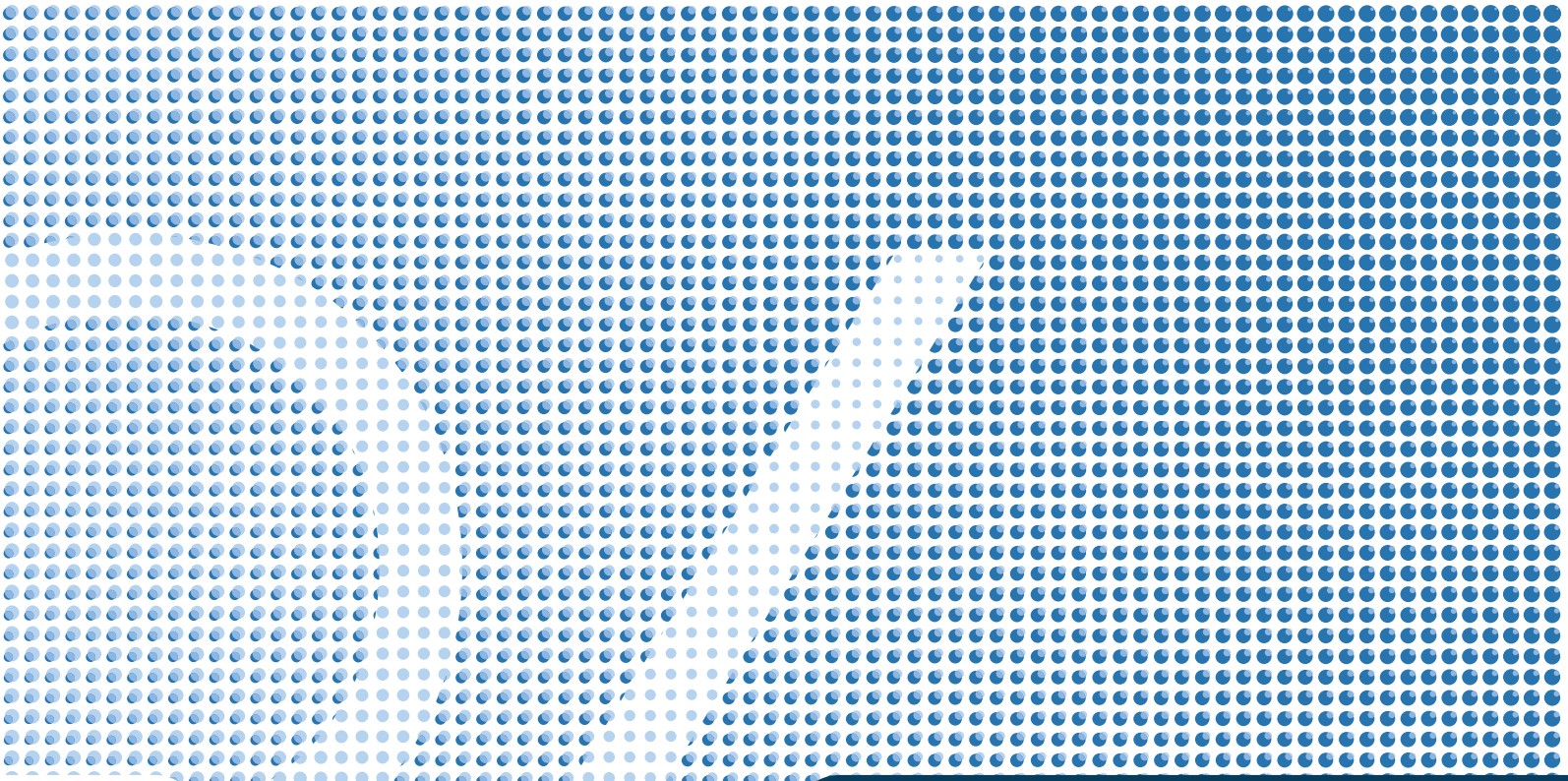


RESEARCH THAT MATTERS

THE POTENTIAL IMPACT OF VOTER IDENTIFICATION LAWS ON TRANSGENDER VOTERS in the 2024 General Election

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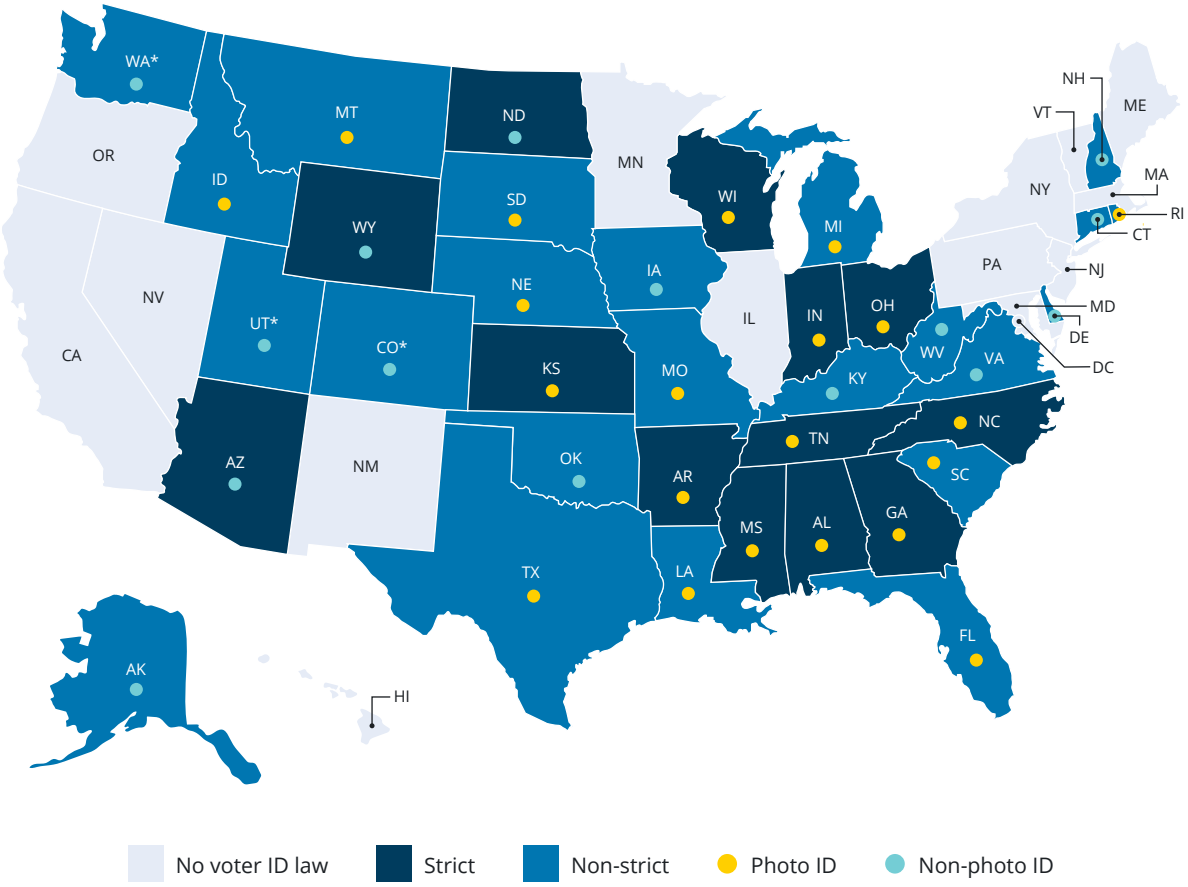
EXECUTIVE SUMMARY

Transgender people face unique obstacles to obtaining identity documents (IDs) that match their gender identity. Identity documents that do not match one's gender, such as a person's name or gender marker, create obstacles to participating in many facets of public life, including voting. Such obstacles can impact voting in the 36 states that have voter ID laws, especially the 33 voter ID states that conduct their elections primarily in person. In these states, voters encounter additional verification requirements at the polls on top of federal standards for voter registration and eligibility determination. The strictest of these voter ID laws require voters to present a government-issued photo ID at the polling place and provide no alternative for voters who do not have a photo ID or, as is often the case for transgender voters, have an inaccurate photo ID.

