

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Joint Resolution 1 (Senator Kelly, *et al.*)

Judicial Proceedings

Rules and Executive Nominations

Affirming the Federal Equal Rights Amendment

This joint resolution (1) states the General Assembly's opinion that the Equal Rights Amendment (ERA) meets the requirements of Article V of the U.S. Constitution and should be recognized as the Twenty-eighth Amendment; (2) urges the Administration of President Joseph R. Biden to publish, without delay, the ERA as the Twenty-eighth Amendment to the U.S. Constitution; (3) urges the U.S. Congress to pass a joint resolution affirming the ERA as the Twenty-eighth Amendment; and (4) calls on other states to pass similar resolutions.

Fiscal Summary

State Effect: The joint resolution does not directly affect State finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Article V of the U.S. Constitution states that Congress may propose amendments to the Constitution with votes of two-thirds of both Houses. States may also apply to Congress to call a convention for proposing amendments, upon application of two-thirds of the states. Amendments in either case must be ratified by three-fourths of the states, as specified. Article V does not impose a time-limitation on the ratification of amendments.

As of January 2020, three-fourths of the states have ratified the ERA. The Archivist of the United States has still not published the ERA as the Twenty-eighth Amendment. The ERA would amend the U.S. Constitution by declaring that equality of rights under the law must not be denied or abridged by the United States or any state on account of sex.

Maryland adopted the Maryland Equal Rights Amendment to the Maryland Constitution in 1972.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HJ 1 (Delegate Patterson, *et al.*) - Rules and Executive Nominations.

Information Source(s): Department of Legislative Services

Fiscal Note History: First Reader - February 20, 2024
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