

FILED

SEP 15 2014

HEATHER L. SMITH
CLERK OF APPELLATE COURTS

IN THE SUPREME COURT OF THE STATE OF KANSAS

CHAD TAYLOR,)

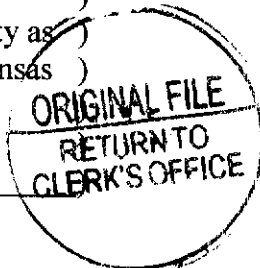
Petitioner,)

vs.)

Original Action No. 14-112431-S

KRIS KOBACH, in his official capacity as)
Secretary of State for the State of Kansas)

Respondent.)

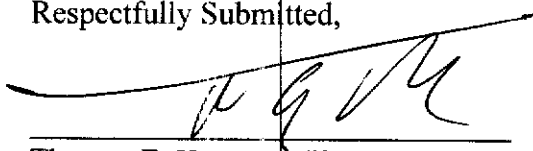


RESPONDENT'S NOTICE OF SUPPLEMENTAL AFFIDAVIT

Comes now the Respondent, by and through counsel, Thomas E. Knutzen, and hereby provides notice to the Court and the parties that the Respondent does not believe the Court has original jurisdiction over this matter for the following reasons:

In the Respondent's brief filed at 12:00 noon on this date, the Secretary stated that withdrawal letters from years prior to 2010 are in the custody of the state archives and "were not immediately accessible for the purposes of the litigation." Resp. Br. 6, footnote 2. This afternoon, staff of the Secretary located attempted withdrawal letters from the 2006 and 2008 election cycles which had been designated to be delivered to the state archives, but had not yet been delivered. The additional letters are appended to the Supplement Affidavit of Bryan Caskey, which is attached hereto as Exhibit 1.

Respectfully Submitted,



Thomas E. Knutzen, #24471
KANSAS SECRETARY OF STATE'S OFFICE
120 S.W. 10th Avenue
Topeka, KS 66612
Tel. 785-296-4801
Fax. 785-368-8032
Email: tom.knutzen@sos.ks.gov

Edward D. Greim, #21077
GRAVES GARRETT LLC
1100 Main Street, Ste. 2700
Kansas City, MO 64105
Tel. 816-256-4144
Fax. 816-817-0863
Email: edgreim@gravesgarrett.com

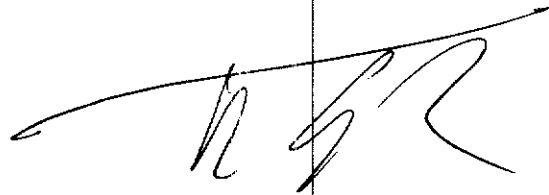
Bradley J. Schlozman, #17621
HINKLE LAW FIRM LLC
301 North Main Street, Ste. 2000
Wichita, KS 67202
Tel. 316-660-6296
Fax. 316-660-6596
Email: bschlozman@hinklaw.com

Attorneys for Respondent

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 15th day of September, 2014, a copy of the above and foregoing Entry of Appearance was served on the Petitioner by electronic mail delivery and by depositing the same with the United States Postal Service, first class postage prepaid, addressed as follows:

Pedro L. Irigonegaray
1535 SW 29th Street
Topeka, KS 66611
pli@plilaw.com
Attorney for Petitioner



Thomas E. Knutzen, #24471
Attorney for Respondent

IN THE SUPREME COURT OF THE STATE OF KANSAS

CHAD TAYLOR,)
)
 Petitioner,)
 vs.)
)
 KRIS KOBACH, in his official capacity as)
 Secretary of State for the State of Kansas)
)
 Respondent.)
)

Original Action No. 14-112431-S

SUPPLEMENTAL AFFIDAVIT OF BRYAN A. CASKEY

I, Bryan A. Caskey, Assistant State Election Director for the Kansas Secretary of State's Office, having been duly sworn, do hereby depose and state as follows to the best of my knowledge and belief:

In my previous affidavit, I stated that Attachment B to the affidavit is a true and complete set of candidate withdrawal requests filed since 2010 under K.S.A. 25-306a (pre-filing, pre-primary withdrawals); and that attachment C to the affidavit is a true and complete set of candidate withdrawal requests filed since 2010 under K.S.A. 25-306b(b). I further stated parenthetically that Letters received before 2010 are not kept in this file and are maintained in an archive that is not readily accessible. In the Response to the Petition for Mandamus filed earlier today, it was stated in footnote 2 on page 6 that: "The Office of the Secretary of State only retains such letters for four years. Withdrawal letters from prior years are in the custody of the state archives and were not immediately accessible for the purposes of this litigation."

