

**IN THE 28TH JUDICIAL DISTRICT  
DISTRICT COURT, SALINE COUNTY, KANSAS  
CIVIL DEPARTMENT**

UNITED KANSAS INC., ET. AL., )  
 )  
 *Plaintiffs,* ) **LEAD CASE**  
 v. ) Case No. SA-2024-CV-000152  
 )  
 SCOTT SCHWAB, KANSAS )  
 )  
 SECRETARY OF STATE ET. AL., )  
 )  
 *Defendants.* )  
 )

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UNITED KANSAS INC., ET. AL., )  
 ) **CONSOLIDATED CASE from RENO**  
 *Plaintiffs,* ) **COUNTY**  
 v. ) Case No. RN-2024-CV-000184  
 )  
 SCOTT SCHWAB, KANSAS )  
 )  
 SECRETARY OF STATE ET. AL., )  
 )  
 *Defendants.* )  
 )

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Pursuant to K.S.A. Chapter 60

**DECLARATION OF LORI BLAKE**

I, Lori Blake, for my declaration pursuant to K.S.A. §§ 60-256(a) and 53-601, state as follows:

1. I submit this declaration in support of the Plaintiffs' Motion for Summary Judgment in the above-captioned consolidated actions. The statements made herein are based on my personal knowledge.

2. I am currently a resident of Assaria, Kansas, and a lifelong resident of Saline County. I am currently employed as a leadership skills and board governance consultant to the Kansas Association of School Boards, and have nearly three decades' experience as a small-business owner and administrator in the fields of public education, disabilities support, and child-abuse prevention. I also served for 13 years as a Member of the Southeast of Saline School Board, among other community advocacy and service. I hold a Bachelor of Arts Degree in Communications from Bethany College in Lindsborg, Kansas.

3. On August 6, 2024, I won the Democratic Party primary nomination to the 69th District seat in the Kansas House of Representatives (also known as the Kansas State House). On August 6, 2024, I won the Democratic Party primary for nomination to the 69th House District seat, and was certified as the Democratic Party nominee by the State Board of Canvassers when it met on August 28, 2024. In addition, in May 2024, I was nominated to the same State House seat by the newly formed United Kansas Party ("UKP"), and since that time have desired, if legally permitted, to run for re-election this November as the formal nominee of both parties.

4. I intend to remain a resident of Saline County for the foreseeable future, and if elected to the State House in 2024, to stand again as a candidate of both UKP and the Democratic Party during election years to follow.

5. On April 12, 2024, I filed with the Kansas Secretary of State a Declaration of Intention to become a candidate for the 69th District House seat in the August 6 Democratic primary, in accordance with K.S.A. § 25-205. No other candidates filed for the Democratic Party nomination to the 69th District seat by the June 3 statutory deadline. I was therefore unopposed, and on August 6 I won my Democratic primary bid. On August 28, 2024, the State Board of Canvassers certified my primary victory.

6. In the meantime, on May 30, 2024, UKP, with my prior knowledge and encouragement, nominated me as the Party's candidate for the 69th District seat, and timely filed with the Secretary of State my Certificate of Nomination as the Party's candidate, as required under Kansas law, K.S.A. 25-305(a). Afterward I was identified on the Secretary of State's website as UKP's candidate for the 69th District House seat. *See Exhibit A hereto (8/27/24 screen shot of Secretary of State Candidate List (2024 General Election)).*

7. I was honored to receive the UKP nomination, and still welcome the Party's support, because I share the Party's goal of elevating the voices and values of moderate voters—people who value collaboration, compromise, and a solutions-oriented approach to government over ideological conflict.

8. I decided last year to run for the State House because after 13 years on the Southeast of Saline School Board, I want to share my knowledge and experience supporting high-quality education and representing the real needs of local families to change policy. But while I first decided to run as a Democrat, the Democrat label alone doesn't quite reflect my values, positions, and priorities..

9. I registered as a Democrat when I was younger, but over the years I have also registered at times as a Republican, and voted often for Democrats and Republicans. As a school-board member advocating on behalf of students and families to our State legislators, I became frustrated by the gridlock our two-party system has created, and the inability, or unwillingness, of both major parties to come together to solve problems. I chose to dissociate from both parties because politics at the state and national levels under their control was mired in nastiness. Dominated by extreme elements and politicians with narrow agendas, the state and

national parties have often forgotten how to go about tackling real problems that average people care about.

10. At the same time, and just as importantly, the state and national parties also seem unwilling to allow local elected leaders to tackle the problems that the parties are unwilling, or incapable, of addressing, even though local leaders are often best positioned to implement solutions consistent with the values held by their diverse communities. As a result, people like me, who just want government to focus on setting pragmatic policies that better people's lives, hesitate to consider running for office under either party's banner. I know that I'm not alone in feeling this way.

11. But UKP is a new political party that wants to lift the voices and values of moderates like me—people who value collaboration and compromise, and understand that government cannot arrive at the best solution to a problem from a single point of view. UKP recognizes that we are stronger when we work together in a culture that values civility over ideological warfare focused on beating the “other side.” But what differs UKP most, not just from the major parties but also from other aspiring parties, is its approach to empowering voters to exert a genuine moderating influence on the hyper-partisan politics in Topeka.

12. Instead of running its own marginal candidates with no chance of success, UKP is instead focused on nominating competent and viable candidates who share their values and can compete for a major party nomination too. As a voter, I have long been intrigued by the potential for independent or other minor party candidates seeking to chart a middle path—but in my lifetime I cannot recall a single instance in which any such candidate in Kansas has won. Thus, UKP's approach avoids the counter-productive effects of running a moderate third candidate, who only would serve to split the moderate vote and increase the likelihood of electing the more

extreme major party opponent. As a candidate nominated by two parties, I would understand the choice of voters to cast their ballot for me on the UKP line as conveying a clear and important message: they do not just want to elect me, but they support the UKP platform and priorities. And the larger share of my vote on the UKP line, the greater demand from the electorate for politics that align with UKP's commitment to moderation and compromise.

13. For these reasons, since obtaining my UKP nomination I have wanted to retain both the UKP and Democratic Party nominations, to publicly campaign and seek support from the voters of the 69th House District as the formal nominee of both parties, and to serve in the State House to promote the key ideals and priorities of both. I would have no difficulty promoting the goals of and embodying the values of both parties, just as I would balance competing interests and demands of other stakeholders and constituents in my district.

14. However, on June 21, 2024, prior to my victory in the August 6 Democratic Party primary, the General Counsel to the Kansas Secretary of State issued a letter to UKP stating that under Kansas law (see K.S.A. §§ 25-306e and 25-613) the Secretary will prohibit me from keeping both the UKP and Democratic Party nominations, and will permit my name to be printed on the ballot only once, as the candidate of a single political party.

15. The General Counsel did not question the validity of either nomination. Rather, he explained that were I to win the August 6 Democratic primary for the 69th House District (as in fact occurred), then Kansas law will require me to file within seven days after certification of my victory a written statement specifying one of the nominations to retain. If I do not file the required statement within the deadline, then the Secretary of State will select one nomination or the other for me, and my name will appear only once on the November ballot as the candidate of the party the Secretary chooses.

16. As I noted above, the State Board of Canvassers met on August 28, 2024, and certified my Democratic Party nomination as the winner of the August 6 primary. That same day, I received an e-mail message from the Secretary of State Director of Elections, advising me that because I had received two nominations for the 69th House District seat, one from UKP and one from the Democratic Party, I am required by K.S.A. 25-306e to file a sworn statement, by September 4, 2024, “designating which nomination” I “will accept.” A true and correct copy of the e-mail from the Director of Elections is attached hereto as Exhibit B.

17. Since receiving UKP’s nomination in May, my settled intention has been to run as the formal nominee of both UKP and the Democratic Party, and to serve next term in the State House on behalf of both parties. I recognized, however, even before receiving the General Counsel’s June 21 letter, that the Secretary of State, applying Kansas law, might not permit me to do so, and that I might be compelled and coerced to choose between the two nominations. I decided then, and it remains my decision today, that, if required to make that unwelcome choice, I would retain the Democratic Party nomination, to keep the ballot line of the more established party with a larger current number of registered voters. Only reluctantly and with disappointment, lacking any other choice, would I lose my UKP nomination. Leaving that decision to the sole discretion of a state official, especially one who is a partisan ally of my electoral opponent, was never an option.

