

**MINUTES OF THE
SENATE COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS**

**Seventy-Seventh Session
March 26, 2013**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Pat Spearman at 8:05 a.m. on Tuesday, March 26, 2013, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Pat Spearman, Chair
Senator Mark A. Manendo, Vice Chair
Senator Kelvin Atkinson
Senator Barbara K. Cegavske
Senator James A. Settelmeyer

GUEST LEGISLATORS PRESENT:

Senator Greg Brower, Senatorial District No. 15
Senator Justin C. Jones, Senatorial District No. 9
Senator Ben Kieckhefer, Senatorial District No. 16
Senator David R. Parks, Senatorial District No. 7
Senator Tick Segerblom, Senatorial District No. 3
Assemblyman Elliot T. Anderson, Assembly District No. 15
Assemblyman James Healey, Assembly District No. 35
Assemblyman Harvey J. Munford, Assembly District No. 6

STAFF MEMBERS PRESENT:

Carol M. Stonefield, Policy Analyst
Melissa Mundy, Counsel
Kaci Kerfeld, Committee Secretary

OTHERS PRESENT:

Janine Hansen, Nevada Families

Senate Committee on Legislative Operations and Elections
March 26, 2013
Page 2

Juanita Clark, Charleston Neighborhood Preservation
Angie Sullivan
Scott F. Gilles, Deputy for Elections, Office of the Secretary of State
Mary Porter
Marybel Batjer, Vice President, Corporate Social Responsibility, Caesars
Entertainment Corporation
Josh Griffin, MGM Resorts
Christine Ross
George Flint
Mike Patterson, Reverend, Episcopal Church of Nevada; Evangelical Lutheran
Church of Nevada
Paul Gibson
Tod Story, Interim Executive Director, ACLU of Nevada
Beverly Sevcik
Lauren A. Scott, Equality Nevada
Ian Riddell, Minister, Unitarian Universalist Congregation of Las Vegas
Mya Reyes, President, Las Vegas Gay Visitors Bureau
Daniel Hinckley
Caren Cafferata-Jenkins
Stacy Shinn, Progressive Leadership Alliance of Nevada
Ashly Manke
Jeff Blanck, President, NAACP, Reno-Sparks Branch No. 1112
Dalia Zaki
Salwa Zaki
Cindy Davis
James Davis
Caesar Silva
Barbara Silva
Richard Ziser, Nevada Concerned Citizens
Lynn Chapman, State Vice President, Nevada Families for Freedom
Fred McMorris
Mark Foxwell, Knights of Columbus
Don Alt, Chairman, Nevada Live Stock Association
John Wagner, Independent American Party
David Hoff, Reverend Father, Saint Paul's Charismatic Episcopal Church
Sheila Arceo
William H. Stoddard, President, Nevada Coalition for the Protection of Marriage
Dick Cervi, Pastor, Faith Baptist Church
David R. Matthews

Elisa Cafferata

Chair Spearman:

I will open the hearing on Senate Joint Resolution (S.J.R.) 12.

SENATE JOINT RESOLUTION 12: Urges the President of the United States to grant a posthumous pardon to John Arthur “Jack” Johnson. (BDR R-440)

Senator Greg Brower (Senatorial District No. 15):

The point of this resolution is to call upon the President of the United States to pardon John Arthur “Jack” Johnson. The Congress, led by a bipartisan, bicameral group of supporters—including U.S. Senator Harry Reid and U.S. Senator John McCain—is considering a similar resolution. Some may wonder who John Arthur “Jack” Johnson is and what his connection is to Nevada. To provide history on this issue, we would like to show the Committee a brief video ([Exhibit C](#)).

We thought the video might put things into perspective for those who may not be aware of the history of Jack Johnson and his connection to Nevada. We do many things during the Legislative Session, including tackling large policy issues and tweaking mistakes that may have been made to statute language in past sessions. But we also do symbolic things, such as celebrating our Country’s veterans and the late Senator William J. Raggio with a memorial resolution. This is an example of a symbolic effort that is important. We are here to provide to the Committee an opportunity to make a statement that needs to be made.

In the long and glorious history of our Country, our government has done many great things. We have also made mistakes along the way, including some for which we are still paying a price. While we should not dwell on those mistakes any more than is necessary to learn from them, we should fix a past wrong when we can. The prosecution of Jack Johnson is one such wrong that can and should be righted. More than 100 years later and decades after his death, the only way this wrong can be righted is with a Presidential pardon. That is what S.J.R. 12 calls for.

Jack Johnson was a controversial figure in his day. He challenged the barriers and taboos of his time. He flaunted his success, was defiant of bigotry and was known to say “I act in my relations with people of other races as if prejudice did not exist.” In 1908, Johnson became the heavyweight boxing champion of the

world when he defeated Canadian Tommy Burns in a fight that took place in Australia, making Johnson the first black heavyweight champion of the world. In the wake of Johnson's groundbreaking victory, some began to publicly question the then-prevailing myth of white physical and mental superiority. Within months, the search was on for "the great white hope."

Enter Jim Jeffries, the former world champion. A reluctant Jeffries, bowing to public pressure, came out of retirement to challenge Johnson for the title, making possible what became known as "The Fight of the Century." This fight took place on July 4, 1910, in Reno. Even though Reno's population was only about 17,000 at the time, more than 30,000 people converged on the town for the fight. By many reports, Johnson could have ended the fight early but wanted to give the crowd a good show. By the fifteenth round, Johnson knocked Jeffries to the canvas; when Jeffries failed to get up, the fight was called.

The impact of Johnson's win was immediate and far-reaching. African Americans celebrating the victory were physically attacked in cities and towns across the Country. It was in the wake of this reaction that the federal government began its investigation of Johnson's relationships with white women. Eventually, the U.S. Attorney in Chicago convinced a grand jury to indict Johnson for violations of the Mann Act, a then brand-new federal law intended to combat "white slavery" or what we might call today, sex trafficking. However, in the Johnson case it is now clear that the statute was used to target Johnson's lifestyle. After Johnson's conviction, the prosecutor admitted that it was Johnson's "misfortune to be the foremost example of the evil in permitting the intermarriage of whites and blacks."

Johnson's trial marked the first time that the Mann Act was used to invade the personal conduct of two consenting adults—a purpose found nowhere in the legislative history of the Act. So, why a pardon? The pardon petition recently submitted by a committee on Johnson's behalf put it this way: "Justice requires that a pardon be granted to Jack Johnson—not because Johnson, long since deceased, will derive any personal benefit from such a pardon, but because the American people will. The public interest and public welfare is the applicable standard, and a pardon meets that standard for at least five reasons."

The first, just as Johnson was prosecuted because he was a symbol, he should now be pardoned because it would be symbolic to do so. Second, a pardon is

necessary to expunge from the annals of American criminal justice a racially-motivated abuse of the federal government's prosecutorial power. Third, a pardon is warranted because of Johnson's historical significance, and his historical connection to Nevada suggests that the Nevada Legislature be the first to call for the same. Fourth, a pardon will demonstrate that America can make amends for mistakes of the past. Finally, Johnson's conviction has essentially denied him his place in history, alongside the likes of Joe Louis, Jackie Robinson, and Muhammad Ali. A pardon would remedy this injustice.

In closing, a pardon of Jack Johnson is simply the right thing to do, and we respectfully submit that President Barack Obama should do just that.

Assemblyman Harvey J. Munford (Assembly District No. 6):

I will read a brief statement in support of S.J.R. 12 and thanking Senator Brower for the depth of his insight and for stepping forward to remedy a cruel social injustice ([Exhibit D](#)). The video shown was a tape from my archives when I was teaching at Bonanza High School in Las Vegas. I have shown that tape to my students on many occasions because I believe in teaching truth. History repeats itself in the sense of Muhammad Ali. He was cast in the same light as Jack Johnson during his boxing career. Muhammad Ali also challenged the system. The biggest defiant move he made was when he changed his name. People objected to that, but Ali was committed to his religion and what he believed. People condemned and almost cast out Muhammad Ali because he changed his name to a Muslim name. The next defiant move he made was objecting to the draft. He felt the Vietnam War was an unjust war, and he did not feel like he had Vietnamese enemies. He stood his ground, similar to what Jack Johnson did. The public has realized and come to some level of understanding about the racial relationships in this Country. We hope that we can bring a closure to Jack Johnson and his family.

Senator Brower:

This is a symbolic measure. Neither one of us assumes that the President will ever even read this resolution upon receipt at the White House if it passes this body. We have a realistic expectation and understanding about how this works. Given Nevada's connection to Jack Johnson and given the injustice that we have described, it is an important symbolic thing for this Legislature to be the first to say that the time has come and a pardon is appropriate.

Senator Cegavske:

Are any other states doing this?

Senator Brower:

Jack Johnson's home state of Texas passed a resolution a few years ago. As far as I can tell from review, it does not call on the President to pardon Jack Johnson, it simply created a Jack Johnson Day and commemorated the hundredth anniversary of the Fight of the Century. I believe we would be the first legislature to pass this resolution.

Senator Cegavske:

Are you seeking other states to follow?