The Williams Institute analyzed voter ID laws across the United States in the lead-up to the November 2024 general election. Notably, since the last presidential election in 2020, voters in 27 states will face new restrictions for the 2024 general election that were not present for the 2020 general election. As a result, we found that as many as 210,800 transgender Americans who are eligible to vote may find it difficult to do so because of voter ID laws, including 91,300 who could face disenfranchisement in states with strict photo ID requirements. The analysis also revealed that:

- An estimated 825,100 transgender adults in the U.S. will be eligible to vote in the November 2024 general election.
- Forty-two states conduct their elections primarily in-person at polling places, as opposed to fully by mail.
    - Over 647,700 voting-eligible transgender Americans live in these states.
    - An estimated 43% of these individuals (276,500) lack identity documents that correctly reflect their name or gender.
    - These individuals may face barriers to voting in person because of a mismatch with their information as listed on voter registration rolls or because of voter ID laws.
- About 433,200 voting-eligible transgender Americans live in the 33 states that both 1) primarily conduct their elections in-person at the polls and 2) have a voter ID law. Nearly half of these, or 210,800 individuals, do not have an ID that correctly reflects their name and/or gender.
    - Of voting-eligible transgender people who live in states with voter ID requirements, 91,300 live in the states with the strictest voter ID laws (photo ID required with few or no alternatives available).
    - These eligible voters could face substantial barriers and potential disenfranchisement in the November 2024 general election.
- Transgender people who are Black, Indigenous, or people of color, young adults, students, people with low incomes, people experiencing homelessness, and people with disabilities are overrepresented among the over 210,800 voting-eligible transgender people who may face barriers to voting due to voter ID laws in the 2024 election cycle.

Voter ID laws in the United States by photo ID requirements and strictness



Note: *These states with voter ID laws conduct their elections by mail by default. As our analysis focuses on in-person voting, we discuss these states separately.

INTRODUCTION

Transgender people who live in a gender different from the one assigned to them at birth face unique obstacles to obtaining identity documents that reflect their gender.[1] Having identity documents that do not match 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 identity documents that do not match their gender may also encounter obstacles to voting. When registering to vote, individuals across the United States[3] are required to provide their driver's license number or the last four digits of their social security number on their voter registration form if they have one of these forms of identification.[4] 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.[5]

In addition to these federal voter registration requirements, 36 U.S. states have further voter identification laws ("voter ID laws"). These laws require voters to provide identification every time they vote at a polling place.[6] The strictest voter ID laws require voters to present a government-issued photo ID at the polls and provide no alternative for voters who do not have one.

Each election year since 2012, the Williams Institute has released reports on the potential impact of voter ID laws on transgender voters in the United States.[7] These reports describe the problems transgender people may face when voting in states with voter ID laws, particularly those with the strictest voter ID laws that require photo identification and do not offer alternatives to confirm a person's identity. This report presents an update of findings from these prior studies, with an emphasis on states with voter ID laws and where in-person voting is the default expectation for voters in the state, as opposed to states that conduct their elections fully by mail.

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[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*. National Center for Transgender Equality. https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf; Individuals who are nonbinary and/or intersex may have additional barriers to accessing IDs that match their gender due to the lack of availability of gender marker options other than "M" or "F" in most states. According to the Movement Advancement Project (MAP), an "X" gender marker is available for driver's licenses in 22 states and the District of Columbia. *See* Equality Maps, available at: https://www.lgbtmap.org/equality-maps. The U.S. State Department also offers an "X" designation on U.S. passports. Currently, there do not exist reliable state-level estimates of the nonbinary or intersex populations. Additionally, we do not have reliable information about the status of identity documents for nonbinary or intersex individuals if they do not identify as transgender. Based on available data sources, this report provides estimates for individuals who identify as transgender.

[2] James, et al. (2016).

[3] U.S. Election Assistance Commission. (2024a). *State Voting Requirements & Information*. U.S. Election Assistance Commission. https://www.usvotefoundation.org/state-voter-information

[4] U.S. Election Assistance Commission. (2024b). *National Mail Voter Registration Form*. U.S. Election Assistance Commission. https://www.eac.gov/sites/default/files/eac_assets/1/6/Federal_Voter_Registration_ENG.pdf

[5] U.S. Election Assistance Commission. (2024a).

[6] National Conference of State Legislatures. (2024). *Voter ID Laws*. https://www.ncsl.org/elections-and-campaigns/voter-id

[7] O'Neill, K., Cisneros, N., Tentindo, W., & Herman, J.L. (2022). *The potential impact of voter ID laws on transgender voters in the 2022 general election*. The Williams Institute, UCLA School of Law. https://williamsinstitute.law.ucla.edu/publications/trans-voter-id-impact/

Since our last report in 2022, many states have changed their voting laws. Specifically, between January 1, 2023, and May 3, 2024, 18 states passed 24 laws that restrict their voting procedures.[8] Voting changes are more pronounced when analyzing the time period between presidential elections. Voters in approximately 27 states will face new restrictions for the 2024 general election that were not present for the 2020 general election.[9] Additionally, since our 2022 report, we have updated how we define the voter ID laws of three states because of a change to their voter identification requirements.[10] We use the most current estimates of the size of the transgender population across the United States and the 2022 U.S. Transgender Survey.[11] We calculate that in the November 2024 general election, as many as 210,800 voting-eligible transgender people may face barriers to voting due to voter ID laws, including nearly 91,300 potential voters who could face disenfranchisement in states with strict photo ID requirements.

VOTER REGISTRATION REQUIREMENTS AND VOTER ID LAWS IN THE U.S.

In the United States, voter identification requirements begin when registering to vote.[12] The Help America Vote Act of 2002 ("HAVA") requires that states collect a driver's license number or the last four digits of a social security number on voter registration forms.[13] 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 federal voter registration requirements, states may impose their own voter ID laws. These laws require voters to provide some form of identification when voting. These ID laws date back to 1950 when South Carolina became the first state to request that voters verify their identity at the polls.[14] Since HAVA was enacted in 2002, an increasing number of states have adopted stricter

[8] Brennan Center for Social Justice. (2024, January 18). Voting Laws Roundup: 2023 in Review. https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-2023-review; Brennan Center for Social Justice. (2024, May 17). Voting Laws Roundup: May 2024. https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-2023-review.

[9] Mejia, Elena and Alex Samuels. (2022, June 16). *Has Your State Made It Harder To Vote?* FiveThirtyEight. https://projects.fivethirtyeight.com/voting-restrictions-by-state/; Brennan Center for Social Justice. (2024, May 17).

[10] *See Methods section, and* National Conference of State Legislatures. (2024). *Voter ID Laws*. https://www.ncsl.org/elections-and-campaigns/voter-id. In addition to the three states with voter ID laws, Hawaii was recategorized from non-strict non-photo to having no voter ID law. However, this did not change our analysis on the impact on transgender people because Hawaii also conducts elections by mail. Others may categorize states differently based on additional factors. *See* Chaisson, H. (2024). The Impermissibility of Sex as a Voter Qualification. *Virginia Law Review*, 110(4), 984-1026. https://virginialawreview.org/articles/the-impermissibility-of-sex-as-a-voter-qualification/?utm_source=rss&utm_medium=rss&utm_campaign=the-impermissibility-of-sex-as-a-voter-qualification. Our final determination on the categorization for each state considered these differing conclusions.

[11] Herman, J.L., Flores, A.R., and O'Neill, K.K. (2022). *How Many Adults and Youth Identify as Transgender in the United States?* The Williams Institute, UCLA School of Law. https://williamsinstitute.law.ucla.edu/publications/trans-adults-united-states/; James, S.E., Herman, J.L., Durso, L.E., & Heng-Lehtinen, R. (2024). *Early Insights: A Report of the 2022 U.S. Transgender Survey*. National Center for Transgender Equality. https://transequality.org/sites/default/files/2024-02/2022%20USTS%20Early%20Insights%20Report_FINAL.pdf.

[12] 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. U.S. Election Assistance Commission. (2024a); U.S. Election Assistance Commission. (2024b).

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

[14] Biggers, D. R., & Hanmer, M. J. (2017). Understanding the adoption of voter identification laws in the American states. *American Politics Research, 45*(4), 560-588.

voter ID requirements that require all voters to provide proof of their identity to poll workers in order to vote using a regular ballot.[15] Additionally, between 1965 and 2013, the Voting Rights Act required federal preclearance of any changes to state voting laws. Preclearance was required of certain states with a history of racial discrimination in voting, which particularly impacted Black Americans. A coverage formula determined states that would be subject to preclearance.[16] In *Shelby County v. Holder*, the Supreme Court found the coverage formula unconstitutional, thus releasing all jurisdictions from the preclearance requirement.[17] Described by the Department of Justice as "a turning point for voting rights in the United States," *Shelby County* enabled states to more easily enact restrictions on voting, such as voter ID laws.[18] Within a day after the decision was released, three of the states previously included in the coverage formula enacted or were able to enforce formerly barred voter ID requirements.[19] For example, Texas enacted a strict voter ID law on the day of the decision, which was later found to be racially discriminatory.[20] One analysis found that at least 25 new voter ID laws were enacted in the decade following the *Shelby County* decision.[21]

In recent years, scholars have attempted to assess the effects of voter ID laws on voter turnout.[22] Results have been mixed.[23] Most recent scholarship observes minor effects on overall turnout in the aggregate,[24] but in an era of very tight elections, such effects might be important for determining outcomes. Moreover, when looking at subpopulations, several scholars have observed that Hispanic and Black voters are more likely to be asked for identification than white voters.[25] Additionally, research has found that poll workers sometimes request identification of voters even in states

[15] Biggers, D. R., & Hanmer, M. J. (2017).

