



THE FEDERAL EQUAL RIGHTS AMENDMENT

Fully Ratified and in the Home Stretch

With similar wording to Maryland’s state Equal Rights Amendment, the federal Equal Rights Amendment simply states, **“Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.”**

Status of the Federal Equal Rights Amendment

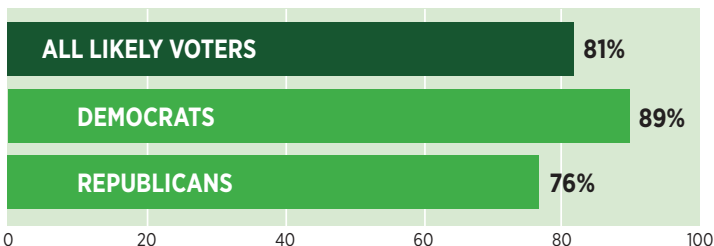
The federal ERA was passed by two-thirds of both houses of Congress in 1972 and was fully ratified by three-fourths of the States as of January 2020. According to Article V of the U.S. Constitution, **the ERA has met all requirements for a constitutional amendment.**

Why is the federal ERA needed now more than ever?

Due to last year’s Supreme Court decision overruling *Roe v. Wade*, 14th Amendment protections from discrimination for women and LGBTQ+ individuals have been substantially weakened, as the court determined the 14th Amendment was not intended to extend to sex equality. The ERA not only returns these protections, it clearly guarantees them and enshrines them as part of the Constitution. Specific to people of our state, absent the ERA in the U.S. Constitution, **federal laws could be enacted that jeopardize or eliminate rights that are guaranteed Marylanders by our state-level Equal Rights Amendment** including equal pay, contraception, abortion care, gender-affirming care, same-sex marriage and intimacy, among others.

Overwhelming Bi-Partisan Public Support

A substantial majority of likely voters support Congress taking action to affirm the federal Equal Rights Amendment regardless of the time limit contained in its preamble.



Data for Progress, 2022, bit.ly/dfpERA

Final Hurdle to Publication as the 28th Amendment

When the requisite number of states ratify a proposed amendment, the Archivist of the United States performs the ministerial duty of certifying the amendment is valid and proclaiming it as a new amendment to the U.S. Constitution. Three years after full state ratification, the Archivist has yet to perform these duties. President Biden has refrained from directing the Archivist to do so **until Congress removes the time limit contained in the amendment’s preamble and affirms the ERA is valid**, a hurdle above and beyond the requirements of Article V.

Why is the federal ERA an issue for state legislatures?

The U.S. Constitution intentionally makes both Congress and the States necessary and co-equal parties in the process to adopt a constitutional amendment. Both parties have completed their roles in the amendment process. When the federal government declines to affirm the validity of an amendment that has been duly ratified, as it is doing with the ERA, **this calls into question federal recognition of the power and authority of state legislatures.**

What measures can state legislators take to support federal certification of the ERA?

State legislatures are acting to urge the federal government to follow its constitutional mandate and recognize the ERA as the 28th Amendment to the Constitution. One measure they are using is an **ERA-affirming resolution, which makes a clear statement that the States affirm the validity of the ERA and expect Congress and the Biden Administration to do so.** Legislatures in California, Colorado, Hawaii, Illinois, and Minnesota have passed resolutions to affirm the ERA, and those in Georgia, Indiana, Massachusetts, New Jersey, New York, Ohio, and Tennessee have introduced ERA-affirming resolutions.



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