

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS

Dawn North
16450 S. Ridgeview Road
Olathe, Kansas 66062,

Laura Hunter
16555 S. Sunset Street
Olathe, Kansas 66062,

Amy Tompkins
17674 W. 159th Terrace
Olathe, Kansas 66062,

Amy Voelker
16411 W. 165th Terrace
Olathe, Kansas 66062,

Case No. _____

Connie Taylor
21643 W. 177th Court
Olathe, Kansas 66062,

Eric DeVault
15555 S. Apache Street
Olathe, Kansas 66062,

Faith Jacobsen
15555 S. Apache Street
Olathe, Kansas 66062,

Christina Hill
1519 W. 153rd Terrace
Olathe, Kansas 66062,

Brett Hoedl
17446 W. 161st Street
Olathe, Kansas 66062, and

Nadia Astoquilica-Jackson
1328 E. 154th Street
Olathe, Kansas 66062, and

Ryan Wiehl
506 W. King Street
Spring Hill, Kansas 66083,

Contestants,

v.

Adam T. Thomas
16272 S. Sunset Street
Olathe, Kansas,

Contestee.

NOTICE OF ELECTION CONTEST

Come now Dawn North, Laura Hunter, Amy Tompkins, Amy Voelker, Connie Taylor, Eric DeVault, Faith Jacobsen, Christina Hill, Brett Hoedl, Nadia Astoquilica-Jackson, and Ryan Wiehl, all of whom are registered voters residing in the 26th House legislative district of Kansas, and for this Notice of Election Contest, state the following:

1. This Notice of Election Contest is filed pursuant to K.S.A. 25-1435, under which any registered voter residing in the legislative district in which the subject election was conducted may contest the results of that election under grounds specified in K.S.A. 25-1436 by initiating an action in the county of residence of the person whose election they are contesting.

Parties

2. The persons filing this contest (hereinafter "the Contestants") are Dawn North, 16450 S. Ridgeview Road, Olathe, Kansas 66062, Laura Hunter, 16555 S. Sunset Street, Olathe, Kansas 66062, Amy Tompkins, 17674 W. 159th Terrace, Olathe, Kansas 66062, Amy Voelker, 16411 W. 165th Terrace, Olathe, Kansas 66062, Connie Taylor, 21643 W. 177th Court, Olathe, Kansas 66062, Eric DeVault, 15555 S. Apache

Street, Olathe, Kansas 66062, Faith Jacobsen, 15555 S. Apache Street, Olathe, Kansas 66062, Christina Hill, 1519 W. 153rd Terrace, Olathe, Kansas 66062, Brett Hoedl, 17446 W. 161st Street, Olathe, Kansas 66062, Nadia Astoquilica-Jackson, 1328 E. 154th Street, Olathe, Kansas 66062, and Ryan Wiehl, 506 W. King Street, Spring Hill, Kansas, 66083, each of whom is presently, and was at all times during 2018, a registered voter residing within the boundaries of the Kansas 26th District of the Kansas House of Representatives, and had a right to vote in the election held in 2018 for the legislative seat representing that district.

3. The Contestee Adam T. Thomas, on information and belief, since on or about July 5, 2018 has resided at 16272 South Sunset Street, Olathe, Kansas, and prior to that time resided at 1420 S. Apache Lane, Olathe, Kansas. At all times relevant to this Notice, the Contestee has been a resident of Johnson County, Kansas.

Jurisdiction and Venue

4. Under K.S.A. 25-1435, any registered voter residing within the subject legislative district (here, the Kansas 26th House legislative district) may bring an action characterized as a Notice of Election Contest to challenge the results of an election in which such voter had a right to vote.

5. The certificate of election stating that Contestee was the prevailing candidate in the 2018 general election for the Kansas 26th House legislative district was issued by the Secretary of State of Kansas on December 3, 2018. Under K.S.A. 25-1439, a Notice of Election Contest must be filed within five days of the issuance of the subject certificate of election, not including the event-triggering date or intervening

weekend days. The Notice of Election Contest is filed on December 10, 2018, and is thus timely-filed.

