IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION

KAREN KREBS, Plaintiff, v. MICHAEL D. GRAVELEY, in his official capacity as the District Attorney of Kenosha County, Wisconsin, Defendant.	)	No. 2:19 CV 634 Judge

COMPLAINT

Plaintiff Karen Krebs,[1] through counsel, complains against Defendant Michael Graveley, in his official capacity as District Attorney of Kenosha County Wisconsin, as follows:

Nature of the Case

1. Wisconsin law makes it a felony for anyone who is required to register as a sex offender with the state of Wisconsin to legally change his or her name. Wis. Stat. §301.47(2)(a) (hereinafter "the name-change statute" or "the statute"). A person who changes his or her name in contravention of the statute is subject to criminal prosecution and penalties including imprisonment for up to six years and/or a fine of up to $10,000.00. Wis. Stat. §939.50.

[1] Plaintiff's legal name is Kenneth Krebs. As explained in full below, Plaintiff is a transgender woman who has used the name Karen since the 1990s. Plaintiff has been prohibited from legally changing her name pursuant to the statute challenged herein. References in this complaint to Plaintiff use her preferred name and gender pronouns.

2. Plaintiff Karen Krebs wishes to change her name, but is prohibited from doing so pursuant to the name-change statute. She contends that the statute, on its face and as applied to her, violates the First Amendment of the United States Constitution. Plaintiff seeks injunctive relief and declaratory relief.

Jurisdiction and Venue

3. Jurisdiction is proper in this court pursuant to 28 U.S.C. §1331 because this action arises under federal law. Specifically, this case arises under 42 U.S.C. §1983 and alleges violations of the First Amendment of the United States Constitution.

4. Venue is proper in this district pursuant to 28 U.S.C. §1391(b), as the events giving rise to Plaintiff's claims occurred in the Eastern District of Wisconsin.

5. Declaratory relief is authorized under 28 U.S.C. §2201. A declaration of law is necessary and appropriate to determine the respective rights and duties of parties to this action.

The Parties

6. Plaintiff Karen Krebs is a resident of Kenosha, Wisconsin.

7. Defendant Michael Graveley is the district attorney for Kenosha County. Graveley is sued in his official capacity. Pursuant to Wis. Stats. § 978.05, Graveley is responsible for "prosecut[ing] all criminal actions before any court" within Kenosha County. Graveley is thus the individual ultimately responsible for enforcement of the name-change law against Krebs.

Relevant Facts

8. Plaintiff Karen Krebs is a transgender woman. At birth, Karen was given the name Kenneth Krebs. She has not used that name since she came out as transgender in 1999.

9. Because of a 1992 conviction, Plaintiff is required to register as a sex offender with the state of Wisconsin for the rest of her life. Thus, she is permanently prohibited from legally changing her name to Karen pursuant to the name-change statute.

10. Plaintiff wants to legally change her name, but she refrains from seeking to do so because of the threat of arrest and criminal prosecution for violation of the name-change statute.

11. Not being able to legally change her name to comport with her identity causes numerous problems in Plaintiff's life, including the following.

(a) Plaintiff considers the name Karen to be of central importance to her self-expression and identity. Not having an official ID that matches her identity causes Plaintiff embarrassment and distress.

(b) The name Kenneth still appears on all of Plaintiff's official documents, including her state ID, banking documents, medical records, tax forms, and her mail. This causes confusion and raises questions whenever Plaintiff applies for a job, interacts with medical professionals, or seeks to manage her personal finances.

(c) Not having an official ID that matches her identity forces Plaintiff to explain the fact that she is transgender to strangers with whom she interacts at doctors' offices, the bank, and pharmacies.

12. Plaintiff does not seek to conceal her identity or her criminal record by changing her name. In fact, the law prevents her from doing so. Wis. Stat. §301.47(2)(b) requires a registrant to report any name by which he or she "identif[ies] him or herself" to the registration authorities. Plaintiff has always complied with that rule and reports both "Kenneth" and "Karen" to the state sex offender registry. Thus, if an individual searches the registry for "Karen Krebs," "Kenneth Krebs" or simply for the last name "Krebs," Plaintiff's listing on the registry is returned as a result.

13. If Plaintiff is permitted to legally change her name, she would still register both the name she was given at birth and her legal name with the state's sex offender registry.