[16] *See* Clarke, K. *(*2013, June 23). *Reflecting On the 10th Anniversary of Shelby County v. Holder*. U.S. Department of Justice. https://www.justice.gov/opa/blog/reflecting-10th-anniversary-shelby-county-v-holder.

[17] Shelby County, Ala. v. Holder, 570 U.S. 529 (2013).

[18] Clarke, K. (2013).

[19] *The Effects of Shelby County v. Holder.* (2018, August 6). Brennan Center for Justice. https://www.brennancenter.org/our-work/research-reports/effects-shelby-county-v-holder?limit=all.

[20] *The Effects of Shelby County v. Holder* (2018); Clarke, K. (2013).

[21] Singh, J. & Carter. (2024, June 23). *States Have Added Nearly 100 Restrictive Laws Since SCOTUS Gutted the Voting Rights Act 10 Years Ago.* Brennan Center for Justice. https://www.brennancenter.org/our-work/analysis-opinion/states-have-added-nearly-100-restrictive-laws-scotus-gutted-voting-rights.

[22] Highton, B. (2017). Voter identification laws and turnout in the United States. *Annual Review of Political Science*, *20*, 149-167. https://doi.org/10.1146/annurev-polisci-051215-022822.

[23] Hajnal, Z., Lajevardi, N., & Nielson, L. (2017). Voter identification laws and the suppression of minority votes. *The Journal of Politics*, *79*(2), 363-379; Grimmer, J., Hersh, E., Meredith, M., Mummolo, J., & Nall, C. (2018). Obstacles to estimating voter ID laws' effect on turnout. *The Journal of Politics*, *80*(3), 1045-1051; Fraga, B. L., & Miller, M. G. (2022). Who do voter id laws keep from voting? *The Journal of Politics*, *84*(2), 1091-1105; Cantoni, E., & Pons, V. (2021). Strict ID laws don't stop voters: Evidence from a US nationwide panel, 2008–2018. *The Quarterly Journal of Economics*, *136*(4), 2615-2660.

[24] Grimmer, J., & Hersh, E. (2024). How Election Rules Affect Who Wins. *Journal of Legal Analysis*, 16(1), 1-25; Harden, J. J., & Campos, A. (2023). Who benefits from voter identification laws? *Proceedings of the National Academy of Sciences*, *120*(7).

[25] Atkeson, L. R., Kerevel, Y. P., Alvarez, R. M., & Hall, T. E. (2014). Who asks for voter identification? Explaining poll-worker discretion. *The Journal of Politics*, *76*(4), 944-957; Cobb, R. V., Greiner, D. J., & Quinn, K. M. (2012). Can voter id laws be administered in a race-neutral manner? Evidence from the City of Boston in 2008. *Quarterly Journal of Political Science*, *7*(1), 1-33; Fraga, B. L., & Miller, M. G. (2022). Who do voter id laws keep from voting? *The Journal of Politics, 84*(2), 1091-1105.

without voter ID laws.[26] There is also some evidence that voters can be discouraged from going to the polls even after a state relaxes its voter ID requirements.[27] Such findings magnify the importance of access to accurate IDs for transgender people, especially transgender people of color, as well as the importance of training poll workers.[28]

A recent study has found that transgender and gender-diverse people encounter more problems when attempting to vote as compared to cisgender people.[29] Yet, studies that assess voter registration and voter turnout of transgender voters have mixed results. There is evidence to suggest that transgender people are less likely to be registered to vote than their cisgender peers, even when controlling for factors like age and economic status.[30] Notably, other studies have found transgender people are more likely to be registered to vote and to vote.[31] There is a significant relationship between state policy environments that include both strict voter ID laws and laws that make it difficult for transgender people to obtain accurate IDs and the greater likelihood that transgender people will encounter problems voting.[32] In this report and the prior reports in this series, we find that transgender individuals face unique hurdles to acquiring accurate ID and may face greater scrutiny at polling places because of their gender identity.

In states with voter ID laws, poll workers may exercise discretion in requesting that a voter show their ID.[33] This could lead to discrimination against those whose IDs do not match their gender identity or presentation. However, transgender people may be entitled to protections against discrimination at the ballot box under the Nineteenth Amendment to the U.S. Constitution. The Nineteenth Amendment states that "[t]he right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex."[34] Although the amendment does not define "sex," there is reason to believe that such protections would extend to transgender people. In *Bostock v. Clayton County*, the Supreme Court held that gender identity was "inextricably bound up to with sex" in the context of employment discrimination under Title VII.[35] Lower courts have since

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[26] Stewart, C. (2013). Voter ID: Who has them? Who shows them? *Oklahoma Law Review, 66*(1), 21-52. https://digitalcommons.law.ou.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1063&context=olr.

[27] Grimmer, J., & Yoder, J. (2022). The durable differential deterrent effects of strict photo identification laws. *Political Science Research and Methods*, *10*(3), 453-469.

[28] Garofoli, J. (2019, October 25). *California to start first-in-the-nation training to help transgender voters*. San Francisco Chronicle. https://www.sfchronicle.com/politics/article/California-to-start-first-in-the-nation-training-14560805.php

[29] Strode, D., Storm, T., & Flores A. R. (2024). Transgender and Gender Diverse People Disproportionately Report Problems while Trying to Vote Than Cisgender People. *Journal of Politics* (forthcoming).

[30] Strode, D., & Flores, A. R. (2021). Voter registration rates and traits by sexual orientation and gender expression. *Public Opinion Quarterly*, 85(3), 913-928. The authors point out that the only measure available to identify gender identity in their study (from the Cooperative Congressional Election Study) is much broader than the measures commonly used, and as a result the proportion of non-cisgender respondents was much higher than is found elsewhere.

[31] Bowers, M. M., & Whitley, C. T. (2020). Assessing voter registration among transgender and gender non-conforming individuals. *Political Behavior, 42(1),* 143-164; *Civic Engagement in the 2022 U.S. Transgender Survey*. (2024). Advocates for Trans Equality Education Fund.

[32] Strode, et al. (2024).

[33] Atkeson, et al. (2014); Cobb, et al. (2012)

[34] U.S. Const. amend. XIX.

[35] Bostock v. Clayton County, 590 U.S. 644, 660-661 (2020).

extended this *Bostock*-based reasoning to contexts other than Title VII.[36] Legal scholars have thus posited that voter ID laws may violate the Nineteenth Amendment's prohibition of sex discrimination at the ballot box through the application of *Bostock*'s reasoning to the meaning of "sex" under the constitutional provision.[37]