Senator Brower:

I have not, but we will. The federal effort was the product of an effort by a committee which, with some very good legal help, put together the pardon application. The pardon process goes through the U.S. Department of Justice, but it is really up to the President. Only the President can make the decision to pardon someone. The committee that put this pardon application together includes among many others: Ken Burns, the filmmaker who created the film shown; former NBA star Len Elmore; the journalist Pete Hamill; the actor Samuel L. Jackson; the late U.S. Senator Ted Kennedy; Sugar Ray Leonard; Wynton Marsalis; U.S. Senator John McCain; and the list goes on and on. This effort has been under way for quite some time. This time it may have more traction. It has passed Congress in the past, but no president has ever acted upon it. I would like to think that this President and this U.S. Attorney General will see the pardon application differently and perhaps it will happen.

Assemblyman Munford:

People talk of underpayment of teachers, which is a legitimate concern. The greatest reward you can receive is to see what your students have accomplished and how they have made a positive contribution in a strong way.

Chair Spearman:

I am mature enough to remember Cassius Clay. I had the privilege of teaching at the University of Louisville at the time it instituted the Muhammad Ali Institute for Peace and Justice. Jack Johnson's death came about 9 years before Fannie Lou Hamer stood on the floor of the Mississippi delegation and uttered her famous words, "I am sick and tired of being sick and tired" and demanded to be

seated with the Democratic delegation at the Democratic Convention in 1964. We are on the right path of history. This Legislative Session will probably be known as the one for civil rights and equality.

SENATOR SETTELMAYER MOVED TO DO PASS S.J.R. 12.

SENATOR MANENDO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Chair Spearman:

I will now open the hearing on Senate Bill 246.

SENATE BILL 246: Revises provisions relating to committees for political action.
(BDR 24-674)

Senator Justin C. Jones (Senatorial District No. 9):

Under existing provisions of the *Nevada Revised Statutes* (NRS), political action committees (PACs) are defined as any group of natural persons or entities that solicits or receives contributions and makes or intends to make contributions or expenditures designed to affect the outcome of an election. Those groups must register with the Secretary of State before engaging in any activity to affect the outcome of an election. However, corporations are expressly excluded from the definition of "campaign for political action." When it comes to campaign finance laws, with each effort to close a loophole, someone will always find a new one to exploit. That is exactly what happened in 2012. Last fall, negative billboard signs were put up around Las Vegas. The billboard signs stated they were "paid for by just another politician PAC." When PAC disclosure reports came out, no contributions were listed except large in-kind contributions from a corporation, Just Another Politician, Inc., formed by the same gentleman as Just Another Politician PAC. In other words, by forming a corporation—which is excluded from PAC disclosure requirements—to receive contributions, those who funded more than \$80,000 in negative campaigning were able to shield their identities, directly contravening the spirit of our campaign disclosure laws.

I am bringing S.B. 246 to close this loophole in PAC disclosure reporting. To close the loophole, S.B. 246 adds another category to the definition of

committee for political action and requires that this new category of PACs register and report activities that meet certain criteria. In section 1 of the bill, I propose to include any business or social organization—including a corporation, partnership, association, trust, unincorporated organization or labor union—which has as its major purpose to affect the outcome of an election and receives contributions or makes expenditures in excess of \$1,500 in a calendar year or does not have as its major purpose to affect the outcome of an election, but nevertheless receives contributions or makes expenditures in excess of \$5,000 in a calendar year to influence the election results.

In section 2 of the bill, I propose that these political action committees, as defined in the bill, must register with the Secretary of State not later than 7 days after the event of receiving or expending that amount of money. *Nevada Revised Statute* 294A.230 does not set forth spending criteria to require these groups to register as PACs. By requiring an entity that meets the contribution and expenditure threshold to register as a PAC under this bill, existing PAC disclosure rules will require disclosure of PAC contributors. For the sake of transparency, we are capturing those who engage in political activity but who hide from view because they do not fit into our definition of a committee for political action.

There is a lot of money in our election process and no sign that it will be regulated or limited in the immediate future. All too often, these expenditures are for messages that are negative, sometimes vicious and frequently misleading. The voters, candidates and parties have a right to know who are behind these efforts. Senate Bill 246 is one attempt to bring more transparency to the process.

When someone finds a loophole and gets away with it in one election cycle, others will exploit it in the next election cycle. In 2012, I was the primary target of the group that exploited this loophole in Nevada law. If we do not close the loophole now, any of you or our other colleagues in the Legislature could be the target of these shadowy groups who conceal their identities in the next election cycle. I urge this Committee to pass Senate Bill 246.

Senator Settlemeyer:

I understand that you were targeted unfairly by corporations. I was also targeted by unions on occasion. Why are unions not included?

Senator Jones:

They are included in this bill.

Senator Settlemeyer:

Has there been any research done on the constitutionality in light of some of the cases that have come out to determine if this could potentially be problematic?

Senator Jones:

Yes, we have. The Legislative Counsel Bureau and the Legal Division looked at the issue. The language we used for this bill came from a Maine statute. The Maine statute was challenged in the United States Court of Appeals for the First Circuit and has been found to be constitutional.

Senator Manendo:

How did you come up with the \$1,500 figure? Regular PACs have to disclose anything over \$100.

Senator Jones:

We used the numbers that the Maine statute had specified. I am happy to look at other figures if the Committee wishes.

Senator Settlemeyer:

Is this only for candidates? I ask because I worked on the Keep Improving Douglas Schools Committee, and we did not have to file the paperwork because we are below the current threshold. Would this affect people who are just trying to pass school improvement bonds?

Senator Jones:

If the primary purpose is to affect the outcome of a campaign, then yes, it would be.

Janine Hansen (Nevada Families):

This very broad bill would include social organizations—maybe a local garden club or a group trying to support something for the local school. The broad definition concerns me, as well as the definition “affecting the outcome of an election.” The U.S. Supreme Court has narrowly defined expressed advocacy, which means it either states to vote for or vote against a particular issue. This could be very broad in terms that an organization would not have to specifically say to vote for this person or against this person. It could go as far as putting

out information on particular issues or simply releasing information on where Legislators had voted. This could be construed as affecting the outcome of a primary election when the organization was not exactly involved in expressed advocacy as defined by the U.S. Supreme Court.

The definition is very broad and has a very broad reach. For instance, how would an unincorporated organization be determined? The best response for negative political speech is more political free speech. There was a tradition of how important free speech was in our Nation. When John Adams was President, Thomas Jefferson ran a stealth campaign to attack what John Adams was doing and was ultimately elected. They understood that the remedy for negative speech is more speech. The more we limit the ability of our citizens and organizations to participate, the more we put a damper on free speech.

Juanita Clark (Charleston Neighborhood Preservation):

We agree with Ms. Hansen's testimony.

Angie Sullivan:

I am here in support of S.B. 246. I am a firsthand witness to the tactics used. I participated in several campaigns during the last election. Billboards, advertisements and fliers were distributed, and the people paying for them were hidden. Candidates have a right to know who is distributing misinformation or extremely negative information. People and corporations should not be able to hide. If they have something say, they need to do it in the light where people can address that.

Scott F. Gilles (Deputy for Elections, Office of the Secretary of State):

The Secretary of State's Office is neutral on this bill. This will expand the types of groups and organizations that will need to register as a PAC upon reaching the dollar threshold set out in the bill, depending on whether their major purpose is to affect elections or ballot questions. With respect to the major purpose standard, the bill itself does not explicitly set forth the criteria to make that determination. That is something our office would seek to clarify through regulation. This language is modeled after statutes from Maine, which have been upheld by the U.S. Court of Appeals for the First Circuit. Our Deputy Attorney General reviewed and confirmed that as well. The Secretary of State's Office would handle the major purpose definition through regulation if this is enacted.

To clarify earlier comments, PACs actually have a different reporting standard than all other groups. Any group, person, nonprofit labor union or any group that runs an independent expenditure triggers a reporting requirement. The group would have to report any contribution or expense in excess of \$100. PACs have a different standard where the mechanism for them to file a contribution and expense report is triggered by contributions in excess of \$100. The PAC reporting standard is lower than all other groups. The groups mentioned earlier would only be caught in this definition if they ran independent expenditures. They should still be filing their contributions and expense reports. They just do not have registration requirements like PACs but will with passage of this bill.

This bill also revises the registration timing for these categories. They will have 7 days after they receive or spend the threshold amount. All PACs are currently required to register before they engage in any activity. The purpose of this is so the public can determine who is behind the PAC when a flyer or commercial says paid for by a certain PAC. This bill has the 7-day window following the triggering event, which is reaching the dollar threshold amount.

Senator Cegavske:

How do you feel about the threshold of \$1,500 or should it be lowered? Could you address the concerns from those who are opposed?

Mr. Gilles:

The Secretary of State's Office has not looked into whether the threshold amounts are appropriate. At first glance, I do not see a problem with them. This is just a registration triggering threshold. Whether these groups are registered as PACs or whether they do not meet the definition of a PAC, if they are spending money and making independent expenditures, they have to file contribution and expense reports either way.

The opposition commented about this being too broad and including too many groups. However, I do not see that as a problem. If you are spending that kind of money in an election, you should disclose who you are. If you are spending the threshold amounts to expressly advocate for or against a candidate, there should be no problem having to register and inform the public of your organization. It provides more transparency and disclosure.

