

Kansas City Mayor Repeals Order That Forced Churches to Record Churchgoers' Information

In his Executive Order 20-01, with an effective date of May 6, Kansas City Democrat Mayor Quinton Lucas ordered that houses of worship and some other “non-essential” operations record the names and contact information of any person who stays inside for 10 minutes or longer. The name and contact information were required so that the Kansas Department of Public Health could “quickly trace, test, and isolate individuals” if some who may have been exposed to someone who may have COVID-19 attended the “religious gatherings.” If the person refused to provide a name and contact information, the person must be refused entry. Failure to abide by violations “of any provision of this Order constitutes an imminent threat, creates an immediate menace to public health, and shall be considered a violation of Section 50-155 of the City’s Code of Ordinances.”

Liberty Counsel broke the story after being contacted by concerned pastors. The story went viral quickly and now, as a result of the public outcry over this unconstitutional provision, Kansas City reversed the Fourth Amended Order and issued a Fifth Amended Order on May 4. Under the new order released yesterday, the recording of names and contact information is no longer mandatory. The Fifth Amended Order encourages religious groups to record names and contact information, but it is now voluntary.

Kansas City imposed a 10/10/10 rule on “religious gatherings” and some “non-essential” operations that would begin to have limited operations on May 6. The three 10s stood for allowing

no more than 10 people inside or 10% of building capacity (whichever is greater) and recording the names and contact information of any person who remained inside for 10 minutes or more. Essential operations were, and remain, exempt.

In this Fifth Amended Order, issued yesterday, the last 10—the recording of names and contact information for attendees—was made *voluntary*. The amended order now states: “Attendees are not required, however, to provide their names or contact information at any religious gathering.” The recording of names and contact information was also removed from the other “non-essential” operations. However, *the Fifth Amended Order still imposes the 10/10/10 rule and no more than 50-person limit on outside religious gatherings, the latter of which is not imposed on any secular gathering.*

During a press conference regarding the Fourth Amended Order, Mayor Lucas confirmed that it applied to houses of worship. “Religious gatherings like weddings, church services and funerals can resume with 10 people inside a location and 50 people outside, *as long as social distancing is maintained and names and contact information of attendees is kept*” (emphasis added).

In the Fourth Amended Order, churches and houses of worship were discriminated against in two ways. First, they are excluded from the “essential” category and thus subjected to unequal treatment from the beginning. Essential operations, including gatherings inside and outside, are exempt from the 10/10/10 rule as well as name and contact recording. Second, religious gatherings for churches and houses of worship conducted *outside* were limited to no more than 50 people. No other secular outside gathering has this limitation of the 10/10/10 rule, which also includes recording names and contact information of any person who attends.

In the Fifth Amended Order issued yesterday, churches and houses of worship are still discriminated against in the same

two ways noted above. The only difference between the Fourth and Fifth Amended Orders is the removal of the mandatory recording of names and contact information.

Liberty Counsel Founder and Chairman Mat Staver said, "The requirement to record names and contact information of anyone who attends a religious gathering was a gross violation of the First Amendment. Due to the overwhelming public outcry, the Kansas City Mayor reversed course and removed this unconstitutional provision. That is the good news. The bad news which Kansas City must still remedy is the continued unconstitutional treatment of churches and houses of worship compared to other secular gatherings."

[Read here](#) for more info on the Amended Orders.