ERA: The Issues

Strategies for Ratification.............................................1-3
An Intersectional Approach to the ERA.......................4-5
Take Action: Unratified Target States.........................6-8
Take Action: Submit Your Vision for Equality...............9-10
Women's Equality Quick Facts..................................11
Ratify the ERA: Resources.......................................12-13
THE EQUAL RIGHTS AMENDMENT
STRATEGIES FOR RATIFICATION

WHAT IS THE EQUAL RIGHTS AMENDMENT?

The Equal Rights Amendment (ERA) is a proposed Constitutional amendment designed to guarantee that “Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.” Since the ERA was introduced in 1923, feminist activists continue to advocate for the ERA through legislative action, marches and rallies, and public education on the importance of this crucial amendment.

Because of this tireless activism, the ERA has been ratified by 36 of the 38 states necessary for passage-- and 21 states have added similar amendments to their state constitutions. On March 20, 2017, Nevada became the 36th State to ratify the ERA, this underscores momentum on the road to constitutional equality.

WHY WE NEED AN EQUAL RIGHTS AMENDMENT

Equality in pay, job opportunities, political structure, education, reproductive health care, and education--in particular for women of color, women with disabilities, and the LGBTQIA+ community--will remain elusive 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equality can be lost at any time because those advances depend on legislation that can be (and have been) weakened or repealed by Congress. Given the current political climate, this is more of a concern than ever.

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 U.S. Constitution. A 2001 Opinion Research Corporation poll showed that 72% of the respondents mistakenly assumed that the Constitution already includes a guarantee of gender equality. With this data in mind--the popularity of an ERA provides further evidence to support that the time for constitutional gender equity is NOW.
STRATEGIES FOR RATIFICATION

Though passed by Congress in 1972 and ratified by 36 of the 38 States necessary for passage; the deadline for ERA ratification passed in 1982. Because of this setback—there are now two different strategies to ratify the ERA. At this time, all Federal ERA legislation—Senate Joint Resolution 6, House Joint Resolution 33, Senate Joint Resolution 5, and House Joint Resolution 53—is in the House and Senate Committee on Judiciary.

THREE STATE (NOW TWO-STATE!) STRATEGY

The “Three-State” Strategy seeks to remove the 1982 deadline for ERA ratification. If this strategy is successful, 36 of the 38 currently ratified states are in play—and activists have a clear path to continue the ratification process with a focus on ERA Target States such as Virginia, Illinois, North Carolina, and Florida.

THREE STATE LEGISLATION

Using the precedent of the 27th Amendment, which was ratified more 203 years after its 1798 passage, 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. If this legislation introduced by Sen. Benjamin Cardin (D-MD) and Rep. Jackie Speier (D-CA) passes, the existing 36 state ratifications would still be in effect, and only two additional states would be needed to successfully ratify the ERA.

START-OVER STRATEGY

The Start-Over Strategy aims to “restart” the ERA ratification process. With this clean slate, activists in all states can advocate through their state governments to reignite the ratification process.

START-OVER LEGISLATION

Senate Joint Resolution 6 and House Joint Resolution 33 seek to reintroduce the ERA as a proposed amendment to the U.S. Constitution, effectively restarting the ratification and bill passage process. This traditional legislation introduced by Sen. Robert Menendez (D-NJ) and Rep. Carolyn Maloney (D-NY) would ratify the ERA with the Constitution's Article V ratification process.
TAKE ACTION!

Want to get involved in activism to ratify the ERA? Below are action steps to make Constitutional Equality a reality.

1. ADVOCATE IN THE STATES!

Check out NOW’s Take Action: Unratified Target States action brief for next steps!

2. SHARE YOUR VISION FOR EQUALITY!

NOW’s Visions for Equality Campaign is dedicated to capturing and sharing the vast spectrum of images and stories informed by the unique experiences of women.

We are asking all activists to come together and submit their own interpretation of equality. We want to hear from YOU.

Here’s a how-to guide to create and submit your vision!

