

Office of the County Attorney
State of Kansas
County of Bourbon



James Crux
County Attorney

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May 11, 2026

RE: Recall Petition

Dear Recall Committee Members, Commissioner Tran, and Ms. Walker,

I am in receipt of a recall petition seeking the recall of County Commissioner Samuel Tran. This petition appears to be in proper order and contains all statutory required elements. The listed ground for recall alleges Failure to Perform Required Duties. Ultimately, after a review of case law and applicable statutes, I find that the stated basis of Failure to Perform Required Duties has been alleged with sufficient particularity and contains a nexus to the duties of County Commissioner.

K.S.A. 25-4320 requires a petition to include: the name and office of the local officer sought to be recalled; the grounds for recall described in less than 200 words with particularity; a statement that the petition signers are registered electors of the election district; the name and address of the recall committee members; the warning required in K.S.A. 25-4321; and a statement that a list of all persons authorized to circulate the petition is on file at the office of the County Election Officer. All of these requirements are contained in the petition I have reviewed.

Statutes governing the exercise of a right to seek a recall are to be liberally construed in favor of that right. *Unger v. Horn*, 240 Kan. 740, 741, 732 P.2d 1275 (1987). Upon receipt of a petition, it is the duty of the County Attorney to determine the sufficiency of the petition. K.S.A. 25-4322. The petition must show some nexus between the conduct and the elected official's duties. *Baker v. Gibson*, 22 Kan.App.2d 36, 45, 913 P.2d 1218 (1995).

Here, it is alleged that Commissioner Tran failed to comply with Kansas statutes regarding the passing of a budget in 2025 for the 2026 year. The allegations include failure to pass an appropriate budget in violation of K.S.A. 79-2934. It is noted this violation was reported in a 2025 audit presented in May of 2026. Reviewing the petition and, for these purposes, assuming the facts are true, failure to pass an appropriate budget appears to be a failure to perform required duties with a nexus to the duties of County Commissioner. "[T]he truth or

falsity of the grounds must still be determined by the electorate, not the county or district attorney." *Baker*, 22 Kan.App.2d at 45.

Sincerely,

A handwritten signature in black ink, appearing to read 'James Crux', written in a cursive style.

James Crux
Bourbon County Attorney

Petition For Recall of Elected Official RP

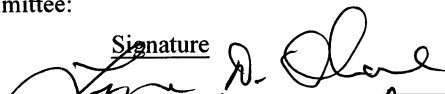
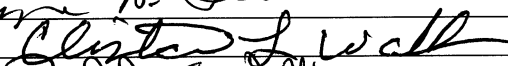
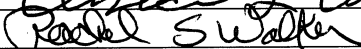
I, the undersigned, hereby seek the recall of Samuel Tran from the office of Bourbon County Commission District 1, on the ground(s) that: under K.S.A. 25-4302 Samuel Tran failed to perform the official duties as prescribed by law under K.S.A. 79-2934, 19-233 and 19-243. K.S.A. 79-2934, also known as Kansas budget law, states no money in any fund shall be used to pay for any indebtedness created in excess of the total amount of the adopted budget of expenditures for such fund. On December 15, 2025, Samuel Tran, during a regular business meeting stated he would not be available to attend any budget hearing to amend the budget after the ten-day publication requirement. Samuel Tran failed to perform the duties prescribed by law to make himself available to amend known violations of budget law for Bourbon County creating a budget violation. This budget violation was cited in the 2025 audit presented on May 4, 2026. These actions and omission demonstrate a failure to perform the official duties as prescribed by law and constitute sufficient grounds for recall under Kansas Statutes.

and declare that I am a registered elector of Bourbon County, Kansas, and of the election district of the officer named above.

	Signature of Signer	Name of Signer (Print)	Street Number or Rural Route (as registered)	Name of City	Date of Signing
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

NOTE:

- It is a class B misdemeanor to sign a name other than your own name to this petition, to knowingly sign more than once for the recall of the same officer at the same election or to sign this petition knowing you are not a registered elector.
- The following comprise the recall committee:

<u>Printed Name</u>	<u>Signature</u>	<u>Residence Address</u>
Lynne D. Oharah		2120 95 th ST Uniontown, KS.
CLINTON L WALKER		1999 105 th ST Mapleton, KS 66754
Rachel S Walker		1999 105 th ST Mapleton, KS 66754

- A list of all petition circulators authorized to circulate petitions for this recall may be examined in the office of the Bourbon County election officer.

Affidavit

STATE OF KANSAS

COUNTY OF _____

} ss.

I, _____, affiant hereto, am a circulator (sponsor) of this recall petition, the only person that has circulated this copy of the petition. The signatures found hereon were made in my actual presence and to the best of my knowledge the signatures are those of the persons whose names they purport to be. I have circulated this petition in the manner provided by K.S.A. 25-4301 et seq., and being duly sworn state the grounds for recall are true.

Signature of Sponsor

Address of Sponsor

Subscribed and sworn to before me this _____ day of _____, 20 ____ .

(SEAL)

Person authorized to administer oaths

My appointment expires _____, 20 ____ .

RECALL PETITION STATEMENT (Kansas)

Against: Bourbon County Commissioner District 1, Samuel Tran

To the Electors of Bourbon County, Kansas:

We the undersigned qualified electors of Bourbon County, Kansas, hereby seek the recall of **Samuel Tran**, Bourbon County Commissioner, pursuant to the laws of the State of Kansas governing recall of elected officials.

Grounds for Recall

The grounds for recall are as follows:

Failure to perform duties prescribed by law.

K.S.A. 79-2934, also known as Kansas budget law, states no money in any fund shall be used to pay for any indebtedness created in excess of the total amount of the adopted budget of expenditures for such fund.

On December 15, 2025, Samuel Tran, during a regular business meeting stated he would not be available to attend any budget hearing to amend the budget after the ten-day publication requirement.

Mr. Tran failed to perform the duties prescribed by law to make himself available to amend known violations of budget law for Bourbon County creating a budget violation. This budget violation was cited in the 2025 audit presented on May 4, 2026.

These actions and omission demonstrate a failure to perform the official duties as prescribed by law and constitute sufficient grounds for recall under Kansas Statutes.