



Testimony on behalf of the
Hawai'i State Commission on the Status of Women
Khara Jabola-Carolus, Executive Director

Prepared for the Senate Committee on Transportation (TRS)

In Support of SB568

Wednesday, February 6, 2018 at 1:15 p.m. in Room 225

Dear Chair Inouye, Vice Chair Harimoto and Honorable Members,

The Hawai'i State Commission on the Status of Women wishes to mahalo you for holding this hearing today and for the opportunity to testify in **strong support** of SB568, which would eliminate gender or sex markers from limited purpose driver's licenses and limited purpose provisional licenses.

Hawai'i has the largest percentage of transgender individuals in the United States. Gender and sex markers on state driver's licenses cause difficulty and invasive questioning in everyday transactions for this community. Indeed, sex and gender markers **increase the likelihood of discrimination** for transgender and gender non-conforming people when seeking employment, registering to vote, applying for insurance, interacting with law enforcement, opening a bank account, renting an apartment, and the list goes on.

Sex and gender are distinct concepts although the state uses the terms inconsistently, and often interchangeably which exacerbates mythological binaries. For example, the federal REAL ID Act requires that state driver's licenses mark "the person's gender." At present, Hawai'i's regular driver's license is technically non-compliant with the REAL ID Act because lists "sex." Sex implies chromosomes and particular body parts relevant to reproduction. Gender is the story that a society tells about sex differences. These stories are currently "steeped in stereotypes of female inferiority," and so deeply ingrained that we experience them as if they are unchangeable and biological.¹ Gender (expectations and stereotypes) is at the heart of sexism and the subordinate status of women and all people who exhibit a feminine rather than typically masculine appearance or demeanor. In most states, non-binary genders are not legally recognized.

¹ Fogg Davis, H., Beyond Trans Does Gender Matter?

SB568 would align our identification documents with the reality that gender is a mutable, performative, and characteristic that is personally changeable at any time. All people may present themselves at any time in a that way associates them with the “wrong” sex or gender, and can be misgendered by state administrators such as law enforcement.

Neither sex or gender markers are needed for administrators in identifying an individual. The Commission asserts that the state does not have a legitimate interest maintaining sex or gender markers to advance the legitimate policy goal of personal identity verification. U.S. passports did not bear a sex marker until the 1980s and the Hawai'i state identification card did not bear a sex or gender marker until five years ago.

Further, it is overly burdensome to “correct” sex and gender identity for non-binary people. In order to update name and gender on a Hawai'i ID, the applicant must first change name with the Social Security Administration and then submit (1) a court order certifying the name change and (2) a Gender Designation Form completed by a medical or social professional stating the new gender. This process amounts to policing gender.

Accordingly, the Commission asks that the Committee pass this important measure.

Mahalo,

Khara Jabola-Carolus



January 31, 2019

Senate's Committee on Transportation
Hawaii State Capitol
415 South Beretania Street, Room 225
Honolulu, HI 96813

Hearing: Wednesday, February 6, 2019 – 1:15 p.m.

RE: **STRONG SUPPORT for Senate Bill 568** – RELATING TO DRIVER'S LICENSES

Aloha Chair Inouye, Vice Chair Harimoto and fellow committee members,

I am writing in STRONG SUPPORT for Senate Bill 568 on behalf of the LGBT Caucus of the Democratic Party of Hawai'i. SB 568 excludes gender or sex markers from limited purpose driver's licenses and limited purpose provisional driver's licenses.

SB 568 is one of the priorities for the LGBT Caucus and is a continuation of the work we have done to help ensure all are treated equally and fairly. The idea of gender binary is a fallacy and this bill will help correct this misconception. Gender identity is a spectrum and people fall somewhere along it, from female to agender to male. This needs to be reflected on those do not identify as strictly female or male on their provisional driver's licenses.

