

LD 2239 – Testimony (2-Minute Version)

Chair, Members of the Judiciary Committee:

Good morning. My name is Jennifer Navarro, a resident of Brunswick, Maine.

I am speaking during the opposition portion of public comment on LD 2239, not to take a position on the legislation itself, but because the draft ballot question raises concerns about clarity, neutrality, and compliance with Maine election standards.

Maine law requires a fair and impartial statement of the substance of the measure—clear, concise, and free from advocacy or interpretive framing.

The current draft falls short in three ways.

First, it combines distinct regulatory domains—participation in school athletic programs, access to school facilities including bathrooms, and authorization of private lawsuits—into a single compound question. These involve different administrative burdens, privacy interests, and legal implications; compressing them can obscure the precise change voters are being asked to approve or reject.

Second, the phrasing tied to “the gender on the child’s original birth certificate” may reasonably be interpreted as outcome-oriented rather than purely descriptive, because it characterizes the effect of the policy rather than limiting itself to the legal structure proposed in the legislation.

Third, the draft does not closely track the legislation’s own architecture—its definitions and eligibility criteria—in straightforward statutory terms. These are not stylistic concerns; they go directly to whether voters receive a clear and impartial description of the legal change.

A clearer approach would use simpler, direct language that neutrally describes the legal change—such as establishing eligibility criteria and facility designations based on definitions set forth in the legislation—without interpretive gloss.

My comments are offered solely to ensure that any ballot question presented to Maine voters meets the standards of neutrality, clarity, and transparency that protect informed self-governance, regardless of how any individual may ultimately vote.

Thank you.

Jennifer Navarro

Brunswick, Maine LD 2239 – Testimony (3-Minute Version)

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Good morning. My name is Jennifer Navarro, a resident of Brunswick, Maine.

I am speaking during the opposition portion of public comment on LD 2239, not to take a position on the legislation itself, but because the draft ballot question raises concerns about clarity, neutrality, and compliance with Maine election standards. Those defects, if left unaddressed, could undermine voter informed consent.

Maine law requires a fair and impartial statement of the substance of the measure—clear, concise, and free from advocacy or interpretive framing—so voters can make an informed, independent decision.

In reviewing the current draft, I identify three deficiencies.

First, it combines distinct regulatory domains—participation in school athletic programs, access to school facilities including bathrooms, and authorization of private lawsuits—into a single compound question. These involve different administrative burdens, privacy considerations, and legal implications.

Presenting them as one indivisible choice risks obscuring the scope of the proposed change.

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certificate” may reasonably be interpreted as outcome-oriented rather than purely descriptive, because it characterizes the effect of the policy rather than limiting itself to the legal structure proposed in the legislation.

Third, the draft does not closely track the legislation’s own structure—its definitions, eligibility criteria, and standards—in straightforward statutory terms. Ballot questions are strongest when they mirror the bill’s architecture for transparency. These are not stylistic concerns; they go directly to whether voters receive a clear and impartial description of the legal change.

Beyond these points, a complex or layered question increases the risk that voters will interpret it differently or misunderstand its scope, which can affect the reliability of the result and expose the process to later challenge.

A more effective approach would use simpler, direct language that neutrally describes the legal change—such as establishing eligibility criteria and facility designations based on definitions set forth in the legislation—without interpretive gloss.

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Thank you for your time and consideration.

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