferred 239 separated children to New York, and more are still arriving.

By Margaret Hartmann

1:01 A.M.

Charlottesville Organizer to Hold 'White Civil Rights' Rally Near White House



YESTERDAY AT 6:29 P.M.

Senate Kills Trump's Phony 'Spending Clawback' Bill



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Trump Ended Family Separation Because He Failed to Demonize Toddlers



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GOP Likely to Sneak Cuts to Food Stamps Through the House This Week



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Why Trump's Family-Separation Policy Failed



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EXHIBIT 7

Associated Press,
“2 Men From Oregon Say
They Plan to Run for Kansas Office,”
US NEWS
(Feb. 23, 2018)



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2 Men From Oregon Say They Plan to Run for Kansas Office

The arts editor and theater critic at an Oregon weekly paper say they plan to run for governor and lieutenant governor of Kansas.

Feb. 23, 2018, at 11:31 a.m.

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AP

TOPEKA, Kan. (AP) — The arts editor and theater critic at an [Oregon \(/news/best-states/oregon\)](#) weekly paper say they plan to run for governor and lieutenant governor of [Kansas \(/news/best-states/kansas\)](#).

Editor Bob Keefer and critic Rick Levin of the Eugene Weekly say they mailed a notarized affidavit of candidacy to the state on Feb. 14. If 5,000 Kansas voters sign petitions to get their names on the ballot, Keefer would run for governor and Levin for lieutenant governor.

The Topeka Capital-Journal reports the men's campaign is mocking Kansas' lack of standards for candidates.

The state currently has no age or residency requirements to run for statewide office. The Kansas House this week advanced legislation that would allow candidates only 18 and older and impose a residency requirement.

Information from: The Topeka (Kan.) Capital-Journal, <http://www.cjonline.com>

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Traffic Diverted After Tanker Overturns Atop Dallas Exchange

(<https://www.usnews.com/news/best-states/texas/articles/2018-06-21/traffic-diverted-after-tanker-overturms-atop-dallas-exchange?int=undefined-rec>).

June 21, 2018

A diesel fuel tanker truck has overturned atop an elevated exchange in North Dallas known as the High Five causing major delays for commuters.

2 South Dakota Inmates Sue Over Tablets (<https://www.usnews.com/news/best-states/south-dakota/articles/2018-06-21/2-south-dakota-inmates-sue-over-tablets?int=undefined-rec>)

June 21, 2018

Two lawsuits filed by South Dakota inmates allege the state Department of Correction's tablet computers are blocking access to the courts.

Naked Man Arrested for Burglary, Animal Cruelty (<https://www.usnews.com/news/best-states/new-hampshire/articles/2018-06-21/naked-man-arrested-for-burglary-animal-cruelty?int=undefined-rec>)

June 21, 2018

A man has been arrested for breaking into an apartment and beating a dog while naked.

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Governor Orders Probe of Abuse Claims by Immigrant Children (<https://www.usnews.com/news/best-states/virginia/articles/2018-06-21/young-immigrants-detained-in-virginia-center-allege-abuse?int=undefined-rec>)

June 21, 2018

Virginia's governor orders officials to investigate abuse claims by children at an immigration detention facility who said they were beaten while handcuffed and

locked up for long periods in solitary confinement, left nude and shivering in concrete cells.

Official No Longer Backs Laxalt After He Won't Support Hof

[.https://www.usnews.com/news/best-states/nevada/articles/2018-06-21/official-no-longer-backs-laxalt-after-he-wont-support-hof?int=undefined-rec\)](https://www.usnews.com/news/best-states/nevada/articles/2018-06-21/official-no-longer-backs-laxalt-after-he-wont-support-hof?int=undefined-rec)

June 21, 2018

A Nye County official is withdrawing her support for Republican candidate for Nevada governor Adam Laxalt because he isn't supporting brothel owner Dennis Hof's campaign for the state Assembly.

Empty Tour Bus Driver Killed After Hitting Truck on I-20

[.https://www.usnews.com/news/best-states/south-carolina/articles/2018-06-21/empty-tour-bus-driver-killed-after-hitting-truck-on-i-20?int=undefined-rec\)](https://www.usnews.com/news/best-states/south-carolina/articles/2018-06-21/empty-tour-bus-driver-killed-after-hitting-truck-on-i-20?int=undefined-rec)

June 21, 2018

Authorities say the driver of an empty tour bus has died after rear-ending a flatbed truck in stopped traffic on a South Carolina interstate.



[.https://www.usnews.com/news/best-states/montana/articles/2018-06-21/inquest-finds-officers-justified-in-killing-montana-man?int=undefined-rec\)](https://www.usnews.com/news/best-states/montana/articles/2018-06-21/inquest-finds-officers-justified-in-killing-montana-man?int=undefined-rec)

Inquest Finds Officers Justified in Killing Montana Man

[.https://www.usnews.com/news/best-states/montana/articles/2018-06-21/inquest-finds-officers-justified-in-killing-montana-man?int=undefined-rec\)](https://www.usnews.com/news/best-states/montana/articles/2018-06-21/inquest-finds-officers-justified-in-killing-montana-man?int=undefined-rec)

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An inquest has found officers were justified in shooting and killing a Montana man high on methamphetamine who barricaded himself inside a sporting goods store with a cache of weapons and shot at officers.

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EXHIBIT 8

Allison Kite,
“7th teen candidate for
governor has never lived in Kansas,”
TOPEKA-KANSAS JOURNAL
(Feb. 15, 2018)



7th teen candidate for governor has never lived in Kansas

By Allison Kite

Posted Feb 15, 2018 at 7:00 AM

Updated Feb 15, 2018 at 1:50 PM

Angus the dog's failed campaign for Kansas governor has inspired a Pennsylvania teen to jump into the race for the state's highest office.

Conner Shelton, of Lancaster, has lived in Pennsylvania all his life and attends the University of Delaware, but said he has friends in Kansas. He filed an appointment of treasurer form to raise money in the Kansas governor's race Tuesday, becoming the seventh teen to do so. He's the first potential candidate for governor who doesn't live in Kansas.

Shelton said he decided to run for governor as an independent to see how the process works in case he chooses to run for office later in life.

"It's an experiment of sorts," Shelton said.

Shelton said seeing the news that Angus' owner attempted to launch his dog's campaign made him wonder what requirements existed to run for governor. State law sets no minimum age and doesn't require that gubernatorial candidates live in Kansas, but Secretary of State Kris Kobach's office did bar the dog from the race.

As a chemical engineering major, Shelton said he was interested in agricultural regulation, like acceptable fertilizer use "to make sure that the fertilizers are not doing more harm to the environment than they are doing good to the producers." He said he was also interested in improving staffing in Kansas prisons, which were rocked by multiple riots last summer.

Despite his bid for governor, Shelton said he would support a Kansas House bill representatives heard earlier this month that would set a minimum age of 18 and Kansas residency as minimal requirements to run for governor. He said anyone

18 or older should be able to run because they can vote.

“And residency follows the same logic that if you can vote in the race you should be able to run in the race,” Shelton said.

Shelton said he didn’t think the influx of teen candidates had an adverse effect on the race.

“I think by having lax requirements on out-of-state, it’s kind of showing flaws in Kansas legislators for not trying to enforce residency,” Shelton said.

Bryan Caskey, Kansas’ director of elections, said state law did not prohibit out-of-state candidates for running.

“I haven’t done exhaustive research on this, but I’m not aware in the last 20-plus years of a candidate for statewide office not being a resident of the state of Kansas,” Caskey said.

Caskey said if Shelton is serious about getting his name on the ballot, it would “add impetus to why we believe there should be minimal qualifications to run for statewide office.” The secretary of state’s office supported the bill establishing age and residency requirements, though the law would not take effect this election cycle or remove current potential candidates from the race.

Jack Bergeson, a Wichita high school student was the first teen to wade into the governor’s race and is the only one who has gone beyond the appointment of treasurer step and filed as a candidate. He won’t be 18 by the election and opposed the bill setting a minimum age for governor. He said he’s “less offended” by the residency requirement in the bill, but doesn’t support it.

EXHIBIT 9

Courtney Ryan,
“New York advertiser explains why
he is running for Kansas governor,”
KSN WICHITA KANSAS LOCAL NEWS
(May 9, 2018)

Capitol Bureau

New York advertiser explains why he is running for Kansas governor

By:

Courtney Ryan (<https://www.ksn.com/meet-the-team/courtney-ryan/975352326>)

✉ (<mailto:courtney.ryan@ksnt.com>)

Updated: May 09, 2018 07:44 AM CDT

(Interactive Media Not Supported by Print)



TOPEKA, Kan. (KSNW) - Wearing a shirt reading "Kansas could do worse," New York advertiser Andy Maskin explained why he is running for Kansas governor.

"The idea of bringing in talent outside of the state and come and help in another state seemed interesting to me," explained Maskin, who is running as a Republican.

Maskin held a meet and greet at the Celtic Fox in downtown Topeka Tuesday, but aside from reporters and bar staff, only one New York supporter showed up.

"I just thought this might be a really interesting experiment in a sense," said Maskin.

Maskin's experiment required him to fly to the state for the day and pay the more than \$2,000 candidate filing fee to put his name on the August ballot.

"What I would say is if a fresh perspective and no ties to the political system is something that is very important to people, then that would be a reason to support to me," Maskin said.

Currently, the state of Kansas does not have any requirements in place for a person running for statewide office, including residency requirements. However, lawmakers passed a bill this session to prevent non-residents like Maskin from running for Governor in the future.

The governor hasn't signed the legislation yet. If signed, it wouldn't take effect until 2019. In an interview last week, elections committee vice chairman Representative Blake Carpenter said the legislation is needed.

