Equality Kansas is the leading lesbian, gay, bisexual and transgender (LGBT) political and advocacy organization in the state. Our membership is as diverse as the general population, and is actively engaged in formulating and defending pro-equality, non-discriminatory public policy at the state and local level.

In addition to our public policy activities, our political action committee, the Kansas Equality PAC, endorses and supports candidates who make a commitment to speak out and vote in favor of LGBT equality, and who will defend against the ongoing attempts to legislate LGBT Kansans into second-class status.

Please find the enclosed Equality Kansas 2020 Legislative Questionnaire. The topics are among those that have, in the past, been issues before the Kansas legislature and are likely to come before it in the future. Each question may be answered with a simple “yes” or “no” response. There is also room for additional comments, which we welcome and encourage. Many areas of public policy are complex, and nuanced answers from you will help us get to know you as a candidate and officeholder.

THE DEADLINE TO RETURN YOUR QUESTIONNAIRE IS JULY 6, 2020

If you are an incumbent officeholder, we will likely know some of your views from your voting record and public statements. We encourage you to spend a few minutes on our questionnaire regardless. There may be issues with which you are unfamiliar, or on which you’d like to offer an opinion. We value your input, and would like to hear from you.

Equality Kansas does not publish or share the contents of your questionnaire. This document is used internally for our leadership and government affairs staff to get to know you, and to evaluate your positions for potential endorsement and support of your candidacy.

If you have any questions, please call our office at 316-683-1706, or email witt@eqks.org.

Sincerely,

Thomas Witt
Executive Director

PS: This questionnaire may be scanned and returned via email to witt@eqks.org. You may also request that a fillable PDF be emailed to you. The deadline for your response is July 6, 2020. Questionnaires received after that date will not be considered!
1. Non-Discrimination & Equal Opportunity

Kansas currently has a non-discrimination statute called the Kansas Act Against Discrimination. It protects people from discrimination based on religion, sex, age, race, ethnicity, and national origin in employment, housing, and public accommodations. While approximately half the states offer protections based on sexual orientation or gender identity, Kansas does not.

   a. Do you oppose discrimination in employment, housing, and public accommodation based on sexual orientation and gender identity?

      ☐ Yes  ☐ No

      Comments:

   b. Do you support amending Kansas’s existing nondiscrimination law (which bans discrimination in employment, housing, and public accommodation based on traits such as race, sex, and religion) to include sexual orientation and gender identity?

      ☐ Yes  ☐ No

      Comments:

   c. If elected, will you co-sponsor introduction of a bill adding sexual orientation and gender identity to the Kansas Act Against Discrimination?

      ☐ Yes  ☐ No

      Comments:

Beginning in 2011, controversial “religious objection” bills that would allow overt discrimination against LGBT Kansans have been introduced in the legislature every year. Some bills have targeted municipal non-discrimination ordinances, while others have sought to deny participation by LGBTQ Kansans in taxpayer-funded programs, such as foster care and membership in university student organizations. In the 2020 legislative session, a bill was introduced that would allow health care professionals to deny treatment to LGBTQ patients.

   d. Do you oppose recent efforts by the Kansas Legislature to enact legislation that would allow health care workers, business owners, business employees and government employees to refuse to serve the LGBT community because of their religious objections?

      ☐ Yes  ☐ No

      Comments:

Under the Kansas constitution, cities are given the right of home rule to govern their own affairs. Over the past decade, more than 20 Kansas cities and counties have enacted local non-discrimination ordinances fully inclusive of sexual orientation and gender identity, which now cover over one-third of the Kansas population.

   e. Do you oppose recent efforts by the Kansas Legislature to undermine local non-discrimination ordinances that include protections for sexual orientation and gender identity?

