



## States with an Equal Rights Provision in their Constitution

Research up to 2004 was conducted and is credited to Leslie W. Gladstone, Analyst in American National Government, Domestic Social Policy Division

Research post 2004 was conducted by Steve Andersson

**Twenty-Two** States have an Equal Rights Amendment as a part of their State Constitution. However an additional **four** States have some provisions that reflect a similar concept. Those four States are listed after the initial twenty two at the end of this list.

As a result, one can take the position that somewhere between 22 and 26 states have a State level Equal Rights provision.

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<sup>i</sup>**Alaska:** "No person is to be denied the enjoyment of any civil or political right because of race, color, creed, sex or national origin. The legislature shall implement this section." Alaska Constitution, Article I, §3 (1972).

**California:** "A person may not be disqualified from entering or pursuing a business, profession, vocation, or employment because of sex, race, creed, color, or national or ethnic origin." California Constitution, Article I, §8 (1879).<sup>11</sup>

**Colorado:** "Equality of rights under the law shall not be denied or abridged by the state of Colorado or any of its political subdivisions because of sex." Colorado Constitution, Article II, §29 (1973).

**Connecticut:** "No person shall be denied the equal protection of the law nor be subjected to segregation or discrimination in the exercise or enjoyment of his or her civil CRS-4 12. An amendment in 1984 added protection for "physical or mental disability." or political rights because of religion, race, color, ancestry, national origin or sex." Connecticut Constitution, Article I, §20 (1974).<sup>12</sup>

<sup>ii</sup>**Delaware:** "Equality of rights under the law shall not be denied or abridged on account of sex." *Delaware Constitution, Article I, §21 (2019)*

**Florida:** "All natural persons, female and male alike, are equal before the law and have inalienable rights, among which are the right to enjoy and defend life and liberty, to pursue

happiness, to be rewarded for industry, and to acquire, possess and protect property; except that the ownership, inheritance, disposition and possession of real property by aliens ineligible for citizenship may be regulated or prohibited by law. No person shall be deprived of any right because of race, religion, national origin, or physical disability." Florida Constitution, Article I, §2 (1998).

**Hawaii:** "Equality of rights under the law shall not be denied or abridged by the State on account of sex. The legislature shall have the power to enforce, by appropriate legislation, the provisions of this section." Hawaii Constitution, Article I, §3 (1972). "No person shall be deprived of life, liberty, or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of the person's civil rights or be discriminated against in the exercise thereof because of race, religion, sex or ancestry." Hawaii Constitution, Article 1, §5 (1978).

**Illinois:** "All persons shall have the right to be free from discrimination on the basis of race, color, creed, national ancestry, and sex in the hiring and promotion practices of any employer or in the sale or rental of property." "These rights are enforceable without action by the General Assembly, but the General Assembly by law may establish reasonable exemptions relating to these rights and provide additional remedies for their violation." Illinois Constitution, Article I, §17 (1971). "The equal protection of the laws shall not be denied or abridged on account of sex by the State or its units of local government and school districts." Illinois Constitution, Article I, §1 (1971).

**Iowa:** "All men and women are, by nature, free and equal and have certain inalienable rights — among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining safety and happiness." Iowa Constitution, Article I, §1 (1998).

**Louisiana:** "No person shall be denied the equal protection of the laws. No law shall discriminate against a person because of race or religious ideas, beliefs, or affiliations. No law shall arbitrarily, capriciously, or unreasonably discriminate against a person because of birth, age, sex, culture, physical condition, or political ideas or affiliations. Slavery and involuntary servitude are prohibited, except in the latter case as punishment for a crime." Louisiana Constitution, Article I, §3 (1974). "In access to public areas, accommodations, and facilities, every person shall be free from discrimination based on race, sex, religion, or national ancestry and from arbitrary, capricious or unreasonable discrimination based on age, sex, or physical condition." Louisiana Constitution, Article I, § 12 (1974).

**Maryland:** "Equality of rights under the law shall not be abridged or denied because of sex." Maryland Constitution, Declaration of Rights, Article 46 (1972).

