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RE: Recall Petition of Samuel Tran

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.

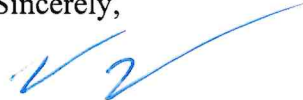
K.S.A. 25-4320 requires a petition to include: the name and office of the local officer sought to be recalled; the grounds for recall described in less than 200 words with particularity; a statement that the petition signers are registered electors of the election district; the name and address of the 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. 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,



James Crux
Bourbon County Attorney