COUNT I
42 U.S.C. §1983 – First Amendment

14. Plaintiff realleges and reincorporates, as though fully set forth herein, each and every allegation above.

15. The name-change statute violates the First Amendment both on its face and as applied to Plaintiff.

WHEREFORE, Plaintiff respectfully requests that this Court:

(a) issue a preliminary and then permanent injunction prohibiting Defendant from enforcing the name-change statute against Plaintiff and the members of the class;

(b) issue a declaratory judgment that the name-change statute violates the First Amendment;

(c) enter judgment for reasonable attorney's fees and costs incurred in bringing this action; and

(d) grant Plaintiff any other relief the Court deems appropriate.

Plaintiff demands trial by jury.

Respectfully submitted,

/s/ Adele D. Nicholas
/s/ Mark G. Weinberg
Counsel for Plaintiff

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
MILWAUKEE, WISCONSIN

KAREN KREBS, *et al.*,	)	
	)	
Plaintiffs,	)	Case No. 2:19-cv- 634
	)	
v.	)	
	)	Judge
MICHAEL GRAVELEY,	)	
	)	
Defendant.	)	

PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION

Pursuant to Fed. R. Civ. Pro. 65, Plaintiff Karen Krebs respectfully requests that this Honorable Court enter a preliminary injunction prohibiting Defendant from continuing to enforce Wis. Stat. §301.47(2)(a) against her. In support thereof, Plaintiff states as follows.

FACTUAL BACKGROUND

I. The Challenged Statute

Wisconsin law makes it a Class H felony for anyone who is required to register as a sex offender with the state of Wisconsin to legally change his or her name. Wis. Stat. §301.47(2)(a) (hereinafter "the name-change statute" or "the statute"). A person who changes his or her name in contravention of the statute is subject to criminal prosecution and penalties including imprisonment for up to six years and/or a fine of up to $10,000.00. Wis. Stat. §939.50.[1]

[1] Plaintiff does not challenge the constitutionality of Wis. Stat. §301.47(2)(b), which requires a registrant to report any name by which he or she "identif[ies] him or herself" to the registration authorities.

II. Plaintiff Karen Krebs

Plaintiff Karen Krebs is a transgender woman. Ex. 1, Decl. of Karen Krebs, at ¶1. At birth, Karen was given the name Kenneth Krebs. *Id*. at ¶2. She has not used that name since she came out as transgender in 1999. *Id*. Plaintiff does not think of herself as Kenneth and does not identify with that name or with its implication—*i.e.*, that she is male. *Id*.

Because of a 1992 conviction, Plaintiff is required to register as a sex offender with the state of Wisconsin for the rest of her life. *Id*. at ¶3. Thus, she is permanently prohibited from legally changing her name to Karen. Plaintiff wants to legally change her name, but she refrains from seeking to do so because of the threat of arrest and prosecution. *Id*. at ¶4.

Not being able to legally change her name causes numerous problems in Plaintiff's life. *Id*. at ¶5. Plaintiff considers the name Karen to be of central importance to her self-expression and identity. The name Karen matches Plaintiff's gender-identity and accurately reflects who she is. *Id*. Conversely, the name Kenneth does not match Plaintiff's gender and does not accurately reflect her identity. *Id*. The name change law forces Plaintiff to disclose and respond to the name Kenneth in any situation where she must show a government-issued ID. *Id*. The name Kenneth appears on official documents, including Plaintiff's state ID, her bank accounts, medical records, tax forms, and mail. *Id*. at ¶6. This causes confusion and raises questions when Plaintiff applies for jobs, travels, interacts with medical professionals and government officials, and manages her finances. *Id*.

Not having an official ID that matches her identity causes Plaintiff embarrassment and distress. *Id*. at ¶7. It forces Plaintiff to disclose and explain the fact that she is transgender to strangers with whom she interacts at doctors' offices, the bank, and pharmacies, and it raises questions about the legitimacy of Plaintiff's government-issued ID because she does not appear and present as male. *Id*.

Plaintiff does not seek to conceal her identity or her criminal record by changing her name. *Id*. at ¶8. Pursuant to Wis. Stat. §301.47(2)(b), a registrant must report any name by which he or she "identif[ies] him or herself" to the registration authorities. Plaintiff has always complied with that rule and reports both "Kenneth" and "Karen" to the state sex offender registry. *Id*. Thus, if an individual searches the registry for "Karen Krebs," "Kenneth Krebs" or simply for the last name "Krebs," Plaintiff's listing on the registry is returned as a result. If Plaintiff is permitted to legally change her name, she would still register both the name she was given at birth and her legal name with the state's sex offender registry. *Id*.

