

Testimony of Angie Martell - SUPPORT HB 500-503

**STATE BAR OF MICHIGAN LGBTQ+ SECTION TESTIMONY IN SUPPORT OF
HB500-503**

February 6, 2024

Thank you Chairperson Breen and members of the House Judiciary Committee for the opportunity to present this testimony in support of HB 500-503 on behalf of the LGBTQ+ Section of the State Bar of Michigan. The State Bar of Michigan LGBTQ+ Section regularly reviews law, cases, regulations, and other legal matters that affect LGBTQ+ Michiganders and promotes the fair and just administration of those laws.

I'd like to thank everyone who worked diligently on putting this package of bills together. They will not only change the lives of many in the State of Michigan, but will also move us toward an equitable and inclusive State which wholeheartedly embraces progress toward freedom, equality, and justice.

No one should live a life in which they are fearful of existing authentically and as they are. All people deserve the right to official documents which accurately reflect their gender identity; to do so is to respect the inalienable rights that belong to each and every one of us.

Identity documents are an integral part of everyday life. Yet we often take them—and their truthful representation of our gender identity— for granted. For transgender, gender-expansive, and nonbinary individuals, possessing incongruent identity documents creates an enormous risk of violence and discrimination.

Accurate and consistent gender markers on identity documents helps transgender and non-binary people access public spaces and resources. Access to this basic need also dramatically reduces the risk that they will face violence, discrimination, or harassment.

Approximately 7.1% of adults identify as LGBTQ+ in the United States, including 373,000 residents of Michigan. An estimated 78% of transgender Michiganders lacked accurate identification as a result of this inaccessibility. It is clear that many transgender and non-binary

persons do not enjoy their fundamental right to dignified treatment and equality, both at the level of legal guarantees and that of everyday life.

The National Transgender Discrimination Survey, conducted by the National Center for Transgender Equality and the National Gay and Lesbian Task Force, revealed just how common it is for a transgender individual to face discrimination and violence in the United States as a result of inaccurate forms of identification. 40% of participants reported harassment as a result of possessing some form of identification that did not match their gender identity. 3% were physically assaulted, and 15% of individuals were asked to leave the premises of places requiring their ID. Furthermore, those respondents who were unable to update their driver's licenses reported much higher rates of discrimination in hiring and housing.

Even when transphobic biases are not explicitly at play, a perceived mismatch between an individual and the information presented on their ID can trigger heightened scrutiny against them, and creates barriers against that individual to accessing services and spaces.

HB 500-503 are vital pieces of legislation that will remove barriers to legal name changes, provide accurate identification documents and birth certificates to members of the LGBTQ+ community, and assure our laws align with recent developments to LGBTQ+ law, such as the Elliot Larsen Civil Rights Law and the X gender marker law. These bills are key to codifying matched identity documents into law and will not change how we currently operate.

HB 500 – Legal Name Changes: These changes are vital to affirming LGBTQ+ Michiganders' gender identity. By granting the option to waive the outdated and unutilized publication requirement for a legal name change, it grants at-risk transgender individuals protection from threats of stalking, domestic and physical violence, harassment and discrimination that might come about as a result of a publicized name change.

HB5301 and HB 5302 – Driver's Licenses and State Issued ID: This protects the right of individuals to use a non-binary gender marker on their driver's license and state-issued IDs, thus affirming and validating their non-binary and/or gender-expansive status. The elimination of language requiring surgery and replacement of a self-attestation policy is imperative since parts of the current statute are unconstitutional and infringe on an individual's civil liberties.

HB 5303 – Birth Certificates: Michigan's current law requires "sex reassignment surgery with a certifying letter from a physician to establish grounds for the change of the sex designation and lacks the non-binary sex designation option." The new amended law would eliminate the language requiring surgery and subsequent letter from a physician and instead replace it with a self-attestation policy. HB 503 also add non-binary sex designation "x" to the statute.

Passing and amending these laws is of vital importance to our State's "Access to Justice" mandates, because it shows our State's commitment to affirming that LGBTQ+ individuals matter, are a vital part of our community, and deserve to be treated with dignity and respect.

All people, and especially transgender and nonbinary people, should be able to obtain appropriate identification that reflects their gender identity, their authentic selves, and the way they identify.

The State Bar of Michigan urge the committee to support these pieces of legislation and move quickly to join other states in ensuring that the laws on the books are inclusive and equitable.

Thank you,

Angie Martell

Immediate Past Chair State Bar of Michigan LGBTQ+ Section and Present Council Member of the SBM LGBTQ+ Section and Present Member