

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

**KANSANS FOR CONSTITUTIONAL
FREEDOM,**

Plaintiff,

v.

KRIS KOBACH, et al.,

Defendants.

Case No. 25-2265-DDC-GEB

MEMORANDUM AND ORDER

Americans for Public Trust and Honest Elections Project have filed a Motion for Leave to File Brief as Amici Curiae (Doc. 29). These entities seek to file an amici brief opposing plaintiff’s Motion for Preliminary Injunction (Doc. 9). Doc. 29 at 1. In a nutshell, amici’s proposed filing urges the court not to strike down as unconstitutional Kansas’s H.B. 2106, a newly adopted law which “bars noncitizens from spending money to influence Kansas’ elections[.]” Doc. 29-1 at 5. Amici also emphasize the “wide leeway” states enjoy in regulating elections. *Id.* Amici assert their brief “offer[s] a unique perspective and unique information to assist the court[.]” Doc. 29 at 4. They note that their interests “are related to a class of laws designed to protect elections from foreign and other deleterious influences” while the State of Kansas’s interests “are limited to the enforcement of its law[.]” *Id.* And their brief purports to “deal with the concrete, real-world consequences of this case”—it focuses specifically on “the context of ballot initiatives and constitutional referenda” and employs amici’s “expertise in campaign finance and foreign contributions[.]” *Id.* at 5.

“Federal courts have discretion in allowing participation as amicus curiae.” *N.M. Oncology & Hematology Consultants, Ltd. v. Presbyterian Healthcare Servs.*, 994 F.3d 1166, 1175 (10th Cir. 2021); *see also Hammond v. City of Junction City*, No. 00-2146-JWL, 2001 WL 1665374, at *1 (D. Kan. Dec. 17, 2001) (“Whether to permit a nonparty to submit a brief, as amicus curiae, is a matter within the sound discretion of the court.”). Courts allow amicus curiae briefs “upon a finding that the proffered information of amicus is useful or otherwise necessary to the administration of justice.” *Hammond*, 2001 WL 1665374, at *1. And courts “consider whether the amicus brief provides unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide.” *Pickup v. Dist. Ct. of Nowata Cnty., Okla.*, No. CIV 20-0346 JB/JFJ, 2023 WL 1394896, at *52 (N.D. Okla. Jan. 31, 2023) (internal quotation marks and citation omitted). The court, in its discretion, finds the proffered brief useful enough and welcomes its perspective to help decide an issue of importance, namely the constitutional legitimacy of H.B. 2106.

IT IS THEREFORE ORDERED BY THE COURT THAT the Americans for Public Trust and Honest Elections Project’s Motion for Leave to File Brief as Amici Curiae in Support of Defendants (Doc. 29) is granted. The court will consider the amici brief (Doc. 29-1) filed and part of the record.

IT IS SO ORDERED.

Dated this 20th day of June, 2025, at Kansas City, Kansas.

s/ Daniel D. Crabtree
Daniel D. Crabtree
United States District Judge