

IN THE SEVENTH JUDICIAL DISTRICT
DOUGLAS COUNTY DISTRICT COURT
CIVIL DEPARTMENT

DANIEL DOE, MATTHEW MOE, KYLE
KOE, NICHOLAS NOE, CAMERON
BROYLES, and DAKOTA WEST,

Plaintiffs,

v.

STATE OF KANSAS, *ex rel* KRIS
KOBACH, Attorney General; KANSAS
DEPARTMENT OF REVENUE, KANSAS
DIVISION OF VEHICLES; DEANN
WILLIAMS, Director of Vehicles,
Department of Revenue, in her official
capacity; MARK BURGART, Secretary of
Kansas Department of Revenue, in his official
capacity; KANSAS DEPARTMENT OF
ADMINISTRATION; and ADAM
PROFFITT, Secretary of Department of
Administration, in his official capacity,

Defendants.

Case No. DG-2026-CV-000112
Div. No. 4

AMENDED PETITION

Plaintiffs Daniel Doe, Matthew Moe, Kyle Koe, Nicholas Noe, Cameron Broyles, and Dakota West, by and through their undersigned attorneys, bring this Petition against the above-named Defendants, their employees, agents, and successors in office (“Defendants”), and in support thereof state the following:

I. PRELIMINARY STATEMENT

1. This lawsuit, seeking declaratory and injunctive relief, challenges Kansas Senate Bill 244 (“the Act” or “SB 244”), which was enacted on February 18, 2026, over Governor Laura Kelly’s veto and took effect upon publication in the Kansas Register on February 26, 2026. A copy of the Act is annexed hereto as Exhibit 1.

2. The Act targets transgender Kansans across multiple, unrelated domains of their lives. This sweeping law restricts transgender individuals from obtaining driver’s licenses reflecting their gender identity and bans transgender people from accessing restrooms or other single-sex spaces in a range of public places including libraries, courthouses, state parks, hospitals, and interstate rest stops. SB 244’s restrictions extend beyond just government buildings, applying also to buildings owned by or leased from the government, even if they are controlled by private entities. By targeting transgender Kansans, the Act violates the Kansas Constitution’s guarantees of personal autonomy, privacy, equality under the law, due process, and free expression. The Act similarly violates the rights of intersex Kansans who have a gender identity different from their sex assigned at birth. The Act also violates the Kansas Constitution’s single-subject and clear-title requirements.

3. SB 244 is just the most recent law in a shameful litany of statutes enacted by the Kansas Legislature meant to discriminate against and dehumanize transgender people.¹

4. Plaintiffs are individuals who are directly and immediately impacted by SB 244.

¹ See K.S.A. § 77-207 (erasing transgender people from Kansas law); K.S.A. § 60-5601, et seq. (excluding transgender students from school sports); K.S.A. § 65-28,137 et seq. (depriving transgender adolescents of healthcare); *id.* (prohibiting state employees from supporting transgender youth’s preferred names and pronouns); K.S.A. § 19-1903 (targeting transgender individuals in jails); K.S.A. § 38-2293 (exposing transgender youth in state care to placements with adults who may not support their identities).

Plaintiffs drive on public roads, work in public buildings, visit public spaces, and engage in public life. Plaintiffs, like other Kansans, use their driver's licenses to prove their identity and to travel freely. Plaintiffs, like other Kansans, also need to use restrooms when they are in public spaces. Plaintiffs, along with other people in Kansas who are transgender or intersex and have a gender identity different from their sex assigned at birth, will immediately suffer harm under SB 244 because they will not be able to utilize a driver's license with their correct gender marker or access public restrooms that accord with their gender identity.

5. SB 244 purports to immediately invalidate lawfully issued, unexpired, active driver's licenses if they do not reflect a person's biological sex assigned at birth, forcing Plaintiffs and other transgender or intersex Kansans to use licenses that are inconsistent with their gender identity, under threat of criminal and civil penalties for driving with an invalidated license. Going forward, Plaintiffs and other transgender and intersex Kansans will be restricted to using driver's licenses that indicate their sex assigned at birth and not their gender identity as reflected in their everyday lives. Using such inaccurate driver's licenses will forcibly out Plaintiffs as transgender or intersex to anyone who sees the incongruous gender marker on their identification.

6. SB 244 purports to immediately prohibit Plaintiffs and other transgender Kansans, as well as some intersex Kansans, from using restrooms in government buildings that correspond to their gender identity. If they continue to use the restrooms that they have been using for years without incident, they will be breaking the law, can be fined or charged with a Class B misdemeanor, and can be sued by anyone who is "aggrieved" by their presence. If they begin using the restrooms associated with their sex assigned at birth, they will be forcibly outed as transgender or intersex, may be harassed and targeted for violence, and may still be sued by

individuals who are “aggrieved” because they think Plaintiffs and other transgender or intersex Kansans are in the wrong restroom.

7. The Kansas Constitution prohibits the Kansas Legislature’s targeting of transgender and intersex individuals for this discriminatory and dehumanizing treatment. The Kansas Constitution’s guarantee of equality under the law prohibits using sex and transgender status to deprive only certain Kansans from participation in public life, and it forbids irrational legislation that serves no purpose other than animus. The Kansas Constitution’s guarantees of due process prohibit prospective penalties without a defined administrative process. The Kansas Constitution’s protections for personal autonomy prohibit the state from dictating how Kansans order their lives based on their gender. The Kansas Constitution’s protections for privacy prohibit the State from forcibly outing transgender and intersex people against their will. The Kansas Constitution’s protections for freedom of expression prohibit the State from forcing transgender and intersex Kansans to express or be the courier for the State’s beliefs about sex and gender. And Article II, Section 16 of the Kansas Constitution prohibits the logrolling and uniting of disparate subjects in a single bill that occurred to bring SB 244 into law.

8. Plaintiffs seek declaratory and injunctive relief, both permanently and during the pendency of this lawsuit, along with attorney’s fees, costs, and all other appropriate relief.

II. JURISDICTION AND VENUE

9. This Court has jurisdiction under K.S.A. § 20-301.

10. Plaintiffs’ requests for declaratory and injunctive relief are authorized by K.S.A. §§ 60-1701, 60-1703 (declaratory judgment and relief), 60-901, 60-902 (injunctive relief), and are otherwise within the Court’s equitable authority to award.

11. Venue in this Court is proper under K.S.A. §§ 60-602(2) and 60-608 because this action seeks declaratory and injunctive relief against public officers for acts done or threatened to be done in Douglas County by those officers under color of their office.

III. PARTIES

A. Plaintiffs

12. Plaintiff Daniel Doe lives in Lawrence, Kansas.

13. Daniel is a transgender man. His sex assigned at birth was female, but he has a male gender identity.

14. Prior to SB 244, Daniel legally changed his name and gender marker on his Kansas driver's license to state that he was male, consistent with his amended out-of-state birth certificate.

15. Daniel works in government-owned buildings and frequents other public buildings. Prior to SB 244, he consistently used the men's restrooms in those buildings.

16. Plaintiff Matthew Moe lives in Lawrence, Kansas.

17. Matthew is a transgender man. His sex assigned at birth was female, but he has a male gender identity.

18. Prior to SB 244, Matthew legally changed his name and gender marker on his Kansas driver's license to state that he was male, consistent with his amended out-of-state birth certificate.

19. Matthew studies and works in government-owned buildings and frequents other public buildings. Prior to SB 244, he consistently used the men's restrooms in those buildings.

20. Plaintiff Kyle Koe lives in Lawrence, Kansas.

21. Kyle is a transgender man. His sex assigned at birth was female, but he has a male gender identity.

22. Prior to SB 244, Kyle had changed his name and gender marker on his Kansas driver's license to state that he is male, consistent with his gender identity.

23. Kyle works in government-owned buildings and frequents other public buildings. Prior to SB 244, he consistently used the men's restroom in those buildings.

24. Plaintiff Nicholas Noe lives in Olathe, Kansas.

25. Nicholas is a transgender man. His sex assigned at birth was female, but he has a male gender identity.

26. Prior to SB 244, Nicholas had changed the gender marker on his Kansas driver's license to state that he was male, consistent with his gender identity.

27. Nicholas works and goes to school in government-owned buildings and frequents other public buildings. Prior to SB 244, he consistently used the men's restroom in those buildings.

28. Plaintiff Cameron Broyles lives in Brown County, Kansas.

29. Cameron is a transgender man. His sex assigned at birth was female, but he has a male gender identity.

30. Prior to SB 244, Cameron had changed the gender marker on his Kansas driver's license to state that he was male, consistent with his gender identity.

31. Cameron regularly visits government-owned buildings, such as his children's public school. Prior to SB 244, he consistently used the men's restrooms in government-owned buildings.

32. Plaintiff Dakota West lives in Reno County, Kansas.

33. Dakota is an intersex woman. Her sex assigned at birth was male, but she has a female gender identity. As a young adult, she learned that she likely has androgen insensitivity syndrome, which is an intersex condition or difference of sexual development.

34. Prior to SB 244, Dakota legally changed her middle name and gender marker on her Kansas driver's license to state that she is female.

35. Dakota visits government-owned buildings and frequents other public buildings. Prior to SB 244, she consistently used the women's restrooms in those buildings.

B. Defendants

36. Defendant Kris Kobach is the Attorney General of Kansas. He is responsible for defending Kansas laws against constitutional challenges. K.S.A. § 75-702. Defendant Kobach is sued in his official capacity, as are his agents and successors.

37. The Kansas Department of Revenue ("KDOR") is an agency of the State of Kansas, with its primary place of business in Topeka, Kansas.

