




ACLU

AMERICAN CIVIL LIBERTIES UNION
of KANSAS

2015 Kansas Legislative Update

A photograph of the Kansas State Capitol building, showing its prominent copper dome and classical architectural details, set against a clear blue sky.

In 2015, the **ACLU** turned back nearly every legislative assault on freedom in Kansas.

When the 2015 Kansas legislative session began, civil liberties advocates braced for the worst. The political environment in Topeka was as hostile to civil liberties as any in recent memory. Legislators promised to take sweeping action undermining dignity, equality, freedom, civil rights, and civil liberties. But in 2015, the ACLU of Kansas turned back nearly every legislative assault on freedom in Kansas.

Stopping Discrimination in the Name of “Religious Freedom”

The biggest civil liberties victory of the year came in a battle over SB 175, a bill that enabled discrimination. Like similar bills in Indiana and Arkansas, the Kansas legislation was not about the freedom to worship, but rather about permitting discrimination in the name of religion. SB 175 exempted religious college student groups

from non-discrimination policies, while mandating that they would receive taxpayer funding even if they discriminated. Student groups could discriminate against anyone—people of color, women, LGBT students, individuals with disabilities, or anyone at all—so long as the exclusion was tied to a religious belief.

The ACLU led a coalition that opposed the bill, arguing that there is not a right to public funding of discriminatory and exclusionary behavior. Groups are free to believe whatever they like, but are not entitled to receive taxpayer funding for discriminatory behavior. As a result of the public outcry, the House leadership chose not to schedule SB 175 for a vote.

Defending Free Speech

The First Amendment guarantee of free speech came under attack from multiple directions. Most outrageous of all was SB 56, a bill that would have criminalized teachers for sharing content “harmful to minors” with students. SB 56 was written so broadly that a teacher’s use of district-approved instructional materials—from classic novels to sex education materials—could have resulted in criminal charges and jail time for teachers. The ACLU joined with parents and educators to fight against this misguided effort at censoring teachers and criminalizing them for doing their jobs. Although SB 175 passed the Senate by a wide margin, we stopped its progress in the House.

Protecting the Right to Privacy

The right to privacy is cherished by Kansans on all points of the political and ideological spectrum. The importance of privacy was proven

during a House committee’s consideration of HB 2084, a bill that would create a mandatory government registry for pre-paid cellphone users. Under the proposal, any person purchasing a pre-paid cellphone would have to supply the store clerk with photo identification and personal information, which would then be loaded into a government information system accessible by law enforcement agencies at any time. The bill was a gross invasion of privacy and would have disproportionately hurt low-income populations and senior citizens, two groups that often lack photo identification. The ACLU was joined by business interests in advocating strongly against the bill, leading the House Utilities Committee to reject it.

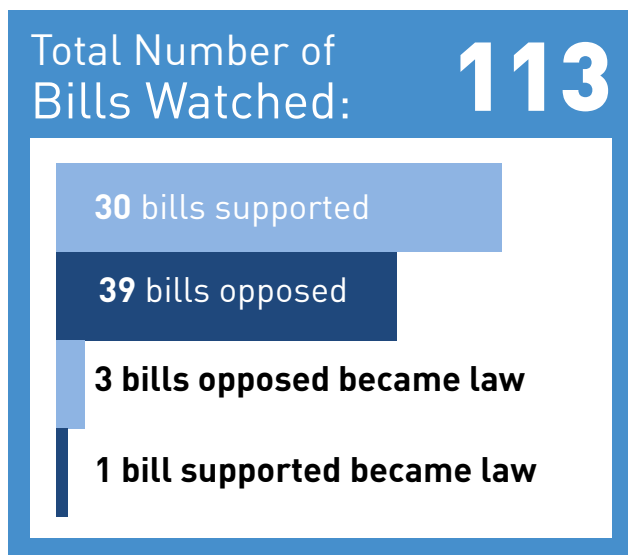
Standing Up for Immigrants’ Rights

Several bills targeting the rights of immigrants were introduced this year. Legislative allies of Secretary of State Kris Kobach went so far as to introduce SB 166, which declared federal immigration policy null and void in Kansas. The ACLU mobilized against the clearly unconstitutional bill, and it did not receive a committee hearing.

Another bill introduced by allies of Secretary Kobach, HB 2139, did receive a hearing. Legislators proposed repealing the state’s policy of offering in-state tuition at Kansas colleges to immigrant students, a policy that has existed for a decade. The ACLU continued to stand with students, arguing for their right to pursue their dreams through education. The ACLU worked with a coalition of students, educators, immigration advocates, faith leaders, and the business community to oppose HB 2139. We won a major victory when, in response to a massive outpouring of support for the students, the House Education Committee tabled the bill.

