RESEARCH THAT MATTERS

THE POTENTIAL IMPACT OF VOTER IDENTIFICATION LAWS ON TRANSGENDER VOTERS in the 2020 General Election

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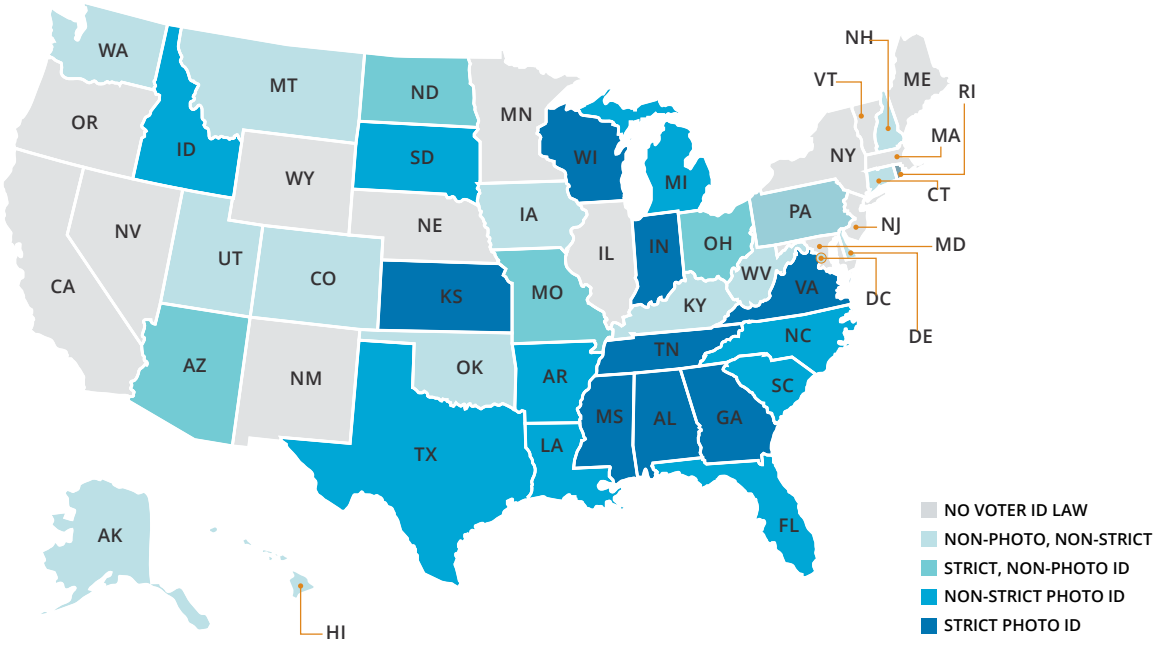
Kathryn O'Neill
Jody L. Herman

UCLA School of Law Williams Institute

INTRODUCTION AND SUMMARY

Transgender people who live in a gender different from the one assigned to them at birth face unique obstacles to obtaining identification documents that reflect their gender.[1] Having identification documents that do not accurately reflect one's gender, including in name or gender marker, can cause problems for transgender people during a variety of activities, such as when applying for a job or housing or when interacting with police officers or other government officials.[2] Transgender citizens with identification documents that do not match their gender may also encounter obstacles to voting. When registering to vote, individuals are required to provide their driver's license number or last four digits of their social security number on their voter registration form, if they have one of these forms of identification.[3] If a voter does not provide one of those numbers or registers to vote for the first time by mail, they may also need to show an acceptable form of identification at the polls.[4] In addition to voter registration requirements, thirty-five U.S. states have additional voter identification laws (voter ID laws), which require voters to provide identification when voting at the polls.[5] The strictest voter ID laws require voters to present government-issued photo ID at the polls, and provide no alternative for voters who do not have one.[6] In the November 2020 general election, over 378,000 voting-eligible transgender people may face barriers to voting due to voter registration requirements and voter ID laws, including 81,000 who could face disenfranchisement in strict photo ID states.

Figure 1. Types of Voter ID laws by State[7]



*Elections in the state are conducted entirely through the mail.

This report relies on information on voter ID laws from the National Conference of State Legislatures and data from the 2018 Current Population Survey and the 2015 U.S. Transgender Survey (USTS) to estimate the impact of voter registration requirements and voter ID laws on transgender people who are eligible to vote at the polls in the November 2020 general election. Key findings in this report include the following:

- We estimate that 965,350 transgender adults will be eligible to vote in the 2020 general election. Of these, 892,400 reside in the 45 states where elections are not conducted entirely by mail.
- Approximately 42 percent (378,450) of voting-eligible transgender people in these 45 states have no identification documents that reflect their correct name and/or gender. These voters may face barriers to voting at the polls due to an incorrect name on the voter registration rolls or due to voter ID laws.
- About 260,000 voting-eligible transgender people live in the 35 states that have voter ID laws and have no IDs that correctly reflect their name and/or gender.
- Of those voting-eligible transgender people who live in voter ID states, 81,000 live in the states with the strictest voter ID laws (strict photo ID states), and they could face substantial barriers and potential disenfranchisement in the November 2020 general election.
- Transgender people of color, young adults, students, people with low incomes, and people with disabilities are likely overrepresented among the over 378,000 voting-eligible transgender people who may face barriers to voting in the 2020 presidential election.