38. The Kansas Division of Vehicles is a division of KDOR, also with its primary place of business in Topeka, Kansas.

39. Defendant Mark Burghart is the Secretary of KDOR, charged with enforcement of the Act that is the subject of this Amended Petition while serving as such Secretary. He exercises supervisory control over the Division of Vehicles and is sued in his official capacity.

40. Defendant Deann Williams is the Director of Vehicles, charged with enforcement of the Act that is the subject of this Amended Petition while serving as such Director. Her duties include supervising and directing the Division of Vehicle's activities. On information and belief, all employees and agents of the Division of Vehicles are under her authority. She is sued in her official capacity.

41. Under the Motor Vehicle Drivers' License Act, K.S.A. § 8-234 *et seq.*, the Division is charged with receiving applications for and issuing driver's licenses, instruction permits, and nondriver's identification cards.

42. The Motor Vehicle Drivers' License Act also charges the Division with maintaining records that include every driver's license application the Division has received and "all data fields printed on drivers' licenses and identification cards issued by the state." K.S.A. § 8-249.

43. The Kansas Department of Administration is an agency of the State of Kansas, with its principal place of business in Topeka, Kansas.

44. On information and belief, the Kansas Department of Administration is responsible for managing state facilities, procurement, financial reporting, human resources, and providing technology support services to ensure efficient, cost-effective operations.

45. Defendant Adam Proffitt is the Secretary of the Department of Administration, charged with enforcement of the Act that is the subject of this Amended Petition while serving as such Secretary. He exercises supervisory control over the department. On information and belief, all employees and agents of the Department of Administration are under his authority. He is sued in his official capacity.

46. On February 19, 2026, the Kansas Department of Administration created a new policy section to address changes that would go into effect when SB 244 was enacted.²

47. On information and belief, the State of Kansas has designated Defendant Proffitt and the Kansas Department of Administration as the designee for complaints received under SB 244.³

² See Kansas Department of Administration, "Policy on Designation of 'Multiple-Occupancy Private Spaces,'" https://admin.ks.gov/media/cms/DOA_Policy_for_State_Agencies_on_Implementation_of_SB244_scan_17aa6dcc710c8.pdf (February 19, 2026).

IV. RELEVANT FACTS

A. Gender Identity

48. A person's gender identity is their deeply felt, internal sense of belonging to a particular gender, which can differ from the sex they were assigned at birth. Every person has a gender identity. The medical consensus in the United States is that gender identity is innate and that efforts to change a person's gender identity are harmful to their health and well-being and unethical.

49. Sex refers to multiple physiologic attributes, such as chromosomes, gonads (glands that produce hormones and gametes), and anatomy (internal and external reproductive parts), secondary sex characteristics that usually develop during puberty, and gender identity. "Sex assigned at birth" or "birth-assigned sex" refers to the designation of sex generally noted on a birth certificate shortly after birth, almost always based solely on the appearance of an infant's external genitalia. The term "biological sex" is less precise than "sex assigned at birth" because it does not account, for example, for intersex conditions and gender identity.

50. A person's gender identity is an essential part of their identity and very frequently predicts how they will be identified by others more accurately than their sex assigned at birth. For purposes of identity documents, including driver's licenses, a person's gender identity is the most important and accurate characteristic for determining what their sex is and what their sex designation should be. For purposes of using restrooms separated by sex, a person's gender identity is the most important and accurate characteristic for determining which restroom is appropriate.

³ See Morgan Chilson, *Kansas state officials begin process of interpreting 'poorly drafted' bathroom law*, Kansas Reflector (Feb. 22, 2026), <https://kansasreflector.com/2026/02/22/kansas-state-officials-begin-process-of-interpreting-poorly-drafted-bathroom-law/>.

B. Transgender People

51. Transgender people have a gender identity that differs from the sex they were assigned at birth. For example, a transgender man is someone who was assigned a female sex at birth but persistently, consistently, and insistently identifies as male. An estimated 0.99% of adults in Kansas are transgender, meaning roughly 22,400 people eighteen years old or older.⁴

52. Cisgender people are individuals who have a gender identity that aligns with their birth-assigned sex.

53. Just as cisgender people cannot (and are not expected to) “turn off” their gender identities like a switch, so too are transgender people unable to “turn off” their gender identities.

54. Being transgender is not in and of itself a medical condition to be treated or cured.

C. Intersex People

55. “Intersex” is a term used to describe a wide range of natural bodily variations, which some medical professionals refer to as “differences of sex development.” Intersex people are born with sex characteristics that do not fit typical binary notions of bodies designated “male” or “female.” Intersex variations differ. Some intersex traits may be discovered at birth, some may not be discovered until puberty, and some may never be discovered. For example, intersex people can have certain variations in chromosomes, external genitals, internal reproductive organs, and hormone production and response that cause these variations in their

⁴ Jody Herman, et al., *How Many Adults and Youth Identify as Transgender in the United States?*, Williams Institute, UCLA School of Law 1 (August 2025), <https://williamsinstitute.law.ucla.edu/publications/trans-adults-united-states/> (last accessed April 2, 2026).

bodies. According to estimates by the United Nations, between 0.05% and 1.7% of the population are born with intersex traits.⁵

56. During the initial gestation period, embryos with XX chromosomes and embryos with XY chromosomes appear the same in terms of their biological makeup. Various aspects of the embryos later typically begin to develop differently depending on whether the embryo has XX or XY chromosomes.⁶ This binary differential development is not always what occurs, however, and there are many variations in genitals, internal reproductive organs, hormones, and other aspects of the body that do not align with a strict sex binary.

57. Some intersex people do not produce either (and some may produce both) ovum and sperm, which are at the core of the definition of sex in K.S.A. § 77-207. Further, some intersex people may produce either sperm or ovum but have genitalia or chromosomes typically associated with a different sex (e.g., a person may have internal testes but be assigned female at birth based on external genitalia).

58. Some intersex people are assigned a sex at birth that is the same as their gender identity, meaning that they are cisgender. Some intersex people are transgender because their gender identity is different from the sex they were assigned at birth.

D. Gender Dysphoria

59. The incongruence between a person's gender identity and their birth-assigned sex can cause clinically significant distress or impairment of functioning known as gender dysphoria. Gender dysphoria is a serious medical condition. Many transgender people (including

⁵ United Nations Free & Equal, "Intersex People," Office of the United Nations High Commissioner for Human Rights 1 (2024), <https://www.unfe.org/en/know-the-facts/challenges-solutions/intersex> (last accessed April 2, 2026).

⁶ Although these are the two most common genotypes, there are other variations in sex chromosomes.

transgender people who are intersex) experience gender dysphoria.⁷ Gender dysphoria is a serious medical condition that, if left untreated, can result in significant lifelong distress, clinically significant anxiety and depression, self-harming behaviors, substance misuse, and suicidality.

60. The recognized standard of care for gender dysphoria is to eliminate the clinically significant distress a patient is experiencing by bringing their body and gender expression into alignment with their gender identity. An aspect of this treatment is “social transition,” which is the process through which transgender people live and become socially recognized in accordance with their gender identity. Social transition includes allowing transgender people to dress and use names, restrooms, and other sex-separated facilities consistent with their gender identity—in other words, to engage in public life in their gender identity.

E. The Importance of Accurate Identity Documents

61. The ability to change the gender marker on an identity document to match one’s gender identity has significant social, legal, and safety implications for transgender people. Updating identity documents to reflect a transgender person’s affirmed gender has substantial and well-documented health benefits for transgender individuals. Legal gender affirmation has been shown to be significantly associated with lower levels of depression, anxiety, somatization, overall psychiatric distress, and distress related to gender-based mistreatment. Obtaining accurate identification documents allows for increased identity integration, better mental health, and decreased vulnerability to harassment and violence.

62. The inability to obtain or maintain identity documents that reflect one’s gender identity has been shown to have detrimental effects on the health of transgender people, including

⁷ Plaintiffs will use “transgender” to include both transgender people and intersex people whose gender identity differs from their sex assigned at birth.

because it exacerbates gender dysphoria and causes psychological harm. Forcing transgender people to use identity documents that are incongruous with their gender identity is inconsistent with medical protocols. It can cause distress to the transgender person, cause them to isolate from public life and educational or employment opportunities, and result in discrimination and violence against them when others learn that they are transgender.

63. These harms are particularly acute for transgender people who currently possess accurate documentation and would be forced to disclose their transgender status to employers, colleagues, and members of their community as a result of losing access to that documentation.

64. Transgender people experience incredibly high levels of discrimination and violence. But being able to live in society in accordance with their gender identity is a critical determinant of health and well-being for transgender people. Policies that require transgender people to use restrooms and hold identity documents consistent with their sex assigned at birth contribute to worsened mental health, in part because of harassment or ridicule, denial of service or access to facilities, or violence.

65. Transgender people experience lower rates of harassment, discrimination, and violence when they are able to use identity documents reflecting their gender. Having a driver's license with the correct gender marker is associated with fewer negative mental health outcomes. But policies that prevent transgender people from updating the gender marker on their driver's licenses curtail access to services, employment, education, and social participation, while also increasing scrutiny of transgender people. Transgender people without gender-congruent identity documents are more likely to experience problems when interacting with security personnel. They also experience discrimination and poor treatment specifically due to being forced to present identity documents that do not accurately reflect their gender identity.

66. Restrictions on transgender people’s restroom access negatively affect their mental and physical health. Transgender people who cannot use gender-concordant restrooms suffer in employment, education, and healthcare.

67. There is no scientific evidence that restricting transgender people’s restroom use promotes public safety.

68. Multiple studies have shown that permitting transgender people to use restrooms consistent with their gender identity is not associated with increases in criminal incidents in restrooms.

69. Legal recognition of a person’s gender identity has been significantly associated with less suicidal ideation.

70. Fear, anxiety, and discrimination around being transgender can be amplified when a transgender person presents a driver’s license that does not match their identity.

