

IN THE SUPREME COURT OF KANSAS

FAITH RIVERA, DIOSSELYN TOT-
VELASQUEZ, KIMBERLY
WEAVER, PARIS RAITE,
DONNAVAN DILLON, and LOUD
LIGHT,

Plaintiffs-Appellees,

TOM ALONZO, SHARON AL-
UQDAH, AMY CARTER, CONNIE
BROWN COLLINS, SHEYVETTE
DINKENS, MELINDA LAVON, ANA
MARCELA MALDONADO
MORALES, LIZ MEITL, RICHARD
NOBLES, ROSE SCHWAB, and
ANNA WHITE,

Plaintiffs-Appellees,

SUSAN FRICK, LAUREN
SULLIVAN, DARRELL LEA, and
SUSAN SPRING SCHIFFELBEIN,

Plaintiffs-Appellees,

v.

Case No. 125092

SCOTT SCHWAB, in his official
capacity as Kansas Secretary of State,
and MICHAEL ABBOTT, in his
official capacity as Election
Commissioner of Wyandotte County,
Kansas,

Defendants-Appellants

JAMIE SHEW, in his official capacity
as Douglas County Clerk.

Defendant.

MOTION TO EXPEDITE

Appellants Kansas Secretary of State Scott Schwab and Wyandotte County Election Commissioner Michael Abbott respectfully move that this proceeding be expedited given the urgency of this matter.

Earlier this year, the Kansas Legislature enacted Substitute for Senate Bill 355 (SB 355). SB 355 adopted the “Ad Astra 2” map for congressional districts. Plaintiffs in three separate cases sued to enjoin the use of SB 355 in the upcoming elections, and this Court subsequently consolidated the three cases in Wyandotte County. *See Joint Request of Seventh Judicial Dist. & Twenty-Ninth Judicial Dist.*, No. 124,927 (Kan. Mar. 24, 2022). Following trial, the district court on April 25, 2022, enjoined the use of the Ad Astra 2 map for congressional elections and ordered the Legislature to draw a new map. Appellants filed an immediate appeal with this Court.

Kansas Supreme Court Rule 7.01(b) (2021 Kan. S. Ct. R. 41), allows “[t]he court on motion [to] advance other cases as justice or the public interest may require.” As this Court recognized in denying Appellants’ earlier Petition in Mandamus and Quo Warranto, the questions in this appeal “warrant a speedy resolution,” and this Court “encourage[d] the parties” to work “to expeditiously resolve” them and to “present a timely appeal” in “the near future.” *Schwab v. Klapper*, __ Kan. __, 505 P.3d 345, 348, 350 (2022). Candidates for national offices have until Wednesday, June 1, 2022, to submit the necessary paperwork for primary elections, or until June 10, 2022, if “new boundary lines are [not] defined

and districts established in the manner prescribed by law” by May 10. *See* K.S.A. 25-205(a). With the filing deadline rapidly approaching, it is vital that this case be decided in an expedited matter. *See Schwab*, 505 P.3d at 348 (“Expeditious confirmation of congressional district lines benefits candidates seeking to run in congressional districts, state officials responsible for administering congressional elections in those districts, and constituents who need to know the congressional district in which they will reside.”). Appellants note that this Court has previously decided urgent matters involving upcoming elections in an expedited fashion. *See Taylor v. Kobach*, 300 Kan. 731, 334 P.3d 306 (2014).

Appellants propose the following expedited schedule for briefing and oral argument:

- May 2, 2022 – Appellants’ Opening Brief Due
- May 9, 2022 – Appellee’s Response Briefs Due
- May 12, 2022 – Appellants’ Reply Brief Due
- May 16, 2022 (or at the Court’s earliest convenience) – Oral Argument

This schedule should allow the Court to issue an opinion and, if necessary, allow the Legislature to take remedial action before the candidate filing deadline.

Accordingly, the Appellants respectfully request that this proceeding be expedited.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on April 26, 2022, I electronically filed this document with the Clerk of the Court using the Court's electronic filing system, which will send a notice of electronic filing to all counsel of record, and copies were sent via email to:

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