For the State of Hawaii to require everyone to pick either female or male on their provisional driver's license is requiring them to lie. By passing this bill you will be making Hawaii more accepting of our fellow 'ohana members that do not adhere to the gender binary. To understand more about our non-binary 'ohana we encourage you to read ["Understanding Non-Binary People" from the National Center for Transgender Equality](#).

Currently 3 other states (California, Minnesota & Oregon) and the District of Columbia have a variation of this law. The LGBT Caucus of the Democratic Party of Hawaii asks that you pass SB 568 to help make Hawaii a more inclusive state for all.

Mahalo nui loa,

Michael Golojuch, Jr.
Chair

National Center for Transgender Equality
FAQ: GENDER-NEUTRAL IDS What is a gender-neutral ID?

A gender-neutral ID displays an alternate marker that is not an “M” (male) or “F” (female) to fill the sex or gender field of the ID. The gender-neutral marker is typically an “X” marker which stands for “Undisclosed” or “Other.”

Why are gender-neutral IDs important?

Many people have a gender identity that is not male or female and may use terms like “non-binary” to describe their gender identity. A gender-neutral ID allows them to display a more accurate gender marker on their ID. A gender-neutral ID also allows people of any gender to have increased privacy around gender on their state ID.

Do I have to identify as non-binary to get a gender-neutral ID?

No. People of any gender may choose not to disclose their gender on their ID by opting for a gender-neutral marker.

If I am a transgender man or transgender woman, do I have to get a gender-neutral ID?

No. The gender-neutral option “X” is in addition to the options of “M” or “F.” A transgender woman can still change the gender marker on her ID to “F” and a transgender man can still have “M” on his ID.

Do I need a provider to certify my request for a gender-neutral ID?

No. Current states with gender-neutral options allow all applicants to determine the gender marker that is most appropriate for them and no longer require documentation from a medical or mental health provider. This allows people who may have limited access to medical providers to get appropriate ID, and also allows people who seek to have an “X” gender marker for privacy reasons to do so.

What if my gender-neutral ID does not match the gender marker on my other IDs and documents?

If you have different gender markers listed on various IDs or records, it may cause confusion or raise eyebrows when interacting with officials or applying for services. However, legally speaking, it is not a problem to have records and IDs with different gender markers, and officials should still be able to verify your identity.

Can I use my gender-neutral ID to travel and go through TSA or airport security?

TSA does not yet have an official policy on how they process IDs with gender neutral markers, despite the fact that various other countries issue IDs with “X” designations. Airlines are required to collect name and gender information and submit it to TSA before each flight, and airlines currently only have M or F options. It is ideal to bring an ID to fly that has a gender marker that matches the gender you submitted to the airline. However, if you don’t have an ID with a gender marker that matches what you submitted to the airline you can likely still get through security, though you may receive additional scrutiny or questioning.

Will my ID be compliant with federal and international laws?

Yes. The REAL ID Act requires states to list a gender on licenses, but the Department of Homeland Security explicitly states that they “leave the determination of gender up to the States [...]” An X gender marker is consistent with the practice of the International Civil Aviation Association (ICAO), an agency of the United Nations, which uses an internationally-recognized passport format that allows for M, F, or X gender markers.

I am writing to testify **in strong support** of SB 568. I am the Policy Coordinator for GLSEN-Hawaii, an educator, an advocate for youth, and a member and advocate of many minority and marginalized communities, including the LGBTQ+ community. I believe in this bill because I believe it offers the clearest path to true inclusion.

To date, cities, states, and countries around the world are moving towards more inclusion with ids. Hospitals are dropping gender/sex markers from baby's hospital wrist bands. States are adding gender/sex marker alternatives. Many more are considering dropping sex assignment at birth all together, and allowing the individual to select their identity when they're older and it's necessary.

In Hawaii, we have a unique opportunity to move inclusion to the fore-front. The limited purpose instruction permit, limited purpose provisional driver's license, and limited purpose driver's licenses were seen as a step in the inclusive direction when they took effect in 2016. Allowing individuals who may not have access, for one reason or another, to obtain something that is essential for access to many things in our society did not place us in the majority. Now, we have another opportunity to stand out.

