RESEARCH THAT MATTERS

THE POTENTIAL IMPACT OF VOTER IDENTIFICATION LAWS ON TRANSGENDER VOTERS

in the 2022 General Election

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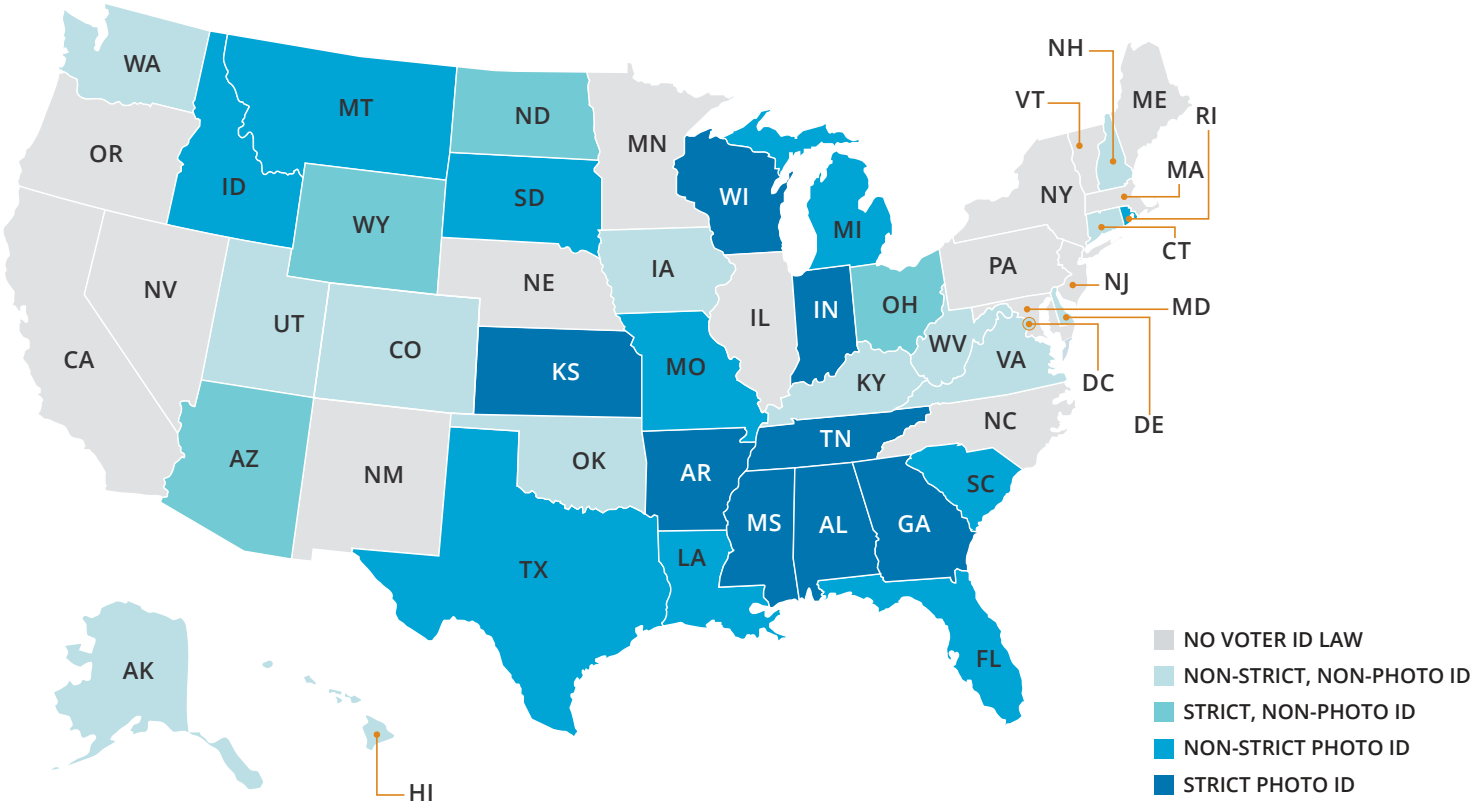
EXECUTIVE SUMMARY

Transgender people face unique obstacles to obtaining identity documents (IDs) that reflect their gender identity. Identity documents that do not accurately reflect 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 35 states that have voter ID laws. 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 2022 general election and found that as many as 203,700 transgender Americans who are eligible to vote may find it difficult to do so because of voter ID laws, including 64,800 who could face disenfranchisement in states with strict photo ID requirements. The analysis also revealed that:

- An estimated 878,300 transgender adults in the U.S. will be eligible to vote in the November 2022 general election.
- Forty-two states conduct their elections primarily in person at polling places, as opposed to fully by mail.
    - Over 697,800 voting-eligible transgender Americans live in these states.
    - An estimated 43% of these individuals (296,700) 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 414,000 voting-eligible transgender Americans live in the 31 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 203,700 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, 64,800 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 2022 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 203,700 voting-eligible transgender people who may face barriers to voting due to voter ID laws in the 2022 midterm election cycle.

