

Exhibit A

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

KANSANS FOR CONSTITUTIONAL
FREEDOM,

Plaintiff,

v.

KRIS KOBACH, et al.,

Defendants.

Case No. 2:25-cv-02265

DECLARATION OF MICAH KUBIC

I, Micah Kubic, in accordance with 28 U.S.C. § 1746, declare the following:

1. I am over the age of 18. I am competent to make this sworn declaration. The following is based on my personal knowledge.

2. I am the President of Kansans for Constitutional Freedom (“KCF”), the Plaintiff in this action.

3. KCF is a non-profit corporation incorporated and operating in Kansas and organized under Section 501(c)(4) of the Internal Revenue Code. It is committed to protecting the constitutional rights of Kansans to make personal healthcare decisions free from government interference.

4. In 2021, the Kansas legislature voted to place an anti-abortion constitutional amendment on the August 2, 2022 primary ballot (the “2022 Amendment”). The 2022 Amendment would have added a new Section 22 to the Kansas Bill of Rights, to provide that “the constitution . . . does not require government funding of abortion and does not create or secure a right to abortion.”

5. KCF was formed in response to the 2022 Amendment by a bipartisan coalition of reproductive rights advocates and allied organizations committed to protecting the constitutional rights of Kansans and keeping abortion safe and legal. It emerged as the primary organization opposing the 2022 Amendment.

6. KCF is supported by a wide array of individual and organizational donors from nearly every corner of Kansas and around the country. It was formed from a coalition of over forty organizations and received donations from residents of 80 of Kansas's 105 counties.

7. KCF spent more than \$11 million opposing the 2022 Amendment in the lead up to the August 2, 2022 election. That money was spent producing and placing television advertisements opposing the amendment, communicating with voters through direct mail, and funding a robust field program to communicate directly with Kansas voters and help turn out the vote. Through this field program, KCF's staff and volunteers knocked on tens of thousands of doors and talked to countless Kansas voters.

8. Following KCF's efforts, the 2022 Amendment was defeated, with over 59 percent voting "no".

9. Since it successfully defeated the 2022 Amendment, KCF has continued to advocate for reproductive freedom in Kansas. For example, KCF engaged with voters, organizational partners, and stakeholders about the actions that the Kansas legislature was undertaking with respect to abortion rights, and KCF continued to engage with voters about how the Kansas legislature was ignoring the clearly expressed will of the Kansas electorate regarding protecting access to safe and legal abortion.

10. In future election cycles, KCF plans to use its existing resources and future contributions to support or oppose other constitutional amendments.

11. Specifically, KCF would like to mount a similar effort to oppose Senate Concurrent Resolution (“SCR”) 1611, a proposed constitutional amendment referred by the Kansas Legislature that, if approved by voters, would dramatically alter the current judicial selection process in Kansas. That amendment will be presented to Kansas voters in a special election on August 4, 2026.

12. KCF plans to educate voters about the effects of SCR 1611—including its implications for the future of abortion access in Kansas—and to persuade them to vote against the amendment. To do so, KCF must book advertising time, identify and work with vendors, and develop and implement a messaging and voter turnout strategy. Those efforts will require many months of work as well as substantial funding. KCF’s ability to effectively oppose SCR 1611 therefore depends on its ability to immediately begin its advocacy activities and its corresponding fundraising efforts.

13. KCF does not collect information from its individual donors regarding their citizenship status, nor does it require its organizational donors to do so. KCF therefore cannot say whether any of its existing funds were contributed “directly or indirectly” by a foreign national. Consequently, KCF could not make the certifications required by K.S.A. § 25-4180(a)(1), or (c) as amended by HB2106.

14. KCF also cannot certify that its donors have not themselves accepted contributions from foreign nationals in an amount greater than \$100,000 over the last four years because KCF does not collect this information from its donors. Consequently, KCF could not make the certification required by K.S.A. § 25-4180(a)(2).

15. Engaging in invasive questioning of donors regarding the source of any funding they have received for any purpose will directly hinder KCF’s ability to raise funds to engage in

the advocacy central to its purpose. But for HB2106, KCF would continue to solicit contributions in the future from a wide variety of potential donors, including those who would be unable or unwilling to provide KCF with the broad personal and financial information about their own funding sources.

16. KCF has serious concerns about becoming the target of enforcement actions or private citizen complaints related to its advocacy in part because, during hearings before the legislature on HB2106, witnesses testifying in support of the bill singled out KCF as an organization that they believed had received substantial funding from foreign sources. Given that history, KCF must exercise extraordinary caution regarding its decisions about its funding sources and whether it can make any of HB2106's required certifications.

17. As a result of all this, HB2106 will severely curtail KCF's planned speech and associational activities.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 21, 2025


Micah Kubic