



NO LABELS KANSAS PARTY

David G. Miller, Chairman | 913-349-2268 | chairman@nolabelskansas.com

PRESS ALERT: For Immediate Release - 5/30/26

LAWRENCE - David G. Miller, Chairman of No Labels Kansas (NLKS), filed Thursday to run for Insurance Commissioner under the No Labels Kansas ticket.

Secretary of State Scott Schwab warned in a letter dated 5/8/26 that such filings by NLKS would be rejected. “When we reached out to the Secretary and alerted him of our intention to file candidates, he initially responded that he would not allow NLKS to participate,” said Miller. But Thursday, Miller’s Certificate of Nomination and filing fee were received, accepted, and certified by Schwab’s Director of Elections, Bryan Caskey. Strangely, Miller’s filing has yet to be posted to the Secretary of State’s website alongside those of other general election candidates.

Last week, the Secretary of State declared the NLKS party to no longer exist and ordered all NLKS voters to be re-registered as ‘unaffiliated’ and no longer ‘No Labels Kansas.’ But at Miller’s filing, Caskey recognized NLKS as a party and set the fee at \$670, which was paid with party funds by NLKS Treasurer, Doug Johnson. Caskey described the amount as the usual filing fee for minor parties, “because third parties don’t pay the filing fee, they just pay the Ethics Commission fee.”

When later questioned whether Schwab intended to reverse his order of 5/18/26 terminating the status of NLKS as a recognized political party and restore the registrations of more than 7,000 Kansas voters, reflecting their choice to affiliate with NLKS, Caskey answered, “At this point in time, no.”

Miller said, “The NLKS State Executive Committee believed it is important that we test this issue and, therefore, decided that I should be nominated. I agreed. Imagine my astonishment when, first, the Director recognized NLKS as a ‘third party,’ approved our Certificate of Nomination, accepted it along with our party check, stamped it, and returned an official copy to us for our records, then indicated that the Secretary would continue to pretend that we don’t exist.”

At the direction of the NLKS Executive Committee, Miller filed the suit on Thursday in Shawnee County District Court, seeking relief (see pleading attached below).

“Last week, in an unexpected and politically motivated broadside, the Secretary stepped completely outside the law and simply ordered our party to be dissolved. Worse, his order also included a directive to county election officials to immediately alter the registrations of more than 7,000 Kansas voters. Those voters -- our voters -- who neither knew about, requested, nor authorized this move are now justifiably confused, upset, and angry as they receive notices that their registrations were tampered with. This is nothing more than bullying, abuse, and misusing the strong arm of government to silence Kansans he perceives to be a threat to the uniparty’s dominance in Topeka and his own campaign for Governor. His order not only introduces chaos into this year’s elections, it opens our voters up to being poached by other parties.”

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Miller, pointing to a lawsuit he filed Thursday on behalf of NLKS, said, "That's why I took the extraordinary step of requesting an emergency injunction against the Secretary. He is, once again, acting lawlessly, arbitrarily, capriciously, and maliciously toward NLKS and its voters. But he may have just stepped on a rake in his war on our movement by tampering with the registrations of voters who did not request that their records be changed. We have reason to believe he may have violated several state and federal laws barring election interference."

Miller continued, "As yet another part of Mr. Schwab's scheme to wipe No Labels Kansas off the map, he also ordered the removal of previously filed, accepted, and posted forms and reports from his website. Those are official documents required by law to be filed. They belong to the people of Kansas, not to Mr. Schwab, and must be submitted and posted to ensure transparency and accountability in our elections. We believe that by ordering them purged from official websites, he may have violated KSA 21-5920, which assesses criminal penalties for tampering with public records. Mr. Schwab is not exempt from those laws simply by virtue of the title he currently holds."

"After filing to run for Insurance Commissioner, then being told that the Secretary would not restore NLKS's designation as a Kansas political party and that our voters would not have their registrations restored -- two completely contradictory positions -- I had no choice but to seek intervention by the court to stop Mr. Schwab's politically-motivated attack on our party."

"The Secretary's actions have thrown No Labels Kansas into chaos and disrupted our planned nominating process. On Thursday, with the deadline for NLKS to file candidates just 1 1/2 business days away, I requested an emergency injunction from the court to reverse or at least stay Mr. Schwab's actions and to extend our filing deadline until September 1st," said Miller. "That's a reasonable and justifiable extension as even the Secretary acknowledges that general election ballots, on which our nominees will appear, are not printed until the first week of September."