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



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 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 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, 35 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.

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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*. Washington, DC: 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 accurately reflect 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] National Conference of State Legislatures. (2020). *Voter Registration*. https://www.ncsl.org/research/elections-and-campaigns/voter-registration.aspx#SDR

[4] U.S. Election Assistance Commission. (2020). *National Mail Voter Registration Form*. Washington, DC: 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. (2020).

[6] National Conference of State Legislatures. (2022). *Voter ID Laws*. Retrieved June 15, 2022, from https://www.ncsl.org/research/elections-and-campaigns/voter-id.aspx

[7] O'Neill, K., Herman, J.L. (2020). *The potential impact of voter ID laws on transgender voters in the 2020 general election*. The Williams Institute, UCLA School of Law. https://williamsinstitute.law.ucla.edu/publications/trans-voter-id-impact/

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. Since our last report in 2020, many states have changed their voting laws; specifically, 24 states have passed 56 laws that change or restrict their voting procedures.[8] For this report, the voter ID laws of seven states have been recategorized because of a change to their voter identification requirements.[9] We also use new estimates of the size of the transgender population across the United States.[10] We calculate that in the November 2022 general election, as many as 203,700 voting-eligible transgender people may face barriers to voting due to voter ID laws, including over 64,800 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.[11] 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.[12] 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 present a document bearing the voter's name at the polls.[13] 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 to vote using a regular ballot.[14] Additionally, poll workers have some discretion to request that a voter show their ID.[15] Previous research has found that Hispanic and Black voters

[8] Mejia, E., Samuels, A. (2022, June 16). *Has your state made it harder to vote?*. FiveThirtyEight. https://projects.fivethirtyeight.com/voting-restrictions-by-state/

[9] See Methods section and National Conference of State Legislatures. (2022). *Voter ID Laws*. https://www.ncsl.org/research/elections-and-campaigns/voter-id.aspx

[10] Herman, J.L., Flores, A.R., 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/

[11] 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. National Conference of State Legislatures. (2020). *Voter Registration*. https://www.ncsl.org/research/elections-and-campaigns/voter-registration.aspx#SDR

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

[13] National Conference of State Legislatures. (2021). *Voter ID Chronology*. Washington, DC: National Conference of State Legislatures, available at https://www.ncsl.org/research/elections-and-campaigns/voter-id-chronology.aspx

[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.

[15] 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.

were more likely to be asked for identification than white voters.[16] Additionally, research has found that poll workers sometimes request identification from voters even in states without voter ID laws.[17] Such findings magnify the importance of access to accurate IDs for transgender people of color, as well as the importance of training poll workers.[18]

Many scholars in recent years have attempted to assess the effects of voter ID laws on voter turnout.[19] Results have been mixed.[20] However, none of these studies have attempted to assess the effect of voter ID laws on the ability of sexual and gender minorities to exercise their right to vote. In this report and the prior reports in this series, we find that transgender individuals face unique hurdles to acquiring accurate IDs and may face greater scrutiny at polling places because of their gender identity.

As of July 2022, 35 states have voter ID laws that will be in effect for the November 2022 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 2). Table 1 categorizes the 35 states with voter identification laws in 2022 by the strictness of the laws and whether a photo ID is required. (See the Methods and Sources section for more information on classification.)