We are seeing the bravery of more and more individuals living in their truth. This means, that we are also seeing more and more gender diverse individuals in our community. We know that over 10% of our youth in Hawaii identify as transgender or gender non-conforming (2018 Hawaii Sexual and Gender Minority Health Report). Our diverse gender identity and gender expressive community members should not have the worries of needing to explain a gender/sex marker that may not wholly affirm who they are.

While we do have a bill up this session also for the marker "X" on Real ID's, even an "X" doesn't fully and completely affirm the identity(ies) of everyone in our society. In addition, even our own great state of Hawaii did not have gender/sex markers on Hawaii State ID's initially. This was perhaps an addition that was unnecessary. If we are aiming for true inclusion, then this bill is a great start.

I'm **in strong support** of SB 568, and I hope you will stand with me, the community, and all impacted. Please stand in **strong support** of SB 568 also.

Mahalo for your time.

Causha A. Spellman
(Pronouns: They, Them, Their)
(925)565-4611
caushasp@hawaii.edu

To: Hawaii State Senate Committee on Transportation
Hearing Date/Time: Wed., Feb. 6, 2019, 1:15 p.m.
Place: Hawaii State Capitol, Rm. 225
Re: Testimony in strong support of S.B. 568, relating to Driver's Licenses

Dear Chair Inouye and Members of the Committee,

Planned Parenthood Votes Northwest and Hawaii ("PPVNH") writes in support of S.B. 568, which seeks to exclude gender or sex markers from limited purpose driver's licenses and limited purpose provisional driver's licenses.

LGBTQI+ rights and reproductive rights are deeply connected to justice for all. We have long stood with our LGBTQI+ allies in the struggle for full equality — many of whom turn to Planned Parenthood for health care, information, and education. We are committed to building a world where no one experiences discrimination or violence because of their gender identity, gender expression, or sexual orientation.

We support S.B. 568 because it seeks to eliminate the unnecessary and oftentimes dangerous and traumatic gender marker from licenses. For those whose marker doesn't match their gender identity or expression, gender markers can make them a target for discrimination and harm. S.B. 568 will take a step towards protecting all the members of our community, regardless of gender identity or expression from injustice.

Thank you for this opportunity to testify in support of this important measure.

Sincerely,

Laurie Field
Hawaii Legislative Director

SB-568

Submitted on: 2/4/2019 9:12:39 PM

Testimony for TRS on 2/6/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Darlene Ewan	Testifying for Aloha State Association of the Deaf	Support	No

Comments:

SB-568

Submitted on: 2/3/2019 9:44:41 PM

Testimony for TRS on 2/6/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dani DiDonna	Testifying for Aloha State Association of the Deaf (ASAD)	Support	No

Comments:

On behalf of the Transgender community, Deaf Transgender community, and Aloha State Association of the Deaf (ASAD), I support this bill for the following reasons. Removal of the gender and/or sex marker on driver's licenses would make way to less scrutiny over gender and sex. Gender and sex does not define a person, their worth. The basis of humanity is we all are human. We all are given a different set of tools to navigate through life but that doesn't necessarily define our constituent, just like sex and gender does not define a person for who they are. Removal of markers would pave way for more equality among all genders and sexes. Being a female does not mean one is more human than a male, just like a transwoman and transman is not less humane compared to that of a cisgender female and male. In the end, trans or not, we all are human. We all are equal, and everyone should be treated as such.

However, it is unfortunate we live in a world where cisgender standards are upheld above any other gender/sex. For transgender people, removal of marker may reduce the stress of revealing identification even when the viewer may not necessarily agree with the gender/sex marker as stated on the identification card based on what they see. Not only that, there are many transgender people who are in the middle of their transition and have not changed legal names, birth certificate, and such yet. This would further support the rationale that transgender people who are currently transitioning are in a consistent safe space to be able to flourish and participate in society as productive citizens. I am for this bill, for the removal of gender/sex as it does not define what it means to be human.

