STATE OF NEW YORK

6901

2021-2022 Regular Sessions

IN SENATE

May 20, 2021

Introduced by Sens. MYRIE, RAMOS -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to removing binary gender

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 4 of section 2-102 of the election law, as amended by chapter 373 of the laws of 1978, is amended to read as follows:

4. [~~The state committee may provide by rule for equal representation of the sexes on said committee.~~] When any [~~such~~] rule **of the state committee** provides for [~~equal~~] representation [~~of the sexes~~] **by gender**, the designating petitions and primary ballots shall list candidates for such party positions separately by [~~sexes~~] **gender marker. In providing for such representation, the state committee shall establish rules that provide for the ability of individuals who do not exclusively identify as a binary gender to run for those positions and which respect individuals' gender identity**.

§ 2. Subdivision 2 of section 2-104 of the election law, as amended by chapter 234 of the laws of 1976, is amended to read as follows:

2. If[~~, pursuant to section one of article thirteen of the constitution,~~] such committee or a state convention of the party shall provide by rule for [~~equal~~] representation [~~of the sexes~~] **by gender** on such committee, the rules of such committee relative to additional members, either from election districts or at large, shall be formulated and applied in such manner that the whole membership shall [~~consist of an even number, equally~~] **be** divided [~~between the sexes~~] **among genders as provided by the rules of such committee**. When any such rule provides for [~~equal~~] **such** representation [~~of the sexes~~], the designating petitions and primary ballots shall list candidates for such party positions separately by [~~sexes~~] **gender marker. In providing for such representation, such committee shall establish rules that provide for the ability of**

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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individuals who do not exclusively identify as a binary gender to serve as members and which respect individuals' gender identity.

§ 3. Subdivision 2 of section 2-110 of the election law, as amended by chapter 373 of the laws of 1978, is amended to read as follows:

2. In the city of New York there shall be the party positions of assembly district leaders or, if the rules of the county committee shall so provide, one assembly district leader and one associate assembly district leader. Outside the city of New York there shall be such positions when the rules of the county committee shall so provide. Such leaders shall be elected at primary elections as herein provided, within every county in such city for each assembly district, or for each part of an assembly district within such county as may be designated for the purpose in the rules of the county committee, and in every county of the state outside of such city where the rules so provide, for such assembly district or part thereof within such county as may be designated in such rules for the purpose. Such assembly district leaders or such assembly district leader and associate assembly district leader shall be of [~~opposite sexes~~] **different genders**, if the rules of the county committee shall so provide, and shall be enrolled voters of the party residing within the assembly district and, if the rules of the county committee shall so provide, within the part of the assembly district for which they are to be elected, and shall be elected at the same primary election and for the same term as members of the county committee. When any such rule provides for [~~equal~~] representation [~~of sexes~~] **by gender**, the designating petitions and primary ballots shall list candidates for such party positions separately by [~~sexes~~] **gender marker. In providing for such representation, the county committee shall establish rules that provide for the ability of individuals who do not exclusively identify as a binary gender to serve as district leader and which respect individuals' gender identity**. Each shall perform such duties, powers and functions as the rules of the county committee may prescribe. Vacancies in such positions shall be filled by the members of the county committee within the assembly district or part thereof, as the case may be, until the first primary election following the creation of such vacancy or vacancies for which the period for circulating designating petitions ends at least seven days after the creation of such vacancy or vacancies, at which time the successor or successors shall be directly elected as herein provided. Assembly district leaders and associate assembly district leaders shall automatically be members and shall have the right to participate and vote in meetings of the county committee or any subcommittee thereof. The county committee may provide by its rules that the members of the state committee, elected in accordance with the provisions of this chapter, shall possess the duties, powers and functions of an assembly district leader or an associate assembly district leader. In such event the provisions of this section shall not apply to the members of the state committee but upon [~~his~~] **their** election as a member of the state committee, such person shall be deemed to have also been elected as an assembly district leader or an associate assembly district leader.

§ 4. Section 2-122 of the election law, as amended by chapter 177 of the laws of 1978, is amended to read as follows:

§ 2-122. National party conventions; delegates, election. Delegates and alternates to a national convention of a party shall be elected from congressional districts, or partly from the state at large and partly from congressional districts, as the rules of the state committee may provide. Such delegates and alternates from the state at large shall be

elected by the state committee or by a state convention of the party, as the rules of the state committee shall prescribe. If the rules of a national party provide for [~~equal~~] representation [~~of the sexes~~] by gender among delegates elected from districts, such district delegates shall be elected separately by [~~sex~~] gender. District delegates and alternates to national party conventions and delegates, and alternates, if any, to such a state convention shall be elected at a primary. All delegates and alternates to a national party convention shall be enrolled members of such party. When any such rule provides for [~~equal~~] representation [~~of the sexes~~] by gender, the designating petitions and primary ballots shall list candidates for such party positions separately by [~~sex~~] gender marker. In providing for such representation, the party shall establish rules that provide for the ability of individuals who do not exclusively identify as a binary gender to serve as delegates and which respect individuals' gender identity.

§ 5. Paragraph c of subdivision 3 of section 5-504 of the election law, as amended by chapter 659 of the laws of 1994, is amended to read as follows:

c. The board of elections maintains, as a public record, at the appropriate office of the board, a complete and current alphabetized list of all registered voters, including voters in inactive status, which contains next to each voter's name at least the following information: address, town or city, assembly district where appropriate, election district, registration serial number, party enrollment, date of registration, [~~sex~~] gender, date of birth and, if the voter is in inactive status, an indication of that fact.

§ 6. Subdivision 7 of section 7-116 of the election law, as added by chapter 173 of the laws of 2017, is amended to read as follows:

7. Whenever a county board of elections or the board of elections in the city of New York must conduct a primary election in the respective county or the city of New York in which separate contests for [~~both male and female~~] candidates of different genders for the same party position are to be printed upon the ballots, and when rules require these positions be listed separately on the ballot, the respective county board of elections or the board of elections in the city of New York shall determine by lot [~~whether to first print the contest for the male candidates or the contest for the female candidates. After such determination, the same order shall be used for all ballots printed by the board of elections for the entire county or city of New York and for all contests where there are elections separated by male and female candidates for the same party position.~~] the order of the various gendered contests. This lottery will be conducted separately for each election that is separated by the gender.

§ 7. Section 3-102 of the election law is amended by adding a new subdivision 18 to read as follows:

18. promulgate rules and regulations to provide for the ability of individuals who do not exclusively identify as a binary gender to run for positions elected in gendered contests which respect the individuals' gender identity.

§ 8. This act shall take effect immediately.