Senator Cegavske:

I am trying to get to the groups mentioned. Would you really care what a garden group is doing? To me, this is about politics and people campaigning against politicians who use negativity and hide behind something. On page 2, lines 9 to 11, we capture the group of people we are trying to capture. Are there some that we do not necessarily need to include, such as the unincorporated organizations, associations and social organizations? Could we look into the real problem and use that to make sure disclosure is made?

Mr. Gilles:

What you are saying makes sense. If it is the Committee's desire to revisit this language and carve out specific groups, that can be done. That is a policy decision for the Committee and what direction Senator Jones would want to go with this bill. If there were specific groups that the Committee wanted to carve out of this, that could be done.

Senator Cegavske:

I keep thinking of small organizations such as the tortoise organization. That group raises money and does campaigns to talk about tortoise rescues. Would that group be included?

Senator Settlemeyer:

I agree that we should go after the people who are tremendously affecting campaigns, skirting the law, raising thousands of dollars and doing mailers. What is the limitation for spending that triggers the entity?

Mr. Gilles:

If you are referring to a group that advocates the passage or defeat of a ballot question, that is a different set of statutes. *Nevada Revised Statutes* 294A.150 and NRS 294A.220 address the reporting requirements for those types of groups. Those thresholds are at \$1,000. Once those groups collect or spend \$1,000, they have to file a report and report each contribution or expense over \$1,000. For that particular type of group—a PAC that advocates the passage or defeat of a ballot question—there is a different and higher threshold for reporting than for those groups, PACs and nonprofits that run straight independent expenditures related to candidates or a group of candidates.

Mary Porter:

I would like to call your attention to language on page 2, lines 1 to 19, which could cause difficulty in interpretation in which a tutorial or explanation could help. In line 6, there is a definition applied to PACs which have the major purpose to “affect the outcome” of any election. Line 12 of the bill is talking about a major purpose. How those are defined can create a full employment act for attorneys as we try to wend our way through what is intended. It also creates an ambiguity about what is meant by the language in paragraph (a), on line 1, page 2, “any group of natural persons or entities that solicits or receives contributions from any other person, group or entity.” This is a similar definition to that in paragraph (b), but different criteria. One group is designed to affect the outcome and the other, the major purpose. I would ask that the language and definition be the same so that the intent is clear.

Senator Jones:

I want to address the concerns regarding gardening clubs and tortoise clubs. The language of this bill does not contemplate a garden club unless that garden club is truly a front for an organization whose major purpose is affecting the outcome of an election. A garden club would never come under this statute unless it received or spent more than \$1,500 and had its major purpose affecting the outcome of the election, or did not have as its major purpose affecting the outcome of an election and received or spent more than \$5,000. If the tortoise organization decided to get involved in a specific election—which I doubt it ever would—then it would have a reporting requirement. It is extremely unlikely that any of these organizations, unless they are fronts for organizations truly intending to affect an election, would be affected by this bill.

Chair Spearman:

There was also written testimony in opposition of S.B. 246 submitted by Matt Nese, the Director of External Relations at the Center for Competitive Politics ([Exhibit E](#)). We will now close the hearing on S.B. 246 and open the hearing on Senate Joint Resolution 13.

SENATE JOINT RESOLUTION 13: Proposes to amend the Nevada Constitution to repeal the limitation on the recognition of marriage. (BDR C-88)

Senator Tick Segerblom (Senatorial District No. 3):

Senate Joint Resolution 13 is a simple constitutional amendment. If you look at the slide ([Exhibit F](#)), you will see that we are proposing to take out one sentence

from the Nevada Constitution that reads “only a marriage between a male and a female person shall be recognized and given effect in this state.” This sentence was added to Article 1, section 21 of the Constitution after the 2002 election. It was a sad day for Nevada when it was added. This bill would simply allow the voters to vote on this. We are not deciding what goes in or out of the Constitution; we are just saying that we, as a Legislature, believe this is an issue the voters of Nevada should decide. If this passes, this question would be on the ballot in 2016. The prohibition against same-sex marriages is costing Nevada a huge sum of money. We are the marriage capital of the world, and the fact that we would prohibit 10 percent of the marriages from taking place in Nevada is ridiculous. This should be something we promote and use to encourage people to come to Nevada. To single out one group of people and say that those people are different and less important than the rest of us is immoral.

Senator Ben Kieckhefer (Senatorial District No. 16):

I am going to work with Senator Segerblom and the Secretary of the Senate to amend me on as a cosponsor of this legislation. This will put a stamp of bipartisanship on an issue that is not partisan, which is the equal treatment of our citizens under our laws. The institution of marriage is something that I take very seriously. I believe marriage is a religious union. In that way, I question whether we as a State should dictate to people in any religious organization who they should and should not marry. That decision should ultimately be made by the church. If this passes, the Catholic Church probably will not start marrying same-sex couples. That is okay, because it is the Church’s choice. If a religious institution believes that it should be able to marry same-sex couples, it is not the state’s role to tell it that it cannot.

My next point is the civil union and civil marriage. Because of the way that we have our laws structured under this constitutional provision, we treat different groups of people differently. That is in contrast to the way this State was created and the way that we envision our State operating in terms of equal treatment for all people. It flies in the face of what we hold most dear, which is justice and equality. Today is my eighth wedding anniversary. I love my wife and she is the most fabulous person in the world. The day she married me was truly a seminal moment in my life when we could stand up in front of our friends, family and preacher and become united in marriage. That is not the same thing as going to the Secretary of State’s Office and filling out paperwork

for a domestic partnership. The people who want to be unified in the way I hold so dear should be allowed to do so. That is a very basic civil right.

Senator Settelmeyer:

Senator Kieckhefer and I have spoken about the concept that individuals should be able to do what they wish. I also appreciate what you are indicating for the churches to decide whom they want to marry. We will find out the ruling from the United States Supreme Court soon. Churches have the ability to indicate who they wish to marry within their church. I have friends who got divorced and tried to get remarried to someone else in the Catholic Church and were refused. We also discussed the concept of removing laws pertaining to domestic partnerships if the State of Nevada changes its laws pertaining to same-sex marriage. Senator Kieckhefer and I both felt that a domestic partnership was not the same thing as marriage and that we should all have one set of laws. Why should the individuals come to the Legislature to get this on the ballot instead of gathering signatures? Why have a different set of rules for this?

Senator Kieckhefer:

I do not think of it as a different set of rules. There has always been the rule that people could go through the legislative process to get a constitutional amendment on the ballot. If proponents of the current statute had been able to successfully get it through the legislative process, they would have followed the same process. It is within our Constitution that this is a way to propose constitutional amendments. We should not default to saying that just because it was done one way one time, that it has to be done the same way the next time. This question will go back to the voters. I may be wrong and the voters may reject this question. There has been a lot of discussion about people's evolution of thought on this subject. I have not evolved at all on this subject—this is where I have been for a long time. Maybe this evolution has not fully happened in Nevada. This provision was voted for the second time in 2002 before I came to this State in 2003. What I have found about Nevada is that this place is incredibly welcoming and embraces everyone who comes its way. I believe the people would vote for this if it is put before them, and I do not agree that this needs to go through the exact same process.

Senator David R. Parks (Senatorial District No. 7):

I will read my statement in favor of S.J.R. 13 ([Exhibit G](#)).

Assemblyman Elliot T. Anderson (Assembly District No. 15):

I will read from prepared testimony in favor of S.J.R. 13 ([Exhibit H](#)).

Assemblyman James Healey (Assembly District No. 35):

I have been working on this issue and equality in the State of Nevada for 20 years. Thoughts and minds have shifted on this issue. As Americans, we have the right to do that. In fact, our President had the right to change his mind on this very topic. He had a very firm stance when he first came into office, but as a good leader he listened to his constituents, the organizations of this Country and his fellow Americans. Based on the conversations that he had, he changed his mind. Nevada sits in the same position. Every day, each one of us stands in the Chamber and recites the Pledge of Allegiance. The end of the Pledge of Allegiance says "with liberty and justice for all." Each day I have to gulp as I say that because I love this Country and this State, but for me, there is not justice for all. This issue is a prime example of just that.

History has shown that people change their minds. Oftentimes as a result, things become better. People change their minds because they become educated and they do not have the fear that causes them to make certain judgments. When minds change, attitudes also change and things get better. In 2000 when this was first voted on by the people, it passed with 69 percent in favor of the ban. Two years later, another vote was taken and it did not pass nearly as strongly. That showed a shift. During that 2-year period, conversations were had and people were educated. Had we kept those conversations going and voted every 2 years, we would see that the initiative would not pass with an overwhelming majority anymore. A *Washington Post* poll from last week shows that 58 percent of Americans believe it is time for marriage equality. Assemblyman Anderson even mentioned the Republican number was over a majority. I make that point because it shows that because of the conversations and education that have taken place over the last decade, people are looking at things differently. People understand that straight marriages are not in jeopardy if a neighbor, cousin or brother who is gay wants to get married.

A church has the right to decide who they will and will not marry in their institution. We are not asking for that to be taken away. If a church chooses or wants to marry individuals in its house of worship who may be of the same gender, it has the right to do so. Churches can do that today, but legally it

means nothing. We are asking for the opportunity to be protected by the same rights, benefits and protections that opposite gender couples have.