3. CALL YOUR FEDERAL REPRESENTATIVES

Call your representatives at 202-224-3121.

Don’t know the name of your representatives? Check here:
https://whoismyrepresentative.com/

Hello, my name is [name] and my zip code is [zip code]. I am calling to ask that [name of representative] co-sponsor and vote “YES” on all introduced Equal Rights Amendment (ERA) legislation, including: S.J. Res. 5, H.J. Res. 53, S.J. Res. 6, and H.J. Res. 33. Equality in pay, job opportunities, political structure, education, and health care will remain elusive without the guarantee of gender equity in the U.S. Constitution. 91% of individuals believe that men and women should have equal rights affirmed by the U.S. Constitution. The time for constitutional gender equity is NOW, I implore you to protect women’s rights and support the ERA!

4. TEXT YOUR REPRESENTATIVES

Send your representatives a text using Resistbot!

Text “RESIST” to 50409 to send a message to your Representative. Resistbot will transmit your text as a fax to your Representative's Office.

Senator/ Representative [Name of Representative], please support all Equal Rights Amendment (ERA) legislation including, S.J. Res. 5, H.J. Res. 53, S.J. Res. 6, and H.J. Res. 33. Women are still not guaranteed equal rights under the U.S. Constitution; the ERA would also make it significantly more difficult to roll back progress on women's equality. I implore you to protect women's rights and support the ERA!
AN INTERSECTIONAL APPROACH TO THE ERA

The Equal Rights Amendment (ERA) would ensure that gender equity is forever included in the U.S. 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 elusive 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 (NOW) 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 supports the needs of marginalized communities. Below are examples of how the ERA can be interpreted or used to best support these communities.

THE ERA COULD 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 U.S. 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 COULD 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 COULD 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 broken down 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. Below are updates on the status of the ERA in each target state.

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<tr>
<th>STATE</th>
<th>STATUS</th>
<th>CHALLENGES</th>
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<tr>
<td><strong>FLORIDA</strong></td>
<td>The Florida ERA (SCR 194) was introduced in 2015, but unfortunately died in the Judiciary Committee.</td>
<td>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.</td>
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<td><strong>VIRGINIA</strong></td>
<td>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.</td>
<td>The Virginia State House of Representatives is hostile toward the Equal Rights Amendment; this is due in part to a Republican Majority.</td>
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<td><strong>ILLINOIS</strong></td>
<td>The Illinois ERA (SJRCA0004) moving through the legislative process in the State Senate and is awaiting introduction in the House of Representatives.</td>
<td>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.</td>
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<tr>
<td><strong>NORTH CAROLINA</strong></td>
<td>Has been introduced in the House of Representatives (HB102) and in the Senate (Senate Bill 85).</td>
<td>The General Assembly's rule on &quot;crossover bills&quot; 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.</td>
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TAKE ACTION!

1. CALL YOUR FEDERAL REPRESENTATIVES

Check out the National Action Campaigns’s Action Briefs on ERA Ratification Strategy. Call the Capitol Switchboard to contact your Representatives at (202) 224-3121.

"Hello, my name is [name] and my zip code is [zip code]. I am calling to ask that [name of representative] co-sponsor and vote "YES" on all introduced Equal Rights Amendment (ERA) legislation, including: S.J. Res. 5, H.J. Res. 53, S.J. Res. 6, and H.J. Res. 33. Equality in pay, job opportunities, political structure, education, and health care will remain elusive without the guarantee of gender equity in the U.S. Constitution. 91% of individuals believe that women and men should have equal rights affirmed by the U.S. Constitution. The time for constitutional gender equity is NOW, I implore you to protect women’s rights and support the ERA!"

2. 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 Florida: http://bit.ly/1C22yzX
Find your State Representatives in Virginia: http://bit.ly/11cFP77

"Hello, my name is [name] and my zip code is [zip code]. I am calling to ask that you support all state-level Equal Rights Amendment (ERA) legislation. As we work to ratify the ERA--your vote can make a difference.

