



**TESTIMONY OF GLBTQ LEGAL ADVOCATES & DEFENDERS
IN OPPOSITION TO
LD 1149, An Act to Require an Individual to Present Photographic Identification for the
Purpose of Voting**

Veterans and Legal Affairs Committee

May 2, 2025

Dear Senator Hickman, Representative Supica, and Distinguished Members of the Veterans and Legal Affairs Committee,

My name is Hannah Hussey, and I am a Maine-based staff attorney with GLBTQ Legal Advocates & Defenders (GLAD Law). GLAD Law is a nonprofit legal organization that works in New England and nationally to create a just society free of discrimination based on gender identity and expression, HIV status, and sexual orientation. We appreciate the opportunity to submit this testimony in opposition to LD 1149, An Act to Require an Individual to Present Photographic Identification for the Purpose of Voting.

LD 1149 would make it more difficult – and for some people, practically impossible – to vote. Among other issues, it would eliminate ongoing absentee ballots for eligible Mainers, cut the time period for early absentee voting by two days, impose barriers to the use of secure ballot drop-off boxes, and prevent voters from calling their town clerk to request a ballot. Furthermore, Maine law currently provides a variety of options for verifying the identity of an individual registering to vote, including but not limited to government-issued identity documents, public benefits eligibility determinations, utility bills, student IDs, and paychecks.¹ Despite this, LD 1149 would require voters to provide photo ID from a restrictive list of acceptable forms of ID every time they vote.

The provisions of LD 1149 would fall especially hard on some Mainers, including LGBTQ people. Among other examples, photo ID requirements may pose barriers for transgender voters, particularly those who do not have an ID that accurately reflects their legal name or gender or that includes an up-to-date photo. Research indicates that transgender people face “unique hurdles” to obtaining accurate ID, have low rates of “correct ID ownership[,]” and may face greater scrutiny at the polls in connection with their gender identity.² The National Center for Transgender Equality has reported hearing stories after “most elections” from voters who were challenged at the polls because of ID-related issues, such as discrepancies between information

¹ 21-A M.R.S. §112-A.

² Herman, J.L., Cisneros, N., Mahowald, L., Tentindo, W., *The Potential Impact of Voter Identification Laws on Transgender Voters in the 2024 General Election*, The Williams Institute, UCLA School of Law (Sept. 2024) at 7, 13, <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Trans-Voter-ID-Sep-2024.pdf>.

on an ID and a voter's current appearance.³ Even transgender individuals with accurate gender markers on their ID may experience heightened challenges in voting. For example, in 2018, a poll worker turned away a transgender woman in Vermont, refusing to believe she was a woman and accusing her of having a fake ID.⁴

Under LD 1149, very limited forms of photo identification would be acceptable: a Maine driver's license or state ID card (or interim identification form); a U.S. passport or passport card; or a U.S. military, National Guard, or Veteran's Affairs identification card. A new federal policy prohibits providing passports with accurate gender markers for transgender individuals.⁵ And the federal government has banned transgender individuals from serving in the military altogether.⁶ While both of these policies are being litigated, the outcome of that litigation remains unknown.⁷ The combination of such policies with LD 1149 would present further barriers to transgender Mainers seeking to vote.

Photo ID requirements present hardships for many other Mainers as well. For example, collecting the necessary documentation to obtain photo IDs like a state ID card or passport is immensely challenging for individuals experiencing homelessness.⁸ The bill eliminates the fee for nondriver state ID cards for individuals who will be eighteen years old by the time of the next election. While this provision may make sense for other reasons (such as making state ID more affordable for low-income individuals), it is profoundly inadequate to address voting barriers for unhoused people. Individuals experiencing homelessness often lack vital records such as birth certificates due to theft, loss, or removal or destruction of property. This creates a brutal cycle: without vital records showing proof of identity and legal status, it is difficult or impossible to get a state ID card – but requesting replacement documents such as birth certificates often requires photo ID to begin with.⁹ Additionally, proof of residency requirements to obtain a state ID are

³ Jo Yurcaba, *Over 200,000 trans people could face voting restrictions because of state ID laws*, NBC NEWS (Nov. 1, 2022), <https://www.nbcnews.com/nbc-out/out-politics-and-policy/200000-trans-people-face-voting-restrictions-state-id-laws-rcna52853>

⁴ Kate Sosin, *Trans Woman in Vermont Denied a Ballot for Being Trans*, INTO (Nov. 6, 2018), <https://www.intomore.com/impact/trans-woman-in-vermont-denied-a-ballot-for-being-trans/>