Miller said, "The court offered to hear arguments at 10:00 AM Monday morning. We accepted that invitation and were preparing to appear to prevent Mr. Schwab from slamming the window shut and declaring us 'too late' to participate in this year's elections. However, the Secretary is again slow-walking, stiff-arming, and stonewalling NLKS, claiming that he cannot appear because his attorney is on vacation. He has access to a phalanx of lawyers through the Attorney General's office. Surely they're not all on vacation," noted Miller.

"We will, obviously, comply with whatever schedule the court deems appropriate," said Miller, "but this is just another example of the Secretary's documented pattern of hostility, attempted intimidation, and obstruction of NLKS and its supporters. We're asking the court to make him stop."

"Apparently, the Secretary intends to double down on his unilateral and illegal decision to dissolve our entire party and scatter its voters based on nothing more than a request from a single Republican operative. That operative was never elected to any party post by NLKS registrants, has never been heard from prior to now, and has never even registered as an NLKS voter," said Miller. "He has zero authority to speak for our party and its more than 7,000 registrants. He is, frankly, trying to hijack this movement. In the meantime, our current leadership team was elected following a plebiscite election in which all registered No Labels Kansas voters were mailed a ballot and invited to vote."

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Miller concluded, “Until we began detecting earlier this Spring that we were being stiff-armed by the Secretary, we had been working toward a nominating convention so that NLKS could offer Kansas voters real choices on their ballots this November. We’ve spent countless hours and many thousands of dollars preparing to participate in this year’s elections. We intend to do just that.”

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IN THE THIRD DISTRICT COURT OF SHAWNEE COUNTY, KANSAS
CIVIL COURT DEPARTMENT

DAVID G. MILLER, CHAIRMAN)
NO LABELS KANSAS PARTY)

Plaintiff,)

vs.)

SCOTT SCHWAB, SECRETARY OF STATE)
STATE OF KANSAS)

Defendant.

Case No. SN 2026 CV 510
Division No. 15

APPLICATION FOR EMERGENCY INJUNCTION

Plaintiff David G. Miller makes application for an emergency injunction against Defendant pursuant to KSA 60-901 et seq.

I. STATEMENT OF FACTS

1. **Plaintiff has standing to seek injunctive relief.** Plaintiff David G. Miller is an individual, a resident of Douglas County, Kansas, and was, until an order was issued by Defendant on May 18, 2026 [**Exhibit A**], registered to vote under the No Labels Kansas (NLKS) designation established by Defendant [**Exhibit B**]. Plaintiff was elected to the NLKS State Executive Committee (NLKS SEC), per Bylaw 4(b) of the *No Labels Kansas Constitution and Bylaws* [**Exhibit C**], which were ratified in a plebiscite election concluded on February 28, 2026. In that plebiscite election, more than 6,000 registered No Labels Kansas voters were mailed a printed ballot [**Exhibit D**] and encouraged to vote on a proposed set of bylaws, as well as an initial slate of recommended members of the NLKS SEC. All party registrants were invited to nominate themselves or other NLKS registrants to serve on the SEC. Said plebiscite culminated in the ratification of the proposed bylaws by more than the required majority of those participating and the proposed initial slate of SEC members was elected. Per NLKS Bylaw 4(b), Plaintiff was

subsequently elected to the NLKS SEC **[Exhibit E]**. Per Bylaw 4(c)(i), Plaintiff was elected on April 27, 2026 by the NLKS SEC to serve as Chairman of No Labels Kansas party **[Exhibit F]**. Per NLKS Bylaw 4(a), the NLKS SEC singularly possesses the authority to act on behalf of No Labels Kansas party and its members. Per NLKS Bylaw 4(c)(ii), the Chairman of NLKS serves as the party's chief executive officer and, in that capacity, is authorized to act on behalf of the NLKS SEC and the party in general in matters of business, law, finance, and public relations. Accordingly, Plaintiff David G. Miller has standing to seek injunctive relief from this court on his own behalf as a registered NLKS voter, on behalf of the NLKS SEC, and on behalf of all voters registered under the No Labels Kansas designation.

2. **Shawnee County District Court is the appropriate venue.** Because Defendant, in his capacity as Secretary of State, represents the State of Kansas and this is primarily a matter governed by state law, Shawnee County District Court is the appropriate venue to seek injunctive relief against Defendant.

