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June 5, 2026

Sent via Electronic Mail

Kansas Secretary of State's Office
Docking State Office Building
915 SW Harrison Street
Topeka, Kansas 66612

Attn: Bryan Caskey
Director of Elections
Kansas Secretary of State's Office
bryan.caskey@ks.gov

RE: Amy Arteaga — Objection under K.S.A. 25-308 to determination excluding her name from the 2026 Democratic Primary Election ballot for Kansas House of Representatives, District 122

Dear Secretary Schwab:

On behalf of Amy Arteaga, this letter serves as her written objection under K.S.A. 25-308 to the Secretary of State's June 2, 2026 determination that her Candidate's Declaration of Intention Form and required fee were not received by the statutory deadline for inclusion on the 2026 Democratic Primary Election ballot for Kansas House of Representatives, District 122.

Ms. Arteaga timely objects to that determination and requests that the objection panel required by K.S.A. 25-308(c) reverse the determination, find her filing valid, and direct that her name be certified and printed on the 2026 Democratic Primary Election ballot as a Democratic candidate for Kansas House of Representatives, District 122.

I. Determination Objected To

The Secretary of State's June 2, 2026 notice states that, on June 1, 2026, the Secretary of State's Office received a Candidate's Declaration of Intention Form from Ms. Arteaga stating that she was filing for the Democratic nomination to Kansas House of Representatives, District 122, but that the office "did not receive the form and the required fee by the deadline." The notice further states that, because the form and fee were allegedly not received by noon on June 1, 2026, Ms. Arteaga's name "will not

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appear on the ballots as a Democratic candidate” for that office in the 2026 Primary Election.

The notice advises that Ms. Arteaga may file a written objection under K.S.A. 25-308 within three days after receipt of the notice and that any objection must be received by the Secretary of State no later than 5:00 p.m. on June 5, 2026. To the extent necessary, Ms. Arteaga reserves all arguments regarding the date and manner of her receipt of the notice. This objection is submitted pursuant to that statutory notice and deadline, without waiving any such argument.

II. Factual Basis for Objection

Based on the documents presently available to Ms. Arteaga, including UPS delivery records, the Secretary of State’s determination is incorrect or, at minimum, cannot be sustained without further factual inquiry into receipt and handling of the filing.

1. Ms. Arteaga’s filing package was shipped by UPS Next Day Air Saver under tracking number 1Z5AR0261318733660.
2. The UPS proof of delivery states that the shipment was delivered on June 1, 2026, at 10:51 a.m. to Topeka, Kansas, was received by “MCGEE,” and was delivered at the Dock. *Attached as Ex. A.*
3. The UPS tracking details likewise state that tracking number 1Z5AR0261318733660 was delivered Monday, June 1, at 10:51 a.m., “left at the Dock,” in Topeka, Kansas, and “received by MCGEE.” *Attached as Ex. B.*
4. The Secretary of State’s June 2, 2026 notice itself states that the office received Ms. Arteaga’s Candidate’s Declaration of Intention Form on June 1, 2026. The notice does not identify the precise time the form was internally opened, logged, routed, reviewed, or otherwise processed, nor does it identify any factual basis for concluding that the form and fee were not received before the statutory noon deadline.
5. The delivery time shown by UPS — 10:51 a.m. on June 1, 2026 — is therefore before the 12:00 noon filing deadline referenced in the Secretary of State’s notice and in K.S.A. 25-205.

III. Legal Framework

K.S.A. 25-205 provides that, for national and state offices, names of candidates shall be printed on the official primary ballot when the candidate has qualified by filing a

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declaration of intention to become a candidate, accompanied by the fee required by law, not later than 12 noon, June 1 prior to the primary election, unless the statute provides a different deadline. *See* K.S.A. 25-205.

K.S.A. 25-208a requires the Secretary of State to determine the validity of declarations of intention for state office and, if a declaration is found invalid, to notify the candidate of the finding and the reason for it. The statute provides that the candidate may object to that finding in accordance with K.S.A. 25-308. *See* K.S.A. 25-208a.

K.S.A. 25-308(b) expressly authorizes a candidate whose declaration of intention has been found invalid to object in writing within three days after receipt of notice of the finding. For nominations of state officers, objections are filed with the Secretary of State and are considered by the Lieutenant Governor, Secretary of State, and Attorney General, or their designees, with the decision of a majority being final. *See* K.S.A. 25-308.