18. Therefore, on August 30, 2024, I submitted to the Director of Elections a sworn statement in which I expressed my strong preference to keep both nominations and be listed on the November ballot in association with both parties. I objected to being be barred from keeping a nomination that I earned and wish to keep, and to the restrictions placed on me in violation of my fundamental political rights guaranteed by our State Constitution. I also voiced

my belief that the Secretary's actions in this matter violate fundamental rights guaranteed by the Kansas Constitution. As required, though, per the General Counsel's June 21 letter, and the August 28 message from the Director of Elections, I designated the Democratic Party nomination as the one I would retain. A true and correct copy of my statement submitted to the Director of Elections is attached hereto as Exhibit C.

19. Because of the Secretary's action I have been required against my will to forfeit one of the two valid political party nominations that I have earned and desire to keep. Further, I am now unable to truthfully represent myself to voters in the 69th House District as the formal nominee of UKP, during the campaign and on the November ballot. As a result I will be impaired in my ability to expand my appeal to and support among Kansas voters, thus compounding the difficulty and expense of achieving election.

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

August 30, 2024.



\_\_\_\_\_  
Lori Blake

# **Exhibit A**

An official State of Kansas government website. [Here's how you know.](#)



**SCOTT SCHWAB**  
KANSAS SECRETARY OF STATE



- Businesses
- Elections
- Publications
- General Services
- Lobbyist
- Media
- About

## Candidate Lists



Select from the drop-down menu below to view a list of candidates in the primary or general election for national and state offices in table format. The table view of the candidate list is updated automatically as each candidate files valid petition forms or declaration of intention forms.

Choose an election:

Submit

### Candidates for the 2024 General

Print Candidate List

Aric Hermann	Kansas House of Representatives	53	0	0	Libertarian	Aric		Hermann
Robert Thomas	Kansas House of Representatives	61	0	0	Libertarian	Robert		Thomas
Lori C. Blake	Kansas House of Representatives	69	0	0	United Kansas	Lori	C.	Blake
Joseph Trotter	Kansas House of Representatives	96	0	0	Libertarian	Joseph		Trotter
Jason Probst	Kansas House of Representatives	102	0	0	United Kansas	Jason		Probst
Peter Solie	Kansas House of Representatives	109	0	0	Libertarian	Peter		Solie
Kiel Corkran	Member, State Board of Education	2	0	0	independent	Kiel		Corkran

# **Exhibit B**

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**From:** Bryan A. Caskey [SOS] <[Bryan.Caskey@ks.gov](mailto:Bryan.Caskey@ks.gov)>

**Sent:** Wednesday, August 28, 2024 11:23 AM

**To:** [loriblake4ks@gmail.com](mailto:loriblake4ks@gmail.com)

**Cc:** Clay Barker [SOS] <[Clay.Barker2@ks.gov](mailto:Clay.Barker2@ks.gov)>

**Subject:** Multiple nominations

Dear Ms. Blake:

You have received two nominations for Kansas House of Representatives, District 69. One nomination from the Democratic Party and one nomination from the United Kansas Party. K.S.A. 25-306e requires any person who receives two or more nominations for the same office to file a written statement, signed and sworn by you, designating which nomination you will accept. The statement shall be filed with the Secretary of State's office at my attention. The deadline to file the statement is Wednesday, September 4<sup>th</sup>.

...

If you have any questions, please let me know.

**BRYAN A. CASKEY** | Director of Elections

Kansas Secretary of State | 785-296-3488 P | 785-581-3623 C | 785-291-3051 F |  
Memorial Hall, 1<sup>st</sup> Floor | 120 S.W. 10<sup>th</sup> Avenue | Topeka, KS 66612-1594

"Every election is determined by the people who show up."

- [Larry J. Sabato, \*Pendulum Swing\*](#)

# **Exhibit C**

Dear Secretary Schwab,

It is an honor to be nominee of both the Democratic and United Kansas Parties in my campaign for the 69th House District. My strong preference is to keep both nominations and be listed on the November ballot in association with both parties.

Yet, I understand from your recent letter that you will not let this happen, and that your office will invalidate one of the nominations under K.S.A. 25-306e. If I do not designate one nomination to keep in the coming days, you will make that selection yourself. Either way, I will be barred from keeping a nomination that I earned and that I wish to keep. As explained in the lawsuit pending in Saline County District Court, these requirements amount to a severe limitation on my fundamental political rights guaranteed by our State Constitution.

Nevertheless, I hereby designate the Democratic nomination for retention, given that it is the more established of the two parties and that it currently has more registered voters in the 69th District.

Sincerely,

*Lori Blake*

-----  
Lori Blake  
Candidate, 69th House District

*8/30/24*

-----  
Date

**VERIFICATION**

STATE OF KANSAS            )  
  )        SS:  
SALINE COUNTY            )

Lori Blake, of lawful age, being first duly sworn on oath, deposes and states:

That I am the Candidate for the 69<sup>th</sup> House District, and I am familiar with the above and foregoing and affirm that said statements contained therein are true and correct.

*Lori Blake*

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Lori Blake

SUBSCRIBED AND SWORN TO BEFORE ME this 30<sup>th</sup> day of August, 2024.

*Carolyn M. Lathan*

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Notary Public

My Appointment Expires:

8/17/2025



NOTARY PUBLIC- State of Kansas

Carolyn M. Lathan

My Comm. Exp. 8/17/25

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 *Defendants.* )

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Pursuant to K.S.A. Chapter 60

**DECLARATION OF SALLY CAUBLE**

I, Sally Cauble, for my declaration pursuant to K.S.A. 60-256(a) and 53-601, state as follows:

1. I submit this declaration in support of the Plaintiffs' Motion for Summary Judgment in the above-captioned consolidated actions. The statements made herein are based on my personal knowledge.

2. I am a longtime resident of Kansas. My three-decade career in education and public service culminated in my twelve-year tenure as a Republican Member of the State Board of Education, beginning with my election in 2006, and continuing with my re-election in 2010 and 2014. During my service on the Board I combined my dedication to conservative principles with a balanced and inclusive approach to enhance educational standards and develop policies tailored to meet the diverse needs of students and educators over the broad geographic region I represented. I have also sought to foster a civic-minded and educated youth through volunteer positions I have held on various educational boards and with non-profit organizations. I hold a Bachelor of Arts Degree in Elementary Education from Southwestern College.

3. Currently I am a registered Kansas voter affiliated with the United Kansas Party (“UKP”), and also serve as the Party’s Vice Chair. Prior to becoming a member of UKP, I was a long-time and very active member of the Republican Party. I intend to remain a Kansas resident, registered UKP voter, and the Party’s Vice Chair for the foreseeable future.

4. I have reviewed the declaration Jack Curtis, UKP’s Party Chair, also filed in this action in support of Plaintiffs’ motion for summary judgment. I wholeheartedly agree with his description of the concerns about rising divisiveness in Kansas politics, and the desire to restore much needed unity of purpose among our political leaders, in service of the common good, that animated UKP’s formation. UKP’s mission is to bridge the divides that have kept Kansans apart and to focus instead on achieving shared goals.

5. I also concur with Mr. Curtis’s explanation that to achieve its foundational objectives, UKP has rightly concluded that it must pursue an electoral strategy of evaluating, recruiting, and nominating candidates—like Ms. Lori Blake and State Representative Jason Probst—who share the Party’s commitment to the renewal of political civility and collaboration

in pursuit of real solutions for the people of Kansas. Further, as Mr. Curtis explains, it is critical that UKP avoid nominating third candidates with no prospect of victory who can accomplish little but splitting the moderate vote and helping elect extreme opponents from the far-left and far-right.

