

Jordan,

On behalf of the Nevadans for Equal Rights Ballot Committee. Please include this mocked up draft of what we believe the "arguments for section" should entail.

Legislative Commission Meeting

Friday June 10 3 p.m.

Agenda Item VI

Ballot Question 1

PROPOSED CHANGES TO BALLOT MEASURE 1: NEVADA EQUAL RIGHTS

AMENDMENT

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EXPLANATION OF TEXT: Matters in (1) *blue bold italics* is new language in the original bill; (2) **Red underlined and highlighted** proposed language for amendment; (3) ~~red strikethrough~~ is deleted language in the original bill;

SUMMARY AND RATIONALE: The Nevadans for Equal Rights Ballot Committee appreciates the changes made to Ballot Measure 1., or the Nevada Equal Rights Amendment ballot measure. We strongly urge the Legislative Commission to adopt the changes provided below.

ARGUMENTS FOR PASSAGE

6
7 Equality is a cornerstone of our democracy, but not everyone enjoys full equality. Historically,
8 certain groups have been discriminated against because of their characteristics. One of the most
9 effective ways to help ensure equality is to specifically include protections from discrimination in
10 the *Nevada Constitution*, making them far more difficult to repeal, undermine, or overturn based
11 on the political mood of the day. Approving Question 1 will establish ~~an~~ *an enduring*
12 commitment to equality for everyone.

13
14 Although some protection against discrimination exists in federal and state law, there are gaps in
15 the existing legal patchwork that have resulted in **discrimination against certain**
16 **populations, including unequal pay for women, pregnancy**
17 **discrimination, and discrimination against LGBTQ individuals.** This ballot measure ~~provides~~ *fills*
18 *those gaps by providing* comprehensive state
19 constitutional guarantees of equal treatment under the law for the classifications of race, color,
20 creed, sex, sexual orientation, gender identity or expression, age, disability, ancestry, and national
21 origin. The measure would also provide the strongest legal protection against future legislative attempts to roll
22 back equality rights in the state, including access to abortion and reproductive health care.

23 ~~It is essential to approve Question 1 because it fills the gaps by providing broader~~
24 ~~protections than those that currently exist in federal and state law.~~

25
26
27
28
29 Nevada needs to ensure equality for all of its residents in its constitution. *Approving Question 1 will*
30 *improve outcomes for people in the protected classifications who*
31 *have been discriminated against* in Nevada *by allowing our courts* to apply a heightened level of
32 scrutiny to laws ~~involving~~ *or actions of the State or local governments that violate any of the*
33 *protected* classifications ~~which~~. *This ballot measure* will ~~require the government to~~ provide
34 ~~more substantial justification for such classifications. With these specific protections in the~~
35 *Nevada Constitution, courts in Nevada can develop standards for analyzing* *clear guidance to*
courts and lawmakers on Nevada's commitment to protect against discrimination ~~that reflect~~

Deleted: unavailable or inadequate protection for

Deleted: classes of people { },

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Deleted: <#>including these protections against
<#>Contrary to opponents' arguments, religion is one of the
<#>classifications protected by this ballot measure
because courts interpret "creed" to have the
<#>same meaning as "religion." Therefore, by
prohibiting discrimination in the Nevada
<#>Constitution will allow courts based on a person's
"creed," this ballot measure adds an
<#>additional layer of constitutional protection for our
religious liberties.

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36 *and advance equality based on* the unique text and history of Nevada’s equal rights amendment.

37
38 Do not be misled by opponents’ exaggerated and incorrect arguments about Question 1. ~~{They~~
39 ~~argue that this ballot measure will protect abortion rights, erode and destroy women’s sports by~~
40 ~~allowing male and transgender athletes to compete unfairly against women and girls, and endanger~~
41 ~~our students’ safety in school facilities such as restrooms and locker rooms. First, Nevada law~~
42 ~~already guarantees the right to an abortion and passage of this measure will not change this right.~~
43 ~~Second, the passage of Question 1}~~ *Their arguments consist of unfounded speculation intended*
44 *to distract from the clear goal of this ballot measure, which is to ensure equality. This ballot*
45 *measure will not diminish the rights of some people at the expense of others but, instead, will*
advance equality for all by filling the gaps in existing protections. This measure would not
undermine women’s sports and in fact would protect and advance opportunities for women
and girls, including those who are transgender, to participate in sports. There are dramatic disparities in
opportunities, funding, and leadership opportunities for girls and women in the US in sports and we hope this
amendment will help close those gaps.

46 *Additionally, this ballot*

measure will not ~~{remove the State’s ability to ensure competitive balance in school sports.~~
1 ~~Finally, it}~~ *eliminate the authority of the State and local governments to protect classifications*
2 *of people, including children and other vulnerable populations, who have always been entitled*
3 *to such protections. Governmental entities* will ~~{not prevent schools from having separate~~
4 ~~facilities for boys and girls.}~~ *still be able to pass laws or take actions to protect classifications of*
5 *people but will have to honor Nevada’s constitutional commitment to equality when doing so.*
6 ~~{Including these protections against}~~ *Finally, contrary to opponents’ arguments, religion is one of*
the
7 *classifications protected by this ballot measure because courts interpret “creed” to have the*
8 *same meaning as “religion.” Therefore, by prohibiting* discrimination ~~{in the Nevada~~
9 ~~Constitution will allow courts}~~ *based on a person’s “creed,” this ballot measure adds an*
10 *additional layer of constitutional protection for our religious liberties*

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