



Post-Election Guidance *for Virginia's LGBTQIA+ Communities*

As our communities navigate the landscape following the 2024 election, we know that many are seeking guidance in an uncertain landscape and ways to engage in the work that is ahead.

We don't have all the answers, but we have some, and we have each other.

It is essential that LGBTQIA+ Virginians and our allies know:

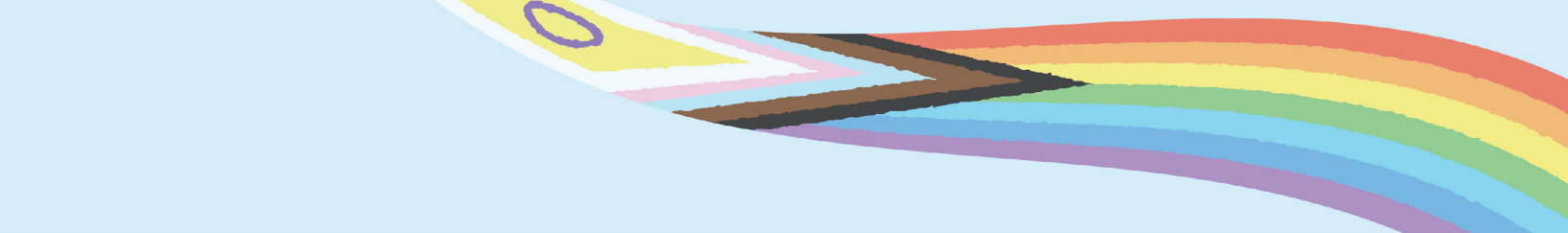
- We expect significant and sweeping actions that are harmful to LGBTQIA+ communities over the next several years, particularly during the first 100 days of this presidency.
- We anticipate that harmful policies and rhetoric will also lead to an uptick in individual acts of bullying, harassment, and violence.
- We know that many of these changes are likely to most acutely impact trans and gender expansive individuals, BIPOC members of our community, immigrants, asylum seekers, and those receiving government services.
- Many of the proposed federal actions will be litigated and may be delayed or stopped.
- Many of them will cause harm just by being proposed.
- Community commitment to protecting each other will help us resist many of these changes.
- Most true leaders are not elected, and many leaders - elected and otherwise - are committed to protecting our community.
- We have strong state-level statutory protections against discrimination. As we continue working to repeal the current definition of marriage in the Virginia Constitution, know that we are on a much stronger legal footing at the state level than we were just five years ago.
- Our communities are strong and resilient. We are going to need support, steadfast allies, and all the tools available to us, but we've got this.



THE POLITICAL LANDSCAPE

Following the 2024 election, Republicans will control the White House and hold narrow majorities in both chambers of the United States Congress.

As of December 2024, Democrats hold slim majorities in the Virginia Senate and the Virginia House. The Executive Branch – Governor, Lieutenant Governor, and Attorney General – are controlled by Republicans. In November 2025, Virginia will have statewide elections for Governor, Lieutenant



Governor, and Attorney General, and all 100 seats in the House of Delegates will be up for re-election. Some localities will also have school boards and other municipal elections.

As we head into 2025, we are expecting that there will be attempts to roll back supportive LGBTQIA+ policies and pursue harmful policies at a federal level. At the state level in Virginia, we will continue to see harmful legislation proposed but we are uniquely positioned to defeat them as we have in previous legislative sessions.

Virginia has established strong state protections that have served LGBTQIA+ individuals throughout changing federal administrations, and those remain in place. Virginia is the only Southern state with nondiscrimination laws that explicitly protect people on the basis of sexual orientation and gender identity. The Virginia Human Rights Act provides these protections for public accommodations and in the employment context. Virginia is also the only Southern state with gender-affirming care access for youth and is currently serving as a haven of care as in the abortion context.

Our state is better insulated than some to support and protect our LGBTQIA+ communities and we have a long history of resilience in the face of challenges. As the federal landscape shifts, fighting to keep LGBTQIA+ values-aligned majorities in power here in Virginia will become even more important.

We will work to uphold hard-fought protections here in Virginia.



HOW WE CAN PREPARE

For individuals within Virginia's LGBTQIA+ communities, we encourage people to consider some steps that may help prepare for a shifting landscape in 2025. Every individual's situation is going to be different, so these are general pieces of advice, not universal guidance.

- **IDENTITY DOCUMENTS**
 - For individuals who are pursuing name or gender marker changes:
 - Complete passport and social security changes ASAP and absolutely before January 20, 2025. The federal government *does not* require a doctor's letter or legal documentation (such as a birth certificate) to make gender marker changes on these documents - they are "check the box."
 - If you are seeking to change your name on federal documents at the same time as changing your gender marker, you should plan to complete the legal name change in Virginia as soon as possible.

