



Ratify the Equal Rights Amendment The Issues

An Intersectional Approach to the ERA.....	1-2
Take Action: Unratified Target States.....	3-4
The Equal Rights Amendment: Start-Over Strategy.....	5
The Equal Rights Amendment: Three-State Strategy.....	6

AN INTERSECTIONAL APPROACH TO THE ERA



The Equal Rights Amendment (ERA) would ensure that gender equity is codified in the United States Constitution. Equality in pay, job opportunities, political structure, education, and health care (including reproductive health care)—in particular for women of color, women with disabilities and the LGBTQIA community—will remain an elusive dream without a guarantee in the U.S. Constitution. Some have asked whether the ERA explicitly includes intersectional and inclusive language. The National Organization for Women affirms that the broad language of the 1972 text (“Equality of rights under the law shall not be abridged ... on account of sex”) lends itself to an inclusive interpretation that centers marginalized communities. Below are examples of how the ERA can be interpreted or used to best support these communities.



THE ERA WOULD PROVIDE LEGAL PRECEDENT FOR GENDER EQUITY

The ERA provides constitutional precedent for legal action that benefits women. For example, if the ERA had been in place, employers like Hobby Lobby would not be able to single out women's health care and exclude birth control coverage from their employer-based plans. Interpreted through an intersectional lens, the Supreme Court decision disproportionately impacts low-income women. The ERA would codify reproductive rights in the Constitution and greatly support low-income women who are the first to lose access to affordable birth control when family planning services are reduced.





THE ERA WOULD LIMIT GENDER BIAS IN THE IMMIGRATION PROCESS

Women who apply for work visas are frequently denied because they are systematically excluded from what our immigration system deems as 'desirable' fields. The merit based system of visa allocation negatively affects women as they are less likely to have 'high demand' jobs in STEM fields. In addition, immigrant women are more likely to experience sexual assault and violence in the immigration process. With the ERA in place, there would be constitutional precedent to provide resources for women during the immigration process and shift the merit based system of visa allocation to be more inclusive of women.

THE ERA WOULD NARROW THE GENDER-RACE WAGE GAP

As we push for gender equity, the Gender-Race Pay Gap remains one of the most glaring and measurable examples of inequality. Not only do women make less than men overall but when disaggregated by race, the gap grows even further. Current wage equality legislation -such as the Lilly Ledbetter Fair Pay Act- are not enough to narrow the Gender-Race Pay Gap. The ERA would create a precedent for enduring and enforceable legislation that addresses the intersections of pay discrimination. Without constitutional protections, women will continue to face lifelong consequences of gender discrimination in the workplace.

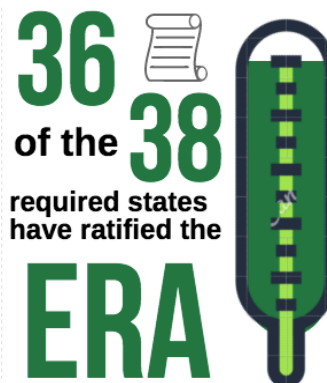


TAKE ACTION: UNRATIFIED TARGET STATES



THE "TWO-STATE" STRATEGY

On March 21, 2017, Nevada became the 36th state to ratify the ERA! Only two additional states are needed to achieve constitutional gender equity. This means that the Three-State Strategy is now technically the Two-State Strategy. We are closer to ratifying the ERA than we have been in over 30 years!



UNRATIFIED TARGET STATES

With this momentum, ERA activists in unratified states continue to clear a path for passage.

Virginia, Illinois, North Carolina, and Florida present strategic opportunities in terms of their prior attempts at ratification, political representation, and state legislature party composition.

BREAKING DOWN THE TARGET STATES

ILLINOIS

STATUS

The Illinois ERA (SJRC0004) passed the State Senate and is awaiting introduction in the House of Representatives.

CHALLENGES

Lawmakers in both the House of Representatives and Senate have approved the ERA, but never in the same year. The Senate endorsed it in 1972 and 2014, the House in 1975 and 2003.



VIRGINIA

STATUS

Has not been introduced in the current legislative session. In 2015, the ERA passed through the State Senate but was blocked in the House of Representatives.

CHALLENGES

The Virginia State House of Representatives is hostile toward the Equal Rights Amendment; this is due in part to a Republican Majority.



FLORIDA

STATUS

The Florida ERA (SCR 194) was introduced in 2015, but unfortunately died in the Judiciary Committee.

CHALLENGES

The Florida ERA has consistently been killed in the committee process and has not been presented for a floor vote in both the House and Senate simultaneously in over 15 years.



NORTH CAROLINA

STATUS

Has been introduced in the House of Representatives (HB102) and in the Senate (Senate Bill 85).

CHALLENGES

The General Assembly's rule on "crossover bills" between legislative sessions has slowed momentum. Despite having one-third of the House of Representatives listed as co-sponsors in 2015, ERA discussion was stifled, even at the committee level.



**RATIFY
THE
ERA**



WHAT CAN YOU DO?

CALL YOUR FEDERAL REPRESENTATIVES

Check out the National Action Program's Action Briefs on the Start-Over and Three-State Legislation for more information about Federal ERA action. Call the Capitol Switchboard to contact your Senators and Representative at **(202) 224-3121**.

