



*End discrimination based on
sexual orientation and
gender identity*

Neutral Statement of Thomas Witt
Executive Director at Equality Kansas
HB 2495 – 501(c) Privacy Act
House Committee on the Judiciary
January 25, 2022

Greetings Chairman Patton and members of the committee –

Equality Kansas is the leading LGBTQ advocacy organization in our state. We are a membership organization organized under 501(c)(4) of the Internal Revenue Code. We also have an affiliated 501(c)(3) organization, the Equality Kansas Foundation, and a registered Kansas political action committee, the Equality Kansas PAC.

The bill before you today, HB 2495, would strengthen the privacy protections already recognized for 501(c) organizations. These protections are very important to Equality Kansas, as many of our (c)(4) members and (c)(3) contributors are also members of a minority that lacks protections against discrimination – namely, the members of the Kansas LGBTQ community for whom we advocate and represent. Should their identities be made public, they could be subject to retaliation, harassment, and discrimination.

We are neutral on today's legislation, but would be active proponents if the protections are broadened to include two specific groups of non-profit organizations: those that have organized as Kansas non-profits under K.S.A 17-7903 and K.S.A 17-6002, and those that have active applications pending for a 501(c) determination letter from the IRS.

To the best of our knowledge, there are no statutory privacy protections for Kansas non-profits. As far as getting a determination letter from the IRS, the process can be costly and time-consuming, especially if there are any ambiguities or errors in a 28-page application. It can take many months – and sometimes years – for a non-profit to receive a 501(c) determination letter from the IRS, particularly with the pandemic-induced slowdown the agency has been experiencing for two years now.

We believe these are important fixes that could be easily made within the spirit of the existing language. I'd be happy to work with the proponents, or members of the committee, to draft appropriate language.

Thank you for your time, attention, and your service to our state and nation. I am happy to stand for questions at the appropriate time.