"In the future, it'll keep people from trying to put their pets onto the ballot. It'll keep people from New York or Oregon, or wherever, who don't live here in Kansas from getting onto the ballot and make it for folks who live here to obtain that office," said Carpenter, R-Derby.

Maskin said he wanted to make a point that voters should elect the best possible candidate no matter where they're from.

"It's fine if people vote for me, it's fine if people don't. I enjoy being a very unique choice."

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EXHIBIT 10

Kansas House Bill No. 2539

HOUSE BILL No. 2539

AN ACT concerning certain statewide elected officials; amending K.S.A. 25-101a and 25-1121 and K.S.A. 2017 Supp. 21-5903, 25-1122, 25-1124, 25-1128, 25-3104, 25-4403 and 25-4406 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. On and after January 1, 2019, K.S.A. 25-101a is hereby amended to read as follows: 25-101a. (a) On the Tuesday succeeding the first Monday in November in 1978, and each four years thereafter, there shall be elected a governor and lieutenant governor running together, a secretary of state, an attorney general, a state treasurer and a state commissioner of insurance.

(b) *Every candidate for the office of secretary of state, attorney general, state treasurer or state commissioner of insurance shall be a qualified elector of the state of Kansas by the deadline for filing for such office as provided in K.S.A. 25-205, and amendments thereto.*

(c) *Every candidate for the office of governor and lieutenant governor shall be a qualified elector and shall be 25 years of age or older by the deadline for filing for such office as provided in K.S.A. 25-205, and amendments thereto.*

(d) *Every candidate for the office of attorney general must be licensed to practice law within the state of Kansas.*

Sec. 2. K.S.A. 2017 Supp. 25-1122 is hereby amended to read as follows: 25-1122. (a) Any registered voter may file with the county election officer where the person is a resident, or where the person is authorized by law to vote as a former precinct resident, an application for an advance voting ballot. The signed application shall be transmitted only to the county election officer by personal delivery, mail, facsimile or as otherwise provided by law.

(b) If the registered voter is applying for an advance voting ballot to be transmitted in person, the voter shall provide identification pursuant to K.S.A. 25-2908, and amendments thereto.

(c) If the registered voter is applying for an advance voting ballot to be transmitted by mail, the voter shall provide with the application for an advance voting ballot the voter's current and valid Kansas driver's license number, nondriver's identification card number or a photocopy of any other identification provided by K.S.A. 25-2908, and amendments thereto.

(d) A voter may vote a provisional ballot according to K.S.A. 25-409, and amendments thereto, if:

(1) The voter is unable or refuses to provide current and valid identification; or

(2) the name and address of the voter provided on the application for an advance voting ballot do not match the voter's name and address on the registration book. The voter shall provide a valid form of identification as defined in K.S.A. 25-2908, and amendments thereto, to the county election officer in person or provide a copy by mail or electronic means before the meeting of the county board of canvassers. At the meeting of the county board of canvassers the county election officer shall present copies of identification received from provisional voters and the corresponding provisional ballots. If the county board of canvassers determines that a voter's identification is valid and the provisional ballot was properly cast, the ballot shall be counted.

(e) No county election officer shall provide an advance voting ballot to a person who is requesting an advance voting ballot to be transmitted by mail unless:

(1) The county election official verifies that the signature of the person matches that 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*. Signature verification may occur by electronic device or by human inspection. In the event that the signature of a person who is requesting an advance voting ballot does not match that on file, the county election officer shall attempt to contact the person and shall offer the person another opportunity to provide the person's signature for the purposes of verifying the person's identity. If the county election officer is unable to reach the person, the county election officer may transmit a provisional ballot, however, such provisional ballot may not be counted unless a signature is included therewith that can be verified; and

(2) the person provides such person's full Kansas driver's license

number, Kansas nondriver's identification card number issued by the division of vehicles, or submits such person's application for an advance voting ballot and a copy of identification provided by K.S.A. 25-2908, and amendments thereto, to the county election officer for verification. If a person applies for an advance voting ballot to be transmitted by mail but fails to provide identification pursuant to this subsection or the identification of the person cannot be verified by the county election officer, the county election officer shall provide information to the person regarding the voter rights provisions of subsection (d) and shall provide the person an opportunity to provide identification pursuant to this subsection. For the purposes of this act, Kansas state offices and offices of any subdivision of the state will allow any person seeking to vote by an advance voting ballot the use of a photocopying device to make one photocopy of an identification document at no cost.

(f) Applications for advance voting ballots to be transmitted to the voter by mail shall be filed only at the following times:

(1) For the primary election occurring on the first Tuesday in August in both even-numbered and odd-numbered years, between April 1 of such year and the Tuesday of the week preceding such primary election.

(2) For the general election occurring on the Tuesday following the first Monday in November in both even-numbered and odd-numbered years, between 90 days prior to such election and the Tuesday of the week preceding such general election.

(3) For question submitted elections occurring on the date of a primary or general election, the same as is provided for ballots for election of officers at such election.

(4) For question submitted elections not occurring on the date of a primary or general election, between the time of the first published notice thereof and the Tuesday of the week preceding such question submitted election, except that if the question submitted election is held on a day other than a Tuesday, the final date for mailing of advance voting ballots shall be one week before such election.

(5) For any special election of officers, at such time as is specified by the secretary of state.

The county election officer of any county may receive applications prior to the time specified in this subsection and hold such applications until the beginning of the prescribed application period. Such applications shall be treated as filed on that date.

(g) Unless an earlier date is designated by the county election office, applications for advance voting ballots transmitted to the voter in person in the office of the county election officer shall be filed on the Tuesday next preceding the election and on each subsequent business day until no later than 12 noon on the day preceding such election. If the county election officer so provides, applications for advance voting ballots transmitted to the voter in person in the office of the county election officer also may be filed on the Saturday preceding the election. Upon receipt of any such properly executed application, the county election officer shall deliver to the voter such ballots and instructions as are provided for in this act.

An application for an advance voting ballot filed by a voter who has a temporary illness or disability or who is not proficient in reading the English language or by a person rendering assistance to such voter may be filed during the regular advance ballot application periods until the close of the polls on election day.

The county election officer may designate places other than the central county election office as satellite advance voting sites. At any satellite advance voting site, a registered voter may obtain an application for advance voting ballots. Ballots and instructions shall be delivered to the voter in the same manner and subject to the same limitations as otherwise provided by this subsection.

(h) Any person having a permanent disability or an illness ~~which~~ *that* has been diagnosed as a permanent illness is hereby authorized to make an application for permanent advance voting status. Applications for permanent advance voting status shall be in the form and contain such information as is required for application for advance voting ballots and also shall contain information ~~which~~ *that* establishes the voter's right to permanent advance voting status.

(i) On receipt of any application filed under the provisions of this

section, the county election officer shall prepare and maintain in such officer's office a list of the names of all persons who have filed such applications, together with their correct post office address and the precinct, ward, township or voting area in which the persons claim to be registered voters or to be authorized by law to vote as former precinct residents and the present resident address of each applicant. Names and addresses shall remain so listed until the day of such election. The county election officer shall maintain a separate listing of the names and addresses of persons qualifying for permanent advance voting status. All such lists shall be available for inspection upon request in compliance with this subsection by any registered voter during regular business hours. The county election officer upon receipt of the applications shall enter upon a record kept by such officer the name and address of each applicant, which record shall conform to the list above required. Before inspection of any advance voting ballot application list, the person desiring to make the inspection shall provide to the county election officer identification in the form of driver's license or other reliable identification and shall sign a log book or application form maintained by the officer stating the person's name and address and showing the date and time of inspection. All records made by the county election officer shall be subject to public inspection, except that the voter identification information required by subsections (b) and (c) and the identifying number on ballots and ballot envelopes and records of such numbers shall not be made public.

(j) If a person on the permanent advance voting list fails to vote in four consecutive general elections held on the Tuesday succeeding the first Monday in November of each even-numbered and odd-numbered year, the county election officer may mail a notice to such voter. The notice shall inform the voter that the voter's name will be removed from the permanent advance voting list unless the voter renews the application for permanent advance voting status within 30 days after the notice is mailed. If the voter fails to renew such application, the county election officer shall remove the voter's name from the permanent advance voting list. Failure to renew the application for permanent advance voting status shall not result in removal of the voter's name from the voter registration list.

(k) The secretary of state may adopt rules and regulations in order to implement the provisions of this section and to define valid forms of identification.

Sec. 3. K.S.A. 2017 Supp. 25-1124 is hereby amended to read as follows: 25-1124. (a) Upon receipt of the advance voting ballot, the voter shall cast such voter's vote as follows: The voter shall make a cross or check mark in the square or parentheses opposite the name of each candidate or question for whom the voter desires to vote. The voter shall make no other mark, and shall allow no other person to make any mark, upon such ballot. If the advance voting ballot was transmitted by mail, the voter personally shall place the ballot in the ballot envelope bearing the same number as the ballot and seal the envelope. The voter shall complete the form on the ballot envelope and shall sign the same. Except as provided by K.S.A. 25-2908, and amendments thereto, the ballot envelope shall be mailed or otherwise transmitted to the county election officer. If the advance voting ballot was transmitted to the voter in person in the office of the county election officer or at a satellite advance voting site, the voter may deposit such ballot into a locked ballot box without an envelope.

(b) Any voter who has an illness or physical disability or who is not proficient in reading the English language ~~that~~ *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*, may request assistance by a person who has signed a statement required by subsection (d) in applying for or marking an advance voting ballot, *or in signing an application or the form on the ballot envelope if the voter has a disability preventing the voter from signing*.

(c) Any voted ballot may be transmitted to the county election officer by the voter or by another person designated in writing by the voter, *except if the voter has a disability preventing the voter from writing and signing a statement, the written and signed statement required by sub-*

section (d) shall be sufficient. Any such voted ballot shall be transmitted to the county election officer before the close of the polls on election day.