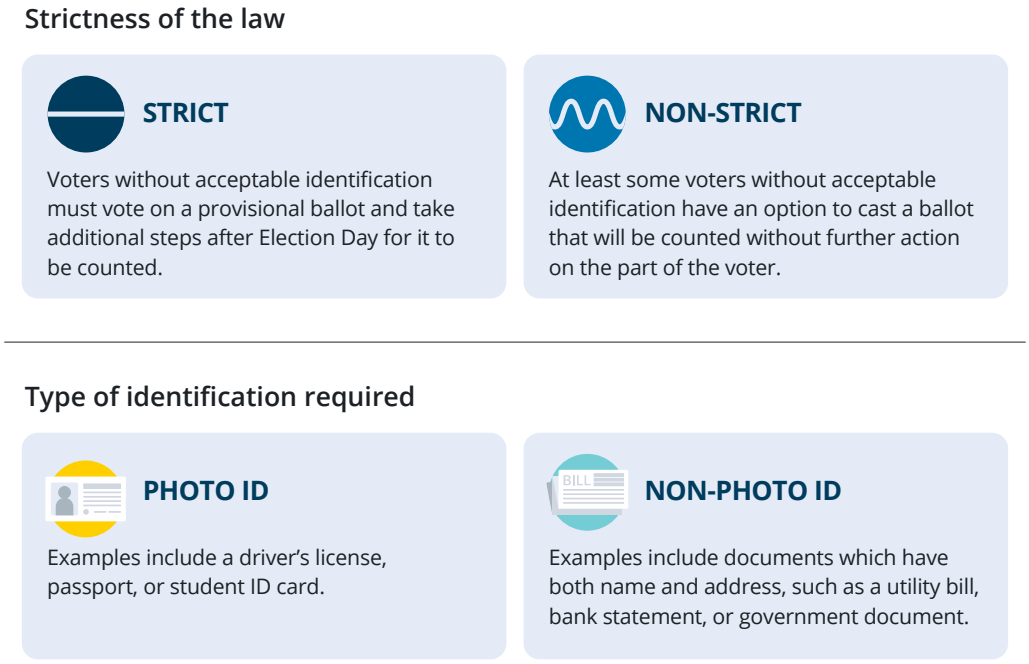
STATE VOTER IDENTIFICATION LAWS FOR THE NOVEMBER 2024 GENERAL ELECTION

As of July 2024, 36 states have voter ID laws that will be in effect for the November 2024 general election. These voter ID laws can be categorized based on 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 1). Table 1 categorizes the 36 states with voter identification laws in 2024 by the strictness of the laws and whether a photo ID is required. (See Methods and Sources section below for more information on classification.)

[36] *See, e.g.*, Kadel v. Folwell, 100 F.4th 122. 153 (4th Cir. 2024) (applying *Bostock* to the context of the Fourteenth Amendment); A.C. ex. rel. M.C. v. Metropolitan Sch. Dist. of Martinsville, 75 F.4th 760, 767 (7th Cir. 2023) (applying *Bostock* to Title IX); Doe v. Snyder, 28 F.4th 103, 114 (9th Cir. 2022) (directing a lower court to apply *Bostock* to Section 1557 of the Affordable Care Act).

[37] *See*, *e.g.*, Nicole R. Gabriel. (2020). Resurrecting the Nineteenth Amendment: Why Strict Voter ID Laws Unconstitutionally Discriminate Against Transgender Voters. I*daho Law Review, 56*(2). https://digitalcommons.law.uidaho.edu/cgi/viewcontent.cgi?article=1165&context=idaho-law-review; Michael Milov-Cordoba & Ali Stack. (2021). Transgender and Gender-Nonconforming Voting Rights after Bostock, *University of Pennsylvania Journal of Law and Social Change, 24*(3). https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1258&context=jlasc#:~:text=Congress'%20enforcement%20powers%20under%20the,such%20as%20voter%20ID%20laws.

Figure 1. Types of identification required and strictness of voter ID laws[38]



Strict and non-strict voter ID laws: 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 13 states to be strict and those of 23 states to be non-strict.

Photo and non-photo voter ID laws: States may also require different types of identity documents. Some states require voters to bring in a government-issued photo ID, such as a driver's license or U.S. passport, to vote on a regular ballot at the polls. States that do not require a voter's ID to include a photo may instead accept documents that show the voter's name and address, such as a utility bill or bank statement. Among states with voter ID laws, 21 states require photo IDs and 15 states accept non-photo IDs.

Default in-person voting and vote-by-mail: Nine states in the U.S. conduct elections by mail by default; all registered voters in these states are sent mail-in ballots (sometimes referred to as absentee ballots). This includes three states with non-strict, non-photo voter ID laws (Colorado, Utah, and Washington). Many other states allow voters to vote by mail, but voters in those states must apply to take advantage of that option, and by default, voting is done in person at the polls.

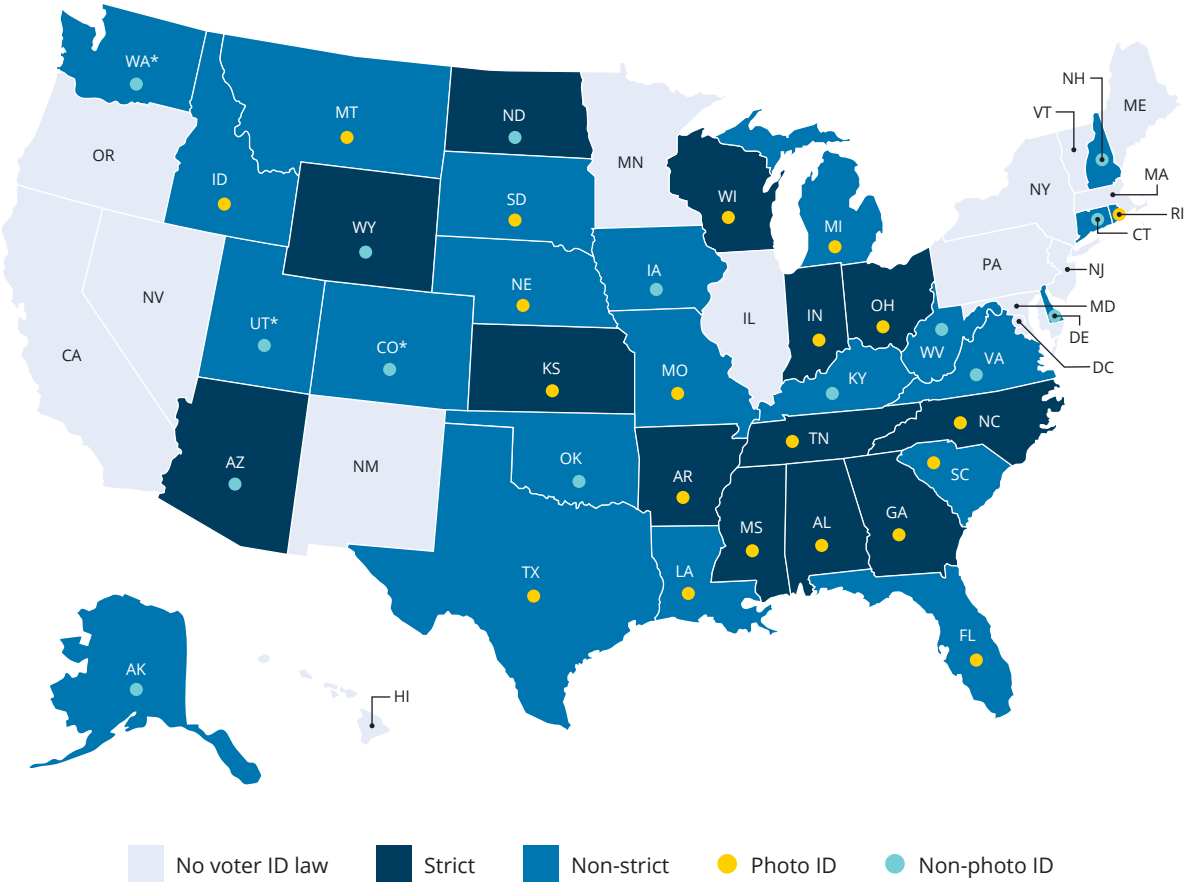
[38] National Conference of State Legislatures. (2024). *Voter ID Laws*. https://www.ncsl.org/research/elections-and-campaigns/voter-id.aspx

Table 1. Voter ID laws in the United States by photo ID requirements and strictness

	PHOTO ID	NON-PHOTO ID
STRICT	Alabama	Arizona
	Arkansas	North Dakota
	Georgia	Wyoming
	Indiana	
	Kansas	
	Mississippi	
	North Carolina	
	Ohio	
	Tennessee	
	Wisconsin	
NON-STRICT	Florida	Alaska
	Idaho	Colorado*
	Louisiana	Connecticut
	Michigan	Delaware
	Missouri	Iowa
	Montana	Kentucky
	Nebraska	New Hampshire
	Rhode Island	Oklahoma
	South Carolina	Utah*
	South Dakota	Virginia
	Texas	Washington*
		West Virginia

Note: *These states conduct their elections by mail by default. As our analysis focuses on in-person voting, we discuss these states separately.

Figure 2. Voter ID laws in the United States by photo ID requirements and strictness



Note: *These states with voter ID laws conduct their elections by mail by default. As our analysis focuses on in-person voting, we discuss these states separately.