TESTIMONY IN SUPPORT OF SB568: RELATING TO DRIVER'S LICENSES

TO: Senator Lorraine R. Inouye, Chair; Senator Breene Harimoto, Vice Chair; Senate Committee on Transportation

FROM: Heather Lusk, Executive Director of the Hawaii Health and Harm Reduction Center

RE: Hearing on Wednesday, February 6th, 2019 at 1:15 PM in room 225

Dear Chair Inouye, Vice Chair Harimoto and members of the committee:

Thank you for the opportunity to provide testimony support of SB568, which will exclude gender or sex markers from limited purpose driver's licenses. This measure is especially important for our transgender and gender non-conforming community who often face discrimination and harassment when the gender marker on the license does not match the gender identity and/or gender presentation of the individual.

Reducing harm, promoting health, creating wellness and fighting stigma in Hawai'i and the Pacific. The Hawai'i Health & Harm Reduction Center serves Hawai'i's communities by reducing the harm and fighting the stigma of HIV, hepatitis, homelessness, substance use, mental illness, and poverty in our community. We focus our efforts those disproportionately affected by social determinants of health, including but not limited to: LGBTQ, transgender, people who use drugs, people living with and/or affected by HIV and hepatitis, and the Native Hawaiian community. We cultivate relationships between our participants, community members, and providers through advocacy, training, education, and capacity building to foster health, wellness, and systemic change in Hawai'i and the Pacific.

Our transgender program has helped dozens of people change their gender marker on their birth certificate and have seen the positive impact it has on lives. Thank you for this opportunity to express my support for SB 568 and ending gender-based discrimination.

Sincerely,



Heather Lusk
Executive Director

SB-568

Submitted on: 2/3/2019 9:59:53 PM

Testimony for TRS on 2/6/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Joseph Kohn MD	Testifying for We Are One, Inc. - www.WeAreOne.cc - WAO	Support	No

Comments:

www.WeAreOne.cc

SB-568

Submitted on: 2/5/2019 12:38:41 PM

Testimony for TRS on 2/6/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:

SB-568

Submitted on: 2/1/2019 10:54:11 PM

Testimony for TRS on 2/6/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jen Jenkins	Individual	Support	Yes

Comments:

I **strongly support** SB568. Currently, I am a student at William S. Richardson School of Law. This bill should be passed because gender markers on IDs increase the risk of discrimination or harm against transgender or gender nonconforming individuals. In Hawai'i, three percent of public high school students self-identify as transgender, which translates to about 1,260 teens. Approximately 8,045 people in Hawai'i, 0.8% of the adult population, identify as transgender—the highest of any state. Passing this bill not only supports the people in Hawai'i who identify outside of gender binary, but it also challenges the gender binary itself.

SB-568

Submitted on: 2/2/2019 7:30:37 AM

Testimony for TRS on 2/6/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Golojuch	Individual	Support	No

Comments:

I strongly support this SB568 for equality.

Mike Golojuch, Sr.

SB-568

Submitted on: 2/2/2019 9:33:15 AM

Testimony for TRS on 2/6/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Zahava Zaidoff	Individual	Support	No

Comments:

Aloha Chair Inouye, Co Chair Harimito, and members of the Committee on Transportation,

I stand in support of removing gender identity markers from drivers licenses.

As the verbiage in the bill points out, Hawaii has the highest number of transgender individuals from all 50 states. Discrimination against those who are non gender binary is growing and needs to be stopped.

What is the legitimate purpose of listing gender on drivers licenses? Why does anyone need to know the body parts that I am covering up with my clothing?

Some may argue that the information is essential in certain instances. I have a solution: Ask the individual how they identify. Wouldn't it be a great thing if we learned to communicate effectively with each other and respect our differing identities?

