Dear Chair Weisz and members of the House Human Services Committee,

My testimony is in opposition to House Bill 1297. I ask that you give this bill a Do Not Pass.

There is no compelling interest within the state to remove the ability of transgender individuals to align their birth certificate with their sex. Further many states have opted into creating x-markers on birth certificates for both privacy reasons and for non-binary individuals. Passport and State IDs can have “x” listed as the gender marker.

We have many individuals who were born in North Dakota, but now live within the many states that allow different identities on various documents. For these individuals this legislation can create an inconsistency between their identity forms and this has the capacity to both impact their life and open them up to transphobia and discrimination when these discrepancies are triggered.

I have spoken to an attorney who worked in Minnesota and on the non-binary identification markers there. While I’m not privy to understand the specific way in which we store data, I was under the impression there is a difference between our birth certificate and the fundamental records that we keep from birth data. And that allowing changes to birth certificates to reflect an individual’s current situation does not jeopardize those records or pose any real burden to our state or a compelling reason to deny it. It becomes an acknowledgment of the state that this person is who they say they are.

I would recommend amending this piece of legislation to allow anyone to change their sex listed on just their birth certificate document with a letter from a primary doctor and to allow “M”, “F”, and “X” to be listed. I would recommend changes to the century code to remove the language the birth certificate has been amended.

I will also offer that our current process for changing sex on birth certificates in North Dakota is incredibly restrictive, requiring expensive surgery that isn’t always covered or feasible for an individual to obtain. That factor alone is a large reason why other states have removed such restrictions.

I understand requiring a doctor’s note for changing identification documents. I understand this creates a connection between the medical validity of a person’s biological experiences and official documents that represent them. I understand this is a compromise to make within North Dakota, where cultural barriers create hostility towards trangender communities and we have a way to go to understand the complexity of biological and gender diversity.

We could take the time we’re spending on this legislation to make the process easier and a benefit to the people we serve.

Thank you for your time, consideration, and service to our state

Best regards,
Faye Seidler