I come from a very conservative Republican family. It was a very interesting time talking with my family a few years ago about the divorce my brother had just gone through and my other brother who has two children and a wife. I said that one day I wish I could be like him, have a family and be recognized as such. They all stopped and looked at me, not understanding what I was talking about and saying that I could have a family. I told them that I can have a family, but I am not protected and it is not recognized by this Country which I love, pay my taxes in and dedicate my services to. There is a big difference between the recognition of dedicating your love to someone and the nonrecognition of that love. I told my mother that there are 1,138 benefits and rights that I do not have that others do have. She said I was wrong, so I cited them and gave her the documentation. She read through it and said she was sorry, that she was wrong and embarrassed, that she did not know about something that would allow her son to have a different life and a different level of legal acceptance—the protections by the government in which we all should have the equal right to be respected and protected. She started to cry and said that as my mother, she was embarrassed that our Country allows this to happen.

Everyone should be treated equally in this Country. As a taxpayer, everyone should have the same rights. People in a relationship who want to be married should file taxes jointly and get the same tax credits as straight married couples. Same-sex couples should also have the right to the misery of marriage. It was a moment of change for my family to realize that it is not only about being able have a marriage ceremony and walk away with a certificate. It is not only about being recognized in your house of worship—it is more than that. It is about being recognized by your own Country. We are not recognized by our Country with the same protections, rights and benefits as straight married couples.

We as Legislators have been tasked with finding additional ways to improve our education system and put people back to work. We are faced with an opportunity to take a leadership stance and do just that. About 98,000 marriage licenses were granted in Nevada in 2012. If we conservatively estimate a 10 percent increase in weddings—a conservative estimate in the wedding capital of the world—by allowing same-gender marriage to take place, that would be almost 10,000 additional weddings we would be adding to our State. That resonates into jobs, wedding chapels, hotels, limo companies, helicopter

tours, florists, gowns and tuxedo rentals. We already have the infrastructure for all of these things. Many people who used to be in those industries are out of work. We have an opportunity to increase that market and put people back to work in the industries in which they are already trained. This would result in additional revenue and tax revenues that can go toward education. Put any morality aside and look at this from a business standpoint for the State. Other states, as Senator Parks mentioned, are reaping the financial reward of allowing same-gender marriage, and they are not the wedding capital of the world, Nevada is. There is also money to be made with divorces, which will occur when same-gender marriage is approved.

This is an opportunity for us, as Legislators, to show true leadership and take a stance. I am asking for each of you, as leaders for our State, to do the right thing. Vote to pass S.J.R. 13 so that we can get the process started to put this back on the ballot and allow the residents and constituents of Nevada to vote. If the people have the opportunity to vote on this, we will see gender and marriage equality in the State of Nevada. Then and only then can we truly stand proud in front of our flag on the floor of our respective Chambers. When we say with liberty and justice for all, we can finally mean it.

Senator Atkinson:

We have received numerous emails on this topic. Some of them are quite unfortunate because they are mean-spirited and could cross the line into hate speech. They are disrespectful to the process. Many of these emails talk about the interference of the sanctity of their own marriages. What are your thoughts on that?

Assemblyman Healey:

We are not asking to interfere with marriages. We are asking not to be interfered with for the ability to be married and be recognized by our Country and our State for that marriage. We have seen many hateful emails. This is a Country where we have the right to feel the way we do; however, we are asking for the opportunity to have the choice to be married and have that recognition if we so choose.

Senator Atkinson:

Public perception and how people view this topic has changed, but there are people who are stuck in their beliefs on this. Their beliefs are their own and that is fine, but some of us believe other things. I would be happy to see this go

before a vote to see which belief outweighs the other. People will protest and not want the people to decide. I was here in 2002 when this was on the ballot, and there was hateful material that campaign season. I saw something this morning that I know would not have happened in 2002, when Senator Kieckhefer came in and testified. I do believe public perception has changed.

Assemblyman Healey:

Changes are happening because conversations are hitting home for people. This resolution is on the opinion poll section of the legislative Website, and as of this morning it shows this resolution is the fifth-highest voted on this Session. Sixty-three percent of those voting this resolution on the Website favor this resolution going forward. We believe that a majority of this State thinks people should have the right to be married and protected and receive benefits.

Senator Atkinson:

There was mention of removing the laws on domestic partnerships if this is passed. I do not agree with that idea. Domestic partnerships do not only pertain to same-sex couples. A domestic partner can be defined as your mom, uncle or someone living in your house, and that law needs to remain.

Assemblyman Healey:

I agree. Domestic partnerships do not only apply to the lesbian, gay, bisexual and transgender (LGBT) community. There are opposite sex couples who, for their own personal reasons, do not want to be married but want to live life together and have protections together. They should still have the choice of domestic partnerships and have the protections that come with it.

Marybel Batjer (Vice President, Corporate Social Responsibility, Caesars Entertainment Corporation):

Caesars Entertainment has a long and important history of supporting the LGBT community. We stand today in strong support of S.J.R. 13. It is time to end Nevada's constitutional discrimination. It is time that Nevadans have marriage equality. Indeed, it is overdue. Caesars Entertainment urges the passage of S.J.R. 13.

Josh Griffin (MGM Resorts):

I have provided a written statement from MGM Resorts in support of [S.J.R. 13 \(Exhibit I\)](#). MGM Resorts feels this is a function of fairness, equality, economic vitality and community strength, and we are proud to support this resolution.

Christine Ross:

I will read from prepared testimony about my story ([Exhibit J](#)).

George Flint:

Senator Segerblom and Senator Kieckhefer addressed the fact that this is a fiscal issue. Assemblyman Healy referred to a 10 percent potential increase that would come to our State as the marriage capital of the world. Last Saturday, I officiated at 20 weddings, and I hold the world record of having officiated at 108,943 weddings. I have turned away 10,000 couples because they were same-sex couples.

I would like to share with you a story as an underline as to why the same-sex couples really would like to get married here in Nevada. Two ladies walked up the seven stairs into my wedding chapel recently, both wearing bridal gowns. I thought it was for a double wedding until they handed me an envelope and said they would like to be married. I explained to them that they could not be married in Nevada because of our laws. They said they had it all covered. They had left Reno and driven all the way to Des Moines, Iowa, and bought an Iowa same-sex marriage license. They naively thought they could bring it back and hand it to me and that would give me the authority to marry them in Nevada. This has happened to me several times. It is amazing how many couples come from California with the normal California marriage license, thinking they can be married in this State.

Every wedding we lose costs this state a minimum of \$3,000 in tourist revenue. When Assemblyman Healy refers to a 10 percent increase—approximately 10,000 weddings a year—you can automatically multiply that by at least \$3,000. We are looking everywhere to find money for education, but money is here if we can develop a liberal enough attitude to consider it right, proper and normal. I am a minister of divinity and a graduate of three or four biblical schools. I have suggested several times that Saint Paul was gay. People look at me like I am totally insane, but if you read his letters to his son, Timothy, in the New Testament, the intimacy he shared with Timothy could lead one to believe

there was something more there than was typical. What we address here is not all that uniquely different than what has gone on for centuries.

Mike Patterson, Reverend (Episcopal Church of Nevada; Evangelical Lutheran Church of Nevada):

There has been testimony about religion and how this applies. Four years ago, the Sierra Pacific Synod of northern Nevada and northern California passed a resolution stating "the Sierra Pacific Synod in Assembly supports the efforts to make civil marriage for lesbian, gay, bisexual and transgender couples a reality in our country and opposes any attempts to discriminate against LGBT couples and individuals." The Episcopal Church holds similar standards. I submitted an article about how the National Cathedral in Washington, D.C., has authorized same-sex weddings ([Exhibit K](#)). That is the Episcopal Church's position. We have the authority, in consultation with our bishops, to do gay blessings of relationships under the current Nevada law. In some states where it is legal, we also have the authority in consultation with our bishops to perform gay marriages. I have also submitted an article about the right of the church to perform blessings on same-sex unions ([Exhibit L](#)) and an article about the Assembly of the Evangelical Lutheran Church in America opening its ministry to gay and lesbian pastors ([Exhibit M](#)). I have also included a packet of pastoral letters about church policy ([Exhibit N](#)). This is a civil rights issue. We support this bill, and we ask you to reflect that Nevada can look at the individual and not at some of the rhetoric you may hear from some of my more conservative friends.

Paul Gibson:

I am an intern pastor of a Lutheran congregation in Sparks. The fact that I, an openly gay man, will have the opportunity to work as a Lutheran pastor is proof that persons and communities of faith must constantly reassess and reevaluate their understanding of their scriptures and of their God. Our twentieth and twenty-first century understanding of human sexuality and human relationships can be found nowhere in the ancient scriptures of our faiths. The Bible has nothing about two men or two women making lifelong loving commitments to each other. There is also no such thing as a biblical definition of marriage. The Bible's understanding of same-sex couples and of marriage cannot assist us in our work of creating a just and free society. We can rely upon such scriptures as "love your neighbor as yourself" and "do unto others as you would have them do unto you." We can rely upon the example of Jesus, who defied the discriminatory labels of his society in order to proclaim God's love for and

acceptance of all persons. The Bible demands that justice and equality be available to all, and Jesus condemned those who would put a stumbling block in the way of others. A constitutional amendment which creates a false understanding of human relationships is a stumbling block. It reduces members of our society to second-class citizenship, and it violates everything which persons of faith consider holy.

