

IN THE SEVENTH JUDICIAL DISTRICT  
DOUGLAS COUNTY DISTRICT COURT  
CIVIL DEPARTMENT

DANIEL DOE and MATTHEW MOE,

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 BURGHART, Secretary of  
Kansas Department of Revenue, in his official  
capacity; KANSAS DEPARTMENT OF  
ADMINISTRATION; and ADAM PROFFIT,  
Secretary of Department of Administration, in  
his official capacity,

Defendants.

Case No. \_\_\_\_\_  
Div. No. 7

**PETITION**

Plaintiffs Daniel Doe and Matthew Moe, 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. It 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.<sup>1</sup>

4. Plaintiffs are individuals who will be directly and immediately impacted by SB 244. 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 transgender people around the state of Kansas, 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.

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<sup>1</sup> 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).

5. SB 244 purports to immediately invalidate lawfully issued, unexpired, active driver's licenses, depriving Plaintiffs and other transgender Kansans of their ability to operate vehicles or utilize their identification with no notice or opportunity to be heard. Going forward, Plaintiffs and other transgender 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 to anyone that sees the incongruous gender marker on their identification.

6. SB 244 purports to immediately prohibit Plaintiffs and other transgender 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 at birth, they will be forcibly outed as transgender, may be harassed and targeted for violence, and may still be sued by individuals who are "aggrieved" because they think they're in the wrong restroom.

7. The Kansas Constitution prohibits the Kansas Legislature's targeting of transgender 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. The Kansas Constitution's guarantees of due process prohibit immediate invalidation of driver's licenses and 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 people

against their will. The Kansas Constitution’s protections for freedom of expression prohibit the State from forcing transgender Kansans to express 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.

## **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).

11. Venue in this Court is proper under K.S.A. §§ 60-602(2) and K.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. Daniel has legally changed his name and gender marker on his Kansas driver’s license. The gender marker on his driver’s license says he is male.

15. Daniel works in government-owned buildings and frequents other public buildings. He consistently uses 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. Matthew has legally changed his name and gender marker on his Kansas driver's license. The gender marker on his driver's license says he is male.

19. Matthew studies and works in government-owned buildings and frequents other public buildings. He consistently uses the men's restrooms in those buildings.

## **B. Defendants**

20. 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.

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

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

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

24. Defendant Deann Williams is the Director of Vehicles, charged with enforcement of the Act that is the subject of this Complaint 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.

25. 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.

26. 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.

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

28. 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.

29. Defendant Adam Proffitt is the Secretary of the Department of Administration, charged with enforcement of the Act that is the subject of this Complaint 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.

30. On February 19, 2026, the Kansas Department of Administration created a new policy section to address changes that would go into effect when the bill was enacted.<sup>2</sup>

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<sup>2</sup> 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](https://admin.ks.gov/media/cms/DOA_Policy_for_State_Agencies_on_Implementation_of_SB244_scan_17aa6dcc710c8.pdf) (February 19, 2026).

31. 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.<sup>3</sup>

#### **IV. Relevant Facts**

##### **A. Gender Identity and Gender Dysphoria**

32. 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.

33. 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 insistentlly identifies as male.

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

35. 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.

36. 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.

37. 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.

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

38. Being transgender is not in and of itself a medical condition to be cured.

39. But untreated gender dysphoria can result in significant lifelong distress, clinically significant anxiety and depression, self-harming behaviors, substance misuse, and suicidality.

40. 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.

#### **B. The Importance of Accurate Identity Documents for Transgender People**

41. 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.

42. 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 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.

43. 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.

44. 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.

45. 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.

46. 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. There is no scientific evidence that restricting transgender people's restroom use promotes public safety, but 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

47. Legal recognition of the appropriate gender identity has been significantly associated with less suicidal ideation.

48. 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

49. 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. Having a valid driver's license is a necessity for most Kansans. 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 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.

### **C. The Importance of Restroom Access for Transgender People**

50. 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.

51. 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 at birth.

52. In the 2015 U.S. Transgender Survey, 9 percent of respondents reported they were denied access to a restroom in the previous year, and 12 percent 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.

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

54. In the 2015 U.S. Transgender Survey, 61 percent of transgender men and 47 percent 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.

55. Requiring a transgender individual to use facilities inconsistent with their gender identity often results in forced disclosure of 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.

56. 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.

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.

#### **D. Plaintiffs**

##### **Daniel Doe**

57. 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.

58. 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.

59. 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. All of his identity documents now accurately reflect 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.

60. 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.

61. If 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 would strip Daniel of his hard-won privacy and expose him to stigma, discrimination, and potential hostility.