6. Under K.S.A. 25-1437, if the subject election involves an election to the Kansas House of Representatives, the Notice of Election Content must be filed in the District Court of the county in which the Contestee resides. The Contestee, Adam Thomas, has been a resident of Johnson County at all times relevant to this action, and as such this Court has jurisdiction and is an appropriate venue for this contest.

Allegations

7. During 2018 an election was held for the selection of the person to hold the seat in the Kansas 26th House legislative district for a two-year term beginning in January, 2019. The Contestee, Adam T. Thomas, was a declared candidate for the seat. He was first a declared candidate for the nomination of the Republican Party, and after the primary election in August, 2018, was the declared nominee of the Republican Party in the general election, which was held in November, 2018.

8. Under the Kansas Constitution, for a person to be a candidate for legislative office, the person must meet the following qualifications: “[d]uring the time that any person is a candidate for nomination or election to the legislature .. such candidate ... shall be and remain a qualified elector who resides in his or her district.” Kansas Constitution, Article 2, Section 4.

9. The Contestee, Adam T. Thomas, was not a resident of the Kansas 26th House legislative district for the entire time he was a declared candidate and nominee, and as such he violated the provisions of Kansas Constitution, Article 2, Section 4.

Further, due to his filing of a false voter registration application, as specified below, the Contestee was not a qualified elector while he was a candidate for nomination and election to the Kansas 26th House legislative district, which also violated the provisions of Kansas Constitution, Article 2, Section 4. Hereinafter the portion of the Constitution that Contestee violated shall be referred to as “the Residency Requirement.”

10. Because of his violation of the Residency Requirement, the Contestee could be neither a nominee nor a candidate for the Kansas 26th House legislative district, and as such he may not assume the seat representing that district.

11. In addition to his violation of the Residency Requirement, the Contestee is also prohibited from assuming the seat representing the Kansas 26th House legislative district under the provisions of K.S.A. 25-1436(a), in that he was ineligible to hold that office at the time of the election, because he was not a qualified elector and he was not a resident of the district at all times during his time as a candidate, and under the provisions of K.S.A. 25-1436(f), under which his false statements in campaign filings and voter registration applications require that the certificate of election should have been issued to the only other qualified candidate in the election, Deann Mitchell.

12. On May 31, 2018, at 10:49 a.m., the Contestee filed a voter registration application with the Johnson County Election Office, listing his residential address as 1308 E. 152nd Street, Olathe, Kansas. The Contestee listed his former residential address as 1420 S. Apache Lane, Olathe, Kansas, and stated that the new residence had been established on May 30, 2018. See attached Exhibit A. The change of address specified in the voter registration application was false, as the Contestee did not reside

at 1308 S. 152nd Street, Olathe, Kansas, and continued to reside at 1420 S. Apache Lane, Olathe, Kansas. The information concerning the date of change of residence as being May 30, 2018, was also false. The residence at 1308 E. 152nd Street, Olathe, Kansas, is in the 26th district, while the residence at 1420 S. Apache Street, Olathe, Kansas, is in the Kansas 78th House legislative district.

13. Ms. Melissa Brook McDonald is the owner of the residence with the address of 1308 E. 152nd Street, Olathe, Kansas. Ms. McDonald has leased the house to Jacob Swisher, and she has no lease with, nor is she familiar with, the Contestee. Ms. McDonald has had no tenants named Adam Thomas or Kristin Thomas (the Contestee's wife) at that address, and upon personal inspection of the premises, saw no indication that either of those persons was residing at that address in June, 2018. See attached Exhibits B and C.

14. On May 31, 2018, the Contestee filed papers to run as a candidate for the Kansas 26th House legislative district, listing his residential address as 1308 E. 152nd Street, Olathe, Kansas, which is located within the district. The Contestee has never resided at that address. The Contestee's residence address at that time was 1420 S. Apache Street, Olathe, Kansas, which is located in the Kansas 78th House legislative district. See Exhibits D, E, and F.

