



THE OFFICE OF STATE SENATOR HEATHER A. STEANS  
7<sup>TH</sup> DISTRICT

## The 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.
- Sex discrimination claims are currently analyzed under the Equal Protection Clause of the 14<sup>th</sup> Amendment. However, that clause has never been interpreted to guarantee equal rights in the same way the ERA would.
- Federal laws such as the Equal Pay Act and Title IX that provide some legal protection against discrimination on the basis of sex can be repealed by a simple majority in Congress and the Executive Branch can reduce its enforcement efforts. Ratifying the ERA would provide a strong legal defense against any such rollbacks.
- The ERA was initially introduced in Congress in 1923. Congress passed the ERA in 1972 and established an original ratification deadline of 1979. That deadline was later extended to 1982.
- Thus far 36 states have ratified the ERA out of 38 required to amend the constitution.
- On March 20, 2017, Nevada became the 36<sup>th</sup> state to ratify the Equal Rights Amendment. Nevada was the first state to ratify the ERA in four decades.
- Though the deadline to pass the ERA has technically passed, there are several legal arguments that ratification after the deadline is still valid.

### **History of the ERA in Illinois**

- Both chambers of the Illinois legislature have attempted to ratify the ERA in the past. In all instances, a majority of members voted in favor of ratifying the ERA but it failed to receive the three-fifths supermajority required by the Illinois state constitution.
- In May 2014, the Illinois Senate adopted the ERA (SJRCA 74), but it was not voted on in the House.
- The Illinois Senate also voted to ratify the ERA in May 1972, with a tally of 30 to 21; the House voted to ratify the ERA in May 1975, with a tally of 113 to 62; and again on May 21, 2003, with a tally of 76 to 41.

### **Current Equal Rights Amendment Legislation**

- SJRCA 4 proposes to ratify the Equal Rights Amendment to the U.S. Constitution, making it the 28<sup>th</sup> Amendment.
- SJRCA 4 includes three provisions:
  - Equality of rights under law shall not be denied or abridged by the United States or any State on account of sex.
  - The Congress shall have the power to enforce by appropriate legislation the provisions of this article.
  - The Amendment shall take effect two years after the date of ratification.