



**ACLU**  
Kansas

DEMOCRACY

---

*Unbroken  
and  
Unbowed*

2022 legislative update



## Defending Democracy in Kansas

At the start of the 2022 Kansas Legislative Session, state legislative leaders promised to pursue some of the nation's most extreme anti-democracy measures.

That was one promise they kept.

The 2022 legislative session saw the most grievous attacks on democracy and our constitutional rights in living memory. Indeed, the full range of civil liberties and civil rights that are essential to the practice and idea of democracy came under wholesale assault.

Gutting voting rights, confusing and disingenuous anti-“critical race theory” attacks on public education, an unceasing targeting of vulnerable transgender children, and demonization of immigrant communities were all elements of the 2022 session's anti-democracy agenda. In each instance, the goal of extremist politicians was to give the force of law to the idea that a particular group of Kansans was not really part of our community or our democracy.

In each of these instances, Kansans spoke out in emphatic opposition to that dangerous idea. Even as state legislative leaders pursued the most relentlessly anti-civil liberties agenda in memory, the ACLU of Kansas and everyday Kansans showed up to defend democracy.

The voice and power of the civil liberties movement made a difference. Squared up against enormously powerful forces, the ACLU of Kansas and its allies defending democracy succeeded more often than not. Although a few anti-civil liberties measures did become law this year, democracy in Kansas emerged from the 2022 state legislative session unbroken and unbowed.

### Bills advancing civil liberties



### Bills attacking civil liberties



*Equality wins,  
by a thin margin*

State legislators began the session promising that it would be a treacherous year for equality. Extremist ideologues were especially aggressive in advocating for two bills that would have undermined the pursuit of racial justice and persecuted LGBTQ+ Kansans.

The ACLU of Kansas fought back against these two bills that run counter to our shared values.

## Defeating Classroom Censorship

After failing to get a foothold with anti-“critical race theory” rhetoric, extremists pivoted to a new angle: “parent’s rights” and curriculum transparency with SB 58.

By removing explicit references to race, they hoped to skirt accusations of racism while still censoring teachers.

The ACLU has long supported government transparency and accountability. We support good-faith efforts to make information accessible.

But these bills are thinly-veiled attempts at chilling teachers and students from talking about race and gender in schools.

The ACLU of Kansas and partners mobilized aggressively against the bill, which runs counter to our shared values.

SB 58 unfortunately had the support of legislative majorities and so passed both chambers. However, Gov. Laura Kelly vetoed the bill, and those pushing it did not have the votes to override Gov. Kelly’s veto.

We will always stand for free speech, truth, and racial justice, and oppose these measures when they are introduced again.

## Defeating Bigotry

SB 160, the latest attempt to sanction discrimination against transgender children, was successfully vetoed again this year.

This bill would have banned children as young as five from participating in sports teams with other children of their gender. A similar bill was vetoed last year.

There are already systems in place for transgender athletes to participate in sports at the high school level, via the Kansas State High School Activities Association (KSHAA), and at the college level, via the NCAA.

This bill only attacked vulnerable children in kindergarten through middle school.

This reality, and the blatant transphobia within the statehouse, left no doubt about the motivations behind this bill: it was always about anti-LGBTQ discrimination.

The ACLU of Kansas and partners fought hard against SB 160, but majorities in both chambers approved it. Once again, Gov. Kelly’s veto pen assured that the discriminatory measure did not become law. She vetoed it promptly, and the legislature failed to override her veto. Equality and inclusiveness prevailed for another year.

## *Opposing gerrymandering to the very end*

---

This year saw the legislature conduct its decennial redistricting, where legislators redraw the boundaries for legislative seats. This process can be fraught with venality, as it was this year here in Kansas.

In keeping with anti-democracy, legislative leaders limited public input, then pushed through a congressional map that split Wyandotte County in half in order to weaken Black voting power. It lumped Lawrence in with the western half of state, rendering a district that is absurd on its face.

The ACLU of Kansas and partners like Loud Light vigorously opposed the racial and partisan discrimination found in the map, which was passed in spite of a gubernatorial veto. The ACLU and Loud Light then challenged the map in state court, on behalf of brave individual voters.

A lower court agreed that the map blatantly violated the state constitution's guarantees of equal rights and participation for all voters, but the case lost when it went before the Kansas Supreme Court. Although this specific gerrymander was allowed to move forward, the ACLU of Kansas will never stop defending the rights of Kansans not just to vote but to have their vote count.