(d) The county election officer shall allow a person to assist a voter who has an illness or physical disability or who is not proficient in reading the English language in applying for or marking an application or advance voting ballot, *or to sign for a voter who has a disability preventing the voter from signing an application or advance voting ballot form*, provided a written statement is signed by the person who renders assistance to the voter who has an illness or physical disability or who is not proficient in reading the English language and such statement is submitted to the county election officer with the application or ballot. The statement shall be on a form prescribed by the secretary of state and shall contain a statement from the person providing assistance that the person has not exercised undue influence on the voting decision of the voter who has an illness or physical disability or who is not proficient in reading the English language and that the person providing assistance has completed the application ~~or~~, marked the ballot, *or signed the application or ballot form* as instructed by the voter.

(e) Any person assisting a voter who has an illness or physical disability or who is not proficient in reading the English language in applying for or marking an advance voting ballot, *or in signing an application or advance voting ballot form for a voter who has a disability preventing the voter from signing the application or advance voting ballot form*, who knowingly fails to sign and submit the statement required by this section or who exercises undue influence on the voting decision of such voter shall be guilty of a severity level 9, nonperson felony.

Sec. 4. K.S.A. 2017 Supp. 25-1128 is hereby amended to read as follows: 25-1128. (a) No voter shall knowingly mark or transmit to the county election officer more than one advance voting ballot, or set of one of each kind of ballot, if the voter is entitled to vote more than one such ballot at a particular election.

(b) Except as provided in K.S.A. 25-1124, and amendments thereto, no person shall knowingly interfere with or delay the transmission of any advance voting ballot application from a voter to the county election officer, nor shall any person mail, fax or otherwise cause the application to be sent to a place other than the county election office. Any person or group engaged in the distribution of advance voting ballot applications shall mail, fax or otherwise deliver any application signed by a voter to the county election office within two days after such application is signed by the applicant.

(c) Except as otherwise provided by law, no person other than the voter, shall knowingly mark, sign or transmit to the county election officer any advance voting ballot or advance voting ballot envelope.

(d) Except as otherwise provided by law, no person shall knowingly sign an application for an advance voting ballot for another person. This provision shall not apply if a voter has a disability preventing the voter from signing an application or if an immediate family member signs an application on behalf of another immediate family member with proper authorization being given.

(e) No person, unless authorized by K.S.A. 25-1122 ~~or K.S.A. 25-1124~~, and amendments thereto, shall knowingly intercept, interfere with, or delay the transmission of advance voting ballots from the county election officer to the voter.

(f) No person shall knowingly and falsely affirm, declare or subscribe to any material fact in an affirmation form for an advance voting ballot or set of advance voting ballots.

(g) A voter may return such voter's advance voting ballot to the county election officer by personal delivery or by mail. Upon written designation by the voter, a person other than the voter may return the advance voting ballot by personal delivery or mail, *except that a written designation shall not be required from a voter who has a disability preventing the voter from writing or signing a written designation*. Any such person designated by the voter shall sign a statement that such person has not exercised undue influence on the voting decisions of the voter and agrees to deliver the ballot as directed by the voter.

(h) Violation of any provision of this section is a severity level 9, non-person felony.

Sec. 5. K.S.A. 25-1121 is hereby amended to read as follows: 25-1121. ~~It shall be the duty of~~ (a) The secretary of state ~~to~~ shall prescribe the general forms of advance voting ballots to be used in all primary and general elections and the form of the printed instructions to voters containing a statement of all the requirements of this act, to enable voters to comply with ~~such~~ the requirements of this act. ~~Such~~ The prescribed forms shall be transmitted to the county election officers 35 days before each primary and general election.

(b) *The secretary of state shall prescribe the general format of advance voting ballot envelopes. The envelopes shall include signature blocks for the advance voter; a signature block for the person, if any, assisting the advance voter; and a signature block for a person, if any, who signs the advance voting ballot envelope on behalf of the advance voter in situations when the advance voter is physically unable to sign the envelope.*

(c) *The advance ballot envelope shall contain the following statement after the signature block provided for the person who signs the advance ballot envelope on behalf of a person physically unable to sign such envelope:*

“My signature constitutes an affidavit that the person for whom I signed the envelope is a person who is physically unable to sign such envelope. By signing this envelope, I swear this information is true and correct, and that signing an advance ballot envelope under false pretenses shall constitute the crime of perjury.”

Sec. 6. K.S.A. 2017 Supp. 21-5903 is hereby amended to read as follows: 21-5903. (a) Perjury is intentionally and falsely:

(1) Swearing, testifying, affirming, declaring or subscribing to any material fact upon any oath or affirmation legally administered in any cause, matter or proceeding before any court, tribunal, public body, notary public or other officer authorized to administer oaths; ~~or~~

(2) subscribing as true and correct under penalty of perjury any material matter in any declaration, verification, certificate or statement as permitted by K.S.A. 53-601, and amendments thereto; *or*

(3) *subscribing as true and correct under the penalty of perjury the affidavit as provided in K.S.A. 25-1121(c), and amendments thereto.*

(b) Perjury is a:

(1) Severity level 9, nonperson felony, except as provided in subsection (b)(2); and

(2) severity level 7, nonperson felony if the false statement is made upon the trial of a felony charge.

New Sec. 7. (a) After an election and prior to the meeting of the county board of canvassers to certify the official election results for any election in which the canvassers certify the results, the county election officer shall conduct a manual audit or tally of each vote cast, regardless of the method of voting, in 1% of all precincts, with a minimum of one precinct located within the county. The precinct or precincts shall be randomly selected and the selection shall take place after the election.

(b) (1) The audit shall be performed manually and shall review all paper ballots selected pursuant to subsection (a). The audit shall be performed by a sworn election board consisting of bipartisan trained board members. The county election officer will determine the members of the sworn election board who will conduct the audit.

(2) The audit will review contested races as follows:

(A) In presidential election years:

- (i) One federal race;
- (ii) one state legislative race; and
- (iii) one county race.

(B) In even numbered non-presidential election years:

- (i) One federal race;
- (ii) one statewide race;
- (iii) one state legislative race; and
- (iv) one county race.

(C) In odd-numbered election years, two local races will be randomly selected and the selection shall take place after the election.

(c) At least five days prior to the audit, notice of the time and location of the audit shall be provided to the public on the official county website. The audit shall be conducted in a public setting. Any candidate or entity

who is authorized to appoint a poll agent may appoint a poll agent for the audit.

(d) The results of the audit shall be compared to the unofficial election night returns and a report shall be submitted to the county election office and to the secretary of state's office prior to the meeting of the county board of canvassers. If a discrepancy is reported between the audit and the unofficial returns and cannot be resolved, the county election officer or the secretary of state may require audits of additional precincts. Once the audit has been completed, the results of the audit shall be used by the county board of canvassers when certifying the official election results.

(e) The secretary of state shall adopt rules and regulations governing the conduct and procedure of the audit, including the random selection of the precincts and offices involved in the audit.

(f) The provisions of this section shall apply to all counties for elections that take place after January 1, 2019.

Sec. 8. K.S.A. 2017 Supp. 25-3104 is hereby amended to read as follows: 25-3104. The original canvass of every election shall be performed by the election boards at the voting places. The county election officer shall present the original returns, together with the ballots, books and any other records of the election, for the purpose of canvass, to the county board of canvassers at any time between 8 a.m. and 10 a.m. on the Monday next following any election held on a Tuesday, except that the county election officer may move the canvass to ~~the second Thursday following the election if notice is published prior to the canvass in a newspaper with general circulation in the county~~ *any business day not later than 13 days following any election. Notice of the time and place of the canvass shall be published in a newspaper of general circulation in the county prior to the canvass.* For elections not held on a Tuesday, the canvass by the county board of canvassers shall be held on a day and hour designated by it, and not later than the ~~fifth~~ 13th day following the day of such election.

Sec. 9. K.S.A. 2017 Supp. 25-4403 is hereby amended to read as follows: 25-4403. (a) The board of county commissioners and the county election officer of any county may provide an electronic or electromechanical voting system to be used at voting places, or for advance voting in the county at national, state, county, township, city and school primary and general elections and in question submitted elections.

(b) The board of county commissioners of any county in which the board of county commissioners and county election officer have determined that an electronic or electromechanical voting system shall be used may issue bonds to finance and pay for purchase, lease or rental of such a system.

(c) The board of county commissioners and the county election officer of any county may adopt, experiment with or abandon any electronic or electromechanical system herein authorized and approved for use in the state and may use such a system in all or any part of the voting areas within the county or in combination with an optical scanning voting system or with regular paper ballots. Whenever the secretary of state rescinds approval of any voting system, the board of county commissioners and the county election officer shall abandon ~~such~~ *the* system until changes therein required by the secretary of state have been made, or if the secretary of state advises that acceptable changes cannot be made therein, ~~such~~ *the* abandonment shall be permanent.

