



## **County of Santa Cruz Board of Supervisors**

### **Agenda Item Submittal**

**From:** Board of Supervisors - Fifth District

**Subject:** Opposition to Passport Requirement Changes

**Meeting Date:** March 11, 2025

**Formal Title:** Direct the Chair to submit letters to the U.S. State Department detailing the County of Santa Cruz's formal opposition to proposed rule changes for passport forms DS-11, DS-82, and DS-5504 that would require applicants to list their sex assigned at birth

### **Recommended Actions**

1. Direct the Chair to submit a letter to the U.S. State Department detailing the County of Santa Cruz's formal opposition to a proposed rule change for form DS-11, the "U.S. Passport New Application for Eligible Individuals," that would require applicants list their sex assigned at birth;
2. Direct the Chair to submit a letter to the U.S. State Department detailing the County of Santa Cruz's formal opposition to a proposed rule change for form DS-82, the "U.S. Passport Renewal Application for Eligible Individuals," that would require applicants list their sex assigned at birth; and
3. Direct the Chair to submit a letter to the U.S. State Department detailing the County of Santa Cruz's formal opposition to a proposed rule change for form DS-5504, the "U.S. Passport Replacement Application for Eligible Individuals," that would require applicants list their sex assigned at birth.

### **Executive Summary**

In response to a presidential executive order targeting transgender individuals, the U.S. Department of State has issued a proposed rule change for three standard U.S. Passport forms; the DS-11 pertaining to new passport applications, the DS-82 pertaining to renewing a passport, and the DS-5504 pertaining to replacing a lost or stolen passport, requiring individuals list their sex assigned at birth on all forms and resulting passports. The State Department has opened a 30-day period for public comment on each form, which closes on March 17 and March 20, 2025, respectively. In light of the Board's recent resolution in support of the LGBTQ+ community, letters opposing this rule change on each form, as required by the State Department, would affirm the County's support of the LGBTQ+ community.

### **Discussion**

On January 20, 2025, President Trump issued an Executive Order (EO) "Defending Women From Gender Ideology Extremism And Restoring Biological Truth To The Federal Government", which is currently being challenged in court, that effectively aims to eliminate the ability to define one's gender identity as anything other than an immutable sex, either male or female, as assigned at birth. As a result of the EO, the U.S. State Department has issued a corresponding rule change, requiring all individuals otherwise eligible for a U.S. passport, to list their sex as it was assigned at their birth—"M" for those assigned male at birth and "F" for those assigned female at birth—

regardless of their current gender or sex identity and public presentation.

This proposed rule change discriminates against transgender and intersex individuals by disregarding their identities and creating potential personal security risks when traveling abroad with a passport that does not accurately reflect their gender identity or presentation. Additionally, the proposed rule change would create inconsistencies with other official government documents that accurately reflect an applicant's gender identity. Furthermore, the proposed rule change runs counter to the principles outlined in the County's "Resolution Reaffirming the County's Commitment to Protecting the Rights, Advancing Equity, and Ensuring the Wellbeing of LGBTQ+ Individuals and Women," which the Board passed unanimously on January 28, 2025, in response to federal policy initiatives targeting these groups. In addition, the Board also unanimously passed a resolution brought forward on June 4, 2024, by Supervisor Cummings naming Santa Cruz County as a sanctuary county for transgender, nonbinary and intersex people.

On February 14, 2025, the State Department opened a 30-day public comment window for form DS-11, pertaining to new passport applications; and on February 18, 2025, the State Department opened a 30-day public comment window for forms DS-82, pertaining to renewing a passport; and DS-5504, pertaining to replacing a lost or stolen passport. The date by which individuals or organizations may submit public comment for the DS-11 form expires on March 17, 2025, and for the DS-82 and DS-5504 forms on March 20, 2025.

For these reasons, it is imperative that the County formally oppose this rule change, which undermines the rights and dignity of transgender and intersex individuals. Taking a stand against this proposed rule change by submitting timely public comment in opposition, for all three of the State Department forms as is required, aligns with the County's commitment to equity and inclusion, ensuring that all residents are treated with fairness and respect in accordance with our stated values.

### **Financial Impact**

There is no financial impact from the recommended action.

### **Strategic Initiatives**

Operational Plan - Comprehensive Health & Safety

### **Submitted By:**

Monica Martinez, Fifth District Supervisor

### **Recommended By:**

Carlos J. Palacios, County Administrative Officer

### **Artificial Intelligence Acknowledgment:**

Artificial Intelligence (AI) did not significantly contribute to the development of this agenda item.