71. A license that shows the wrong gender marker designation is a license that transgender people cannot use without sacrificing their health, privacy, dignity, autonomy, integrity, and safety.

72. Having a valid driver’s license is a legal requirement to drive in Kansas, and it is a necessity for most Kansans in other aspects of their lives as well. Approximately 75% of Kansans of driving age have driver’s licenses.⁸

73. Purchasing groceries, keeping a job, attending public civic events, and visiting loved ones are just a small sample of life in Kansas that is difficult or impossible to access without driving. A driver’s license is also the most common form of identity verification. Many

⁸ See, e.g., U.S. Dep’t of Transp., Fed. Highway Admin., Licensed Drivers by Sex: Ratio to Total Population 2024 (1), Table DL-1C, February 2026, available at <https://www.fhwa.dot.gov/policyinformation/statistics/2024/pdf/dl1c.pdf> (last accessed April 2, 2026).

people use a driver's license for identification when requesting government records, voting, starting a new job, applying for loans, qualifying for professional licenses, buying alcohol, picking up prescriptions, checking in to a hotel, traveling by plane, and more.

F. The Importance of Restroom Access Based on Gender Identity

74. The ability to use the restroom that matches one's gender identity has significant social, legal, and safety implications for transgender people. When a transgender person is prohibited from using the restroom consistent with their gender identity, that exclusion is likely to cause significant mental and physical health problems.

75. Transgender people are frequently subjected to harassment and violence in public restrooms and are more likely to experience mistreatment when using restrooms associated with their sex assigned at birth.

76. In the 2015 U.S. Transgender Survey, 9% of respondents reported they were denied access to a restroom in the previous year, and 12% had been harassed or assaulted when using a restroom over the same period. In addition, transgender people were significantly more likely to be denied access or to be harassed when using restrooms *consistent* with their sex assigned at birth—the very requirement SB 244 puts in place.

77. Being prohibited from using a gender-congruent restroom is strongly associated with an increased risk of depression, suicidal ideation, and suicide attempts for transgender people.

78. In the 2015 U.S. Transgender Survey, 61% of transgender men and 47% of transgender women reported that others rarely or never perceived them as transgender. That means that other restroom users would likely assume many transgender people were in the “wrong” restroom if they used the restroom consistent with their sex assigned at birth—the requirement of SB 244.

79. Requiring a transgender individual to use facilities inconsistent with their gender identity often results in forced disclosure of their transgender status. This involuntary disclosure of transgender status can exacerbate anxiety and gender dysphoria in transgender individuals. This disclosure can also increase the risk of discrimination, harassment, bullying, and physical victimization of the transgender person. Forced disclosure of transgender status also violates people's privacy by necessarily revealing personal, intimate facts about one's body and medical history.

80. Forcing transgender individuals to use gender-incongruous restrooms can also have significant health consequences for the individuals. To avoid misgendering, harassment, or forced disclosure, many transgender individuals may restrict or avoid restroom use in public settings.

81. Some individuals may limit fluid intake, which could increase the risk of dehydration and other complications. Others may delay using the restroom for prolonged periods, which can contribute to urinary tract infections, bladder dysfunction, kidney complications, constipation, gastrointestinal distress, and nutritional concerns.

G. Plaintiffs

82. Plaintiffs all travel throughout Kansas and wish to continue to travel freely. Their ability to travel freely and to participate in society more generally depends on being able to use driver's licenses that reflect their gender identity so that they are not forcibly outed as transgender or intersex whenever they use their license.

83. Plaintiffs' ability to travel freely throughout Kansas and to participate in civil society more generally also depends on their ability to use restrooms in government buildings in accordance with their gender identity. Plaintiffs cannot predict each and every government building they may want to enter or will need to enter as they go about their lives, nor can they always know whether a particular building is government-owned or leased. But Plaintiffs, like all

other people, need to use the restrooms while in public places. Prior to SB 244, Plaintiffs used restrooms in accordance with their gender identity: Plaintiffs all present themselves as and embody their gender identities, not their sex assigned at birth. They are seen and treated by other people consistent with their gender identity, not their sex assigned at birth.

84. Plaintiffs are also concerned with the lack of administrative process associated with the restroom restrictions in SB 244. It is unclear how the law will be enforced, or what information Plaintiffs would be required to present if they are accused of violating the restroom portion of the law.

85. Plaintiffs have all undertaken social, legal, and medical steps to make sure they, in all aspects of their lives, are seen and recognized consistent with their gender identity. They do not believe that their identity is the same as their sex assigned at birth, and they disagree with the State's message that gender identity is the same as sex assigned at birth. Plaintiffs object to being required to convey the State's message by bearing driver's licenses that reflect their sex assigned at birth.

Daniel Doe

86. Daniel Doe is a transgender man who lives in Lawrence, Kansas. Daniel has lived in Kansas for more than a decade. He moved to Kansas in 2014 to attend college, drawn in part by his family's multigenerational ties to the state. Daniel is an administrative associate at the University of Kansas.

87. Although he was assigned female at birth, Daniel has known from a very young age that he is male. He was diagnosed with gender dysphoria in 2018 and has since received gender-affirming medical care, including hormone replacement therapy and gender-affirming surgery. Since 2018, Daniel has lived as a man in all aspects of his life. With limited exceptions

for close family and friends, Daniel has kept his transgender status private and has taken deliberate steps to avoid involuntary disclosure.

88. In August 2020, Daniel legally changed his name and updated both the name and gender marker on his Kansas driver's license and California birth certificate. Prior to SB 244, all of his identity documents accurately reflected his name and male gender marker. The accuracy of these documents is critical to Daniel's safety, privacy, and livelihood. Daniel's job requires him to drive university vehicles twice daily, Monday through Friday. A valid driver's license is therefore an essential qualification for his position. Without one, Daniel would lose his job.

89. Daniel periodically travels for work, including by air. Presenting identification that does not align with his gender identity would subject him to heightened scrutiny, potential harassment, and invasive questioning during security screenings. Such encounters would be humiliating and degrading and would forcibly disclose his transgender status without his consent. Prior to updating his license, Daniel experienced precisely this type of mistreatment when a bartender questioned the authenticity of his identification and subjected him to prolonged interrogation. Since his driver's license has reflected his male gender marker, he has not experienced similar incidents.

90. Now that Daniel is required to carry identification bearing a gender marker inconsistent with his gender identity, he will be compelled to disclose his transgender status each time he presents identification. This forced disclosure strips Daniel of his hard-won privacy and exposes him to stigma, discrimination, and potential hostility. Daniel does not want to tell people in his everyday life that he is transgender. Even though he suspects that some or even many people in his life would be accepting and supportive, it is a part of his identity to which he does

not want attention drawn. He sees himself as a man who happens to be transgender, and he is not open about that aspect of his identity because it is private.

91. Since SB 244 went into effect, Daniel has avoided purchasing age-restricted items like alcohol or cold medicine at the grocery store because he does not want to use his driver's license. Now that his driver's license has a female gender marker, he is worried that it will out him as transgender or that his ID will be scrutinized more closely because he looks like a man. Daniel is a regular at the grocery store—he is there once or twice a week—and he does not want people there to know he is transgender. Daniel also has an upcoming flight out of state. While before SB 244 he would use his driver's license, he now feels like he must use his passport. He is still worried, though, that if he cannot use his passport for whatever reason or has to show a second form of ID, that the mismatch between the two documents will out him as transgender and subject him to more invasive questions or screening at TSA.

92. Daniel also does not want to carry a driver's license that says he is "female," because he is a man, is perceived as a man, and has only been viewed and treated as a man since he transitioned. To suddenly carry an ID that does not reflect his reality or the reality of how other people perceive him is offensive and feels untrue. He also disagrees with the State's view that his gender is the same thing as his sex assigned at birth or the State's view that transgender people are only the sex they were assigned at birth. Daniel followed all the procedures that were required to update his identity documents, and he believes he deserves the legal recognition of being a man for which he fought so hard.

93. Since 2018, Daniel has used men's restrooms exclusively. He works in a government-owned building and, prior to SB 244, used the men's restrooms closest to his office, as he had done consistently throughout his employment. Although gender-neutral restrooms exist

in other areas of the building, using those facilities necessitates traveling farther from his workspace and conspicuously singles him out, effectively disclosing his transgender status to colleagues. Daniel's work requires him to travel among multiple government-owned or leased buildings on campus, some of which do not have gender-neutral restrooms.

94. Now that SB 244 is in effect, Daniel must time his restroom use to coincide with buildings where a single-user restroom is available. What used to take him just a few moments has now required him to wait up to 20 minutes as he locates a single-user restroom around campus and waits for it to be available. Daniel goes to the restroom 4-6 times a day. Those trips, even just to wash his hands, used to take less than a minute, but now can take up to 3-8 minutes on days when foot traffic in his main building is slow, but oftentimes more when it is busy. Because Daniel works in an office with his colleagues, his longer absences from his desk are noticeable. He does not know what he will say if he is ever asked about his absences but does not want to tell his colleagues that he is transgender. Already, other employees in the building have asked him, when he has been walking to the single-user restroom, why he is in an area where he does not normally work: there is no reason for him to be there, and he would not be there but for needing to use the single-user restroom. Daniel does not want to say that he is using the restroom, because it would be notable that he was traveling so far for one, and he doesn't want to discuss his restroom use with anyone. Instead, Daniel claims to have another errand, circles the floor, and comes back to use the restroom.

95. Daniel also frequents other public facilities in Lawrence, including the public library, where, prior to SB 244, he used the men's restrooms without incident. Since SB 244 went into effect, he has avoided using those restrooms entirely.