15. On May 31, 2018, at 7:55 p.m., the Contestee filed a completed "Campaign Finance Appointment of Treasurer" form electronically with the Kansas Government Ethics Commission. The form includes the name of the candidate (the Contestee Adam Thomas) and the name of the treasurer (Kristin Thomas, the

Contestee's wife) and for both listed their address as 1420 S. Apache, Olathe, Kansas. See attached Exhibit G.

16. The day on which he filed papers to be a candidate for the Republican nomination for the Kansas 26th House legislative district, the Contestee resided at 1420 S. Apache, Olathe, Kansas, which is not located in the 26th district. At that time, the Contestee was not a resident of the 26th district.

17. On information and belief, on July 5, 2018, the Contestee and his family changed their residence address to 16272 South Sunset Street, Olathe, Kansas, which is located in the 26th district, and at that time moved from the location at 1420 S. Apache, Olathe, Kansas, to the new address. July 5, 2018, is more than one month after the Contestee had falsely sworn in his voter registration application (Exhibit A) that he had abandoned his residence at 1420 S. Apache Lane, Olathe, Kansas. On information and belief, the Contestee leases the home located at 16272 South Sunset Street, Olathe, Kansas.

18. At the same time the Contestee was a declared candidate for the Republican nomination for the Kansas 26th House legislative district, he was also a declared candidate for Republican precinct committeeman for Ward 3, Precinct 23 of Olathe, Kansas, which is not located in the Kansas 26th House legislative district. The Contestee's residence at 1420 S. Apache, Olathe, Kansas, is located in Ward 3, Precinct 23, but the residence at 1308 E. 152nd Street, Olathe, Kansas, is located in Ward 1, Precinct 4. See attached Exhibit H. The residence at 16272 South Sunset, Olathe, Kansas, is also located in Ward 1. The Contestee would have been qualified to

serve as a Republican precinct committeeman for Ward 3, Precinct 23, only if he resided in that ward and precinct.

19. In the primary election on August 7, 2018, the Contestee was on the ballot for the Republican nomination for the Kansas 26th House legislative district and for Republican precinct committeeman for the Ward 3, precinct 23, Olathe, Kansas. The two offices are located in different House legislative districts.

20. Thus, the Contestee was on Republican ballots for two different positions in different legislative districts in the same August election, relying on two different residence addresses.

21. On August 31, 2018, a criminal complaint was filed against the Contestee in Johnson County District Court by the District Attorney for Johnson County, in which the Contestee was accused of filing a document with false information relating to his candidacy. See attached Exhibit I. On information and belief, the criminal complaint arises out of the Contestee's filing of documents which falsely stated his residential address. On September 3, 2018, Judge Charles Droege of the Johnson County District Court found probable cause that a crime had been committed and ordered a warrant be issued for the Contestee's arrest. See attached Exhibit J.

Wherefore, the Contestants respectfully request that the Court initiate the procedures specified under K.S.A. 25-1435 *et seq.*, and for all other relief considered necessary and proper.

Respectfully submitted,



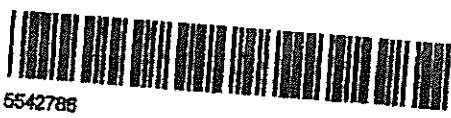
Mark P. Johnson, KS 22289
Dentons US LLP
4520 Main Street
Kansas City, MO 64111
816/460-2400
816/531-7545 (fax)
Mark.johnson@dentons.com

Attorney for Contestants

EXH #1

tabbles
A

Kansas Voter Registration Instructions



ks.gov

You can use this application to:

- register to vote in Kansas
- change your name, address, or affiliation with a political party

To register to vote, you must:

- be a U.S. citizen and a resident of the state of Kansas.
- have reached the age of 18 years before the next election.
- have received final discharge from imprisonment, parole, or conditional release if convicted of a felony.
- have abandoned your former residence and/or name.

