

CONSTITUTIONAL AMENDMENT PROCESS

THE EQUAL RIGHTS AMENDMENT

IT'S NOT A PART OF THE CONSTITUTION ...

HOW CAN WE CHANGE THAT?

PROCESS:

In order to amend the U.S. Constitution, we must have the consent of:

- ★ **2/3** of the members (290 in the house and 67 in the Senate) – once the ERA passes in Congress, it then goes to the States who must ratify the Constitutional Amendment;
- ★ **3/4** of the States – 38 states must ratify the ERA for it to become a part of the Constitution;
- ★ By 1982, 35 states had ratified the ERA. Indiana was the 35th State to ratify the ERA (in 1977);
- ★ Five states (Tennessee, Kentucky, Idaho, South Dakota, Nebraska) voted to withdraw their ratifications to appease anti-ERA supporters in their states; however, such rescissions are not recognized as valid based on precedent established with the ratification of the 14th and 15th Amendments.
- ★ The 15 states that never ratified the ERA are: Alabama, Arizona, Arkansas, Florida, Georgia, Illinois, Louisiana, Mississippi, Missouri, Nevada, North Carolina, Oklahoma, South Carolina, Utah, and Virginia.

HISTORY:

- ★ Originally introduced in 1923, the ERA passed Congress in 1972. Congress initially gave the states 7 years to ratify. Congress subsequently extended the deadline by an additional 3 years, for a total of 10 years. However, by 1982, the amendment had fallen 3 states short of the 38 states necessary for ratification.
- ★ Women's rights advocate Alice Paul wrote the bill in 1923. It was introduced by Senator Curtis and Representative Anthony, both Republicans. Rep. Anthony was the nephew of suffragist Susan B. Anthony.

Prepared by the Office of Congresswoman Carolyn B. Maloney
March 1, 2005