Kansas courts recognize that election laws should be construed to protect electoral participation and avoid unnecessary disenfranchisement where the statute does not plainly compel exclusion. *In Burke v. State Board of Canvassers*, the Kansas Supreme Court stated that “Election laws are liberally construed to permit exercise of the right of suffrage conferred by the Constitution and laws of the state.” *Burke v. State Board of Canvassers*, 152 Kan. 826, 107 P.2d 773 (1940). In *Wall v. Pierpont*, the Court emphasized that remedial election provisions should be liberally construed and that election rules should not be applied so technically as to defeat the real will of the people absent a statutory basis for doing so. *Wall v. Pierpont*, 119 Kan. 420, 240 P. 251 (1925).

Kansas courts also recognize that where election officials have a clear statutory duty, mandamus may be available to compel performance of that duty. In *Taylor v. Kobach*, the Kansas Supreme Court held that when statutory prerequisites were satisfied, the Secretary of State had no discretion to refuse the statutory consequence, and mandamus was appropriate to compel compliance with the Secretary’s clearly defined duty. *Taylor v. Kobach*, 300 Kan. 731, 334 P.3d 306 (2014).

IV. Grounds for Objection

A. The available delivery evidence shows receipt before the statutory noon deadline

The Secretary’s determination rests on the assertion that the declaration and fee were not received by the deadline. The documents available to Ms. Arteaga show the contrary. UPS records identify the filing package, tracking number 1Z5AR0261318733660, as delivered in Topeka, Kansas, at 10:51 a.m. on June 1, 2026, received by MCGEE, and left at the Dock. *Exs. 1 and 2.*

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Because 10:51 a.m. is before 12:00 noon, the delivery record directly contradicts the stated basis for the determination. The Secretary's notice does not explain why delivery to the Secretary's receiving location, accepted by an identified recipient before noon, should not constitute receipt for purposes of K.S.A. 25-205. Nor does the notice explain whether the package was internally transferred, opened, date-stamped, logged, or routed after delivery in a manner that delayed internal processing.

The objection panel should therefore find that Ms. Arteaga's declaration and fee were received before the statutory deadline, or, at minimum, should require the Secretary's Office to produce all internal receiving, dock, mailroom, courier, date-stamp, logging, payment-processing, and routing records for June 1, 2026 relating to tracking number 1Z5AR0261318733660 and Ms. Arteaga's filing.

B. The Secretary's notice acknowledges June 1 receipt but does not establish untimely receipt

The June 2 notice states that the Secretary's Office received Ms. Arteaga's Candidate's Declaration of Intention Form on June 1, 2026, but then states that the form and fee were not received "by the deadline." The notice does not state the time of actual delivery, the time of acceptance at the receiving dock, the time of internal processing, or whether the asserted untimeliness is based on external delivery time, internal opening time, payment-processing time, data-entry time, or some other administrative event.

Where the consequence is exclusion from the ballot, the Secretary should not rely on an unexplained internal processing conclusion that conflicts with third-party delivery records showing pre-deadline delivery. The statutory question is whether the declaration and fee were filed with or received by the proper officer by noon; it is not whether the filing was later routed, opened, or processed internally before noon.

C. Any ambiguity should be resolved in favor of ballot access and voter choice

The objection panel should construe the governing election statutes in a manner that protects candidate ballot access and the voters' opportunity to choose among qualified candidates. Kansas precedent favors liberal construction of election laws to permit exercise of electoral rights, and disfavors unnecessary technical exclusions where the essential statutory requirement has been satisfied.

Here, the essential statutory requirement was timely filing of the declaration and fee. The evidence shows that Ms. Arteaga acted before the deadline by shipping the filing package on May 28, 2026 using next-day service and that the package was delivered and accepted in Topeka before noon on June 1. Excluding Ms. Arteaga from the ballot based on internal receipt handling, dock routing, or later processing would elevate

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administrative mechanics over the statutory purpose of ensuring timely candidate qualification.

D. Once timely receipt is established, the Secretary has a nondiscretionary duty to accept the filing and include Ms. Arteaga on the ballot

If the declaration and fee were received by the statutory deadline, Ms. Arteaga satisfied the filing requirement stated in K.S.A. 25-205. At that point, the Secretary has no discretion to exclude her from the ballot based on the rejected ground stated in the June 2 notice. As recognized in *Taylor v. Kobach*, where election statutes impose a clear duty after statutory prerequisites are met, the election official must perform that duty and may be compelled to do so.

Accordingly, the objection panel should reverse the invalidity determination and direct the Secretary's Office to accept Ms. Arteaga's filing and take all necessary steps to place her name on the 2026 Democratic Primary Election ballot for Kansas House of Representatives, District 122.