Promoting Accountable Policing

Recent events across the country have focused public attention on police practices. The Legislature considered several bills related to police body cameras, including two that would have mandated cameras for every police department



in the state. The ACLU supported those bills, believing they would contribute to accountability and transparency, but it ultimately foundered on concerns over cost.

The Kansas Senate then passed SB 18, which would have denied the public **any** access to body camera footage in jurisdictions that choose to implement the cameras. The ACLU strongly opposed that bill. We argued for a policy that would protect privacy, excluding many routine encounters with police from public view while ensuring that encounters that are of public interest would be accessible by the public. The state averted the disastrous outcome of having police body camera footage that no one but police officers could view when legislators opted to defer the issue until next year. The ACLU continues to pursue a comprehensive package that promotes police accountability and transparency.

Reproductive Freedom Under Attack

This year, the Legislature continued a long tradition of chipping away at reproductive freedom. Legislators considered bills that would make it more difficult to provide public school students with accurate human sexuality education. The ACLU was actively involved in the defeat of those harmful measures.

Sadly, the most significant attack on reproductive freedom did succeed. Kansas has more laws restricting abortion than any other state in the country, but this year yet another restriction became law. Through SB 95, Kansas became the first state in the country to ban one specific abortion procedure—one that is rare, but which is often the safest option for the woman at a specific time during pregnancy. In limiting a woman's ability to make decisions about her own healthcare, legislators used inflammatory, invented, and unscientific language to describe the medical procedure. Reproductive health-care providers are currently challenging the law in court and won a court injunction against it in late June.



Micah Kubic, executive director of the ACLU of Kansas, testifying at a committee hearing.

Fighting Back for Voting Rights

This session Secretary of State Kris Kobach continued his years-long campaign to erect additional barriers to voting. Even as the state's restrictive voter registration laws are being challenged in court, new barriers to voting were created. The legislature passed a law expanding the definition of a "voting crime," making it easier to charge individuals with a crime even when it is the result of a mistake or forgetfulness.

More troublingly, the governor and legislature finally granted a request that Secretary Kobach has made for several years, giving his office the power to prosecute voting crime. No other chief elections officer in the country has this power. Voting crime is exceptionally rare, but in those rare cases where it does exist, it deserves to be pursued by a real, trained prosecutor. The ACLU was joined by county prosecutors in opposing this power grab by the Secretary of State. Despite our opposition, the Legislature very narrowly approved SB 34, the bill giving the Secretary of State this new power. The

ACLU's efforts now shift to ensuring that the Secretary of State's new-found power is not deployed in a way that contributes to voter intimidation or suppression.

Advocating Full Equality for LGBT Kansans

There was little legislative action on LGBT equality this year, even as the United States Supreme Court was ruling that marriage equality should be the law of the land in all 50 states. Sadly, even as this progress was being made, Kansas Gov. Sam Brownback overturned an existing executive order that prohibited discrimination against state employees on the basis of sexual orientation. As a result of the governor's action, state government employees can be fired purely on the basis of sexual orientation. Legislation was introduced to reinstitute the non-discrimination policy. Advocates held a massive rally at the statehouse in support of the legislation, but the legislature's leadership did not so much as give the bill a hearing.



Nearly 1,000 supporters of equality for all Kansans rally on the steps of the statehouse on February 14, 2015.

Independence of Kansas Courts Undermined

In an unprecedented move, the Legislature tied the judicial branch's annual budget to a court ruling on an unrelated piece of legislation. Under the budget signed into law, if state courts find the unrelated legislation unconstitutional, the court system will be immediately defunded.

This is an attack on the independent judiciary. If the Legislature's attempt at intimidating the courts is allowed to stand, it will undermine principles that have been at the center of our nation's legal system for two centuries and significantly limit the role that the courts play in protecting our rights. The ACLU will be actively engaged in righting this crisis.

Looking Ahead

The fight for freedom is far from over. The Kansas Legislature will reconvene in January 2016, when it can take up any of the bills that did not advance this year plus introduce new ones.

The ACLU of Kansas is mobilizing now to fight back against the attacks we anticipate on reproductive freedom and voting rights. Legislators angry about the Supreme Court's decision in favor of marriage equality have vowed to legalize discrimination against LGBT Kansans by public employees and businesses. At the same time, we are preparing to wage proactive battles for privacy and criminal justice reform.

Our success this year proves we can win victories for civil liberties in Kansas. We will continue to fight for freedom, but our success in the 2016 session of the Legislature depends on you. Your support of the ACLU and activism for civil liberties amplifies our voice. By standing with the ACLU of Kansas, you give us the power to defend our freedoms in the statehouse and the courthouse.



Your support of the ACLU helps us ensure that
freedom continues to stand strong in Kansas.

Learn more at www.aclukansas.org