



The Coalition to Protect Kids  
NEW YORK

**DEFEATING**  
**THE NEW YORK STATE**  
**PARENT REPLACEMENT ACT**

PAID FOR BY THE COALITION TO PROTECT KIDS-NY



## WHO WE ARE

The Coalition to Protect Kids-NY is a non-partisan ballot issue committee registered with the New York State Board of Elections. We are comprised of New Yorkers from all walks of life dedicated to defeating Prop One, the so-called Equal Rights Amendment or as we call it, the **Parent Replacement Act**, to the New York State Constitution.



# KNOW THE FACTS

Article 1, Section 11 of the New York State Constitution, the anti-discrimination provision, reads as follows:

*“No person shall, because of race, color, creed or, religion, be subjected to any discrimination in his or her civil rights by any other person or by any firm, corporation, or institution, or by the state or any agency or subdivision of the state.”*





## WHAT IS PROP ONE?

Prop One would amend the State Constitution to say that laws and entities cannot discriminate on the basis of new categories such as:

**AGE, SEX, GENDER IDENTITY, GENDER EXPRESSION, and REPRODUCTIVE HEALTHCARE AND AUTONOMY.**

The amendment is up for a statewide popular vote on this year's general election ballot on November 5th.





# PROPOSED CHANGES

§ 11. A. No person shall be denied the equal protection of the laws of this state or any subdivision thereof. No person shall, because of race, color, **ETHNICITY, NATIONAL ORIGIN, AGE, DISABILITY**, creed [or], religion, **OR SEX, INCLUDING SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, PREGNANCY, PREGNANCY OUTCOMES, AND REPRODUCTIVE HEALTHCARE AND AUTONOMY**, be subjected to any discrimination in [his or her] **THEIR** civil rights by any other person or by any firm, corporation, or institution, or by the state or any agency or subdivision of the state, **PURSUANT TO LAW**.

**B. NOTHING IN THIS SECTION SHALL INVALIDATE OR PREVENT THE ADOPTION OF ANY LAW, REGULATION, PROGRAM, OR PRACTICE THAT IS DESIGNED TO PREVENT OR DISMANTLE DISCRIMINATION ON THE BASIS OF A CHARACTERISTIC LISTED IN THIS SECTION, NOR SHALL ANY CHARACTERISTIC LISTED IN THIS SECTION BE INTERPRETED TO INTERFERE WITH, LIMIT, OR DENY THE CIVIL RIGHTS OF ANY PERSON BASED UPON ANY OTHER CHARACTERISTIC IDENTIFIED IN THIS SECTION.**





# DIVING DEEPER

Let's take a moment to review some key takeaways about what it means to be able to “discriminate” based on things like age and gender identity, and what some possible legal ramifications might be that gut parental rights as we know it.



# KEY TAKEAWAYS

- The New York State government could have more authority than parents in making medical and other important decisions for children.
- Children under the age of 18 could have the right to irreversible surgical and non-surgical transgender procedures without parental notice or approval.
- The amendment could legalize on demand late-term abortion or abortion without restrictions during the second and third trimester of pregnancy, including for minors.

# KEY TAKEAWAYS

- Schools could be banned from disclosing to parents that their children are becoming transgender.
- Biological males could be allowed to compete against biological females in school sports without restrictions.
- Protections for churches and other religious organizations and non-profits could be eroded regarding beliefs that run contrary to newly-created 'rights' in the ERA.



# KEY TAKEAWAYS

New York State is a cultural and legislative 'leader' in the United States.

**What happens in New York impacts the rest of the nation, and even the world.**

# THE PROOF IS IN THE PUDDING

Current bills sitting in the NYS legislature positioned to pass and be upheld if voters approve the ERA include:

**A6761** : Allows minors to make their own medical decisions without parental knowledge or consent.

**S762A / A276B** : Provides treatment for sexually transmitted diseases to minors without a parent's or guardian's consent.

**A4604** : Requires comprehensive sexuality instruction for students in grades K-12.



# **NYSED**

## **2023 Legal Update and Best Practices**

If voters approve the ERA, courts will be required to uphold the NYS Education Department's guidance regarding transgender students against challenges by concerned parents.