**Massachusetts:** "All people are born free and equal, and have certain natural, essential, and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing and protecting property; in fine, that of seeking and obtaining their safety and happiness. Equality under the law shall not be denied or

abridged because of sex, race, color, creed or national origin." Massachusetts Constitution, Part 1, Article 1 (1976).

**Montana:** "The dignity of the human being is inviolable. No person shall be denied the equal protection of the laws. Neither the state nor any person, firm, corporation, or institution shall discriminate against any person in the exercise of his civil or political rights on account of race, color, sex, culture, social origin, or condition, or political or religious ideas." Montana Constitution, Article II, §4 (1973).

**New Hampshire:** "All men have certain natural, essential and inherent rights – among which are, enjoying and defending life and liberty; acquiring, possessing, and protecting property; and, in a word, of seeking and obtaining happiness. Equality of rights under the law shall not be denied or abridged by this state on account of race, creed, color, sex or national origin." New Hampshire Constitution, Part 1, Article 2 (1974).

**New Mexico:** "No person shall be deprived of life, liberty or property without due process of law. Equality of rights under the law shall not be denied on account of the sex of any person." New Mexico Constitution, Article II, §18 (1973).

<sup>iii</sup>**Oregon:** "Equality of rights under the law shall not be denied or abridged by the state of Oregon or by any political subdivision in this state on account of sex." *Oregon Constitution, Article I, §46 (2014)*

**Pennsylvania:** "Equality of rights under the law shall not be denied or abridged in the Commonwealth of Pennsylvania because of the sex of the individual." Pennsylvania Constitution, Article I, §28 (1971).

**Texas:** "Equality under the law shall not be denied or abridged because of sex, race, color, creed, or national origin. This amendment is self-operative." Texas Constitution, Article I, §3a (1972).

**Utah:** "The rights of citizens of the State of Utah to vote and hold office shall not be denied or abridged on account of sex. Both male and female citizens of this State shall enjoy all civil, political and religious rights and privileges." Utah Constitution, Article IV, §1 (1896).<sup>13</sup>

**Virginia:** "The right to be free from any governmental discrimination upon the basis of religious conviction, race, color, sex, or national origin shall not be abridged, except that the mere separation of the sexes shall not be considered discrimination." Virginia Constitution, Article I, §11 (1971).

<sup>iv</sup>States with some reference to an Equal Rights Provision:

**Indiana** in 2018 adopted a Privileges and Immunities amendment.

"The General Assembly shall not grant to any citizen, or class of citizens, privileges or immunities, which, upon the same terms, shall not equally belong to all citizens." *Indiana Constitution, Article 1, §23 (2018)*

**Nebraska** in 2008 enacted an ERA limited to public agreements.

“(1) The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.....” (Nebraska Constitution, Article I, §30 (2008))

<sup>v</sup>**Rhode Island** in 1986 passed an equal protection amendment that does not reflect language similar to the ERA:

“No person shall be deprived of life, liberty or property without due process of law, nor shall any person be denied equal protection of the laws. No otherwise qualified person shall, solely by reason of race, gender or handicap be subject to discrimination by the state, its agents or any person or entity doing business with the state. Nothing in this section shall be construed to grant or secure any right relating to abortion or the funding thereof.” *Rhode Island Constitution, Article I, §2 (1986)*

<sup>vi</sup>**New Jersey** has a reference to the term all "persons" being applicable to "both sexes."

“Wherever in this Constitution the term "person", "persons", "people" or any personal pronoun is used, the same shall be taken to include both sexes.” *New Jersey Constitution, Article X, paragraph 4 (1947)*

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<sup>i</sup> All research except as noted in other footnotes was conducted and is credited to Leslie W. Gladstone, Analyst in American National Government, Domestic Social Policy Division  
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<sup>ii</sup> Delaware by Steve Andersson

<sup>iii</sup> Oregon by Steve Andersson

<sup>iv</sup> This Section by Steve Andersson

<sup>v</sup> Not included by research by Leslie Gladstone

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