PROCESSES AND COSTS ASSOCIATED WITH UPDATING IDENTITY DOCUMENTS

Some eligible voters in the U.S. may face challenges obtaining the types of identity documents 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.[39] A recent study estimated that, in 2020, about 12% of voting-age Americans did not have a driver's license and about 6% lacked either a valid (not expired) passport or a valid driver's license.[40] Additionally, possession of valid IDs varies notably by race and ethnicity. People identified

[39] *See generally* Fisher, E.A., Garrett, R.S., & Whitaker, L.P.. (Oct. 2016). *State Voter Identification Requirements Analysis, Legal Issues, and Policy Considerations*. https://sgp.fas.org/crs/misc/R42806.pdf; Vote.gov. (Aug. 2024). *Voting with a Disability*, https://vote.gov/guide-to-voting/disability; Brougher, C. (Sept. 2012). *Legal Analysis of Religious Exemptions for Photo Identification Requirements*. Congressional Research Service. https://www.everycrsreport.com/files/20120905_R40515_dbb3d7977a05b49d8c9fdbc00ddc8d2d7806feb2.pdf.

[40] Hanmer, M. & Novey, S. (2023, March 13). *Who Lacked Photo ID In 2020?: An Exploration of the American National Election Studies.* University of Maryland Center for Democracy and Civic Engagement. https://www.voteriders.org/wp-content/uploads/2023/04/

as Black or Hispanic were about twice as likely to lack any form of government-issued photo ID than people identified as white or Asian.[41] Prior research has also demonstrated more broadly that people of color, the elderly, those who have lower incomes, and those experiencing homelessness are less likely than others to have such identity documents.[42]

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.[43] For instance, some states do not permit gender marker changes on birth certificates and some require proof of gender-affirming surgical care or a court order to change the gender marker on their IDs.[44] According to the Movement Advancement Project, four states prohibit changes to an individual's gender marker on their driver's license as of August 2024.[45] Six states prohibit changes to an individual's gender marker on their original birth certificate.[46] At least one federal circuit court has held that these prohibitions are constitutional.[47] Policies such as these present significant, sometimes insurmountable, barriers to obtaining accurate IDs for some transgender individuals.[48] Each requirement in the process of obtaining accurate IDs also represents financial costs, such as the costs of court orders, physician letters, and fees for new ID cards.[49] Transgender people are more likely to report living at or near poverty than the U.S. general population and may have more difficulty overcoming such financial barriers.[50] Some states require proof of certain medical procedures, such as genital surgery, to change a birth certificate.[51] These

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CDCE_VoteRiders_ANES2020Report_Spring2023.pdf. Earlier estimates found the share of voting age Americans without an ID as high as 19%, and that 20% of registered voters may not have a valid driver's license. See *Elections: Issues related to state voter identification laws.* (2014, September). U.S. Government Accountability Office. https://www.gao.gov/assets/gao-14-634.pdf, and Stewart, C. (2013).

[41] Stewart, C. (2013); Hanmer, M. & Novey, S. (2023).

[42] *Citizens Without Proof: A Survey of Americans' Possession of Documentary Proof of Citizenship and Photo Identification.* (2006, November). The Brennan Center for Justice at NYU School of Law. https://www.brennancenter.org/our-work/research-reports/citizens-without-proof; Wiltz, T. (2017, May). *Without ID, Homeless Trapped in Vicious Cycle*. Stateline. https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2017/05/15/without-id-homeless-trapped-in-vicious-cycle; Hanmer, M. & Novey, S. (2023).

[43] Brown, T. N. T., & Herman, J. L. (2016). *Voter ID laws and their added costs for transgender voters*. The Williams Institute, UCLA School of Law. https://williamsinstitute.law.ucla.edu/publications/voter-id-laws-costs-trans-voters/.

[44] *Identity documents laws and policies*. (2020). Movement Advancement Project. https://www.lgbtmap.org/equality-maps/identity_document_laws

[45] *Identity Documents.* Movement Advancement Project. https://www.lgbtmap.org/equality-maps/identity_document_laws at "Drivers' Licenses"; See also, *Identity Documents Center*. Advocates for Trans Equality. https://transequality.org/documents.

[46] *Identity Documents*. Movement Advancement Project. https://www.lgbtmap.org/equality-maps/identity_document_laws at "Birth Certificates."

[47] Gore v. Lee, 107 F.4th 548 (6th Cir. 2024).

[48] Brown, et al. (2016); Movement Advancement Project. (2020).

[49] Brown, et al. (2016).

[50] Badgett, M. V. L., Choi, S. K., & Wilson, B. D. M., (2019, October). *LGBT poverty in the United States: A study of differences between sexual orientation and gender identity groups*. The Williams Institute, UCLA School of Law. https://williamsinstitute.law.ucla.edu/publications/lgbt-poverty-us/

[51] *Identity Documents*. Movement Advancement Project. https://www.lgbtmap.org/equality-maps/identity_document_laws at "Birth Certificates."

requirements, which can be expensive for an individual to meet, may also be out of reach for health reasons, as not all transgender people will need gender-affirming medical or surgical care.[52]

While the majority of these bans prevent government agencies from making changes to gender markers, Florida has taken an additional step and threatened criminal or civil liability for those attempting to correct a driver's license to reflect their gender identity if it does not align with the person's sex assigned at birth.[53] Research has found that transgender individuals living in states with more burdensome requirements for changes to identity documents are less likely to have IDs that match their gender.[54] These barriers contribute to overall low rates of correct ID ownership among transgender people. Twenty percent (20%) of respondents to the 2022 U.S. Transgender Survey who were registered to vote in the 2020 November election reported not having a driver's license, 76% reported not having a state ID, and 53% reported not having a U.S. passport.[55]

[52] Brown, et al. (2016); Solotke, M.T., Liu, P., Dhruva, S.S., Gulanski, B., Shah, N.D., Ross, J.S. (2020). Medicare Prescription Drug Plan Coverage of Hormone Therapies Used by Transgender Individuals. *LGBT Health*, *7*(3). https://pubmed.ncbi.nlm.nih.gov/32267818/.

[53] Kynoch, Robert. (2024, January 26). *Driver License Operation Manual-Issuance requirements-IR08-Gender requirements (Recission*) [Memorandum]. https://s3.documentcloud.org/documents/24424120/ir08-gender-requirements-12624-memo.pdf. However, a group of eight members of Congress representing Florida argued that this policy change violated the Federal REAL ID Act. *See* https://x.com/RepMaxwellFrost/status/1753515079256166630/photo/1.

[54] Herman, J.L. & O'Neill, K. (2021). *Gender marker changes on state ID documents: State-level policy impacts*. The Williams Institute, UCLA School of Law. https://williamsinstitute.law.ucla.edu/publications/gender-marker-policies/

[55] James, S.E., Herman, J.L., Durso, L.E., & Heng-Lehtinen, R. (2024). *Early Insights: A Report of the 2022 U.S. Transgender Survey*. National Center for Transgender Equality. https://transequality.org/sites/default/files/2024-02/2022%20USTS%20Early%20Insights%20Report_FINAL.pdf. Additional calculations by the author.

RESULTS

VOTER ID LAWS AND THEIR POTENTIAL IMPACT ON TRANSGENDER VOTERS IN THE 2024 GENERAL ELECTION

During an election, election officials and poll workers decide whether voters meet the requirements to vote at the polls.[56] 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 listed in the voter registration rolls. Without voter registration information and, in voter ID states, required identification that matches 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.

Previous research has shown that certain racial groups are more likely to be asked for identification when voting in person.[57] Unfortunately, we do not have good measures for how election officials and poll workers treat transgender voters at the polls if the voter's registered name and/or ID does not match their gender. However, 32% of respondents to the 2015 USTS reported having negative experiences after showing identity documents that did not match their gender presentation in various settings.[58] 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.[59] Furthermore, respondents 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.

Possession of Accurate IDs Among Transgender People in the US

Among transgender adult citizens who responded to the 2022 USTS, 49% said that they had no form of identification that lists their correct name, and 54% had no form of ID that represented their correct gender. An estimated 58% had no form of identification that correctly represented both their name and gender (Appendix Table A1). 2022 USTS data suggests that transgender citizens are more likely to have no accurate IDs if they are young adults (18-24; 78%), people of color (60%), students (66%), are living at or near 100% of the federal poverty line (67%), or have disabilities (66%) (Appendix Table A2).[60]

[56] United States Election Assistance Commission. (August 2024). *Poll Worker Resources*. https://www.eac.gov/help-america-vote.