How to register to vote:

- Return your completed application to your county. Addresses are on the back of this application. Your county election officer will mail you a notice when your application has been processed.
- Voter registration closes 21 days before any election. In order to be eligible to vote in that election, your application must be postmarked on or before that date.
- If you decline to register to vote, that fact will remain confidential and will be used for voter registration purposes only. If you do register to vote, the office where you apply will be kept confidential and will be used for voter registration purposes only.
- If this form is incomplete, it may be rejected.

5542786
ADAM THURSTON THOMAS

Enter your current Kansas driver's license number or your identification card number. If you do not have either one, enter the last four digits of your Social Security number. If you do not have any of these numbers, write "none" in the box. The number will be used for administrative purposes only and will not be disclosed to the public. K.S.A. 26-2309

Proof of U.S. citizenship

If you are registering for the first time in Kansas, you must submit proof of United States citizenship. You may provide a copy on paper or electronically, or you may show the document to an election officer or official registrar. The following is a partial list of acceptable documents:

- Birth certificate that verifies U.S. citizenship
- U.S. passport (may be expired)
- U.S. naturalization documents or the number of the certificate of naturalization
- Bureau of Indian Affairs card number, tribal treaty number or tribal enrollment number
- U.S. hospital record of birth indicating place of birth in the U.S.
- U.S. military record of service showing the applicant's name and U.S. birthplace

For a list of acceptable documents, visit <http://www.govvoterid.com>. If you do not have any of the documents, you may appeal to the state election board.

FILED & RECEIVED
18 MAY 31 AM 10:45

Print in blue or black ink, fold on the center line, seal, and return.

JOHNSON COUNTY
ELECTION OFFICE

Kansas Voter Registration Application

Warning: If you submit a false voter registration application, you may be convicted and sentenced to up to 17 months in prison.

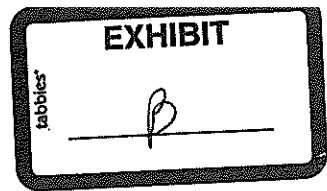
➔ **Qualifications:** If you mark "no" in response to either Question 1 or 2, do not complete this form.

1. Are you a citizen of the United States of America? Yes No

2. Will you be 18 years of age on or before Election Day? Yes No

Last Name (please print) <i>Thomas</i>		First Name <i>Adam</i>		Middle <i>T</i>	Jr., Sr., III	<input checked="" type="radio"/> Male <input type="radio"/> Female
Residential Address (include apt. or space number) <i>1308 E. 152nd St</i>			City <i>Olathe</i>	County <i>Johnson</i>	Zip <i>66062</i>	
Mailing Address (if different than residential address)			City	Zip	Date Residence Established (MM/DD/YYYY) <i>5/30/2018</i>	
Birth Date (MM/DD/YYYY) <i>10/09/82</i>	Daytime Phone Number (if available) <i>615-624-2991</i>		Naturalization Number (K applicants)		Driver's License Number or Last 4 Social Security (see instructions)	
Party Affiliation: Choose one of the following: <input type="radio"/> Democratic <input checked="" type="radio"/> Republican <input type="radio"/> Libertarian <input type="radio"/> Not affiliated with a party						
Complete or previously registered (please print)		Previous Name		Previous Residential Address (Street, City, State, Zip, County) <i>1420 S. Apache Ln, Olathe, KS 66062 Johnson</i>		
Signature: I swear or affirm that I am a citizen of the United States and a Kansas resident that I will be 18 years of age before the next election, that I am not convicted of a felony, that I have not had my civil rights restored, that I have abandoned my former residence and/or other name, and that I have told the truth on this application.						
Signature <i>[Handwritten Signature]</i>				Date (MM/DD/YYYY) <i>5/31/2018</i>		

For office use only: Ward _____ Precinct _____ School Dist. _____ Member Dist. _____
 Sen. _____ Rep. _____ CoComm. _____ Section _____ Township _____ Range _____



AFFIDAVIT

I, Brook MacDonald, of lawful age, being first duly sworn an oath, state that:

1. I am the owner of the property at the address of 1308 E. 152nd Street, Olathe, Kansas;
2. I lease the property at 1308 E. 152nd Street, Olathe, Kansas to Jacob Swisher;
3. I have no lease nor am I familiar with either Adam Thomas or Kristin Thomas.

