



**UNITED
NEIGHBORHOOD
HOUSES**

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Comment of United Neighborhood Houses
On the Language of Ballot Proposal One, the Equal Rights Amendment

July 25, 2024

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

Dear Members of the Board:

Ballot initiatives are a direct form of civic engagement where voters can add their voice to the law-making process. When voters in New York State have an opportunity to support or reject changes to New York's laws that will impact their lives, it is critical that they are able to fully comprehend the proposals before them.

United Neighborhood Houses (UNH) has led efforts to expand and protect the power of voting for decades, most recently supporting reforms such as early voting and automatic voter registration. We've led extensive nonpartisan Get Out The Vote efforts with our member settlement houses each year, working to educate and mobilize voters. All of these efforts are rooted in our philosophy that civic engagement strengthens communities. With strong voter participation we can have government leaders who advocate for the interests of their communities. Making the ballot easier to understand is essential to that goal.

That is why UNH supported the passage of the Plain Language Law that requires ballot initiatives to be written and presented to voters in a simple yes or no format with easily understood language. Since the Plain Language Law was enacted in 2023, Election Law 4-108 now requires the Board Of Elections (BOE) to clearly and accurately describe the practical impact of the amendment and achieve an Automated Readability Index (ARI) score of eight or below. Proposal Number One, the Equal Rights Amendment that will appear on the 2024 November ballot, will test this new law. It is imperative to uphold the Plain Language Law and use its initial implementation to establish a solid precedent.

UNH urges the Board of Elections to reconsider its draft language of Proposal One, the Equal Rights Amendment. As it is currently written, the draft ballot measure language explaining the intent of the Equal Rights Amendment may be confusing or misleading. The BOE has acknowledged that the ARI score of 14 "represents the New York State Board of Elections' best efforts to present the details" of the proposed amendment, and has stated that, "...enacting legislation for the Proposition includes a list of protected classes, all of which would be added to the Constitution if approved. These terms must all be included in the Proposition language to ensure voters are fully informed of the proposed additions." We appreciate that BOE has included all of the protected classes in the ballot measure text; however, Election Law 4-108 does not

stipulate that the exact language of the policy change must be incorporated in the ballot language. In fact, the law states that the change in policy must be written in plain, “easily comprehended” language.

Plain language requirements are designed to benefit voters by ensuring that the language used to describe the intent of the proposal is clear and easy to understand. The purpose of the Equal Rights Amendment is to amend the State Constitution to expand the State’s equal protection law by banning discrimination based on age, ethnicity, sexual orientation and gender, and to guarantee access to reproductive care, including abortion. However, the current draft text of Proposal One fails to reference abortion in its list of classifications that fall under the protection of the Equal Rights Amendment.

Further, certain legislative language will not be apparent to voters, many of whom will see the ballot measure for the first time when they vote. Terms such as “anti-discrimination provisions” and “reproductive autonomy” are examples of language that may be confusing or misunderstood. We strongly urge the BOE to provide plain language alternatives to legislative terminology, which will help to achieve a readability score that is closer to eight.

UNH submits the following ballot language for the BOE to consider as a replacement for its current text description of Ballot Proposal One. The alternate language proposed below is identical to the recommendation put forth by 32 members of the New York State Senate ([Senator Liz Krueger, et al.](#), 22 July 2024).

Proposal Number One: Alternate Ballot Language

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.*

Thank you for the opportunity to provide comments and for your consideration. For questions, please contact Lena Cohen, Senior Director of Civic Engagement, at lcohen@unhny.org.

Sincerely,

Susan Stamler
Executive Director
United Neighborhood Houses of New York