

# STATE OF NEW YORK

6901--B

2021-2022 Regular Sessions

## IN SENATE

May 20, 2021

Introduced by Sens. MYRIE, RAMOS, GIANARIS, HOYLMAN, JACKSON, MAY, RIVERA, SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to including individuals who do not identify exclusively as a binary gender in eligibility for party positions

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

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

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

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

15 2. If[, ~~pursuant to section one of article thirteen of the constitu-~~  
16 ~~tion,~~] such committee or a state convention of the party shall provide  
17 by rule for [~~equal~~] representation [~~of the sexes~~] by gender on such  
18 committee, the rules of such committee relative to additional members,  
19 either from election districts or at large, shall be formulated and  
20 applied in such manner that the whole membership shall [~~consist of an~~

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

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1 ~~even number, equally~~] be divided [~~between the sexes~~] among genders as  
2 provided by the rules of such committee. When any such rule provides for  
3 [~~equal~~] such representation [~~of the sexes~~], the designating petitions  
4 and primary ballots shall list candidates for such party positions sepa-  
5 rately by [~~sexes~~] gender marker. In providing for such representation,  
6 such committee shall establish rules that provide for the ability of  
7 individuals who do not exclusively identify as a binary gender to serve  
8 as members and which respect individuals' gender identity.

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

11 2. In the city of New York there shall be the party positions of  
12 assembly district leaders or, if the rules of the county committee shall  
13 so provide, one assembly district leader and one associate assembly  
14 district leader. Outside the city of New York there shall be such posi-  
15 tions when the rules of the county committee shall so provide. Such  
16 leaders shall be elected at primary elections as herein provided, within  
17 every county in such city for each assembly district, or for each part  
18 of an assembly district within such county as may be designated for the  
19 purpose in the rules of the county committee, and in every county of the  
20 state outside of such city where the rules so provide, for such assembly  
21 district or part thereof within such county as may be designated in such  
22 rules for the purpose. Such assembly district leaders or such assembly  
23 district leader and associate assembly district leader shall be of  
24 [~~opposite sexes~~] different genders, if the rules of the county committee  
25 shall so provide, and shall be enrolled voters of the party residing  
26 within the assembly district and, if the rules of the county committee  
27 shall so provide, within the part of the assembly district for which  
28 they are to be elected, and shall be elected at the same primary  
29 election and for the same term as members of the county committee. When  
30 any such rule provides for [~~equal~~] representation [~~of sexes~~] by gender,  
31 the designating petitions and primary ballots shall list candidates for  
32 such party positions separately by [~~sexes~~] gender marker. In providing  
33 for such representation, the county committee shall establish rules that  
34 provide for the ability of individuals who do not exclusively identify  
35 as a binary gender to serve as district leader and which respect indi-  
36 viduals' gender identity. Each shall perform such duties, powers and  
37 functions as the rules of the county committee may prescribe. Vacancies  
38 in such positions shall be filled by the members of the county committee  
39 within the assembly district or part thereof, as the case may be, until  
40 the first primary election following the creation of such vacancy or  
41 vacancies for which the period for circulating designating petitions  
42 ends at least seven days after the creation of such vacancy or vacan-  
43 cies, at which time the successor or successors shall be directly  
44 elected as herein provided. Assembly district leaders and associate  
45 assembly district leaders shall automatically be members and shall have  
46 the right to participate and vote in meetings of the county committee or  
47 any subcommittee thereof. The county committee may provide by its rules  
48 that the members of the state committee, elected in accordance with the  
49 provisions of this chapter, shall possess the duties, powers and func-  
50 tions of an assembly district leader or an associate assembly district  
51 leader. In such event the provisions of this section shall not apply to  
52 the members of the state committee but upon [~~his~~] their election as a  
53 member of the state committee, such person shall be deemed to have also  
54 been elected as an assembly district leader or an associate assembly  
55 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]~~ 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 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. In no case shall the board of elections promul-

1 gate rules that are inconsistent with a system that requires individuals  
2 filing for candidacy to self-identify their gender marker as "M", "F",  
3 or "X", requires all candidates to run in a single race, and maintains  
4 requirements for gender diversity.  
5 § 8. This act shall take effect immediately.