3. **Time is of the essence.** On Monday, May 18, 2026, Defendant publicly announced that he had, acting solely on the request of a single individual **[Exhibit G]**, a registered Republican **[Exhibit H]**, terminated No Labels Kansas's designation as a recognized political party in the State of Kansas, an apparent attempt to dissolve the party. Defendant further directed county election officials statewide to immediately alter the voter registration records of more than 7,000 No Labels Kansas registrants to "unaffiliated" without said registrants' knowledge, authorization, or request to do so **[Exhibit A]**. Among the voter registration records altered was Plaintiff's **[Exhibit I]**. Defendant and the election officials he directed have moved with unexplained and alarming speed to execute this dissolution of NLKS and mass-disaffiliation of voters from the party under which they chose to register. Plaintiff alleges that Defendant is moving swiftly to execute this action

because Plaintiff notified Defendant's Director of Elections on May 4, 2026 of NLKS's intent to nominate candidates for office in the 2026 general election. In his email to the Director [Exhibit J], Plaintiff requested that the Director review a proposed draft certificate of nomination for completeness and compliance with applicable Kansas laws, since no standardized form is provided by the Defendant conforming to statutes governing the filing of certificates of nomination by parties not qualified to conduct primary elections. Plaintiff's reason for emailing the Director was to ensure that any certificates of nomination submitted by NLKS by that deadline would not be disqualified over a legal, technical, or formatting shortcoming. Defendant's response was to abruptly issue the aforementioned order on May 18, 2026 which, Plaintiff alleges, was coordinated with said Republican individual specifically to block No Labels Kansas from nominating candidates to run in the November 2026 general election by the statutory deadline, which is **noon on Monday, June 1, 2026**. This Application for Emergency Injunction is not intended to address the Defendant's declaration in a letter from his General Counsel dated May 8, 2026 [Exhibit O] that he will refuse to receive or process certificates of nomination submitted by Plaintiff and NLKS. Separately, Plaintiff is planning to file a Petition for a Writ of Mandamus with the Supreme Court of the State of Kansas compelling Defendant to receive and process any certificates of nomination he receives from NLKS, as he is required to do by KSA 302 et seq. **Rather, this Application for Emergency Injunction seeks to stay or reverse the Defendant's May 18, 2026 order terminating No Labels Kansas's status as a recognized political party and involuntarily altering the party affiliation of more than 7,000 Kansas voters who had already chosen to affiliate with NLKS.** With the deadline for NLKS voters to file candidates for public office now just days away and Defendant's order to effectively dissolve the party and scatter its registered voters an obvious attempt to thwart NLKS's previously stated intention to file

candidates, time is of the essence. Accordingly, immediate injunctive relief is sought so NLKS may continue to exist as a recognized Kansas political party and its registrants may exercise their legal right to participate in the 2026 general election.

4. **Defendant's order of May 18, 2026 is arbitrary, capricious, and outside the bounds of Kansas law.** Per KSA 25-302b, once recognized, a political party in Kansas may only lose its recognition if (a) "it fails to receive at least 1% of the total vote cast for any such office in this state at any general election, or" (b) it "fails to nominate persons for at least one such office." **[Exhibit K]**. No provision exists in Kansas law providing for a single individual or even a group of individuals to request the dissolution of a political party, once it has been recognized and voters have registered under its designation. Additionally, no provision in Kansas law grants the Defendant the authority to act upon such a request and terminate a party's status as a recognized political party, after said party has been recognized and voters have begun to affiliate with it. Further, no provision in Kansas law grants the Defendant the authority to then, acting upon nothing more than his own decision to terminate the party's recognized status, tamper with and alter the party registrations of thousands of Kansans *en masse* without their request, knowledge, or consent. Plaintiff alleges that Defendant may have violated KSA 21-5920 by "knowingly and without lawful authority altering, destroying, defacing, removing or concealing any public record," and that Defendant does not possess such authority, simply by virtue of the office he holds and his own extra-statutory decision to terminate the recognition of a political party based on the request of a single individual, to unilaterally alter a voter's publicly recorded desire to affiliate with a recognized political party. Plaintiff further alleges and is investigating whether Defendant may also be in violation of KSA 25-3301 which requires, "Party affiliation statements shall be preserved for five years" and U.S.C. Title 52 provisions prohibiting election interference.

