

Amendment No. 515

Senate Amendment to Assembly Joint Resolution No. 2 First Reprint	(BDR C-690)
Proposed by: Senate Committee on Legislative Operations and Elections	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date		SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

BJE/RBL



Date: 4/24/2017

A.J.R. No. 2—Proposes to amend the Nevada Constitution to require the recognition of all marriages regardless of gender. (BDR C-690)



ASSEMBLY JOINT RESOLUTION NO. 2—ASSEMBLYMEN ARAUJO; ELLIOT ANDERSON,
BILBRAY-AXELROD, BROOKS, CARRILLO, DIAZ, JOINER, MONROE-MORENO,
OHRENSCHALL, SPRINKLE, SWANK, THOMPSON AND YEAGER

PREFILED FEBRUARY 1, 2017

JOINT SPONSORS: SENATORS PARKS; CANCELA, FORD,
MANENDO, RATTI, SEGERBLOM, WOODHOUSE

Referred to Committee on Legislative Operations and Elections

SUMMARY—Proposes to amend the Nevada Constitution to require the
recognition of all marriages regardless of gender. (BDR C-690)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada
Constitution to require the recognition of all marriages regardless of
gender.

Legislative Counsel's Digest:

1 Section 21 of Article 1 of the Nevada Constitution provides that only a marriage between
2 a male and a female person may be recognized and given effect in this State. The United
3 States Supreme Court, however, held in 2015 that the right to marry is guaranteed by the
4 Fourteenth Amendment to the United States Constitution and that same-sex couples may not
5 be deprived of that right. *See Obergefell v. Hodges*, 135 S. Ct. 2584 (2015). Under the
6 Supremacy Clause of the United States Constitution, federal constitutional law supersedes
7 state constitutional law in most cases. (U.S. Const. Art. VI, cl. 2) As a result, Section 21 of
8 Article 1 of the Nevada Constitution is not enforceable.

9 This resolution amends Section 21 of Article 1 of the Nevada Constitution to require the
10 State of Nevada and its political subdivisions to recognize all marriages regardless of gender.
11 In addition, this resolution establishes the rights of religious organizations and members
12 of the clergy to refuse to perform marriages on the basis of gender or other factors, and
13 specifically provides that a person does not have a right to make a claim against a
14 religious organization or member of the clergy for refusing to perform a marriage. This
15 resolution further provides that all legally valid marriages must be treated equally under the
16 law.

1 RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY,
2 That Section 21 of Article 1 of the Nevada Constitution be amended to read as
3 follows:

4 ~~{Sec.}~~ *Sec.* 21. ~~{Limitation on recognition}~~ *Recognition* of marriage.
5 ~~{Only a marriage between a male and female person shall be recognized~~
6 ~~and given effect in this state.}~~

7 1. *The State of Nevada and its political subdivisions shall recognize*
8 *marriages and issue marriage licenses to couples regardless of gender.*

9 2. *Religious organizations and members of the clergy have the right*
10 *to refuse to solemnize a marriage, and no person has the right to make*
11 *any claim against a religious organization or member of the clergy for*
12 *such a refusal.*

13 3. *All legally valid marriages must be treated equally under the law.*