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SENATE JOINT RESOLUTION NO. 284

Offered January 9, 2019

Prefiled January 7, 2019

Ratifying the Equal Rights Amendment to the Constitution of the United States.

Patrons—Sturtevant, Dance, DeSteph, McClellan, Surovell, Saslaw, Barker, Boysko, Deeds, Dunnavant, Ebbin, Edwards, Favola, Hanger, Howell, Lewis, Locke, Lucas, Marsden, Mason, McPike, Petersen and Spruill; Delegates: Ayala, Carr, Carroll Foy, Convirs-Fowler, Guzman, Hope, Hurst, Keam, Kory, Levine, Lindsey, Mullin, Plum, Price, Rasoul, Robinson, Stolle, Torian, Toscano, Tran and Watts

Referred to Committee on Privileges and Elections

WHEREAS, a concurrent or joint resolution is a resolution adopted by both houses of a bicameral legislature, which does not require the signature of the chief executive, and a concurrent or joint resolution is sufficient for a state's ratification of an amendment to the Constitution of the United States; and

WHEREAS, suffragists with the National Woman's Party were imprisoned in the Commonwealth of Virginia for seeking equal treatment under the law; and

WHEREAS, Alice Paul, a co-founder of the National Woman's Party, wrote the current form of the Equal Rights Amendment to reflect the successful Nineteenth Amendment to the Constitution of the United States, which states: "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex"; and

WHEREAS, Article V of the Constitution of the United States provides that amendments "shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states"; and

WHEREAS, the founders of our nation did not include or favor further restrictions to the amending procedure of Article V; and

WHEREAS, the Madison Amendment was proposed by our first Congress, not ratified by three-fourths of the states until 1992, and certified as the Twenty-seventh Amendment to the Constitution of the United States, 203 years after it was proposed, providing precedent of a lengthy ratification period; and

WHEREAS, Nevada and Illinois ratified the Equal Rights Amendment on March 22, 2017, and May 30, 2018, respectively, thereby exercising those states' rights to ratify a constitutional amendment under Article V of the Constitution of the United States; and

WHEREAS, the restricting time limit for the Equal Rights Amendment ratification is in the resolving clause and is not a part of the amendment proposed by Congress; and

WHEREAS, when Congress passed a time extension for the Equal Rights Amendment on October 20, 1978, it demonstrated that a time limit in a resolving clause can be modified if it is not a part of the proposed amendment; and

WHEREAS, no proposed amendment ratified in accordance with Article V of the Constitution of the United States has been excluded from the Constitution; and

WHEREAS, constitutional equality for women and men continues to be a timely issue in the United States and worldwide, and a number of other nations have achieved constitutional equality for their women and men; and

WHEREAS, Virginia has been pivotal to incorporating fundamental rights into the Constitution of the United States, as when Virginia's ratification of 10 amendments in 1791 established the Bill of Rights; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly of the Commonwealth of Virginia hereby ratify and affirm the Equal Rights Amendment to the Constitution of the United States proposed by the United States Congress on March 22, 1972, and ratified by 37 state legislatures. The complete text of House Joint Resolution 208 proposing the Equal Rights Amendment follows:

HOUSE JOINT RESOLUTION 208

Proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as

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55 part of the Constitution when ratified by the legislatures of three-fourths of the several States within
56 seven years from the date of its submission by the Congress:

57 "Article—

58 "Section 1. Equality of rights under the law shall not be denied or abridged by the United States or
59 by any State on account of sex.

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

62 "Section 3. This amendment shall take effect two years after the date of ratification."; and, be it

63 RESOLVED FURTHER, That the Clerk of the Senate transmit certified copies of this joint
64 resolution to the President of the United States, the Speaker of the United States House of
65 Representatives, the President of the United States Senate, the members of the Virginia Congressional
66 Delegation, and the Archivist of the United States at the National Archives and Records Administration
67 of the United States.