5. **Defendant’s claim to have issued his May 18, 2026 order at the behest of those authorized to act on behalf of NLKS is false.** Defendant publicly asserts that he is acting upon the request of a single individual, a Republican political operative residing in LeCompton, who falsely claims to be the NLKS “Secretary and Treasurer” [Exhibit G]. Neither the Defendant nor this individual has ever provided evidence that he was elected by No Labels Kansas party members or any portion of the party thereof following the party’s recognition on January 17, 2024, as required by statute. KSA 25-3307 [Exhibit L] specifically requires that a party seeking official recognition, “shall file a statement of organization and a certified list of officers with the secretary of state. **Such organization shall have obtained official recognition as a political party prior to filing.**” Accordingly, this Republican operative is not the “Secretary and Treasurer” of NLKS, was neither nominated nor elected to the NLKS SEC in the recently conducted party-wide plebiscite, holds no position of authority within NLKS, and is not even registered to vote under the No Labels Kansas designation [Exhibit H]. Further, NLKS Bylaw 4(a), ratified by NLKS voters on February 28, 2026, clearly states that “The State Executive Committee shall direct, administer, and execute NLKS authorized activities.” NLKS Bylaw 4(b) stipulates that the State Executive Committee, “shall consist of no fewer than three individuals who qualify as party members under Section 3(a) above” and grants no power to any single individual to exercise a degree of authority on behalf of the party that would result in the party’s involuntary dissolution and the forced disaffiliation of thousands of Kansas voters from its rolls. Even proposed, unverified, and never-ratified bylaws submitted months prior to No Labels Kansas’s official recognition as a Kansas political party, upon which Defendant falsely asserts that the Republican political operative has the authority to make this request, stipulate, “The State Executive Committee (“Committee”) directs and administrates NLKS authorized activities.” Even if

Defendant and the Republican political operative attempt to point to those proposed-but-never-ratified bylaws as justification for their actions, those bylaws do not allow, in any circumstance, a single individual to exercise near-dictatorial authority on behalf of the entire party. Plaintiff asserts that this is particularly true when said individual's actions will result in the suppression of the freedoms of speech and association of thousands of NLKS party registrants and the potential disenfranchisement of millions of Kansas voters by depriving them of the right to consider alternatives to the candidates proffered by this state's two dominant parties.

6. **Defendant's justification for issuing his order to dissolve NLKS and disaffiliate its registrants by asserting that NLKS cannot nominate candidates, other than those for President and Vice President, is false.** Defendant attempts to justify his order to terminate NLKS's status as a recognized Kansas political party and disaffiliate its registrants by pointing to the request allegedly authored by the Republican political operative in which it is claimed that NLKS cannot nominate candidates other than those for President and Vice President [**Exhibit G**]. That assertion is false. In that request from the Republican political operative, it was claimed "No Labels Kansas was formed only for the purpose of potentially nominating candidates for President and Vice President. Because No Labels Kansas declined to nominate candidates for those offices in 2024 and has no intention of doing so in the future, its central organizational purpose no longer exists. Consequently, No Labels Kansas hereby requests the termination of any recognition for No Labels Kansas as a state political party and all its functions, duties, requirements, and processes granted under Kansas state law." On July 11, 2025, a similar attempt to block Arizona candidates seeking to run for down-ballot offices under the No Labels party designation was unanimously struck down by the 9th Circuit Court of Appeals [**Exhibit M**]. Speaking for the panel, Judge Salvador Mendoza wrote, "The right to vote belongs to party members, not the party leadership,

and that is where it will remain. No Labels attempts to assert top-down control by dictating who may be on its ballot, but a party ‘does not have monolithic control over its own members and supporters.’” Accordingly, the Defendant’s claimed justification for acting upon the request of the Republican political operative is false, without merit, and his May 18, 2026 order should be stayed or reversed.