Tod Story (Interim Executive Director, ACLU of Nevada):

I will read from prepared testimony in support of S.J.R. 13 ([Exhibit O](#)).

Beverly Sevcik:

I will read a prepared statement about my relationship ([Exhibit P](#)).

Lauren A. Scott (Equality Nevada):

I have provided a handout which includes written testimony and a presentation I give at the University of Nevada, Reno, on sex and gender issues ([Exhibit O](#)). A lot of comments against this issue talk about how the marriage between a man and a woman, designed by God, should not be altered. The language of Article 1, section 21 of the Nevada Constitution defines marriage as between a man and a woman.

In the handout, I have gone over variations and basic biology about intersex issues. I am intersex. Prior to 1980, a lot of people had genital surgery. Throughout time, we have tried to bury this issue and make everyone be a man or woman through surgery, hormones and gender programming. The language currently in the Constitution is a status quo, that everything should be pink and blue, male and female, or man and woman. As you go through this presentation, you will see variations in natural human genetics, chromosomes and hormonal levels. People think that sex chromosomes are simply XY, but there are also XY, XXY, XYY genetic mosaics with at least 16 variations of human genetics. There are women who have penises and men who have vaginas. The Olympic Committee has come across this several times in testing. The Committee released eight women who found out they were men in the Olympics. The idea that we can define marriage as only between a man and a woman when we cannot define a man and woman makes Article 1, section 21 of the Nevada Constitution not only ignorant but irrelevant.

Ian Riddell, Minister (Unitarian Universalist Congregation of Las Vegas):

People of many faiths are certain and passionate in their support for granting full equality under the law to all loving and committed couples in this State. Our faith demands we speak up. My tradition is grounded in the affirmation of the inherent worth and dignity of every person and understanding that the universe is bound together by love. We are each called by that affirmation and love to share in the work of building just and loving relationships in our home, our neighborhoods and in the larger society. Along with members of many other faith traditions, we respond to the religious imperative that we love our neighbor as ourselves by working to support strong, loving families. I see members of my congregation in committed relationships, supporting each other and caring for each other through hardship and illness, creating homes together, raising children together and growing old together. But some of these couples are told by our Constitution and laws of this State that their commitment, companionship and love are not as worthy of support and recognition as that of their straight neighbors and friends. As they take each other to the hospital, visit their children's schools or plan for their health care into old age, they live with a fear that Nevada's domestic partnerships are not enough to protect, support and honor them. Separate but equal is not equal. As a citizen of this State in a 23-year committed same-sex relationship with my high school sweetheart, and as a representative of tradition and a congregation committed to standing on the side of love, equality and family, I call on you to act for the equality of all Nevadans and all of your constituents to pass S.J.R. 13.

Mya Reyes (President, Las Vegas Gay Visitors Bureau):

We are in support of S.J.R. 13. The mission of the Las Vegas Gay Visitors Bureau is to drive untapped revenue to the State of Nevada from LGBT travelers. I am here to speak specifically to the economic value gay marriage would mean to our State.

In fiscal year 2011, as Director of Diversity Marketing at the Las Vegas Convention and Visitors Authority, I assisted in booking over 83,000 room nights for LGBT meetings and conventions in Las Vegas. That only represents about 15 percent of the overall marketing mix. These meetings generated a conservative figure of \$25 million to the City. As has been mentioned, if gay marriage were legalized in Nevada, the more than 100,000 weddings performed here annually would increase by at least 10 percent. Those who would benefit from these weddings are wedding chapels, the City, hotels, taxi cabs, restaurants, shows, shopping malls, tour companies and our residents. For

nearly a decade, Las Vegas has been ranked as the No. 2 leisure destination by LGBT travelers who currently enjoy an 80 percent higher average household income and travel more than the general market. We would like to replace New York as the No. 1 destination, and legalizing gay marriage may tip the scales in our favor. In the first year gay marriage was legalized in New York State, marriage license fees, local celebrations and wedding-related purchases boosted New York City's economy by \$259 million, as reported by Mayor Michael Bloomberg. More than 8,200 same-sex marriage licenses were issued, representing more than 10 percent of the 75,000 licenses issued in the City. New York welcomes over 200,000 guests to partake in celebrations, booking 236,000 room nights and collecting \$16 million in tax revenue.

If 10 percent of the nearly 100,000 marriages performed in Las Vegas were LGBT, and couples only brought along two friends or family members, the additional revenue to our State would represent approximately \$45 million, not including licenses, wedding-specific purchases and receptions. Of the approximately 650,000 same-sex couples in the U.S., more than 140,000 have formalized their relationships under state law and about 50,000 have married. This leaves a large number of weddings and the revenue they could bring to Nevada. In addition to this being an equal rights issue, from a bottom-line standpoint, gay marriage makes sense for our State. The increased tax revenue would serve to enhance the quality of life for us all, our families, children, and even for the families and children of those who are opposed. If we look at gay marriage from an economic standpoint, the decision is an easy one.

Daniel Hinkley:

I will read from prepared testimony in favor of S.J.R. 13 ([Exhibit R](#)).

Caren Cafferata-Jenkins:

While I am an agency head for the State of Nevada, I am prohibited from appearing before a legislative committee and advocating on behalf of anyone for any legislative measure unless it is on behalf of myself. Marriage equality is an issue that is important enough for me to jeopardize my authority and come forward. Farrell Cafferata-Jenkins and I have been together for 16 years. We have been married to each other, or have publicly proclaimed our relationship, five times—twice as domestic partners, once in Nevada and once in California. We were married in the State of California and then had the privilege of having a government tell us that our marriage was invalidated. There are serious

emotional effects from having someone tell you that your marriage is being invalidated. We then had the opportunity to remarry in California.

Finally, having enough of government intervention, our faith community allows for marriage equality. We had a religious ceremony which was videotaped by a friend. Then, because the rabbi's final comments were "vote no on Question 2," it became a documentary that has won international awards, called *My Sister, My Bride*. We have two gorgeous children through the miracle of modern medicine, which my partner had to adopt because I was not satisfied that the presumptions of domestic partnership would allow her to truly be a parent to our children. She had no genetic relationship to them and no standing as a spouse. At that time in Nevada, married people and individuals could adopt, but we were neither. I was not going to give up my parental rights so that my partner could have them, so we went to California. I am a Nevadan, and I am proud to serve this State as my employer and in every aspect of my life. I have been here since 1984. I have been an out-and-proud lesbian since 1978. I am very proud of our State, and there are many reasons why I love this place. One of them is not the current constitutional provision of marriage.

Stacy Shinn (Progressive Leadership Alliance of Nevada):

We are a coalition of 32 groups statewide, and marriage equity is a board-voted priority for the 2013 Legislative Session. We support S.J.R. 13; however, we believe this is not enough. There is no need to make the road to equality longer. Not only the Alliance, but also many members of the LGBT coalition in Nevada are standing behind an amendment to S.J.R. 13 ([Exhibit S](#)). Others standing behind this amendment are the Community Chest, Inc.; the National Association of Social Workers; the Nevada Women's Lobby; the American Civil Liberties Union of Nevada; the Nevada Advocates for Planned Parenthood Affiliates; the NAACP; the Stonewall Democratic Club of Southern Nevada; and the Human Services Network. This is to not only eliminate male and female from the Constitution. We want to add the recognition of opposite and same-gender couples while at the same time protecting religious freedoms. Marriage equality is a health equality issue. I quote from the American Academy of Pediatrics: "Children should not be deprived the opportunity for their parents to be married."

Ashly Manke:

I have been very fortunate to have experience on this issue from many vantage points, first and foremost, as a parent and the love I have for a gay son and

three straight daughters. I want the same opportunities and basic rights for my son and his spouse—not just partner—as I have and as my daughter and her husband have through what the institution of marriage provides. I not only want this from the legal standpoint, but also from the social aspect. I lived and loved the Mormon faith. When my son came out in high school, I had the church's point of view that a marriage should only be between a man and a woman. There were no exceptions; it was a sacred union. Since then, due to the experiences of my son and working alongside many amazing people in the gay community, I have realized that this should be a right for everyone. As heterosexuals, we did not have to "come out." We were able to marry whom we want and have that choice. Every person should have that ability.

The other vantage point is from a professional side. I work for an attorney, and we have clients in nontraditional relationships and domestic partnerships. We do estate planning for these individuals as well as other individuals who are not gay. I have seen individuals who have to fight for basic rights when their spouses are sick because they are not considered family and are not able to attend their bedsides as their loved ones pass. This is a travesty in my eyes; it is heart-wrenching for me. I am also the face of the domestic partnership process. Couples come into our office and fill out the registration forms, but I make it personal by popping bubbly, throwing confetti and giving them hugs, letting them know they are married and joined. They can invest another \$5 to get a color copy certificate. Ask yourself if that is what you would like and if that is what you would expect from being married. Every individual should be able to have more. Society has placed the LGBT community in the back of the bus. Most of the opposed people I have experienced express that domestic partnership is the same as marriage. They ask, "What more should the gays want?" We can all ride the same bus and go to the same places, but we must think as Rosa Parks thought, that no one should have to sit in the back of the bus. We must ask ourselves if this is equivalent to racism. I plea from a parental standpoint, as a friend and coworker, that we allow all people to have equality and the choice of being married to the ones they love and to have the legal benefits. People have spoken about the money this would bring to Nevada, but it is a lot more than that.