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

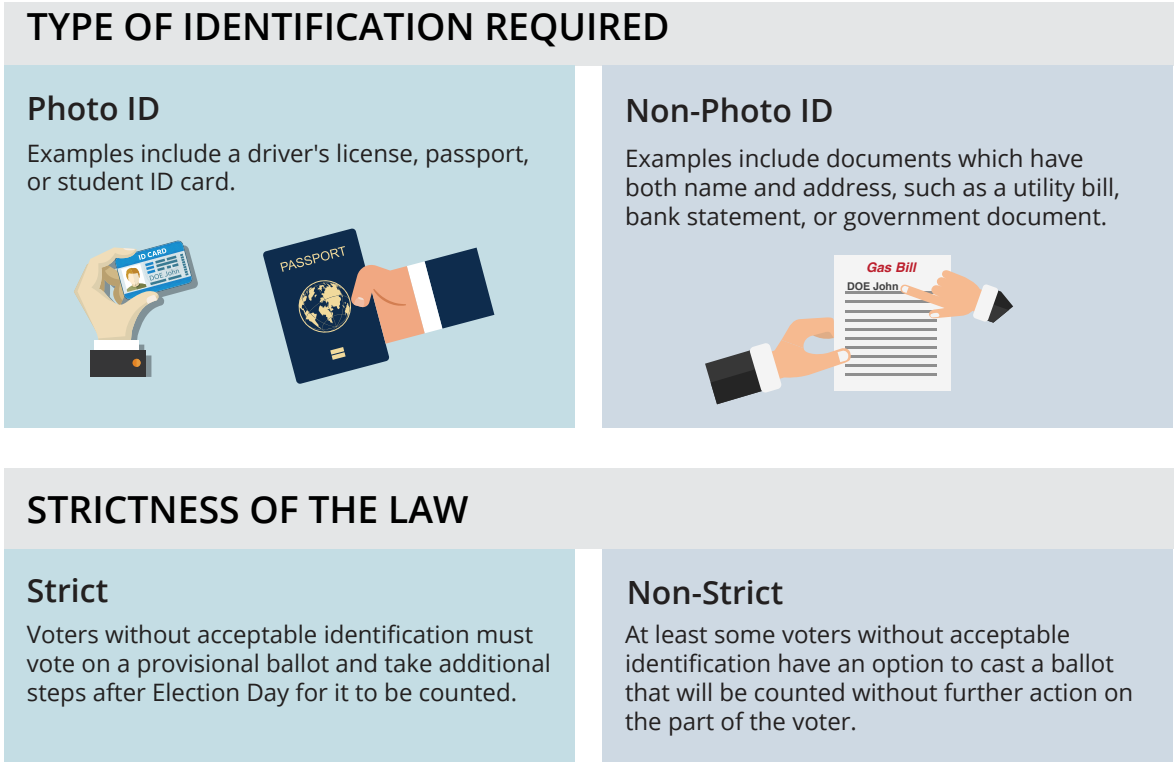
[17] Stewart, C. (2013). Voter ID: Who has them? Who shows them? *Oklahoma Law Review*, *66*(1), pp. 21-52. https://digitalcommons.law.ou.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1063&context=olr

[18] 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

[19] 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

[20] 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.

Figure 1. Types of identification required and strictness of voter ID laws[21]



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 12 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 US 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, 18 states require photo IDs, and 17 states accept non-photo IDs.

Default in-person voting and vote-by-mail: Eight 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 four states with non-strict, non-photo voter ID laws (Colorado, Hawaii, 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.

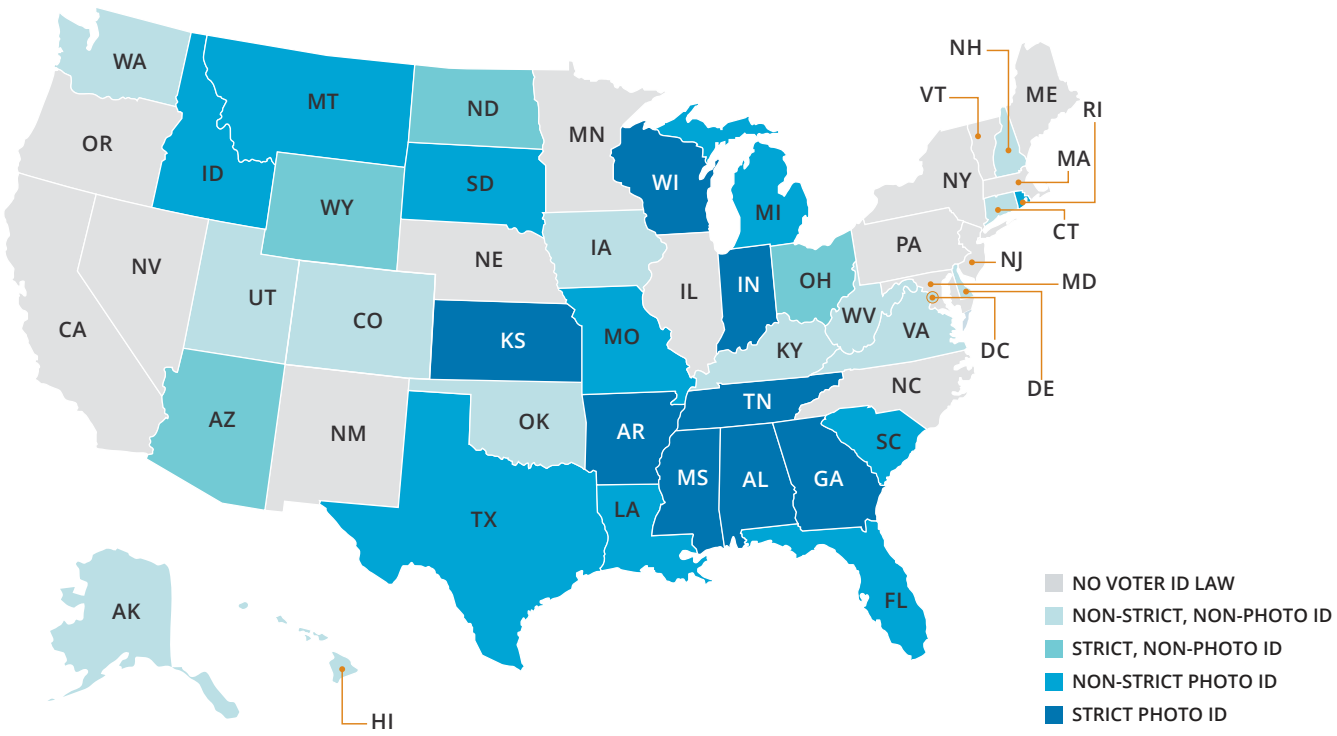
[21] National Conference of State Legislatures. (2022). *Voter ID Laws*. https://www.ncsl.org/research/elections-and-campaigns/voter-id.aspx