96. SB 244 places Daniel in an untenable and dangerous position. He now cannot use the men’s restrooms—as he had done safely and without issue for years—without risking fines, misdemeanor charges, or lawsuits against him. He cannot use the women’s restrooms, where he will be involuntarily outed as transgender and may face confrontation, complaints, or litigation from individuals who perceive him as a man in the women’s facility. Daniel is further concerned that his employer could face penalties if an individual claims to be “aggrieved” by Daniel’s use of a multi-user restroom, potentially jeopardizing his professional standing and workplace relationships.

97. Compelling Daniel to use facilities inconsistent with his gender identity would expose him to harassment, potential violence, and severe emotional distress, while forcing him to disclose deeply private medical information. Single-user restrooms are not always available, so SB 244 effectively deprives him of any usable restroom in certain government buildings. And even where single-user restrooms are both available and unoccupied, being required to use those instead of being permitted to use the men’s room like all other men in Kansas subjects him to stigmatizing and discriminatory treatment.

Matthew Moe

98. Matthew Moe is a transgender man who resides in Lawrence, Kansas.

99. He is a Ph.D. student, active in his community, volunteers, and participates in local arts and theater.

100. Matthew has known he is male since he was a preteen. He was diagnosed with gender dysphoria in 2019 and has received gender-affirming medical care. Since that time, he has lived as a man in all aspects of his life.

101. In 2020, Matthew legally changed his name and updated his South Carolina birth certificate and driver’s license to reflect a male gender marker. In 2023, he received a Kansas

driver's license with a male gender marker. Prior to SB 244, all of his identity documents consistently reflected his name and male gender.

102. Matthew uses his driver's license routinely: to drive, enter government buildings, complete employment paperwork, check into hotels, board flights, vote, register for conferences, pick up prescriptions, and verify his identity at bars and restaurants. He works at a local bar and frequently ends his shift at approximately 3:00 a.m. A valid driver's license is necessary for him to drive safely to and from work. Without one, he would be forced to bicycle at unsafe hours, jeopardizing his physical safety.

103. After Matthew obtained a driver's license that reflected his gender identity, he did not experience misgendering or questioning when presenting his license. Others cannot discern from his appearance that he is transgender. Now that he is required to carry identification that discloses his sex assigned at birth, Matthew is forced to reveal his transgender status every time he presents identification. Such involuntary disclosure subjects him to humiliation, degradation, and fear of potential violence.

104. Since SB 244 went into effect, Matthew has changed his behavior to avoid using his driver's license, which now displays a female sex marker. Matthew avoids going to liquor stores because he knows that the clerk will ask to see his driver's license, and he does not want to be outed as transgender during that transaction or have a potentially uncomfortable conversation about why his license says "F" when he looks like a man. Matthew has avoided taking longer driving trips, including to Kansas City, because he is worried that driving longer distances increases the likelihood that he will be pulled over by law enforcement or otherwise encounter a situation where he must present his driver's license.

105. Between 2019 and SB 244's adoption, Matthew used men's restrooms exclusively. Prior to that time, using women's restrooms exacerbated his gender dysphoria and caused profound distress. Access to restrooms consistent with his gender identity is essential to his mental health, well-being, and ability to function in academic and professional environments.

106. Matthew spends more than 60 hours per week at his university and the public library for study and research. Many of the buildings he frequents lack single-occupancy restrooms. SB 244 places him in an impossible position: he cannot use the men's restroom without risking fines, misdemeanor charges, or lawsuits from private individuals; using the women's restroom risks confrontation, lawsuits from private individuals, and involuntary disclosure of his transgender status. Being observed entering or exiting a women's restroom would immediately out him to classmates, colleagues, and the public. Single-user restrooms are not always available to him. And even when they are available, being required to use those restrooms, unlike all other men in Kansas, subjects him to stigmatizing and discriminatory treatment.

107. After SB 244 went into effect, Matthew's university sent out a general email alerting recipients about the locations of single-user restrooms on campus. In the building where Matthew spends most of his time, there is a men's restroom just down the hallway from his workstation, but the only single-user restroom is three floors away. That restroom is also the only handicapped-accessible restroom in the building, so it is frequently occupied, sometimes for upwards of fifteen minutes. If Matthew is unable to wait, the next nearest single-user restroom is in a different building, requiring another few flights of stairs and a walk outside. The elevators in his building are slow and unreliable, and so Matthew usually walks up and down the stairs. In the

first month that SB 244 was in effect, on about a dozen occasions, a restroom break that normally would take two minutes became a 15–20-minute ordeal.

108. Being on campus has become more stressful since SB 244 went into effect. Matthew is constantly thinking about when he will need to use the restroom during the day, where or whether there will be an available restroom, and how he will navigate being able to use it safely. Matthew feels like he is being scrutinized in a way he wasn't prior to SB 244 and the focus on where transgender people use the restroom has made him uncomfortable. Matthew has fears that SB 244 will embolden further harassment and possible violence.

Kyle Koe

109. Kyle Koe is a transgender man who resides in Lawrence, Kansas. He is 32 years old.

110. Kyle is a state employee and works in environmental sciences. He believes that his job requires him to possess a valid driver's license.

111. Kyle identifies as male. He realized he was transgender in 2014. He was diagnosed with gender dysphoria in or around 2017 and has received gender-affirming medical care.

112. Kyle has lived as a man in all aspects of his life since 2015.

113. In June 2017, Kyle legally changed his name on his driver's license and social security card. In May 2023, he changed his gender marker on his Kansas driver's license to state that he is male. And in 2025, he updated both his name and gender marker on his out-of-state birth certificate.

114. Prior to SB 244, Kyle's Kansas driver's license and federal social security card consistently reflected his name and male gender. The accuracy of these documents is critical to Kyle's safety, privacy, and livelihood.

115. Kyle regularly uses his driver's license to drive to work. He also sometimes drives around Kansas and out-of-state to attend conferences and professional development courses.

116. Before Kyle updated the gender marker on his driver's license, he was refused entry to a bar because his male gender presentation did not match the female marker on his driver's license. That made Kyle feel humiliated because it disclosed his transgender status to strangers.

117. On another occasion, when Kyle was pulled over by a police officer, the interaction was initially friendly and casual, and it seemed like the officer planned to let Kyle off with a warning. But after the officer saw the female gender marker on Kyle's driver's license, the interaction turned hostile. When speaking to Kyle, this officer intentionally misgendered him and enunciated "ma'am" while returning Kyle's driver's license to him and gave Kyle a ticket that he could contest in court. The police officer's misgendering made Kyle feel disrespected. Kyle believes the officer extended the traffic stop to walk around Kyle's vehicle to find additional reasons to question him once he saw the female gender marker on his license.

118. Presenting a driver's license that does not align with his gender identity will subject Kyle to increased scrutiny, potential harassment, violence, and invasive questioning during traffic stops. Such encounters would compel him to disclose his transgender status without his consent.

119. Kyle is opposed to displaying a driver's license bearing a "F" gender marker because it is inaccurate. Kyle is a man and lives his life as a man. He disagrees with the state's belief that his gender is the same as his sex assigned at birth, and he does not agree with the state's view that sex and gender are interchangeable or fixed at birth.

120. Kyle has used men's restrooms exclusively since 2016. The state building Kyle works in does not have any single-user restrooms. The closest available single-user restroom is a 10–15-minute walk away from the building Kyle works in.

121. Kyle also works in and frequents other government-owned buildings, including another state agency where his spouse works.

122. Kyle has a beard, grooms and dresses himself in a masculine fashion, and is certain that he would be immediately unwelcome in a women's restroom. He would also feel distressed and out of place in a women's restroom, because he is not a woman and does not look like a woman. In addition, Kyle fears making women in the restroom uncomfortable.

123. As someone who sometimes travels within and outside of Kansas, Kyle cannot predict with certainty what government buildings he may travel to in Kansas for work conferences or professional development opportunities.

124. SB 244 places Kyle in an untenable and perilous position. If he continues using men's restrooms, he risks fines or criminal prosecution. Using the single-user restroom is not a sustainable solution given the distance from his workstation; the closest single-user restroom would require Kyle to be away from his desk for 10-15 minutes and to inform his supervisor of the reason for his absence. And if he uses women's restrooms, he will be compelled to disclose his transgender status to colleagues and potentially members of the public who may be conducting business in the building and witness him entering the restroom. In addition, Kyle may be subjected to confrontation, harassment, complaints, or legal action from those who object to his presence as a man in the women's restroom. Requiring Kyle to use restrooms that do not align with his gender identity subjects him to a heightened risk of scrutiny, harassment, physical violence, and extreme emotional distress, while compelling the disclosure of intimate, highly

sensitive, and private medical information. Cumulatively, SB 244 may jeopardize Kyle's job security and increase the potential for coworker complaints.

Nicholas Noe

125. Nicholas Noe is a transgender man who resides in Olathe, Kansas. He has lived in Olathe for almost his entire life. He is 23 years old.

126. Nicholas has known since childhood that he is male. He was diagnosed with gender dysphoria in 2019 and has received gender-affirming medical care, including hormone replacement therapy and gender-affirming surgery. Since at least 2020, Nicholas has lived consistently as a man in all aspects of his life. With limited exceptions, he has kept his transgender status private.

127. In 2021, Nicholas updated the gender marker on his Kansas driver's license to accurately reflect his male sex. The accuracy of this identity document is critical to his safety, privacy, and ability to navigate daily life without involuntary disclosure of his transgender status.

128. As a direct result of SB 244, Nicholas was required to surrender his Kansas driver's license to the Kansas Department of Revenue and was issued a replacement license bearing an "F" gender marker reflecting his sex assigned at birth.

129. Nicholas identifies as a man and does not believe an "F" gender marker is appropriate for him. This forced reclassification is deeply distressing and subjects Nicholas to a heightened risk of harassment, discrimination, and potential violence.