BACKGROUND AND DATA SOURCES

Each election year since 2012, the Williams Institute has released reports on the potential impact of voter ID laws on transgender voters. These reports described the problems transgender people may face when voting in states with the strictest voter ID laws (strict photo ID states).[8] This report presents an update of findings from these prior studies and expands upon them, to consider voter registration requirements and a broader variety of voter ID laws in the United States. All U.S. states are examined here, with an emphasis on the states that have voter ID laws.

This report relies on information on voter ID laws from the National Conference of State Legislatures and data from the 2018 Current Population Survey (CPS), conducted by the U.S. Census Bureau and the Bureau of Labor Statistics, and the 2015 U.S. Transgender Survey (USTS), conducted by the National Center for Transgender Equality. The USTS provides information about the status of both the name and gender marker on respondents' identification documents and records. While the USTS is not considered a representative sample of the U.S. transgender population, it provides the best available data to estimate the number of voting-eligible transgender people who could face barriers to voting or disenfranchisement in the November 2020 presidential election.[9]

VOTER REGISTRATION REQUIREMENTS AND VOTER ID LAWS IN THE US

In the United States, voter identification requirements begin when registering to vote.[10] The Help America Vote Act of 2002 (HAVA) requires that states collect driver's license numbers or the last four digits of social security numbers on voter registration forms.[11] If a voter does not provide one of these numbers or registers to vote by mail, they must provide identification to election officials when they vote at the polls.

In addition to voter registration requirements, state-level voter ID laws in the United States date back to 1950, when South Carolina became the first state to request that voters present a document bearing their name at the polls.[12] Since HAVA was enacted in 2002, an increasing number of states have adopted stricter voter ID requirements that require all voters to provide proof of their identity to poll workers in order to vote on a regular ballot. Currently, 35 states have voter ID laws that will be in effect for the November 2020 general election. These voter ID laws can be categorized based upon the options available for voters who do not have the required identification (their "strictness"), and whether the identification is required to include a photo (see Figure 2).

Figure 2. Types of Identification Required and Strictness of Voter ID Laws[13]