III. Defendant Michael Graveley

Defendant Michael Graveley is the district attorney for Kenosha County, Wisconsin. Graveley is sued in his official capacity. Pursuant to Wis. Stats. §978.05, Graveley is responsible for "prosecut[ing] all criminal actions before any court" within Kenosha County. Graveley is thus the individual ultimately responsible for enforcing the name-change law against Plaintiff. He is thus a proper Defendant pursuant to *Ex parte Young*, 209 U.S. 123 (1908). *See Council 31 of the AFSCME v. Quinn*, 680 F.3d 875, 882 (7th Cir. 2012) (The Ex parte Young doctrine "allows

private parties to sue individual state officials for prospective relief to enjoin ongoing violations of federal law.") (citations omitted).

ARGUMENT

In the Seventh Circuit, a party seeking a preliminary injunction must establish four elements: (1) some likelihood of success on the merits; (2) lack of an adequate remedy at law; (3) a likelihood of irreparable harm if the injunction is not granted; and (4) the balance of hardships tips in the moving party's favor. *Ty, Inc. v. Jones Group, Inc.*, 237 F.3d 891, 895 (7th Cir. 2001). In the analysis below, Plaintiff shows, first, that she has a substantial likelihood of success on the merits of her First Amendment claim. Next, Plaintiff shows that she lacks an adequate remedy at law and is suffering irreparable harm in the absence of injunctive relief, and that the balance of harms tips in her favor.

I. Plaintiff Has a Likelihood of Success on her First Amendment Claim

The name-change statute violates the First Amendment as applied to Plaintiff because it fails to strike a proper balance between Plaintiff's speech rights and legitimate government objectives. This is so in three ways. First, the name-change statute violates the First Amendment because it compels Plaintiff to engage in speech and does not satisfy strict scrutiny. In the alternative, if analyzed as a restriction on speech in a limited public forum, the name-change statute fails because the restrictions it imposes are not reasonable in light of the purpose for which the government has established the forum. Finally, if analyzed as a regulation of expressive conduct under *United States v. O'Brien,* 391 U.S. 367

(1968), the name-change statute fails because it imposes a restriction on expression greater than is essential to the furtherance of an important or substantial governmental interest.

A. The Name-Change Statute Impermissibly Compels Speech

The Supreme Court has repeatedly affirmed that the First Amendment protects "both the right to speak freely and the right to refrain from speaking at all." *Janus v. AFSCME, Council 31*, 138 S. Ct. 2448, 2463 (2018) (quoting *Wooley v. Maynard*, 430 U.S. 705, 714 (1977)). In *Janus*, the Court explained that "measures compelling speech are at least as threatening" to core First Amendment values as "restrictions on what can be said." *Id*. at 2464. The Court wrote as follows:

> When speech is compelled, … individuals are coerced into betraying their convictions. Forcing free and independent individuals to endorse ideas they find objectionable is always demeaning, and for this reason, one of our landmark free speech cases said that a law commanding 'involuntary affirmation' of objected-to beliefs would require 'even more immediate and urgent grounds' than a law demanding silence.

Id. (citing *West Virginia Board of Education v. Barnette*, 319 U.S. 624, 633 (1943)).

As shown below, Wisconsin's name-change statute fails because it compels Plaintiff to engage in speech and is not narrowly tailored to advance a compelling government interest.

1. The Name-Change Statute Compels Speech

By prohibiting Plaintiff from legally changing her name, the government compels her to engage in speech to which she objects. In any situation where Karen must disclose and/or use her legal name—*e.g.*, applying for a job, filling out employment-related forms, paying bills, banking, obtaining medical care, travelling

by train or plane, applying for government benefits, entering a building or facility where one must show a government ID—Plaintiff is forced to disclose and respond to a name that does not comport with who she is. Whenever Plaintiff shows her government ID, she is forced to communicate information about herself and her identity that is false and to which she strongly objects—*i.e.*, that she is male and that her name is Kenneth. Relatedly, the statute compels Plaintiff to disclose and explain the fact that she is transgender whenever she shows her government-issued ID, leading to embarrassing and uncomfortable conversations with strangers with whom she does not wish to discuss the fact that she is transgender. Thus, the name-change statute compels Plaintiff to engage in speech.[2]