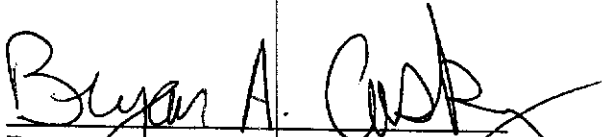
At roughly 3:00 p.m. on September 15, 2014, I discovered boxes in the storage area for the Secretary of State's Office containing additional withdrawals letters for the 2006 and the 2008 elections. Both boxes had been previously scheduled to be transferred to the archives by the Kansas Historical Society.

Attachment A to this affidavit contains multiple withdrawal letters (both pre-primary, and post-primary) that were deemed sufficient and resulted in the candidates' name being removed from the ballot. Attachment A also contains two letters dated April 15, 2008, from then-Senator Peggy Palmer. The first letter was rejected by the Secretary of State's Office because it did not include a proper certification pursuant to K.S.A. 53-508. The second letter was filed with a proper certification and Senator Palmer's name was removed from the ballot for the primary election.

Attachment A to this affidavit also contains one letter from the 2006 election cycle, dated September 7, 2006, from then-Judge Terry L. Bullock. The Secretary of State's Office determined this letter to be insufficient to remove Judge Bullock from the ballot for his retention. Judge Bullock remained on the ballot for judicial retention and was retained. It should be noted




that the Secretary of State's Office has not applied K.S.A. 25-306b(b) to judicial retention cases, because the judges are not "nominees" under the statute, and they are not seeking "election."


Bryan A. Caskey, Assistant State Election Director
KANSAS SECRETARY OF STATE'S OFFICE

STATE OF KANSAS)
) ss:
COUNTY OF SHAWNEE)

SUBSCRIBED, ACKNOWLEDGED, AND SWORN TO before me, the undersigned Notary Public, by Bryan A. Caskey in his capacity as Assistant State Election Director, Kansas Secretary of State's Office, on this the 15th day of September, 2014.




Notary Public

My Appointment Expires



KANSAS DISTRICT COURT

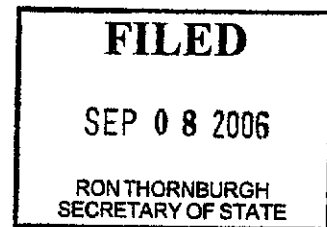
Chambers of
TERRY L. BULLOCK
District Judge

Shawnee County Courthouse
Division No. Six - Room 410
200 S.E. 7th Street
Topeka, Kansas 66603-3922
(785) 233-8200 Ext. 4375
Fax (785) 291-4917

Officers:
JOSEPH MARTINEZ
Official Court Reporter
(785) 233-8200 Ext. 4376
LYNN KEEZER
Administrative Assistant
(785) 233-8200 Ext. 4375

September 7, 2006

Ron Thornburgh
Secretary of State
Memorial Hall
120 SW 10th Street, First Floor
Topeka, KS 66612



Dear Mr. Secretary,

Although I filed for retention for another term as district judge in the Third Judicial District, I have now decided it is advisable for me to retire at the end of this term in early January, 2007.

Accordingly, it will not be necessary to include me on the upcoming general election ballot.

Respectfully yours,


Terry L. Bullock

TLB/lrk

cc: Governmental Ethics Commission

Law Office

MICHAEL E. FOSTER

240 N. Rock Road, Suite 305, Wichita, Kansas 67206 • Telephone (316) 558-5333 Fax (316) 558-5336 • mfooster@michaelfosterlaw.com
CATHERINE A. CLARK, Legal Assistant • cclark@michaelfosterlaw.com

May 16, 2008

Office of the Kansas Secretary of State
120 SW 10th
Topeka, Kansas 66612-1594

Re: Withdrawal of Candidates Declaration of Intent

I filed a Candidate's Declaration of Intent September 5, 2007, seeking the office of District Judge, Eighteenth Judicial District, Division 1, Sedgwick County, Kansas. The purpose of this correspondence is to request this Candidate's Declaration of Intent be withdrawn.

Thank you for your assistance. Please advise if you need additional information or if anything further is required to comply with my request.