6. Therefore, I could not agree more with Mr. Curtis that enforcement of K.S.A. 25-306e and 25-613 by the Kansas Secretary of State, the resulting abrogation of UKP's nominations of Ms. Blake and Rep. Probst for the Kansas State House, and the exclusion of UKP's nominations from the November ballot, deprive UKP of important legal rights and represent a serious setback to the Party and its goals. Not only, in the short term, has enforcement of Sections 25-306e and 25-613 eliminated UKP's right to nominate candidates and compete as a party in the 69th and 102nd House District races. Depriving the Party of the chance to wage an election campaign in union with its nominee, and to establish itself in the eyes of the electorate as a credible political party that contributed to Ms. Blake's and Rep. Probst's election, will set back the Party's long-term efforts to expand its support among Kansas voters and to foster a healthier political dynamic in Kansas government, one of the principal goals that led me to join the Party.

7. My rights, individually and as UKP Party Chair, are also affected by the Secretary's actions. I am not a voter in the 69th or 102nd House District, but like Mr. Curtis, to raise voter awareness of and support for UKP as a moderate alternative to the two major parties, it was my intention since UKP nominated Ms. Blake and Rep. Probst in May to campaign for them and publicly advocate for their election as UKP's nominees. My goal was to promote not only the Party but also its political values that I share. Now that Ms. Blake and Rep. Probst have been forced to relinquish their UKP nominations, I will be prevented from encouraging support

for them as UKP's nominees, and would have to convince voters to support another party that I do not prefer, rather than UKP, in order to promote their candidacies. In addition, as UKP Party Vice Chair responsible for the operation of UKP's affairs, I will be required to reconsider and make changes to UKP's plans for campaigning in the fall, the messages to stress, and the expenditures to make.

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

Executed on 8-29-24, 2024

  
Sally Cauble

**IN THE 28TH JUDICIAL DISTRICT  
DISTRICT COURT, SALINE COUNTY, KANSAS  
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SECRETARY OF STATE ET. AL., )

*Defendants.* )

**CONSOLIDATED CASE from RENO  
COUNTY**

Case No. RN-2024-CV-000184

Pursuant to K.S.A. Chapter 60

**DECLARATION OF JACK CURTIS**

I. Jack Curtis, for my declaration pursuant to K.S.A. 60-256(a) and 53-601, state as follows:

1. I submit this declaration in support of the Plaintiffs' Motion for Summary Judgment in the above-captioned consolidated actions. The statements made herein are based on my personal knowledge.

2. I am a longtime resident of Topeka, Kansas, currently employed as a compliance professional in the healthcare industry. I have long played an active role in Kansas civic life, including years of service in the American Legion Boys State, a participatory program sponsored by The American Legion in which high school students become part of the operation of local, county and state governments. See <https://www.legion.org/boysnation/about>. I am a registered Kansas voter affiliated with the United Kansas Party (“UKP”), and also serve as the Party’s Chair. Prior to becoming a member of UKP, I was registered as unaffiliated.

3. I intend to remain a Kansas resident, registered UKP voter, and the party’s Chair, for the foreseeable future.

4. UKP was founded in 2023 by a cross-partisan group of local leaders and concerned Kansas citizens, including myself, frustrated with the recent rise in divisive politics, the extreme voices that often overshadow moderate and collaborative ones, and our State government’s increasing inability to address pressing problems effectively. With nearly 30 percent of Kansas voters registered as unaffiliated, according to figures published by the Kansas Secretary of State, Kan. Sec’y of State, *Election Statistics Data*, <https://perma.cc/A8M7-E2QL>, UKP’s leadership believes that much of the State’s electorate likely shares our core concerns, and our desire to reduce bitter partisanship and rigid ideology in Kansas politics, promote more compromise and consensus, and place emphasis on real problem-solving. We formed UKP to provide a political home for those disaffected voters who believe that there is wisdom on the left and the right but that both major parties must stop indulging extreme ideologies and fringe views in their respective ranks and focus on our common interests.

5. With these goals in mind, on March 12, 2024, UKP filed with the Secretary of State more than thirty-five thousand signatures from Kansas voters in support of the Party’s

petition for formal recognition. On May 24, 2024, the Secretary of State announced that UKP had met the requirements to become an officially recognized Kansas political party, after his office and county election officials reviewed the petition and confirmed that an adequate number of valid signatures had been submitted in accordance with K.S.A. 25-302a. A true and correct copy of the Secretary of State's announcement is attached hereto as Exhibit A, and available at <https://www.sos.ks.gov/media/press-releases/2024/05-24-24-united-kansas-recognized-as-a-political-party.html>.

6. The Secretary of State explained further that as an officially recognized Kansas political party, UKP is entitled under K.S.A. 25-301 to register voters under its affiliation and to nominate candidates for office. *See* Exhibit A. I also understand that as a result, UKP is entitled to have its nominations, like other Kansas political parties, placed on the general election ballot as stated in K.S.A. 25-301 and 25-601.

7. Yet, UKP believes that running a third candidate in competitive two-way elections is a recipe for disaster. The problem is not simply that a third candidate is almost guaranteed to lose. Fielding such a candidate would also directly undermine UKP's political goals and priorities by taking away votes from the competitive candidate more closely aligned with UKP's values of moderation and compromise, therefore helping the candidate with whom the party disagrees most. A third candidate nominated by UKP would therefore frustrate the entire purpose of the party by making it harder for a moderate to win, and easier for a more extreme candidate of the left or right to take office.

8. Because of these political realities, UKP has determined that to advance its goals of political moderation and sensible governance, in most races it must evaluate, recruit, and nominate willing candidates who are also interested in and capable of securing the nomination of

one of the two major parties—candidates like UKP nominees Lori Blake and Rep. Jason Probst, each of whom earned the Democratic Party nomination in their respective district, too. The evaluation, recruitment, and formal nomination of candidates for public office is, in fact, the most important function of the Party, and it is absolutely essential that we nominate only the candidates best able to represent the UKP philosophy and advance the Party’s key goals. A critical criteria is that their candidacy would not, in any way, undermine our philosophy and goals by aiding in the election of immoderate opponents on the left and right. And candidates are not commodities: external restrictions that prevent UKP from nominating our preferred, first-choice candidates directly limit our ability to successfully develop the Party and advance its goals. Our Party’s official nomination—serving a unique expressive and associational role, as sanctified by the formal process and appearing on the ballot—is entirely different from a public endorsement, such as those provided routinely by advocacy groups and individuals.

9. When a moderate, competitive candidate earns the UKP nomination, moderate voters like me can cast our ballot to convey our support for a party that represents our values and convictions—lifting the onerous burden of otherwise, incorrectly, signaling fidelity to a major party that we do not, in fact, support. As has always been the case, the final tally of how many votes are cast for each party sends a critical message to nominees, their opponents, political elites, and the public writ large as to the sentiments of the electorate in each jurisdiction. And it is only through this competition for votes in pursuit of the election of its nominees that UKP can, like all other recognized parties, earn and cultivate political power. Our hope and conviction is that our nominations can help elect more moderate officials throughout the State and that votes cast for UKP nominees will demonstrate that Kansans want sensible, common sense governance instead of hyper-partisan posturing. By contributing to and not subtracting from a winning

candidate's election, our nomination can give UKP members and other like-minded voters a genuine and productive stake in the electoral process. This is in stark contrast to quixotic efforts to nominate third candidates with no prospect of victory—a strategy that, as history has well-proven, precludes new parties from earning actual political power, because (among other reasons) it only helps elect ideological opponents. Other parties are free to chart this path—but UKP has no interest in doing so.

10. Consistent with its founding principles, UKP intends to pursue this strategy in 2024 and for upcoming elections in 2026, 2028, and beyond. We will be nominating moderate candidates, on the left and right, who share UKP's collaborative and inclusive approach to politics, embrace UKP's support, and can also secure a major party's nomination, so as to avoid producing three-candidate races that increase the chances of electing far-left and far-right extremists.

11. In furtherance of these core party goals, on May 30, 2024, UKP nominated Ms. Blake and Rep. Probst as its 2024 candidates for the 69th and 102nd District seats in the Kansas State House. The Party considers Ms. Blake and Rep. Probst to be ideal standard-bearers for the UKP ethos. They share UKP's concerns that voices on the extreme wings of the two major parties have come to dominate the political conversation in Topeka, and our goal of restoring effective governance through a recommitment to the values of moderation, collaboration, and compromise. They eagerly accepted UKP's nomination. And they are also the Democratic Party nominees for the 69th and 102nd House Districts, having prevailed in the August 6, 2024, Democratic primary. Their Democratic Party nominations were certified by the State Board of Canvassers on August 28.