62. Since 2018, Daniel has used men's restrooms exclusively. He works in a government-owned building and uses the men's restrooms closest to his office, as he has done consistently throughout his employment. Although gender-neutral restrooms exist in other areas of the building, requiring him to use those facilities would necessitate traveling farther from his workspace and would conspicuously single 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. He also frequents other public facilities in Lawrence, including the public library, where he uses the men's restrooms without incident.

63. SB 244 places Daniel in an untenable and dangerous position. If he continues to use the men's restrooms—as he has done safely and without issue for years—he risks fines or

misdemeanor charges. If he instead uses the women’s restrooms, 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,” potentially jeopardizing his professional standing and workplace relationships.

64. 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.

**Matthew Moe**

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

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

67. 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.

68. 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. All of his identity documents consistently reflect his name and male gender.

69. 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.

70. Since obtaining identification that reflects his gender identity, Matthew has not experienced misgendering or questioning when presenting his license. Others cannot discern from his appearance or identification that he is transgender. If required to carry identification that discloses his sex assigned at birth, Matthew would be forced to reveal his transgender status every time he presents identification. Such involuntary disclosure would subject him to humiliation, degradation, and fear of potential violence.

71. Since 2019, Matthew has 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.

32. 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: using the men's restroom risks fines or misdemeanor charges; 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.

72. Matthew has previously been harassed in a restroom and fears that SB 244 will embolden further harassment and possible violence. He is also concerned that his employer or university could face litigation if he uses men's restrooms, placing additional pressure on his educational and employment opportunities.

#### **E. History and Text of SB 244**

73. 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. A true and correct copy of SB 180 is attached as Exhibit 2.

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

75. 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 its interpretation that SB 180 required driver’s licenses to be issued with designations for the driver’s sex assigned at birth.

76. 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).

77. 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.

78. 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 accepts in-state and out-of-state birth certificates, immigration and/or citizenship documents, and other government documents as proof of gender. *Id.* This remains the policy on the KDOR website as of February 25, 2026, following the litigation around SB 180.

79. 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.<sup>4</sup> A true and correct copy of HB 2426 is attached as Exhibit 4.

80. HB 2426 faced public opposition, including at a January 13, 2026 hearing. *See*, Morgan Chilson, *Proposed bill bans gender changes on Kansas driver’s licenses, birth certificates*, KANSAS REFLECTOR (Jan. 14, 2026), <https://kansasreflector.com/2026/01/14/proposed-bill-bans-gender-changes-on-kansas-drivers-licenses-birth-certificates/>.

81. To avoid further public debate and scrutiny of this discriminatory bill, Kansas legislators used a maneuver called a “gut and go” to replace the contents of SB 244—a bill from

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<sup>4</sup> [https://kslegislature.gov/li/b2025\\_26/measures/hb2426/](https://kslegislature.gov/li/b2025_26/measures/hb2426/)

2025 originally about bail bonds—with the contents of HB 2426.<sup>5</sup> That maneuver sidestepped additional hearings on the contents of the bill. A true and correct copy of the original SB 244 bill is attached as Exhibit 5.

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

83. 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.

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

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

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<sup>5</sup> S.B. 244, Kan. Leg., [https://www.kslegislature.gov/li/b2025\\_26/measures/documents/sb244\\_00\\_0000.pdf](https://www.kslegislature.gov/li/b2025_26/measures/documents/sb244_00_0000.pdf) (bail bond version).

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.<sup>6</sup>

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

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

87. 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).

88. 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 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).

89. Under SB 244, KDOR and the Division of Vehicles is required to send letters to individuals who had previously changed the gender marker on their Kansas driver’s license. *Id.* at §4 (g)(2). The text of this letter reads:

Dear Kansas Credential Holder:

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<sup>6</sup> Press Release: Governor Kelly Vetoes Poorly Drafted Legislation, Feb. 13, 2026, <https://www.governor.ks.gov/Home/Components/News/News/920/55>.

House Substitute for Senate Bill 244, enacted by the Kansas Legislature overriding Governor Kelly’s veto, requires Kansas-issued driver’s licenses and identification cards to reflect the credential holder’s sex at birth and directs the Division of Vehicles to comply with K.S.A. 77-207.

What does this mean for you?

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. Additionally, please note that the Legislature did not include a grace period for updating credentials. This means that once the law is officially enacted, your current credential will be invalid immediately, and you may be subject to additional penalties if you are operating a vehicle without a valid credential.

What do you need to do?

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. If you have any questions regarding procedures for obtaining a legally compliant credential, please contact the Kansas Division of Vehicles or visit your local driver licensing office.

Can you appeal this notice?

Yes. If you believe you have received this notice in error, you may appeal. Appeal rights are available under K.S.A. 8-259. However, please be advised that the filing of an appeal will not preserve the validity of your current credential and associated driving authority. For additional information about visiting a DOV exam station, please review the following link: <https://www.ksrevenue.gov/DOVAppointmentInfo/>

We apologize for the inconvenience this causes you.

