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COMMONWEALTH OF PENNSYLVANIA DROPS GENDER MARKER REQUIREMENTS ON PENNDOT-ISSUED VOTER IDs

September 27, 2012 - The Commonwealth of Pennsylvania has officially revised the requirements for an individual to obtain a Department of State (DOS) -issued voter identification, lifting the previous requirement that the person seeking a voter ID supply two forms of proof of residence in the state, and removing the question of gender from the ID process. The announcement is significant news for transgender identified Pennsylvanians, as it marks the first time the state has approved issuing an official form of identification that does not include a gender marker. At a hearing about Pennsylvania's controversial Act 18 held in Harrisburg on Tuesday, September 25, Deputy Secretary for Safety Administration Pennsylvania Department of Transportation Kurt Myers explained that the decision to disregard gender markers would help the Department of State enforce the legislative intent that there be "liberal access" to these IDs to ensure that no voter was disenfranchised by the new law. Myers acknowledged that this decision was made in response to "activist groups" that had requested it.

Mazzoni Center Legal Director David Rosenblum said: "We are pleased that the Commonwealth has taken this approach, which addresses the concerns we had expressed about the new law and its potential to disenfranchise transgender or gender-variant citizens, based on any real or perceived difference between their legally-issued ID and their physical appearance.

While we remain deeply concerned about the implementation and timing of the voter ID law, this at least marks a small victory for transgender voters, allowing them equal opportunity to participate in the electoral process should Act 18 remain in effect this November.”

In recent weeks Pennsylvania’s Act 18 has been the focus of intense media attention, locally and on the national level. The new law amended the state’s voting rules to require individuals to bring state-issued photo identification with an expiration date to their polling place in order to cast a vote in the November 6th general election.

On September 14 Rosenblum sent a letter to Secretary of the Commonwealth, Carol Aichele, noting Act 18’s failure to mention gender or gender markers on identification documents, and expressing concern about the potential impact this could have on individuals who are transgender or gender non-confirming, when they showed up to the polls. “The statute is mostly silent on questions that could make a difference for transgender or gender-variant voters,” Rosenblum said, adding: “This leaves a great deal of discretion to poll workers and local election officials, who might decide that a person does not ‘match’ their ID and therefore deny them the right to cast a ballot on Election Day.”

The letter to Secretary Aichele asked for clarification about these issues, so that Mazzoni Center and other agencies could educate and advise transgender clients, patients, and community members on how to ensure their right to vote without being subjected to discrimination or unnecessary inquiries. Although the Secretary has yet to reply to this letter, Myers’ testimony at the hearing on Tuesday confirms that new voter IDs will be made available without the gender designation, thereby removing the primary concern for transgender voters.

Any citizen of Pennsylvania who does not currently possess a valid photo ID can now go to PennDOT to request a special voter ID and have one issued, using their preferred name, and without the need for declaring their gender.

"We are happy that this voter ID debacle has at least resulted in one silver lining with the state removing the gender designation from the Dept. of State IDs," said Reggie Shuford, executive director of the ACLU of Pennsylvania, adding: "We hope this will lead to positive changes in the future for other PennDOT-issued ID."

“In the voting context, it is clear that an individual’s gender is wholly unrelated to their right to engage in the electoral process,” Rosenblum said. “While this new DOS ID is intended to be utilized for voting purposes only, the state’s willingness to issue it could open the door to a

larger discussion about the relevance of gender to activities such as operating a motor vehicle, or using public transportation, or other areas where a form of ID with gender marker has historically been required.”

Meanwhile a challenge is pending regarding the constitutionality of Act 18 (*Applewhite v. Commonwealth of Pennsylvania*). Hearings in Commonwealth Court in Harrisburg are scheduled to continue on Thursday, September 27, with an opinion due by Tuesday, October 2.

Mazzoni Center has joined the Pennsylvania Voter ID Coalition, a group of over 160 organizations that have convened to conduct a non-partisan campaign to educate voters about the voter ID law and to help voters obtain an acceptable photo ID if they lack one.

*Established in 1979, **Mazzoni Center** provides quality comprehensive health and wellness services and is the only health care provider in the Philadelphia region specifically targeting the unique health care needs of the lesbian, gay, bisexual, and transgender (LGBT) communities. Mazzoni Center offers a full array of outreach, prevention, education, direct medical and care services, psychosocial services, legal services, and support groups, and is dedicated preserving the dignity and improving the quality of life of the individuals it serves. It is the oldest AIDS service organization in the Commonwealth of Pennsylvania, and the fourth-oldest in the U.S. With over 33,000 individuals benefiting annually from its services, Mazzoni Center is a leader among community-based organizations in the greater Philadelphia area, with a reputation for excellence and innovation in service delivery to its constituents. More information at: www.mazzonicenter.org*