## *Extremists want to make Kansas unsafe and hostile*

---

Early in 2022, Wyandotte County passed the Safe and Welcoming Act, creating a municipal ID, protecting communities from unconstitutional immigration enforcement practices, and helping immigrants to feel safer in reporting crime.

Immediately after passage, Attorney General Derek Schmidt and anti-immigrant extremists in the legislature introduced HB 2717, a bill that scrapped community wishes; it invalidated the Wyandotte ordinance and banned other communities from passing similar ordinances.

Despite an outpouring of opposition from the community, the bill passed 84-38 in the House and 29-10 in the Senate and eventually was signed by Governor Laura Kelly. As a result, Kansas is now a place that is less safe for and more hostile to immigrants than it was before.

## *Making progress on Criminal Legal Reform*

---

Aside from keeping our democracy unbroken and unbowed, we made crucial progress on criminal legal reform. The biggest achievement was passing SB 366, a bill that creates a mechanism for some drug offenders to petition for expungement and removal from registration requirements.

Additionally, we earned a vital hearing for our Kansas Debt Free Justice for Youth work, which looks to end predatory juvenile fines and fees in our court system that devastate Kansas families.

This work can be slow, but these are two crucial steps towards overhauling our broken system.

## Voting Rights attacks fail

This year saw a slew of anti-voter bills proposed, which soon were bundled into one anti-democracy monster bill. This consolidated bill—which was confusingly named S Sub for HB 2056—targeted the voter registration window, ballot box access, and the ability to vote by mail.

All of these technical changes had the same goals: to make it harder for eligible Kansans to register, to vote, and to have their vote count.

The ACLU of Kansas and voting rights advocates directly challenged these attacks on our democracy. In the midst of concerted national attacks on democratic institutions, we succeeded. S Sub for HB 2056 barely squeaked through the Kansas Senate, but failed to pass the House and did not become law.

## Looking ahead to 2023

Next session may seem far away, the work begins now. The ACLU of Kansas is preparing now, mobilizing everyday Kansans to defend democracy, equality, freedom, and justice. We already know that those values will be under assault again in 2023, with the contours of the legislative session certain to be defined by events happening this summer and fall.

On August 2, Kansans will vote on a proposed constitutional amendment that would eliminate state-level constitutional protections for reproductive rights. If the proposed constitutional amendment passes, it opens the door for a whole host of extreme anti-choice legislation, including a complete ban on abortion in all circumstances. Whether or not the amendment passes, some legislators are determined to make the 2023 session concentrate on passing the nation's most extreme, anti-choice, anti-privacy, and anti-women's rights laws. The ACLU of Kansas is prepared to turn back those attacks.

Gov. Laura Kelly has issued vetoes that have been vital to stopping dangerous legislation and in important cases, the majorities required to override those vetoes did not exist. These dynamics could change in 2023, depending on the outcomes of the 2022 election.

Regardless of what the elections bring or what legislators pursue, the ACLU of Kansas will remain constant. We will press forward for criminal legal reform, including working across the ideological spectrum to pass a bill to end predatory fines and fees. We will mobilize the voice of the civil liberties movement to defend voting rights and equality for all Kansans.

Most importantly, we will ensure our democracy remains unbroken and unbowed.



## *The fight for abortion rights in Kansas*

In June, the United States Supreme Court overturned *Roe v. Wade*, ending the vital judicial protections for abortion healthcare after 50 years.

Although this instantly cut off abortion access in states across the country, they remain in effect in Kansas because they're protected under the state constitution.

**However, these current protections are under direct attack.** On August 2, Kansans will be voting on a Constitutional amendment that, if passed, would allow lawmakers to issue a radical **total abortion ban**.

We know that Kansans don't want to open the door to this government overreach, so we want to make sure everyone makes it to the polls to have their voices heard.

Join us in defeating this devastating proposed constitutional amendment. Make sure you're registered to vote NO on August 2. Double-check you're registered to vote NO on August 2. **Then vote NO on August 2.**

### *Campaign Resources*

**Voting resources:** [aclukansas.org/vote2022](https://aclukansas.org/vote2022)

**Campaign resources:** [kansansforfreedom.com](https://kansansforfreedom.com)

**Volunteer opportunities:** [bit.ly/kcfevents](https://bit.ly/kcfevents)

Please join us in voting **NO** on the overreaching and harmful proposed amendment on August 2.

*Join the  
Movement!*

Support the fight for voting rights, reproductive freedom, LGBTQ+ rights, criminal legal reform, and more at:

**[aclukansas.org/donate](https://aclukansas.org/donate)**