12. On June 21, 2024, prior to Ms. Blake's and Rep. Probst's victories in the August 6 Democratic primary, the General Counsel to the Kansas Secretary of State issued a letter to UKP stating that, pursuant to K.S.A. 25-306e and 25-613, the Secretary will prohibit Ms. Blake and Rep. Probst from keeping both their UKP and Democratic Party nominations for the November election, and will permit only one nomination for each of them to appear on the ballot. A true and correct copy of the General Counsel's letter is attached hereto as Exhibit B.

13. The General Counsel did not raise any questions as to the validity of Rep. Probst's existing UKP nomination or his then-forthcoming Democratic nomination; rather, he confirmed that no objections had been filed challenging either nomination. *See Exhibit B.*

14. Instead, the General Counsel explained that the Secretary is required to apply Section 25-306e if Ms. Blake and Rep. Probst were to prevail in their uncontested Democracy primary races (as in fact occurred). Under Section 25-306e, the Secretary will require Ms. Blake and Rep. Probst to "file within seven days" after certification of the August 6 primary results by the State Board of Canvassers "a written statement, signed and sworn . . . , designating which nomination [each] desires to accept," the UKP or Democratic nomination. *See Exhibit B.*

15. If Ms. Blake or Rep. Probst "refuses or neglects to file such statement," the Secretary, "immediately upon the expiration of the seven-day period, shall make and file . . . an election of one nomination for [her/him]." The County Clerks Doss and Patton then "shall print [each candidate's] name upon the official ballot under the designation so selected, and under no other designation." *See Exhibit B (quoting K.S. A. § 25-306e).*

16. The General Counsel explained that these procedures were the required means of effectuating the restrictions set forth in Section 25-613, stating that "the name of each candidate

shall be printed on the ballot only once and no name that is printed on the ballot shall be written elsewhere on the ballot.” See Exhibit B.

17. The General Counsel further explained that this process will occur in “early September” once “the state board of canvassers . . . certifi[ies] the results of the [Democratic] primary election” in accordance with K.S.A. 25-3205. See Exhibit B.

18. The Board of Canvassers in fact met and certified Ms. Blake’s and Mr. Probst’s Democratic Party nominations on August 28. Sec’y of State, *State Board of Canvassers to Meet*, <https://sos.ks.gov/media/press-releases/2024/08-20-24-state-board-of-canvassers-to-meet.html>. I understand that on the same date Ms. Blake and Rep. Probst received e-mail messages from the Secretary of State Director of Elections advising them that because they had each received two nominations for the Kansas House of Representatives, one each from UKP and one from the Democratic Party, they are required under K.S.A. 25-306e to file sworn statements, by September 4, 2024, “designating which nomination” they each “will accept.”

19. I have consulted with Ms. Blake and Rep. Probst, who informed me that because they were compelled to choose between their UKP and Democratic Party nominations as described in the General Counsel’s letter, and the Elections Director’s e-mails, they submitted sworn statements to the Elections Director prior to the September 4 deadline, indicating that each is retaining their Democratic Party nomination, to keep the ballot line of the more established party with the greater number of voters. They relinquished their UKP nominations with great reluctance, having been given no other option.

20. As a direct result of the Secretary’s enforcement of Sections 25-306e and 25-613, UKP’s valid nominations of Ms. Blake and Rep. Probst have been abrogated and will be excluded from the November ballot, thus depriving UKP of its entitlement as a recognized

political party to nominate candidates for the 69th and 102nd House District seats, and to have its nominations included on the general-election ballot. Its ability to compete as a political party in the 69th and 102nd House District elections has also been eliminated.

21. Further, going forward UKP will also be prevented from publicly designating and expressing support for Ms. Blake and Rep. Probst as the Party's formal nominees and standard bearers of its ideals, which will impair its ability to promote itself as a viable political party, expand its appeal to and support among Kansas voters, and ultimately achieve its foundational goals of greater moderation and compromise in Kansas governance. The consequences for UKP will be particularly acute because these deprivations of UKP's rights will occur at the most critical phase of the political process when the public is most attuned—during the last two months of a general election campaign—and on the ballot itself.

22. I too will suffer the consequences of the Secretary's enforcement of Sections 25-306e and 25-613, personally and as UKP Party Chair. Although I am not a voter in the 69th or 102nd House Districts, to heighten awareness of UKP among the Kansas electorate and expand its appeal to Kansas voters as a moderate alternative to the two major parties, it was my intention since UKP nominated Ms. Blake and Rep. Probst in May to campaign for them and publicly advocate for their election as UKP's nominees. I hoped in this manner not only to promote the Party's fortunes but also the political values of civility, moderation, and pragmatism in governance that I share and that led me to form the party. But now that Ms. Blake and Rep. Probst have been compelled to forsake their UKP nominations, I will be prevented from promoting their candidacies as UKP's nominees, and would have to encourage voters to support another party, rather than UKP, in order to advocate for their election. And as Party Chair

responsible for the operation of UKP's affairs, I will be required to reconsider and make changes to UKP's plans for campaigning in the fall, the messages to stress, and the expenditures to make.

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

Executed on August 29, 2024

  
Jack Curtis

# **Exhibit A**

# Scott Schwab

## Kansas Secretary of State

### Press Release

---

## United Kansas Officially Recognized as a Political Party

Friday, May 24, 2024

**TOPEKA** – Kansas Secretary of State Scott Schwab said today that United Kansas has met the statutory requirements to become an officially recognized political party in Kansas.

United Kansas met the requirements by submitting a petition containing the signatures of registered voters equal to 2 percent of the total votes cast in the 2022 statewide gubernatorial general election. The signatures on the petition were validated by county election officials who reported their results to the Secretary of State's office, as required by K.S.A [25-302a](#).

The last political party to achieve recognition in Kansas was No Labels Kansas in January 2024.

United Kansas joins No Labels Kansas and the Libertarian Party, recognized in 1992, as a minor political party. It cannot participate in the August primary election and instead must nominate candidates for the November general election via convention or caucus by noon on June 3. A minor party can become a major party and be entitled to nominate its general election candidates at the August primary if its candidate for governor receives more than 5 percent of the statewide vote.

With the official recognition of United Kansas, the party is eligible to register voters under its affiliation and nominate candidates for public office as described in K.S.A. [25-301](#). Kansas voter registration forms have been modified to reflect United Kansas as an option for voter affiliation.

For more information about elections, please visit [VoteKansas.gov](https://VoteKansas.gov).

###

## Kansas Secretary of State

 Memorial Hall, 1st Floor  
120 SW 10th Avenue  
Topeka, KS 66612-1594

 785-296-4564

 [kssos@ks.gov](mailto:kssos@ks.gov)

 8:00 a.m. to 5:00 p.m.

## Business Services Division

 785-296-4564

 [kssos@ks.gov](mailto:kssos@ks.gov)

## Elections Division

 800-262-VOTE(8683)

 [election@ks.gov](mailto:election@ks.gov)

## Publications Division

 785-296-BOOK(2665)

 [sos\\_lawbooks@ks.gov](mailto:sos_lawbooks@ks.gov)

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# **Exhibit B**

**SCOTT SCHWAB**  
Secretary of State



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

## STATE OF KANSAS

June 21, 2024

### SENT VIA E-MAIL ONLY

Scott B Poor           scottpoor@gmail.com  
Sarah M Foster       Sarah@smfosterlaw.com  
Hartenstein Poor & Poor  
200 W Douglas Ave Ste 600  
Wichita KS 67202

Scott & Sarah:

This acknowledges that on May 31, 2024, the Secretary of State received certificates of nomination from United Kansas Party, a recognized political party, for:

- J.C. Moore    Kansas Senate 26
- Lori C. Blake   Kansas House 69
- Jason Probst   Kansas House 102

These three individuals each had already filed a Declaration of Intent, with the appropriate filing fee, to become a candidate in a party primary election. This means their name will appear on the appropriate party primary ballot for the August 6, 2024, primary election.