(d) *On and after the effective date of this act, no board of county commissioners in any county may purchase, lease or rent any direct recording electronic system, as defined in K.S.A. 25-4401(d), and amendments thereto. On and after the effective date of this act, no board of county commissioners in any county may purchase, lease or rent any electronic or electromechanical voting system, unless such system:*

(1) *Provides a paper record of each vote cast, produced at the time the vote is cast; and*

(2) *has the ability to be tested both before an election and prior to the date of canvass. Such test shall include the ability to match the paper record of the machine to the vote total contained in the machine.*

Sec. 10. K.S.A. 2017 Supp. 25-4406 is hereby amended to read as

follows: 25-4406. Electronic or electromechanical voting systems approved by the secretary of state:

(a) Shall provide for voting for the candidates for nomination or election of all political parties officially recognized pursuant to K.S.A. 25-302a, and amendments thereto;

(b) shall permit a voter to vote for any independent candidate for any office;

(c) shall provide for voting on constitutional amendments or other questions submitted;

(d) shall be so constructed that, as to primaries where candidates are nominated by political parties, the voter can vote only for the candidates for whom the voter is qualified to vote according to articles 2 and 33 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto;

(e) shall afford the voter an opportunity to vote for any or all candidates for an office for whom the voter is by law entitled to vote and no more, and at the same time shall prevent the voter from voting for the same candidate twice for the same office;

(f) shall be so constructed that in presidential elections the presidential electors of any political party may be voted for by one action;

(g) shall provide for “write-in” votes;

(h) shall provide for voting in absolute secrecy, except as to persons who request assistance due to temporary illness or disability or a lack of proficiency in reading the English language;

(i) shall reject all votes for an office or upon a question submitted when the voter has cast more votes for such office or upon such question than the voter is entitled to cast;

(j) shall provide for instruction of voters on the operation of voting machines, illustrating the manner of voting by the use of such systems. The instruction may include printed materials or demonstration by election board workers; ~~and~~

(k) *shall provide a paper record of each vote cast, produced at the time the vote is cast;*

(l) *shall have the ability to be tested both before an election and prior to the date of canvass. The test shall include the ability to match the paper records of such machines to the vote totals contained in the machines; and*

(m) shall meet the requirements of the help America vote act of 2002 and other federal statutes and regulations governing voting equipment.

Sec. 11. K.S.A. 25-1121 and K.S.A. 2017 Supp. 21-5903, 25-1122, 25-1124, 25-1128, 25-3104, 25-4403 and 25-4406 are hereby repealed.

Sec. 12. On and after January 1, 2019, K.S.A. 25-101a is hereby repealed.

Sec. 13. This act shall take effect and be in force on and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and was adopted by that body

HOUSE adopted
Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

SENATE adopted
Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.

EXHIBIT 11

Liberty House Rental Receipt,
dated 31 May 2018

RENTAL RECEIPT

LOOKING GLASS HOUSE, LLC



We hope you enjoy your stay at our **Liberty House** property!

Come back soon!

Reserved On: 5/17/18

Booking Date	Number of Nights	Rate	Total
5/31/18	TBD	\$1.00	\$1.00

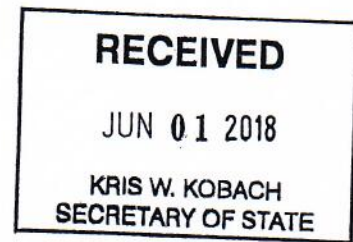
*Note: Per Owner, deposit has been waived

Payment Received	Amount	Type of Payment	Balance
5/31/18	\$1.00	Cash	\$0.00

lookingglasshousellc@gmail.com

EXHIBIT 12

Objection to Declaration of Intention to
Become a Candidate



THE KANSAS REPUBLICAN PARTY

P.O. Box 4157 Topeka, KS 66604

June 1, 2018

The Honorable Kris Kobach
Kansas Secretary of State
Memorial Hall, 1st Floor
120 SW 10th Avenue
Topeka, KS 66612

Dear Secretary Kobach,

I object to the filing of Mr. Vermin Supreme for the office of Attorney General for the state of Kansas based off of residency.

Sincerely,

Jim Joice
Executive Director
Kansas Republican Party

EXHIBIT 13

Constitution of the State of Kansas

Maloney

CONSTITUTION

OF THE

STATE OF KANSAS;

Adopted at Wyandot, July 29, '59.

ORDINANCE.

Whereas, the Government of the United States is the proprietor of a large portion of the Lands included in the limits of the State of Kansas as defined by this Constitution; and whereas the State of Kansas will possess the right to tax said lands for purposes of government, and for other purposes; Now, therefore, be it ordained by the people of Kansas, that the right of the State of Kansas to tax such lands, is relinquished forever, and the State of Kansas will not interfere with the title of the United States to such lands, nor with any regulation of Congress in relation thereto, nor tax non-residents higher than residents; PROVIDED always, that the following conditions be agreed to by Congress:

SECTION 1. Sections numbered sixteen and thirty-six in each township in the State, including Indian reservations and Trust lands, shall be granted to the State for the exclusive use of Common Schools; and when either of said sections, or any part thereof, has been disposed of, other lands of equal value, as nearly contiguous thereto as possible, shall be substituted therefor.

SEC. 2. That seventy-two sections of land shall be granted to the State for the erection and maintenance of a State University.

SEC. 3. That thirty-six sections shall be granted to the State for the erection of public buildings.

SEC. 4. That seventy-two sections shall be granted to the State for the erection and maintenance of charitable and benevolent institutions.

SEC. 5. That all salt springs, not exceeding twelve in number, with six sections of land adjacent to each, together with all mines, with the lands necessary for their full use, shall be granted to the State for works of public improvement.

SEC. 6. That five per centum of the proceeds of the public lands in Kansas, disposed of after the admission of the State into the Union, shall be paid to the State for a fund, the income of which shall be used for the support of Common Schools.

SEC. 7. That the Five Hundred Thousand acres of land to which the State is entitled under the Act of Congress entitled "An Act to appropriate the proceeds of the sales of public lands and grant pre-emption rights," approved September 4th, 1841, shall be granted to the State for the support of Common Schools.

SEC. 8. That the lands hereinbefore mentioned shall be selected in such manner as may be prescribed by law; such selections to be subject to the approval of the Commissioner of the General Land Office of the United States.

PREAMBLE.

We, the people of Kansas, grateful to Almighty God for our civil and religious privileges, in order to insure the full enjoyment of our rights as American citizens, do ordain and establish this constitution of the State of Kansas, with the following boundaries, to-wit: Beginning at a point on the western boundary of the State of Missouri, where the thirty-seventh parallel of north latitude crosses the same; thence running west on said parallel to the twenty-fifth meridian of longitude west from Washington; thence north on said meridian to the fortieth parallel of north latitude; thence east on said parallel to the western boundary of the State of Missouri; thence south with the western boundary of said State to the place of beginning.

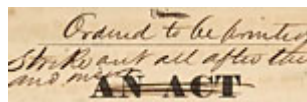
EXHIBIT 14

Kansas Statehood



Kansas Statehood, January 29, 1861

Located in the historical records of the U.S. House of Representatives and the U.S. Senate at the Center for Legislative Archives are many documents that illustrate the important role Congress plays in the statehood process. On January 29, 1861 Kansas became the 34th state; 2011 marks its 150th anniversary. Here is a small sampling of the many congressional records that tell the story of Kansas's tumultuous path to statehood.



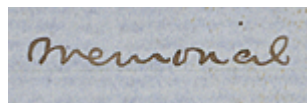
Kansas-Nebraska Act, 1854



Map of Territories of Nebraska and Kansas, 1854



First page of the Topeka Constitution, 1855



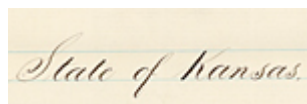
Memorial from Citizens of Leavenworth County, Kansas Territory, 1856



First page of the Wyandot Constitution, 1859



HR 23, A Bill for the admission of Kansas into the Union, 1860



Credentials of Kansas's first Senators, April 5, 1861

If you have problems viewing these images please contact: legislative.archives@nara.gov

More Featured Documents

The U.S. National Archives and Records Administration

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EXHIBIT 15

Kansas, ex rel. Schmidt v. Kobach,
Shawnee County
District Court of Kansas,
Case No. 2018-CV-285,
Memorandum Decision and Order
(Judge Watson) (May, 31 2018)

ELECTRONICALLY FILED
2018 May 31 AM 10:25
CLERK OF THE SHAWNEE COUNTY DISTRICT COURT
CASE NUMBER: 2018-CV-000285



Court: Shawnee County District Court
Case Number: 2018-CV-000285
Case Title: State of Kansas ex rel Derek Schmidt Atty General
vs. Kris Kobach - Secretary of State
Type:

SO ORDERED.

A handwritten signature in black ink, appearing to read "T. Watson", is written over a large, stylized circular flourish.

/s/ Honorable Teresa L Watson, District Court Judge

**IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS
DIVISION THREE**

STATE OF KANSAS, ex rel.
DEREK SCHMIDT, ATTORNEY GENERAL,

Petitioner

Case No. 2018-CV-285

KRIS KOBACH, SECRETARY OF STATE,

Respondent

ANDY MASKIN,

Intervenor

MEMORANDUM DECISION AND ORDER

This matter is before the Court on a petition for declaratory judgment filed by Petitioner State of Kansas *ex rel.* Derek Schmidt, Attorney General of the State of Kansas. Respondent is Kris Kobach, Secretary of State of the State of Kansas. By prior order of the Court, Andy Maskin, a self-represented individual at the time, was allowed to intervene. Maskin has since obtained counsel. This matter was fully briefed and was argued to the Court on May 21, 2018. The Court has read and considered all documents filed with the Clerk as of the date of this opinion. The Court is ready to rule.

The nature of declaratory judgment.

This is an action brought under K.S.A. 60-1701 seeking a judgment declaring that candidates for the offices of Governor and Lieutenant Governor of the State of Kansas must be Kansas residents. “Courts of record within their respective jurisdictions shall have power to declare the rights, status, and other legal relations whether or not further relief is, or could be sought.” K.S.A. 60-1701. Any such declaration by the Court has the force and effect of a final judgment. *Id.* “This act is remedial in nature and its purpose is to settle and provide relief from uncertainty and insecurity with respect to disputed rights, status and other legal relations and should be liberally construed and administered to achieve that purpose.” K.S.A. 60-1713.

The issue presented for declaratory judgment is not moot.