V. Request for Hearing, Evidence, and Records

Ms. Arteaga requests notice, through her undersigned counsel of record, of the time and place at which this objection will be considered. Additionally, please provide any rules or regulations governing the objection hearing.

Ms. Arteaga further requests that the objection panel consider the foregoing evidence and require the Secretary's Office to preserve and produce all records relevant to the receipt and handling of her filing.

VI. Reservation of Rights and Arguments

Ms. Arteaga expressly reserves all rights, claims, objections, arguments, and remedies relating to the timely receipt and handling of her filing, including but not limited to arguments concerning:

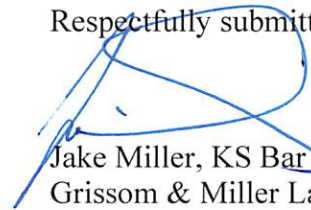
No statement in this objection should be construed as a waiver of any argument concerning timely receipt, filing, delivery, agency, acceptance, internal handling, prejudice, estoppel, substantial compliance, ballot access, or judicial relief.

VII. Relief Requested

For the reasons stated above, Ms. Arteaga respectfully requests that the Secretary of State and the objection panel reverse the Secretary of State's Office decision and place her on the Democratic Primary Ballot for Kansas House of Representatives District 122.

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Respectfully submitted,



Jake Miller, KS Bar No. 28337
Grissom & Miller Law Firm, LLC
Ph: 913-359-0123
jake@grissommiller.com
COUNSEL FOR AMY ARTEAGA

cc: Amy Arteaga

Enclosure(s)

Exhibit A

Proof of Delivery

Dear Customer,
This notice serves as proof of delivery for the shipment listed below.

Tracking Number
1Z5AR0261318733660

Service
UPS Next Day Air Saver®

Delivered On
06/01/2026 10:51 A.M.

Delivered To
TOPEKA, KS, US

Shipped / Billed On
05/28/2026

Received By
MCGEE

Delivery Location
Dock

Sincerely,
UPS

Tracking results provided by UPS as of 06/03/2026 5:23 P.M. EST

Find Closest UPS Location



- Shipping
- Tracking
- Products & Services
- The UPS Store

Tracking Details

Tracking No.



Delivered ✓

1Z5AR0261318733660

Monday, June 01 Left at the Dock at 10:51 A.M.

Delivered To
 TOPEKA, KS US
Received By
 MCGEE

[Hide Details](#)

Package History

Select Time Zone
 Local Time

06/01/2026
10:51 A.M.

Delivered
 DELIVERED
 TOPEKA, KS, US

06/01/2026
9:05 A.M.

Out for Delivery
 Out For Delivery Today
 Topeka, KS, United States

05/30/2026
5:50 A.M.

On the Way
 Processing at UPS Facility
 Topeka, KS, United States

05/30/2026
5:32 A.M.

The receiver has moved. We will deliver the package to the receiver's new address.
 Topeka, KS, United States

05/30/2026
5:31 A.M.

The receiver has moved. We're attempting to obtain a new delivery address for this receiver.
Topeka, KS, United States

05/29/2026
1:51 P.M.

The receiver has moved. We're attempting to obtain a new delivery address for this receiver.
Topeka, KS, United States

05/29/2026
9:33 A.M.

Out For Delivery Today
Topeka, KS, United States

05/29/2026
8:05 A.M.

Loaded on Delivery Vehicle
Topeka, KS, United States

✓ Tracking number copied to clipboard

05/29/2026
8:01 A.M.

Processing at UPS Facility
Topeka, KS, United States

05/29/2026
6:33 A.M.

Arrived at Facility
Topeka, KS, United States

05/29/2026
5:59 A.M.

Departed from Facility
Kansas City, MO, United States

05/29/2026
5:04 A.M.

Arrived at Facility
Kansas City, MO, United States

05/29/2026
4:33 A.M.

Departed from Facility
Louisville, KY, United States

05/28/2026
6:19 P.M.

We Have Your Package

Arrived at Facility
Garden City, KS, United States

05/28/2026
2:21 P.M.

Label Created

Shipper created a label, UPS has not received the package yet.
United States

[Proof of Delivery >](#) [File a Claim >](#)

Stay Safe - Avoid Fraud and Scams

Received a text, call, or email that seems suspicious? Don't respond to it.

[Tips to Avoid Fraud >](#)

Shipment Details

Delivered To

TOPEKA, KS US

Service

UPS Next Day Air Saver®

Shipment Category

Package

Shipped / Billed On

05/28/2026

Support

✓ Tracking number copied to clipboard

[Help and Support Center](#)

[Tracking Support](#)

[Where's My Package](#)

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