- J.C. Moore    Kansas Senate 26    Republican    Filed on May 29, 2024
- Lori C. Blake   Kansas House 69    Democrat      Filed on April 12, 2024
- Jason Probst    Kansas House 102   Democrat      Filed on May 1, 2024

No objection pursuant to KSA 60-308 was filed contesting any of their nominations or filings.

Once the state canvas meets pursuant to KSA 25-3205 it will certify the primary election results and the Secretary of State will send each winner a party certificate of nomination. At that time, those individuals become their party's nominee.

***If*** an individual has received two certificates of nomination, that is, the individual is the nominee for two different recognized political parties, KSA 25-613 provides that, other than an exception that does not apply to your inquiry, "the name of each candidate shall be printed on the ballot only once and no name that is printed on the ballot shall be written elsewhere on the ballot." That has been the law in Kansas since 1901.

The legislature enacted KSA 25-306e to specify a method to implement the restriction of KSA 25-613. It provides, in pertinent part, that:

If any person receives two or more nominations for the same office, such person shall file within seven days, including Saturday, Sunday and holidays, after the last nomination is received, a written statement, signed and sworn to by such person, designating which nomination such person desires to accept.

....

If such person refuses or neglects to file such statement, the [Secretary of State], immediately upon the expiration of the seven-day period, shall make and file in such officer's office an election of one nomination for such candidate. The county election officer shall print such candidate's name upon the official ballot under the designation so selected, and under no other designation.

Pursuant to KSA 25-3205, the state board of canvassers will meet no later than September 1 to certify the results of the primary election and party certificates of nomination will be mailed to appropriate individuals immediately thereafter. At that time, if a person has received two or more party nominations, the person will also receive notice to contact our office within seven days to designate the party nomination under which their name will appear on the general election ballot.

Given the unpredictability of election dynamics, until early September no action can be taken by our office on the possibility of an individual receiving two nominations. The mechanisms set forth in KSA 25-306b, 25-3905, and 25-3906 attest to the wide range of possible outcomes and opportunity for unexpected vacancies that may occur in the next three months.

*/Clayton Barker*

Clayton L. Barker  
Deputy Secretary of State, General Counsel  
Office of the Kansas Secretary of State  
clay.barker2@ks.gov

**IN THE 28TH JUDICIAL DISTRICT  
DISTRICT COURT, SALINE COUNTY, KANSAS  
CIVIL DEPARTMENT**

UNITED KANSAS INC., ET. AL., )  
 )  
 *Plaintiffs,* ) **LEAD CASE**  
 v. ) Case No. SA-2024-CV-000152  
 )  
 SCOTT SCHWAB, KANSAS )  
 )  
 SECRETARY OF STATE ET. AL., )  
 )  
 *Defendants.* )

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UNITED KANSAS INC., ET. AL., )  
 ) **CONSOLIDATED CASE from RENO**  
 *Plaintiffs,* ) **COUNTY**  
 v. ) Case No. RN-2024-CV-000184  
 )  
 SCOTT SCHWAB, KANSAS )  
 )  
 SECRETARY OF STATE ET. AL., )  
 )  
 *Defendants.* )

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Pursuant to K.S.A. Chapter 60

**DECLARATION OF BRENT LEWIS**

I, Brent Lewis, for my declaration pursuant to K.S.A. 60-256(a) and 53-601, state as follows:

1. I submit this declaration in support of the Plaintiffs' Motion for Summary Judgment in the above-captioned consolidated actions. The statements made in this declaration are based on my personal knowledge.

2. I have resided in Kansas for nearly 50 years, and I am currently a resident of Haysville, Kansas. I spent nearly two decades as a public school teacher in the state, focusing principally on financial literacy. I am a veteran of the U.S. Army, having proudly served from 2001 to 2004 as an infantryman in the 4th Battalion, 3rd U.S. Infantry Regiment, also known as the Old Guard.

3. Currently I am a registered Kansas voter affiliated with the United Kansas Party (“UKP”). I intend to remain a Kansas resident and a registered UKP voter for the foreseeable future.

4. Prior to the formation of UKP as a Kansas political party I was registered as unaffiliated for a number of years, because in my view neither major party here in Kansas consistently represents people like me. I joined the U.S. Army after 9/11 because I wanted to serve my country. When I enlisted, I took an oath to support and defend the Constitution of the United States. Though I had to leave the service because of a serious injury, I still hear that oath in my head and feel called to serve. A lot of my fellow veterans have told me they feel the same way. It’s part of why I’ve been a public school teacher for years.

5. So it’s challenging to look at how our elected leaders behave most of the time. Whether here in Kansas or in Washington, D.C., our politicians seem more interested in grandstanding to their own supporters than working with each other in service to the people to meet people’s needs and solve real problems.

6. Because neither party here in Kansas consistently represents people like me, I switched my voter registration to unaffiliated several years ago. I want the State government to focus on improving education, economic development, helping the middle class, and supporting

small business, not giving tax breaks for big business. But many Republicans are extreme and incompetent at governing, and the Democrats are often irrelevant. We need change.

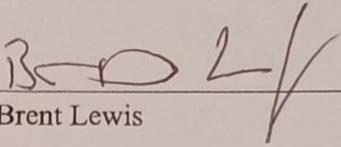
7. That's why I am excited by UKP's arrival on the scene. Unlike the Republicans and Democrats, UKP offers a political home for common-sense voters like me who value collaboration, compromise and a solutions-oriented approach over fighting ideological battles with the other side.

8. Although I am not a voter in the 69th or 102nd State House District, I have been planning to campaign this fall for UKP nominees Lori Blake and Rep. Jason Probst since they were first nominated by the Party last May, and to urge fellow Kansans to support their election to the Kansas State House as UKP's nominees. I have been hoping this way not only to promote UKP as a party but also the values of political civility, moderation, and effective governance that UKP, Ms. Blake, Rep. Probst, and I share.

9. I am aware, however, that the Kansas Secretary of State, acting under Kansas law, has prohibited Ms. Blake and Rep. Probst from keeping both their UKP and Democratic Party nominations, that he will allow them to have only one nomination each on the November ballot, and that, forced to choose, they have decided to keep their Democratic Party nominations. I am disappointed that Ms. Blake and Rep. Probst had to give up their UKP nominations, because now I will be prevented from encouraging support for them as UKP's nominees, and will have to urge my fellow Kansans to support another party, rather than UKP, in order to promote their candidacies. The exclusion of Ms. Blake's and Mr. Probst's nominations from the ballot will also impair UKP's ability to promote the ideals and achieve the goals that I support and that led me to become a member of the Party.

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

Executed on August 31, 2024

  
Brent Lewis

**IN THE 28TH JUDICIAL DISTRICT  
DISTRICT COURT, SALINE COUNTY, KANSAS  
CIVIL DEPARTMENT**

UNITED KANSAS INC., ET. AL., )  
 )  
 *Plaintiffs,* ) **LEAD CASE**  
 v. ) Case No. SA-2024-CV-000152  
 )  
 SCOTT SCHWAB, KANSAS )  
 )  
 SECRETARY OF STATE ET. AL., )  
 )  
 *Defendants.* )

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UNITED KANSAS INC., ET. AL., )  
 ) **CONSOLIDATED CASE from RENO**  
 *Plaintiffs,* ) **COUNTY**  
 v. ) Case No. RN-2024-CV-000184  
 )  
 SCOTT SCHWAB, KANSAS )  
 )  
 SECRETARY OF STATE ET. AL., )  
 )  
 *Defendants.* )

---

Pursuant to K.S.A. Chapter 60

**DECLARATION OF ELIZABETH LONG**

I, Elizabeth Long, for my declaration pursuant to K.S.A. 60-256(a) and 53-601, state as follows:

1. I submit this declaration in support of the Plaintiffs' Motion for Summary Judgment in the above-captioned consolidated actions. The statements made herein are based on my personal knowledge.

2. I have been a resident of Kansas for more than forty years and now live in Hutchinson, in the 102nd State House District. I was employed for nearly three decades in various capacities by the Kansas Department of Corrections before retiring from full-time employment in 2018. I returned to work in 2021 at the Hutchinson Correctional Facility, and remain employed there today.