2. The Name-Change Statute Fails Strict Scrutiny

Because it compels speech, the name-change statute is necessarily "a content-based regulation of speech." *NIFLA v. Becerra*, 138 S. Ct. 2361, 2371 (2018); *see also Riley v. Nat'l Fed'n of Blind*, 487 U.S. 781, 795 (1988) ("Mandating speech that a speaker would not otherwise make necessarily alters the content of the speech."). As a result, it can only be upheld if it satisfies strict scrutiny. *Reed v. Town of Gilbert*, 135 S. Ct. 2218, 2226 (2015). Under strict scrutiny, the state bears the burden of

[2] The fact that the compelled speech does not communicate an ideological message doesn't change the analysis. As the Supreme Court explained in *Riley v. National Federation of the Blind*, "cases cannot be distinguished because they involve compelled statements of opinion while here we deal with compelled statements of 'fact': either form of compulsion burdens protected speech." 487 U.S. 781, 797–98 (1988) (holding that professional fundraisers could not be forced to disclose to potential donors the percentage of donations that the fundraisers actually turned over to charity.); *see also*, *Rumsfeld v. Forum for Academic & Institutional Rights, Inc.*, 547 U.S. 47, 61 (2006) ("[C]ompelled statements of fact . . ., like compelled statements of opinion, are subject to First Amendment scrutiny."); *Hurley v. Irish-American Gay, Lesbian and Bisexual Group of Boston*, 515 U.S. 557, 573 (1995) (explaining that the compelled speech doctrine applies "to statements of fact the speaker would rather avoid").

showing that a compelling government interest is at stake, and that it adopted the least restrictive means of achieving that interest. *Id.*; *see also Riley*, 487 U.S. at 800 (government may "not dictate the content of speech absent compelling necessity, and then, only by means precisely tailored.")

Here, the state's interest is making accurate information about criminal convictions available via the state's sex offender registry. Assuming *arguendo* that such an interest is properly seen as compelling, the statute fails strict scrutiny because an absolute and permanent prohibition on name changes is not a narrowly tailored means of achieving that goal.

There are less burdensome ways the government could achieve its aim of maintaining an accurate sex offender registry than permanently prohibiting Plaintiff from changing her name. In particular, the government could require Plaintiff and others similarly situated to register both their new and old names with the state so that a search for either the current or former name would return information concerning the person's criminal history and would direct the person who searches the registry to the relevant criminal records. In fact, such a requirement is already enshrined in Wis. Stats. §301.47(2)(b), which requires registration of any name by which the registrant "identif[ies] himself or herself." Pursuant to this requirement, Plaintiff registers both "Kenneth" and "Karen" with the state. Thus, searching the registry for "Karen Krebs" or "Kenneth Krebs" returns the same information about Plaintiff. If Plaintiff is permitted to legally change her name, the exact same information would remain on the registry and the

public would have access to precisely the same information.

Accordingly, the name-change statute fails strict scrutiny because it is not narrowly tailored to serve a compelling government interest.

B. In the Alternative, the Statute Violates the First Amendment Because It Impermissibly Restricts Speech in a Limited Public Forum

When the government restricts private speech occurring on government property, the Supreme Court's "forum analysis" applies. *Walker v. Tex. Div., Sons of Confederate Veterans, Inc.*, 135 S. Ct. 2239, 2242 (2015). Where the government gives subsidy to certain types of speech on government property other than a traditional public forum (such as a public park or sidewalk), it creates a so-called "limited public forum." *Id*. Under the limited public forum doctrine, the government may regulate speech as long as any restrictions on speech within the forum are "reasonable in light of the forum's purpose and [do] not constitute viewpoint discrimination." *Good News Club v. Milford Cent. Sch.*, 533 U.S. 98, 106 (2001).

Wisconsin's name-change statute fails under a limited public forum analysis because the state has created a limited public forum for self-expression through government-authorized name changes and the restrictions it imposes are not reasonable in light of the purpose of the forum it has created.

1. Wisconsin Has Created a Limited Public Forum by Establishing a Process Through Which One Can Change His or Her Name

Wisconsin has an established legal process through which one can petition the court to change his or her name. Wis. Stats. §786.36. Pursuant to this statute, "any resident of [Wisconsin], … upon petition to the circuit court of the county where he

or she resides … may, if no sufficient cause is shown to the contrary, have his or her name changed or established by order of the court." *Id*. The statute provides that notice must be published of an intended name change in advance, and the court can deny a petition for a name change if "sufficient cause" is shown—for example, that the person seeks to change his name to unfairly compete with another practitioner in a licensed profession or to defraud the public. Wis. Stats. §786.36(3).