      ☐ Yes  ☐ No

      Comments:
In 2007, then-Governor Kathleen Sebelius signed an executive order extending protections from discrimination based on sexual orientation and gender identity to State of Kansas employees. In 2015, then-Governor Sam Brownback rescinded the Sebelius order, replacing it with a so-called “religious freedom” order which appears to give the State the right to refuse to hire or terminate employees based on the religious beliefs of their supervisors. On Governor Laura Kelly’s first full day in office, she signed a new non-discrimination order restoring the Sebelius-era protections, and added an additional requirement that all contractors doing business with the State of Kansas extend non-discrimination protections to their LGBTQ employees.

f. Do you support Governor Laura Kelly’s executive order prohibiting discrimination based on sexual orientation and gender identity in State of Kansas employment?
   - Yes
   - No
   Comments:


2. Marriage Recognition

In 2015, the United States Supreme Court overturned all state laws banning the recognition of marriages of same-sex couples. In the wake of that ruling, some public officials have claimed “religious freedom” as a reason to deny service to same sex couples. Additionally, some businesses that serve the general public have also claimed “religious freedom” as a reason to deny service.

a. Do you believe public officials, in carrying out their taxpayer-funded duties, must serve all taxpayers equally, regardless of marital status?
   - Yes
   - No
   Comments:

b. Do you believe businesses that serve the general public must serve all the public, regardless of marital status?
   - Yes
   - No
   Comments:

c. In 1998, Kansas passed a state law banning recognition of same-sex marriages, and in 2005, the voters added that ban to the Kansas state constitution. Do you support repeal of the 1998 statute and the 2005 constitutional amendment?
   - Yes
   - No
   Comments:
3. **Gender Identity and Expression**

Transgender Kansans who have not been able to update their identification have been challenged at the polls, specifically because name, gender, and appearance on the identification do not readily match the appearance of the voter.

a. Do you support the right of transgender Kansans to have access to identification that accurately reflects their name and identity?

   ☐ Yes  ☐ No

   Comments:

The Kansas Legislature has seen at least four bills introduced that would ban the use of public bathrooms by gender non-conforming school children. Two of them placed a “bounty” of $2500, to be paid to the reporting student, on any transgender or gender non-conforming child caught in the “wrong” bathroom. Another bill would have banned transgender children from participating in competitive school sports.

b. Do you support allowing school children to use the restroom for the gender with which they identify?

   ☐ Yes  ☐ No

   Comments:

c. Do you support allowing school children to participate in all school activities for which they are qualified, regardless of their gender identity or expression?

   ☐ Yes  ☐ No

   Comments:

d. Kansas currently does not mandate coverage for medically necessary care, including transition care, when ordered by a physician. Prior to 2013, transgender individuals on Medicaid routinely had their treatment approved; however, since the privatization of Kansas Medicaid (KanCare), transgender patients are no longer receiving necessary care.

   ☐ Yes  ☐ No

   Comments:

e. Do you support mandating that KanCare provide medically necessary care, including transition care, when ordered by a physician, to transgender patients?

   ☐ Yes  ☐ No

   Comments:
4. **Foster Parenting, Adoption, and Surrogate Parenting**

During the Brownback/Colyer administration, the Kansas Department for Children and Families (formerly SRS) faced criticism and accusations, based on the release of court documents, that some of its officials discriminated against same-sex couples in the placement of children in need of care. Although a 2017 “limited scope” audit of DCF’s placement practices uncovered instances of discrimination, efforts to investigate and hold DCF and its officials accountable have been repeatedly blocked.

   a. Do you support a full investigation of DCF’s placement practices, both current and former?
      - Yes
      - No
      Comments:

   b. Do you support adoption and foster care placements based on the best interests of the child, without regard to the parents’ sexual orientation or gender identity?
      - Yes
      - No
      Comments:

In the 2018 legislative session, the State of Kansas passed a law which will allow taxpayer-funded foster and adoption agencies to turn away LGBT families based on the agencies’ religious affiliation.

   c. Do you oppose attempts to use taxpayer dollars, in the provision of state services, by agencies that engage in discrimination?
      - Yes
      - No
      Comments:

   d. Do you support repeal of the 2018 adoption discrimination law?
      - Yes
      - No
      Comments:

