



Initiative 23-0019

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August 28, 2023

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Anabel Renteria
Initiative Coordinator
Office of the Attorney General
1300 I Street, 17th Floor
Sacramento, CA 95814

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Re: Request for Title and Summary for Proposed Initiative

Dear Initiative Coordinator:

With this letter I submit a proposed statewide ballot measure in accordance with Article II of Section 10(d) of the California Constitution, entitled "Protect Girls' Sports and Spaces Act." I am the proponent of the measure and a registered voter in the State of California. Please prepare a circulating title and summary of the measure as provided by law.

Enclosed with this letter and text of the proposed measure is a check in the amount of \$2,000 and the affidavits required by the Elections Code. I request that my address be kept confidential following verification of my voter registration status.

Please direct all correspondence and inquiries regarding this measure to:

Protect Kids California
info@protectkidsca.com
(916) 900-6121

Thank you for your time and attention processing this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Zachreson", with a long horizontal flourish extending to the right.

Jonathan Zachreson

Protect Girls' Sports and Spaces Act

Section 1. This measure shall be known as the "Protect Girls' Sports and Spaces Act."

Section 2. The people of California find and declare the following:

1. Female students should have fair and safe opportunities to compete in athletic programs.
2. There are physical differences between the sexes, giving male athletes a physical, competitive advantage against female athletes.
3. There is an increasing number of occurrences of male athletes, based on their perceived gender identity, competing against female athletes. These occurrences have led to lost opportunities, violations of privacy, and injuries for female athletes.
4. Having sex-segregated private spaces at education institutions, such as locker rooms and bathrooms, is an important, historical measure to protect the privacy and safety of students.

Section 3. It is the intent of the people of California in enacting this measure to:

1. Maintain fairness in girls' and women's athletic programs and protect equal opportunities for female athletes by ensuring female athletes compete only against other female athletes in athletic programs reserved for girls and women.
2. Protect the privacy and safety of both female and male students, by ensuring any sex-segregated facilities are segregated based on biological sex.

Section 4. Education Code Section 221.5.(f) is repealed:

~~(f) A pupil shall be permitted to participate in sex-segregated school programs and activities, including athletic teams and competitions, and use facilities consistent with his or her gender identity, irrespective of the gender listed on the pupil's records.~~

Section 5. Education Code Section 221.75 is added to read:

221.75 (a) In enacting this section, it is the intent of the people of California to maintain fairness in girls' and women's athletics, protect equal opportunities for female athletes, and protect the privacy and safety of students.

(b) A school serving students grades 7 to 12, inclusive, that offers sex-segregated athletic programs and activities shall not permit any male student to participate in any competitive athletic program or activity that is designated for female students.

(c) Any sex-segregated facility, including, but not limited to, a bathroom or locker room, on the campus of a school shall be segregated based on biological sex.

(d) For the purposes of this section and article (Article 4), "biological sex" means male or female.

(1) "Male" means a person whose body is developed for the production of small gametes whether or not sperm is produced. Male humans typically have a penis at birth and XY chromosomes. "Boys" and "men" mean the same as males.

(2) "Female" means a person whose body is developed for production of large gametes whether or not eggs are produced. Female humans typically have a vagina at birth and XX chromosomes. "Girls" and "women" mean the same as females.

(3) A statement of a student's biological sex on the student's official birth certificate is considered to have correctly stated the student's biological sex only if the statement was:

(A) entered at or near the time of the student's birth; or

(B) modified to correct any type of clerical error of the student's biological sex.

Section 6. Education Code Section 224(a)(5) is repealed:

~~(5) Pupils who do not identify as either male or female, or who do not identify with their assigned gender at birth, are allowed to participate in either conference.~~

Section 7. Education Code Section 66271.85 is added to read:

66271.85 (a) In enacting this section, it is the intent of the people of California to maintain fairness in girls' and women's athletics, protect equal opportunities for female athletes, and protect the privacy and safety of students.

(b) A college or university that offers sex-segregated athletic programs and activities shall not permit any male student to participate in any competitive athletic program or activity that is designated for female students.

(c) Any sex-segregated facility, including, but not limited to, a bathroom or locker room, on the campus of a college or university shall be segregated based on biological sex.

(d) For the purposes of this section and article (Article 4), a male and female have the same definitions as provided in Subdivision (d) of Section 221.75 of the Education Code.

Section 8. General provisions.

1. This act shall not be amended by the Legislature except by a statute that furthers the purposes, intent, findings, and declarations of the act and is passed by each house of the Legislature by roll call vote entered into the journal, seven-eighths of the membership concurring, or by a statute that becomes effective only when approved by the voters.
2. If any provision of this act, or part thereof, is for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected but shall remain in full force and effect. To this end, the provisions of this measure are severable.
3. In the event that this measure and another measure related to the intent of this act shall appear on the same statewide election ballot, the provisions of the other measure or measures shall be deemed to conflict with this measure. In the event that this measure receives a greater number of affirmative votes than a measure deemed to conflict with it, the provisions of this measure shall prevail in their entirety, and the other measure or measures shall be null and void.
4. If this measure is approved by voters but superseded by law by any conflicting measure approved by the voters at the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-executing and given full force and effect.
5. The Attorney General shall defend against any action challenging, in whole or in part, the validity of this act, and shall have an unconditional right to intervene in any action to defend the validity of this act. Where the Governor and Attorney General have declined to defend the validity of the act, the official proponent(s) are also authorized to act on the state's behalf in asserting the state's interest in the validity of the act and shall be reimbursed from the State of California for the purposes of defending this act.
6. The official proponent(s) of the act have an unconditional right to participate, either as interveners or real parties in interest, in any action affecting the validity or interpretation of the act.
7. Nothing in this section precludes other public officials from asserting the state's interest in the validity of the act.