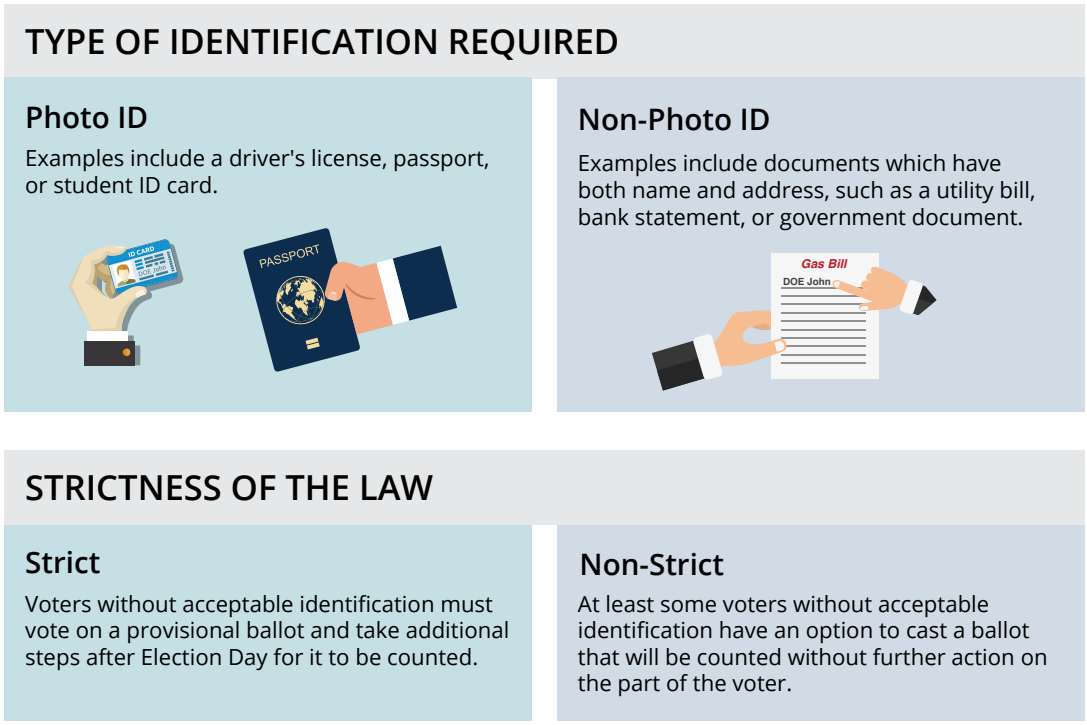


Table 1 categorizes the 35 voter ID states by strictness of their laws and whether photo IDs are required. States with non-strict voter ID laws provide other options for at least some voters who do not have an accepted form of ID. For example, several states allow voters to sign an affidavit testifying that they are the elector whose name appears on the registered voter list. In strict states, voters who do not have an accepted form of ID may be limited to voting on a provisional ballot. These ballots are not counted unless the voter returns to an election official with an accepted form of ID within a specified timeframe. We consider the voter ID laws of 12 states to be strict, and those of 23 states to be non-strict.

Both strict and non-strict voter ID states may require that voters provide photo IDs. Eighteen of the 35 voter ID states require voters to show an acceptable photo ID when voting at the polls. In strict photo ID states, a government-issued photo ID, such as a state-issued driver's license or state ID, a U.S. passport, or a military ID, is required in order to vote on a regular ballot at the polls.[14] States with non-photo ID requirements require that voters bring in documents that show their name and address, such as a utility bill or bank statement.

Table 1: Voter ID Laws in the United States by Photo ID Requirements and Strictness[15]

	PHOTO ID (18 STATES)	NON-PHOTO ID (17)
Strict (12 states)	Alabama	Arizona
	Georgia	Missouri
	Indiana	North Dakota
	Kansas	Ohio
	Mississippi	
	Tennessee	
	Virginia	
Non-Strict (23 states)	Arkansas	Alaska
	Florida	Colorado*
	Idaho	Connecticut
	Louisiana	Delaware
	Michigan	Hawaii*
	North Carolina	Iowa
	Rhode Island	Kentucky
	South Carolina	Montana
	South Dakota	New Hampshire
	Texas	Oklahoma
		Utah*
		Washington*
		West Virginia

*Elections in the state are conducted entirely through the mail.

Many states allow voters to vote by mail if they meet various requirements, and five states conduct their elections entirely through the mail.16 In the following states, all registered voters both receive a ballot and submit their ballots by mail: Colorado, Hawaii, Oregon, Utah, and Washington. Colorado, Hawaii, Utah, and Washington are "all-mail" states which also have voter ID laws. These states are included in Table 1, but we do not include them in our analysis for this study. We expect that transgender voters would face fewer barriers when voting by mail since any seeming inconsistencies in regard to name, gender marker, and personal appearance would not be challenged by poll workers. In all states that do not conduct "all-mail" elections, we assume that transgender voters may desire to or need to use physical polling locations.[17]

PROCESSES AND COSTS ASSOCIATED WITH UPDATING IDENTITY DOCUMENTS

Some eligible voters in the U.S. may face challenges obtaining the types of identification required to vote in their state. For instance, they may not have the means or the ability to obtain the required voter identification because of poverty, disability, or religious objection to being photographed. A 2006 study found that 11 percent of U.S. citizens did not have government-issued photo identification, with minorities, the elderly, and those who have lower incomes being less likely than others to have such identification documents.[18]

Transgender voters face the unique added burden of needing to update their IDs with their correct name, photo, and gender marker once they begin to live in accordance with their gender identity. This administrative burden can be challenging and costly, with laws that vary significantly across different states and federal agencies.[19] For instance, some states require proof of gender-affirming surgical care or a court order in order to change the gender marker.[20] Strict policies such as these present significant burdens, if not complete barriers, to obtaining accurate IDs for some transgender individuals.[21] Furthermore, each requirement in the process to obtain accurate IDs also represents financial costs, such as the costs of court orders, physician letters, and fees for new ID cards.[22] Transgender people are more likely to report living at or near poverty than the U.S. general population.[23] Therefore, transgender people may face substantial challenges in obtaining accurate ID for voting purposes.

USTS findings bear out the impact of challenges like these on the ability of transgender citizens to obtain the identification necessary to vote. Among transgender citizens who responded to the 2015 USTS, 33 percent said that they have no form of identification that lists their correct name. Forty-six percent had no form of identification that represented both their correct name and gender marker. USTS data suggests that transgender citizens are more likely to have no accurate IDs if they are young adults (18-24; 69%), people of color (48%), students (54%), those with low incomes (less than $10,000 annual household income; 60%), or have disabilities (55%).[24]

VOTER IDENTIFICATION AND THE POTENTIAL IMPACT ON TRANSGENDER VOTERS IN THE NOVEMBER 2020 GENERAL ELECTION

During an election, election officials and poll workers decide whether voters, including transgender voters, meet the requirements to vote at the polls. Poll workers examine the voter registration rolls, and in the case of voter ID states, assess if voters have the required form of identification. A voter's ID must sufficiently identify the voter and match the voter's information as listed in the voter registration rolls. Without voter registration information and, in voter ID states, required identification that accurately reflects the gender of the voter (either in name, gender marker, or both), poll workers tasked with assessing the identity of potential voters may find that a transgender voter's name on the voter registration rolls, required ID (if applicable), and appearance do not match. This could be a reason to deny the voter the ability to vote using a regular ballot.

