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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 2026

03/08/2021 Authored by Hornstein, Elkins, Freiberg, Lee, Xiong, J., and others
The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

1.1 A resolution
1.2 relating to ratification of the proposed Equal Rights Amendment to the United States
1.3 Constitution; memorializing Congress to remove the extra-textual time limit for
1.4 ratification of the amendment by the states.

1.5 WHEREAS, the United States Constitution does not explicitly guarantee that all the rights
1.6 it protects are held equally by all citizens without regard to sex and the only right it specifically
1.7 affirms to be equal for women and men is the right to vote in the 19th Amendment; and

1.8 WHEREAS, the 14th Amendment's equal protection clause has not been interpreted to
1.9 guarantee equal rights on the basis of sex in the same way the Equal Rights Amendment would, as
1.10 demonstrated by the fact that currently cases of sex discrimination receive only intermediate scrutiny
1.11 but should receive the highest level of strict judicial scrutiny, just as race discrimination does; and

1.12 WHEREAS, gender equality under the constitution continues to be timely in the United States
1.13 and worldwide, and a number of other nations have achieved constitutional gender equality; and

1.14 WHEREAS, the principle of gender equality is contained in the Charter of the United Nations,
1.15 the Universal Declaration of Human Rights, and all subsequent major international human rights
1.16 instruments, including the Convention on the Elimination of All Forms of Discrimination Against
1.17 Women (CEDAW), which has been ratified by 187 other nations; and

1.18 WHEREAS, citizens of the United States have been seeking full constitutional equality on
1.19 the basis of sex since the Equal Rights Amendment was first introduced in 1923; and

1.20 WHEREAS, the Equal Rights Amendment was passed by Congress in 1972 and later ratified
1.21 by 38 of the 38 states necessary for inclusion of the amendment into the constitution; and

1.22 WHEREAS, Article V of the United States Constitution imposes no time limit for ratification
1.23 of amendments; and

2.1 WHEREAS, state Equal Rights Amendment ratification votes since 1972 must be considered
2.2 sufficiently contemporaneous, given that the Archivist of the United States certified the Madison
2.3 (27th) Amendment on May 18, 1992, once three-fourths of the states had ratified it, even though
2.4 that amendment was passed by the first Congress of the United States and had a ratification period
2.5 lasting 203 years; and

2.6 WHEREAS, the extra-textual time limit for ratification of the Equal Rights Amendment is
2.7 in the proposing clause and is not a part of the amendment that has already been ratified by 38
2.8 states; and

2.9 WHEREAS, Congress is empowered to alter time limits in the proposing clauses of
2.10 amendments and has done so once already for the Equal Rights Amendment, when it passed a time
2.11 extension on October 20, 1978; and

2.12 WHEREAS, the Equal Rights Amendment will finally ensure that all citizens will have equal
2.13 rights under the United States Constitution, without regard to sex; and

2.14 WHEREAS, the Equal Rights Amendment was ratified by the Legislature of the State of
2.15 Minnesota on February 12, 1973; and

2.16 WHEREAS, the people of Minnesota are not willing to wait another 245 years for gender
2.17 equality; NOW, THEREFORE,

2.18 BE IT RESOLVED that the Legislature of the State of Minnesota calls on the Congress of
2.19 the United States to enact Senate Joint Resolution 1 or House Joint Resolution 17, proposed at the
2.20 117th Congress of the United States, or similar legislation, to remove the deadline for ratification
2.21 of the Equal Rights Amendments by the states; and

2.22 BE IT FURTHER RESOLVED that the Legislature of the State of Minnesota calls on other
2.23 states to join in this action by passing the same or similar resolutions; and

2.24 BE IT FURTHER RESOLVED that the Secretary of State of the State of Minnesota is directed
2.25 to prepare copies of this memorial and transmit them to the President of the United States, the
2.26 President and the Secretary of the United States Senate, the Speaker and the Clerk of the United
2.27 States House of Representatives, and Minnesota's Senators and Representatives in Congress.