Jeff Blanck (President, NAACP, Reno-Sparks Branch No. 1112):

Our Branch has voted to support S.J.R. 13. Many of the arguments made against same-sex marriages were the same arguments made against interracial marriages. In 1924, the Virginia Legislature passed the Racial Integrity Act,

stating “white race purity is the cornerstone of our civilization. Its mongrelization with non-white blood, particularly with Negro blood, would spell the downfall of our civilization.” If you substitute the word gay for Negro, you hear the same arguments regarding same-sex marriages. The State should not discriminate based on who people are. This will not lead to the downfall of our civilization, just as interracial marriage has not led to a downfall.

Dalia Zaki:

I am 11 1/2 years old and in the sixth grade gifted and talented program. I was born in Las Vegas. My family of two moms, my brother—who is also in the gifted program—and our two cats moved to Reno last summer. Northern Nevada is perfect. We love it here because we are close to my dad and his partner who live just outside of San Francisco. I am here today to testify about what marriage equality means to me.

As I said, I have two moms and two dads. My biological mom and dad grew up as close neighbors in a small southern California town. In their 20s, they each realized that they were gay. Even though they moved away to college, they stayed in touch. My mom knew that she wanted to have kids, so she asked my dad to be the donor. Soon after, her wish came true and I was born. My brother came 2 years later. We see our dad often and love spending time with him and his partner and their two dogs. By the way, they cannot get married in California anymore either. My mom and her partner Patricia got married a few years ago, as soon as domestic partnership became legal in Nevada. It was a beautiful ceremony. As you can imagine, I was the flower girl and my brother was the ring bearer. Some people think that my moms should be happy being domestic partners and do not think they should have the right to get married. I disagree. I do not agree because it is discrimination, pure and simple.

My parents are all highly educated, work hard, pay taxes, vote, take us to piano lessons, make us do chores, go grocery shopping and tuck us in every night. A list of what makes them like any other parents is longer than I have time to share. But I should not have to. They should not have to prove that they are worthy of the same rights and responsibilities that heterosexual people have. They deserve the basic freedom of marriage because they are human. I deserve the basic right to say that my parents’ wedding anniversary is in March and leave it at that, instead of always having to explain the details to people. My brother and I deserve to feel safe and secure that Patricia can pick us up from school, take us to the doctor or make decisions about our well-being without

facing unnecessary obstacles, just like all of my friends parents can. The sexual orientation of my parents has a lot to do with the quality of my character. For as long as I can remember I have known that discrimination against anyone is wrong. Marriage equality will have positive implications for our State and our society.

Do you have any idea how many times I hear “that’s so gay” and other kids calling each other fags and lesbos in middle school? I even know of a 2-year-old who wore a kilt to a recital and the parents around him were saying that he was going to be gay. The term gay is always used as an insult, even if kids do not know what it means. I have to make the choice several times a day to either speak up or remain silent, knowing that if I say something I risk being insulted or even physical violence. But by keeping quiet, I have to hear it over and over again. I wonder how other people would feel if their parents were constantly being insulted for whom they chose to love. Maybe if marriage equality passed and gave gay and lesbian couples’ relationships recognition and respect that they deserve, using gay as an insult would become more of the exception than the rule. I ask you to vote yes for marriage equality in Nevada.

Salwa Zaki:

I have lived in Nevada since 1998, and as my daughter said, our family moved to Reno last summer. My partner Patricia, a native Nevadan, and our son is also here. I have served in public education for the past 17 years as a teacher, a principal, a central office administrator and a university professor. Like other Nevadans, our family has accomplished many goals, and we are thankful for all of them. We also worry about money and how we are going to afford to send the kids to college. Family is our No. 1 priority and just like most of us in this room, careers and family keep us busy. We took the day off work and took the children out of school because marriage equality is so important to our family.

As my daughter shared, Patricia and I got married in 2010, soon after domestic partnership became legal. We were excited to make our commitment to each other and began making the same plans as other engaged couples, such as the date, what to wear, the cake, the rings, the location and the paperwork. It was all fun, hectic and typical except for the paperwork. We were shocked to learn that domestic partnership was handled so much differently than marriage. In Las Vegas, the marriage license bureau is open from 8 a.m. to midnight, 365 days a year and has a continuous string of couples in line.

Instead, we were directed to the Grant Sawyer State Office Building, open 8 a.m. to 5 p.m., Monday through Friday, so we both had to take the day off work. When we arrived, so giddy with anticipation, we found the people were different too. We were the only ones in line for a domestic partnership license. The other people were there to obtain their business licenses. The atmosphere was chaotic, stressful and combative as people were arguing and frustrated. Our clerk acknowledged the general unpleasantness of the situation and did her best to compensate for the lack of fairness by expediting our paperwork. We prevailed and got our business license, which we display proudly at home next to our marriage photo. Domestic partnership, albeit a step in the right direction, is not marriage equality. I share our experience of becoming domestically partnered to give you a glimpse of what it is like to live as second-class citizens in our State and how this contrasts with the rights that heterosexual Nevadans take for granted. I ask you, how has the last decade benefited our State?

Cindy Davis:

I am a human resources practitioner in Reno. I am a native Nevadan, and I have been married for 22 years. As a human resources practitioner, I look at job satisfaction, which oftentimes comes from the benefits employers provide. Fairness and equality are the two bases for human resources. I believe in the State of Nevada. When you pass something that has to do with sexual orientation and gender identity, human resources helps the process with employers. I ask that you do the same from a marriage perspective. Allow people to have the same benefits that I am afforded and that other employees and coworkers are afforded.

When I was driving here this morning, I saw a sign that I would have never thought about before. It said "marriage licenses this way." The people I was driving with could not have gone there to get their marriage licenses. Last night, 275 individuals attended the Light the Way to Justice equality march held in downtown Reno, and it supported the federal legislation and S.J.R. 13. Help businesses have the same rules for everyone; keep it simple. Let them be the same as the rest of us. That is all they are asking for. I support S.J.R. 13.

James Davis:

I am a retired Air Force officer and combat veteran. I am here in support of S.J.R. 13 and marriage equality. Since the repeal of "Don't ask, don't tell," members of the military have been able to serve openly while serving their countries. Many of these individuals have married their partners in jurisdictions

that recognize marriage equality. However, many members of our armed services in Nevada are prevented from marrying their partners and as a result, these servicemen and -women are not able to take advantage of the numerous benefits offered to military members, their spouses and families. These benefits include additional housing allowance pay when family members are deployed and separation pay; numerous education and scholarship opportunities are also available for those members who are married—they are not available to those military members in Nevada who wish to marry their partners. A number of Nevadans are deployed as we speak. Although we support our troops, sometimes we forget about those at home because the Nevada Constitution states that some of our fellow Nevadans cannot marry and must deploy without the knowledge that their loved ones are taken care of at home. Opportunities include base privileges, resource centers and family support service, and in the case of a death or injury, notification of spouses and visitation to hospitals.

Caesar Silva:

I am here in support of gay marriage. I am straight and my wife is here with me. We are all God's children. Love all others as you love yourself.

Barbara Silva:

I am here in support of S.J.R. 13 and equal rights for everyone. We are all humans. God did not make anyone different. Sometimes we are afraid of what we do not know. We are all the same, and we all have feelings. Every adult should have the right to get married no matter whom they love. Let everyone love.

Chair Spearman:

In the interest of time, please insert the following written testimonies from Keith M. Reisinger ([Exhibit T](#)), the Reverend Wilfred Moore ([Exhibit U](#)), Pamela Roberts ([Exhibit V](#)), Christopher Preciado ([Exhibit W](#)) and Marla Turner ([Exhibit X](#)) in support of S.J.R. 13 into the record.

Richard Ziser (Nevada Concerned Citizens):

I have submitted written testimony with articles on the issues of concern ([Exhibit Y](#)). Unfortunately, we do not have very much time to talk about the concept of equality because the time has been consumed. We have heard information about polls and that people's perceptions of same-sex marriage have changed. I will address some of the issues about what people think and what is happening with the polls. It is not what you may think.

Poll questions can be phrased any way you want them to be. A *Washington Post* poll was mentioned earlier, but a Rutgers-Eagleton Poll came out the next day with opposite results. Rutgers-Eagleton is not a conservative group. The numbers from the poll swung 17 percent in the other direction. It is not a bygone conclusion or inevitable, which everyone seems to portray.

We had over 5,000 people collecting signatures for this to be on the ballot in 2002. They were people who believed in marriage and understood its definition and purpose. We have gone so far from the original purpose of marriage and why it was recognized by the government in the first place that it is almost meaningless. The original purpose of the government recognizing marriage was for the protection of children and procreation. Marriage existed before government did, and the government was simply recognizing something that already existed. We cannot think that we know better and inadvertently change a definition that has existed for thousands of years and is supported by every major religious organization and background in the world. This includes the Muslim faith, the Christian faith and all of the categories beneath that realm. The purpose of the government recognizing the definition of marriage as being between a man and a woman is to protect and ensure that our society continues in that manner.

