



# Fact Sheet

## SAME-SEX MARRIAGE IN NEVADA

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In response to the Supreme Court of the United States ruling that states cannot ban same-sex marriage, the Nevada Legislature passed [Assembly Joint Resolution 2](#) in 2017. This resolution proposes to amend the *Nevada Constitution* to provide that the State of Nevada and its political subdivisions shall recognize marriages of and issue licenses to couples, regardless of gender. All legally valid marriages will be treated equally under the law. The resolution also proposes to repeal existing provisions that only a marriage between a male person and a female person may be recognized and given effect in Nevada. Finally, AJR 2 specifies that religious organizations and members of the clergy have the right to refuse to solemnize such marriages.

### Ballot Question for 2020

If this proposal to amend the *Nevada Constitution* is approved in identical form during the 2019 Legislative Session, it will be submitted to voters for final approval or disapproval in the 2020 General Election.

### Nevada State Law

With the passage of [Assembly Bill 229](#) in 2017, the Legislature also revised existing law that provided one man and one woman may be joined in marriage. This measure codifies the substance of the Supreme Court decision by revising state law to authorize the marriage of two persons, regardless of gender.

On June 26, 2015, the U.S. Supreme Court held that under the Fourteenth Amendment of the *U.S. Constitution*, same-sex couples may exercise the fundamental right to marry. Moreover, state laws that exclude same-sex couples from civil marriage on the same terms and conditions as opposite-sex couples are deemed invalid, and states may not refuse to recognize a same-sex marriage that was lawfully licensed and performed in another state.

Under the Supremacy Clause of the *U.S. Constitution*, federal constitutional law supersedes state constitutional law in most cases. As a result, Section 21 of Article 1 of the *Nevada Constitution*, which limits recognition of marriage to include only a union between a man and a woman, is deemed unenforceable.