130. Nicholas is enrolled in a public community college and is studying to become an Emergency Medical Technician (EMT). To obtain EMT certification, Nicholas must maintain a valid driver's license.

131. Nicholas drives to school and work on a daily basis. He is also required to present his driver's license for a range of ordinary activities, including purchasing age-restricted items and traveling through airport security. Presenting identification that does not align with his gender identity subjects him to increased scrutiny, potential harassment, and invasive questioning during traffic stops and security screenings, and may forcibly disclose his transgender status without his consent.

132. Such nonconsensual disclosure has already occurred. Within the first week of SB 244's enactment, an instructor at Nicholas's college disclosed his transgender status to other students without Nicholas's consent. This disclosure occurred when the instructor forced Nicholas to publicly state, in front of his classmates, that he required an "accommodation" regarding the restroom as a result of SB 244.

133. Prior to SB 244, and since at least 2020, Nicholas has used men's restrooms exclusively. He attends school in a government-owned building that does not have a single-user restroom. The nearest available single-user restroom is located in a different building across campus, requiring approximately 10 minutes of travel. Passing periods between Nicholas's classes are typically five minutes, making it impracticable for him to access that restroom without being late to class and missing instructional time. Because the route requires traveling outdoors, Nicholas is also exposed to the elements and, during inclement weather, has returned to class soaked.

134. Nicholas works in a government-owned building, where he has used the men's restroom for years without incident. There is only one single-user restroom in the building where he works, and Nicholas is not permitted in the part of the building where it is located.

135. Nicholas also regularly studies at the public library, where he has used the men’s restrooms without incident for years. Nicholas cannot anticipate the full range of government-owned buildings he may be required to enter in the course of his daily life.

136. SB 244 places Nicholas in a precarious and untenable position. If he continues using men’s restrooms—which he has done without issue for several years—he risks being fined or criminally charged with a misdemeanor. But if he uses women’s restrooms, he will be involuntarily outed as transgender and will likely face confrontation, complaints, litigation, sexual harassment, or worse, bodily harm from those who perceive him as a man in the women’s restroom.

Cameron Broyles

137. Cameron Broyles is a transgender man who resides in Brown County, Kansas. He has lived in Kansas for 13 years and in his current town for the past two years.

138. Cameron is the father of three minor children, ranging in age from four to eight years old.

139. Cameron is employed as a nurse at a local hospital.

140. Cameron was diagnosed with gender dysphoria in approximately 2012 and has since received gender-affirming medical care. With some exceptions, Cameron has kept his transgender status private.

141. Cameron legally changed his name and gender in 2016. He updated the gender marker on his Kansas driver’s license to reflect his male identity in 2016. The accuracy of these documents is critical to Cameron’s safety, privacy, and ability to maintain employment.

142. Cameron is a transgender man who has fought, quietly and relentlessly, to exist as his full, authentic self. Cameron has carried the weight of scrutiny, paperwork, and financial burden, and has jumped through endless hoops to secure an “M” on his driver’s license and be

recognized for who he is. Having an “F” on his driver’s license is an inaccurate expression of who he is and has the potential to place Cameron and his children in very dangerous situations.

143. Cameron drives multiple times each day to commute to work and to transport his children.

144. Prior to updating the gender marker on his driver’s license, Cameron was frequently questioned about his gender when presenting identification. Since updating his license, he has not experienced such issues.

145. Because Cameron works in a hospital, he is aware of various complications that could arise if records are not aligned. Cameron is concerned that, if he is required to present identification that is incongruent with his medical records in an emergency medical setting, it could create confusion, compromise his privacy, and delay necessary care.

146. Cameron has used men’s restrooms exclusively since 2016 without incident.

147. Cameron’s children attend a public school, which he regularly visits for parent-teacher conferences, sporting events, performances, and other school-related activities. The school does not provide single-user restroom facilities.

148. Cameron regularly transports his children to a variety of activities, including events held in government-owned buildings. As a result, he is frequently required to enter and use restroom facilities subject to SB 244. Cameron cannot anticipate the numerous ways in which those provisions will affect his ability—and that of his children—to safely access and use such facilities.

149. SB 244 places Cameron in an untenable position. Cameron is a single parent. When accompanying his young children to the restroom, he must enter with them. When Cameron himself must use the restroom, his children are too young to leave alone outside the

restroom. Requiring Cameron to use women's restrooms would involuntarily disclose his transgender status and expose him and his children to a heightened risk of harassment, confrontation, and harm.

Dakota West

150. Dakota West is an intersex woman who lives in Reno County, Kansas, where she has lived for most of her life. She is 20 years old.

151. When she was born, Dakota was assigned male at birth. The doctor assigned her sex as male based on the appearance of her external genitalia, though her parents had been told that Dakota would be female throughout the full term of her mother's pregnancy, based on the ultrasound. Dakota has felt from a very young age that she was a girl. She has vivid memories of watching Barbie movies, loving the color pink, and generally feeling different emotionally and physically from boys.

152. Dakota's parents raised her as a boy. As a young child, Dakota was told she was a boy and forced to present as a boy in terms of her clothes and grooming, but a male gender identity and presentation always felt foreign to her. When her male peers began to experience puberty, including growth spurts, visible facial hair, and deepening voices, that gap widened.

153. Dakota did not experience nor undergo a male puberty. She did not have the growth spurt, increase in facial or body hair, or deepened voice that characterizes male puberty. Instead, she experienced aspects of puberty more typical of female puberty including some breast development, although she did not menstruate. When Dakota realized she was developing differently than her peers, she felt "gray in a black and white world."

154. Around 2019, when she was 13 years old, Dakota began growing out her hair and nails, wearing sports bras, and dressing in alignment with her gender identity as a woman.

155. When she turned 18 years old, Dakota sought care at a medical clinic to better understand why she had not gone through a typical male or female pubertal development. A medical provider conducted laboratory testing, which revealed that, compared to typical male reference ranges for her age, her estrogen levels were elevated, and her testosterone levels were “extraordinarily low.” Following this evaluation, Dakota began estrogen-based hormone replacement therapy to support pubertal development consistent with her gender identity.

156. That same year, Dakota learned that when she was 13 years old, a doctor had informed Dakota’s father that her body was not developing in a manner typical of male pubertal progression. The doctor recommended that Dakota be put on testosterone therapy, and her father declined, explaining that he believed such treatment would impose an identity on Dakota that was not her own and that the decision should ultimately rest with her.

157. In 2024, Dakota sought out a geneticist to make sense of the blood labs regarding her hormonal profile and her ambiguous pubertal development. Based on the geneticist’s analysis, Dakota learned that she likely has androgen insensitivity syndrome.

158. In 2025, Dakota legally changed her middle name and gender marker on her Kansas driver’s license to reflect her female gender identity. Dakota drives daily to visit friends and to run errands, including attending medical appointments. She also drives out of state on road trips. The accuracy of her driver’s license is essential to her safety, privacy, livelihood, and dignity.

159. Before updating her driver’s license with a female gender marker, Dakota experienced mistreatment at the hands of hospital staff, who often assumed Dakota was a transgender woman because of the male gender marker on her identification. For example, during one emergency department visit for treatment related to her Crohn’s disease, a doctor

scolded Dakota, stating that if she had disclosed that she was a transgender woman, she would not have been required to undergo a pregnancy test. Since her driver's license has reflected her female gender marker, she has not experienced similar mistreatment.

160. To comply with SB 244, Dakota turned in her license and now has one bearing a male gender marker. Dakota does not want to display a license with an "M" gender marker because it is inaccurate. Dakota is a woman and lives her life as a woman. She disagrees with the State's belief that her gender is the same as her sex assigned at birth. She also disagrees with the State's view that sex and gender are interchangeable and fixed at birth.

161. Carrying identification bearing a gender marker inconsistent with Dakota's gender identity compels her to disclose her intersex status each time she presents her identification. This forced disclosure subjects Dakota to stigma, discrimination, and hostility.

162. Dakota has used female restrooms exclusively since she was in 8th or 9th grade. She frequently visits the public library, the campus of a public college in Wichita, and her local courthouse. None of these locations offer a single stall restroom.

163. Dakota has Crohn's disease, which is an autoimmune condition that flares when Dakota is stressed. When flares happen, Dakota experiences painful gastrointestinal distress and nausea that requires urgent visits to the nearest restroom.

164. SB 244 places Dakota in a precarious and untenable position. If she continues using women's restrooms—which she has done without issue for several years—she risks being fined or criminally charged with a misdemeanor. But if she uses the men's restrooms, she will be involuntarily outed as intersex or assumed to be transgender and will likely face confrontation, complaints, litigation, sexual harassment, or worse, bodily harm, from those who perceive her as female.

165. Dakota loves to travel and visit with her friends and cannot predict exactly which government buildings in Kansas she might travel to now or in the future.

166. Compelling Dakota to use facilities inconsistent with her gender identity would expose her to a heightened risk of harassment, physical violence, and severe emotional distress, all while forcing her to disclose sensitive, intimate, and deeply private medical information.

H. History and Text of SB 244

167. In April 2023, the Kansas State Legislature passed Senate Bill 180 (“SB 180”), a bill that purported to define “sex” as “biological sex, either male or female at birth” and defines “male” and “female” solely based on a person’s certain reproductive capabilities. Specifically, SB 180 defines a “female” as “an individual whose biological reproductive system is developed to produce ova,” and defines a “male” as “an individual whose biological reproductive system is developed to fertilize the ova of a female.” A true and correct copy of SB 180 is attached as Exhibit 2.

168. SB 180 went into effect on July 1, 2023, over Governor Laura Kelly’s veto. It was codified as K.S.A. § 77-207.

169. Days later, Attorney General Kobach filed a lawsuit against the Kansas Department of Revenue (“KDOR”), the agency responsible for issuing and updating Kansas driver’s licenses, seeking to force KDOR to comply with the Attorney General’s interpretation that SB 180 required driver’s licenses to be issued with designations for the driver’s sex assigned at birth.