Only a few facts are necessary to the determination of this matter. These few facts are of such a nature that the Court may take judicial notice of them, see K.S.A. 60-409, or they are not disputed by the parties. Neither Maskin nor his running mate is a Kansas resident. Maskin submitted the necessary paperwork and paid a fee required to allow him and his running mate to appear on the primary ballot as candidates for the office of Governor and Lieutenant Governor of Kansas. On May 15, 2018, the State Objections Board met and, under the auspices of K.S.A. 2017 Supp. 25-308(c), voted 2-1 to sustain an objection to Maskin’s candidacy. Detailing the grounds for the objection and the reasons for the Board’s decision sustaining the objection is not necessary to this analysis. Here, all parties contend in unison that the decision of the State Objections Board does not render the instant matter moot.

Kansas courts do not decide moot questions or render advisory opinions. *Skillett v. Sierra*, 30 Kan. App. 2d 1041, 1046, 53 P.3d 1234 (2002). But a case will not be dismissed as moot “unless it is clearly and convincingly shown that the actual controversy has ended and the

only judgment that could be entered would be ineffectual for any purpose and an idle act insofar as rights involved in the case are concerned.” *State ex rel. Slusher v. City of Leavenworth*, 285 Kan. 438, 454, 172 P.3d 1154 (2007).

The State Objections Board’s decision to exclude Maskin and his running mate from the primary ballot does not end the controversy. First, it does not end the controversy as to Maskin. While K.S.A. 2017 Supp. 25-308(c) says that the decision of the Board is final, the statute also refers to an opportunity for relief through an action in mandamus. See K.S.A. 2017 Supp. 25-308(f) (“All mandamus proceedings to compel an officer to certify and place upon the ballot any name or names . . . must be commenced not less than 45 days before the election.”). Maskin has not filed a petition for writ of mandamus, though it appears to be an avenue open to anyone wishing to compel an officer to place his or her name on the ballot.

Second, it does not end the controversy as to other potential nonresident candidates for Governor and Lieutenant Governor. For these offices, the candidate filing deadline is noon on Friday, June 1, 2018. The parties acknowledge that other nonresidents have taken preliminary steps to become candidates for Governor and Lieutenant Governor, including appointment of campaign treasurers. It is certainly possible that other nonresident candidates will file the necessary paperwork and fee in an effort to be placed on the primary ballot prior to the June 1 deadline. It is likewise possible that these nonresident candidates would face a challenge to their candidacies.

Further, the mootness doctrine is a court-made doctrine and is not jurisdictional. Thus, it is amenable to exceptions. *State v. Montgomery*, 295 Kan. 837, Syl. ¶ 2, 286 P.3d 866 (2012). One exception is when an otherwise moot issue is capable of repetition and raises questions of public importance. *Id.* at 841. Whether Kansas law requires candidates for the offices of

Governor and Lieutenant Governor to be Kansas residents is a matter of public importance, and it is an issue likely to come up again in this election cycle. For the reasons set forth above, the Court concludes that the issue presented for declaratory judgment is not moot, and it will be considered on the merits.

Analysis of the issue.

Article 1, Section 1 of the Kansas Constitution states that the Governor, Lieutenant Governor, Secretary of State, and Attorney General “shall have such qualifications as are provided by law.” This Court’s task is to examine Kansas law and determine whether candidates for the offices of Governor and Lieutenant Governor must be Kansas residents.

Resolution of this issue requires interpretation of statutes. The primary purpose of statutory interpretation is to give effect to the intent of the Legislature. *State ex rel. Schmidt v. City of Wichita*, 303 Kan. 650, 659, 367 P.3d 282 (2016). The first step of statutory interpretation is to attempt to determine the legislative intent by looking to the words of the statute, giving common words their ordinary meanings. *Ullery v. Othick*, 304 Kan. 405, 409, 372 P.3d 1135 (2016). “If the legislature's intent is not clear from the statutory language, a court moves to the second analytical step by applying the canons of construction or examining legislative history.” *Brennan v. Kansas Insurance Guaranty Ass'n*, 293 Kan. 446, 450, 264 P.3d 102 (2011). “Statutory provisions that are clear when read separately may become ambiguous when read together, invoking employment of canons of construction, legislative history, or other background considerations to divine the legislature's intent. A conflict between two statutory provisions is an example of such ambiguity in a statutory scheme.” (Internal citations omitted.) *Hays v. Ruther*, 298 Kan. 402, 406, 313 P.3d 782 (2013).

The Attorney General asserts, and the parties generally agree, that no single Kansas statute plainly requires candidates for Governor and Lieutenant Governor to be Kansas residents. The Attorney General argues that, despite the absence of such a statute, a host of other laws read together demonstrate the residency requirement.

The Court first looks to statutes that apply to statewide offices in general. K.S.A. 25-4001 says: “The governor, lieutenant governor, secretary of state, attorney general, state treasurer and commissioner of insurance shall be elected for terms of four (4) years, to begin on the second Monday of January next after their election, and until their successors are elected and qualified.” K.S.A. 25-101a specifies what day the election of these officers must take place.

K.S.A. 25-4002 says: “Except as otherwise provided in this act, election laws applicable to *other state officers elected from the state as a whole* shall apply to the nomination and election of the governor and lieutenant governor, secretary of state and attorney general.” (Emphasis added.) The Secretary of State argues that the reference to other state officers “elected from the state as a whole” means that candidates for statewide office must be Kansas residents.

Next, the Court looks to statutes that apply to candidates for the offices of Governor and Lieutenant Governor. First, K.S.A. 2017 Supp. 25-4004 sets out two ways for such a candidate to appear on the primary ballot: by nomination petition under K.S.A. 2017 Supp. 25-4005, or by declaration of intent and payment of a fee under K.S.A. 2017 Supp. 25-4006.

K.S.A. 2017 Supp. 25-4005 requires that nomination petitions “shall be in substantially the following form” which includes the following language:

“I, the undersigned, an elector of the county of _____, and state of Kansas, and a duly registered voter and a member of the _____ party, hereby nominate _____ (Here insert name and city) and state of Kansas as a candidate for the office of governor, and running with such candidate _____ (Here insert name and city) and state of Kansas as a candidate for the office of lieutenant governor”

The Attorney General asserts that K.S.A. 2017 Supp. 25-4005 establishes a Kansas residency requirement because it contains a blank to fill in the candidates' names and cities of residence, but specifies "state of Kansas" immediately after the blank. In other words, for purposes of a nomination petition, there is no blank to fill for the candidates' state of residence – that information is supplied by the form set out in K.S.A. 2017 Supp. 25-4005, and the state specified is "state of Kansas." It assumes that the candidates seeking to use the nomination petition must be Kansas residents. Neither the Secretary of State nor Maskin disagree with this reading of the statute.

Further, K.S.A. 2017 Supp. 25-303(b) provides that independent (non-party affiliated) nominations for Governor and Lieutenant Governor may be made by nomination petition. K.S.A. 2017 Supp. 25-4005 requires that nomination petitions "shall be in substantially the following form" which, as quoted above, has no blank to fill for the candidates' state of residence. Rather, the form set forth in the statute fills in the state of residence – Kansas.

K.S.A. 2017 Supp. 25-4006 addresses candidacy by declaration of intent and payment of a filing fee. It says:

"The provisions of K.S.A. 25-206, and amendments thereto, shall not apply to the offices of governor and lieutenant governor. When candidates for governor and lieutenant governor in lieu of nomination petitions shall file a joint declaration of intention to become candidates for such offices the accompanying fee shall be a sum equal to the total of 1% of one year's salary for governor and 1% of one year's salary for lieutenant governor, as determined by the secretary of state. Amounts received under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

Such declaration shall be prescribed by the secretary of state, and shall be attested before the secretary of state or a deputy secretary of state."

The statute does not mention a residency requirement, nor does it prescribe a form for the joint declaration of intention. If read literally and in isolation from each other, K.S.A. 2017 Supp. 25-4005 and K.S.A. 2017 Supp. 25-4006 would set up two different sets of qualifications for candidates for the same office depending on what method was used to seek a place on the ballot. The Attorney General argues that the apparent conflict between these two statutes gives rise to an ambiguity in the law, which requires the Court to turn to the canons of statutory construction to determine legislative intent. The Court agrees.

Two canons of construction are useful here. First, “[i]n construing statutes and determining legislative intent, several provisions of an act or acts, *in pari materia*, must be construed together with a view of reconciling and bringing them into workable harmony if possible.” *State ex rel. Morrison v. Oshman Sporting Goods Co. Kansas*, 275 Kan. 763, Syl. ¶ 2, 69 P.3d 1087 (2003). This Court has a duty “to reconcile the different provisions so as to make them consistent, harmonious, and sensible.” *Id.* Second, the Court must construe statutes to avoid unreasonable or absurd results. *Johnson v. Kansas Employment Sec. Bd. of Review*, 50 Kan. App. 2d 606, 613, 330 P.3d 1128 (2014). Both of these rules are expressions of common sense, which the Court must apply to the issue at hand. *Wigington v. Mid-Continent Royalty Co.*, 130 Kan. 785, 790, 288 P. 749 (1930).

The Attorney General and Secretary of State point the Court to a series of other statutes that, when read *in pari materia*, provide context and clues regarding legislative intent to require candidates for Governor and Lieutenant Governor to be Kansas residents. The Court has considered all of these statutes, and others, but only the most persuasive ones are discussed here.

K.S.A. 25-613, which addresses the form of official ballots, provides: “To the names of pairs of candidates running for governor and lieutenant governor shall be added the name of the

city in which or near which each resides.” The fact that the ballot must include the city, but not the state, where the candidates reside seems to indicate that the Legislature intended that candidates for Governor and Lieutenant Governor reside in Kansas.

