

## **Sec. 1. PURPOSE**

(a) This proposal would amend the Constitution of the State of Vermont to ensure that every Vermonter enjoys equal protection under the law. The Constitution is our founding legal document stating the overarching values of our society. All people are entitled to equal protection of the laws from our state government no less than from our national one.

(b) A compelling state interest exists to eradicate systemic racism and other systems of oppression in this state. Systemic racism and other forms of systemic oppression create wealth disparities and indirectly affect health and wellness; threaten economic growth and development, and ultimately place democracy at risk. State legislative and executive efforts specifically intended to eradicate systemic racism include but are not limited to Act 54, 2017; Act 9, 2018 (Sp); EO-04-18; Act 165, 2019; Act 33, 2021, and Act 182, Sec 22, 2022. Joint Legislative Resolution R-113, 2021 resolves “That this legislative body commits to the sustained and deep work of eradicating systemic racism throughout the State, actively fighting racist practices, and participating in the creation of more just and equitable systems...”

(c) This Vermont amendment will serve as a foundation for expanded protections that may include the development and use of a state equal protection doctrine that could ensure the survival of governmental solutions designed to redress discriminatory policies and practices and correct disparate systemic outcomes; sustain against attacks on existing protected civil rights, and support the expansion of protections to classifications as needed. These protections will include the tools to thwart the emerging challenges of discriminatory algorithms and old harms that federal protections have proven ineffective to address.

(d) Providing for equal protection 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.

Rev Mark Hughes,  
03012024  
Proposed Strike-All Language for PR.4

**Sec. 2. Article 23 of Chapter I of the Vermont Constitution is added to read:**

**Article 23. [Equal Protection]**

**No person shall, because of race, ethnicity, sex, religion, disability, sexual orientation, gender identity, or national origin shall be subjected to any discrimination in his or her civil rights by any other person or by any firm, corporation, or institution, or by the state or any agency or subdivision of the state. Nothing in this Article shall be interpreted or applied to prevent the adoption or implementation of measures intended to provide equity and opportunity for members of groups that have historically been subject to discrimination. The General Assembly shall have power to enforce by appropriate legislation, the provisions of this article.**

**Sec. 3. EFFECTIVE DATE**

**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.**