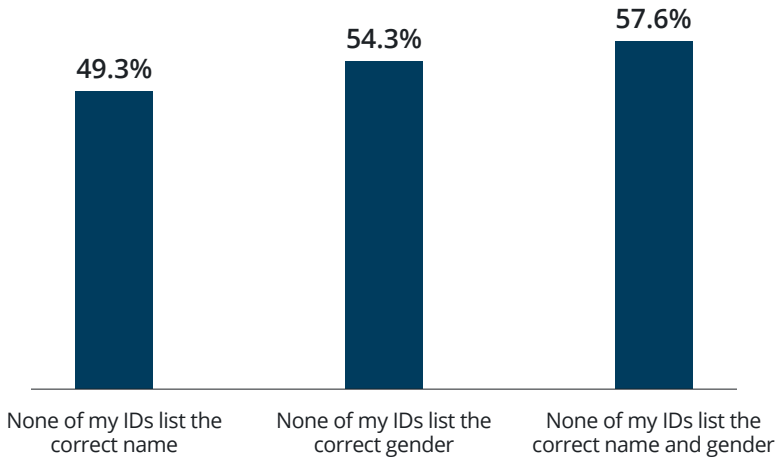
[57] Atkeson, et al. (2014).; Cobb, et al. (2012).

[58] James, et al. (2016).

[59] James, et al. (2016).

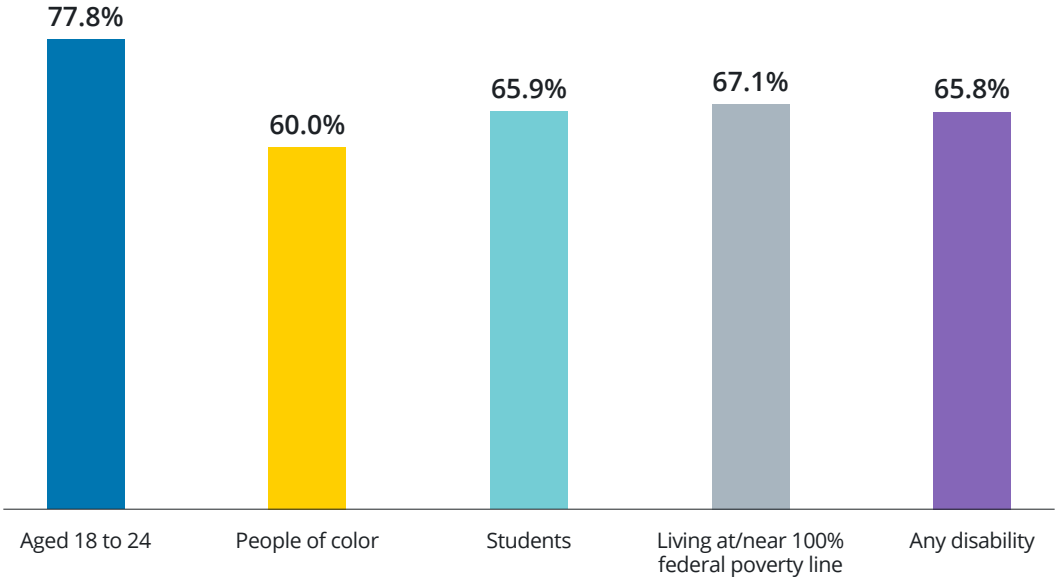
[60] These analyses are based on data generated from the 2022 U.S. Transgender Survey, which was conducted by the National Center for Transgender Equality. To find out more about the U.S. Transgender Survey, visit http://www.ustranssurvey.org/reports.

Figure 3. Possession of identity documents among transgender citizen respondents to the 2022 US Transgender Survey



Note: See Appendix Table A1 for Confidence Intervals and n.

Figure 4. Possession of no identity documents with the correct name and gender among transgender citizen respondents to the 2022 US Transgender Survey by selected subgroups



Note: See Appendix Table A2 for Confidence Intervals, n, and significance tests.

States with Default In-Person Voting and State-Level Voter ID Laws

Default in-person voting: Across the United States, we estimate that 647,700 voting-eligible transgender people live in the 42 states where elections are conducted in-person by default (i.e., excluding states where all registered voters are mailed ballots by default). Forty-three percent (43%) of these eligible voters (276,500 individuals) do not have an ID that correctly lists their name and/or gender.

Default in-person voting and voter ID laws: An estimated 433,200 transgender eligible voters live in the thirty-three states with default in-person voting and voter ID laws. Approximately 49% (210,800) of these eligible voters report that they do not have identification that matches their identity and meets the requirements in their state (meaning, IDs with the correct name or, in states that require photo ID, correct name, and gender marker). These voters could be challenged by poll workers or election officials who find that their voter registration information, ID, and appearance do not match. In strict voter ID states, these voters could be made to vote on a provisional ballot, and their vote will not be counted unless they can later provide acceptable information or required identification.

States with Default Mail Voting or No State-Level Voter ID Laws

We expect that transgender voters in default mail-voting states and states with no voter ID laws will have fewer barriers to casting their vote. However, the lack of an ID or having an inaccurate ID may still create challenges related to potential perceived mismatches between an individual's gender presentation and the name listed on their voter registration if they vote in person at the polls. 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 on the voter rolls matches the voter, such as when a name is traditionally masculine or feminine and the voter appears not to match that gender. Prior research has found that as many as one in ten voters in states without voter ID laws have been asked by poll workers for identification.[61] An estimated 31% of all voting-eligible transgender people in these states do not have identification that lists their correct name.

States with default vote by mail: Eight states and Washington, D.C. conduct elections by mail by default. In these states, all registered voters are sent mail-in (sometimes referred to as absentee) ballots. These states still offer in-person voting at the polls, which voters can use if they choose, but the majority return their ballots by mail or at drop-off locations.[62] These eight states include three states with non-strict, non-photo ID voter ID laws (Colorado, Utah, and Washington). These states verify absentee/mail ballots according to their normal procedure, including signature verification of the voter and/or witnesses and inclusion of a copy of ID or state identification numbers, according to each state's policy.[63] We estimate that 31% of transgender eligible voters in these eight "all-mail" states and D.C., or 54,700 individuals, are without an ID that lists their correct name.

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[61] Stewart, C. (2013).

[62] MIT Election Data + Science Lab. (2021, March). *Voting by mail and absentee voting.* Massachusetts Institute of Technology. https://electionlab.mit.edu/research/voting-mail-and-absentee-voting

[63] National Conference of State Legislatures. (2022, March). *Table 14: How states verify voted absentee/mail ballots*. https://www.ncsl.org/research/elections-and-campaigns/vopp-table-14-how-states-verify-voted-absentee.aspx

States with no voter ID law: Nine states have no state-level voter ID laws and have in-person voting as their default. We estimate that 31% of the transgender eligible voters in these states, or 65,700 individuals, do not have an ID that correctly lists their name.

Table 2. Voting-eligible transgender population with no updated identity documents or records in states with all-mail voting or no state-level voter ID laws for the 2024 election

	TRANSGENDER VOTING-ELIGIBLE POPULATION (VEP)	% OF TRANSGENDER VEP WITH NO ID WITH THE CORRECT NAME	TOTAL NUMBER OF TRANSGENDER ELIGIBLE VOTERS WITH NO ID WITH THE CORRECT NAME
STATES WITH DEFAULT MAIL ELECTIONS			
California	94,000	32.7%	30,700
Colorado	18,700	37.0%	6,900
Hawaii	5,800	8.6%	500
Nevada	4,700	29.9%	1,400
Oregon	14,900	22.9%	3,400
Utah	9,000	46.4%	4,200
Vermont	2,200	21.1%	500
Washington	24,300	24.8%	6,000
District of Columbia	3,900	28.5%	1,100
Total	**177,500**	**30.8%**	**54,700**
STATES WITH NO VOTER ID LAWS			
Illinois	26,500	34.5%	9,200
Massachusetts	25,900	22.1%	5,700
Maryland	16,000	29.9%	4,800
Maine	4,700	22.0%	1,000
Minnesota	18,400	25.9%	4,800
New Jersey	24,900	30.3%	7,500
New Mexico	6,800	26.8%	1,800
New York	54,600	30.1%	16,400
Pennsylvania	36,600	39.5%	14,500
Total	**214,500**	**30.6%**	**65,700**

Note: Figures rounded to the nearest 100. Totals may not add up precisely due to rounding.

States with Non-Photo Voter ID Laws

Twelve states with voter ID laws that do not conduct elections primarily by mail accept IDs that do not include a photo (Table 3). As stated above, three states conduct general elections by mail and also have non-photo voter ID laws for voters who choose to vote in person. Such IDs could include utility bills or bank statements with names and addresses listed or other documents that do not necessarily have a photo. In these states, transgender voters may face barriers to voting if their identification does not reflect their correct name.

Strict non-photo ID law states: Three states have non-photo voter ID laws that are considered strict. We estimate that 27,100 voting-eligible transgender people live in these strict non-photo ID states, 39% of whom (10,600 individuals) 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 officials within a specified time frame. Failure to do so could mean the voter's ballot will not count.