- We expect that state-level document processes (i.e. driver's license) will not change, but we encourage individuals to change these in alignment with federal documents.
- *Please note:* There are unique uncertainties around "X" gender markers. For example, the Trump administration could continue recognizing existing federal binary IDs that do not match sex assigned at birth, but attempt to revert "X" gender markers on passports. Processing time to get an X passport is several months; choosing a binary marker does not mean it will take longer.
- Make sure that all of your financial and property records reflect your legal name and gender. Confirm that your correct name is on your credit report.
- For all members of our community:
 - Consider getting or renewing a passport. Do not wait.
 - For more information: transequality.org/documents
- **HEALTHCARE**
 - For all members of our community:
 - Ensure that you have care established with a primary care provider and with any necessary specialists who regularly support your health needs.
 - If you have health insurance, ensure your correct name and gender marker is listed with your insurance company.
 - For those individuals taking or considering medication that might face restrictions or supply challenges under the next administration (i.e. gender-affirming care, reproductive and sexual health care, HIV/AIDS prevention and care):
 - Ensure that you have an established prescription.
 - Stay up-to-date on healthcare visits and bloodwork to ensure you receive the care you need and deserve, including hormone refills without interruption.
 - Where feasible, consult with your healthcare provider about options for medication refills and supplies that you need.
 - For those considering surgical procedures or care around reproductive or gender health:
 - Review your plans, locations of potential providers, and - where appropriate - consider accelerating timelines.
- **LEGAL DOCUMENTS**
 - For all those in community:
 - Ensure that you have legal protections in place that may be important to you, including power of attorney, advance directives (medical power of attorney), wills, designation regarding funeral arrangements, and other documents that are relevant to your specific situation.
 - Ensure that financial and other relevant documents are in order and have named beneficiaries.
 - Carefully consider choices of beneficiaries and who will act on your behalf.

- Create a folder that includes copies of basic legal and medical documents for you that can be easily accessed, especially if traveling out of state.
- **RELATIONSHIPS & FAMILY FORMATION/RECOGNITION**
 - For those in committed relationships:
 - Ensure that you have the legal recognition and protections for your relationship that make sense for you - including legal marriage or other legal documentation (including the options above) to help ensure that your wishes are clearly established and upheld.
 - Create a folder that includes copies of basic legal and medical documents for you and any relevant partner(s), especially if traveling out of state.
 - For those with kids:
 - If you have a child that is not biologically related to you, consider initiating a second parent adoption process to ensure that you have additional protections for your family and rights as a parent.
 - Create a folder that includes copies of basic legal and medical documents for your child that can be used, especially if traveling out of state.
- **IMMIGRATION**
 - For individuals who are not currently American citizens:
 - Ensure that documentation you have is in order, up-to-date, and readily available for you. This includes current Virginia driver's licenses and driver's privilege cards. If you are ineligible for a driver's license due to immigration status and do not already have a driver's privilege card, you may want to consider data privacy concerns before applying for one.
 - Consult with an immigration rights attorney and/or legal services organizations serving immigrant, asylum seeker, and refugee communities.
- **DIGITAL SAFETY**
 - For all members of our community, particularly those with public presence:
 - Take some basic steps to conduct a digital safety review and, where appropriate, take additional steps to protect your digital security and identifiable personal information you may wish to keep private.
 - Back up what you need most.
 - Upload your important legal documents (advance medical directive, power of attorney, etc.) to the Virginia Advance Health Care Directive Registry (vhi.org/ConnectVirginia/adr.asp).
- **DIRECT ACTION**
 - For individuals who may organize or take part in non-violent direct action and public demonstrations:

- Be mindful of personal and community safety considerations and relevant state and federal laws.
- Always make sure you have a buddy with you when participating in physical demonstrations, and be sure to tell your family/friends not at the demonstration where you are and what your plans are.
- **STAYING CONNECTED & INFORMED**
 - For all members of our community:
 - Follow along with trusted organizations - like Equality Virginia and our many community partners - to get up-to-date information and alerts about action steps, community rallies, and other support spaces.
 - Find community and connection, whether through formal networks and organizations or through informal groups and spaces - we can support and sustain one another!

These steps are precautionary and may not be necessary for everyone, but we believe it is important that our community has the best tools and resources available to feel prepared.