This is not simply an administrative matter. If requiring gender on licenses is causing even one incident of prejudice or bias or harm, isn't that too many?

I implore you to move this bill forward so that all persons living in the state of Hawaii can live with equality and dignity.

With respect,

Zahava Zaidoff/StressFreeSouls

SB-568

Submitted on: 2/3/2019 11:25:09 AM

Testimony for TRS on 2/6/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
deborah cohn	Individual	Support	No

Comments:

Aloha,

I strongly support SB568.

Mahalo

Deboar Cohn

SB-568

Submitted on: 2/3/2019 11:25:26 AM

Testimony for TRS on 2/6/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Eileen McKee	Individual	Support	No

Comments:

Aloha,

I strongly support Senate Bill 568.

Mahalo,

Eileen McKee

SB-568

Submitted on: 2/4/2019 11:37:07 AM

Testimony for TRS on 2/6/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Teri Heede	Individual	Support	No

Comments:

To: Hawaii State Senate's Committee on Transportation
Hearing Date/Time: Tuesday, February 6, 2019 at 1:15p.m.
Place: Hawaii State Capitol, Room 225
Re: Judith Ann Armstrong is in support of SB568 relating to Drivers' Licenses

Dear Members of the Committees,

I, Judith Ann Armstrong, am in support of SB568, '**No License to Discriminate**'.

Thank you for this opportunity to testify in support of this important measure.

Sincerely,
Judith Ann Armstrong
1717 Ala Wai Blvd
Apt 3006
Honolulu, HI 96815

SB-568

Submitted on: 2/4/2019 7:36:01 PM

Testimony for TRS on 2/6/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lea Minton	Individual	Support	No

Comments:

SB-568

Submitted on: 2/5/2019 8:17:38 AM

Testimony for TRS on 2/6/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Erik Meade	Individual	Support	No

Comments:

Fight hate, support aloha, yes on SB568.

Hawai'i does have an extreme right wing chapter that brought Turning Point USA to the University of Hawai'i MÄ• noa in 2018 to among other things, argue that there are only 2 genders and Transphobia is a good a proper thing. The same group has doxxed at least three UH MÄ• noa female professors. These are not benign actions. People are less safe because of groups like this. This group claims, within it's membership, that the government's 2 Gender Markers is virtual signaling that the government covertly supports their stance and emboldens them.

Please take away this source of power for their hate while strengthening our State's aloha by voting yes on SB568.

LATE

SB-568

Submitted on: 2/5/2019 1:55:48 PM

Testimony for TRS on 2/6/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Cathy Kapua	Individual	Support	No

Comments:

I am a Native Hawaiian transgender woman and I am in full support of SB568. The proposed bill will allow for people who are transgender and/or gender non-conforming to safely not disclose their sex/ gender on identification document/ driver's license.

As a transwoman, I have found it unsafe and as a big challenge when navigating in social environments that require me to show my identification. I believe that this bill would help to alleviate some of the anxieties and unsafe feelings that folks in the transgender community are faced with. Having this option for persons to not choose their gender on their driver's license is very forward thinking and helpful for transgender and gender non-conforming communities.

SB-568

Submitted on: 2/5/2019 12:58:30 PM

Testimony for TRS on 2/6/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Leilani Maxera	Individual	Support	No

Comments:

The current mandatory binary classification system discriminates against people who are transgender and non-binary. Removing gender markers from driver's licences is a step towards rectifying discriminatory practices and is a huge step for our state. Passing this bill would put Hawai'i at the forefront of fighting gender discrimination. Please support this bill!

SB-568

Submitted on: 2/5/2019 3:59:51 PM

Testimony for TRS on 2/6/2019 1:15:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Keleka Kaneaiakala	Individual	Support	No

Comments:

I am a transgender woman of native hawaiian decent and have seen and felt discrimination when presenting my drivers license because of my gender marker. I feel this would help my community feel more confident and secure in social situations.