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	Ohio
	Indiana	Wyoming
	Kansas	
	Mississippi	
	Tennessee	
	Wisconsin	
Non-Strict	Florida	Alaska
	Idaho	Colorado*
	Louisiana	Connecticut
	Michigan	Delaware
	Missouri	Hawaii*
	Montana	Iowa
	Rhode Island	Kentucky
	South Carolina	New Hampshire
	South Dakota	Oklahoma
	Texas	Utah*
		Virginia
		Washington*
		West Virginia

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

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



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. A 2014 review by the U.S. Government Accountability Office found that between 5% and 16% of registered voters do not own a driver's license or state ID.[22] At least one study found somewhat lower rates of ID possession (19% without ID) when surveying all eligible voters, not just those that are registered.[23] These rates are lower when examining the possession of valid IDs (not expired, and with the voter's current address and correct name). With this taken into account, as many as 20% of registered voters may not have a valid driver's license.[24] Additionally, possession of valid IDs varies notably by race and ethnicity. As many as 37% of Black registered voters are estimated to not have a valid driver's license, compared to 16% of white registrants.[25]

[22] U.S. Government Accountability Office. (2014, September). Elections: Issues related to state voter identification laws. https://www.gao.gov/assets/gao-14-634.pdf

[23] U.S. Government Accountability Office. (2014, September).

[24] Stewart, C. (2013).

[25] Stewart, C. (2013).

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.[26]

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.[27] 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.[28] Policies such as these present significant, sometimes insurmountable, barriers to obtaining accurate IDs for some transgender individuals.[29] 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.[30] 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.[31] Some state requirements for changing one's gender marker may also be out of reach for health reasons, as not all transgender people will need gender-affirming medical or surgical care. Research has found that transgender individuals living in states with more burdensome requirements for changes to identity documents are less likely to have IDs with accurate gender markers.[32] These barriers contribute to overall low rates of accurate ID ownership among transgender people. As many as 46% of transgender people in the U.S. report having no ID with their correct name and gender.[33]

[26] 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. 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

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

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

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

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

[31] 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*. Los Angeles, CA: The Williams Institute. https://williamsinstitute.law.ucla.edu/publications/lgbt-poverty-us/

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

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

RESULTS

VOTER IDENTIFICATION LAWS AND THEIR POTENTIAL IMPACT ON TRANSGENDER VOTERS IN THE 2022 GENERAL ELECTION

During an election, election officials and poll workers decide whether 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.

Previous research has shown that certain racial groups are more likely to be asked for identification when voting in person.[34] 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 accurately reflect their gender. However, 32% of respondents to the USTS reported having negative experiences after presenting identity documents that did not match their gender presentation.[35] 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.[36] 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.

Possession of Accurate IDs Among Transgender People in the U.S.

Among transgender citizens who responded to the 2015 USTS, 33% said that they have no form of identification that lists their correct name, and 44% had no form of ID that represented their correct gender. An estimated 46% percent had no form of identification that correctly represented both their name and gender (Appendix Table A1). 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%), have low incomes (less than $10,000 annual household income; 60%), or have disabilities (55%) (Appendix Table A2).[37]

