

# STATE OF NEW YORK

7933--C

2021-2022 Regular Sessions

## IN ASSEMBLY

June 1, 2021

Introduced by M. of A. GONZALEZ-ROJAS, EPSTEIN, HEVESI, BICHOTTE HERMELYN, SIMON, O'DONNELL, BURDICK, PAULIN, GLICK, SEAWRIGHT, DICKENS, SILLITTI, GOTTFRIED, GALLAGHER, ZINERMAN, TAYLOR, BURGOS, J. D. RIVERA, MAMDANI, FORREST, GALEF, CARROLL, DAVILA, CRUZ, NIOU, BRONSON, CLARK -- read once and referred to the Committee on Election Law -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Election Law in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, 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:

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

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1 2. If [ ~~, pursuant to section one of article thirteen of the constitu-~~  
2 ~~tion,~~] such committee or a state convention of the party shall provide  
3 by rule for [~~equal~~] representation [~~of the sexes~~] by gender on such  
4 committee, the rules of such committee relative to additional members,  
5 either from election districts or at large, shall be formulated and  
6 applied in such manner that the whole membership shall [~~consist of an~~  
7 ~~even number, equally~~] be divided [between the sexes] among genders as  
8 provided by the rules of such committee. When any such rule provides for  
9 [~~equal~~] such representation [~~of the sexes~~], the designating petitions  
10 and primary ballots shall list candidates for such party positions sepa-  
11 rately by [~~sexes~~] gender marker. In providing for such representation,  
12 such committee shall establish rules that provide for the ability of  
13 individuals who do not exclusively identify as a binary gender to serve  
14 as members and which respect individuals' gender identity.

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

17 2. In the city of New York there shall be the party positions of  
18 assembly district leaders or, if the rules of the county committee shall  
19 so provide, one assembly district leader and one associate assembly  
20 district leader. Outside the city of New York there shall be such posi-  
21 tions when the rules of the county committee shall so provide. Such  
22 leaders shall be elected at primary elections as herein provided, within  
23 every county in such city for each assembly district, or for each part  
24 of an assembly district within such county as may be designated for the  
25 purpose in the rules of the county committee, and in every county of the  
26 state outside of such city where the rules so provide, for such assembly  
27 district or part thereof within such county as may be designated in such  
28 rules for the purpose. Such assembly district leaders or such assembly  
29 district leader and associate assembly district leader shall be of  
30 [~~opposite sexes~~] different genders, if the rules of the county committee  
31 shall so provide, and shall be enrolled voters of the party residing  
32 within the assembly district and, if the rules of the county committee  
33 shall so provide, within the part of the assembly district for which  
34 they are to be elected, and shall be elected at the same primary  
35 election and for the same term as members of the county committee. When  
36 any such rule provides for [~~equal~~] representation [~~of sexes~~] by gender,  
37 the designating petitions and primary ballots shall list candidates for  
38 such party positions separately by [~~sexes~~] gender marker. In providing  
39 for such representation, the county committee shall establish rules that  
40 provide for the ability of individuals who do not exclusively identify  
41 as a binary gender to serve as district leader and which respect indi-  
42 viduals' gender identity. Each shall perform such duties, powers and  
43 functions as the rules of the county committee may prescribe. Vacancies  
44 in such positions shall be filled by the members of the county committee  
45 within the assembly district or part thereof, as the case may be, until  
46 the first primary election following the creation of such vacancy or  
47 vacancies for which the period for circulating designating petitions  
48 ends at least seven days after the creation of such vacancy or vacan-  
49 cies, at which time the successor or successors shall be directly  
50 elected as herein provided. Assembly district leaders and associate  
51 assembly district leaders shall automatically be members and shall have  
52 the right to participate and vote in meetings of the county committee or  
53 any subcommittee thereof. The county committee may provide by its rules  
54 that the members of the state committee, elected in accordance with the  
55 provisions of this chapter, shall possess the duties, powers and func-  
56 tions of an assembly district leader or an associate assembly district

1 leader. In such event the provisions of this section shall not apply to  
2 the members of the state committee but upon ~~[his]~~ their election as a  
3 member of the state committee, such person shall be deemed to have also  
4 been elected as an assembly district leader or an associate assembly  
5 district leader.

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

8 § 2-122. National party conventions; delegates, election. Delegates  
9 and alternates to a national convention of a party shall be elected from  
10 congressional districts, or partly from the state at large and partly  
11 from congressional districts, as the rules of the state committee may  
12 provide. Such delegates and alternates from the state at large shall be  
13 elected by the state committee or by a state convention of the party, as  
14 the rules of the state committee shall prescribe. If the rules of a  
15 national party provide for ~~[equal]~~ representation ~~[of the sexes]~~ by  
16 gender among delegates elected from districts, such district delegates  
17 shall be elected separately by ~~[sex]~~ gender. District delegates and  
18 alternates to national party conventions and delegates, and alternates,  
19 if any, to such a state convention shall be elected at a primary. All  
20 delegates and alternates to a national party convention shall be  
21 enrolled members of such party. When any such rule provides for ~~[equal]~~  
22 representation ~~[of the sexes]~~ by gender, the designating petitions and  
23 primary ballots shall list candidates for such party positions separate-  
24 ly by ~~[sex]~~ gender marker. In providing for such representation, the  
25 party shall establish rules that provide for the ability of individuals  
26 who do not exclusively identify as a binary gender to serve as delegates  
27 and which respect individuals' gender identity.

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

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

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

41 7. Whenever a county board of elections or the board of elections in  
42 the city of New York must conduct a primary election in the respective  
43 county or the city of New York in which separate contests for ~~[both male~~  
44 ~~and female]~~ of different genders for the same party position  
45 are to be printed upon the ballots, and when rules require these posi-  
46 tions be listed separately on the ballot, the respective county board of  
47 elections or the board of elections in the city of New York shall deter-  
48 mine by lot ~~[whether to first print the contest for the male candidates~~  
49 ~~or the contest for the female candidates. After such determination, the~~  
50 ~~same order shall be used for all ballots printed by the board of~~  
51 ~~elections for the entire county or city of New York and for all contests~~  
52 ~~where there are elections separated by male and female candidates for~~  
53 ~~the same party position.]~~ the order of the various gendered contests.  
54 This lottery will be conducted separately for each election that is  
55 separated by gender.

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

3 18. promulgate rules and regulations to provide for the ability of  
4 individuals who do not exclusively identify as a binary gender to run  
5 for positions elected in gendered contests which respect the individ-  
6 uals' gender identity. In no case shall the board of elections promul-  
7 gate rules that are inconsistent with a system that requires individuals  
8 filing for candidacy to self-identify their gender marker as "M", "F",  
9 or "X", requires all candidates to run in a single race, and maintains  
10 requirements for gender diversity.

11 § 8. This act shall take effect immediately.