90. The second subject 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<sup>7</sup>” and that 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).

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

## **V. Claims for Relief**

### **FIRST CLAIM FOR RELIEF**

#### **(Kansas Bill of Rights, Section 18, Procedural Due Process – Lack of Sufficient Notice and Reasonable Opportunity to Comply)**

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

93. 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.

94. 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

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<sup>7</sup> 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).

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).*

95. Both the driver's licenses and restroom provisions of the Act fail to give adequate notice to Kansans of what is prohibited and a meaningful opportunity to present objections.

96. Individuals with active driver's licenses displaying a gender marker that does not comply with SB 244 are given no pre-deprivation notice or opportunity to be heard. There is no opportunity to submit evidence or advocate for their license before denial of renewal of their driver's license.

97. Individuals with active driver's licenses displaying a gender marker that does not comply with SB 244 are given no opportunity to come into compliance with SB 244 prior to the statutory invalidation of their license.

98. Individuals with active driver's licenses displaying a gender marker that does not comply with SB 244 are given no notice by SB 244 of whether their licenses are considered noncompliant, subject to revocation, or ineligible for renewal.

99. 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.

## **SECOND CLAIM FOR RELIEF**

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

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

101. 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.

102. 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).

103. By forcing a person to carry a license with a marker inconsistent with their gender identity, or forcing a person to use a single-sex restroom that does not match one’s gender identity, SB 244 dictates how transgender people present themselves to the world. Far from enjoying the “right to shape . . . [their] own identity, destiny, and place in the world,” transgender Kansans living under SB 244 will be forced to present the identity imposed on them by the State.

### **THIRD CLAIM FOR RELIEF**

#### **(Kansas Bill of Rights, Section 1 – Informational Privacy)**

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

105. 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.

106. 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).

107. “[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)).

108. SB 244 forces transgender individuals to disclose their transgender status whenever they present a license for identification or need to use a restroom or other single-sex space in public buildings.

109. 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.

#### **FOURTH CLAIM FOR RELIEF**

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

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

111. 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.

112. 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.

113. Section 2 guarantees equal protection to at least the same degree as the Fourteenth Amendment to the U.S. Constitution. *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).

114. 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).

115. 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.”).

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

117. 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)).

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

119. Although SB 244 must satisfy heightened equal protection review, it cannot even satisfy rational basis review. SB 244 contains a discriminatory classification. *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 transgender 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.

## **FIFTH CLAIM FOR RELIEF**

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

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

121. 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.

122. 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).

123. 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 marker. SB 244 § 4(g). 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. 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).

124. 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 at

the expense of transgender individuals. *See U.S. Dept. of Agriculture v. Moreno*, 413 U.S. 528, 534 (1973) (“[A] bare . . . desire to harm a politically unpopular group cannot constitute a legitimate government interest.”).

## SIXTH CLAIM FOR RELIEF

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

125. 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).

126. 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.

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

128. 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.<sup>8</sup> 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

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<sup>8</sup> 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/>.

definition of gender, driver’s licenses, and birth certificates.<sup>9</sup> The Committee added the private spaces provisions later.<sup>10</sup> Then, in a maneuver known as “gut 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.<sup>11</sup>

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

## **VI. Request for Relief**

WHEREFORE, Plaintiffs request that the Court:

- A. Issue a Declaratory Judgment that the Act is unconstitutional and therefore unenforceable;
- B. Grant a Temporary Restraining Order followed by Temporary Injunction without bond, and a Permanent Injunction restraining Defendants, their agents, and their successors in office from enforcing the Act;
- C. Grant such other and further relief as this Court deems just, proper, and equitable; including an award of costs and attorneys’ fees to Plaintiffs.

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<sup>9</sup> H.B. 2426, Kan. Leg., [https://kslegislature.gov/li/b2025\\_26/measures/documents/hb2426\\_00\\_0000.pdf](https://kslegislature.gov/li/b2025_26/measures/documents/hb2426_00_0000.pdf).

<sup>10</sup> Morgan Chilson, *Kansas local government leaders question ‘millions’ in costs, lack of detail in bathroom bill*, KANSAS REFLECTOR (Feb. 12, 2026), <https://kansasreflector.com/2026/02/12/kansas-local-government-leaders-question-millions-in-costs-lack-of-detail-in-bathroom-bill/>.

<sup>11</sup> *See id.*; Chilson, *supra* note 3; S.B. 244, Kan. Leg., [https://www.kslegislature.gov/li/b2025\\_26/measures/documents/sb244\\_00\\_0000.pdf](https://www.kslegislature.gov/li/b2025_26/measures/documents/sb244_00_0000.pdf) (bail bond version).

Respectfully submitted, this 26th day of February, 2026

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