The government has protected the institution of marriage so that children have a father and a mother. I do not discourage anyone who is in this situation, but we are deliberately creating families where we have eliminated a father or a mother and are acting as if there is no difference between those two entities. I keep hearing testimony about racial connotations and civil rights arguments on this issue. We can look into the black community where one of the biggest problems is fatherless families which is destroying the family in that realm. We need to do something to improve that, yet we are deliberately creating families where there is not a father or mother figure.

People seem to think that society has evolved. I do not know if you expected me to say that the stories from the people here today have changed my view. Many people believe that you cannot change things. We strongly attempted to not bring up religious connotations in 2001 and 2002 when we put this on the ballot. However, today I heard someone make a reference to the Apostle Paul being gay. Everyone can interpret things in their own way, but it is very clear what the Bible says.

This issue is not going away any more than the abortion issue went away. This issue is now being heard in the U.S. Supreme Court. We will find out about the civil rights issue soon. The issues involved in marriage and the homosexual community do not add up to the civil rights issues. The Supreme Court has made mistakes in the past, and we believe they made a mistake with abortion. This issue will never go away as long as people of faith believe that marriage is between a man and a woman. You cannot substitute that in a family.

Chair Spearman:

You made a disparaging remark with respect to the African-American community which is not comprised of only people with one-parent families. If you have any academic or quantitative evidence, please submit it for the record. Otherwise, we will not be able to take your comments.

Senator Atkinson:

I know the black community better than Mr. Ziser. If you make those kind of statements, we need something more substantive. What we know in Nevada—even with opposite couples—is that we lead the Nation in divorce. You cannot tie that to homosexual community members because they are not involved in that statistic. You are not fully aware of issues in the black community when you made the statement about African Americans not having fathers in their homes. Someone spoke earlier about biracial couples being married, and he quoted his statistic and source, unlike what you did a moment ago. I have seven sisters who are biracial. The same type of arguments and stigmatism went along with them as they grew up, so I have heard some of these before. The people who are against this type of bill always attack the civil rights portion.

I do not understand why people oppose items that will still need to go on the ballot. What are you afraid of? Are you afraid that the people have changed their minds? If people had not changed their minds, you would not be worried about this on the ballot. We now have about 500,000 to 700,000 more citizens than we did in 2002. We have more registered voters, and we can collect signatures, as you said earlier. We are not just giving you statistics. People in higher positions than we are have changed their minds since then. Unless we have proof, and unless you know the African-American community better than I do, I would suggest keeping those comments to yourself.

Mr. Ziser:

It was by no means a disparaging remark to the black community; it was that the civil rights issue had been raised. There is a problem with fatherless homes in every race. We are entering the Easter season. This Friday is Good Friday. Jesus hung on a cross for a reason. You can say what you want, but there was a purpose for that. It was not only because we need to love each other more, but it was because there were standards set in God's word. People believe that Christ died for that very purpose, and 3 days later he rose again for that reason. It is called atonement. That is a religious belief system, and it is not going to change anything.

Chair Spearman:

Statements were made as if you were an authority. Unless you have supporting academic or quantitative information, we will not include that in your testimony. In the interest of diversity, I might also add that this is the season of Passover.

Ms. Hansen:

I have friends and a family member who are homosexuals. I love them, and this is not about that relationship. We are all children of God. Whatever our belief system, we can respect one another. I have submitted written testimony in opposition of S.J.R. 13 ([Exhibit Z](#)).

I am concerned over some of the statements made today. One statement was that this was not enough. We know that this is not the end of this. My concern goes to those who use freedom of religion and right to association, which will be in jeopardy as these things move forward. Catholic Bishop Thomas John Joseph Paprocki of Springfield, Illinois, has explained that because of the same-sex laws in Illinois, the Catholic Charities agencies have already been forced out of foster care and adoption services. The Knights of Columbus could be obligated to make their halls available for same-sex weddings. Catholic grade schools could be forced to hire teachers who are legally married of the same sex. Even the Bishop stated that he would not be protected if someone in a same-sex marriage applied to his ministry. The issues of jeopardizing religious freedom are of significant concern to me because I come from a religion that has significantly suffered in the past from persecution and even murder. If this is a civil rights issue, then the rights of those of us who practice religion would be in jeopardy and we would be expected to receive reverse discrimination.

This battle begins here at the Legislature, whether it goes to the ballot or not. I gathered signatures in 17 counties and worked with volunteers from all over the State to put this on the ballot. I taught classes on how to get signatures all over this State and was responsible for getting the signatures in 16 of the 17 counties. We did not just get enough signatures to qualify on the ballot, we got twice as many signatures than were necessary.

Many of us do not have an ideal family. I was a single mother, and I was married more than once. These are circumstances which cause difficulties for all of us, but we need to uphold an ideal to give our children and our grandchildren to strive for. Most of us do not reach the ideal, but we can have that as a standard of behavior. I am concerned that in the future because of this, our religious rights and our rights of association will be placed in jeopardy. I have been physically threatened by those who have disagreed with me. My children have been threatened, and I have had death threats because of this issue for over 30 years. This is not a one-sided issue where people do not respect one another. This is a two-sided issue that I have experienced to a great degree. We encourage you to uphold the will of the people in this matter because they voted twice just as they have on many other issues. This issue begins here as a political one. It is important for those of us who have an opinion to state it on the record.

Lynn Chapman (State Vice President, Nevada Families for Freedom):

I heard a spokesperson on the radio yesterday from Chapman University who said there are already lawsuits ready concerning polygamy and people just waiting to hear what is going to happen at the federal level. We need to start worrying about things that are starting to get out of focus. God is the same yesterday, today and tomorrow, and he ordained marriage. It is not a commitment; it is a covenant that God ordained for God, man and woman.

Fred McMorris:

Being gay is not the same as being black. Let me give you an example. Imagine we put a group of lesbians on one island, a group of gays on another island and a group of blacks on a separate island. The government can service them any way they want and there will be no intermixing between the three islands. The island of lesbians will be dead in 100 years. The island of gays will also be dead. The island of blacks will have multiplied and reproduced. It will be functioning, living and well. Being gay is not a natural form. Gays cannot reproduce. What upsets me the most is that the court system allows gays to

adopt black kids. That will be the next generations of gays. It is okay to adopt blacks—they do not adopt whites, but they do a hell of a job on blacks. Gays do not want to be equal; they want to be more than equal. For example, if a food server is working at a counter and has full-blown AIDS, the employer cannot remove him or her from that position without being sued. It would be a lawsuit the employee would win every time because that is considered discrimination. We all know that HIV is a disease that can be passed on.

Chair Spearman:

Are you equating or trying to stipulate that HIV is only relevant to those who are in the LGBT community?

Mr. McMorris:

No. I said if a person is gay and has a full-blown case of AIDS and he or she is a food server, he or she cannot be removed from that position by the employer.

Chair Spearman:

That testimony is not germane to the hearing before us. Please confine your comments to the hearing before us that deals with marriage equality.

Mr. McMorris:

All major governments that have had gays in government went by the wayside. We can start with the Roman Empire. Rome had gays and that was 2,000 years ago, and it is still a minor country. It will be a sad day when we take God out of the school and put gays in. When they start teaching their sexuality, this world is going to be in a world ...

Mark Foxwell (Knights of Columbus):

I am 20-year resident of Nevada. I retired here after serving the United States Air Force for 30 years. The Knights of Columbus has 41 counsels and 13 assemblies in virtually every city in the United States. We are not against this resolution, but we do want to support traditional marriage.

Traditional family values have been important in virtually every ethnic community for thousands of years. Marriage is the most fundamental unit in human society, and we need to protect its purpose. Its primary purpose is the reproduction of the human family, which is only done by a man and a woman. We fully recognize the human rights that every human on earth has been given by God. We do not want to restrict anyone's human rights. However, your

human rights do not qualify you for every protective institution that the government has interest in. The government has interest in protecting marriage because it is so important to our society. The government also has to protect physicians, but just because people have rights does not mean that they can be a physician just because they want to—they need to qualify for it. We think people need to qualify to get their marriage license. The Knights of Columbus and their families in this State seriously oppose the passage of S.J.R. 13.

Don Alt (Chairman, Nevada Live Stock Association):

Our membership is opposed to same-sex marriages. A man spoke earlier about the countries that have legalized same-sex marriage, but many other countries are against this. In some countries, for a man to lay with a man or a woman to lay with a woman is punishable by death.

John Wagner (Independent American Party):

God does not hate homosexual people. Anyone who says that he does is wrong. I have relatives who are homosexual; it is a subject that we do not discuss. God ordained marriage between a man and a woman. I have not heard any of the clergy people here today say that God repealed that. They did not say anything about why this would be okay now. God's will is for a man and a woman to be married.

David Hoff, Reverend Father (Saint Paul's Charismatic Episcopal Church):

We are not affiliated with the Episcopal Church or the Anglican Communion. I am here to ask you to vote no on S.J.R. 13. Since the beginning of time, marriage has been defined as the union of one man and one woman. I ask you as members of government to maintain and strengthen the family as the fundamental unit of society and to not redefine marriage.

Sheila Arceo:

I am not in support of S.J.R. 13. I think that all groups should follow the established rules in getting something onto the ballot so that it can be voted for. Secondly, according to the Bible, the book of Genesis, God created a man and a woman and he blessed them with children.