Regards,

Michael E. Foster

SUBSCRIBED AND SWORN to before me this 16th day of May, 2008.




Notary Public

FILED
SEP 05 2008
RON THORNBURGH
SECRETARY OF STATE

Affidavit of Withdrawal

This is to certify that as of September 2, 2008 I have withdrawn as a candidate for election to the Kansas Senate, District 37, on the Democratic ticket. I do this inasmuch as, if elected, I would not be able to serve by reason of some serious health issues that have arisen. I must devote full time for the foreseeable future to getting these issues resolved and treated. I do this now to allow my party to appoint a replacement candidate in a timely manner.

Respectfully submitted:



James M. (Jim) AuBuchon

Date: September 4, 2008

KAREN A. BROWNING
Notary Public - State of Kansas
My Appt. Expires 5-31-2010



Patrick Regan
13232 W 54th Terrace
Shawnee, KS 66216

November 26, 2007

In regards to: 2008 District 10 Senate Race

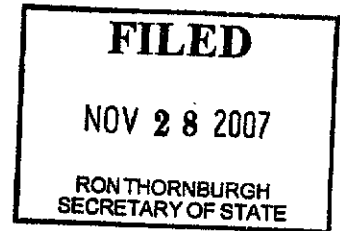
Brad Bryant
Kansas Secretary of State
Memorial Hall, 1st Floor
120 SW 10th Ave.
Topeka, KS 66612-1594

Dear Brad Bryant:

Please consider this my formal request to withdraw Patrick J. Regan from the 10th District Kansas Senate 2008 election. If you should have any questions regarding this matter please contact me via my office at 913-631-2900 x 302. Thank you for your assistance.

Sincerely,


Patrick Regan



5-23-08

Secretary of State
1st Floor, Memorial Hall
Topeka, KS 66612

FILED
MAY 23 2008
RON THORNBURGH
SECRETARY OF STATE

Re: Withdrawal of Candidacy

Effective this date I hereby withdraw my
filing for the candidacy for Kansas House of
Representatives, District 19, previously filed
by me on May 12, 2008.

Signed

Thomas C Owens
THOMAS C. OWENS

State of Kansas
County of Shawnee

Signed and sworn to (or affirmed) before
me on May 23, 2008.

my Commission expires 2/14/2011

Jennifer Schneider
Signature

NOTARY PUBLIC - State of Kansas
JENNIFER SCHNEIDER
My Appt. Expires 2/14/2011

Date: 6/6/08

I, GEORGE LEACH, hereby withdraw my

Print Name

name as a REPUBLICAN candidate for HOUSE OF REP.

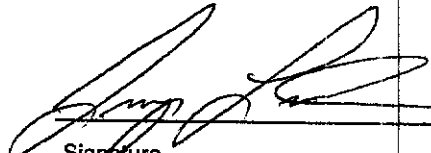
Party Affiliation

Office & District

DIST. 81 for the 8/5/08

Election Date

Election.


Signature

Subscribed and Sworn to before me this 6th day of
June, 2008.


Notary Signature

(SEAL)



FILED

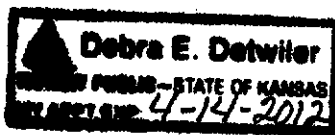
JUN 09 2008

RON THORN BURG
SECRETARY OF STATE

I, Andrew P. Gray, wish to withdraw
my name as consideration for candidate of
the 52nd District House of Representatives.

Andrew P. Gray

Subscribed and sworn
before me this 8th day
of June 2008



Debra E. Detwiler
Notary for the
State of Kansas
Shannon County

FILED

JUN 10 2008

RON THORNBURGH
SECRETARY OF STATE

Richard Horn
5427 Johnson Dr PMB
313 Mission, KS 66205

June 9, 2008

Ron Thornburgh
Office of the Secretary of State
Elections and Legislative Matters Division
First Floor, Memorial Hall
120 SW 10th Ave.
Topeka, KS 66612 - 1594

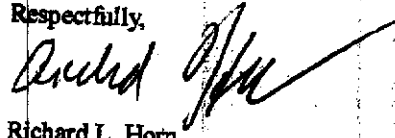
Dear Mr. Thornburgh:

I, Richard L. Horn, nominated for the 1st congressional district race on the Reform Party of Kansas ballot, request that my name be withdrawn, for personal reasons. Please allow a replacement candidate to be submitted in my place.