This is consistent with K.S.A. 25-617, which prescribes the format for the official general election ballot in statewide races by providing a sample ballot. The sample ballot for Governor and Lieutenant Governor lists the first and last name of the candidate pair along with the name of the city of residence of each. The statute does not require that the ballot indicate a state of residence, and the sample ballot set forth in the statute does not contain such a reference. Again, the lack of a reference to the state in which a candidate lives suggests that candidates for Governor and Lieutenant Governor must be Kansas residents.

Also persuasive is K.S.A. 2017 Supp. 25-306b. It says, in pertinent part, that no person nominated by any means for national, state, county or township office may withdraw after the primary election except in case of severe medical hardship or if “the nominee certifies to the secretary of state that the nominee does not reside in the state of Kansas.” K.S.A. 2017 Supp. 25-306b(a) and (b)(1). This suggests that loss of residency is a disqualifying factor triggering the extraordinary measure of allowing a candidate to withdraw after winning the primary.

The Attorney General argues that the absence of a candidate residency requirement could lead to unreasonable or absurd results. In construing statutes, the Court may consider the effect of various suggested interpretations of the law. *Brown v. USD 333*, 261 Kan. 134, 142, 928 P.2d 57 (1996). “Statutes must be construed with reason, considering the practicalities of the subject matter. A statute should never be given a construction that leads to uncertainty, injustice or confusion, if possible to construe it otherwise.” (Internal citations omitted.) *Goodspeed v. Skinner*, 9 Kan. App. 2d 557, 559–60, 682 P.2d 686 (1984).

By way of example, the Attorney General points to the Governors of Kansas Hometown Heritage Act, K.S.A. 75-5071 *et seq.*, which authorizes the Secretary of the Kansas Department of Transportation (“KDOT”) to install roadway signs in the hometowns of Kansas Governors. The Act defines “governor’s hometown” to mean “the city or unincorporated community listed in the election records of the secretary of state as the residence of a successful candidate for governor at the state of Kansas the first time such candidate was elected governor.” K.S.A. 75-5072(a)(2). The Attorney General argues that since KDOT cannot unilaterally install signs in other states, the Legislature must have contemplated that candidates for Governor be Kansas residents. It would be unreasonable to think otherwise.

In another example, the Attorney General suggests that, absent a candidate residency requirement, the Governor of another state could become a candidate for Governor of Kansas. If elected, that person could serve as Governor of two states at the same time. This is a highly unlikely hypothetical that may have other underlying flaws, but it illustrates a basic point. The more sensible interpretation of Kansas law is that candidates for Governor and Lieutenant Governor must be Kansas residents.

The parties generally agree that most, if not all, other states explicitly require that candidates for Governor be residents of the state in which they seek election. As one court explained, this ensures that “the chief executive officer . . . is exposed to the problems, needs, and desires of the people whom he is to govern, and it also gives the people . . . a chance to observe him and gain firsthand knowledge about his habits and character.” *Chimento v. Stark*, 353 F. Supp. 1211, 1217 (D.N.H.), *aff’d* 414 U.S. 802 (1973).

Further, the parties generally agree that no purported candidate for Kansas Governor prior to Maskin has been other than a Kansas resident. The Attorney General argues that this

amounts to a “custom and practice” that supports the notion of an existing residency requirement. Maskin, on the other hand, asserts:

“Forty-nine other states specify in their constitutions and by statute specific qualifications to run for Governor. The extent to which Kansas hasn’t (until now, applicable in 2022) may be an oversight, or perhaps it was left open by pioneers because they knew good citizens with leadership skills can come from all over our great nation.”

While pioneer purpose is one explanation for the lack of an explicit candidate residency requirement in Kansas law, it is not a likely one. No party cites any authority for the proposition that Kansas’ early lawmakers deliberately omitted a candidate residency requirement for the office of Governor for any reason, including that they wanted to recruit governing talent from outside the fledgling state. Courts must not strain to find meaning “through a process of imaginative hypothesizing;” rather, a common sense approach is the better path. *State v. Wilson*, 267 Kan. 550, 557, 987 P.2d 1060 (1999). Accepting Maskin’s theory requires considerable speculation. Common sense, and a reading of other Kansas statutes *in pari materia*, suggests that the lack of an explicit candidate residency requirement was simply an oversight.

2018 House Bill 2539.

Finally, Maskin asserts that existing Kansas law does not contain a residency requirement for candidates by reference to 2018 House Bill 2539. This bill was adopted by the Kansas Legislature during the 2018 session and was signed by the Governor on May 18, 2018. The Court takes judicial notice of its contents and the public record of its legislative history. Maskin argues that the recent passage of HB 2539 and its residency requirement “only serves to highlight that no such restriction exists presently, and that the remedy is legislation rather than judicial ruling.”

HB 2539, among other things, amends K.S.A. 25-101a as follows:

“Section 1. On and after January 1, 2019, K.S.A. 25-101a is hereby amended to read as follows: 25-101a. (a) On the Tuesday succeeding the first Monday in November in 1978, and each four years thereafter, there shall be elected a governor and lieutenant governor running together, a secretary of state, an attorney general, a state treasurer and a state commissioner of insurance.

- (b) *Every candidate for the office of secretary of state, attorney general, state treasurer or state commissioner of insurance shall be a qualified elector of the state of Kansas by the deadline for filing for such office as provided in K.S.A. 25-205, and amendments thereto.*
- (c) *Every candidate for the office of governor and lieutenant governor shall be a qualified elector and shall be 25 years of age or older by the deadline for filing for such office as provided in K.S.A. 25-205, and amendments thereto.*
- (d) *Every candidate for the office of attorney general must be licensed to practice law within the state of Kansas.”* (Bold emphasis added.)

“Qualified elector” is defined as “[e]very citizen of the United States who has attained the age of eighteen years and who resides in the voting area in which he or she seeks to vote.” Kan. Const. Art. 5 §1.

“Ordinarily, courts presume the legislature intends to make a substantive change when it revises an existing law, but this presumption's strength, weakness, or validity changes according to the circumstances. When an original statute is ambiguous, the legislative purpose may be to clarify the statute's ambiguities, not to change the law.” *Brennan*, 293 Kan. at 458, citing *Trees Oil Co. v. Kansas Corporation Com'n*, 279 Kan. 209, 229, 105 P.3d 1269 (2005). “A statutory amendment may provide insight into the original enactment's legislative intent if that enactment was ambiguous. Amendments that construe or clarify a prior statute ‘must be accepted as the legislative declaration of the meaning of the original act.’” (Internal citations omitted.) *Brennan*, 293 Kan. at 458.

Maskin argues that the residency requirement is a change to existing law, not a clarification, because the Legislature deliberately set the effective date of this portion of HB 2539 to be January 1, 2019. This is after the current election cycle.

HB 2539 in its original form contained the January 1, 2019, effective date. Maskin points out that the House Committee of the Whole defeated a proposed amendment to change the effective date of HB 2539 from January 1, 2019, to upon publication in the Kansas Register. There was no explanation of the purpose of the amendment and there was no roll call vote. There is nothing in the Journal of the House that specifies even the number of votes for or against the amendment. See Journal of the Kansas House, 2353 (February 20, 2018). Though other changes were made to the bill at various phases of the legislative process, HB 2539 was ultimately approved by the House and the Senate, and signed by the Governor, with the January 1, 2019, effective date.

Maskin points to the written testimony of Bryan A. Caskey, Director of Elections for the Kansas Secretary of State's Office. Caskey submitted written testimony to both the House Committee on Elections and the Senate Committee on Ethics, Elections and Local Government. His testimony to both committees said, in pertinent part: "The Secretary of State's Office also believes it is imperative to make this bill effective after the 2018 elections. The Secretary of State does not want there to be any appearance of a conflict of interest concerning persons who are currently candidates and do not meet the proposed requirements."

This is the statement of a conferee representing an office in the executive branch. Caskey was speaking in favor of a provision contained in the bill as introduced. Further, the statement does not indicate that HB 2539 would be a departure from existing law. Rather, it expresses a desire to avoid a "conflict of interest" in the passage of the bill. It is not entirely clear what this

means, but it is likely a reference to the fact that various members of the executive branch and the legislature had expressed an interest in running for Governor themselves, and it might appear self-serving to participate in the passage of a bill which would eliminate nonresident competitors in the instant election cycle.

Maskin's argument is that, if HB 2539 is merely a clarification of existing law, the Kansas Legislature would have made it effective upon publication in the Kansas Register. Because it declined to do so, he reasons, the Legislature recognized that HB 2539 constituted a change to existing law. This argument is not convincing under the circumstances. There is little explanation for the January 1, 2019, effective date other than one conferee's desire to avoid the appearance of "conflicts" with existing nonresident candidates for Governor. The legislative history on this point is scant and unclear. Attempting to read the legislative tea leaves in regard to HB 2539 is not helpful to this analysis.

Summary.

There is no single Kansas statute that explicitly requires candidates for Governor and Lieutenant Governor to be Kansas residents. A variety of other statutes imply such a residency requirement. There is an ambiguity in the law requiring the Court to employ canons of statutory construction. Construing the statutes discussed above *in pari materia*, it is clear that the Kansas Legislature intended to require candidates for Governor and Lieutenant Governor to be Kansas residents. This construction avoids unreasonable results and is consistent with a common sense approach to resolving the question at hand.

CONCLUSION

For the reasons set forth above, the Court grants the Attorney General's petition for declaratory judgment. It is the judgment of this Court that existing Kansas law requires candidates for the offices of Governor and Lieutenant Governor of the State of Kansas to be Kansas residents.

This order is effective on the date and time shown on the electronic file stamp.

IT IS SO ORDERED.

