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REBECCA A. SEAWRIGHT
76th District



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Task Force on Women's Issues

July 26, 2024

New York State Board of Elections
40 North Pearl Street
Suite 5
Albany, NY 12207

Dear Members of the Board:

We, the undersigned members of the New York State Assembly, write to submit public comments regarding the draft language for ballot Proposal One. This proposal will be the first ballot measure voted on since the “plain language” legislation passed in 2023. The New York State Board of Elections must follow Election Law 4-108 requiring the language to score at an Automated Readability Index score of 8 or below, the equivalent of an 8th grade reading level.

Currently, the proposed language for Proposal One is scored by the New York State Board of Elections as a 14, indicating the language is not at an eighth-grade reading level, but at a college-graduate level. A staggering 20% of our population, 3.9 million adults in New York lack English language proficiency, basic literacy, or a high school diploma. That means many voters are being kept at a disadvantage when they enter the voting booth. Ballot language must be accessible to all voters who are being asked to vote “yes” to accept the amendment or “no” to reject the amendment. At the same time, voters must understand that Proposal One protects New Yorkers from discrimination based on ethnicity, national origin, age, disability, and sex, including sexual orientation, gender identity, gender expression, pregnancy, pregnancy outcomes, and reproductive healthcare and autonomy. Please consider our recommendations for achieving these goals.

We assert that certain legislative language will be difficult for voters to discern its practical impact, especially for voters who will be first introduced to the amendment at the polls. The terms “reproductive healthcare and autonomy” and “sexual orientation and gender identity” in the draft ballot language represent two of the amendment’s most consequential aspects yet are not written in plain language and could be misunderstood. The Equal Rights Amendment was passed in response to the U.S. Supreme Court overturning of *Roe v. Wade* and its elimination of the federal right to abortion, with the explicit purpose of bolstering protection of abortion rights at the state level, as well as establishing protection from discrimination for other classes of NYS residents.

Upon reviewing the draft ballot proposal and considering the context for this constitutional amendment, we respectfully submit the following alternative language for your consideration. The proposed language incorporates more commonly used terms to describe the protected classes and eliminates potentially confusing legislative terminology, earning it an ARI score of 8. Of particular importance, the proposed language includes the terms “abortion” and “LGBT”:

Adds Certain Protections to the State Bill of Rights

Changes the State Constitution to protect more people from unfair treatment. Covers where they come from, their age, disability, sex, LGBT identity, pregnancy, and abortion choices.

A “YES” vote adds these protections to the State Constitution.

A “NO” vote leaves them out.

Sincerely,



REBECCA A. SEAWRIGHT

Fred W. Thiele
Assembly Member,
1st District

Steve Stern
Assembly Member,
10th District

Kimberly Jean-Pierre
Assembly Member,
11th District

Charles D. Lavine
Assembly Member,
13th District

Gina L. Sillitti
Assembly Member,
16th District

Andrew Hevesi
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Steven Raga
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Jessica González-Rojas
Assembly Member,
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Jenifer Rajkumar
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73rd District

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75th District

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MaryJane Shimsky
Assembly Member, 92nd
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Dana Levenberg
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95th District

Aileen M. Gunther
Assembly Member, 100th
District

Sarahana Shrestha
Assembly Member, 103rd
District

Patricia Fahy Assembly
Member,
109th District

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123rd District

Dr. Anna R. Kelles
Assembly Member, 125th
District

Al Stirpe Assembly
Member, 127th District

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Member, 135th District

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Assembly Member, 137th
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Assembly Member, 143rd
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Assembly Member, 146th
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