3. Currently I am a registered Kansas voter affiliated with the United Kansas Party (“UKP”). I intend to remain a Kansas resident in the 102nd District, and a registered UKP voter, for the foreseeable future.

4. For most of my life in Kansas I was unaffiliated, and I voted for Republicans and Democrats alike. But for decades I have watched as Kansas politics have become nastier and less productive. And I am tired of all the battles between the two major parties. Often I get disgusted with both of them, and I just disengage.

5. When I do look at how our State legislature works, it seems that the people in power are just pushing their personal ideologies instead of trying to find out what the people need and delivering it. We’re supposed to be trying to help each other, but our politics don’t focus on that. You can just look at how little we do to help family farmers from being pushed out by huge corporations. Or how little we pay our teachers—they should not have to spend their hard earned money on school supplies.

6. I’ve considered voting for minor parties who run third candidates in the past, but they never seem serious. With two other candidates in the race, it’s obvious they have no way to win, and sometimes it feels that they’re just running to get votes from one side or the other to play “spoiler.” It would be good if instead a minor party could push back against what the parties

in power are doing. But a minor party is pointless if all it's going to do is waste people's votes, or even worse, help elect a candidate who holds radically different views.

7. But for the first time that I can remember, I'm excited about a minor party, UKP. I like what it stands for: giving moderates like me more of a voice. And I really like its plan to nominate competitive candidates who have a real opportunity to win, instead of doomed and counter-productive third candidates.

8. I like and respect that UKP tries to find candidates who don't just agree on the need to restore common sense and decency to our politics, but who could also compete to win—because UKP nominates candidates who have or are trying to win a major party nomination too. And then, if people like me can vote for them as the UKP nominee on the ballot, I would send a clear message with my vote. Whether the candidate also earns the support of Democrats or Republicans, UKP votes like mine will make clear that some of their support came from voters like me who are fed up with overly partisan politics, and want them to work with politicians from both parties to get things done.

9. I have been looking forward to voting for the UKP nominee for my District's seat in the Kansas State House, Rep. Jason Probst, since UKP nominated him last May. And I have wanted to vote for him as the UKP nominee on the ballot, to express my support for the Party and what it wants to accomplish. I am disappointed to learn that UKP's nomination of Rep. Probst will now be excluded from the November ballot. What that means is in order to cast a vote for Rep. Probst, I would be forced against my wishes to vote for him as exclusively the Democratic nominee. I am not a Democrat, yet my vote sends the erroneous message that I am. And regardless of who I ended up voting for, I would not have a chance to use my ballot to express support for my party, UKP. In addition, to urge people I know to vote for Rep. Probst, I

will have to ask them to support a party other than UKP. The exclusion of Rep. Probst's nomination from the ballot will also impair UKP's ability to promote the ideals and achieve the goals that I support and that led me to become a member of the Party.

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

Executed on Aug. 31, 2024

  
Elizabeth Long

**IN THE 28TH JUDICIAL DISTRICT  
DISTRICT COURT, SALINE COUNTY, KANSAS  
CIVIL DEPARTMENT**

UNITED KANSAS INC., ET. AL., )  
 )  
 *Plaintiffs,* ) **LEAD CASE**  
 v. ) Case No. SA-2024-CV-000152  
 )  
 SCOTT SCHWAB, KANSAS )  
 )  
 SECRETARY OF STATE ET. AL., )  
 )  
 *Defendants.* )

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UNITED KANSAS INC., ET. AL., )  
 ) **CONSOLIDATED CASE from RENO**  
 *Plaintiffs,* ) **COUNTY**  
 v. ) Case No. RN-2024-CV-000184  
 )  
 SCOTT SCHWAB, KANSAS )  
 )  
 SECRETARY OF STATE ET. AL., )  
 )  
 *Defendants.* )

---

Pursuant to K.S.A. Chapter 60

**DECLARATION OF SCOTT MORGAN**

I, Scott Morgan,, for my declaration pursuant to K.S.A. 60-256(a) and 53-601, state as follows:

1. I submit this declaration in support of the Plaintiffs' Motion for Summary Judgment in the above-captioned consolidated actions. The statements made in this declaration are based on my personal knowledge.

2. I grew up in Shawnee, Kansas, after which I attended the University of Kansas, graduating in 1979 with a degree in journalism and in 1983 with a law degree. Thereafter I served as counsel on the staffs of Senator Bob Dole and Governor Mike Hayden, was appointed as the U.S. Senate's representative on the Federal Election Commission, and ran as a Republican for several state and federal offices. I started my own publishing business in 1990, which I sold in 2007, and for which I continued to work as an editor until 2020. For the past 36 years I have been a resident of Lawrence, Kansas, where I served two terms on the Lawrence School Board.

3. I was a registered Republican voter in Kansas for my entire adult life until the mid-2010s, after which I principally became an unaffiliated voter, although occasionally I would register with one party or the other in order to vote in the primary for a candidate I supported. Currently I am registered as a voter with the United Kansas Party ("UKP"). I intend to remain a Kansas resident and a registered UKP voter for the foreseeable future.

4. I consider myself a political moderate, and my moderate views have kept me from feeling at home in either of the two major political parties for years. In 2017, I was part of an unsuccessful effort to form a new political party in Kansas, the Party of the Center. We wanted to create a party for moderate voters who don't feel their views align with either the Republican or Democratic Party. We came up short of the signatures needed to be certified, often being told by the people we encountered that they agreed with us, but were afraid we would only be spoilers.

5. Now comes UKP, recently certified as a new political party in Kansas. I was not part of the initial effort to form this new party, but I respect its stated purposes, especially its intention to encourage coalition and compromise.

6. Its primary strategy is smart: avoid running third candidates in competitive races, and instead recruit moderate candidates also capable of securing a major party nomination.

7. Using this approach, UKP intends to nominate those candidates, whether they also secure a Republican or Democratic nomination, who are committed to the Party's values of moderation, civility, and compromise in our politics. Drawing on my lengthy experience in politics, I know that votes cast for UKP's nominees will send a clear message to the candidates, their opponents, and the political system writ large championing the UKP agenda. If I had received such support while in elected office, whether after having UKP's backing or otherwise seeking its support in an upcoming election, I would have had greater confidence to act on my centrist views and collaborative instincts, and to reject the more extreme elements in my party.

8. UKP gives people like me, who no longer feel comfortable with either major party, the ability to cast their votes on behalf of sensible candidates who can win elections and make problem-solving for the people a priority again, a priority that for too long has been absent from our state politics and governance.

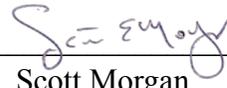
9. Although I am not a voter in the 69th or 102nd House District, I have been planning to advocate on behalf of or campaign for UKP's nominees, Lori Blake and Rep. Jason Probst since UKP nominated them last May, and to urge fellow Kansans to vote for them on the UKP ballot line. I have been hoping in this way not only to promote UKP as a party but also to promote the values of political civility, moderation, and effective governance that UKP and I share.

10. I am aware, however, that the Kansas Secretary of State, acting under Kansas law, has prohibited Ms. Blake and Rep. Probst from holding nominations by both UKP and the Democratic Party for the same office, that he required each of them to choose to keep one nomination, and that they elected to retain their Democratic Party nominations. I am disappointed that Ms. Blake and Rep. Probst had to give up their UKP nominations, because as a

result I will be unable to encourage support for them as UKP's nominees, and will have to urge my fellow Kansans to support another party, rather than UKP, in order to promote their candidacies. The exclusion of Ms. Blake's and Rep. Probst's nominations from the ballot will also impair UKP's ability to promote the ideals and achieve the goals that I support and that led me to become a member of the Party.

