

ACLU of Vermont Proposed Amendments to Proposal 4

Proposed Amendments

PROPOSAL 4 Sec. 1. PURPOSE (a) This proposal would amend the Constitution of the State of Vermont to specify that the government must not deny equal treatment and respect under the law on account of a person's race;; ethnicity;; sex, including but not limited to sexual orientation, gender identity, or gender expression;; religion; disability;; economic hardship;; or national origin. The Constitution is our founding legal document stating the overarching values of our society. This amendment is in keeping with the values espoused by the current Vermont Constitution. Chapter I, Article 1 declares "That all persons are born equally free and independent, and have certain natural, inherent, and unalienable rights." Chapter I, Article 7 states "That government is, or ought to be, instituted for the common benefit, protection, and security of the people." The core values reflected in Articles 1 and 7 ~~is are~~ are that all people are equal and should be afforded all the benefits and protections bestowed by the government, and that the government should not confer special advantages upon the privileged. This amendment would expand upon the principles of equality and liberty beyond those of the Federal Constitution by ensuring that the government does not create or perpetuate the legal, social, or economic inferiority of any class of people. This proposed constitutional amendment is not intended to limit the scope of rights and protections afforded by any other provision in the Vermont Constitution.

(b) Providing for equality of rights as a fundamental principle in the Constitution would serve as a foundation for protecting the rights and dignity of historically marginalized populations and addressing existing inequalities. This amendment would reassert the broad principles of personal liberty and equality reflected in the Constitution of the State of Vermont with authoritative force, longevity, and symbolic importance.

Sec. 2. Article 23 of Chapter I of the Vermont Constitution is ~~amended~~ added to read: Article ~~7-23~~. [Equal protection of the laws Government for the people; they may change it] ~~That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community, and not for the particular emolument or advantage of any single person, family, or set of persons, who are a part only of that community; That the dignity of the human being is inviolable. That the government shall not deny equal treatment and respect under the law in intent or effect on account of a person's race;; ethnicity;; sex, including but not limited to sexual orientation, gender identity, or gender expression;; religion; disability;; economic hardship;; sexual orientation, gender identity, gender expression or national origin. ; and that the community hath an indubitable, unalienable, and indefeasible right, to reform or alter government, in such manner as shall be, by that community, judged most conducive to the public weal.~~

Sec. 3. EFFECTIVE-DATE EXECUTION

- (a) The amendment set forth in Sec. 2 shall become a part of the Constitution of the State of Vermont on the first Tuesday after the first Monday of November 2026 when ratified and adopted by the people of this State in accordance with the provisions of 17 V.S.A. chapter 32.
- (b) This amendment is self-executing. In keeping with Vermont's history and traditions, this amendment is intended to provide broader protections than its federal counterpart.

Nothing in this amendment shall invalidate or prevent the adoption of any law, regulation, program, practice, or benefit designed to prevent or remedy discrimination on the basis of characteristics listed in this section.

- (c) In interpreting this amendment, the courts shall analyze claims of religious discrimination under the same analysis and standards applied to claims arising under Article 3.

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