This statutory process should be seen as creating a limited public forum. The Supreme Court explained in *Rosenberger v. Rectors and Visitors of the University of Virginia*, 515 U.S. 819, 828-31 (1995), that not all limited public forums are physical places. In *Rosenberger*, the Court applied the limited public forum doctrine to the university's student-activities fund, finding that "the [fund] is a forum more in a metaphysical than in a spatial or geographic sense, but the same principles are applicable." *Id*. at 830. The Court held that the University violated the First Amendment when it refused to provide funds dedicated to supporting student journalism to a Christian student newspaper because this restriction was not reasonable in light of the forum's purpose—to facilitate student publications that addressed a variety of topics including "student news, information, opinion, entertainment, or academic communications." *Id*. at 824.

Similarly here, Wisconsin's legal process for changing one's name has created a limited public forum for expression.

2. The Restriction Imposed on Plaintiff's Ability to Change Her Name Is Not Reasonable In Light of the Forum's Purpose

Having created a limited public forum through which citizens can engage in

government-sanctioned expression, the state may not restrict certain speech or certain speakers from participating in that forum unless the restriction imposed is reasonable in light of the forum's purpose.

The name-change law fails under this test because the speech in which Plaintiff seeks to engage—*i.e.*, changing her name to Karen Krebs—is perfectly compatible with the purpose for which the government established the legal process for changing one's name—*i.e.*, obtaining legal recognition for the name by which one prefers to be called absent "sufficient cause" for prohibiting the name change.

Here, there is no purpose served by prohibiting Plaintiff from accessing the state's process for legally changing one's name. As described above, Plaintiff is not seeking to evade her registration requirement or conceal her criminal history by changing her name. She would still register both her old and new names with the state, and anyone who seeks information concerning her offense, her registration history, and the information she reports to the state registry would still be able to access the exact same information. Thus, her speech is perfectly compatible with the purposes for which the state has established its name-change process, and the absolute prohibition imposed on her access to this forum violates the First Amendment.

C. The Name-Change Statute Fails Scrutiny Under the *O'Brien* Test

Finally, if viewed as a restriction on expressive conduct, the name-change statute fails under the test set forth in *United States v. O'Brien*, 391 U.S. 367 (1968) and its progeny. In *O'Brien*, the Supreme Court set forth a test for evaluating

regulations of "non-speech conduct" that impose an "incidental" burden on expression. *Id*. at 376. *O'Brien* requires an analysis of the following four factors when a regulation of conduct burdens expression: (1) whether the regulation is "within the constitutional power of the government"; (2) whether the regulation "furthers an important or substantial governmental interest"; (3) whether the interest is "unrelated to the suppression of free expression"; and (4) whether the incidental restriction on expression is "no greater than is essential to the furtherance of that interest." *Id*., 391 U.S. at 377.

The name-change statute should not be upheld under this test. Plaintiff acknowledges that the name-change statute likely meets the first and third elements—Wisconsin has the authority to regulate legal name changes and the statute's restrictions are not directly aimed at suppressing speech. But the law fails the *O'Brien* test because it suppresses much more speech than is necessary to further an important government interest. A name has many communicative and expressive qualities, especially for Plaintiff and other transgender people, whose names communicate something essential about their identities. The name-change statute forever prohibits Plaintiff from obtaining legal recognition for her chosen name and a government ID with her chosen name. Such a severe burden is greater than needed to promote the state's interest in maintaining an accurate and useful sex offender registry. As set forth above, such an interest can be advanced just as effectively by requiring registration of both the old and new name and linking offense information to the individual's listing on the registry under the new name.

For all of the reasons set forth above, Plaintiff has a likelihood of success on the merits of her First Amendment challenge to the name-change statute.

II. The Balance of Equities Favors Plaintiff

Having demonstrated a likelihood of success on the merits, Plaintiff must also demonstrate that (1) she lacks an adequate remedy at law and (2) there is likelihood that she will suffer irreparable harm if the injunction is not granted. *Ty, Inc*, 237 F.3d at 895. If these conditions are met, a court must then balance the hardships the moving party will suffer in the absence of relief against those the nonmoving party will suffer if the injunction is granted. *Id*.