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

Executed on August 30th, 2024

  
\_\_\_\_\_  
Scott Morgan

IN THE 28TH JUDICIAL DISTRICT  
DISTRICT COURT, SALINE COUNTY, KANSAS  
CIVIL DEPARTMENT

UNITED KANSAS INC., ET. AL., )  
 )  
 ) *Plaintiffs,* ) **LEAD CASE**  
 ) v. ) Case No. SA-2024-CV-000152  
 )  
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 ) SCOTT SCHWAB, KANSAS )  
 ) SECRETARY OF STATE ET. AL., )  
 )  
 ) *Defendants.* )  
 )

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UNITED KANSAS INC., ET. AL., )  
 )  
 ) *Plaintiffs,* ) **CONSOLIDATED CASE from RENO**  
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 ) Case No. RN-2024-CV-000184  
 )  
 )  
 ) SCOTT SCHWAB, KANSAS )  
 ) SECRETARY OF STATE ET. AL., )  
 )  
 ) *Defendants.* )  
 )

---

Pursuant to K.S.A. Chapter 60

**DECLARATION OF ADELINE OLLENBERGER**

I, Adeline Ollenberger, for my declaration pursuant to K.S.A. 60-256(a) and 53-601, state as follows:

1. I submit this declaration in support of the Plaintiffs' Motion for Summary Judgment in the above-captioned consolidated actions. The statements made herein are based on my personal knowledge.

2. I was born and raised in Saline, Kansas, and it is where I remain a permanent resident. I am currently pursuing my undergraduate degree at the University of Kansas, and I have most recently been employed as a Certified Nursing Assistant and in-home aide.

3. I previously registered to vote as a Democrat, but I am now registered with the United Kansas Party (“UKP”). I intend to remain a Kansas resident in the 69th House District, and a registered UKP voter, for the foreseeable future.

4. My family is filled with Democrats and Republicans. Neither side has a monopoly on good ideas, and both get plenty of things wrong. I often find myself somewhere in the middle. In Kansas and throughout the country, we have serious challenges—a loss of public morality, limited access to basic health care, inflation, a lack of a living wage for many families, unsustainable student debt. The list goes on. But with the two major parties so divided and unwilling to work together, nothing much improves. We need a middle ground in politics to build consensus and take on these generational hurdles. The last thing we need is more partisan posturing and empty promises.

5. Politics as usual simply isn’t going to get the job done. That’s why I was excited to sign the petition to create the new, moderate UKP party. This seems like a real opportunity to change the status quo and give more people like me a voice in the system.

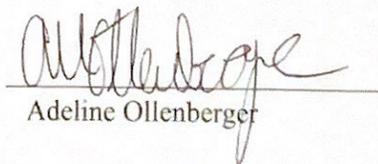
6. The smart thing about UKP is that they know minor parties are doomed to failure when they try to run a third candidate in a competitive two-way race. Instead, they are fighting to help elect moderate candidates who can compete for a Democratic or Republican nomination too. Not only are they avoiding the trap of fielding marginal, third candidates who can accomplish little but making it easier for extremists on the far-left or far-right to win, but by nominating serious candidates who can secure major party support, they could give sensible

candidates in the middle a real advantage. I'm hopeful that votes on the UKP ballot line—mine, and surely many others—could chart a new direction for our politics: one focused on finding common ground and solving real problems.

7. These are the reasons why I have been looking forward to voting for the UKP nominee in my State House District, Lori Blake, since she received the UKP nomination in May. Specifically, I have wanted to vote for her on the UKP ballot line so I can also express my support for the Party and what it wants to accomplish. I am disappointed to learn that UKP's nomination of Ms. Blake will be excluded from the November ballot. Because of that, in order to cast a vote for Ms. Blake I would be forced against my wishes to vote on the Democratic Party line. And regardless of who I end up voting for, I would not have a chance to use my ballot to show support for UKP. In addition, to get people I know to vote for Rep. Probst, I will have to encourage them to support a party other than UKP. The exclusion of Rep. Probst's nomination from the ballot will also impair UKP's ability to promote the ideals and achieve the goals that I support and that led me to become a member of the Party.

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

Executed on September 2, 2024

  
Adeline Ollenberger

**IN THE 28TH JUDICIAL DISTRICT  
DISTRICT COURT, SALINE COUNTY, KANSAS  
CIVIL DEPARTMENT**

UNITED KANSAS INC., ET. AL., )  
 )  
 *Plaintiffs,* ) **LEAD CASE**  
 v. ) Case No. SA-2024-CV-000152  
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 SCOTT SCHWAB, KANSAS )  
 )  
 SECRETARY OF STATE ET. AL., )  
 )  
 *Defendants.* )

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UNITED KANSAS INC., ET. AL., )  
 ) **CONSOLIDATED CASE from RENO**  
 *Plaintiffs,* ) **COUNTY**  
 v. ) Case No. RN-2024-CV-000184  
 )  
 SCOTT SCHWAB, KANSAS )  
 )  
 SECRETARY OF STATE ET. AL., )  
 )  
 *Defendants.* )

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Pursuant to K.S.A. Chapter 60

**DECLARATION OF JASON PROBST**

I, Jason Probst, for my declaration pursuant to K.S.A. §§ 60-256(a) and 53-601, state as follows:

1. I submit this declaration in support of the Plaintiffs' Motion for Summary Judgment in the above-captioned consolidated actions. The statements made herein are based on my personal knowledge.

2. I am a resident of Hutchinson in Reno County, and a Member of the Kansas House of Representatives (also referred to as the “State House”), where I have proudly represented the 102nd District since 2017. On August 6, 2024, I won the Democratic Party primary for re-nomination to the 102nd District seat, and was certified as the Democratic Party nominee by the State Board of Canvassers when it met on August 28, 2024. In addition, in May 2024, I was nominated to the same State House seat by the newly formed United Kansas Party (“UKP”), and since that time have desired, if legally permitted, to run for re-election this November as the formal nominee of both parties.

3. I intend to remain a resident of Reno County for the foreseeable future, and if re-elected to the State House in 2024, to stand again as a candidate of both UKP and the Democratic Party during election years to follow.

4. On May 1, 2024, I filed with the Secretary of State a Declaration of Intention to become a candidate for the 102nd District seat in the August 6 Democratic primary, in accordance with K.S.A. § 25-205. No other candidates filed for the Democratic nomination to the 102nd District seat by the June 3 statutory deadline. I was therefore unopposed, and on August 6, I won my Democratic primary bid. On August 28, 2024, the State Board of Canvassers certified my primary victory.

5. In the meantime, on May 30, 2024, UKP, with my prior knowledge and encouragement, nominated me as the Party’s candidate in the 102nd District, and filed with the Secretary of State my Certificate of Nomination as the Party’s candidate, as required under Kansas law, K.S.A. 25-305(a). Thereafter I was identified on the Secretary of State’s website as UKP’s candidate for the 69th House District seat. *See Exhibit A hereto (8/27/24 screen shot of Secretary of State Candidate List (2024 General Election)).*

6. I gladly welcomed and still welcome UKP's nomination and support, to give voters in the 102nd District more choice at the ballot box, and because I share UKP's concern that voters in the middle of the political spectrum tend to get ignored both in politics and in policy-making in Topeka, as elected officials are often punished for being more moderate and open to compromise.

7. This dynamic of the two-party system exaggerates our divisions. Our primary system rewards politicians for taking extreme positions, while moderates from both sides struggle to survive in a system that by its nature tends to elevate the most "pure" candidates each election cycle. As the gulf between our elected officials widens, the spirit of compromise is suppressed and effective governance becomes more difficult. The situation makes it seem as though everyday Kansans are as divided as the politicians they elect — when the truth is that most of us share common ground.

8. Over three terms in the State House since 2017, I have watched as the two sides, Republicans and Democrats, have grown further apart, at times creating rancor during the legislative session and making it hard for anyone trying to reach across the aisle to collaborate and get things done. My view is that Republicans and Democrats typically have different philosophies on the proper role of government, and I relate more to the latter. But the truth is we can't have it all one way and not the other. Policy that blends the ideals of both parties tends to produce the best outcomes for the most people.

9. I believe that many voters in my district understand that. I have a large number of unaffiliated voters in my district, and I know a lot of moderate Republicans and Democrats who long for civility and productivity in government. Unfortunately, those in the middle are often ignored both in political campaigns and in policymaking in Topeka.

10. That is why I am encouraged by the emergence of UKP as a recognized Kansas political party. The leaders of the Party are focused on economic opportunity, affordable health care, quality education, infrastructure, protecting our natural resources, ethical government, and coming together to get things done. Most important and intriguing, UKP is committed to nominating competitive candidates who align with their values and can also secure the support of one of the major parties, rather than running its own standalone candidates with little prospect for victory whose presence on the ballot can accomplish little but jeopardize the election of the more moderate, competitive candidate in the race.

