



THE PROBLEM

Our state constitution does not protect all of us.

Our New York State Constitution is wholly inadequate when it comes to equality and protections against discrimination. As we reckon with the realities of how our systems – judicial, criminal, economic, educational to name a few - perpetuate our long history of racism, misogyny and discrimination, we must boldly pursue an amendment to our constitution that will contain both broad protections and the tools needed to pursue true equality through our court system.

Our state constitution fails to advance equality in two important ways:

1. It is ineffective.

It is incredibly hard to bring forward a successful claim of discrimination under our State Constitution. You must prove the discrimination was intentional – that a law or policy was enacted intending to discriminate. This is a very high standard that is almost impossible to meet, because often

discrimination happens not through intent, but through impact – a law or policy impacts individuals in a way that is discriminatory, even if it wasn't intended to.

2. It is incomplete.

Our NYS Constitution fails to prohibit discrimination against groups that have been historically targeted, including those with disabilities, LGBTQ+ individuals, immigrants, women and pregnant people.

THE SOLUTION

Pass a constitutional Equality Amendment.

Passing **S.8797A (Krueger)/A.10468A (Seawright)** will begin the process needed to add a new section to our state constitution that would provide robust protections against discrimination that work effectively to hold our state and its institutions accountable for dismantling systemic discrimination.



Adding an Equality Amendment to our state constitution would:

- broadly prohibit discrimination on the basis of race, color, ethnicity, national origin, disability, or sex including pregnancy and pregnancy outcomes, sexual orientation, gender identity, and gender expression.
- provide tools to dismantle structural discrimination by prohibiting not only acts of intentional discrimination but also policies and practices that have a discriminatory impact.
- explicitly include language to clarify that discrimination based on a person's pregnancy or pregnancy outcome is sex discrimination – this is crucial given the national trend of criminalizing people for various pregnancy outcomes, as well as the likely outcome of pending Supreme Court cases that are poised to upend abortion and contraception rights, and the rights of pregnant people.

HOW WILL WE DO IT?

First, pass the bill in 2022.

It is critical that we advance an inclusive Equality Amendment this legislative session.

- To amend our state constitution, we must pass this legislation in two, separately elected legislatures for it to go on the ballot for approval by NY voters in 2024.
- If we do not pass **S.8797A/A.10468A** by August of 2022, the earliest the amendment could be on the ballot is 2026. We can't afford to wait four more years to advance equality for New Yorkers, especially with a U.S Supreme Court poised to roll back some of our most fundamental rights.
- The New York State Constitution is a foundational document that defends our fundamental rights. We must fight to ensure it reflects and protects all of us – and for that to occur it needs to be amended.

**Urge lawmakers to pass a
broad and inclusive Equality
Amendment (S.8797A/A.10468A)
this legislative session.**