We recognize that all of these steps take time and resources. There will be some pro bono offerings for services that we will amplify to help ease that burden for those who might need it. We know that it may not be enough. We urge those in the community who are able to step up to share resources and services with those who need additional support.

Some individuals in our communities have expressed concerns about how a future administration might utilize lists of name and gender marker changes, medical records, and other data collected by the government at a local, state, or federal level. We take these concerns seriously. We know that governments can use these tools for harm, but we also recognize that having consistent documents that reflect our lived realities can be beneficial to many and help to alleviate concerns about day-to-day discrimination, including in the workplace, healthcare settings, and in interactions with law enforcement. We encourage everyone to assess these risks for themselves. Be assured that there will be strong legal and public pushback against any attempts to target or harm our community through the use of government data.

Some individuals in our communities have also asked about guidance around moving abroad. Everyone's situation is unique, but we believe that we have resources and tools to continue to support and advocate for our communities here. We also recognize that many of the same challenges we face in the United States are part of the global landscape. We must all continue to work in solidarity to support our communities here and throughout the world.



SHARED ACTIONS WE CAN TAKE

Regardless of what actions you may want to take on your own, there are many ways we can step up and support one another as shared communities.

These are five actions that will help to support all of us:

- **CONNECT** - Take part in community events and gatherings as we process this moment and move forward into what is ahead.
- **FOLLOW** - Connect with local and statewide advocacy organizations and other trusted resources to get up-to-date information about changes to policy, community resources, and to be alerted to action steps.
- **GIVE** - Support LGBTQIA-led and serving organizations. Our community organizations are more essential than ever.
- **SHARE** - Be sure to share guides and resources so that those in your networks have access to helpful information, community events, and up-to-date messaging.
- **STEP UP** - We all have different skills, resources, or talents we can bring to this moment. Whether it's in formal ways or in your own networks, consider how your involvement can help to sustain and support those around you.

As we move through this moment, be sure to take time to process your feelings, to seek support where you need it, and to remember the power that we have as individuals and communities to make change.

We have always been here, we will always be here, and we will get through this. **We've got us.**

Forward, together.



WHO WE ARE

Equality Virginia is a statewide organization that advocates and organizes across Virginia to build a future where all Lesbian, Gay, Bisexual, Transgender, Queer, and broader spectrum of people (LGBTQIA+) thrive.

ACLU of Virginia promotes civil liberties and civil rights for everyone in the Commonwealth through public education, litigation, and advocacy with the goal of securing freedom and equality for all.

The Virginia League for Planned Parenthood (VLPP) provides high-quality, affordable reproductive health care, education programs, and outreach to over four million people in the Commonwealth. We are a proud provider of gender-affirming, primary, and reproductive health care. VLPP is committed to ensuring reproductive freedom for all and reproductive health services through health centers it operates in Richmond, Hampton, and Virginia Beach.

Planned Parenthood Advocates of Virginia (PPAV) is a statewide advocacy organization whose mission is to preserve and broaden access to reproductive health care through legislation, public education, electoral activity and litigation in the Commonwealth of Virginia. PPAV works to ensure that individuals and families have the freedom, information, and ability to make their own informed reproductive choices.

Virginia LGBTQ+ Bar Association seeks to secure equality for the LGBTQ+ community and opposes discrimination based on sexual orientation, gender identity or gender expression. We provide legal education, resources, and information to the legal community and the public.

LOCAL RESOURCE LIST

- Equality Virginia | www.equalityvirginia.org
- ACLU of Virginia | www.acluva.org
- Virginia League for Planned Parenthood | <https://www.plannedparenthood.org/planned-parenthood-virginia-league>
 - <https://www.plannedparenthood.org/planned-parenthood-virginia-league/for-patients/transgender-services>
- Virginia LGBTQ+ Bar Association | <https://www.valgbtqbar.org>
- Planned Parenthood Advocates of Virginia | <http://ppav.org>
- Health Brigade | <https://www.healthbrigade.org>
- Nationz Foundations | <https://nationzfoundationva.org>
- Side by Side Virginia | <https://www.sidebysideva.org>
- He She Ze We | <https://heshezewe.org>
- Sensible Tips, LLC | <https://www.sensible-tips.com/home>
- Campaign for Southern Equality | <https://southernequality.org/>
- Transgender Assistance Program of Virginia | <https://tapvirginia.org>
- Virginia Transgender Resource and Referral List | <https://www.vdh.virginia.gov/content/uploads/sites/10/2019/04/TransRRList.pdf>

This guidance is for informational purposes only. It is not a substitute for legal advice. If you want advice about how to protect yourself legally, please speak to a lawyer.