

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL DRS45082-LR-25A

Short Title: NC Adopt Equal Rights Amendment. (Public)

Sponsors: Senators McKissick, Van Duyn, and Smith (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO RATIFY THE EQUAL RIGHTS AMENDMENT TO THE CONSTITUTION OF
3 THE UNITED STATES OF AMERICA RELATING TO EQUAL RIGHTS FOR MEN
4 AND WOMEN.

5 Whereas, the 92nd Congress of the United States of America at its second session, in
6 both houses, by a constitutional majority of two-thirds thereof, adopted the following proposition
7 to amend the Constitution of the United States of America in the following words, to wit:

8 "JOINT RESOLUTION

9 *****

10 "Resolved by the Senate and House of Representatives of the United States of America in
11 Congress assembled (two-thirds of each House concurring therein), that the following article is
12 proposed as an amendment to the Constitution of the United States, which shall be valid to all
13 intents and purposes as part of the Constitution when ratified by the Legislatures of three-fourths
14 of the several States within seven years from the date of its submission by the Congress:

15 "ARTICLE _____

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

18 "Sec. 2. The Congress shall have the power to enforce, by appropriate legislation, the
19 provisions of this article.

20 "Sec. 3. This amendment shall take effect two years after the date of ratification"; and

21 Whereas, the United States Congress adopted the 27th Amendment to the
22 Constitution of the United States, the so-called Madison Amendment, relating to compensation
23 of Members of Congress; this amendment was proposed 203 years earlier by our First Congress
24 and only recently ratified by three-fourths of the states, and the United States Archivist certified
25 the 27th Amendment on May 18, 1992; and

26 Whereas, the founders of our nation, including, but not limited to, James Madison,
27 did not favor further restrictions to Article V of the Constitution of the United States; and

28 Whereas, the restricting time limit for the Equal Rights Amendment ratification is in
29 the resolving clause and is not a part of the amendment proposed by Congress and already ratified
30 by 35 states; and

31 Whereas, having passed a time extension for the Equal Rights Amendment on
32 October 20, 1978, Congress has demonstrated that a time limit in a resolving clause can be
33 disregarded if it is not a part of the proposed amendment; and

34 Whereas, the United States Supreme Court in *Coleman v. Miller*, 307 U.S. 433, at 456
35 (1939), recognized that Congress is in a unique position to judge the tenor of the nation, to be



1 aware of the political, social, and economic factors affecting the nation, and to be aware of the
2 importance to the nation of the proposed amendment; and

3 Whereas, if an amendment to the Constitution of the United States has been proposed
4 by two-thirds of both houses of Congress and ratified by three-fourths of the state legislatures, it
5 is for Congress under the principles of *Coleman v. Miller* to determine the validity of the state
6 ratifications occurring after a time limit in the resolving clause, but not in the amendment itself;
7 and

8 Whereas, constitutional equality for women and men continues to be timely in the
9 United States and worldwide, and a number of other nations have achieved constitutional equality
10 for their women and men; and 37 states have now passed the Equal Rights Amendment; Now,
11 therefore,

12 The General Assembly of North Carolina enacts:

13 **SECTION 1.** That the Equal Rights Amendment to the Constitution of the United
14 States of America set out in the preamble to this act be, and the same is, hereby ratified by the
15 General Assembly of the State of North Carolina.

16 **SECTION 2.** That certified copies of this preamble and act be forwarded by the
17 Governor of this State to the Administrator of General Services, Washington, D.C., and the
18 President of the Senate and the Speaker of the House of Representatives of the Congress of the
19 United States.

20 **SECTION 3.** This act is effective when it becomes law.