William H. Stoddard (President, Nevada Coalition for the Protection of Marriage):

I am here to urge you to not pass S.J.R. 13. I have submitted my written testimony ([Exhibit AA](#)). This emotional issue is charged with rhetoric. We should treat everyone with kindness and respect, including the gay and lesbian

community. I have friends who have those leanings, and they would confirm that I have treated the homosexual community with kindness and respect. This matter cannot simply be judged by showing kindness and respect to someone.

Marriage is the most important institution on the planet. It has existed since the beginning and was what Adam and Eve were given when they were placed in the garden. Time-honored traditions have shown how important it is over the centuries. Only a man and a woman can procreate to perpetuate the species as God commanded in the garden.

When it comes to something this important that has been passed by almost 70 percent of the people in 2000 and almost 68 percent of the people in 2002, I urge you to show restraint. I urge you to remember in 1999 when we were getting ready to start this process, the Nevada Legislature was not about to let us put this on the ballot. If we wanted this on the ballot, we had to go out and pound the pavement to get the signatures. We got 120,000 signatures and put it on the ballot. Not only did we have to get it put on the ballot, but we also had to go to two general elections. If the community wants to change the definition of marriage, they should do the same thing we did and pound the pavement, get the signatures, put it on the ballot and then it will be on the general election ballot for two consecutive general elections. If it passes, so be it. It is one thing to just give it to the people. This Legislature did not just put this on the ballot in 1999. Agreeing to this is akin to saying you do not have to go to bat or run to first base, that we will spot you on second base or third base. That is not fair. If there is enough emotion about this, as there seems to be, then let them pound the pavement and put the signatures where their mouths are.

Senator Manendo:

There are two ways that the Constitution can be changed. One way is to bring it forth through the legislative process where it will then go to the vote of the people. Another way is to collect signatures for the initiative and put it on the ballot for a vote of the people. I hope you are not advocating that we should disallow one process over another. That is what we have in our Constitution.

Dick Cervi, Pastor (Faith Baptist Church):

I was in the military for 7 years and went to the United States Naval Academy. There seems to be a mindset dividing legal aspects from morality, which is sometimes impossible to do. George Washington was a great president and a beloved man. When he resigned from the presidency, the people still wanted

him to be president, but he was not physically well. When he spoke the last time, in his farewell address, he gave the most important comments he could give to a young nation. He said the two most important pillars that support a nation are morality and religion. That was from a politician, from the President of the United States. We cannot remove morality from our Nation or it is going to go down. When the pillars go down, as George Washington said, the Nation is going to go down.

Ministers today have testified that marriage is not defined in the Bible, but it is. It was written 3,500 years ago by Moses, and in the first three to four chapters, Adam was called husband and Eve was called wife. Those are terms of marriage. Marriage is defined in the Bible between a husband and wife. The Bible teaches husbands to love their wives like Christ loved his church and give himself for her. Wives submit unto their husbands to honor the Lord. It teaches us to submit to one another in the same chapter. It never addresses the issue of a man and a man or a woman and a woman being acknowledged with the terms of husband and wife. God never addressed the issue because it should never have even come up. I can argue religion all day and try to prove my points, but if you are not religious then it would be in vain.

Listen to George Washington. When he was leaving office, the Nation was young, weak and just getting going. He said the two most important things that are going to hold the Nation up are morality and religion. The Bible calls men together and ladies together wicked. Even though we have changed our mindset, God has not changed his. I ask you to be careful, that although the popular whim of the people is to do this, God is not for it and it is going to take our Nation down.

David R. Matthews:

I am a fifth-generation Nevadan, and it has been my opportunity and privilege to research my ancestral lines for 14 generations. During that process, I have discovered that the values of patriotism, citizenship, honor and righteousness have been promulgated by the families, husbands, wives and children whom they have raised and brought up to be upstanding citizens in this Nation. I submit to you that the key, the marriage of those husbands and wives, is elemental to establishing the families needed to establish strong nations and strong communities. I submit to you that it would be wise not to pass S.J.R. 13 so that the marriage establishment in this Nation and State can be maintained.

Elisa Cafferata:

There are several people here who did not get a chance to testify. Would you ask those who are in favor to stand to be recognized and ask those who are opposed to stand to be recognized?

Ms. Clark:

We have submitted written testimony in opposition of S.J.R. 13 ([Exhibit BB](#)).

Senator Pat Spearman (Senatorial District No. 1):

I am testifying neutral and want to place matters for historical context on the record. I am a retired lieutenant colonel and I served my Country for almost 30 years. I served and fought for the freedom and rights of others to state their opinions and their beliefs. I am not contravening anyone's right to do so. I am also a trained seminarian. I have a master's degree in divinity and I taught religion at the University of Louisville for 3 years. I have submitted written remarks on the history of marriage ([Exhibit CC](#)).

With respect to biblical principles, we read in the Bible about Adam and Sarah. Adam was given the covenant. If we look into history a little bit further, we find out that Abraham was actually married to his half-sister, Sarah. When we look at Ruth and Boaz, we find out that Naomi instructed Ruth to sit in the tent of Boaz, who was her second cousin. When we look to Moses, who many think is the father of our laws, he was actually married to an Ethiopian by the name of Zipporah. We read further into scripture that when his brother and his sister, Aaron and Miriam, challenged him for marrying someone who was not "of their kind," God sent leprosy upon them. There are several different ways that marriage has come down to us through historical context. I wanted to present that so we can keep all of the matters with respect to religion in context.

Senator Manendo:

This is my fourth decade in Nevada and my tenth Legislative Session. One of the things that I appreciate most is that all Nevadans get an opportunity to participate in the process. My heart broke for Ms. Hansen upon hearing that while you were campaigning for Question 2, that you were criticized in any way. Very dear friends of mine, a gay couple, expressed their concern for this piece of legislation because they feel they cannot go through another campaign of hate toward them. They told me what would happen to them in their house and to their cars. Sadly, this happens on both sides of the issue.

Senator Atkinson:

I received a phone call from a constituent after we passed the domestic partnership legislation. The lady said to me in a very angry tone that she could no longer support me. I asked why, and she said it was because I voted for domestic partnerships. I asked why that was such an important issue for her, and she told me I was bringing down the sanctity of her marriage. I asked her to tell me how this affects her marriage and she said it tears it down. I politely said to her that if this bill is ruining your marriage, then your marriage has a lot of other problems.

The problem with legislation like this is that people get caught up in their own beliefs and what they think we should be doing and what they think other people should be doing. In 2002 when this measure was on the ballot, it was political. It brought out a lot of conservative votes. It is time to stop playing politics with other people's lives and let people decide for themselves what they want to do with their lives and mind our own business. It seems convenient to keep government out of our lives, yet people say the government should take a stand on this issue and not allow these people to get married.

Senate Committee on Legislative Operations and Elections
March 26, 2013
Page 41

Chair Spearman:

We are now adjourned at 11:26 a.m.

RESPECTFULLY SUBMITTED:

Kaci Kerfeld,
Committee Secretary

APPROVED BY:

Senator Pat Spearman, Chair

DATE: _____

<u>EXHIBITS</u>				
Bill	Exhibit		Witness / Agency	Description
	A	1		Agenda
	B	19		Attendance Roster
S.J.R. 12	C	NA	Senator Greg Brower	Video
S.J.R. 12	D	2	Assemblyman Harvey J. Munford	Statement Recognizing Senator Brower
S.B. 246	E	6	Center for Competitive Politics	Letter from Matt Nese
S.J.R. 13	F	2	Senator Tick Segerblom	Presentation
S.J.R. 13	G	2	Senator David R. Parks	Prepared Testimony
S.J.R. 13	H	1	Assemblyman Elliot T. Anderson	Prepared Testimony
S.J.R. 13	I	1	MGM Resorts International	Prepared Statement
S.J.R. 13	J	2	Christine Ross	Prepared Testimony
S.J.R. 13	K	1	Mike Patterson	Article
S.J.R. 13	L	2	Mike Patterson	Article
S.J.R. 13	M	2	Mike Patterson	News Release
S.J.R. 13	N	14	Mike Patterson	Statements on Church Policy
S.J.R. 13	O	2	Tod Story	Prepared Testimony
S.J.R. 13	P	1	Beverly Sevcik	Prepared Statement
S.J.R. 13	Q	39	Lauren A. Scott	Testimony and Presentation
S.J.R. 13	R	1	Daniel Hinkley	Prepared Testimony
S.J.R. 13	S	1	Stacy Shinn	Prepared Testimony and Proposed Amendment
S.J.R. 13	T	1	Keith M. Reisinger	Prepared Testimony
S.J.R. 13	U	1	Wilfred Moore	Prepared Testimony
S.J.R. 13	V	1	Pamela Roberts	Prepared Testimony
S.J.R. 13	W	1	Christopher Preciado	Prepared Testimony
S.J.R. 13	X	1	Marla Turner	Prepared Testimony
S.J.R. 13	Y	21	Richard Ziser	Prepared Testimony
S.J.R. 13	Z	2	Janine Hansen	Prepared Testimony
S.J.R. 13	AA	4	William H. Stoddard	Prepared Testimony

Senate Committee on Legislative Operations and Elections
March 26, 2013
Page 43

S.J.R. 13	BB	1	Charleston Neighborhood Preservation	Prepared Testimony
S.J.R. 13	CC	3	Senator Pat Spearman	Prepared Testimony