CALL YOUR STATE REPRESENTATIVES

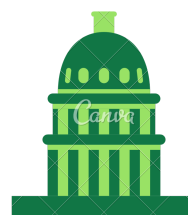
State Reps in target states need to hear from YOU to ratify the ERA!

Find your State Representatives in North Carolina: <http://bit.ly/1IPF5K8>

Find your State Representatives in Illinois: <http://bit.ly/1FGXlkj>

Find your State Representatives in Florida: <http://bit.ly/1C22yzX>

Find your State Representatives in Virginia: <http://bit.ly/11cFP77>

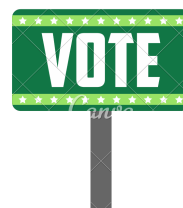


LOBBY FOR THE ERA

Meet with your Federal and State Representatives to express the importance of the ERA!

WORK TO ELECT WOMEN

Women comprise 40% of the Nevada General Assembly. It is likely that this gender composition played a role in ratifying the ERA. Volunteer to help women run and WIN elections in your community!



ENGAGE IN COMMUNITY COALITION WORK

When ratified, the ERA will support a wide range of issues that impact women. Reach out to community partners in the women's movement and other progressive organizations to build partnerships.



EDUCATE YOUR COMMUNITY

Talking with friends, and fellow activists about the ERA builds the movement! Check out the National Action Programs's brief on the Intersectional Approach to the ERA.



STAY UP TO DATE ON UNRATIFIED TARGET STATES

Illinois NOW: <http://ilnow.org/>

Virginia NOW: <http://vanow.org/ratify>

Illinois General Assembly, SJRCA004:
<http://bit.ly/2qzToe2>

Florida NOW: <http://flnow.weebly.com/>

North Carolina NOW: <https://northcarolinanow.wordpress.com/>

North Carolina ERA (HB102 and SB 85): <http://bit.ly/2lLa2sa>

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THE EQUAL RIGHTS AMENDMENT: START-OVER STRATEGY

NOW URGES THAT

U.S. Senators co-sponsor and vote "YES" on Senate Joint Resolution 6 to propose a constitutional amendment prohibiting the United States or any state from denying or abridging equal rights under the law on account of sex.

U.S. Representatives co-sponsor and vote "YES" on House Joint Resolution 33 to propose a constitutional amendment declaring that women shall have equal rights under the law.

OVERVIEW

The Equal Rights Amendment (ERA) ensures that gender equity is codified in the United States Constitution. Though passed by Congress in 1972, and ratified by 36 of the 38 States necessary for passage; the deadline for ratification passed in 1982. Senate Journal Resolution 6 and House Joint Resolution 33 seek to reintroduce the ERA as a proposed amendment to the United States Constitution, effectively restarting the ratification process.

WHY THE NEED FOR AN ERA?

Equality in pay, job opportunities, political structure, education, health care including reproductive health care, and education--in particular for women of color, women with disabilities and the LGBTQIA community--will remain an elusive dream without a guarantee in the U.S. Constitution. The progress we have made—and must continue to make—towards women's equality can be lost at any time because those advances depend on legislation that can be (and has been) weakened or repealed by Congress. Given the current political climate, this is more of a concern than ever.

GENDER EQUITY IS WIDELY SUPPORTED IN THE UNITED STATES

An April 2012 poll for Daily Kos and Service Employees International Union (SEIU) found that in the U.S., 91% of individuals believe that men and women should have equal rights affirmed by the Constitution. A 2001 Opinion Research Corporation poll showed that 72% of the respondents mistakenly assumed that the Constitution already includes such a guarantee.





THE EQUAL RIGHTS AMENDMENT: THREE-STATE STRATEGY

NOW URGES THAT

U.S. Senators co-sponsor and vote "YES" on Senate Joint Resolution 5 to remove the deadline for the ratification of the Equal Rights Amendment.

U.S. Representatives co-sponsor and vote "YES" on House Joint Resolution 53 to remove the deadline for the ratification of the Equal Rights Amendment.

OVERVIEW

The Equal Rights Amendment (ERA) ensures that gender equity is codified in the United States Constitution. Though passed by Congress in 1972, and ratified by 36 of the 38 States necessary for passage; the deadline for ratification passed in 1982. Senate Joint Resolution 5 and House Joint Resolution 53 seek to enact a new timeline that allows for the ERA to be eligible for ratification. On March 20, 2017, Nevada became the 36th State to ratify the ERA, this underscores momentum on the road to constitutional equality.

PRECEDENT FOR EXTENDED RATIFICATION PROCESS

In 1992 the 27th Amendment was ratified, more than 203 years after its 1789 passage by Congress. This established a precedent for the three state strategy. If Senate Joint Resolution 5 and House Joint Resolution 53 are passed, the existing 36 state ratifications would still be in effect, and only two additional states would be needed to successfully pass the ERA. With the 36 current states, ERA activists in unratified states continue to clear a path for passage, with a focus on Virginia, Illinois, North Carolina, and Florida. These target-states present strategic opportunities in terms of prior attempts at ratification, political representation, and state legislature party-composition.

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AN INCLUSIVE INTERPRETATION OF THE ERA

NOW is committed to advocating for an inclusive and intersectional ERA interpretation that includes equitable access to all aspects of reproductive health care and centers marginalized people, including LGBTQIA individuals, immigrants, women of color, and women with disabilities. We believe the broad language of the 1972 text ("Equality of rights under the law shall not be abridged ... on account of sex.") lends itself to this broad and inclusive interpretation.

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