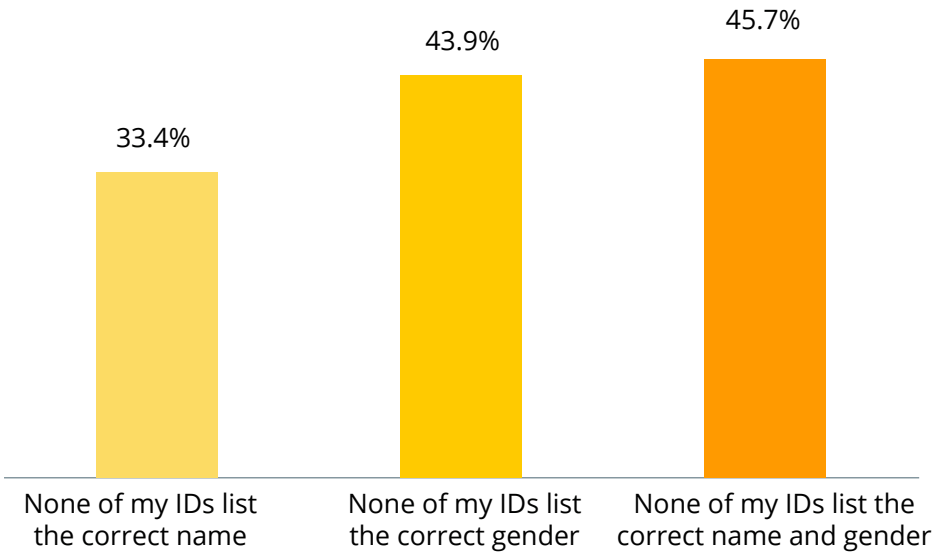
[34] Atkeson, et al. (2014).; Cobb, et al. (2012).

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

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

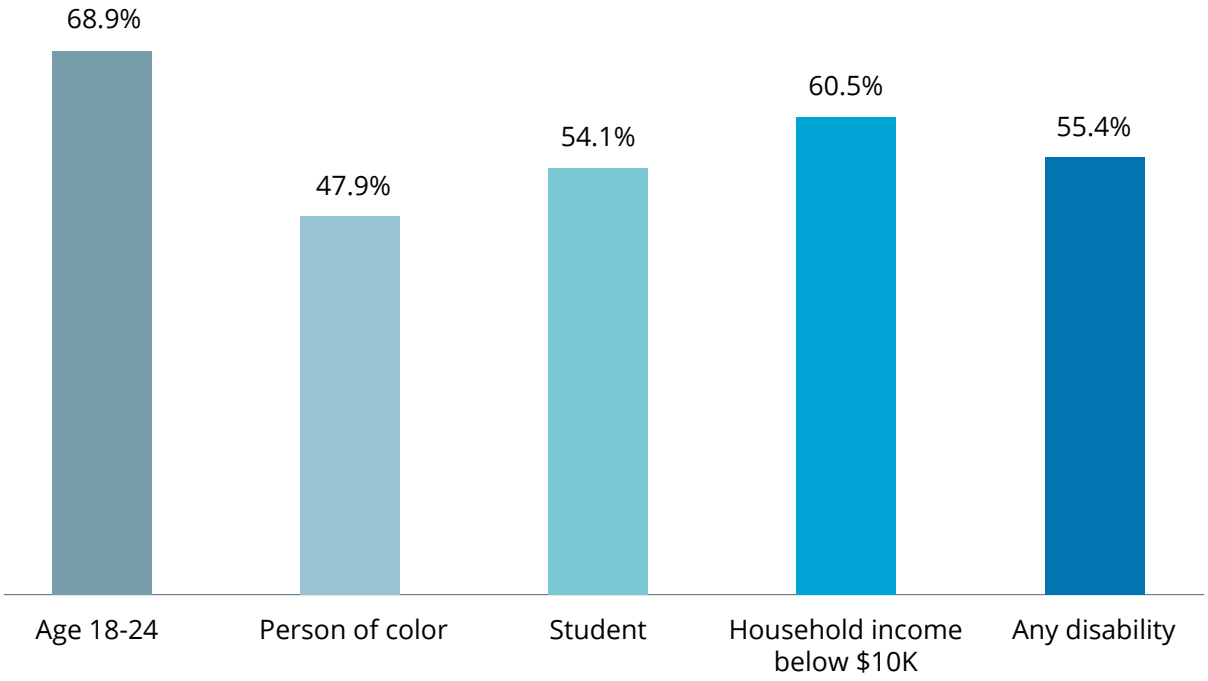
[37] *This work is based on data generated from the 2015 U.S. Transgender Survey, which was conducted by the National Center for Transgender Equality. To find out more about the U.S. Transgender Survey, visit http://www.ustranssurvey.org/reports.*

Figure 3. Possession of identity documents among transgender citizen respondents to the 2015 United States 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 2015 United States Transgender Survey



Note: See Appendix Table A2 for confidence intervals, N, and significance tests

Default in-person voting: Across the United States, we estimate that 697,800 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 of these eligible voters (296,700 individuals) do not have an ID that correctly lists their name and/or gender.