There is no way to predict precisely how election officials and poll workers will treat transgender voters at the polls if their registered name and/or ID do not accurately reflect their gender. However, 32 percent of respondents to the USTS reported having negative experiences after presenting

identification documents that did not match their gender presentation.25 Respondents reported being verbally harassed (25%), denied services or benefits (16%), being asked to leave the venue where they presented the identification (9%), and being assaulted or attacked (2%) after presenting inaccurate IDs. Furthermore, respondents to the USTS reported being denied equal treatment or service (11%) and being verbally harassed (9%) by staff when seeking government benefits or assistance. These findings suggest that some transgender people will face barriers to voting at the polls.

To estimate the impact of voter ID requirements on transgender voters, we first estimated the number of transgender people who would be eligible to vote (i.e., the transgender voting-eligible population (VEP)). For each state, we calculated the number of adult citizens using population estimates from the 2018 Current Population Survey.26 The adult citizen population in each state was multiplied by the estimated proportion of adults who identify as transgender.27 We used findings from the USTS to limit our estimates of the transgender adult citizen population to those who are living in a gender different from the one assigned to them at birth. Additionally, for states that disenfranchise some or all individuals who have been convicted of certain crimes, we excluded transgender individuals who reported having been in jail or prison in the last year.28 These calculations result in our estimates of the transgender VEP for each state.

Across the United States, we estimate that 892,400 voting-eligible transgender people live in the 45 states where elections are generally conducted by voting at the polls (i.e., not "all-mail" election states). Approximately 42% (378,450) of these eligible voters report that they do not have identification that accurately reflects their gender and meets the requirements in their state (meaning, IDs with the correct name, or, in states which require photo ID, correct gender markers). These voters could be challenged by poll workers or election officials who find that their voter registration information, ID (if applicable), and appearance do not match. In strict voter ID states, these voters could be made to vote on a provisional ballot and must later provide adequate information or required identification in order for their ballot to be counted.

States with no State-Level Voter ID Laws

Fourteen states have no state-level voter ID laws and do not conduct all-mail elections. As described in Table 2, we estimate that there are 384,350 voting-eligible transgender people in these states. While transgender voters in these states may not encounter the same barriers to voting as transgender voters in voter ID states, they may still face challenges related to potential mismatches between their gender presentation and their name as listed on their voter registration. In these states, when voting at the polls, transgender voters would tell poll workers their name as reflected on their voter registration in order to receive a ballot. Poll workers or election officials could question a person's eligibility to vote if they do not believe that the name matches the voter, such as when a name is traditionally masculine or feminine and the voter appears to not match that gender. Thirty-one percent of voting-eligible transgender people in these states do not have identification which lists their correct name.

Table 2: Voting-Eligible Transgender Population with no Updated Identification or Records in States with No State-Level Voter ID Laws for the 2020 General Election (figures rounded)

STATE	TRANSGENDER VOTING- ELIGIBLE POPULATION (VEP)[29]	PERCENTAGE OF TRANSGENDER VEP WITH NO IDS WITH CORRECT NAME	TOTAL NUMBER OF TRANSGENDER VEP WITH NO IDS WITH CORRECT NAME
CA	151,850	31%	46,850
IL	34,800	30%	10,600
ME	4,000	32%	1,250
MD	15,700	26%	4,150
MA	23,850	22%	5,250
MN	18,750	30%	5,700
NE	3,750	39%	1,500
NV	8,900	39%	3,450
NJ	20,700	38%	7,900
NM	7,850	35%	2,700
NY	57,150	27%	15,200
PA	34,150	38%	13,000
VT	2,300	24%	550
WY	600	47%	250
Total	**384,350**	**31%**	**118,350**

States with Voter ID Laws

We estimate that 508,050 voting-eligible transgender people live in the 31 states with voter ID laws which do not conduct all-mail elections.30 Of these voting-eligible transgender people, 260,100 (51.2%) report that they do not have the required IDs for voting that list the correct name or, in the case of photo ID states, their correct gender marker. Table 3 describes our estimates for states with voter ID laws that do not require photo ID. In these states, we estimate the number of voting-eligible transgender people who do not have identification that lists the correct name. Table 4 describes our estimates for states with voter ID laws that do require photo ID. In these states, we estimate the number of voting-eligible transgender people who have no ID that lists their correct name or gender marker.

