

House Concurrent Resolution No. 5028

By Representatives Garber, Huebert, Jacobs, Lee, Murphy and Rhiley

2-9

1 A PROPOSITION to amend section 1 of the bill of rights of the
2 constitution of the state of Kansas; relating to equal rights.

3
4 *Be it resolved by the Legislature of the State of Kansas, two-thirds of the*
5 *members elected (or appointed) and qualified to the House of*
6 *Representatives and two-thirds of the members elected (or appointed)*
7 *and qualified to the Senate concurring therein:*

8 Section 1. The following proposition to amend the constitution of
9 the state of Kansas shall be submitted to the qualified electors of the state
10 for their approval or rejection: Section 1 of the bill of rights of the
11 constitution of the state of Kansas is hereby amended to read as follows:

12 "§ 1. **Equal rights.** All men are possessed of equal and
13 inalienable natural rights, among which are life, liberty, and the
14 pursuit of happiness. *Recognizing the authority of the state of*
15 *Kansas to exercise its police power and its sovereign right to adopt*
16 *individual liberties in the constitution of the state of Kansas more*
17 *expansive than those conferred by the constitution of the United*
18 *States, the state of Kansas shall hereby guarantee the inalienable*
19 *rights, equal protection and due process of law of every human*
20 *being from the beginning of the biological development of that*
21 *human being, including fertilization."*

22 Sec. 2. The following statement shall be printed on the ballot with
23 the amendment as a whole:

24 "*Explanatory statement.* The purpose of this amendment is to
25 expand the class of human beings who currently enjoy
26 inalienable rights, equal protection and due process of the
27 law under the constitution of the state of Kansas to every
28 human being from the beginning of the biological
29 development of that human being, including fertilization.

30 "A vote for this proposition would amend the constitution of the
31 state of Kansas to explicitly incorporate into it the
32 inalienable right to life of every human being irrespective of
33 age, race, gender, health, function, condition of dependency,
34 including physical or mental dependency, or method of
35 reproduction, from the beginning of their biological
36 development, including fertilization. The proposed

1 constitutional amendment would also prohibit the state from
2 discriminating against any class of human beings in the
3 application, interpretation and enforcement of its laws.

4 "A vote against this proposition would not amend the
5 constitution of the state of Kansas, in which case the current
6 federally mandated legal status of preborn humans would
7 remain that of a class of human beings that can intentionally
8 be killed."

9 Sec. 3. This resolution, if approved by two-thirds of the members
10 elected (or appointed) and qualified to the House of Representatives and
11 two-thirds of the members elected (or appointed) and qualified to the
12 Senate, shall be entered on the journals, together with the yeas and nays.
13 The secretary of state shall cause this resolution to be published as
14 provided by law and shall cause the proposed amendment to be submitted
15 to the electors of the state at the general election in November in the year
16 2022, unless a special election is called at a sooner date by concurrent
17 resolution of the legislature, in which case it shall be submitted to the
18 electors of the state at the special election.