

The Three State Solution to Pass the Equal Rights Amendment to the US Constitution

The proposed Equal Rights Amendment to the federal Constitution of the United States was first proposed in Congress in 1923.*

It says,

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

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

Section 3. This amendment shall take effect two years after the date of ratification.^{1, 2}

Congress passed the Equal Rights Amendment to our federal Constitution in 1972, including a provision that it had to be ratified by the necessary number of states by a deadline.* The original ratification deadline was in 1979, and Congress extended that to 1982.* All but three of the necessary number of states met the deadline.* The failure to have three-fourths of the states meet the deadline was understood *at that time* to mean that the process had to begin again. But that is no longer the case!

In another case in recent years the Supreme Court ruled that such time limits on ratification were not required, and that they could be changed by Congress.* Consequently the following things need to happen to make the Equal Rights Amendment become part of our national Constitution, but not necessarily in this order:

- Congress has to repeal the 1982 time limit, but it does not have to set another time limit. Some of the prior constitutional amendments had no time limits;³

* http://en.wikipedia.org/wiki/Equal_Rights_Amendment accessed April 19, 2014.

¹ Volume 86, *United States Statutes At Large* (pages 1523–1524).

² "[Proposed Amendments Not Ratified by States](#)". [United States Government Printing Office](#). Retrieved June 1, 2013.

³ Ratification deadlines are not needed, although Congress could impose them: “the 1789 resolution proposing what is now the Twenty-seventh Amendment did not contain a deadline for ratification. This amendment was ratified in 1992, more than 202 years after Congress submitted it to the states for ratification.”

- Three more states out of the 15 listed below have to ratify the federal Equal Rights Amendment;
- Once that has happened, the next step only takes a few days:
The Office of the Federal Registry of the National Archives and Records Administration (NARA), official(s)

“verifies that it has received the required number of authenticated ratification documents, it drafts a formal proclamation for the Archivist to certify that the amendment is valid and has become part of the Constitution. This certification is published in the Federal Register and U.S. Statutes at Large and serves as official notice to the Congress and to the Nation that the amendment process has been completed.”⁴

- The last step is that the ERA goes into effect exactly two years later, because the third clause of the amendment says so!

The fifteen states which have not (completed) ratification of the federal ERA are: California, Utah, Arizona, Oklahoma, Arkansas, Missouri, Illinois, Mississippi, Louisiana, Florida, Alabama, Georgia, South Carolina, North Carolina, and Virginia.

Only **three** of them need to ratify it, which is why it is called **the Three State Solution** to getting the ERA added to our federal constitution.

You may also be interested to know that:

- Twenty-one states already have some version of the Equal Rights Amendments in their **state** constitutions, which is a different thing from the US federal Constitution.
- Some states which previously passed the federal ERA have voted to rescind their ratifications. But there is no provision to do this under the federal constitution. Even if a state votes for this, it is a null action. See the source cited in footnote 3.
- Some states have gotten part way through the ratification process, but left it incomplete. These are currently counted as not yet ratified.

* http://en.wikipedia.org/wiki/Equal_Rights_Amendment accessed April 19, 2014.

⁴ <http://www.archives.gov/federal-register/constitution/> accessed April 19, 2014.