States with Non-Photo ID Laws

Thirteen states with voter ID laws accept IDs that do not include a photo (see Table 3). In these states, transgender voters may face barriers to voting if their identification does not reflect their correct name. Four states have non-photo voter ID laws which are considered strict. We estimate that 68,450 voting-eligible transgender people live in these strict non-photo ID states, 35 percent of whom (23,750) do not have identification that lists their correct name. In these states, if a poll worker or election official finds that the name, ID, and the voter's appearance do not match, the voter may be required to vote on a provisional ballot. In these strict non-photo ID states, the voter must submit an acceptable ID to election official within a specified time frame. Failure to do so could mean the voter's ballot will not count.

We estimate that an additional 49,600 voting-eligible transgender people live in the nine states that have non-strict, non-photo voter ID laws (see Table 3). Approximately 29 percent (14,550) of these individuals do not have identification that lists their correct name. In these states, voters without an acceptable ID may be able to pursue other options to have their ballot counted, such as signing an affidavit attesting to their identity or having their signature on their ballot compared to their voter registration signature. Yet, transgender people may still face barriers to voting in these states if a poll worker or election official believes the voter is not the individual listed on the voter registration rolls.

Table 3: Voting Eligible Transgender Population with no Updated Identification or Records in States with Non-Photo ID Laws for the 2020 General Election (figures rounded)

	STATE	TRANSGENDER VOTING- ELIGIBLE POPULATION (VEP)[32]	PERCENTAGE OF TRANSGENDER VEP WITH NO IDS WITH CORRECT NAME	NUMBER OF TRANSGENDER VEP WITH NO IDS WITH CORRECT NAME
STRICT, NON-PHOTO ID LAWS				
	Arizona	22,250	33%	7,400
	Missouri	17,550	39%	6,850
	North Dakota	900	43%	400
	Ohio	27,750	33%	9,100
	Total	**68,450**	**35%**	**23,750**
NON-STRICT, NON-PHOTO ID LAWS				
	Arkansas	1,950	20%	400
	Connecticut	6,450	26%	1,650
	Delaware	3,150	23%	750
	Iowa	4,500	41%	1,850
	Kentucky	12,150	28%	3,400
	Montana	1,900	34%	650
	New Hampshire	3,500	19%	650
	Oklahoma	13,300	29%	3,900
	West Virginia	2,700	49%	1,300
	Total	**49,600**	**29%**	**14,550**

States with Photo ID Laws

Table 4 presents the estimated transgender voting-eligible population for the 18 states that require a photo ID in order to vote at the polls. Since photo identification frequently includes a gender marker, we estimate the number of voting-eligible transgender people who have no ID that lists their correct name or gender marker. We estimate that there are over 142,000 voting-eligible transgender people residing in the eight strict photo ID states. 81,000 of these (57%) have no identification that lists their correct name or gender marker. These 81,000 potential voters may face substantial barriers to voting and even disenfranchisement in the November 2020 general election.

Across the ten states that have non-strict photo ID laws, we estimate that 247,950 voting-eligible transgender people reside in these states (see Table 4). Approximately 57 percent (140,800) of these potential voters do not have an ID for voting that lists their correct name or gender marker. These

states are considered "non-strict" because they allow other options for voters who do not have an acceptable ID. For example, in several states, the ballot will be counted if the voter signs an affidavit or sworn statement that they are the person who is registered to vote. In others, signatures on the ballot are compared to those on the voter registration form. There is a great deal of variation in these other options across the states. Even when these options are available, however, the expectation of a photo ID may constitute a unique barrier for transgender voters, potentially leading to negative interactions with poll workers or election officials and even disenfranchisement.

Table 4: Voting Eligible Transgender Population with no Updated Identification or Records in States with Photo ID Laws for the 2020 General Election (figures rounded)

	STATE	TRANSGENDER VOTING- ELIGIBLE POPULATION (VEP)[33]	PERCENTAGE OF TRANSGENDER VEP WITH NO IDS WITH CORRECT NAME	NUMBER OF TRANSGENDER VEP WITH NO IDS WITH CORRECT NAME
STRICT, PHOTO ID LAWS				
	Alabama	15,250	70%	10,600
	Georgia	38,900	55%	21,450
	Indiana	18,250	57%	10,450
	Kansas	6,400	67%	4,300
	Mississippi	8,150	68%	5,500
	Tennessee	19,050	69%	13,200
	Virginia	22,300	40%	8,800
	Wisconsin	13,750	49%	6,700
	Total	**142,050**	**57%**	**81,000**
NON-STRICT, PHOTO ID LAWS				
	Arkansas	9,250	42%	3,900
	Florida	71,200	51%	36,300
	Idaho	3,500	41%	1,450
	Louisiana	14,350	58%	8,300
	Michigan	23,250	70%	16,350
	North Carolina	30,050	54%	16,350
	Rhode Island	2,750	23%	650
	Texas	78,600	60%	47,400
	South Carolina	13,700	68%	9,350
	South Dakota	1,300	57%	750
	Total	**247,950**	**57%**	**140,800**