HON. TERESA L. WATSON
DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above document was filed electronically on the date
stamped on the order providing notice to the following:

Jeff Chanay
Kansas Attorney General's Office
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Kansas City, MO. 64111
Attorney for Intervenor Andy Maskin

/s Angela Cox
Administrative Assistant

EXHIBIT 16

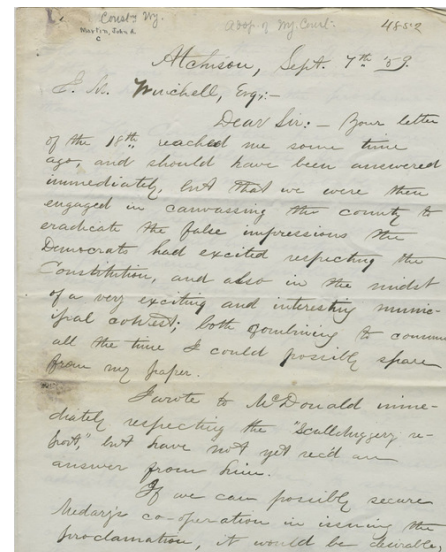
Biography of James Winchell

James M. Winchell

Constitutional Delegate. Born: 1823, Avon, New York. Died: February 2, 1877 Hyde Park, New York.

Born at Avon, Livingston County, New York, in 1823, J. M. Winchell was educated at the State Normal School at Albany and worked as a teacher and journalist before moving to Kansas Territory in 1854. He came to Kansas as a correspondent for the New York **Times** and settled at Council City (Burlingame), Osage County, being also one of the directors of the "American Settlement Company," which had established that town, but he spent considerable time in Lawrence. Winchell was a delegate to the first Republican National Convention at Philadelphia, and in 1856, with William Hutchinson, was appointed a commissioner of the Kansas State Central Committee to solicit aid from the North to protect free-state settlers. Winchell was a delegate to the Free-State Convention at Lawrence that met December 23-24, 1857, to discuss participation in the election of officers under the Lecompton Constitution, January 4, 1858. Winchell, along with Charles Robinson, William A. Phillips, Samuel Pomeroy, and others favored voting, but by 74 to 62, it was decided not to participate. Winchell was a delegate to the Leavenworth Convention, and a few days after his Wyandotte Convention adjourned, on August 3, 1859, Winchell was elected permanent chairman of the Republican Convention at Lawrence for nominating a delegate to Congress--M. J. Parrott selected. A delegate to the Republican State Convention, Topeka, October 12, 1859, Winchell was defeated by William A. Phillips (31 to 29) in a contest for temporary chairman (Phillips was subsequently elected president of the Convention). Winchell served in the territorial House of Representatives in 1860 and 1861.

Unsuccessful in his political pursuits during the years following admission, Winchell served as a war correspondent and had charge of the Times' Washington bureau in 1862-63. Back in Kansas in August 1863, Winchell was a "guest" at the Eldridge House in Lawrence on the night of August 20 but survived the infamous early-dawn raid lead by William C. Quantrill the next morning: he "was required to give up a fine new coat which he was wearing, but after he had surrendered it he bought it back, to the gratification of both parties, with a ten-dollar bill. In like cases occurring outside both money and life were taken without any return." For a short time after the war, Winchell was involved in management with the Kansas Pacific (i.e., Union Pacific, Eastern Division) and then engaged in mining. He then returned to his native New York state and served as "one of the editors of the New York **Times**, as he had been its correspondent while in Kansas." Winchell "purchased the estate at Hyde Park, on the Hudson," where he died there at age 53 on February 2, 1877.



Entry: Winchell, James M.

Author: Kansas Historical Society

Author information: The Kansas Historical Society is a state agency charged with actively safeguarding and sharing the state's history.

Date Created: June 2011

Date Modified: July 2012

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EXHIBIT 17

Biography of Edmund G. Ross

Edmund G. Ross

Politician. Republican. Born: December 7, 1826, Ashland Ohio. Married: Fannie M. Lathrop, 1848. Died May 8, 1907, Albuquerque, New Mexico. Served in U.S. Senate: July 25, 1866, to March 3, 1871.

Born in Ashland, Ohio, on December 7, 1826, E. G. Ross apprenticed as a printer in Sandusky. He married Fannie M. Lathrop in 1848, and then moved to Milwaukee, Wisconsin, in 1849, where he was connected with the **Milwaukee Sentinel**. Moving to Kansas from Wisconsin as leader of a free-state colony in 1856, Ross involved himself in territorial politics and the newspaper business (editor, **State Record**) in Topeka. At the convention Ross served on the apportionment, amendments and miscellaneous, and phraseology and arrangement committees. The partisan Leavenworth newspaper praised Ross "as one of the former Editors of that sterling sheet-The Kansas Tribune. He worthily represents the craft, though from subduing the Border Ruffians by aid of type and pen, (and sometimes with a shooting stick,) he has taken to subduing the soil and making that responsive to the Freeman's industry." Ross helped raise and then served in the Eleventh Kansas during the Civil War. After James H. Lane's death by suicide in 1866, Ross was appointed and subsequently elected to the Lane seat in the U.S. Senate. While serving as senator from Kansas in 1868, Ross won fame as the senator who cast the deciding vote for acquittal in the impeachment trial of President Johnson. This ruined Ross politically in Kansas, and he failed in his bid for a full term in 1871. Ross returned to his former journalistic pursuits, and in 1885 he was appointed governor of New Mexico Territory. He died in Albuquerque on May 8, 1907.



Entry: Ross, Edmund G.

Author: Kansas Historical Society

Author information: The Kansas Historical Society is a state agency charged with actively safeguarding and sharing the state's history.

Date Created: June 2011

Date Modified: January 2013

The author of this article is solely responsible for its content.

EXHIBIT 18

Biography of Victor Murdock

Victor Murdock

Politician. Republican. Born: March 18, 1871, Burlingame, Kansas. Died: July 8, 1945, Wichita, Kansas. Served in U.S. House of Representatives, 7th and 8th Districts: November 9, 1903, to March 3, 1915.

Victor Murdock was born March 18, 1871, in Burlingame, Kansas, where his father, Marshall Murdock, edited the Osage County Chronicle; his mother was Victoria Mayberry Murdock. The following year, the family moved to Wichita, where Victor Murdock received his common school education, began learning the printing trade, and at age 15 became a reporter. He married Mary Pearl Allen in 1890, spent some time in Chicago where he worked on the Inter-Ocean, and then in 1894 became managing editor of the **Wichita Eagle** (1894-1903). Murdock was covering the Kansas legislature for the paper when he decided to run for a vacancy in the U. S. Congress and was elected to follow Chester I. Long on May 26, 1903 (Long had resigned to take seat in the U. S. Senate), taking office on November 9, 1903. An early and active member of the "Insurgents," Murdock served in Congress until March 3, 1915. In 1916, when Theodore Roosevelt refused to run, the Progressive Party nominated Murdock for president-apparently, he did not appear on the ballot, however. Murdock worked as a war correspondent in 1916, was a member of the Federal Trade Commission from 1917-1924, and then edited the **Eagle** until his death in Wichita on July 8, 1945.



Entry: Murdock, Victor

Author: Kansas Historical Society

Author information: The Kansas Historical Society is a state agency charged with actively safeguarding and sharing the state's history.

Date Created: June 2011

Date Modified: January 2016

The author of this article is solely responsible for its content.

EXHIBIT 19

Chris Reeves,
“Not all voter fraud is equal, as
Kris Kobach provides two different
standards in same meeting,”
DAILY KOS
(June 12, 2018)

Not all voter fraud is equal, as Kris Kobach provides two different standards in same meeting (/stories/2018/6/12/1771350/-Not-all-voter-fraud-is-equal-as-Kris-Kobach-provides-two-different-standards-in-same-meeting)



Chris Reeves (/user/Chris%20Reeves)
Daily Kos Staff

2018/06/12 · 09:15

★ 20 f 33

🐦 (https://twitter.com/intent/tv

url=https%3A%2F%2Fwww.dailykos.com%2Fstory%2F2018%2F6%2F12%2F1771350%2F-Not-all-voter-fraud-is-equal-as-Kris-Kobach-provides-two-different-standards-in-same-meeting&text=Not+all+voter+fraud+is+equal%2C+as+Kris+Kobach+provides+two+different+standards+in+same+meeting)

7 Comments 7 new (https://www.dailykos.com/story/2018/6/12/1771350/-Not-all-voter-fraud-is-equal-as-Kris-Kobach-

provides-two-different-standards-in-same-meeting#comments)



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The Kansas State Election Board held service on objections to filings on Monday, with complaints centering around the placement of name on a ballot, the candidacy of Vermin Supreme, and the candidacy of Republican Michael Capps.

Within a matter of a few hours, Secretary of State Kris Kobach provided a complicated, conflicting standard that told one candidate that his use of a rental property did not entitle him to run for office, meanwhile, a candidate proclaiming to live in a house that was in foreclosure by a bank at the time of filing, well, that was A-OK.

You see, Kobach read their minds, and in that mind reading, one person's intent was valid, and the other, well, it wasn't.

The (<http://www.cjonline.com/news/20180611/vermin-supreme-gets-boot-as-objections-board-sorts-ballot-complaints>)Capital Journal (<http://www.cjonline.com/news/20180611/vermin-supreme-gets-boot-as-objections-board-sorts-ballot-complaints>)

Kansas Secretary of State Kris Kobach, however, challenged Miller to explain why someone can't decide to move for the purpose of a race. Nothing in law prohibits a candidate from rapidly changing residence, Kobach said. Brant Laue, chief counsel for the governor's office, joined with Kobach and Athena Andaya, deputy attorney general for legal opinions, in upholding Capps' candidacy.