170. After the district court granted the Attorney General’s motion for a preliminary injunction, in June 2025 the Kansas Court of Appeals reversed, holding that the Attorney General was unlikely to prevail on his view that SB 180 required all new and renewed driver’s licenses to list the driver’s sex assigned at birth. The Kansas Supreme Court denied further review, and the

injunction was dissolved. *See State ex rel. Kobach v. Harper*, 65 Kan. App. 2d 680, 701 (2025), *rev. denied*, 321 Kan. —, — P.3d — (2025).

171. Prior to SB 180, in 2007, Kansas Senate Bill 9 (“SB 9”) was passed in response to the federal REAL ID Act of 2005, to formalize processes for verifying identity for driver’s license applicants. Among other things, SB 9 changed the information statutorily required for license applications to include the applicant’s “gender” rather than “sex,” and explicitly required KDOR to display the applicant’s “full legal name” and “gender.” K.S.A. §§ 8-240(c); 8-243(a) (2007 Supp.); *see also Harper*, 65 Kan. App. 2d at 696.

172. In 2011, KDOR adopted the formal policy that remained in place until 2025, with over 300 people relying on this policy to have their gender marker changed between 2011 and 2022. Transgender people could apply to update the gender marker on their license, which included a review by KDOR of a court order recognizing the updated gender or documentation from a licensed medical or osteopathic physician stating that updating the gender marker is appropriate. Exhibit 3, KDOR Gender Reclassification. KDOR also accepted in-state and out-of-state birth certificates, immigration and/or citizenship documents, and other government documents as proof of gender. *Id.* That was the policy on the KDOR website as of February 25, 2026, following the litigation around SB 180, but prior to the effective date of SB 244.

173. The Legislature was nevertheless determined to prevent transgender Kansans from obtaining accurate driver’s licenses. HB 2426, introduced on January 12, 2026, proposed to amend SB 180 to clearly prohibit issuing driver’s licenses except in accordance with the statutory definition of “sex” in K.S.A. § 77-207 and to retroactively invalidate both driver’s licenses and

birth certificates that did not comply.⁹ A true and correct copy of HB 2426 is attached as Exhibit 4.

174. HB 2426 faced public opposition, including at a January 13, 2026, hearing, where opponents cited rising violence against transgender people, described the importance of driver’s licenses as “artifact[s] of expression,” and argued that the bill would contribute to social stigma and mental health harms, among other things.¹⁰

175. To avoid further public debate and scrutiny of this discriminatory bill, Kansas legislators used a maneuver called a “gut and go”: They took the shell of SB 244, an unrelated 2025 bill about bonds which had already moved further along in the legislative process, and replaced its contents with the text of HB 2426.¹¹ That maneuver sidestepped additional hearings on the contents of what had been HB 2426. A true and correct copy of the original SB 244 bill is attached as Exhibit 5.

176. This new version of SB 244, however, did more than just amend SB 180. The House substitute for the bill also included an entirely new, unrelated provision restricting transgender people’s access to restrooms and other sex-separated spaces.

177. This logrolled version of SB 244 passed the House and Senate on January 28, 2026. SB 244 was enrolled and presented to Governor Kelly on February 3, 2026.

178. On February 13, 2026, Governor Kelly vetoed SB 244. In that veto statement, she said in relevant part:

⁹ H.B. 2426, Kan. Leg, https://kslegislature.gov/li/b2025_26/measures/hb2426/.

¹⁰ See Morgan Chilson, *Proposed bill bans gender changes on Kansas driver’s licenses, birth certificates*, Kanas Reflector (Jan. 14, 2026), <https://kansasreflector.com/2026/01/14/proposed-bill-bans-gender-changes-on-kansas-drivers-licenses-birth-certificates>.

¹¹ S.B. 244, Kan. Leg., https://www.kslegislature.gov/li/b202526/measures/documents/sb244_000000.pdf (bail bond version).

This poorly drafted bill will have numerous and significant consequences far beyond the intent to limit the right for trans people to use the appropriate bathroom. Under this bill: If your grandfather is in a nursing home in a shared room, as a granddaughter, you would not be able to visit him. If your wife is in a shared hospital room, as a husband, you would not be able to visit her. If your sister is living in a dorm at K-State, as a brother, you would not be able to visit her in her room. If you feel you have to accompany your nine-year-old daughter to the restroom at a sporting event, as a father, you would have to either enter the women's restroom with her or let her use the restroom alone. I believe the Legislature should stay out of the business of telling Kansans how to go to the bathroom and instead stay focused on how to make life more affordable for Kansans.¹²

179. SB 244 returned to the Kansas Legislature, which overrode Governor Kelly's veto on February 18, 2026.

180. As previewed above, SB 244 contains at least two different subjects that cannot be united by a common title or purpose.

181. The first subject pertains to the identification of a person's "biological sex" at birth on government documents. The Act included specific language that "any driver's license issued prior to July 1, 2026, that identifies the gender of the individual named on such license in a manner that is contrary to the definition of such term as defined in K.S.A. 2025 Supp. 77-207, and amendments thereto, shall be invalid." SB 244 § 4(g)(1).

182. The Act further dictates: "The director shall correct any driver's license records that identify the gender of the individual named in such record in a manner that is contrary to the definition of such term as defined in K.S.A. 2025 Supp. 77-207, and amendments thereto. The director shall send written notice to each such individual notifying such individual that such license is invalid and to surrender such license to the division of vehicles. Upon the surrender of any such

¹² Press Release: Governor Kelly Vetoes Poorly Drafted Legislation, Feb. 13, 2026, <https://www.governor.ks.gov/Home/Components/News/News/920/55>.

license, the director shall issue a new driver’s license to such individual with the correct gender identification for such individual.” *Id.* at §4(g)(2).¹³

183. The second subject of SB 244 pertains to the designation of private spaces in public buildings for use by a single sex. This unrelated portion of the Act is aimed at a separate goal—to exclude transgender people from accessing certain public spaces such as restrooms. The Act requires public buildings to “designate each multiple-occupancy private space in such building for use only by individuals of one sex”¹⁴ and directs the administrator of public buildings to “ensure an individual does not enter a multiple-occupancy private space that is designated for use only by individuals of the opposite sex.” SB 244 § 1(b)(1).

184. The Kansas Department of Administration has issued a Policy on Designation of “Multiple-Occupancy Private Spaces.” That Policy designates the Secretary of the Department of Administration as the chief administrative officer of public buildings subject to the Policy. Only the Secretary or his designee may receive complaints. The Policy provides that “Guidance on how to submit a complaint and the investigation process will be forthcoming.”

¹³ KDOR’s Division of Vehicles was required to send letters to individuals who had previously changed the gender marker on their Kansas driver’s license. *Id.* at §4 (g)(2). KDOR has sent two letters to individuals that it identified as affected in the days following SB 244’s enactment. KDOR’s first letter informed recipients, *inter alia*, that “If you have received this notice, our records indicate that, upon publication of this law in the Kansas Register on Thursday, February 26, 2026, your current Kansas credential will no longer be valid,” and that “Pursuant to this new law, if the gender/sex indication on the face of your current credential does not match your sex assigned at birth, you are directed to surrender your current credential to the Kansas Division of Vehicles. Upon surrendering the credential, you will be issued a new credential reflecting the gender identification consistent with statutory requirements.” KDOR’s second letter informed recipients that, *inter alia*, “The law went into effect on Thursday, February 26, 2026...While the law is in full effect, due to an agreed upon grace period, you have until close of business on March 25, 2026, to visit a Kansas Driver’s License Office to ensure your driver’s license complies with SB 244. If your credential is not in compliance by that date, you may be subject to penalties under the law if you are found to be driving on an invalid license.”

¹⁴ Under SB 244, “sex” carries the same meaning as the previously codified K.S.A. § 77-207, namely, an “individual’s biological sex, either male or female, at birth.” SB 244 § 6(1) and K.S.A. § 77-207(1).

A true and correct copy of this Policy is annexed hereto as Exhibit 6.

I. The Harms of SB 244

185. SB 244 is causing and will continue to cause great harm to Plaintiffs and other transgender and intersex individuals.

186. **Constitutional harm:** The denial of constitutional rights is a harm in and of itself, and an irreparable harm at that. The Kansas Bill of Rights protects all Kansans, including transgender and intersex Kansans like Plaintiffs. All Kansans who are similarly situated to the transgender and intersex Plaintiffs here will experience those constitutional harms. Moreover, all Kansans affected by Plaintiffs' as-applied challenge to SB 244 will experience the additional harms discussed below.

187. **Harms to free speech:** Plaintiffs, along with all transgender and intersex Kansans whose gender identity differs from their birth-assigned sex, are harmed by the portion of SB 244 that requires them to carry a driver's license reflecting their birth-assigned sex. Plaintiffs are harmed because SB 244 requires them to be associated with the government's view of sex and gender, to carry with them a written statement of that view, and to disclose to the world, including private people and businesses, the views of the government with which Plaintiffs vehemently disagree.

188. **Harms to autonomy:** SB 244 harms Plaintiffs and other transgender and intersex Kansans whose gender identity differs from their birth-assigned sex by requiring them to disclose their transgender or intersex status against their will. This is a harm to individuals' self-determination and personal autonomy, including their right to decide whether or how they disclose their transgender or intersex status. SB 244 deprives Plaintiffs and other Kansans of the right to weigh any potential need or desire to disclose that information against the privacy,

safety, and dignity considerations that attend to intimate information about one's body or personal information about one's identity.

