



NEW YORK
CITY BAR

COMMITTEE REPORTS

Prop 1 (New York Equal Rights Amendment): What the Amendment Will and Won't Do

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On November 5 New Yorkers will have the opportunity to vote on an amendment to the New York Constitution: Proposal 1, the Equal Rights Amendment (aka Prop 1).

Prop 1 will be listed on the back of the ballot, so voters need to flip over their ballots to vote on Prop 1.

WHAT PROP 1 WILL DO

- **WILL establish constitutional protections against discrimination** based on *ethnicity, national origin, age, disability, and sex*—including *sexual orientation, gender identity, gender expression, pregnancy and pregnancy outcomes, and reproductive healthcare and autonomy*. These protections would be in addition to the current explicit protections against racial and religious discrimination under the State Constitution. When a right is

established in the Constitution, it is protected from future legislation that might put it at risk.

- **WILL protect abortion rights and access to reproductive healthcare, including birth control and IVF**, by preventing future State laws banning abortion and/or punishing or prosecuting pregnancy outcomes like miscarriages. Prop 1, which received first passage by the State Legislature in the immediate aftermath of the Supreme Court's decision overturning *Roe v. Wade*, does not use the term "abortion" specifically, but this protection is unequivocally covered by the language of the amendment.
- **WILL protect LGBTQ+ New Yorkers** by preventing future State laws from rolling back current LGBTQ+ rights to equal treatment.
- **WILL protect older, disabled, pregnant and LGBTQ+ New Yorkers** from government discrimination in hiring, pay, and promotion.
- **WILL ensure that older and disabled New Yorkers have the access** they need to vote and to use public spaces and facilities.
- **WILL prevent discrimination against all individuals** and clarify that the amendment cannot be used as a basis for attacking programs that are battling discrimination.

WHAT PROP 1 WILL NOT DO

- **WILL NOT impact parental rights.** Prop 1 does not address parental rights, which are governed by other developed areas of State and federal law. Prop 1 does not change existing law with respect to parental consent, or parents' ability to be involved in decision-making about healthcare or medical procedures for their minor children, including gender-affirming care.
- **WILL NOT change current law with respect to participation on sports teams.** Prop 1 prohibits discrimination on the basis of gender identity and gender expression. Prop 1 does not change existing law and has no explicit provision relating to participation on sports teams. Prop 1 is consistent with Title IX, the controlling federal law that has already been interpreted by federal courts to require young people to play on sports teams that match their gender identity and expression.
- **WILL NOT impact or change the qualifications for voting.** A separate part of the State Constitution governs qualifications for voting based on citizenship status. Prop 1 does not enfranchise any new classes of voters.