This is my residential address:

Richard L. Horn
3032 Roe Lane
Kansas City, KS 66103
913-432-9707

Respectfully,



Richard L. Horn

LINDA K. JONES
Notary Public
State of Kansas
My Commission Expires 9-18-2011

NOTARY PUBLIC:

State of Kansas
County of Johnson

Signed before me on 6-10-08

by Richard L. Horn

seal Linda K. Jones
Notary
My appointment expires: 9-18-2011

Kathleen M. Burton
10050 N.W. US-Hwy 24; Apt. 34
Silver Lake, KS 66539

June 9, 2008

Ron Thornburgh
Office of the Secretary of State
Elections and Legislative Matters Division
First Floor, Memorial Hall
120 SW 10th Ave.
Topeka, KS 66612 - 1594

FILED
JUN 10 2008
RON THORNBURGH
SECRETARY OF STATE

Dear Mr. Thornburgh:

I, Kathleen M. Burton, nominated for the 4th congressional district race on the Reform Party of Kansas ballot, request that my name be withdrawn from that race in order that my name may be submitted as a replacement for a candidate that is withdrawing from another congressional race. Please allow a replacement candidate to be submitted in my place.

This is my residential address:

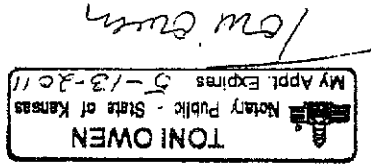
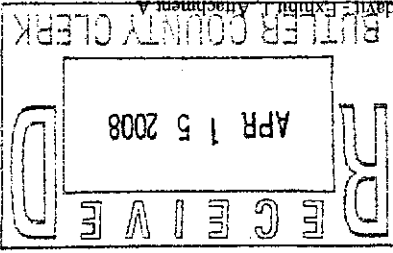
Kathleen M. Burton
10050 N.W. US-Hwy 24; Apt. 34
Silver Lake, KS 66539
785-249-8669

Respectfully,

Kathleen Burton
Kathleen M. Burton



NOTARY PUBLIC:
State of Kansas
County of Shawnee
Signed before me on 6-10-08
by Kathleen Burton
Mindy B. Easterbrook
Notary
My appointment expires: 8-9-09



Tom Owen

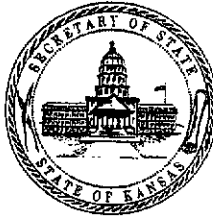
Foggy R. Farmer

*I hereby withdraw as a
 candidate for State Senator of
 the 16th District;*

*To: Secretary of State
 From: Foggy R. Farmer*

April 15, 2008

RON THORNBURGH
Secretary of State



Memorial Hall, 1st Floor
120 S.W. 10th Avenue
Topeka, KS 66612-1594
(785) 296-4564

STATE OF KANSAS

May 12, 2008

The Honorable Peggy Palmer
Kansas State Senator, District 16
5 Flanigan Drive
Augusta, Kansas 67010

Dear Senator Palmer:

Our office received your letter of withdrawal as a candidate for State Senate, 16th District, dated April 15, 2008. This document contains your signature, the notary signature, and a notary stamp without a proper certification pursuant to K.S.A. 53-508.

Kansas law requires a certification of a notarial act identifying the jurisdiction in which the notarization occurred (state and county), the notary's signature, the type of notarization (acknowledgement, verification, witnessing and/or attestation), the expiration date of the notary's commission, the notary stamp and the date of notarization. The enclosed document fails to comply with these requirements, specifically with regard to the jurisdiction (state and county) and type of notarization requirements.

I am returning your original document and require that file a new letter of withdrawal that is properly notarized. You will remain a candidate for Kansas Senate, District 16, until our office receives a properly notarized withdrawal.

If you have questions, please feel free to contact us at (785) 296-4561 at your convenience.

Sincerely,

RON THORNBURGH
Secretary of State

Brad Bryant, Elections Division
Deputy Assistant Secretary of State

BB:bac

cc: Toni Owen, Butler County Election Office

April 15, 2008

To: Secretary of State
From: Peggy R. Palmer

I hereby withdraw as a
candidate for State Senator of
the 16th District,

Peggy R. Palmer

State of Kansas
County of Butler



Signed or attested before me on
April 15, 2008 by Peggy Palmer

Toni Owen

Toni Owen

my appointment expires 5-13-2011

