

TRANS VOTING RIGHTS IN VIRGINIA

NAVIGATING VIRGINIA'S PHOTO VOTER ID LAW



Our democracy is stronger when everyone participates. Transgender voters should have an equal opportunity to choose candidates who fight for their rights and have a say in laws and policies that directly impact their lives. Having ID that doesn't match your gender identity or presentation should not affect your right to cast a ballot. However, knowing the laws and your rights can help avoid or solve problems at the polls.

VOTER ID LAWS: AN OVERVIEW

Disclaimer: The information in this pamphlet is a broad overview that cannot account for the many situations that could arise on Election Day or the unique circumstances of any particular situation. It is intended to be used for informational purposes only and should not be taken as legal advice.

Voter Registration

In Virginia, the registration application asks for your gender, but your application cannot be denied for failure to indicate gender. If you change your name or address, you are required to update your registration, either by using the online registration portal, using the Virginia Voter Registration Application Form, or sending a letter to your General Registrar. Details on how to do so are available at elections.virginia.gov.

Absentee Voting

Virginia's excuse-based absentee voting system requires that you have one of several excuses – including business or personal travel outside your county or city on Election Day – to obtain an absentee ballot. Absentee voting by mail is unavailable to many first-time voters who registered by mail.

Voter ID

Although Virginia has one of the more strict ID laws in the country, there are many different types of photo IDs that you can use in order to vote. All acceptable forms of photo ID can be used up to a year after the ID has expired. Some of the most common acceptable forms of photo IDs include:



- Valid Virginia Driver's License or DMV ID
- Valid United States Passport
- Valid student photo ID from a public or private college, university, or high school located in Virginia
- Employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business
- Other government-issued photo identification cards (must be issued by US Government, the Commonwealth of Virginia, or a political subdivision of the Commonwealth)
- Valid Virginia DMV-issued Veteran's ID card
- Tribal enrollment or other tribal ID issued by one of 11 tribes recognized by the Commonwealth of Virginia

(For a full list of acceptable voter IDs, please visit elections.virginia.gov)

The name on your photo ID must be identical or substantially similar to the name under which you are registered. If you don't have an approved photo ID, you can choose to either:

1. Get a FREE voter photo ID, which has no gender marker, by going to the nearest general registrar's office (available even on Election Day), or
2. Vote via provisional ballot. Your vote will be counted as long as you obtain and submit a copy of an acceptable photo ID—including the free voter photo ID—by email, fax, mail, or in person at the voter registration office, before noon on the Friday after the election.

For a helpful resource on how to change one's name and gender on identity documents, consult Whitman-Walker Health's guide: bit.ly/VANameChange

Voting is the building block of our democracy. It is a fundamental right that should be guaranteed and accessible to all U.S. citizens over the age of 18. Your right to vote should not be taken away or made inaccessible because of your race, sex, national origin, gender identity, whether or not you have a roof over your head, or even upon conviction of a crime.

The stakes are too high to sit out this election. We will stand up for your right to vote.

Together, we must vote like our rights depend on it!

What if my gender presentation is different than the gender presentation or gender marker on my photo ID?

You can still vote! Your photo ID is valid as long as it meets these three criteria:

1. It is genuine.
2. It bears a photograph that reasonably appears to be you. (Under the regulations, officers of elections must make this determination)
3. It is not expired for more than 12 months.

Since regulations say nothing about whether the gender marker or gender presentation on your photo ID should match your gender presentation today, you should not be denied a regular ballot on that basis.

However, if you're subjected to intimidation or turned away because of bias or a misunderstanding of the law—or if you have any other questions regarding your right to vote—call the Election Protection Hotline at **866-OUR-VOTE** or file an intake with us at acluva.org/get-help.

