

Testimony in Opposition to HB 2426
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Well, here we are again. Spending time and resources on petty nonsense. As a transgender Kansan I'm very tired. The last two years under 2023's SB180 have been exhausting for me personally and for my community while the courts moved unreasonably slow on Harper; but we won, handedly at the Kansas Supreme Court I'll add, and got a little relief.

And here we are again. Given all the problems Kansans are having with rising property taxes, school funding, general affordability, and consequences to rural hospitals and farmers following disastrous federal actions in the past year, **this** is what the State is concerned with. As reported by CNN, a whopping 233 people changed their gender markers between the 2019 lawsuit settlement and December of 2022, with an additional surge of 161 in the first half of 2023 prior to SB180 going into effect. Our state's population is about three million, so, I would compute the percentage for your convenience but it's so infinitesimally close to zero it will require scientific notation to express compactly. A transgender epidemic posing a real administrative problem for our poor state officials. It's inconceivable that this is a problem worthy of our current legislature's time, but hey, when something's important ***you make the time***, right?

My contempt for the politics surrounding the bill could fill a tome, so let's focus on its merits or lack thereof and the lived experience of me and mine. Senate Bill 180's vital records ban purports to eliminate administrative challenges by any number of agencies where a changed gender marker produces confusion. Kobach failed repeatedly to demonstrate any real harm to the state by permitting them for trans Kansans. The best he could offer was speculation that police would potentially have difficulty identifying a suspect in a crime should they have gender markers different from their assigned sex at birth. Speculation, with no documented examples. If the purpose of an identification card is for *identification*, I would ask you to engage in the following hypothetical: I snatch a purse in a public space and disappear into the crowd. Authorities announce to the crowd the theft and advise them to look for a *man*, 5'11" 190lb with blue hair. Should they add 5" heels and 38B's to that description? Or convolute it more with qualifiers describing the typical expression of a woman? Would it not be simpler to tell bystanders to be on the lookout for a *woman* with those traits? Would it produce **more confusion** or muddle the identity of the suspect to describe them as a man or a woman in this case? Any scenario imaginable tends to the absurd when inspected with barely a grain of scrutiny. If an identification document is a tool designed to identify, then it should facilitate, not hinder, in that singular task.

My life as a feminine coded trans woman with an M marker on my ID didn't do a great job of identifying me as a man, but it did a very good job of identifying me as *trans*. Doormen, clerks, administrators, cops: anyone who took a look at my ID had a brief pause when they

confronted their confusion, then realization that they knew what my situation was. It serves to out me anywhere I go, and given how the state and its people seem to feel about us evinced by bills like these, being outed can be very dangerous in the wrong places. I'm not fooling anyone—my voice gives my transgender status away. Though I've been surprised before that individuals I've interacted with face-to-face didn't know until I stated it outright, and from a distance of course I'm read as a woman. The catcallers at the gas station can confirm. I spend a lot of time with trans women, and while I consider myself pretty visibly trans, for many of them you would **never** know. One of my friends is not here today because she worried for her career (after all, transgender status is not a protected class, is it?) and being identified *as trans* in this kind of neighborhood isn't always the wisest move. Requiring her to put an M on her license given her presentation and frankly her body's configuration does nothing to identify her as a man and everything to identify her as a transgender woman. It might as well be a scarlet A... or a pink triangle. This bill's license provision serves only to intimidate our community.

And that after all is the point, isn't it? I've talked about hypotheticals and used an unnamed third party's experience for cases and consequences, so here's my firsthand account. My federal ID – passport – read F for a significant length of time that my state ID – the driver's license – read M. Talk about confusion. Which ID do I use? Does the federal one trump the state in all cases under Supremacy Clause logic? Or do I use my federal when dealing with federal agencies and my state for state? Which do I present when I fly? At what point do I commit perjury every single time I use an identity document, because someone who really hates people like me could make the claim I lied no matter which one I used because the *other* document contradicts it? I am **disincentivized** from using the government because I'm **disincentivized** from using my documents. And isn't that really the point? Make trans lives so miserable they either detransition or avoid it in the first place, and for those of us who persist to just stay inside and out of sight? One could argue that flying is not a requirement and if I really don't want to show an agent my ID then I could travel by car or something more inconvenient, but I can still participate in society. That's fine, but there are plenty of cases where participation is compulsory. I received a jury summons in the past two years, and had very real concerns about how to answer it. No matter which gender marker I use, it's a lie. Does it matter if state or federal court? My documents don't match, and if I'm forced to perjure myself **to the court itself**, am I going to catch a charge and eventually be V-coded in custody for it? I cannot opt out of interactions like those.

Maybe I was in no danger with jury duty. To get ahead of my first critic accusing me of using speculation to defend my position while I condemned Kobach's use of it in Harper, whether I was in real danger or not is irrelevant. The anxieties of navigating life under bills that target us like this are very real, and the point is demonstrating harm to constituents. This bill's license provision does selective targeted harm to a vanishingly small group of people in this state while providing no material benefit to the state or its people at large. Shame on this legislature for entertaining it, and shame on Representative Humphries for even introducing it.