A. Plaintiff Is Suffering Irreparable Harm in the Absence of Injunctive Relief and Lacks an Adequate Remedy at Law

Every day that Plaintiff is subjected to the name-change statute she suffers an ongoing and irreparable loss of constitutional freedoms. It is well established that the "loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." *Elrod v. Burns*, 427 U.S. 347, 373 (1976); *see also Bell v. Keating*, 697 F.3d 445 (7th Cir. 2012) ("As a general matter, a plaintiff who wishes to engage in conduct protected by the Constitution, but proscribed by a statute, successfully demonstrates an immediate risk of injury.") Where, as here, deprivation of a constitutional right is alleged, "most courts hold that no further showing of irreparable injury is necessary." *Ezell v. City of Chicago*, 651 F. 3d 684 (7th Cir. 2011) (quoting Alan Wright et al., Federal Practice and Procedure § 2948.1 (2d ed. 1995)).

Plaintiff lacks an adequate remedy at law because a damages suit will not halt or remedy the harm that Plaintiff suffers due to the continued enforcement of the name-change statute against her. *Illinois Migrant Council v. Pilliod*, 540 F. 2d 1062 (7th Cir. 1976) ("Plaintiffs also established that defendants' conduct caused irreparable harm because the wrongs inflicted were not readily measurable in terms of monetary damages and the recovery of damages alone would not insure the cessation of such invasions in the future."); *Mathias v. Accor Economy Lodging, Inc.,* 347 F. 3d 672, 677 (7th Cir. 2003), ("[T]o limit the plaintiff to compensatory damages would enable the defendant to commit the offensive act with impunity provided that he was willing to pay.")

B. The Balance of Harms Tips in Plaintiffs' Favor

Finally, because Plaintiff has established a high likelihood of success on the merits of her claims, the balance of hardships clearly tips in favor of granting preliminary injunctive relief. The public has a powerful interest in protecting constitutional rights. *See ACLU v. Alvarez*, 679 F.3d 583, 589-90 (7th Cir. 2012) ("[T]he public interest is not harmed by preliminarily enjoining the enforcement of a statute that is probably unconstitutional.") Nor would an injunction harm the Defendant, who has no legitimate interest in infringing upon Plaintiff's constitutional rights. *Joelner v. Vill. Of Wash. Park*, 378 F.3d 613, 620 (7th Cir. 2004).

Likewise, the public interest would not be harmed by the granting of a preliminary injunction. If she is permitted to change her name without facing

criminal prosecution, Plaintiff would still register, just as she does now, and the information on the registry would remain the same.

CONCLUSION

WHEREFORE, Plaintiff respectfully requests that this Honorable Court grant a preliminary injunction prohibiting Defendant from continuing to enforce Wis. Stat. §301.47(2)(a) against her and grant any further relief as the Court deems just and proper.

Respectfully submitted,

/s/ Adele D. Nicholas
/s/ Mark G. Weinberg
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Declaration of Karen Krebs

Pursuant to 28 U.S.C § 1746, I certify under penalty of perjury that the following statements are true and correct:

1. My name is Karen Krebs. I am a resident of Kenosha, Wisconsin.
2. I am a transgender woman. At birth, I was given the name Kenneth Krebs. I have not used that name since I came out as transgender in 1999. I do not think of myself as Kenneth and do not identify with that name or with its implication—*i.e.*, that I am male.
3. Because of a 1992 conviction, I am required to register as a sex offender with the state of Wisconsin for the rest of my life. I am not on parole, probation or any other form of criminal justice supervision.
4. I want to legally change my name to Karen, but I refrain from seeking to do so because of the threat of arrest and prosecution for violation of Wisconsin law.
5. Not being able to legally change my name causes numerous problems in my life. I consider the name Karen to be of central importance to my self-expression and identity. The name Karen matches my gender-identity and accurately reflects who I am, which the name Kenneth does not. Since I can't obtain an official ID with the name Karen, I am forced to disclose and respond to the name Kenneth in any situation where I must show a government-issued ID.

6. The name Kenneth appears on official documents, including my state ID, bank accounts, medical records, tax forms, and mail. This causes confusion and raises questions when I apply for jobs, travel, interact with medical professionals and government officials, and manage my finances.
7. Not having an official ID that matches my identity causes me embarrassment and distress. It forces me to disclose and explain the fact that I am transgender to strangers with whom I interact at doctors' offices, the bank, and pharmacies, and it raises questions about the legitimacy of my government-issued ID because I do not appear and present as male.
8. I am not seeking to conceal my identity or my criminal record by changing my name. I currently report both "Kenneth" and "Karen" to the state sex offender registry. If I am permitted to legally change my name, I would still register both the name I was given at birth and my legal name.

VERIFICATION

Pursuant to 28 U.S.C § 1746, I certify under penalty of perjury that the statements set forth in the above declaration are true and correct.

Karen Krebs
Karen Krebs

4-29-19
Date