Non-strict non-photo ID law states: We estimate that an additional 70,800 voting-eligible transgender people live in the nine states that have non-strict, non-photo voter ID laws that do not also conduct elections by mail (Table 3). Approximately 35% (24,600 individuals) do not have any 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. However, 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 without identity documents or records with their correct name in states with non-photo ID laws for the 2024 election

	TRANSGENDER VOTING-ELIGIBLE POPULATION (VEP)	% OF TRANSGENDER VEP WITH NO ID WITH THE CORRECT NAME	TOTAL NUMBER OF TRANSGENDER ELIGIBLE VOTERS WITH NO ID WITH THE CORRECT NAME
STRICT, NON-PHOTO VOTER ID LAWS			
Arizona	24,400	38.6%	9,400
North Dakota	1,400	18.9%	300
Wyoming	1,400	66.9%	1,000
Total	**27,100**	**39.1%**	**10,600**
NON-STRICT, NON-PHOTO VOTER ID LAWS			
Alaska	2,400	28.7%	700
Connecticut	9,500	30.6%	2,900
Delaware	4,400	37.3%	1,600
Iowa	4,400	31.3%	1,400
Kentucky	12,300	44.5%	5,500
New Hampshire	4,600	18.3%	800
Oklahoma	10,100	46.7%	4,700
Virginia	19,700	25.4%	5,000
West Virginia	3,300	59.2%	2,000
Total	**70,800**	**34.8%**	**24,600**

Note: Figures rounded to the nearest 100. Totals may not add up precisely due to rounding.

States with Photo ID Laws

Twenty-one states require voters to present a photo ID when voting 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. If the name or gender marker on an identity document is incorrect, voting-eligible transgender people in these states may face barriers to voting or be unable to vote.

Strict photo ID law states: Ten states have photo ID laws that are considered strict. An estimated 172,800 transgender eligible voters live in these states, 53% of whom (91,300 individuals) do not have any IDs with their correct name and gender marker. These 91,300 potential voters may face substantial barriers to voting, including possible disenfranchisement, in the November 2024 general election.

Non-strict photo ID law states: Eleven states have photo ID laws that are not considered strict. In these states, voters without an ID that meets the state's requirements have other options that may still allow them to cast a ballot. 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, leading to further potential difficulty in navigating such rules for voters without the required ID. 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. We estimate that 162,500 voting-eligible transgender people live in these ten states, including 52% (84,300) who do not have any ID that correctly lists their name and gender.

Table 4. Voting-eligible transgender population without identity documents or records with their correct name and gender in states with photo ID laws for the 2024 election

	TRANSGENDER VOTING-ELIGIBLE POPULATION (VEP)	% OF TRANSGENDER VEP WITH NO ID WITH THE CORRECT NAME AND GENDER	TOTAL NUMBER OF TRANSGENDER ELIGIBLE VOTERS WITH NO ID WITH THE CORRECT NAME AND GENDER
STRICT, PHOTO VOTER ID LAWS			
Alabama	8,700	69.2%	6,000
Arkansas	10,100	47,4%	4,800
Georgia	28,300	52.6%	14,900
Indiana	15,200	56.2%	8,500
Kansas	8,000	58.6%	4,700
Mississippi	5,300	72.7%	3,900
North Carolina	43,000	54.1%	23,200
Ohio	29,700	41.4%	12,300
Tennessee	14,400	54.7%	7,900
Wisconsin	10,100	50.6%	5,100
Total	**172,800**	**52.8%**	**91,300**

	TRANSGENDER VOTING-ELIGIBLE POPULATION (VEP)	% OF TRANSGENDER VEP WITH NO ID WITH THE CORRECT NAME AND GENDER	TOTAL NUMBER OF TRANSGENDER ELIGIBLE VOTERS WITH NO ID WITH THE CORRECT NAME AND GENDER
NON-STRICT, PHOTO VOTER ID LAWS			
Florida	53,300	50.0%	26,600
Idaho	5,100	57.3%	2,900
Louisiana	7,900	62.7%	4,900
Michigan	20,200	48.7%	9,800
Missouri	6,200	59.1%	3,700
Montana	2,500	51.4%	1,300
Nebraska	4,000	37.9%	1,500
Rhode Island	4,200	38.8%	1,600
South Carolina	11,500	69.1%	7,900
South Dakota	2,200	48.7%	1,100
Texas	45,600	50.1%	22,900
Total	**162,500**	**51.8%**	**84,300**

Note: Figures rounded to the nearest 100. Totals may not add up precisely due to rounding.

CONCLUSION

Voter identification requirements create a unique barrier for some transgender people who would otherwise be eligible to vote. Many transgender people do not have ID documents that list their correct name and gender. Nationally, in states with default in-person voting, 276,500 transgender eligible voters do not have ID documents that correctly list their name and/or gender. Transgender people who are Black, Indigenous, or people of color, and those who are young, have disabilities, have low incomes, are experiencing homelessness, or are students are particularly likely to lack correct IDs. Voters without correct IDs and updated registrations could be challenged by poll workers based on the name that appears in the voter registration rolls, creating a barrier to voting.

An estimated 210,800 transgender eligible voters have no correct IDs and live in the 33 states with default in-person voting and additional, more stringent voter ID laws beyond the federal requirements. Approximately 91,300 of these eligible voters live in states with strict photo ID laws, which present the greatest barriers to voting. These voters could be disenfranchised if they are unable to obtain accurate IDs and correct their voter registration before the election. Requirements for changing one's name and gender marker on state IDs vary widely and can be difficult, time-consuming, and costly.

Voter ID laws may create barriers to voting for substantial numbers of voting-eligible people, which is particularly notable in elections that are decided by a small number of votes. For example, in the November 2020 presidential election, Joe Biden won the state of Georgia by 11,779 votes.[64] We estimate that there are 14,900 transgender-eligible voters in Georgia who lack accurate IDs. Georgia's voter ID law is among the strictest in the United States. Similarly, in the November 2016 presidential election, Donald Trump won the state of Michigan by 10,704 votes (out of 4,799,284 votes cast).[65] We estimate that there are about 9,800 transgender-eligible voters in Michigan who do not have accurate IDs. Perhaps most famously, the November 2000 presidential election was decided by several hundred votes in Florida.[66] We estimate that as many as 26,600 voting-eligible transgender Floridians do not have accurate IDs.

In this study, we find that transgender voters face special barriers to acquiring accurate IDs and may face greater scrutiny at polling places because of their gender identity or presentation. Voter ID laws, therefore, create a unique—and, in some cases, insurmountable—barrier to voting for a substantial number of transgender people. States can take steps to improve access to the ballot for transgender voters, including changing voter ID laws, making the process of obtaining accurate IDs simpler and more affordable, training poll workers, and reducing barriers to voting more broadly. For instance, in 2019, the state of California began an official program to train poll workers on how to properly assist transgender voters to better secure their right to vote at the polls.[67]

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[64] Brumback, Kate. (2020, December 7). *Georgia again certifies election results showing Biden won*. The Associated Press. https://apnews.com/article/election-2020-joe-biden-donald-trump-georgia-elections-4eeea3b24f10de886bcdeab6c26b680a

[65] *2016 Michigan Election Results.* (2016, November 28). Michigan Department of State. https://mielections.us/election/results/2016GEN_CENR.html

[66] Elving, Ron. (2018, November 12). *The Florida Recount Of 2000: A Nightmare That Goes On Haunting*. NPR. https://www.npr.org/2018/11/12/666812854/the-florida-recount-of-2000-a-nightmare-that-goes-on-haunting

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

METHODS AND SOURCES

This report relies on information on voter ID laws from the National Conference of State Legislatures, state population estimates from the 2022 American Community Survey 5-year estimates, state estimates of the number of adults who identify as transgender from the Williams Institute, and survey results from the 2022 U.S. Transgender Survey (USTS), conducted by the National Center for Transgender Equality.

ESTIMATED TRANSGENDER VOTING-ELIGIBLE POPULATION

The 2022 USTS provides information about the status of both the name and gender marker on respondents' identity documents and records, their citizenship, gender identity, and other factors related to voting eligibility. While the USTS is not considered a nationally 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 2024 general election.