VERIFICATION

STATE OF KANSAS)

) ss:

COUNTY OF JOHNSON)

I, Brook MacDonald, of lawful age, being first duly sworn on oath, state:

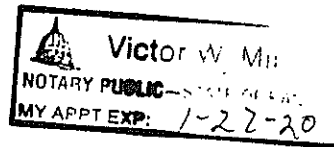
I do solemnly swear that I have read the above affidavit, know the content thereof, and the statements therein are true and correct.

Brook MacDonald
Brook MacDonald

SUBSCRIBED AND SWORN TO BEFORE ME this 9th day of June, 2018.

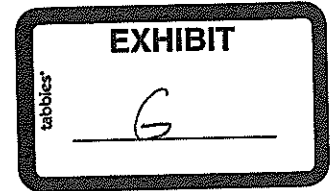
Victor W. Miller
Notary Public

My Appointment Expires: 1-27-20



EXH # 3

EXH 8



[Print this form](#) or [Go Back](#)



**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: adam thomas
Address: 1420 s apache ln
Address2:
City: olathe Zip: 66062
Home Phone: (615) 624-2991 Business Phone: Cell Phone:
County: Johnson Email Address: adamt.thomas@yahoo.com
Office Sought: State Representative District No.: 26

Treasurer Date Appointed: 05/31/2018
Treasurer Name: kristin thomas
Address: 1420 s apache ln
Address2:
City: olathe State: KS Zip: 66062
Home Telephone: (615) 624-2991 Business Phone: Cell Phone:
Email Address: adamt.thomas@yahoo.com

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.

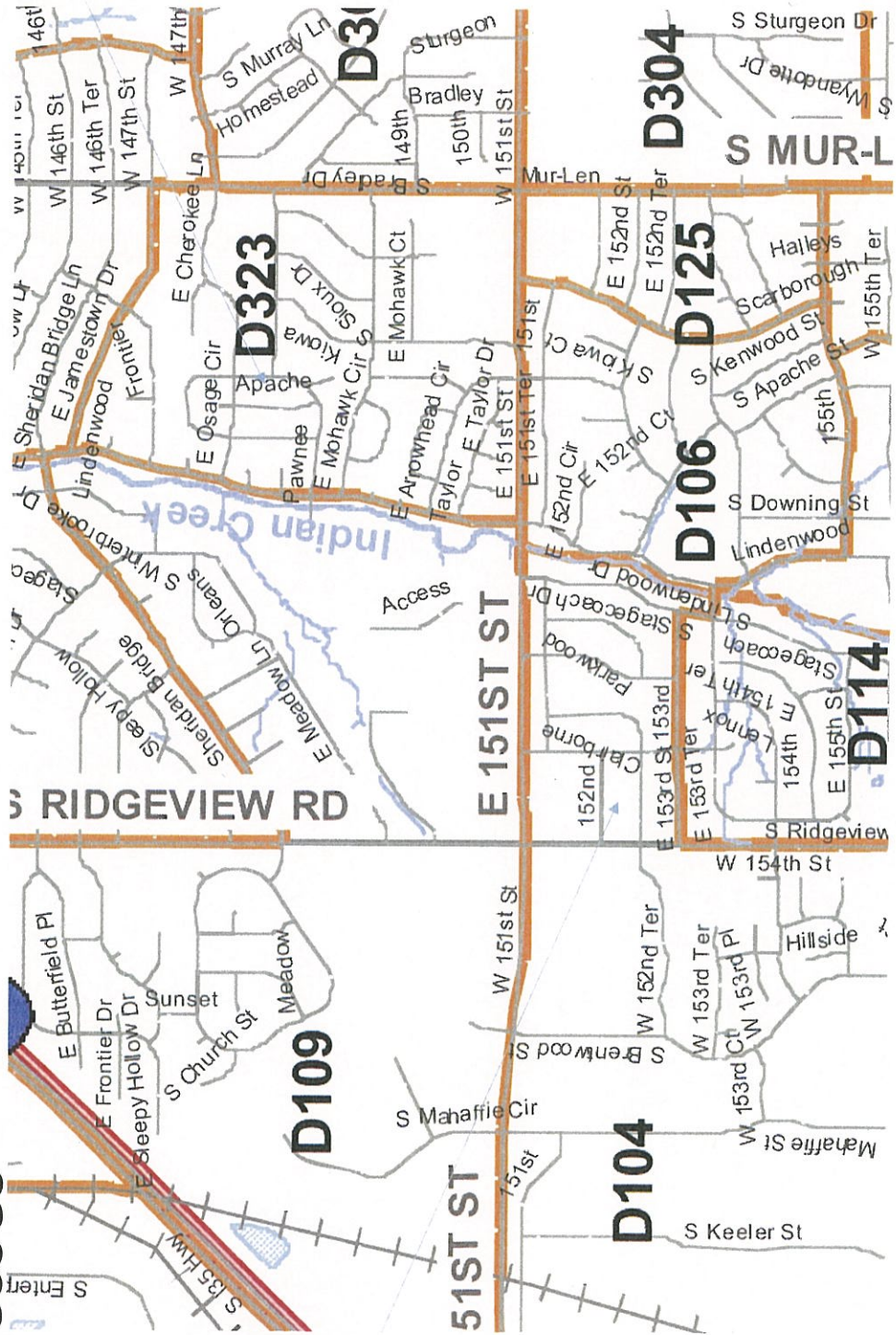
Executed on:

Date: 5/31/2018 7:55:38 PM Signature of Candidate: adam thomas

[Print this form](#) or [Go Back](#)

Olathe Wards and Precincts and Contestee's Addresses

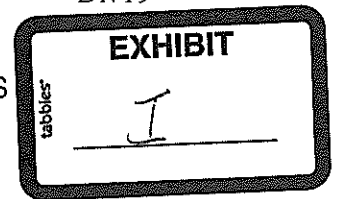
1420 S.
Apache



1308 E.
152nd

EXHIBIT
A

tabbles



IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS

STATE OF KANSAS,

Plaintiff,

VS.

COMPLAINT

No.

ADAM THOMAS,

Defendant.

STATE OF KANSAS, JOHNSON COUNTY, ss:

I, Alex M. Scott, Assistant District Attorney of said County, upon information and belief, state under oath to the court that

ADAM THOMAS

did the following:

COUNT 1 – That on or about the 31st day of May, 2018, in the County of Johnson and State of Kansas, ADAM THOMAS did then and there unlawfully, feloniously and intentionally falsely swear, affirm, declare or subscribe to statements contained in any affidavit prescribed by chapter 25 of the Kansas Statutes Annotated, or any other election law of the state, or which is prescribed in any manner by the secretary of state or any county election officer under the election laws of this state, a severity level 9 nonperson felony, in violation of K.S.A. 25-2411, K.S.A. 21-6804 and K.S.A. 21-6807. (election perjury)

I declare under penalty of perjury that the foregoing is true and correct.

Executed by and on this date.

/s/ ALEX SCOTT

Dated: 08/31/18

Alex M. Scott/dmh #25490
Assistant District Attorney
100 North Kansas Avenue
Olathe, Kansas 66061
(913)715-3000

WITNESSES:

Chief Investigator Dana Gouge
Victor Miller
Jacob Swisher
SA Rory Bryan
Home Partners of America personnel
US Postal Service personnel
Yahoo, Inc. personnel
Johnson County Election Office personnel
Kansas Secretary of State personnel