Equality in pay, job opportunities, political structure, education, and health care will remain elusive without the guarantee of gender equity in the U.S. Constitution. 91% of individuals believe that men and women should have equal rights affirmed by the U.S. Constitution. The time for constitutional gender equity is NOW, I implore you to protect women’s rights and become a champion the ERA!"

3. LOBBY FOR THE ERA

Meet with your Federal and State Representatives to express the importance of the ERA! For more information about to successfully lobby--check out NOW's Constituent Engagement Guide!
4. 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! Or better yet, run for office yourself!

5. ENGAGE IN COMMUNITY COALITION BUILDING

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.

6. EDUCATE YOUR COMMUNITY

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

7. STAY UP TO DATE ON UNRATIFIED TARGET STATES

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

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

Illinois NOW: http://ilnow.org/

Florida NOW: http://flnow.weebly.com/
TAKE ACTION!
SUBMIT YOUR VISION FOR EQUALITY

NOW’s Visions for Equality Campaign is dedicated to capturing the vast spectrum of images and stories informed by the unique experiences of women across the country and sharing them with the world. Visions for Equality is about uniting people who experience gender discrimination in all of its iterations--and together voicing a demand for equal rights under the law.

We are asking all activists to come together and submit their own interpretation of equality. We want to hear from YOU. How do you picture a world moved by justice and equity? Here’s a how-to guide for steps to create and submit your vision!

STEP 1: BRAINSTORM YOUR VISION.

There are a variety of issues that define equality for each of us. What does gender equity mean to you? Think about what you feel is most needed and write it down. If you need inspiration, go to VisionsForEquality.com and check out what other women have shared on our site!

STEP 2: ASK A FRIEND TO JOIN.

Our understanding of the world is often shaped and motivated by our friends and family. Talk to a friend about your vision and ask them to write their own as well. If you belong to a NOW chapter, make it a group activity!

STEP 3: TAKE A PICTURE!

After you’ve decided what you want to say, write down your vision on a piece of paper and have a friend or cohort take a picture of you holding it. Here are some examples of previously submitted Visions!
STEP 4: SUBMIT YOUR PHOTO TO NOW!

After you have taken your picture, email it to National NOW at actionassociate@now.org, with the subject line: “V4E Submission”. If you are submitting your V4E and you are affiliated with a NOW Chapter, please include your chapter in the subject line: “V4E Submission NOW Chapter”. NOW will post your picture to VisionsforEquality.com, our Twitter account, and our Instagram. If you have a social media account and would like to be tagged in the post, please list your Twitter and Instagram handles in the email and we will tag you in all posts.

For example:

"Hello my name is Jane and I am submitting my Vision for Equality. I would like to be tagged on Twitter and Instagram. My Twitter handle is @jane4equality and my Instagram handle is @jane4E."

STEP 5: POST YOUR VISIONS ON SOCIAL MEDIA!

After you take a picture of your Vision, post it on your social media accounts using the hashtag #V4E! Don’t forget to tag @NationalNOW on Twitter. Whenever you post your vision, we will repost to our 90,000 followers. Take a look below:
WOMEN'S EQUALITY QUICK FACTS

Economics & Pay

- On average, women make 78 cents to every man’s dollar.
- According to a study done by the National Women’s Law Center, more than one in eight women (17 million) live at or below the poverty line in the U.S., with women being 35% more likely to live in poverty than men.
- The state with the smallest pay gap between women and men is New York at 89%; the state with the largest pay gap is Wyoming at 64% (AAUW 2017 Equal Pay Report).
- The gender pay gap is worse for women of color. African American women make 63 cents to every man’s dollar, Latinas make 54 cents to every man’s dollar, and American Indian women make 59 cents to every man’s dollar.
- For women ages 15 to 24 working full time and year round, the wage gap is $4,373 per year. By the time women reach age 45 to 64, they earn $15,404 less than their male counterparts per year.