CONCLUSION

Voter identification requirements create a unique barrier for some transgender people who would otherwise be eligible to vote. Many transgender people who live in accordance with their gender identity do not have ID documents that accurately reflect their correct name and gender. In the November 2020 general election, voter registration processes and voter ID laws may create barriers to voting for over 378,000 voting-eligible transgender people who do not have accurate ID documents. About 260,000 of these individuals live in states that have additional, more stringent voter ID laws for voting at the polls. Approximately 81,000 voting-eligible transgender people live in states with

strict photo ID laws and may be disenfranchised if they are unable to obtain accurate IDs and correct their voter registration information before the election. Transgender people of color, young adults, students, people with low incomes, and people with disabilities are likely overrepresented among those who do not have accurate IDs for voting. In order for voting-eligible transgender people to obtain accurate IDs required for voting in the November 2020 general election, they must comply with official requirements for updating their state-issued or federally-issued IDs. These requirements vary widely by state and by federal agency and can be difficult and costly to meet. Voter ID laws, therefore, create a unique barrier to voting for a substantial number of transgender people. States can take steps to make it easier and less costly for transgender people to obtain accurate IDs and improve access to the ballot for transgender voters. For instance, the State of California has begun training poll workers on how to properly assist transgender voters to better secure their right to vote at the polls.[31]

ABOUT THE AUTHORS

KATHRYN O'NEILL is a Policy Analyst at the Williams Institute, UCLA School of Law. She holds a Master of Public Policy from the University of California, Riverside.

JODY L. HERMAN is a Scholar of Public Policy and the Reid Rasmussen Public Policy Fellow at the Williams Institute, UCLA School of Law. She holds a Ph.D. in Public Policy and Public Administration from The George Washington University.

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ABOUT THE WILLIAMS INSTITUTE

The Williams Institute is dedicated to conducting rigorous, independent research on sexual orientation and gender identity law and public policy. A think tank at UCLA Law, the Williams Institute produces high-quality research with real-world relevance and disseminates it to judges, legislators, policymakers, media and the public. These studies can be accessed at the Williams Institute website.

FOR MORE INFORMATION
The Williams Institute, UCLA School of Law
1060 Veteran Avenue, Suite 134
Box 957092, Los Angeles, CA 90095-7092
williamsinstitute.law.ucla.edu

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ENDNOTES

[1] James, S. E., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016). The Report of the 2015 U.S. Transgender Survey. Washington, DC: National Center for Transgender Equality, available at https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf (last accessed February 18, 2020).

[2] James, et al., *The Report of the 2015 U.S. Transgender Survey*.

[3] U.S. Election Assistance Commission. (2020). *National Mail Voter Registration Form*. Washington, DC: U.S. Election Assistance Commission, available at https://www.eac.gov/sites/default/files/eac_assets/1/6/Federal_Voter_Registration_ENG.pdf (last accessed February 19, 2020).

[4] U.S. Election Assistance Commission, *National Mail Voter Registration Form*. Some states may accept a copy of different forms of ID than driver's license or social security number with the voter registration form if the voter does not have a driver's license number or social security number.

[5] The National Conference of State Legislatures (NCSL), a bipartisan organization, provides current information on the status of voter identification laws and legislation in all U.S. states, available at http://www.ncsl.org/research/elections-and-campaigns/voter-id.aspx (last accessed February 18, 2020). The NCSL website also includes a description of identification requirements and statutory citations for legislation enacted in each state.

[6] This analysis is limited to voting-eligible people voting in person at the polls. This analysis does not account for those people who may vote with an absentee ballot or another type of mail-in ballot. Requirements for absentee voting vary by state and often require the voter to attest to having an acceptable reason for needing to vote absentee. Voting in the United States is a two-step process in all but one state (North Dakota): one must first register to vote and then cast a ballot. For the purposes of this study, it is assumed that transgender voters will have registered to vote under the name and address that is currently reflected in their citizenship documents or other identification documents that are required for purposes of voter registration and voting.

[7] Underhill, W. (2020). *Voter Identification Requirements | Voter ID Laws*. Washington, DC: National Conference of State Legislatures, available at https://www.ncsl.org/research/elections-and-campaigns/voter-id.aspx (last accessed February 19, 2020). Alabama and Missouri were reclassified by the authors. *See* note 15.

