

# Libertarian Party of New York Urges a NO Vote on Proposal 1 “Equal Rights Amendment” in the 2024 General Election

*If passed, Proposal 1 would add many new anti-discrimination categories that goes beyond similar initiatives in other states.*

LAKE VIEW, NY, UNITED STATES,  
October 22, 2024 /EINPresswire.com/ --  
According to the Libertarian Party of New York (LPNY), voters should carefully review [Assembly Bill A1283](#),

the actual text modifications which would be placed into the NYS Constitution should proposal 1 pass.



If passed, Proposal 1 would add a wide array of new anti-discrimination categories, including ethnicity, national origin, age, disability, sex, sexual orientation, gender identity, gender expression, pregnancy, and reproductive healthcare. According to LPNY, this list goes beyond similar initiatives in other states, most of which are narrowly focused on abortion rights. Notably, New York's proposal avoids using the term “abortion” altogether.

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*LPNY Legislative Affairs  
Director Rich Purtell*

Legal Concerns and Case Precedents

According to LPNY, a key concern is the inclusion of "national origin" as a protected class. In 2021, New York City passed a law allowing non-citizens to vote in local elections, enabling approximately 800,000 new voters. This law was struck down in [Fossella v. Adams](#), where the court ruled that it was non-compliant with the New York State Constitution. However, LPNY states that if Proposal 1 passes, the protection of national origin could potentially overturn this decision by giving legal standing to non-citizens, thereby allowing them to vote in state and local elections.

Similarly, the inclusion of "age" as a protected class raises concerns about parental rights according to LPNY. Normally parents have authority over their minor until the age of emancipation and in rare cases judicial due process enables this before age 18. The broad inclusion of age as a category of non-discrimination could lead to expanded autonomy for minors in areas such as medical decisions, as seen in *Parham v. J.R.* (1979), where the Supreme Court acknowledged that parents have the primary role in child-rearing, but also opened the door for state intervention in specific cases ( <https://supreme.justia.com/cases/federal/us/442/584/> ). According to LPNY, amplifying age protections in the state constitution could further erode parental rights, particularly in areas such as gender identity and vaccination, where legislative battles are ongoing.

Section B of the proposal, which could lead to expanded affirmative action and quota systems in the private sector, also raises legal red flags according to LPNY. This section could be interpreted as enabling new mandates for hiring practices, potentially clashing with previous case law on affirmative action, such as the recent Supreme Court decision in *Students for Fair Admissions v. Harvard* (2023). In that case, the Court placed limits on race-based affirmative action in university admissions, signaling that such quota-based systems are legally vulnerable under the Equal Protection Clause of the Fourteenth Amendment. According to LPNY, Section B of Proposal 1 could lead to protracted legal challenges if it extends similar quota systems to the private sector.

From Libertarian Party Legislative Affairs Director Rich Purtell, "The enumerated classes of Age, Gender Identity, and National Origin are of greatest concern. Age could open the floodgates for many legislative bills which have already been presented in Albany year after year to allow for ease of access between corporate interests and minor children. Gender identity protection would increase the challenges of public schools to limit intrusion of boys into girls' sporting events. The national origin class could reinstate the 2021 NYC voting rights law. The proposal is too broad and too vague. The concept of equal rights for all is of course noble, but this bill would poorly execute the concept if passed."

## Conclusion

The LPNY sees Proposal 1 as being too risky and imprecise, opening the door to unintended legal consequences if passed. LPNY urges voters to vote NO on Proposal 1 and to stay vigilant as legislators work on revising the language for future consideration.

## About the Libertarian Party of New York

The Libertarian Party of New York (LPNY) advocates for individual liberty, minimal government, and the protection of personal freedoms. For more information, visit <https://lpny.org>.

Duane J. Whitmer, Chair  
Libertarian Party of New York

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