There are currently five clinics in Kansas that provide in-vitro fertilization services to women, and most do not turn away women in same-sex relationships. In 2010 a bill was introduced that would have required the reporting to the state the names of same-sex couples seeking IVF therapy. In the bill, failure to report could have resulted in clinic workers being charged with a Level 10 nonperson felony. Kansas law currently permits surrogacy contracts for couples seeking to have children carried by third parties. It is not uncommon for same-sex couples in Kansas to also enter into surrogacy contracts, as they are not currently banned. In the 2014 legislative session, a bill was introduced, and quickly killed after public hearings, that would have imprisoned and fined mothers entering into surrogacy agreements.

   e. Do you support maternity/paternity rights for non-biological parents when gay and lesbian couples decide to start a family?
      - Yes
      - No
      Comments:
f. Do you oppose any attempt to restrict or criminalize surrogacy, no matter the sexual orientation of the parents?
   Yes  No
   Comments:

6. School Safety and Bullying Prevention

In 2007, the Legislature passed a statute requiring public schools districts in Kansas to adopt policies and develop implementation plans to combat bullying. The statute currently lacks enumerations of protected classes, or any transparency or enforcement provisions. As a result, many school districts across Kansas are not in compliance with the statute. In school districts that have taken steps to follow the law, the quality of compliance varies widely. In general, those districts whose bullying prevention materials are readily available to parents have the qualitatively most comprehensive plans, where those whose materials are difficult to access place little to no emphasis on following the law.

   a. Do you support school district policies banning bullying of students based on sexual orientation or gender identity?
      Yes  No
      Comments:

   b. Do you support requiring school districts to post their bullying policies and implementation plans online, and to file them with the Kansas Department of Education?
      Yes  No
      Comments:

   c. Do you support requiring school districts to publish comprehensive data regarding bullying in their schools?
      Yes  No
      Comments:

7. Conversion Therapy

Conversion therapy, also referred to as “Reparative Therapy” or “Ex-Gay Therapy,” is a widely discredited practice that attempts to change an individual’s sexual orientation or gender identity. Practices to “cure” individuals of their same-sex sexual orientations and transgender identities include several techniques ranging from shaming to hypnosis to inducing vomiting to electric shocks.

Teens whose parents tried to change their sexual orientation had three-fold higher odds of having ever attempted suicide, and those whose parents enlisted the help of a professional (therapist or religious leader) to change their sexual orientation had a five-fold higher odds of having ever attempted suicide.

   a. Do you support a ban on the practice of “conversion therapy” on minors?
      Yes  No
      Comments:
b. Do you support suspending or revoking the licenses of medical professionals who attempt “conversion therapy” on minors?

☐ Yes  ☐ No

Comments:

8. Criminalization of Same-Sex Relationships

In 2003, the US Supreme Court decided in Lawrence v. Texas that criminalizing consensual acts between same-sex partners (defined as sodomy) is unconstitutional. It is important to note that just because the courts have ruled a statute unconstitutional, that does not compel a state legislature to remove it from the statute books. That is the case here in Kansas: Although the Kansas statute criminalizing same-sex sodomy is technically unenforceable, it remains the law in this state, and has been used to justify official harassment of LGBT Kansans. The Kansas law currently states that acts between members of the same sex is a Class B misdemeanor, punishable by up to six months in prison and a $1000 fine.

a. Do you support repealing Kansas’s criminal ban on same-sex relationships, which is unconstitutional and unenforceable after the U.S. Supreme Court’s 2003 Lawrence v. Texas decision?

☐ Yes  ☐ No

Comments:

9. Justice for Crime Victims

Kansas has had a hate crimes statute on the books since 1993 that includes “sexual orientation” among its protected classes.

a. Do you support tracking and reporting statistics on crimes motivated by bias based on sexual orientation or gender identity?

☐ Yes  ☐ No

Comments:

b. Transgender Kansans have become more frequent victims of violence, including a recent Wichita murder, because of their gender identity. Do you support amending our state hate crimes statute to include gender identity?

☐ Yes  ☐ No

Comments: