



Massachusetts Transgender Political Coalition

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Transgender Communities and Voting Access

Registered voters who are transgender may face discrimination and/or may be challenged when trying to cast a ballot in Massachusetts. The Massachusetts Transgender Political Coalition requests that all persons participating in democratic by voting be treated fairly, equally, and with respect by election officials, poll workers, and other personnel working at local polling precincts.

Background

A person's *Gender Identity* is how someone identifies his/her own gender – a person's inner sense of 'being' male or female. Most people, but not all, have a gender identity of "man" or "woman" which is also consistent with their assigned sex at birth. There are some people who feel their assigned sex at birth is not consistent with their own gender identity.

A person's *Gender Expression* refers to how a person expresses their gender identity, or the cues people use to identify another person's gender. This can include clothing, mannerisms, makeup, behavior, speech patterns, and more. There are some people in society whose gender expression does not conform to how traditional gender stereotypes of what men or women should look or act.

Transgender is an umbrella term encompassing: pre-operative, post-operative, and non-operative transsexual people including male-to-female and female-to-male; cross-dressers; feminine appearing men and masculine appearing women; and, more generally, anyone whose gender identity or expression differs from conventional expectations of masculinity or femininity.¹ Some transgender people experience their gender identity as incongruent with anatomical sex at birth and seek gender transition to bring their gender identity in line with their physical appearance. While no complete census of transsexual people in the United States currently exists, reasonable estimates range as high as 0.5% (one half of one percent) of the population, but this number does not include a much broader number of people who fall under the transgender umbrella.²

Gender Transition:

Gender transition is a personal process which a transgender person goes through when they begin to live and identify as the gender they see themselves as. This process includes a social transition, in which a person changes their gender expression, such as clothes and hairstyle; pronoun; and more often than not, changing their first name, to be reflective of the gender to which someone is transitioning. Not all transgender people are able to obtain a legal name

¹ Transgender Law and Policy Institute, (www.transgenderlaw.org)

² Lynn Conway, University of Michigan, Ann Arbor, MI, (<http://ai.eecs.umich.edu/people/conway/TS/TSp prevalence.html>)



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change for a variety of reasons, including financial reasons; therefore some transgender people may not have their chosen name on legal documents.

Transgender experiences at polling places:

1. Person does not appear to be the gender typically associated with name listed:
 - The person may be in early stages of gender transition and has yet to change their legal name, or has completed their gender transition and is unable to change their legal name due to financial or other considerations.
2. Name on the voter rolls does not match:
 - The person filed an updated voter registration card with the legal name change (through marriage or court order), but it has not been updated on the rolls by local election departments;
 - The person has not updated their voter registration information since obtaining a legal name change through marriage or court order.

Solutions:

1. **Treat all persons with respect** - do not automatically assume a person is trying to commit voter fraud because of personal assumptions regarding social expectations of how men or women should look, act, or identify based on stereotypes of gender, masculinity, or femininity. Requests for voters to present identification "...must not discriminate in any way and must be entirely random, consistent, or based on reasonable suspicion." [950 CMR 54.04 (6B)]

Personal biases about gender expectations should not be considered reasonable suspicion.

2. If there is a name discrepancy, discreetly ask, without calling attention to others in line, if the person has recently had a name change and if so, request identification or name change documents. Once documents are produced then the person should be allowed to vote. Discreetly inform the exit poll workers that the person has had a name change and the person has already verified their identity.

If the person does not have their documents with them, 1) inform them they can come back to vote if they can produce a copy of documents **or** 2) provide the person with a provisional ballot.

3. Some people do not want attention drawn to themselves with regards to their name or address. Disclosure of personal information within hearing range of strangers can be uncomfortable for a variety of reasons, including safety. Please be mindful and use discretion when asking for personal information in public areas.