



**ALICE PAUL
INSTITUTE**

Education. Empowerment. Equality.

128 Hooten Road (street)
PO Box 1376 (mail)
Mount Laurel, NJ 08054
(856) 231-1885
info@alicepaul.org
www.AlicePaul.org
www.EqualRightsAmendment.org

THE EQUAL RIGHTS AMENDMENT Two Routes to Ratification

Section 1. *Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.*

Section 2. *The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.*

Section 3. *This amendment shall take effect two years after the date of ratification.*

The Equal Rights Amendment (ERA), written by suffragist leader [Alice Paul](#), was first proposed and introduced in Congress in 1923. It was **passed by Congress in 1972** and sent to the states with a seven-year ratification deadline, later extended to June 30, 1982. However, by that date the ERA had received only **35 of the necessary 38 state ratifications**. The ERA has been **reintroduced in every session of Congress** since that time.

According to the **traditional ratification process** outlined in Article V of the Constitution, constitutional amendments must be passed by a two-thirds majority in both the Senate and the House of Representatives and sent to the states for ratification by legislatures or constitutional conventions in three-quarters (38) of the states.

The “three-state strategy,” an alternative route to ERA ratification, was developed after the 27th (“Madison”) Amendment, passed by Congress in 1789, was added to the Constitution in 1992. ERA supporters contend that since this 203-year ratification period was accepted, the ERA’s state ratifications remain **“sufficiently contemporaneous”** (as required by a 1921 Supreme Court decision), and Congress can extend the deadline since it altered the ERA’s original time limit. **“The Equal Rights Amendment: Why the ERA Remains Legally Viable and Properly Before the States”** (Allison Held *et al.*, *William & Mary Journal of Women and the Law*, Spring 1997) provides legal analysis for **keeping alive the 35 state ratifications** received from 1972-1977 and **accepting new state ratifications** occurring after 1982. State votes to **rescind their ratifications** have never been legally recognized as valid. The federal **Congressional Research Service** in its ERA reports in 1996, 2014, and 2017 has concluded that the Madison Amendment has implications for the three-state strategy.

Since 1995, **ERA ratification bills** to advance the three-state strategy have been introduced in 14 (Arizona, Arkansas, Florida, Georgia, Illinois, Louisiana, Mississippi, Missouri, Nevada, North Carolina, Oklahoma, South Carolina, Utah, and Virginia) of the 15 unratified states. (Alabama has never introduced a ratification bill.) Legislatures in two of those states (Nevada, 2017; Illinois, 2018) have now ratified the ERA, and only one more state approval is needed to meet the required goal.

A **2016 poll** for the ERA Coalition/Fund for Women’s Equality found that **94% of Americans** believe men and women should have equal rights affirmed by the Constitution. However, **80% of those polled** mistakenly believe that the Constitution already guarantees men and women equal rights.

For further information, see www.equalrightsamendment.org and www.eracoalition.org.

Roberta W. Francis, ERA Education Consultant, Alice Paul Institute

February 2019