

Members of the Colorado Title Board  
Wednesday, April 3rd, 2024  
Remarks in response to Initiative #220

To the members of the Colorado Title Board:

My name is Laura MacWaters and I am submitting remarks for the record on the concerns I have regarding single subject in Initiative #220. As a transgender woman, and a former student who would have been denied opportunities to play sports under this initiative, I am concerned about the overarching impact of this initiative and the language used in it.

My first objection is that initiative #220 as written could be interpreted to impact private, non-profit, for-profit organizations and businesses outside public schools. While talking about “public athletic programs for minors”, Initiative #220 aggregates the disparate categories of “PUBLIC SCHOOL, PUBLIC SCHOOL DISTRICT, ACTIVITIES ASSOCIATION, OR OTHER ORGANIZATION THAT HOSTS, ORGANIZES, OR FACILITATES PUBLIC SCHOOL ATHLETICS, OR A PRIVATE SCHOOL WHOSE STUDENTS OR TEAMS COMPETE AGAINST A PUBLIC SCHOOL”. These could include statewide athletic associations, local event venues, sponsors and even organizations seeking to promote inclusive sport, team, club, or internal play. Therefore, this measure is not single-subject based on this language alone.

My second objection is that intramural games and sports are a distinct category, separate from competitive school sports and the initiative language groups them together as “ANY INTERSCHOLASTIC, INTRAMURAL, OR CLUB ATHLETIC TEAM, SPORT, OR ATHLETIC EVENT”. Intramural games and sports are deliberately set apart from official school teams and clubs, and are meant to foster a sense of community. They are a space where students can leisurely play a sport without having to competitively think about the season and scholarship opportunities. This classifies intramural games and sports as different in nature when compared to varsity and club sports. As a transgender person since I was 10, I can tell you that the chance to feel included, safe, accepted and affirmed in and around school is lifesaving. Sports teaches all the values of teamwork, dependability, practice, fair play, friendships, and determination that aid us in education and life. No one should be denied this.

My third objection is that the Initiative #220 requirement that school athletics programs use “THE STUDENT'S OFFICIAL BIRTH CERTIFICATE ISSUED AT OR NEAR THE TIME OF THE STUDENT'S BIRTH” is in fact different from any title or claims about “biological sex” or “athletic activities fairness” or “public athletic programs for minors”.

The proponents are attempting to standardize the documents schools and school districts use to enroll their students, therefore, Initiative #220 does not meet the single subject standard. This will go beyond the restriction of who can play in school sports. Most school districts accept multiple forms of identification for students. For example, [Jeffco Public Schools](#) accepts a birth certificate but also a “passport; resident card; driver's license/ ID card; school ID Card; military dependent’s ID; Native American tribal document; School Record or report card; Clinic, doctor or hospital record; Day care or Nursery School Record; Baptism Certificate; and Verification of Birth.”

The many students who have previously supplied identification other than a birth certificate to enroll in their school will be unable to play any sport that year, and will be made to feel painfully excluded from the school community as well as from sports and friends they love. They will also be made to feel inauthentic and may well be singled out by their peers as having no acceptable “proof” of their gender.

My last objection to initiative #220 is that it misleads voters by purporting to be about restricting transgender girls from playing school sports when it would also restrict other students from playing in sports who do not have access to their birth certificate. Many students regardless of their sex assigned at birth will not be able to access a birth certificate that was issued within the vague and impossible to uniformly apply cut off date of “near the time” of their birth. Any student whose parents have lost, misplaced, or who will no longer provide their birth official certificate, and those who had their birth certificate amended by adoption or additional of a parent will have a later issue date on their birth certificate and thus cannot under this initiative play any sport designated for “females, women, or girls”. These events actually happen quite frequently, and will be increasingly so as students complete grade levels, switch schools, or move between districts. Under initiative #220, all students who can’t provide a birth certificate issued at or near the time of birth, the vast majority of which would be legally, medically, genetically and in all ways considered female, would have no way to ever prove their eligibility to play in any women's sport for the entirety of their school years. This initiative would be a birth certificate inspection act hidden within a sports restriction initiative, making this initiative more than one subject.

Thank you for listening to my concerns.

Laura Michelle MacWaters  
Larimer County Registered Elector