



February 6, 2023

Senator Hickman, Representative Supica, and other members of the Joint Standing Committee on Veterans and Legal Affairs: my name is Gia Drew, and I am providing this testimony as Executive Director of EqualityMaine on behalf of ourselves and of GLBTQ Legal Advocates & Defenders (GLAD).

EqualityMaine was founded in 1984 following the tragic murder of Charlie Howard, a young man who was thrown off a bridge in Bangor just because he was gay. We have been advocating on behalf of Maine's LGBTQ+ community for 39 years, and we have more than 70,000 members across the state of Maine. GLAD was founded in 1978 to promote equal justice under law through litigation, policy and public education in New England and nationally and operates an office in Portland.

EqualityMaine and GLAD oppose LD 34, An Act to Require a Person to Show Photographic Identification for the Purpose of Voting. This bill is unnecessary for numerous reasons, including that our State already uses other means to verify identity and address to great effect, but most specifically because voter ID laws are a form of voter suppression. While voter ID laws disproportionately impact many communities, we'd like to highlight two: transgender individuals and older adults.

A transgender person is someone whose gender identity is different from the sex they were assigned at birth. Every day, transgender Mainers face discrimination, harassment, and bias. Transgender people are often seen with suspicion, questioned about their identity, and misgendered too frequently. They're ridiculed and made the subject of jokes, sometimes behind their backs, but often to their faces. Those who have the means to transition and live as the gender they've always known themselves to be do so, and all transgender people just want to have healthy and happy lives and families and contribute to society like other Mainers do.

For transgender people, identity documents are often a source of difficulty. Presenting identification that does not reflect one's gender identity is a common trigger of harassment of transgender individuals.<sup>1</sup> In fact, LD 34 would require the election clerk to announce a voter's

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<https://www.americanprogress.org/issues/lgbtq-rights/reports/2012/12/18/48367/id-accurately-reflecting-ones-gender-identity-is-a-human-right/>

“name in a loud, clear voice,” but the name on their identification may not match with how others know them, thereby potentially embarrassing and/or outing that person to their local community. Members of the trans community experience this type of mismatch and accompanying harassment all too regularly, as they are asked to present identification at government offices, to banks, bars and restaurants. Although EqualityMaine and others have worked with the Legislature in recent years to simplify the process by which an individual may change their name and gender marker in accordance with their gender identity, many in our community still do not have documentation that reflects who they know themselves to be. About one quarter of transgender Americans who have transitioned (i.e. they have taken steps such as changing their appearance and name to better match their gender identity) lack any identification that accurately reflects their gender.<sup>2</sup> Given the negative experiences transgender people experience while presenting an ID that does not reflect who they are, bills like LD 34, would likely discourage them from voting even though they would have identification verifying that they are who they say they are and that they live where they say they live.

Further, the process of changing one’s documentation can be quite burdensome and costly. Transgender individuals must navigate several state and federal agencies to update different documents and they incur a cost at each step - \$35.00 for a Maine driver’s license, \$110.00 for a new passport, and so on. Given that transgender individuals are more likely to live in poverty than the general population<sup>3</sup>, the costs associated with obtaining new photo identification will disproportionately burden their ability to exercise their right to vote. While LD 34 mentions that the Secretary of State’s office will be compelled to issue “free” voter ID cards, those procedures and their financial impact has not been approved by that office, and again creates another needless hurdle a person has to overcome to vote.

Indeed, scholars at the UCLA Williams Institute have assessed the extent to which strict voter identification laws harm transgender Americans, and noted that 878,00 transgender voters faced barriers or even disenfranchisement in the 35 states with restrictive voter identification laws in the November 2022 elections. In the eight states with “strict” photo identification laws, 59% of the transgender voters in those states lacked *any* documentation that accurately reflected their gender<sup>4</sup>, while 57% of the 173,400 voters in non-strict photo identification states were also without documentation accurately reflecting their name and gender. The result in these cases is disenfranchisement.

In addition to transgender adults generally, EqualityMaine also advocates on behalf of older LGBTQ Mainers. Our “Network for Older Adults,” formerly SAGE Maine, became a program

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<sup>2</sup> <https://williamsinstitute.law.ucla.edu/publications/voter-id-laws-costs-trans-voters/>

<sup>3</sup> <https://www.transequality.org/sites/default/files/docs/USTS-Full-Report-FINAL.PDF>

<sup>4</sup> K’O’Neill et al, The Potential Impact of Voter Identification Laws on Transgender Voters in the 2022 General Election, at: <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Trans-Voter-ID-Sep-2022.pdf> (Sept. 2022) at pp. 5, 16 ; *see also* <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Trans-Voter-ID-Feb-2020.pdf> (similar analysis for the 2020 general election).

of EqualityMaine at the end of 2019. This bill also has significant implications for the older adults in our community.

While about one in ten Americans lack a valid, government-issued ID, this figure rises to one in five adults over 65.<sup>5</sup> Voters born before recording births became common practice may lack a birth certificate, the document commonly used to obtain a driver's license. And as some older adults forgo driving as they age, they may choose not to obtain a new ID. The cost of obtaining new ID also presents a challenge for older adults; some have reported that when they're on a fixed income like Social Security, obtaining a new ID is secondary to more urgent expenses like rent, food and medication.<sup>6</sup>

Older adults are more likely to face transportation barriers in voting because they are less likely to drive, and those challenges multiply when polling places are consolidated, which can also increase wait times. Some older adults and others face challenges from a lack of accessible polling locations or ballots<sup>7</sup>. We anticipate that LD 34 would compound these factors and would depress the voter turnout of the older LGBTQ adults on whose behalf EqualityMaine advocates.

LGBTQ people call Maine home for many reasons: some are born here, others are here because of work or family ties, and with greater frequency, people move here for personal safety reasons. Regardless, most look forward to being able to actively participate in our political process with pride. On behalf of EqualityMaine and GLAD, and an aging LGBTQ Mainer myself, I ask this committee to reject LD 34.

Thank you.

EqualityMaine  
GLBTQ Legal Advocates & Defenders

By Gia Drew (she/her)  
Executive Director  
EqualityMaine

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<sup>5</sup> <https://www.aarp.org/politics-society/government-elections/info-01-2012/voter-id-laws-impact-older-americans.html>

<sup>6</sup> <https://www.npr.org/2018/09/07/644648955/for-older-voters-getting-the-right-id-can-be-especially-tough>

<sup>7</sup> <https://www.aging.senate.gov/imo/media/doc/Executive%20Summary1.pdf>