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ACR-260 Statutes: gender-neutral language: pronouns. (2017-2018)

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Assembly Concurrent Resolution No. 260

CHAPTER 190

Relative to gender-neutral language.

[Filed with Secretary of State September 05, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

ACR 260, Low. Statutes: gender-neutral language: pronouns.

This measure would encourage the Legislature to engage in a coordinated effort to revise existing statutes and introduce new legislation with inclusive language by using gender-neutral pronouns or reusing nouns to avoid the use of gendered pronouns. The measure would also encourage state agencies to engage in similar efforts to use gender-neutral pronouns and avoid the use of gendered pronouns when drafting policies, regulations, and other guidance.

Fiscal Committee: no

WHEREAS, California has the highest population of lesbian, gay, bisexual, and transgender (LGBT) people in the United States. It is often the legal "gold standard" for nondiscrimination policies and laws to protect LGBT individuals in the areas of employment, housing, and education, which other states often emulate in their own policies and laws; and

WHEREAS, One area that has come to the forefront in the last few years is the treatment in this state—and even in the state capitol—of transgender people and people who do not identify with the traditional gender binary; and

WHEREAS, Legislatively, this state has done much to address and protect the transgender and nonbinary community, but there are still things transgender and nonbinary people face daily, big and small, that undermine their recognition, representation, and very existence in society; and

WHEREAS, The drafting guidelines of the Office of Legislative Counsel direct drafting the language of legislation in a gender-neutral form. The implementation of the guidelines does an excellent job of reducing the amount of gendered language within codified and uncoded state statutes as legislation is introduced or amended; and

WHEREAS, Gendered language nonetheless persists in state statutes as many older provisions of codified law have not been amended or repealed and thus remain unchanged; and

WHEREAS, The use of the pronouns "he" or "she" for individuals is not inclusive of all transgender people, nonbinary people who may not ascribe to a particular or fixed gender, or people who otherwise use different pronouns; and

WHEREAS, One grammatical technique to avoid gendered pronouns is to reuse the noun in lieu of a pronoun. A number of states' drafting manuals for legislation recognize this style usage, including the manuals for this state, Connecticut, Montana, and North Dakota; and

WHEREAS, Other usages that address the issue include creating new words to serve as gender-neutral pronouns and expanding the use of the word “they” to include its use as a singular pronoun. The latter usage is becoming more widespread; and

WHEREAS, Certain writing style guides, including the “Chicago Manual of Style” and the Associated Press stylebook, have recently accepted the use of “they” as a singular pronoun in certain cases; and

WHEREAS, The use of “they” as a singular pronoun is inclusive of transgender or nonbinary persons in addition to persons of the male and female genders; and

WHEREAS, It should be a priority for this state to make sure that the language we use to draft our laws, applicable to all persons, recognizes and represents all persons; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature should engage in a coordinated effort to revise existing statutes and introduce new legislation with inclusive language by using gender-neutral pronouns or reusing nouns to avoid the use of gendered pronouns; and be it further

RESOLVED, That state agencies should engage in similar efforts to use gender-neutral pronouns and avoid the use of gendered pronouns when drafting policies, regulations, and other guidance; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the author for distribution.