189. **Exclusion and isolation:** SB 244's license requirements and restroom restrictions will directly and indirectly lead to the exclusion of transgender and intersex individuals from public facilities and public life more generally. The health and safety risks, described below, will compel some transgender and intersex individuals to avoid public buildings and activities that require identification. Going to work or participating in civic life may not be worth the costs of using a restroom consistent with one's birth-assigned sex or otherwise outing oneself as transgender or intersex to one's community. Social stigma and exclusion can, in turn, lead to serious psychological harms. Further, transgender and intersex individuals whose licenses reflect their birth-assigned sex and not their gender identity will be more likely to experience problems when interacting with law enforcement and to face other barriers to accessing services that require identification, since their gender markers will not match the gender they present.

190. **Forced outing and invasion of privacy:** SB 244's license requirements will force transgender individuals to disclose their transgender status to strangers because their updated gender marker will reveal that their gender identity is different from their birth-assigned sex. Intersex people will similarly be forced to disclose their intersex status if their gender identity is different from their sex assigned at birth. In addition, SB 244's restroom restrictions will forcibly out transgender individuals by requiring those individuals to use a restroom that does not match their gender identity. Intersex people whose gender identity is different from their sex assigned at birth will similarly be forcibly outed. Such forcible outing constitutes a serious invasion of privacy because it reveals intimate facts about a person's body, identity, and medical history. Moreover, enforcement of the restroom restrictions will necessarily depend on

facts surrounding an individual's sex assigned at birth. In this way, SB 244 invites public scrutiny through administrative and judicial proceedings of Plaintiffs' personal medical information.

191. **Discriminatory treatment:** SB 244's license requirements and restroom restrictions discriminate against transgender and intersex people, and they increase the risk that Plaintiffs and other transgender and intersex individuals will experience private discrimination, harassment, and violence. Transgender people continue to face disproportionate rates of maltreatment, which can result in serious psychological and physical harms. Such maltreatment ranges from service denials to harassment to assault, and it is more likely to occur when transgender individuals are forced to carry driver's licenses that list their birth-assigned sex and to use facilities that align with their birth-assigned sex rather than the gender identity they present. The same is true for intersex people whose gender identity differs from their sex assigned at birth.

192. **Physical health harms:** SB 244's restroom restrictions may lead transgender and intersex individuals to limit fluid intake, delay restroom use, and modify their behavior in other ways to avoiding using restrooms incongruent with their gender identity. These understandable responses to discriminatory restroom restrictions can lead to urinary, gastrointestinal, kidney, and nutritional complications.

193. **Mental health:** By requiring transgender and intersex individuals to publicly associate with their sex assigned at birth rather than their gender identity, SB 244's license requirements and restroom restrictions will cause or exacerbate gender dysphoria and its many associated health effects, potentially including clinically significant anxiety and depression, self-harming behaviors, substance misuse, and suicidality.

194. **Legal process and penalties:** SB 244’s restroom restrictions expose transgender individuals and intersex individuals whose gender identity differs from their birth-assigned sex to the risk of civil fines, criminal penalties, and private damages suits and judgments. Even individuals who use the restroom required of them by SB 244 face the prospect of state-sanctioned private lawsuits whenever another person is “aggrieved” by their presence in the “wrong” restroom. In all cases, these lawsuits will require transgender and intersex individuals to defend themselves, likely bearing the cost of legal counsel, and will expose their personal, medical information to public scrutiny. Transgender and intersex people who work or study in buildings regulated by SB 244 risk adverse employment or educational consequences if they cannot reliably access restrooms in compliance with SB 244.

195. **Harms to due process:** Plaintiff Dakota West and other intersex Kansans whose gender identity differs from their sex assigned at birth suffer a harm to their procedural due process rights because of SB 244’s lack of administrative clarity and vagueness. The definition of sex contained in K.S.A. § 77-207, which SB 244 relies upon, does not include many intersex people. SB 244 is vague as to the sex of such individuals and therefore how they are to comply with SB 244’s provisions regarding driver’s licenses and restrooms.

V. CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

(Kansas Bill of Rights, Section 18, Procedural Due Process – Lack of Sufficient Notice and Opportunity to Be Heard)

196. Plaintiffs hereby re-allege and incorporate by reference the prior paragraphs.

197. The Act violates Section 18 of the Bill of Rights contained in the Kansas Constitution, which provides “All persons, for injuries suffered in person, reputation or property,

shall have remedy by due course of law, and justice administered without delay.” Kan. Const. Bill of Rights § 18; *see also* § 1.

198. Under Kansas due process principles, a statute violates due process if it fails to give a person of ordinary intelligence fair notice of what is prohibited. *See State v. Kirby*, 222 Kan. 1, 4-5 (1977). The State must provide adequate notice reasonably calculated to inform affected persons of the action and a meaningful opportunity to present objections. *See McMillen v. U.S.D. No. 380*, 253 Kan. 259, 264-65 (1993).

199. The restroom provisions of the Act fail to give adequate notice to Kansans of what is prohibited and a meaningful opportunity to present objections.

200. Individuals subject to the restroom restriction are given insufficient due process with respect to the administrative procedure for first violations of the restriction, which is a predicate offense for later civil and criminal penalties. Although SB 244 is already in effect, there is no guidance on the investigative process, or guarantee of even the most rudimentary safeguards, such as notice of the substance of the complaint or the identity of the complainant, or a defined appellate process with an impartial decision-maker and corresponding right to seek judicial review.

201. Intersex individuals subject to the restroom restriction who do not fall within K.S.A. § 77-207’s definition of sex are given insufficient notice with respect to how they are to comply with SB 244’s provisions regarding restrooms.

202. By failing to provide adequate due process to any individual accused of wrongdoing under the Act, SB 244 violates Section 18.

SECOND CLAIM FOR RELIEF

(Kansas Bill of Rights, Section 1 - Right to Personal Autonomy)

203. Plaintiffs hereby re-allege and incorporate by reference the prior paragraphs.

204. The Act violates Section 1 of the Bill of Rights contained in the Kansas Constitution, which provides “All men are possessed of equal and inalienable natural rights, among which are life, liberty, and the pursuit of happiness.” Kan. Const. Bill of Rights § 1.

205. The Kansas Supreme Court has recognized that Section 1 of the Kansas Bill of Rights encompasses a “right of personal autonomy, which includes the ability to control one’s own body, to assert bodily integrity, and to exercise self-determination.” *Hodes & Nauser, MDs, P.A. v. Schmidt*, 309 Kan. 610, 646 (2019).

206. By forcing a person to carry a license with a marker inconsistent with their gender identity, SB 244 dictates how transgender people and intersex people present themselves to the world. Far from enjoying the right to shape their own identity, destiny, and place in the world, transgender and intersex Kansans living under SB 244 will be forced to present the identity imposed on them by the State. This forced presentation, in turn, places transgender and intersex people at greater risk of harassment and violence, thereby impairing their bodily integrity.

207. By forcing a person to use a single-sex restroom that does not match one’s gender identity, SB 244 dictates how transgender people and intersex people present themselves to the world. Far from enjoying the right to shape their own identity, destiny, and place in the world, transgender and intersex Kansans living under SB 244 will be forced to present the identity imposed on them by the State. This forced presentation, in turn, places transgender and intersex people at greater risk of harassment and violence, thereby reducing their bodily integrity.

208. SB 244 thus violates the Section 1 right to personal autonomy as applied to transgender people and intersex people whose gender identity differs from their sex assigned at birth. To the extent that SB 244 effectively circumscribes only transgender people’s conduct (both intersex and not intersex), SB 244 violates this right on its face.

THIRD CLAIM FOR RELIEF

(Kansas Bill of Rights, Section 1 – Right to Privacy)

209. Plaintiffs hereby re-allege and incorporate by reference the prior paragraphs.

210. The Act violates Section 1 of the Bill of Rights contained in the Kansas Constitution, which provides “All men are possessed of equal and inalienable natural rights, among which are life, liberty, and the pursuit of happiness.” Kan. Const. Bill of Rights § 1.

211. Section 1 of the Kansas Bill of Rights also protects a right of informational privacy. *See Alpha Med. Clinic v. Anderson*, 280 Kan. 903, 919–22 (2006); *Tiller v. Corrigan*, 286 Kan. 30, 47–48 (2008).

212. “[M]uch like matters relating to marriage, procreation, contraception, family relationships, and child rearing, ‘there are few areas which more closely intimate facts of a personal nature’ than one’s transgender status.” *Arroyo Gonzalez v. Rossello Nevares*, 305 F. Supp. 3d 327, 333 (D.P.R. 2018) (quoting *Doe v. Town of Plymouth*, 825 F. Supp. 1102, 1107 (D. Mass. 1993)).

213. SB 244 forces transgender individuals to disclose their transgender status whenever they present a license for identification. This is also true for intersex individuals whose gender identity differs from their sex assigned at birth.

214. SB 244 forces transgender individuals to disclose their transgender status whenever they need to use a restroom or other single-sex space in public buildings. This is also true for intersex individuals whose gender identity differs from their sex assigned at birth.

215. SB 244 also invades the right to informational privacy by potentially requiring public employees and courts to ask questions about someone’s genitalia at birth and reproductive

capacity and requiring transgender and intersex people to answer those questions on pain of civil or criminal penalties or threat of other adverse action, for example in employment or education.

216. SB 244 thus violates the Section 1 right to informational privacy as applied to transgender people and intersex people who gender identity differs from their sex assigned at birth. To the extent that SB 244 effectively circumscribes only transgender people's conduct (both intersex and not intersex), SB 244 violates this right on its face.

FOURTH CLAIM FOR RELIEF

(Kansas Bill of Rights, Sections 1-2 - Right to Equality Under the Law)

217. Plaintiffs hereby re-allege and incorporate by reference the prior paragraphs.

218. The Act violates Section 1 of the Bill of Rights contained in the Kansas Constitution, which provides "All men are possessed of equal and inalienable natural rights, among which are life, liberty, and the pursuit of happiness." Kan. Const. Bill of Rights § 1.

