

January 29th, 2026

The Hon. Laura Kelly
Governor, State of Kansas

Governor Kelly:



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The American Civil Liberties Union of Kansas is formally asking for a veto of House Substitute for Senate Bill 244, which is grounded in prejudice and misinformation. Transgender people are already vulnerable to violence, especially in restrooms, and this bill layers prospective physical violence on top of the existing privacy violation of forced changes to identification documents. Transgender Kansas should have protection and dignity in our state instead of persecution.

This bill undermines our state's strong constitutional protections against government overreach and persecution, and it subjects people to unacceptable privacy violations and puts them in harm's way. Discriminatory laws like this bill violate the fundamental rights guaranteed by the state constitution.

Where a law singles out people because their gender identity does not match the sex assigned to them at birth, it discriminates on the basis of sex and trans status. This triggers heightened equal protection scrutiny under the Constitution. The U.S. Supreme Court is clear that “[a]ll gender-based classifications today warrant heightened scrutiny.” There is no exception to heightened scrutiny for gender discrimination based on physiological or biological sex-based characteristics.

Parties defending gender-based and trans-status-based government action must demonstrate an “exceedingly persuasive justification” for that action.” Under this standard, “the burden of justification is demanding, and it rests entirely on the State.” The State, i.e. the legislature, has so far offered no justification for this bill except for hypothetical future problems that have not arisen. But under heightened scrutiny, justifications “must be genuine, not hypothesized or invented post hoc in response to litigation.” This demanding standard leaves no room for a state to hypothesize harm. Put simply, fear of or animus towards transgender people is not a legitimate justification for this legislation.

This bill, based in transphobia and misinformation, has no place in our state. We are asking you to stand with trans Kansans and allies by vetoing this bill.

Sincerely,

Micah W. Kubic
Executive Director