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NEWS RELEASE

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FOR IMMEDIATE RELEASE

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WICHITA, Kan. — Pursuant to K.S.A. 25-2435, the Sedgwick County District Attorney's Office announces the conclusion of the investigation into potential criminal culpability arising from the issuance of a mailer the week of January 26, 2026 which contained inaccurate details regarding the March 3 Wichita Sales Tax special election.

Background Facts

As has been previously reported, on Monday, February 2, 2026, the Office of the District Attorney, 18th Judicial District, was contacted by Laura Rainwater, Sedgwick County Election Commissioner, regarding a mailer sent to Wichita voters the previous week by the group, "Wichita Forward."

The mailer contained the following inaccurate statements:

1. Under "Step 3" the mailer informed readers that advance ballots had to be received by the election office by February 24th. That was incorrect. Advance ballots must be received by 7 p.m. on the date of the election, March 3.
2. At the bottom of the mailer, under the section entitled "Vote In Person," the mailer states that polls are open from 6:00 a.m. until 7 p.m. That was incorrect. Polls are open from 7 a.m. to 7 p.m.

Wichita Forward issued an apology and clarification on Saturday, January 31, 2026, acknowledging the misstatements and clarifying with accurate information.

Investigation

The political consulting group, Cato Consulting, was retained by Wichita Forward to handle marketing associated with the March 3 special election. Cato Consulting then contracted with Hexcode Marketing, a private vendor, to design the mailer in question.

Both Cato Consulting and Hexcode Marketing provided written communications detailing the process by which the mailer came to be finalized. Both parties assert that the errors contained in the mailer were identified by Cato Consulting in writing before the mailer was sent to the printer. Hexcode Marketing sent the incorrect mailer on to be printed without taking corrective action to fix the mailer, which the company attributes to human error while attending to other tasks.

Various laws were considered, including K.S.A. 25-2433, *Advance Voting Suppression*, which prohibits “***knowingly, which intent to impede***, obstruct or exert undue influence on the election process,” “(d) exercising undue influence upon an advance voter in applying for, delivering or marking an advance voting ballot”; and K.S.A. 25-2415, *Intimidation of Voters*, which prohibits “(a)(2) mailing, publishing, broadcasting, telephoning or transmitting by any means false information ***intended to keep one or more voters from casting a ballot or applying for or returning an advance voting ballot.***”

There is no evidence that the goal of the marketing vendor or the consultant was to impede voters or prevent the casting of votes. Rather than uncovering evidence of the requisite criminal intent necessary to charge a crime, the investigation revealed that the inaccuracies in the mailer appear to have been the result of human error.

There is no evidence of the criminal intent necessary to support criminal charges in this matter.

Additional Note:

Questions have also arisen regarding a separate advertisement that purported to depict a Wichita fireman in uniform that was also attributed to Wichita Forward.

K.S.A. 4169a 25-4169a. Use of public funds, . . . to influence nomination or election of candidate, prohibits “an officer or employee of the state of Kansas or any municipality” from “expressly” advocating “the nomination, election or defeat of a clearly identified candidate to state office or local office.” (emphasis added)

This statute applies to campaigns for specific candidates for office, not special elections concerning specific issues.

The Office of the District Attorney is empowered by K.S.A. 25-2435 to prosecute violations of state election laws. The office has no authority concerning municipal ordinances or municipal ethics codes.

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