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HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE BILL NO. 1

AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE DELAWARE CONSTITUTION RELATING TO EQUAL RIGHTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

1 Section 1. The General Assembly finds and declares all of the following:

2 (1) In 1972, Delaware was the third state in the United States to ratify the federal Equal rights Amendment,
3 which was not ratified by the requisite number of states to become an amendment to the United States Constitution.

4 (2) Delaware is the only state that ratified the federal Equal Rights Amendment, but did not also add such
5 protections to its own Constitution.

6 (3) The purpose of an equal rights amendment to the Delaware Constitution is to declare that equality of rights
7 shall not be denied or abridged in this State on account of sex.

8 (4) The equal rights amendment contained in this Act, and its placement within Delaware's Bill of Rights,
9 means that the amendment applies to the State of Delaware and its political subdivisions, not private entities.

10 (5) A declaration of rights carries with it the promise that the State of Delaware will not impair a person's
11 opportunity to exercise those rights; it does not require the State to fund the exercise of those rights.

12 (6) The equal rights amendment contained in this Act recognizes that there are circumstances when other
13 compelling interests, such as privacy, may inform the State's decision to support permissible single sex services or
14 programming.

15 Section 2. Amend Article I of the Delaware Constitution by making deletions as shown by strikethrough and
16 insertions as shown by underline as follows:

17 § 21. Equal Rights.

18 Section 21. Equality of rights under the law shall not be denied or abridged on account of sex.

SYNOPSIS

This is the final leg of an amendment to the Delaware Constitution to provide equal rights on the basis of sex. There is no Equal Rights Amendment to the United States Constitution. While Congress passed the Amendment in 1972, it was not ratified by the requisite number of states by the 1982 deadline. Delaware, however, was one of the first states to ratify the Amendment. About half of the states across the country have passed Equal Rights Amendments to their state constitutions in order to provide protection against discrimination based on sex. Without an Equal Rights amendment, women's rights and protections are limited. This Amendment is necessary to correct a constitutional shortcoming, reduce sex-based disparities and to codify our State's value of equality. Section 1 makes clear the General Assembly's intent in proposing this Amendment to the Delaware Constitution.