To obtain an estimate of each state's transgender voting-eligible population, we first start with an estimate of the percentage of adults in each state who identify as transgender, according to 2022 estimates by the Williams Institute.[68] This percentage was multiplied by the total adult citizen population in each state according to the 2022 American Community Survey 5-year estimates.[69] We assume that the percent of citizens who identify as transgender does not differ from the percentage of the full population of a state that identifies as transgender. This estimated number of transgender adult citizens in a state is then multiplied by the USTS estimate of the percent of transgender adult citizens in each state who live all the time in a gender different from their sex assigned at birth. In states that disenfranchise some or all individuals who have been convicted of certain crimes,[70] we rely on USTS estimates to exclude the proportion of transgender individuals in those states who have been in jail or prison in the past five years. This results in an estimated number of transgender people in each state who are eligible to vote and live all the time according to their gender identity.

> *Transgender voting-eligible population = (State adult US citizen population) x (Percent of adult population in state who identify as transgender) x (Percent of citizen transgender population who are living all the time in a gender different from their sex assigned at birth) x (Percent of transgender population not incarcerated in the last five years in states that have criminal disenfranchisement)*

The percentage of voting-eligible transgender adults who possess the needed identity documents is estimated according to the policies of each state. In states that require photo ID, we consider the percentage of voting-eligible respondents who have IDs with both the correct name and correct gender marker among respondents to the USTS. In states that require an ID but do not require that that ID have a photo, we only consider how many respondents have IDs with the correct name.

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https://www.sfchronicle.com/politics/article/California-to-start-first-in-the-nation-training-14560805.php

[68] Herman, et al. (2022).

[69] American Community Survey. (2022). *Table ID B29001: Citizen, voting-age population by age*. U.S. Census Bureau. https://data.census.gov/cedsci/table?q=B29001%20&tid=ACSDT5Y2020.B29001

[70] Brennan Center for Justice at NYU School of Law. (2022, April). *Criminal disenfranchisement laws across the United States.* https://www.brennancenter.org/our-work/research-reports/criminal-disenfranchisement-laws-across-united-states

The USTS questions this report relies on to understand the status of respondents' name and gender on their identity documents do not take into account the types of IDs that respondents had.[71] The questions only ask whether all, some, or none of a respondent's IDs list the correct name or gender. The conservative assumption is made here that all transgender respondents to the USTS who responded to these questions actually have the identity documents they would need to register and vote. As mentioned above, 20% of those registered to vote in the 2022 USTS did not have a driver's license, 76% did not have a state ID, and 53% did not have a U.S. passport.[72]

CATEGORIZATION OF STATES AND POPULATION ESTIMATES

States' voter ID laws were categorized according to the National Conference of State Legislatures and our own examination of state laws.[73] Although the NCSL categorizes Alabama as "non-strict," we consider the state "strict" for the purposes of this study. According to the NCSL, Alabama was not categorized as strict because a voter could cast a ballot without the required ID if the voter is identified by two election officials as an eligible voter. Because as many as 32% of transgender respondents to the 2015 USTS reported negative experiences, including harassment or denial of services, when presenting inaccurate IDs,[74] we consider this provision a substantial burden to transgender voters and have classified Alabama as "strict" for purposes of this study.[75]

Finally, because we are primarily concerned with in-person access to the polls and interaction with poll workers, we exclude the eight states and Washington, D.C., that conduct elections by mail by default (California, Colorado, Hawaii, Nevada, Oregon, Utah, Vermont, and Washington), although three of these states have non-strict, non-photo ID voter ID laws (Colorado, Utah, and Washington). The majority of voters in these states return their ballots by mail or at drop boxes. We assume that transgender voters there would do the same and, therefore, be less likely to vote in person and have a negative interaction with a poll worker. [76] Such voters' ballots would be verified according to their state's normal methods for verifying absentee/mail ballots, and any seeming inconsistencies in regard to name, gender marker, and personal appearance would not be challenged by poll workers on election day. Transgender voters in these states, especially those who have faced barriers to accessing accurate legal records, may still face additional challenges or mistreatment when registering to vote or if they choose to vote in person. In all other states, in-person voting is the default. While many states allow voters to vote absentee by mail without requiring an excuse, voters must take action to use such an option.

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[71] James, et al. (2024). Additional calculations by the author; Q21.15 (name) and Q21.18 (gender) are worded as follows: Thinking about how your NAME/GENDER is listed on all of your IDs and records that list your name/gender, such as your birth certificate, driver's license, passport, etc. Which of the statements below is most true? Response options: All of my IDs and records list the name/gender I prefer; Some of my IDs and records list the name/gender I prefer; None of my IDs and records list the name/gender I prefer.

[72] James, et al. (2024). Additional calculations by the author.

[73] National Conference of State Legislatures. (June 2022). *Voter ID Laws.* National Conference of State Legislatures. https://www.ncsl.org/research/elections-and-campaigns/voter-id.aspx. For a list of recent studies that have relied on the NCSL's classification, see: Highton, B. (2017). Voter identification laws and turnout in the United States. *Annual Review of Political Science*, *20,* 149-167.

[74] James, et al. (2016).

[75] For a list of other studies that reclassify Alabama, see: Cantoni, E., & Pons, V. (2021).

[76] MIT Election Data + Science Lab. (2021, March).

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RESEARCH THAT MATTERS

APPENDIX

Table A1. Possession of correct identity documents among adult transgender citizen respondents to the 2022 USTS survey

	%	95% CI
ID documents with the correct name	n=48,023	
All my IDs list the correct name	26.9	26.0, 27.7
Some of my IDs list the correct name	23.8	23.1, 24.5
None of my IDs list the correct name	49.3	48.4, 50.2
ID documents with the correct gender	n=46,424	
All my IDs list the correct gender	18.9	18.2, 19.7
Some of my IDs list the correct gender	26.8	26.0, 27.6
None of my IDs list the correct gender	54.3	53.3, 55.2
ID documents with the correct name and gender	n=45,578	
All of my IDs list my correct name and gender	17.2	16.4, 17.9
Some of my IDs list my correct name and gender	25.2	24.4, 26.0
None of my IDs list my correct name and gender	57.6	56.7, 58.6

Note: Analyses of 2022 USTS data completed by the authors. Column percentages, weighted. Ns vary due to missingness. CI: confidence interval.

Table A2. Possession of correct identity documents among adult transgender citizen respondents to the 2022 USTS survey, by select demographic characteristics

	NO IDS WITH CORRECT NAME AND GENDER		SOME OR ALL IDS HAVE CORRECT NAME AND GENDER		F
	%	95% CI	%	95% CI	P-VALUE
Age	n=21,617		n=19,699		
18 to 24	77.8	76.8, 78.8	22.2	21.2, 23.2	0.00
25 to 44	54.3	53.0, 55.7	45.7	44.3, 47.0	
45 to 64	38.7	35.9, 41.5	61.3	58.6, 64.1	
65 plus	25.1	21.9, 28.6	74.9	71.4, 78.1	
Race, ethnicity	n=24,993		n=20,408		
White, non-Hispanic	56.1	55.0, 57.2	43.9	42.8, 45.0	0.00
Black, non-Hispanic	50.2	46.0, 54.3	49.8	45.7, 54.0	
Asian, non-Hispanic	55.5	51.3, 59.6	44.5	40.4, 48.7	
AIAN, non-Hispanic	61.7	51.4, 71.0	38.3	29.0, 48.6	
Latine or Hispanic	65.2	62.5, 67.8	34.8	32.2, 37.5	
Multiracial/other race	62.1	59.5, 64.6	37.9	35.4, 40.5	
Race, ethnicity	n=24,993		n=20,408		
White, non-Hispanic	56.1	55.0, 57.2	43.9	42.8, 45.0	0.00
All POC	60.0	58.4, 61.6	40.0	38.4, 41.6	

	NO IDS WITH CORRECT NAME AND GENDER		SOME OR ALL IDS HAVE CORRECT NAME AND GENDER		F
	%	95% CI	%	95% CI	P-VALUE
Student status	n=25,050		n=20,479		
Not a current student	56.1	55.1, 57.2	43.9	42.8, 44.9	**0.00**
Current student	65.9	64.1, 67.6	34.2	32.4, 35.9	
At/near poverty	n=22,381		n=19,307		
No	51.5	50.4, 52.7	48.5	47.3, 49.6	**0.00**
Yes	67.1	65.4, 68.8	32.9	31.2, 34.6	
Any disability	n=25,076		n=20,495		
No	48.5	47.1, 49.8	51.5	50.2, 52.9	**0.00**
Yes	65.8	64.5, 67.0	34.3	33.1, 35.5	

Note: Analyses of 2022 USTS data completed by the authors. Row percentages, weighted. Ns vary due to missingness. CI: confidence interval. Bold p-values are statistically significant (Rao-Scott chi-square test).