Violence & Safety

- 90% of adult sexual assault victims are women.
- According to The Rape, Abuse & Incest National Network (RAINN), every 98 seconds an individual is sexually assaulted in the U.S.
- 1 out of every 6 U.S. women has been the victim of an assault in her lifetime.
- In March and April of 2017, the cities of Denver, Los Angeles, and Houston have reported a decrease in reports of sexual assault from women in the Latino community as high as 40%. Many police departments cite fears of deportation and retaliation under the Trump administration.

Politics, Voting, & Representation

- Currently, women only hold 19.4% of the seats in Congress.
- According to Pew Research Center, in the U.S. about 2/3 of individuals believe that it is easier for men to be elected to office than women.
- Only 66% of voting age women have access to proof of citizenship with their current name.

Reproductive Justice & Health

- Because of the Affordable Care Act (ACA), 55 million women have access to preventative care without copays or deductibles.
- Annually Planned Parenthood provides women’s health care services for 2.4 million individuals.
- Maternal mortality rates are 3x higher among African American women than White Women.
- A recent survey done by the National Abortion Federation found that 87% of all U.S. counties have no identifiable abortion provider.
- Currently, at least 34 states have some sort of Targeted Regulation of Abortion Providers (TRAP) law.
RATIFY THE ERA: RESOURCES

GENERAL RESOURCES

The Equal Rights Amendment: Why the ERA Remains Legally Viable and Properly Before the States
http://www.equalrightsamendment.org/misc/ERA_3-state.pdf
Overview of the Three State Strategy, the precedent to circumvent the ERA ratification deadline because of the Madison Amendment’s passage 203 years after it was introduced.

Is the Equal Rights Amendment Relevant in the 21st Century?
https://now.org/resource/is-the-equal-rights-amendment-relevant-in-the-21st-century/
This article gives an overview of the positive implications of the ERA including reproductive justice, LGBTQIA rights and ending discriminatory practices in a variety of public sectors.

Quick Facts: Equal Rights Amendment
Focuses on the history of the ERA and why a constitutional amendment is more effective and influential than the current patchwork system of sex discrimination laws.

Why We Need the Equal Rights Amendment
http://www.eracoalition.org/files/whyweneedtheERA.pdf
Examines the positive outcomes of the ERA in various fields including pay equity, pregnancy discrimination, and violence against women.

ERA Ratification Bills in the 115th Congress (2017-2018)
http://www.equalrightsamendment.org/congress.htm
Overview of the current ERA legislation introduced in the 115th Congress (2017-2018) which takes two approaches, the three state strategy and the start-over strategy.

THE ERA IN THE STATES

Thirty-five years past a deadline set by Congress, Nevada ratifies the Equal Rights Amendment
Spotlights the successful Nevada ERA campaign.
The ERA in the States

http://equalrightsamendment.org/states.htm
Overview of the history of the ratification of the ERA as well as a spotlight on states that have not ratified

Illinois at Center of Revived Equal Rights Amendment Fight

http://www.era-nc.org/era-bills-introduced-in-nCGA/
Examines the renewed fight for the ERA in Illinois.

Illinois General Assembly

http://www.ilga.gov/legislation/BillStatus.asp?
DocTypeID=SJRCA&DocNum=75&GALD=12&SessionID=85&LegID=82279
Overview of the legislative status of the ERA bill in the Illinois legislature (98th assembly), including description of the bill, actions and co-sponsors

North Carolina General Assembly

http://www.nc4era.org/
Overview of the legislative status of the ERA bill in the North Carolina General Assembly, including description of the bill, actions and co-sponsors.

It’s time for Maine to Pass its own Amendment for Equal Rights

Examines the renewed fight for the ERA in Maine

Delaware Representative Pushes for Equal Rights for Women Through New Bill

Delaware House Majority Leader Valerie Longhurst introduced the first state’s Equal Rights Amendment, known as House Bill 2.

Nevada Ratifies The Equal Rights Amendment ... 35 Years After The Deadline

https://www.npr.org/sections/thetwo-way/2017/03/21/520962541/nevada-on-cusp-of-ratifying-equal-rights-amendment-35-years-after-deadline
Discusses the historic Nevada ERA Ratification.