

IN THE STATE OF KANSAS
SEVENTH JUDICIAL DISTRICT -- DOUGLAS COUNTY, KANSAS

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

Plaintiffs,

v.

SCOTT SCHWAB, in his official capacity
as the Kansas Secretary of State et al.,

Defendants.

Case No. DG-2025-CV-000206

**DEFENDANT SCOTT SCHWAB'S RESPONSE TO
PLAINTIFFS' NOTICE OF ADDITIONAL AUTHORITY**

Defendant Scott Schwab ("the Secretary") respectfully submits this Response to Plaintiffs' June 29, 2026, Notice of Supplemental Authority. (Dkt. Index # 94.)

The Secretary agrees that the U.S. Supreme Court held in *Watson v. Republican National Committee*, No. 24-1260, 2026 WL 1855462 (U.S. June 29, 2026), that the federal Election Day statutes do not prevent states from legislatively allowing grace periods for accepting mail ballots. Slip op. at 9. But *Watson* provides no support whatsoever for Plaintiffs' baseless theory that the Kansas Constitution somehow mandates a grace period.

Indeed, *Watson* explicitly recognizes that challenges to ballot-receipt deadlines present "policy arguments . . . properly directed to legislatures, not courts." Slip. op. at 19. The Kansas Legislature concluded – in 2025 – that grace periods should not be part of our state's mail voting process. The suggestion that the Kansas Constitution requires the use of grace periods is an affront to the separation of powers that is at the heart of the State's constitutional design.

Respectfully Submitted,

By: /s/ Bradley J. Schlozman

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CERTIFICATE OF SERVICE

I certify that on July 1, 2026, I authorized the electronic filing of the foregoing with the Clerk of the Court using the eFlex filing system which will send notifications of such filing to the e-mail addresses on the electronic mail notice list.

By: /s/ Bradley J. Schlozman