LATE

SB-568

Submitted on: 2/5/2019 8:23:00 PM

Testimony for TRS on 2/6/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Eileen M Gawrys	Individual	Support	Yes

Comments:

LATE

SB-568

Submitted on: 2/6/2019 12:42:29 AM

Testimony for TRS on 2/6/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lindsay Terkelsen	Individual	Support	No

Comments:

It is especially important that we protect LGBTQ+ and all individuals by removing gender markers, which put individuals in unnecessary danger, on limited purpose licenses.

LATE

SB-568

Submitted on: 2/5/2019 10:58:06 PM

Testimony for TRS on 2/6/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kim Coco Iwamoto	Individual	Support	Yes

Comments:

Testimony in STRONG SUPPORT of SB568.

Dear Chair Inouye and Members of the Committee.

One does not need a sex or gender-identity to be a licensed driver; nor does one need identification that includes a sex or gender-identity marker to obtain a limited purpose driver's license in Hawaii - in fact, the current law considers a paycheck stub, rental agreement or utility bill acceptable documentation of and those normally do not include a sex/gender marker on them.

Therefore its seems like a no-brainer to remove the mandate for any extraneous and irrelevant information to be included on the limited purpose driver's license.

To offer a historical reference for this precedent, just a few years ago Hawaii issued state identification cards that did not include sex or gender markers. Unfortunately this practiced stopped once the federal Real ID law passed with all of its requirements. At least this bill would offer some relief to individuals who do not want government issued identification with a sex or gender marker.

Thank you,

Kim Coco Iwamoto

Senator Lorraine Inouye
Senate Transportation Committee

Dr. Rebecca Stotzer
rstotzer@hotmail.com
Constituent of Senate District 11



Hearing: Tuesday 2/6/2019
In SUPPORT for SB568

My name is Rebecca Stotzer and I am a Professor at the University of Hawaii, Myron B. Thompson School of Social Work, although I am testifying as a private citizen and not as a representative of the University. My substantive area of expertise is in the area of bias crimes and discrimination, particularly based on sexual orientation and gender identity. I am testifying in favor of SB568 to keep gender markers off of limited purpose driver's licenses.

One of the biggest risks for experiencing violence that transgender people face is having their transgender identity exposed to others. It may seem a bit intuitive but still worth saying, it is difficult for people to commit acts of bias violence or discrimination against you for being transgender if they do not know that you are transgender. While many transgender people are careful about choosing which persons they feel are "safe" to disclose their gender identity to within their personal and professional lives, an area of particular risk relates to identity documents. If a person's gender identity and/or presentation does not match identity documents, their gender identity has been disclosed to others who see those documents, and they are at heightened risk for violence and discrimination. When compared to photos or other more advanced technologies such as face recognition software or fingerprints, there is limited utility in having a gender marked on identity documents at all. However, removing the gender marker from limited purpose driver's licenses is a way to protect transgender people from having their gender identities exposed and keeping them safe from potential violence or discrimination that might follow.

Please support SB568 and the removal of gender markers from limited purpose driver's licenses.

LATE

SB-568

Submitted on: 2/5/2019 10:28:54 PM

Testimony for TRS on 2/6/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Scott Nishimoto	Individual	Support	No

Comments:

I'm writing in support of SB568 to eliminate gender labels on State Driver's License. This is a movement that hurts no one, while helping a population that has had to endure so much discrimination, pain, negative health outcomes, and trauma. I look forward to a future in which my daughter does not have to fit into a gender category if she so chooses, and this effort is a step in the right direction.

Thank you for your consideration.

LATE

SB-568

Submitted on: 2/6/2019 10:06:27 AM
Testimony for TRS on 2/6/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Darlene Ewan	Individual	Support	No

Comments:

LATE

SB-568

Submitted on: 2/6/2019 11:11:49 AM
Testimony for TRS on 2/6/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Victor K. Ramos	Individual	Oppose	No

Comments:

I do not agree with this kind of politics.