11. While I am proud to run for re-election as a Democrat, I am also pleased to support UKP's efforts, because their approach lets voters express their support for a viable candidate on the ballot line of the party that most closely matches their values. Hopefully that expansion of meaningful electoral choice will increase voter engagement, and by manifesting public support for greater moderation and pragmatism, encourage more productive attitudes among our State's political leadership toward the business of government. Even if United Kansas received only a modest percent of the vote in helping a candidate like me win, I am hopeful we could change the incentives in Topeka and make it more likely that different political factions will search for common ground. As an elected official, I understand that voters use their ballot to send a message—and that votes cast for me on the UKP line would convey clear support for the principles of moderation and pragmatism at the heart of the UKP mission.

12. For these reasons, since receiving my UKP nomination in May, I have wished to retain both the UKP and Democratic Party nominations, to publicly campaign and seek support from the voters of the 102nd District as the formal nominee of both parties, and to serve next term in the State House to advance the ideals and key priorities of both. I would have no

difficulty promoting the goals and embodying the values of both parties, just as I successfully balance competing interests and demands of stakeholders and constituents in my district today.

13. However, on June 21, 2024, prior to my victory in the August 6 Democratic Party primary, the General Counsel to the Kansas Secretary of State issued a letter to UKP stating that under Kansas law (see K.S.A. §§ 25-306e and 25-613) the Secretary will prohibit me from keeping both the UKP and Democratic Party nominations, and will permit my name to be printed on the ballot only once, as the candidate of a single political party.

14. The General Counsel did not question the validity of either nomination. Rather, he explained that were I to win the August 6 Democratic primary for the 102nd District (as in fact occurred), then Kansas law will require me to file within seven days after certification of my victory a written statement specifying one of the nominations to retain. If I fail to file the required statement within the seven-day deadline, then the Secretary of State will select one nomination or the other for me, and my name will appear only once on the November ballot as the candidate of the party the Secretary of State chooses.

15. As I noted above, the State Board of Canvassers met on August 28, 2024, and certified my Democratic Party nomination as the victor in the August 6 primary. That same day, I received an e-mail message from the Secretary of State Director of Elections, advising me that because I had received two nominations for the 102nd House District, one from UKP and one from the Democratic Party, I am required under K.S.A. 25-306e to file a sworn statement, by September 4, 2024, “designating which nomination” I “will accept.” A true and correct copy of the e-mail from the Director of Elections is attached hereto as Exhibit B.

16. Since I received UKP’s nomination in May, it has been my strong desire to run as the formal nominee of both UKP and the Democratic Party, and to serve next term in the State

House on behalf of both parties. I recognized, however, even before receiving the General Counsel's June 21 letter, that the Secretary of State, applying Kansas law, might not permit me to do so, and that I might be compelled and coerced to choose between the two nominations. It has been my decision since then that if put to that unwelcome choice, I would retain the Democratic Party nomination, to keep the ballot line of the more established party with a larger current number of registered voters and of which I have long been a member. Only with great reluctance, having been given no other choice in the matter, would I therefore relinquish my UKP nomination. Leaving that decision to the sole discretion of a different state official, especially one who is a partisan ally of my electoral opponent, was never an option.

17. Therefore, on August 31, 2024, I submitted to the Director of Elections a sworn statement in which I expressed my strong preference to retain both the UKP and Democratic Party nominations, and to have both appear on the general election ballot. I also voiced my belief that the Secretary's actions in this matter violate fundamental rights guaranteed by the Kansas Constitution. As required, though, per the General Counsel's June 21 letter, and the August 28 message from the Director of Elections, I designated the Democratic Party nomination as my selection to retain. A true and correct copy of my statement submitted to the Director of Elections is attached hereto as Exhibit C.

18. As a result of the Secretary's actions, I have been required against my will to forfeit one of the two valid political party nominations that I have earned and still desire to keep. Further, I will be prevented from truthfully representing myself to voters as the formal nominee of UKP, during the campaign and on the November ballot. As a result I will be impaired in my ability to expand my appeal to and support among Kansas voters, thus compounding the difficulty and expense of achieving re-election.

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

Executed on Aug, 31, 2024

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Jason Probst

# **Exhibit A**

An official State of Kansas government website. [Here's how you know.](#)



**SCOTT SCHWAB**  
KANSAS SECRETARY OF STATE



- Businesses
- Elections
- Publications
- General Services
- Lobbyist
- Media
- About

## Candidate Lists



Select from the drop-down menu below to view a list of candidates in the primary or general election for national and state offices in table format. The table view of the candidate list is updated automatically as each candidate files valid petition forms or declaration of intention forms.

Choose an election:

Submit

### Candidates for the 2024 General

Print Candidate List

Aric Hermann	Kansas House of Representatives	53	0	0	Libertarian	Aric		Hermann
Robert Thomas	Kansas House of Representatives	61	0	0	Libertarian	Robert		Thomas
Lori C. Blake	Kansas House of Representatives	69	0	0	United Kansas	Lori	C.	Blake
Joseph Trotter	Kansas House of Representatives	96	0	0	Libertarian	Joseph		Trotter
Jason Probst	Kansas House of Representatives	102	0	0	United Kansas	Jason		Probst
Peter Solie	Kansas House of Representatives	109	0	0	Libertarian	Peter		Solie
Kiel Corkran	Member, State Board of Education	2	0	0	independent	Kiel		Corkran

# **Exhibit B**

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**From:** Bryan A. Caskey [SOS] <[Bryan.Caskey@ks.gov](mailto:Bryan.Caskey@ks.gov)>

**Sent:** Wednesday, August 28, 2024 11:22 AM

**To:** [thatguyinhutch@gmail.com](mailto:thatguyinhutch@gmail.com)

**Cc:** Clay Barker [SOS] <[Clay.Barker2@ks.gov](mailto:Clay.Barker2@ks.gov)>

**Subject:** Multiple nominations

Dear Representative Probst:

You have received two nominations for Kansas House of Representatives, District 102. One nomination from the Democratic Party and one nomination from the United Kansas Party. K.S.A. 25-306e requires any person who receives two or more nominations for the same office to file a written statement, signed and sworn by you, designating which nomination you will accept. The statement shall be filed with the Secretary of State's office at my attention. The deadline to file the statement is Wednesday, September 4<sup>th</sup>.

If you have any questions, please let me know.

**BRYAN A. CASKEY** | Director of Elections

Kansas Secretary of State | 785-296-3488 P | 785-581-3623 C | 785-291-3051 F |  
Memorial Hall, 1<sup>st</sup> Floor | 120 S.W. 10<sup>th</sup> Avenue | Topeka, KS 66612-1594

"Every election is determined by the people who show up."

- [Larry J. Sabato](#), *Pendulum Swing*

# **Exhibit C**

Dear Secretary Schwab:

Representing the 102nd House District is a privilege and an honor. I am honored to have received the nominations of both the Democratic and United Kansas Parties in seeking re-election. Indeed, my district is home to proud Democrats and others who embrace the United Kansas platform.

It is my strong preference to retain both nominations through Election Day and to have both nominations appear on the general election ballot. However, I understand from your recent correspondence that you will not permit this to occur pursuant to K.S.A. 25-306e. Rather, your office will rescind one of the nominations. The only question is whether I designate one nomination to keep, or abstain from making a designation, in which case you will instead make this selection yourself.

While I continue to believe that these restrictions violate fundamental rights guaranteed under the Kansas Constitution, please accept this notice formally designating my selection to retain the Democratic nomination.

Regards,



Jason Probst

Representative, 102nd District

8/31/24  
Date

VERIFICATION

STATE OF KANSAS        )  
                                  )  
RENO COUNTY            )

SS:

Jason Probst, of lawful age, being first duly sworn on oath, deposes and states:

That I am the Candidate for the 102<sup>nd</sup> House District, and I am familiar with the above and foregoing and affirm that said statements contained therein are true and correct.



Jason Probst

SUBSCRIBED AND SWORN TO BEFORE ME this 31 day of August, 2024.

  
Notary Public

My Appointment Expires: 08/06/2028

