

Lawsuit over Kansas IDs would be a 'morass' if transgender people intervene, attorney general says

The Republican attorney general in Kansas is arguing that a legal morass would result if transgender Kansas residents are allowed to intervene in a lawsuit that seeks to force the state to list their sex assigned at birth on their driver's licenses

By JOHN HANNA AP Political Writer
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This image from the Kansas Department of Revenue shows a sample driver's license issued by the state's Division of Vehicles, first produced in June 2021. A new Kansas law... [Show more](#) The Associated Press

TOPEKA, Kan. -- Allowing transgender Kansas residents to intervene in a lawsuit that seeks to force the state to list the sex they were assigned at birth on their driver's licenses would create a legal "morass," the state's Republican attorney general argued in a new court filing.

Attorney General Kris Kobach also contends in a filing made public Wednesday that the five transgender people trying to intervene do not have a substantial interest in the lawsuit's outcome. Kobach wants to keep the focus of the case on his argument that a new state law that rolled back transgender rights as of July 1 bars the state from changing transgender people's driver's licenses to reflect their gender identities.

Kobach filed the lawsuit last month against two top officials in the Kansas Department of Revenue, which issues driver's licenses. The

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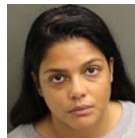
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lawsuit came after Democratic Gov. Laura Kelly announced that people could continue to have their driver's licenses changed despite the new law, which defines male and female under any state law as the sex assigned to a person at birth. The Republican-controlled Legislature overrode Kelly's veto and enacted it.

District Judge Theresa Watson has an Aug. 16 hearing set in Shawnee County, home to the state capital of Topeka, on the transgender people's request to intervene. Watson already has directed the department not to change transgender people's licenses while the lawsuit moves forward, and that order is to remain in place until at least Nov. 1. Kansas is among a few states that don't allow such changes, along with Montana, Oklahoma and Tennessee.

The five transgender individuals are represented by the American Civil Liberties Union and argue that barring changes in the sex listings on driver's licenses violates their rights under the Kansas Constitution.

Kobach argued in his filing, dated Tuesday, "That is not the issue in this case." Instead, he said, the question is only whether the Department of Revenue is complying with the new law.

"Thus, whatever grievances third parties may have ... such matters are simply not relevant," Kobach wrote.

Kobach also argued that if the transgender people intervene and raise constitutional issues, he would be obligated as the state's top lawyer to defend the Department of Revenue against those claims — in his own lawsuit.

"Allowing intervention will create a procedural morass," he wrote.

Attorneys representing the Department of Revenue against Kobach's lawsuit support the transgender people's request and argued in their own filing Tuesday that allowing them to intervene would promote "judicial economy." The lawyers said the transgender residents are likely to file a separate lawsuit if their request is denied.

Sharon Brett, legal director for the ACLU of Kansas, said in a statement that because Kobach's interpretation of the new law conflicts with transgender people's rights, "Their voices must be heard."

"It is telling that Mr. Kobach is going to great lengths to prevent the voices of transgender Kansans from being heard in this case," she added.

Kobach also is trying to stop Kansas from changing the sex listing on transgender people's birth certificates in a separate federal lawsuit.

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