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

### **Creating a Safe, Supportive, and Affirming School Environment for Transgender and Gender Expansive Students:**

#### **2023 Legal Update and Best Practices**



# NYSED “BEST PRACTICES”

- ***“Students are not required to obtain parental/guardian consent or a court-ordered name and/or gender change before being addressed by their affirmed name and pronouns.”***
- ***“The student is in charge of their gender transition and the school’s role is to provide support.”***
- ***“Some TGE students have not talked to their families about their gender identity because of safety concerns or lack of acceptance and may begin their transition at school without parent/guardian knowledge.”***



# THE CONCERN WITH PARAGRAPH B

B. NOTHING IN THIS SECTION SHALL INVALIDATE OR PREVENT THE ADOPTION OF ANY LAW, REGULATION, PROGRAM, OR PRACTICE THAT IS DESIGNED TO PREVENT OR DISMANTLE DISCRIMINATION ON THE BASIS OF A CHARACTERISTIC LISTED IN THIS SECTION, NOR SHALL ANY CHARACTERISTIC LISTED IN THIS SECTION BE INTERPRETED TO INTERFERE WITH, LIMIT, OR DENY THE CIVIL RIGHTS OF ANY PERSON BASED UPON ANY OTHER CHARACTERISTIC IDENTIFIED IN THIS SECTION.

# UNDER PARAGRAPH B:

- Discrimination becomes a NY State constitutional right provided the discrimination is “designed to prevent or dismantle discrimination.”
- This embeds what is commonly referred to as “reverse discrimination” into the NY State Constitution.
- Discrimination against certain groups in order to protect other groups would be exempt from the sweeping protections of the current constitution and Paragraph A of the Amendment.
- Arguably, this would mean that the NY and NYC Human Rights Laws would be preempted merely by claiming the motivation was to “dismantle discrimination.”



# RECENT DEVELOPMENTS

- On May 7, 2024 the New York State Supreme Court ruled that Prop One was placed on the ballot unconstitutionally and must be removed thanks to a lawsuit from Assemblywoman Marjorie Byrnes.
- New York State Attorney General Letitia James filed a Notice of Appeal with the New York State Appellate Division, 4th Department, to try to resurrect Prop One. Oral arguments are scheduled for June 17.
- Given the composition of the courts and the very political nature of the amendment, it is no more than a 50/50 proposition that the Supreme Court decision will be affirmed.

# REGISTER TO VOTE

- Deadline to register is Oct. 26
- Online at [www.ny.gov](http://www.ny.gov)
- In person: At your local Board of Elections (BOE) or at participating NY State Agencies.

# STANDARD VOTING

- In-person on Election Day: Nov. 5, 2024
- 6:00 a.m. to 9:00 p.m.

# EARLY VOTING

Voters are provided with nine days to vote in person prior to Election Day. Early voting dates and hours of operation are provided by local County BOE.





# EARLY MAIL & ABSENTEE VOTING

In New York, you can vote early by mail and vote by absentee ballot starting Oct. 26!

- You can obtain an absentee ballot by checking box #15 on a standard voting registration application.
- You may also request an absentee ballot:
  - Online: Deadline is Oct. 26, 2024
  - Mail: Deadline Oct. 26, 2024 (Request-Applications must be received by Oct. 26)
  - In person: From your local BOE
  - Deadline: Nov. 4, 2024
- Early Mail Ballot Requests
  - Online: Deadline Oct. 26, 2024
  - Mail: Deadline Oct. 26, 2024 (Request-Applications must be received by Oct. 26)
  - In person: At your local BOE. Deadline Nov. 4, 2024

# TAKE ACTION

Visit [www.ProtectKidsNY.com](http://www.ProtectKidsNY.com) and sign up as a supporter.

Volunteer to make calls and knock on doors.

Donate or host a fundraiser.

Help organize an ERA educational event in your area. Reach out to [michele@protectkidsny.com](mailto:michele@protectkidsny.com).

Tell everyone you know about the destructive impacts of NY's ERA or as we call it, the Parent Replacement Act, and encourage them to VOTE NO on November 5, 2024.