"The applicable legal standard is not a high one," Laue said.

f



Capps, standing before the board of election, noted that he had planned his move over to the 5th district on May 8, and that he had every intent to live in the district. In an early session before the state board of elections in Topeka, Kris Kobach provided two different standards for whether or not his intent was valid. Republican candidate Michael Capps' sincerity was tested, however, when documents were pointed out to the state board that on May 7, a statement of treasurer was filed with the state — for another house district, one where, in fact, a house exists and Capps has apparently resided.

Campaign Finance Appointment of Treasurer Report Page 1 of 1

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**Campaign Finance
Appointment of Treasurer or
Candidate Committee Form
For Candidate For State Office**

Governmental Ethics Commission
901 S. Kansas Avenue
Topeka, KS 66612
Phone (785) 296-4219
Fax (785) 296-2548
ethics.kansas.gov

This is an (Check one) ☒ Initial Appointment ☐ Amended Statement

Candidate Candidate Name: **Michael Capps**
 Address: **2832 S Chase St**
 Address2:
 City: **Wichita** Zip: **67217**
 Home Phone: **(316) 239-1176** Business Phone: Cell Phone:
 County: **Sedgwick** Email Address: **mike@votecapps.com**
 Office Sought: **State Representative** District No.: **97**

Treasurer Date Appointed: **05/07/2018**
 Treasurer Name: **Les Osterman**
 Address: **1401 West Dallas**
 Address2:
 City: **Wichita** State: **KS** Zip: **67217**
 Home Telephone: Business Phone: Cell Phone:
 Email Address: **lildoc52@sbcglobal.net**

Candidate Committee Date Appointed:
 Chairperson's Name:
 Address:
 Address2:
 City: State: Zip:
 Home Telephone: Business Phone: Cell Phone:
 Email Address:

Date Appointed:
 Treasurer's Name:
 Address:
 Address2:
 City: State: Zip:
 Home Telephone: Business Phone: Cell Phone:
 Email Address:

I declare that this statement has been examined by me and to the best of my knowledge and belief is true, correct and complete. I understand that the intentional failure to file this document or intentionally filing a false document is a class A misdemeanor.

Executed on:
 Date: **5/16/2018 9:38:36 AM** Signature of Candidate: **Michael Capps**

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http://www.kssos.org/elections/cfr_viewer/reports/appointment_of_treasurer_report.aspx 5/16/2018

Capps quickly refuted this, and claimed that his treasurer had apparently submitted his intent to file without his consent. The statement would apparently make Les Osterman, his treasurer, subject to submitting a document to the state election board under fraudulent claim, as he provided an electronic signature of Michael Capps, a signature that Michael Capps said he did not authorize.

In the end, the standard for Kobach was clear: Vermin was out. Michael Capps? A-OK.

No word yet on whether or not Les Osterman or Michael Capps will charges for swearing to a form falsely, or if Capps is actually a valid elector.

6/21/2018

Not all voter fraud is equal, as Kris Kobach provides two different standards in same meeting

Something tells me the vote fraud hunter in chief is less interested about following through on either of these charges.

★

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🐦

(https://twitter.com/intent/tvurl=https%3A%2F%2Fwww.dailykos.com%2Fstory%2F2018%2F6%2F12%2F1771350%2F-Not-all-voter-fraud-is-equal-as-Kris-Kobach-provides-two-different-standards-in-same-meeting&text=Not+all+voter+fraud+is+equal%2C+as+Kris+Kobach+provides+two+different+standards+in+same+meeting&url=https%3A%2F%2Fwww.dailykos.com%2Fstory%2F2018%2F6%2F12%2F1771350%2F-Not-all-voter-fraud-is-equal-as-Kris-Kobach-provides-two-different-standards-in-same-meeting#comments)

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(/user/Chris Reeves)

Chris Reeves (/user/Chris Reeves) June 12 · 09:15:31 AM (/comments/1771350/70415326#comment_70415326)

Tip Jar

Recommended 14 times

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(/user/Suzanne Bozeman)

Suzanne Bozeman (/user/Suzanne Bozeman) June 12 · 09:30:37 AM (/comments/1771350/70415464#comment_70415464)

I OKIYAR

Recommended 4 times

[new]



(/user/Appy)

Appy (/user/Appy) June 12 · 09:36:36 AM (/comments/1771350/70415518#comment_70415518)

Could someone PLEASE send cretin Kobach to a deserted desert island 'vacation'...one way ticket only though!!!

Starting to see his election signs posted in yards. Makes me sick to know there are so many Kansans that stupid.

Recommended 5 times

[new]



(/user/Aashirs nani)

https://www.dailykos.com/stories/2018/6/12/1771350/-Not-all-voter-fraud-is-equal-as-Kris-Kobach-provides-two-different-standards-in-same-meeting

4/6

Aashirs nani (/user/Aashirs nani) ▶ Appy

June 12 · 09:42:34 AM (/comments/1771350/70415574#comment_70415574)

I saw two billboard-sized Kobach signs in front of a prominent local business. This is not the business I will be calling to grade my driveway.

Recommended 4 times

[new]



(/user/dsnottelliott)

dsnottelliott (/user/dsnottelliott) ▶ Appy

June 12 · 10:20:22 AM (/comments/1771350/70415963#comment_70415963)

KKKobach is an idiot so let's use that against him. Someone can pretend to be a rep. of the Trump Organization, and give him a packet with instructions to go on a secret mission to scout locations for a new Trump real estate development. The packet will contain what looks like very real bank accounts — one filled with tens of millions of dollars to purchase land/buildings near the coastline and one to send deposits from local buyers/investors to.

It will also contain a (bogus) upfront payment to KKKobach of a million bucks, and a "signed" agreement of a 20 percent commission to make him lose what little is left of his mind to greed.

The final item in the package. A bogus Visa, and a bogus return ticket BUT a very real airline ticket to the destination — North Korea!

Just imagine the charges NK will lay on KKKobach when he tries to use the bogus account supposedly with all those tens of millions of dollars to bribe his way out of trouble? Think about how pissed Kim will be when he learns that there's no actual money from the bribe coming his way!

Recommended 1 time

[new]



(/user/Appy)

Appy (/user/Appy) ▶ dsnottelliott

June 13 · 09:46:11 AM (/comments/1771350/70426712#comment_70426712)

"KKKobach"

Perfect fit! Good one dsnottelliott. That might make a good billboard all by itself...

Recommended 0 times

[new]



(/user/dsnottelliott)

dsnottelliott (/user/dsnottelliott) ▶ Appy

June 13 · 09:53:54 AM (/comments/1771350/70426786#comment_70426786)

Thanks but I can't take credit. I've seen a fair number of others use it, so your idea that it makes for a good billboard seems to have merit as the notion is already out there to some degree. A nice big billboard as close as possible to his home would get a lot of attention and since there's a "market" for calling him KKKobach maybe pics of it would go viral on social media.

Or, at the very least a brave soul or two out in KS might emulate our own freewayblogger's example. I'm sure if anyone wants to do so and reaches out to him for advice (although he's published diaries on making signs here on Kos) he'd be happy to provide tips.

Recommended 0 times

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EXHIBIT 20

Kansas Secretary of State 2018
Election Information sheet

Office of the Kansas Secretary of State

2018 ELECTION INFORMATION**ELECTION DATES**

Primary Election: Tuesday, August 7
General Election: Tuesday, November 6

CANDIDATE FILING DEADLINES

Primary Election: 12:00 p.m., Friday, June 1
Independent Nominations: 12:00 p.m., Monday, August 6

OFFICES TO BE ELECTED OR RETAINED**NATIONAL LEVEL**

All four U.S. Representatives

STATE LEVEL

Governor/Lt. Governor
 Secretary of State
 Attorney General
 State Treasurer
 Commissioner of Insurance
 1 State Senator (Dist. 13)
 All 125 State Representatives
 State Board of Education (#1, 3, 5, 7, 9)
 7 Kansas Court of Appeals Judges¹
 District Court Judges (46 retained, 27 elected)¹
 District Magistrate Judges (18 retained, 3 elected)¹

¹ as of June 7, 2017

FILING FEES

Office	Filing Fee	GEC/SOS Fee	Total Fee
U.S. Representative	\$1,740	\$20	\$1,760
Governor/Lt. Governor	\$997/\$540	\$670	\$2,207
Secretary of State	\$861	\$670	\$1,531
Attorney General	\$990	\$670	\$1,660
State Treasurer	\$861	\$670	\$1,531
Commissioner of Insurance	\$861	\$670	\$1,531
State Senate	\$75	\$70	\$145
State Representative	\$50	\$70	\$120
State Board of Education	\$25	\$70	\$105
Court of Appeals ²	N/A	\$20	\$20
District Court Judge ²	\$1,231	\$70	\$1,301
District Magistrate Judge ²	\$100	\$70	\$170
County Officers	\$5 or 1% or salary	\$50	N/A
Township Officers	\$1	N/A	\$1

PETITION REQUIREMENTS

Party Candidates	Independent Candidates ³
2% party	4% or 5,000
D - 3,507; R - 5,090	5,000
D - 4,263; R - 7,836	5,000
D - 4,263; R - 7,836	5,000
D - 4,263; R - 7,836	5,000
D - 4,263; R - 7,836	5,000
2% party	4% voters
2% party	4% voters
200 voters	200 voters
N/A	N/A
2% party	4% voters
2% party	4% voters
3% party	4% voters
3% party	10 or 5%

² Judicial officers who are appointed and retained in office, rather than elected, pay only the GEC/SOS fee.

³ Independent candidates may file for office only by petition. Upon filing a valid petition and paying the GEC/SOS fee, the candidate's name will be placed directly on the general ballot. An independent candidate must be registered as an unaffiliated voter. Percent requirements for petitions are based upon the total number of registered voters in the district as provided by KSA 25-205 and 25-303. Salary Information Sources: U.S. House of Representatives Chief Clerk; Kansas Division of Personnel Services; Kansas Office of Judicial Administration.