[8] Herman, J.L. (April 2012). *The Potential Impact of Voter Identification Laws on Transgender Voters*. Los Angeles: The Williams Institute, available at http://williamsinstitute.law.ucla.edu/research/transgender-issues/the-potential-impact-of-voter-identification-laws-on-transgender-voters/ (last accessed February 18, 2020); Herman, J.L. (September 2014). *The Potential Impact of Voter Identification Laws on Transgender Voters in the 2014 General Election*. Los Angeles: The Williams Institute, available at http://williamsinstitute.law.ucla.edu/research/transgender-issues/voter-id-laws-sept-2014/ (last accessed February 18, 2020); Herman, J.L. (September 2016). *The Potential Impact of Voter Identification Laws on Transgender Voters in the 2016 General Election*. Los Angeles: The Williams Institute, available at https://williamsinstitute.law.ucla.edu/research/strict-voter-id-laws-may-disenfranchise-more-than-34000-transgender-voters-in-the-2016-november-election/ (last accessed February 18, 2020); Herman, J.L. & Brown, T.N.T. (August 2018). *The Potential Impact of Voter Identification Laws on Transgender Voters in the 2018 General Election*. Los Angeles: The Williams Institute, available at https://williamsinstitute.law.ucla.edu/research/voter-id-laws-2018/ (last accessed February 18, 2020).

[9] The USTS study was based on a national purposive sample of 27,715 transgender and non-binary adults. This sample provides the best available data on experiences of discrimination among transgender and non-binary adults in the U.S. The USTS data were used with the permission of the National Center for Transgender Equality. To find out more about the U.S. Transgender Survey, visit http://www.ustranssurvey.org/reports. Additional calculations as needed for this study were completed by the authors at The Williams Institute. The USTS standard survey weight, which corrects for an overrepresentation of 18-year-olds in the dataset and corrects for bias in racial and ethnic representation, was

applied to all USTS findings relied upon in this report. See the U.S. Transgender Survey report (linked above) for detailed information about the standard survey weight. In regard to strict photo ID states, the USTS questions this report relies on (Q10.13 and Q10.15) did not assess whether all respondents had government-issued photo identification *at all*, regardless of the status of the name or gender marker. A survey by the Brennan Center for Justice (*see* note 13) found in 2006 that 11% of U.S. citizens do not have any government-issued photo identification. The conservative assumption is made here that all transgender respondents to the USTS who responded to questions Q10.13 and Q10.15 *actually have* the identification documents mentioned.

[10] North Dakota is the only state that does not require voter registration. Voter registration identification requirements based on the Help America Vote Act of 2002 (HAVA) (52 U.S.C. §§ 20901–21145) are met instead by a state law requiring all voters to show identification when voting.

[11] Help America Vote Act of 2002 (52 U.S.C. §§ 20901–21145)

[12] National Conference of State Legislatures. (2017). *Voter ID History*. Washington, DC: National Conference of State Legislatures, available at https://www.ncsl.org/research/elections-and-campaigns/voter-id-history.aspx (last accessed February 18, 2020).

[13] Underhill, W., *Voter Identification Requirements | Voter ID Laws*.

[14] *See* note 5. Some strict photo ID states also accept other government-issued IDs, such as a tribal photo ID, student photo IDs from a state college or university, government employee ID, U.S. military photo ID, handgun licenses, and/or a state-issued voter ID card. Some exemptions to the strict photo ID requirements exist, such as for religious objections to being photographed, for military and citizens overseas, and for those in poverty (*E.g.*, Ind. Code § 3-11.7-5-2.5(c)(2) (2015); Tenn. Code Ann. § 2-7-112(f)(2015)).

[15] This table is based upon the map of voter identification laws in effect in 2020 by the National Conference of State Legislatures (NCSL), available at http://www.ncsl.org/research/elections-and-campaigns/voter-id.aspx (last accessed February 18, 2020). Two states, Alabama and Missouri, were moved from the "non-strict" category to "strict" for purposes of this study. According to the NCSL, these states were not categorized as "strict" because voters can vote on a regular ballot without required ID if the voter is identified by two election officials as an eligible voter and, in the case of Alabama, both election officials sign an affidavit stating the voter is eligible to vote. Because transgender respondents to the USTS reported being harassed (25%) and being denied services or benefits (16%) when presenting inaccurate IDs, we consider this provision a substantial burden to transgender voters and have classified Alabama and Missouri as "strict" states for purposes of this study.

[16] National Conference of State Legislatures. (2020). *Absentee and Early Voting*. Washington, DC: National Conference of State Legislatures, available at: https://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx (last accessed February 18, 2020).

[17] National Conference of State Legislatures, *Absentee and Early Voting*. All states allow some voters to opt-in to absentee voting. However, 17 states require an accepted excuse before allowing a voter to vote absentee. The states which require an accepted excuse to receive an absentee ballot include: Arkansas, Alabama, Connecticut, Delaware, Indiana, Kentucky, Louisiana, Massachusetts, Missouri, Mississippi, New Hampshire, New York, West Virginia, Virginia, Texas, Tennessee, and South Carolina. Most of these states also have voter ID laws. The majority of states require voters to opt-in to voting absentee for each election they wish to vote absentee.

