



GOVERNOR STITT'S ANTI-TRANS EXECUTIVE ORDER (EO) FAQs

On August 1, 2023, Governor Stitt signed Executive Order 2023-20 (EO), discriminating against people who are transgender in Oklahoma. Below are some explanations of what this EO means for the people of our state.

What Does This EO Do?

It defines words such as female, male, woman, girl, man, boy, and sex. The governor's definitions of these words will be used when administrative agencies, boards, commissions, etc., need to make decisions based on Oklahoma law that includes these words.

Few Oklahoma laws use the words defined in the EO. The primary impact of the EO is on legal documentation given out by the state of Oklahoma. This includes driver's licenses and birth certificates, because Oklahoma law requires that these documents include the individual's sex. Now, "sex" markers on those documents must align with the EO's definition.

Can I Change the Gender Marker on Oklahoma Documents?

Unfortunately, no. Service Oklahoma (driver's licenses) and the Oklahoma Department of Health (birth certificates) will follow the instruction of the EO and define sex as a person's "biological sex, either male or female at birth."

An individual will still be able to change their name to a name that aligns with their gender identity, but the gender marker cannot be changed at this time.

Can I Keep Documents That Previously had the Gender Marker Changed?

It is uncertain at this time. There is nothing in the order that demands previous documents be handed in, and there is no current law that gives a penalty for an individual's documents not being in accordance with their "sex at birth," as defined by the EO.

If you changed your gender marker before this EO, it is not clear at this time if Service Oklahoma will allow you to carry that corrected marker over when you renew your driver's license. Service Oklahoma may have to establish protocols that comply with the order, but it is currently unclear what these protocols could look like and if they will apply to individuals who have already changed their legal sex.

GOVERNOR STITT'S ANTI-TRANS EXECUTIVE ORDER (EO) FAQs (CONTINUED)

How Will Oklahoma Enforce the EO?

There is no enforcement mechanism or penalties described in the EO. This does not mean an agency is free to do as they please, but it does make any potential penalty less clear. As things progress and state agencies begin implementing the EO, we will know more about the impact of this order.

Does This EO Change My Rights?

Outside of government documents, it does not. An EO by a state governor is limited to the scope of that state's law and cannot affect federal law or the scope of federal protections. Policies of programs like domestic violence shelters and homeless shelters are predominately dictated by federal law. Also, Oklahoma state law includes protections against discrimination in places of public accommodation and is enforced by the Oklahoma Attorney General. If a person is discriminated against in a place of public accommodation, they can file a complaint with the Civil Rights Enforcement Unit of the Oklahoma Attorney General.

What Is the ACLU Doing About This?

The ACLU of Oklahoma, in tandem with our national partners, is currently monitoring the situation and documenting the practical impact of the EO through the policies and practices of implementing state agencies.

What Should I Do If This EO Harms Me?

If you experience a problem or hardship as a result of this EO, please contact the ACLU of Oklahoma. We would like to hear about it. You can email our team at: intake@acluok.org.

In addition to letting us know, if you are experiencing discrimination in the context of employment or housing you can file a complaint with the following federal agencies.

- Employment: Reporting Employment Discrimination with the EEOC
- Housing: Reporting Housing Discrimination with HUD.

You can also contact the Civil Rights Division of the Department of Justice.