⁵ U.S. Dept. of State, Bureau of Consular Affairs, *Sex Marker in Passports* (Feb. 11, 2025), <https://travel.state.gov/content/travel/en/passports/passport-help/sex-marker.html>

⁶ Memorandum from the Office of the Under Secretary of Defense to Senior Pentagon Leadership, Commanders of the Combatant Commands, Defense Agency and DOD Filed Activity Directors: Additional Guidance on Prioritizing Military Excellence and Readiness (Feb. 26, 2025), <https://glad-org-wpom.nyc3.cdn.digitaloceanspaces.com/wp-content/uploads/2025/02/dod-guidance-2-26-25.pdf>

⁷ Press Release, American Civil Liberties Union, *Federal Judge Orders Temporary Relief to Six Plaintiffs in Challenge to Trump Administration Policy Barring Updates to Sex Designation on U.S. Passports* (April 18, 2025), <https://www.aclu.org/press-releases/federal-judge-partially-blocks-trump-administration-policy-barring-updates-to-sex-designation-on-us-passports>; Press Release, Lambda Legal, *Lambda Legal Files Lawsuit Against Trump Administration's Discriminatory Passport Policy* (April 25, 2025), http://lambdalegal.org/newsroom/schlacter_us_20250425_ll-files-lawsuit-against-trump-administration-discriminatory-passport-policy/; GLAD LAW, *Talbott v. USA*, <https://www.gladlaw.org/cases/talbott-v-usa/>.

⁸ U.S. GOV'T ACCOUNTABILITY OFF., GAO-24-105435, *HOMELESSNESS: BARRIERS TO OBTAINING ID AND ASSISTANCE PROVIDED TO HELP GAIN ACCESS* (Feb. 2024), <https://www.gao.gov/assets/d24105435.pdf>

⁹ See, e.g. State of Maine, Dept. of the Secretary of State, *How to Prove Your Identity*, <https://www.maine.gov/sos/bmv/visit-your-bmv-branch/how-to-prove-your-identity> (accessed May 2, 2025) (requiring two documents demonstrating proof of identity and listing accepted documents for purposes of state ID)

challenging for individuals who lack a permanent address or move frequently. Lack of housing – a problem that affects many Mainers and that disproportionately affects LGBTQ people and Black Mainers¹⁰ – should never bar participation in the democratic process. Yet under this bill, it would undoubtedly disenfranchise too many.

LD 1149 would also restrict absentee voting and early voting, which would harm transgender Mainers and others. Recommendations for transgender voters concerned about possible discrimination, misgendering, or complications at the polls sometimes recommend early voting or absentee voting.¹¹ LD 1149 restricts options and imposes new barriers to doing so.

The ability to participate in elections is fundamental to local, state, and national systems of governance. It is of the utmost importance that every individual can make their voice heard at the ballot box. The restrictive and unnecessary measures proposed in LD 1149, which would make voting more difficult for some and effectively disenfranchise others, are profoundly antidemocratic. GLAD Law respectfully requests that this committee vote ought not to pass on LD 1149 and allow voters the opportunity to reject it on the ballot.

Sincerely,

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Sarah Austin
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and Maine Dept. of Human & Health Servs., Maine Center for Disease Control & Prevention, Division of Public Health Systems, *Ordering a Vital Record*, <https://www.maine.gov/dhhs/mecdc/public-health-systems/data-research/vital-records/order/index.shtml> (requiring a copy of a photo ID when requesting a certified copy of a birth certificate by mail).

¹⁰ Bianca D.M. Wilson et al., *Homelessness Among LGBT Adults in the U.S.*, UCLA School of Law Williams Institute at 4–5 (May 2020), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Homelessness-May-2020.pdf>; MAINE STATE HOUSING AUTHORITY, *2023 Point in Time Count*, https://www.mainehousing.org/docs/default-source/policy-research/research-reports/homeless-reports/pit-archive/2023-point-in-time.pdf?sfvrsn=e1c28015_7 (accessed May 2, 2025).

¹¹ See, e.g., ALL IN TO VOTE, *Resources for Trans Voters*, <https://allintovote.org/learn/resources-for-trans-voters/> (accessed May 2, 2025); Scottie Andrew, *Why some transgender voters have an even bigger challenge to casting their ballots*, CNN (Oct. 13, 2020), <https://www.cnn.com/2020/10/13/politics/transgender-voter-suppression-2020-election-trnd/index.html>; Jay Kaplan et al., *Transgender People and Voting: Making Your Voices Heard*, AMERICAN CIVIL LIBERTIES UNION MICHIGAN (Oct. 11, 2020), <https://www.aclumich.org/en/news/transgender-people-and-voting-making-your-voices-heard>.