[18] Brennan Center for Justice at NYU School of Law. (2006, November). *Citizens Without Proof: A Survey of Americans' Possession of Documentary Proof of Citizenship and Photo Identification.* New York: The Brennan Center for Justice at NYU School of Law, available at http://www.brennancenter.org/page/-/d/download_file_39242.pdf (last accessed February 18, 2020).

[19] Brown, T. N. T., & Herman, J. L. (2016). *Voter ID Laws and Their Added Costs for Transgender Voters*. Los Angeles, CA: The Williams Institute, available at https://williamsinstitute.law.ucla.edu/wp-content/uploads/Voter-ID-Laws-and-Their-Added-Costs-for-Transgender-Voters-March-2016.pdf (last accessed February 19, 2020).

[20] Movement Advancement Project. (2020). *Identity Documents Laws and Policies*. Boulder, CO: Movement Advancement Project, available at https://www.lgbtmap.org/equality-maps/identity_document_laws (last accessed February 19, 2020).

[21] Movement Advancement Project, *Identity Documents Laws and Policies*.

[22] Brown, T. N. T., & Herman, J. L., *Voter ID Laws and Their Added Costs for Transgender Voters.*

[23] James, et al., *The Report of the 2015 U.S. Transgender Survey*.

[24] Significance tests were performed using Pearson's chi-square tests, which tested the relationship between the status of identification documents and race/ethnicity, age, student status, household income, and disability. All results presented here were significant at the 0.05 level. All test results are on file with the authors.

[25] James, et al., *The Report of the 2015 U.S. Transgender Survey*.

[26] U.S. Census Bureau and the U.S. Bureau of Labor Statistics, Current Population Survey, 2018 Annual Social and Economic Supplement, available at http://www.census.gov/cps/data/cpstablecreator.html (last accessed February 18, 2020). Calculations were completed by the authors.

[27] Flores, Andrew R., Herman, J.L., Gates, G.J., & Brown, T.N.T. (June 2016). "How Many Adults Identify as Transgender in the United States." Los Angeles: The Williams Institute, available at http://williamsinstitute.law.ucla.edu/research/how-many-adults-identify-as-transgender-in-the-united-states/ (last accessed February 18, 2020). The adult transgender citizen population estimates in this report utilize the state-level transgender adult population estimates in Flores, et al. (2016), and assume that the proportion of transgender adults who would identify as transgender is the same among citizens and non-citizens in these states.

[28] A citizen who is convicted of certain crimes may not be eligible to vote in some states. *See* Brennan Center for Justice at NYU School of Law. (n.d.) "Criminal Disenfranchisement Laws Across the United States." New York: Brennan Center for Justice at NYU School of Law, available at https://www.brennancenter.org/our-work/research-reports/criminal-disenfranchisement-laws-across-united-states (last accessed February 18, 2020). To estimate the voting-eligible population in each state, we assume that those who have been held in jail or prison in the past year may be ineligible to vote in states that have criminal disenfranchisement laws. States which disenfranchise some or all people with certain convictions include the following: AK, AR, AL, AZ, CA, CT, DE, FL, GA, IA, ID, KS, KY, LA, MD, MO, MS, MN, NE, NM, NC, OK, TN, WY, SC, SD, TX, VA, WA, WI, WV. In the USTS, all those who have been in jail or prison in the past year may not be subject to criminal disenfranchisement laws, for instance if they committed a crime not included in criminal disenfranchisement laws. Additionally, there are those who may be subject to criminal disenfranchisement laws who have not been held in jail or prison in the past year, such as someone who has not completed probation. However, the USTS variable used in our calculations provides the best current estimate of those who may be subject to criminal disenfranchisement laws. We assume that all other eligibility requirements for voting are met.

[29] Here and in subsequent tables, this figure includes only those transgender people transitioning from male-to-female or female-to-male who are adults, citizens, have not been held in jail or prison in the past year (except states without criminal disenfranchisement laws), and live full-time in a gender different from the one assigned to them at birth.

[30] All states with voter identification laws are included except for states which have all-mail elections (Colorado, Hawaii, Utah, and Washington).

[31] Garofoli, J. (October 25, 2019). California to start first-in-the-nation training to help transgender voters. *San*

Francisco Chronicle, available at https://www.sfchronicle.com/politics/article/California-to-start-first-in-the-nation-training-14560805.php (last accessed February 18, 2020).

[32] Here and in subsequent tables, this figure includes only those transgender people transitioning from male-to-female or female-to-male who are adults, citizens, have not been held in jail or prison in the past year (except states without criminal disenfranchisement laws), and live full-time in a gender different from the one assigned to them at birth.

[33] Here and in subsequent tables, this figure includes only those transgender people transitioning from male-to-female or female-to-male who are adults, citizens, have not been held in jail or prison in the past year (except states without criminal disenfranchisement laws), and live full-time in a gender different from the one assigned to them at birth.