

1. Sex designation – purposes and means
 - What purposes are served by recording an individual’s biological sex on a birth certificate? On a driver license? On other government documents?
 - Could any of those purposes be accomplished by other means? If so, how?
2. Gender designation – purposes and means
 - What purposes are served by recording an individual’s gender identification on government documents?
 - Could any of those purposes be accomplished by other means? If so, how?

From: Kim Gibb <kgibb@utah.gov>

Sent: Thursday, August 12, 2021 9:08 AM

To: Mark Andrews <markandrews@le.utah.gov>

Cc: Christopher Williams <cwilliams@le.utah.gov>; Kristy Rigby <krigby@utah.gov>; Caras, Christopher <ccaras@utah.gov>

Subject: Re: Legislative request: Use of government documents for sex and gender identification

Hi Mark,

Please see below the response provided to me by Director Caras. Please let me know if you have additional questions.

Thanks!

Kim

In answer to the following from the Driver License Division perspective.

1. Sex Designation

- DLD Response: As background the terms sex and gender have until recently been used interchangeably. An indication of the biological sex at birth is not of significant importance to the driver license division. What is important to the division is the ability to be compliant with federal and industry requirements. The federal Real ID Act and American Association of Motor Vehicle Administrators card design standards require all cards to include a gender designation. The driver license division has accepted as the basis of their records any Real ID acceptable primary identification document which includes a gender designation. Those common acceptable primary identification documents including the gender designation are primarily a birth certificate or passport.
- **Could any of those purposes be accomplished by other means? If so, how?**

No

2. Gender Designation - purpose and means

- DLD Response: The federal Real ID Act and American Association of Motor Vehicle Administrators card design standards require all cards to include a gender designation. Failure to comply would have a significant and problematic effect on the residents of Utah and how they can utilize their Utah driver license or identification cards.
- None known

From: Christopher Caras <ccaras@utah.gov>

Sent: Thursday, July 1, 2021 12:12 PM

To: Christopher Williams <cwilliams@le.utah.gov>

Cc: Kim Gibb <kgibb@utah.gov>; Mark Andrews <markandrews@le.utah.gov>

Subject: Re: Drivers License Sex Designations

Background; There is variation between the state with regards to the use of the term gender or sex with regards to the data field on the license. The data field is required however the description of the data as either gender or sex varies from jurisdiction to jurisdiction. The two terms have been used interchangeably in the past. There are only three acceptable options for the gender / sex designation as per the card design standards and data transfer between states. They are Male, Female or Not Specified. This is identified on a Utah license or identification card with (M) Male, (F) Female or (X) Unspecified.

With regards to removing the sex designation from the driver license entirely (1). The American Association of Motor Vehicle Administrators (AAMVA) card design standards do require a gender / sex designation to be identified on the card. The Department of Homeland Security (Real ID) 6 CFR 37 also indicates gender designation is required for compliance. The gender / sex designation is a required data field as well when information is shared between states for identification and licensing purposes. Removal of the designation completely would be problematic for these reasons.

Regarding replacing the sex designation with a gender designation (2). This would be a modification to the current card design and contract with the card production vendor. I have posed the question of this option to the contract vendor with regards to an estimated cost. I await their response to the inquiry.

Regarding adding a gender designation to the license and keeping the sex designation on the driver license (3).

This would require a modification to the current contract design and contract as well. This question was also posed to the vendor for a cost estimate and similarly I await their response. There is an additional complication of finding the additional space on the card to include another data field.

Summary; The least problematic of the three options would be (2). The verbiage on our current DL or ID document is sex as to be consistent with the licensing code. This topic is currently very dynamic across the US. The AAMVA card design standards were last published in October of 2020. This gender / sex designation issue is being raised and may be addressed in subsequent updates. The DHS compliance regulation leave it up to the states to determine what gender / sex designation will be placed on the document. Currently the Driver License Division determine the gender for application to the DL / ID based on the DHS acceptable primary ID document (i.e. a birth certificate or passport) which has a gender / sex designation.

I hope this information is helpful. If any further information or clarification is needed please feel free to contact me.

Chris