Default in-person voting and voter ID laws: An estimated 414,000 transgender eligible voters live in the 31 states with default in-person voting *and* voter ID laws. Approximately 49% (203,700) of these eligible voters report that they do not have identification that accurately reflects their identity and meets the requirements in their state (meaning, IDs with the correct name, or, in states which 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. In these states, when voting at the polls, transgender voters would tell poll workers their names as reflected on their voter registration 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 to not 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.[38] An estimated 33% 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 in the U.S. 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 voting in-person at the polls, which voters can use if they so choose, but the majority return their ballots by mail or at drop-off locations.[39] These eight states include four states with non-strict, non-photo ID voter ID laws (Colorado, Hawaii, Utah, and Washington). These states verify absentee/mail ballots according to their normal procedure. Such procedures include signature verification of the voter and/or witnesses or the inclusion of a copy of ID or state identification numbers, according to each state's policy.[40] We estimate that there are 57,600 transgender eligible voters in these eight all-mail states without an ID that lists their correct name.

[38] Stewart, C. (2013).

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

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

States with no voter ID law: Eleven states have no state-level voter ID laws and have in-person voting as their default. We estimate that 33% of the transgender eligible voters in these states, or 93,000 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 2022 election

	TRANSGENDER VOTING-ELIGIBLE POPULATION (VEP)	PERCENTAGE OF TRANSGENDER VEP WITH NO IDS WITH CORRECT NAME	TOTAL NUMBER OF TRANSGENDER ELIGIBLE VOTERS WITH NO IDS WITH THE CORRECT NAME
States with default mail elections			
California	99,200	31.1%	30,900
Colorado	20,200	41.6%	8,400
Hawaii	5,800	27.8%	1,600
Nevada	5,000	39.7%	2,000
Oregon	15,800	27.3%	4,300
Utah	8,600	48.3%	4,100
Vermont	2,100	23.0%	500
Washington	24,000	24.4%	5,900
Total	**180,500**	**31.9%**	**57,600**
States with no voter ID laws			
Illinois	30,000	31.3%	9,400
Massachusetts	28,000	22.5%	6,300
Maryland	16,300	26.5%	4,300
Maine	4,300	30.8%	1,300
Minnesota	19,100	30.3%	5,800
North Carolina	43,600	43.1%	18,800
Nebraska	4,300	39.3%	1,700
New Jersey	29,000	38.2%	11,000
New Mexico	7,000	34.8%	2,400
New York	59,400	26.3%	15,600
Pennsylvania	42,700	38.2%	16,300
Total	**283,700**	**32.8%**	**93,000**

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

States with Non-Photo Voter ID Laws

Thirteen states with voter ID laws accept IDs that do not include a photo (Table 3). Such IDs could include utility bills or bank statements with name and address 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: Four states have non-photo voter ID laws that are considered strict. We estimate that 59,900 voting-eligible transgender people live in these strict non-photo ID states, 34% of whom (20,000 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 an election official 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 70,000 voting-eligible transgender people live in the nine states that have non-strict, non-photo voter ID laws (Table 3). Approximately 28% (19,500) 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 2022 election

	TRANSGENDER VOTING-ELIGIBLE POPULATION (VEP)	PERCENTAGE OF TRANSGENDER VEP WITH NO IDS WITH CORRECT NAME	TOTAL NUMBER OF TRANSGENDER ELIGIBLE VOTERS WITH NO IDS WITH THE CORRECT NAME
Strict, non-photo voter ID laws			
Arizona	26,300	33.3%	8,700
North Dakota	1,300	43.3%	500
Ohio	31,400	32.9%	10,300
Wyoming	900	46.8%	400
Total	**59,900**	**33.5%**	**20,000**
Non-strict, non-photo voter ID laws			
Alaska	2,800	20.4%	600
Connecticut	8,000	25.4%	2,000
Delaware	4,100	23.0%	900
Iowa	4,200	41.0%	1,700
Kentucky	11,600	28.2%	3,300
New Hampshire	4,600	20.9%	1,000
Oklahoma	13,100	29.4%	3,900
Virginia	19,100	25.8%	4,900
West Virginia	2,600	48.9%	1,300
Total	**70,000**	**27.9%**	**19,500**

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

States with Photo ID Laws

Eighteen 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: Eight states have photo ID laws that are considered strict. An estimated 110,800 transgender eligible voters live in these states, 59% of whom (64,800 individuals) do not have any IDs with their correct name and gender marker. These 64,800 potential voters may face substantial barriers to voting, including possible disenfranchisement, in the November 2022 general election.

Non-strict photo ID law states: Ten 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 173,400 voting-eligible transgender people live in these ten states, including 57% (99,300) who do not have any ID which 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 2022 election

	TRANSGENDER VOTING-ELIGIBLE POPULATION (VEP)	PERCENTAGE OF TRANSGENDER VEP WITH NO IDS WITH CORRECT NAME AND GENDER	TOTAL NUMBER OF TRANSGENDER ELIGIBLE VOTERS WITH NO IDS WITH THE CORRECT NAME AND GENDER
Strict, photo voter ID laws			
Alabama	12,000	69.6%	8,400
Arkansas	10,800	42.6%	4,600
Georgia	31,100	55.2%	17,200
Indiana	16,300	56.3%	9,200
Kansas	8,400	66.8%	5,600
Mississippi	5,600	67.5%	3,800
Tennessee	15,700	69.3%	10,900
Wisconsin	10,800	48.6%	5,300
Total	**110,800**	**58.5%**	**64,800**

	TRANSGENDER VOTING-ELIGIBLE POPULATION (VEP)	PERCENTAGE OF TRANSGENDER VEP WITH NO IDS WITH CORRECT NAME AND GENDER	TOTAL NUMBER OF TRANSGENDER ELIGIBLE VOTERS WITH NO IDS WITH THE CORRECT NAME AND GENDER
Non-strict, photo voter ID laws			
Florida	59,200	51.2%	30,300
Idaho	4,400	41.5%	1,800
Louisiana	10,600	58.0%	6,100
Michigan	22,700	70.8%	16,100
Missouri	6,500	56.2%	3,600
Montana	2,300	36.8%	800
Rhode Island	3,500	23.2%	800
South Carolina	11,100	68.9%	7,600
South Dakota	1,600	57.2%	900
Texas	51,400	60.4%	31,000
Total	**173,400**	**57.3%**	**99,300**

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 accurately reflect their names and gender. Nationally, in states with default in-person voting, 296,700 transgender eligible voters do not have ID documents that correctly list their name and/or gender. These voters could be challenged by poll workers based on the name that appears on the voter registration rolls, creating a barrier to voting for those without accurate ID documents and updated registrations. Transgender people who are Black, Indigenous, or people of color, and those who are young, have disabilities, have low incomes, experiencing homelessness, or are students are particularly likely to lack accurate identity documents.

An estimated 203,700 transgender eligible voters have no correct IDs and live in the 31 states with default in-person voting and additional, more stringent voter ID laws for voting at the polls. Approximately 64,800 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 to meet.

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 few votes. For example, in the November 2020 presidential election, Joe Biden won the state of Georgia by 11,779 votes. We estimate that 17,200 transgender eligible voters in Georgia 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). We estimate that there are about 16,100 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. We estimate that as many as 30,300 voting-eligible transgender Floridians do not have accurate IDs.

While research about the effect of voter ID laws on voter turnout is mixed, no studies have examined the effect of these laws on transgender voters. In this study, we find that transgender voters face unique barriers to acquiring accurate IDs and may face greater scrutiny at polling places because of their gender identity. Voter ID laws, therefore, create a unique 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.[41]

[41] 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 September 1, 2022).

SOURCES AND METHODS

This report relies on information on voter ID laws from the National Conference of State Legislatures, state population estimates from the 2020 American Community Survey 5-year estimates, state estimates of the number of adults who identify as transgender, and survey results from the 2015 U.S. Transgender Survey (USTS), conducted by the National Center for Transgender Equality.

ESTIMATED TRANSGENDER VOTING-ELIGIBLE POPULATION

The 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 2022 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.[42] This percentage was multiplied by the total adult citizen population in each state according to the 2020 American Community Survey 5-year estimates.[43] We assume that the percentage 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 citizens in each state who live full 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[44], we rely on USTS estimates to exclude the proportion of these individuals who have been in jail or prison in the past year. This results in an estimated number of transgender citizens in each state who are eligible to vote.

> *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 full time in gender different from sex assigned at birth) x (Percent of transgender population not incarcerated in the last year in states that have criminal disenfranchisement)*

Analyses of what percentage of voting-eligible transgender adults have the needed identity documents are estimated according to the policies of each state. In states that require photo ID, we consider the percentage of 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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[42] Herman, et al. (2022).

[43] 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

[44] Brennan Center for Justice at NYU School of Law. (2022, April). *Criminal disenfranchisement laws across the United States*. New York: The Brennan Center for Justice at NYU School of Law. 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 (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.[45] A 2014 review by the U.S. Government Accountability Office found that between 5% and 16% of registered voters do not own a driver's license or state ID.[46] 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 identity documents mentioned.

CATEGORIZATION OF STATES AND POPULATION ESTIMATES

States' voter ID laws were categorized according to the National Conference of State Legislatures[47] and our own examination of state laws.[48] Alabama was moved from the "non-strict" category to "strict" for 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 USTS reported negative experiences, including harassment or denial of services, when presenting inaccurate IDs,[49] we consider this provision a substantial burden to transgender voters and have classified Alabama as "strict" for purposes of this study.[50]

Additionally, Missouri recently (in June 2022) passed a law requiring that voters show a photo ID and included an option that may allow some voters without such an ID to cast a ballot which could be legitimized through other processes, including signature verification.[51] For this reason, they were recategorized as having a "non-strict, photo ID" law.

Finally, because we are primarily concerned with in-person access to the polls and interaction with poll workers, we exclude the eight states that conduct elections by mail by default (California, Colorado, Hawaii, Nevada, Oregon, Utah, Vermont, and Washington), although four of these states have non-strict, non-photo ID voter ID laws (Colorado, Hawaii, Utah, and Washington). The majority of voters in these states return their ballots by mail or at drop boxes, and we assume that transgender

[45] James, et al. (2016). Q10.13 (name) and Q10.15 (gender) are worded as follows: Thinking about how your NAME/GENDER is listed on all of your IDs and records that list your name, 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 I prefer; Some of my IDs and records list the name I prefer; None of my IDs and records list the name I prefer.

[46] U.S. Government Accountability Office. (2014, September).

[47] National Conference of State Legislatures. (June 2022). *Voter ID Laws*. Washington, DC: National Conference of State Legislatures. https://www.ncsl.org/research/elections-and-campaigns/voter-id.aspx

[48] *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.

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

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

[51] Vigdor, Neil. (2022, June 29). *Missouri Enacts Strict New Voter Rules and Will Switch to Caucuses.* The New York Times. https://www.nytimes.com/2022/06/29/us/politics/missouri-voting-rules-caucus-primaries.html. Though signature verification may be a way transgender people may have their ballots accepted in Missouri, this process may create barriers for some transgender people, especially if required to sign with a name they no longer use.

voters there would do the same, and therefore be less likely to vote in person and have a negative interaction with a poll worker.[52] Such voters' ballots would be verified according to their state's normal methods for verifying absentee/mail ballots, and any seeming inconsistencies regarding 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.

[52] 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

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RESEARCH THAT MATTERS



APPENDIX

Table A1. Possession of correct identity documents among transgender citizen respondents to the 2015 USTS survey

	%	95% CI
ID documents with the correct name	*n=12,310*	
All my IDs list the correct name	29.5	28.5, 30.6
Some of my IDs list the correct name	37.1	36.0, 38.3
None of my IDs list the correct name	33.3	32.2, 34.5
ID documents with the correct gender	*n=12,298*	
All my IDs list the correct gender	16.4	15.5, 17.3
Some of my IDs list the correct gender	39.7	38.5, 40.8
None of my IDs list the correct gender	43.9	42.7, 45.1
ID documents with the correct name and gender	*n=12,291*	
All of my IDs list my correct name and gender	15.3	14.5, 16.2
Some of my IDs list my correct name and gender	39.0	37.9, 40.2
None of my IDs list my correct name and gender	45.7	44.5, 46.9

Note: Original analysis of USTS data completed by the authors. Column percentages. N's vary due to missingness. CI: Confidence interval.

Table A2. Possession of correct identity documents among transgender citizen respondents to the 2015 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=5,596*		*n=6,695*		
18 to 24	68.9	66.7, 71.0	31.1	29.0, 33.3	**0.00**
25 to 44	42.0	40.4, 43.7	58.0	56.3, 59.6	
45 to 64	23.4	21.4, 25.7	76.6	74.3, 78.6	
65 plus	15.5	12.3, 19.2	84.5	80.8, 87.7	
Race-ethnicity	*n=5,596*		*n=6,695*		
Black	48.3	43.4, 53.4	51.7	46.6, 56.6	0.16
Latinx	47.3	43.3, 51.3	52.7	48.7, 56.7	
Asian, Alaska Native, American Indian, Middle Eastern, or North African	48.7	43.9, 53.5	51.3	46.5, 56.1	
Biracial/multiracial/not listed	47.9	43.8, 52.0	52.1	48.0, 56.2	
White	44.3	43.3, 45.3	55.7	54.7, 56.7	

	NO IDS WITH CORRECT NAME AND GENDER		SOME OR ALL IDS HAVE CORRECT NAME AND GENDER		F
	%	95% CI	%	95% CI	P-VALUE
Race-ethnicity	*n=5,596*		*n=6,695*		
POC	47.9	45.3, 50.6	52.1	49.4, 54.7	**0.01**
White	44.3	43.3, 45.3	55.7	54.7, 56.7	
Student status	*n=5,591*		*n=6,693*		
Not a current student	43.2	41.8, 44.5	56.8	55.5, 58.2	**0.00**
Current student	54.1	51.4, 56.7	45.9	43.3, 48.6	
Household income	*n=5,064*		*n=6,354*		
0-$9,999	60.5	57.1, 63.8	39.5	36.2, 42.9	**0.00**
$10K+	41.4	40.1, 42.8	58.6	57.2, 59.9	
Any disability	*n=5,493*		*n=6,566*		
No	41.1	39.6, 42.5	58.9	57.5, 60.4	**0.00**
Yes	55.4	53.2, 57.5	44.6	42.5, 46.8	

Note: Original analysis of USTS data completed by the authors. Row percentages. N's vary due to missingness. CI: confidence interval. Bold p-values are statistically significant.