219. The Act violates Section 2 of the Bill of Rights contained in the Kansas Constitution, which provides in relevant part that "All political power is inherent in the people, and all free governments are founded on their authority, and are instituted for their equal protection and benefit." Kan. Const. Bill of Rights § 2.

220. Properly construed, Section 2 guarantees equal protection beyond the Fourteenth Amendment to the U.S. Constitution. However, even under existing law, Section 2 sweeps at least as broadly as the Fourteenth Amendment. *See Rivera v. Schwab*, 315 Kan. 877, 894 (2022). Section 1 "has its own independent meaning and effect," *id.* at 893, and "applies in cases ... when an equal protection challenge involves individual rights." *State v. Limon*, 280 Kan. 275, 283 (2005).

221. SB 244 imposes a facial sex-based classification. It relies on reproductive organs at birth to classify people under state laws "with respect to the application of an individual's

biological sex.” K.S.A. § 77-207 (providing that an “individual’s ‘sex’ means such individual’s biological sex, either male or female, at birth” and defining male and female by reference to ova and fertilization of ova).

222. The Act also imposes a classification that targets transgender people. The Act necessarily treats an individual’s eligibility for a license and their ability to use public spaces differently depending on their transgender status. *Limon*, 280 Kan. at 283 (Section 1 of the Kansas Bill of Rights requires “that similarly situated individuals should be treated alike.”). This is true for transgender people, whether they are intersex or not intersex.

223. Such a classification based on transgender status is a sex-based classification. *See Bostock v. Clayton Cnty.*, 590 U.S. 644, 668–69 (2020).

224. All sex-based classifications, even those based on biological differences, must be tested under intermediate or heightened equal protection scrutiny. *See, e.g., Stephenson v. Sugar Creek Packing*, 250 Kan. 768, 775–77 (1992) (explaining that gender-based classification are subject to intermediate scrutiny, *e.g.* the classification “must serve important governmental objectives and must be substantially related to achievement of those objectives.”) (quoting *Craig v. Boren*, 429 U.S. 190, 197 (1976)).

225. SB 244 is not substantially related to achieving an important governmental objective.

226. Although SB 244 must satisfy heightened equal protection review, it cannot even satisfy rational basis review. SB 244 contains a discriminatory classification that is irrational and serves no legitimate government interest. *See Limon*, 280 Kan. at 286. The prohibitions in SB 244 are both overinclusive and underinclusive, providing evidence of invidious discrimination and animus toward those burdened, *i.e.* transgender people. *Id.* at 288. A preference for people to

identify with and appear as their sex assigned at birth is equivalent to disfavoring transgender people, but “moral disapproval of a group cannot be a legitimate governmental interest.” *Id.* at 295.

227. Because SB 244 imposes a facial sex-based classification, it facially violates the right to equality under the law protected by Sections 1 and 2. It also violates that right as applied to transgender people (both intersex and not intersex) by targeting them for disfavored treatment.

FIFTH CLAIM FOR RELIEF

(Kansas Bill of Rights, Section 11 - Right to Free Expression)

228. Plaintiffs hereby re-allege and incorporate by reference the prior paragraphs.

229. SB 244 violates Section 11 of the Kansas Bill of Rights, which provides “all persons may freely speak, write or publish their sentiments on all subjects, being responsible for the abuse of such rights.” Kan. Const. Bill of Rights, § 11.

230. Properly construed, Kansas’s speech protections sweep more broadly than those applicable under federal law. However, even under existing law, it is clear that Kansas’s speech protections “are, at a minimum, coextensive with the First Amendment.” *League of Women Voters of Kan. v. Schwab*, 318 Kan. 777, 787 (2024). Therefore, the decision of both what to say and what *not* to say are protected under Section 11. *Riley v. Nat’l Fed’n of the Blind of N.C., Inc.*, 487 U.S. 781, 796–98 (1988).

231. SB 244 compels speech in violation of the Kansas Constitution. The Act forces transgender Kansans to represent their biological sex assigned at birth on their driver’s license in lieu of their gender identity. SB 244 § 4(g). The same is true for intersex Kansans whose gender identity is different from their sex assigned at birth.

232. The Act further compels transgender individuals to disclose their transgender status to strangers by forcing them to communicate the government's belief about their sex. The same is true for transgender individuals who are also intersex.

233. SB 244 also forces individuals to present documents that align with the government's ideological view that a person's sex or gender is equivalent to their biological sex assigned at birth, another form of compelled speech. *Id.* § 6(a)(1).

234. In contrast to SB 244's impact on transgender Kansans, Kansas law recognizes in other contexts that people have an interest in deciding what to convey through their licenses. Individuals can decide, for example, whether to include on their licenses indicia that they are deaf, are organ donors, are veterans, or have a disability that may require cognitive assistance. Individuals convicted of sex offenses and required to register as sex offenders are not required to disclose that information directly on their licenses. Instead, Kansas law requires the state to create a unique numbering system to indicate to law enforcement a person's sex offender status.

235. SB 244 therefore violates the right against compelled speech enumerated in Section 11 of the Kansas Bill of Rights. SB 244 cannot satisfy any level of scrutiny because it serves the illegitimate government purposes of promoting the State's ideology concerning sex and gender. SB 244 violates Section 11 as applied to transgender people and intersex people whose gender identity is different from their sex assigned at birth because it forces them to express a message with which they disagree and to disclose their transgender or intersex status against their will. To the extent SB 244 forces any individual to express the State's message, it is also facially invalid under Section 11.

SIXTH CLAIM FOR RELIEF

(Kan. Const. Art. II, § 16 - Violation of Single-Subject and Clear Title Requirements)

236. Article II, Section 16 of the Kansas Constitution provides that “[n]o bill shall contain more than one subject,” and “[t]he subject of each bill shall be expressed in its title.” Kan. Const. Art. II, § 16. A statute that “contains more than one subject” is “invalid in its entirety.” *State ex rel. Stephan v. Thiessen*, 228 Kan. 136, 144 (1980).

237. SB 244 violates Section 16 because it encompasses at least two separate subjects: (1) the identification of a person’s biological sex at birth on their driver’s license and birth certificate, and (2) the designation of private spaces in public buildings for use by a single sex. On its face and in light of its history, SB 244 violates Section 16.

238. SB 244’s two subjects are not conceptually related to one another.

239. The legislative history of SB 244 also reveals that the two subjects are distinct and were logrolled into a single bill. The content of SB 244 was first presented at hearings of the House Judiciary Committee on HB 2426 with little or no notice.¹⁵ HB 2426 originally contained only the provisions concerning identification documents and definitions; its title began, “AN ACT amending the women’s bill of rights,” and enumerated various other subjects related to the definition of gender, driver’s licenses, and birth certificates.¹⁶ The Committee added the private spaces provisions later.¹⁷ Then, in a maneuver known as “gut

¹⁵ Morgan Chilson, *‘This bill spits on basic human decency’: Kansas Legislature passes bathroom ban without hearing*, Kansas Reflector (Jan. 28, 2026), <https://kansasreflector.com/2026/01/28/this-bill-spits-on-basic-human-decency-kansas-legislature-passes-bathroom-ban-without-hearing/>.

¹⁶ H.B. 2426, Kan. Leg., https://kslegislature.gov/li/b2025_26/measures/documents/hb2426_00_0000.pdf.

¹⁷ Morgan Chilson, *Kansas local government leaders question ‘millions’ in costs, lack of detail in bathroom bill*, Kansas Reflector (Feb. 12, 2026),

and go,” the Committee circumvented a Senate hearing by dumping the contents of HB 2426 into SB 244, an existing bill that had previously regulated bail bond companies; this allowed the Senate to simply concur with the overwritten bill.¹⁸

240. The text and legislative history of SB 244 make clear that it violates Article II, Section 16 of the Kansas Constitution.

241. Because SB 244 violates Section 16, the entire Act must be enjoined.

VI. REQUEST FOR RELIEF

WHEREFORE, Plaintiffs request that the Court:

- A. Issue a Declaratory Judgment that the Act violates Article II, Section 16 of the Kansas Constitution, and is therefore void and unenforceable in its entirety;
- B. Issue a Declaratory Judgment that the Act’s provisions with respect to driver’s licenses violate Sections 1, 2, and 11 of the Kansas Bill of Rights on their face or, in the alternative, as applied to (1) transgender individuals and (2) intersex individuals whose gender identity differs from their sex assigned at birth;
- C. Issue a Declaratory Judgment that the Act’s provisions with respect to restrooms in government buildings violate Sections 1, 2, and 18 of the Kansas Bill of Rights on their face or, in the alternative, as applied to (1) transgender individuals and (2) intersex individuals whose gender identity differs from sex assigned at birth;
- D. Grant a Temporary Injunction without bond, and a Permanent Injunction restraining Defendants, their agents, and their successors in office from

<https://kansasreflector.com/2026/02/12/kansas-local-government-leaders-question-millions-in-costs-lack-of-detail-in-bathroom-bill/>.

¹⁸ See *id.*; Chilson, *supra* note 3; S.B. 244, Kan. Leg., https://www.kslegislature.gov/li/b2025_26/measures/documents/sb244_00_0000.pdf (bail bond version).

enforcing the Act in its entirety, or in the alternative, with respect to driver's licenses and restrooms in government buildings; *and* against any individual or, in the alternative, as applied to any transgender individual or intersex individual whose gender identity differs from their sex assigned at birth.

- E. Grant such other and further relief as this Court deems just, proper, and equitable; including an award of costs and attorneys' fees to Plaintiffs.

Respectfully submitted, this 3rd day of April, 2026

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