

# Equal Rights Amendment

## Background and history of the Equal Rights Amendment

- Under current law, there is no federal constitutional provision that expressly guarantees equality on the basis of sex.
- Congress passed the ERA in 1972 and established an original ratification deadline of 1979.
- Thus far, 36 states have ratified the ERA out of 38 required to amend the Constitution.
- Though the deadline to pass the ERA has technically passed, a Supreme Court ruling, and the historical precedent of the 27<sup>th</sup> (aka “Madison Amendment”) shows that the deadline is discretionary.

## Passing the ERA in Nevada

- On March 22, 2017, Nevada voted to ratify the Equal Rights Amendment becoming the 36th state to do so. Nevada was the first state in four decades to ratify the ERA.
- There was some opposition to ratifying the ERA. Some argued that voting to ratify it was merely symbolic.

## History of the ERA in Illinois

- In May 2014, the Illinois Senate adopted the ERA, but it failed to advance to the House.
- Both chambers of the Illinois legislature have attempted to ratify the ERA in the past, including the House in 2003.
- In all instances, a majority of members voted in favor of ratification but the results were less than the 3/5s supermajority required for ratification by the Illinois state constitution.

## Current Equal Rights Amendment Legislation

SJRCA4 proposes to ratify the Equal Rights Amendment to the U.S. Constitution, making it the 28<sup>th</sup> Amendment. The text of the Equal Rights Amendment includes three provisions:

1. Equality of rights under law shall not be denied or abridged by the United States or any State on account of sex.
2. The Congress shall have the power to enforce by appropriate legislation the provisions of this article.
3. The Amendment shall take effect two years after the date of ratification.