7. **Defendant is acting with malicious intent.** Plaintiff alleges that Defendant is acting with malicious intent, has demonstrated a pattern of animus toward NLKS from its earliest arrival on the Kansas political scene [**Exhibit N**], is acting in the interest of his own party and his own self-interest as a current declared candidate for Governor, and is abusing his authority as this state’s top election official, knowing that he is shielded by longstanding protections available to him under principles of sovereign immunity. Plaintiff received a letter from Defendant’s general counsel, dated May 8, 2026 [**Exhibit O**], which partially forms the basis for Plaintiff’s planned Petition for a Writ of Mandamus but is provided herein to establish context, threatens Plaintiff with prosecution, allegedly for violating KSA 25-2424 which criminalizes “impersonating a party officer.” The Defendant follows up that threat by stating that “NLKS, the recognized political party, cannot nominate candidates for statewide office, and that pursuant to K.S.A. 25-302b, *it may lose its recognized political party status.*” Plaintiff alleges that the final phrase of that sentence (italicized) demonstrates a continuing pattern of hostility by Defendant toward the very existence of NLKS from its earliest days and foreshadows his underlying intent to see to it that NLKS withers and dies [**Exhibit N**], even if he has to facilitate it. That pattern of hostility is amplified and the foreshadowing manifested in the order issued by Defendant on May 18, 2026 to eliminate NLKS entirely and scatter its more than 7,000 registrants with the obvious intent of blocking it from nominating candidates, thereby setting it on a path to lose its recognition under KSA 25-302b.

8. **The NLKS train has left the station.** NLKS had been, under the leadership of Plaintiff, up and running, raising and expending party funds as authorized by KSA 25 Article 41, planning meetings, conducting internal elections, building party membership, engaging in public debate, carrying out polling, and issuing legally required public disclosure reports. It had been in discussions with candidates about running under its banner, had been planning to nominate several, and has done everything it knows to do to comply with statutes governing the operation of political parties. In short, it is operating in a manner similar to Kansas's four other political parties. Plaintiff alleges that Defendant's actions were politically motivated and timed to derail months of work and thousands of dollars invested by NLKS leaders preparing to nominate candidates and to prevent the party from having sufficient time to recover from Defendant's sweeping, unilateral, and extra-statutory actions which now make it impossible to carry out its planned nomination process. As noted by the 9th Circuit Court of Appeals, NLKS belongs to its members, not those claiming party leadership who have not been elected to such posts and haven't, in nearly three years, even bothered to re-register under the party's designation, post-recognition. Neither is NLKS subject to nor bound by the whims, actions, and political agendas of the Defendant who attempts to excuse his illegal actions by claiming they stem from the request of parties who are not affiliated with NLKS and have no authority to dictate its operations or objectives.

9. **No injury to Defendant or the public interest.** The injury posed to Plaintiff and NLKS party registrants outweighs whatever damage the proposed injunction may cause Defendant. The issuance of an injunction against Defendant will not harm Defendant and will not be adverse to the public interest. Plaintiff asserts that, in fact, the public interest will be damaged if Defendant's actions are permitted to stand as, pending the outcome of the planned, separate

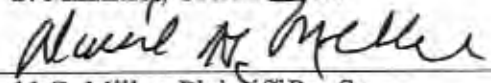
Petition for a Writ of Mandamus, more than 2 million Kansas voters may be denied additional choices they have a right to consider on their November 3, 2026 general election ballots.

10. **Relief sought.** Plaintiff prays for judgment in his favor and for the Court to enjoin Defendant from further attempts to dissolve or alter the status of No Labels Kansas as a recognized political party. Plaintiff prays for the Court to immediately order Defendant to reverse his directive to county election officials to disaffiliate registered NLKS voters from their party of choice and restore said voters' affiliation to that under which they had registered prior to the issuance of the Defendant's order. If the Court so enjoins Defendant and reverses Defendant's order to disaffiliate NLKS voters, Plaintiff prays for an extension of the filing deadline set forth in KSA 25-305(a) to September 1, 2026 so that, per NLKS Bylaw 5(b), the party may have time to execute its planned nominating process, now made impossible to execute prior to the June 1, 2026 filing deadline as a result of Defendant's extra-statutory actions. Plaintiff further prays the Court to award Plaintiff actual damages, attorney's fees and expenses, court costs, and any further relief the Court deems just and proper.

Respectfully submitted,

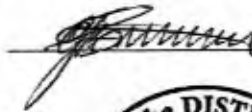
DAVID G. MILLER, CHAIRMAN

BY:



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SUBSCRIBED AND SWORN TO, before me, a notary public, or deputy Clerk, this 28th
Day of May, 2026. -- End of Term



Deputy Clerk



I certify that on the 28th day of May, 2026, I
I filed the foregoing with the Shawnee County Clerk
of the Court and a copy will be delivered via hand-
delivery or electronic mail to:

Secretary of State Scott J. Schwab
Attn: Clayton Barker, General Counsel
Docking State Office Building
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Topeka, KS 66612
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