

SENATE JOINT RESOLUTION NO. 16—SENATORS SPEARMAN,
KIHUEN, FORD, MANENDO, PARKS; SEGERBLOM, SMITH
AND WOODHOUSE

MARCH 16, 2015

Referred to Committee on Legislative Operations and Elections

SUMMARY—Ratifies the Equal Rights Amendment to the
Constitution of the United States. (BDR R-786)

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

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

SENATE JOINT RESOLUTION—Ratifying the proposed
amendment to the Constitution of the United States
providing that equality of rights under the law shall not be
denied or abridged by the United States or by any state on
account of sex.

Legislative Counsel’s Digest:

Under Article V of the United States Constitution, Congress has the power to
propose an amendment to the federal Constitution and to determine the mode of
ratification. (U.S. Const. Art. V) In 1972, Congress passed the Equal Rights
Amendment and sent it to the states for ratification, imposing a 7-year time limit for
ratification in the resolving clause of the Amendment, but later extended this time
limit to June 30, 1982. The Equal Rights Amendment was ratified by 35 states
before the deadline. Under *Coleman v. Miller*, 307 U.S. 433, 450, 456 (1939), the
United States Supreme Court held that, as a political question, Congress may
determine whether an amendment is valid because ratifications of the amendment
are made within a reasonable period of time, even after the deadline. This
resolution ratifies the Equal Rights Amendment, which provides for equality of
rights under the law regardless of sex.

WHEREAS, Both houses of the 92nd Congress of the United
States of America, by a constitutional majority of two-thirds,
adopted the following resolution proposing to amend the United
States Constitution:



RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED (TWO-THIRDS OF EACH HOUSE CONCURRING THEREIN), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

ARTICLE.....

Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Section 3. This amendment shall take effect two years after the date of ratification; and

WHEREAS, The 95th Congress of the United States amended the resolution of the 92nd Congress to extend the time for ratification to June 30, 1982, thereby indicating its continued support of the amendment; and

WHEREAS, The Congress of the United States adopted the 27th Amendment to the Constitution of the United States, which was proposed in 1789 by our First Congress but not ratified by three-fourths of the States until May 7, 1992, and, on May 18, 1992, certified as the 27th Amendment; and

WHEREAS, The restricting time limit for ratification of the Equal Rights Amendment is in the resolving clause and is not part of the amendment which was proposed by Congress and which has already been ratified by 35 states; and

WHEREAS, Having passed a time extension for the Equal Rights Amendment on October 20, 1978, Congress demonstrated that a time limit in a resolving clause may be disregarded if it is not part of the proposed amendment; and

WHEREAS, The United States Supreme Court in *Coleman v. Miller*, 307 U.S. 433 (1939), recognized that Congress is in a unique position to judge the tenor of the nation, to be aware of the political, social and economic factors affecting the nation and to be aware of the importance to the nation of the proposed amendment; and

WHEREAS, If an amendment to the Constitution of the United States has been proposed by two-thirds of both houses of Congress and ratified by three-fourths of the state legislatures, it is for Congress, under the principles of *Coleman v. Miller*, to determine



1 the validity of the state ratifications occurring after a time limit in
2 the resolving clause, but not in the amendment itself; and

3 WHEREAS, The Legislature of the State of Nevada finds that the
4 proposed amendment is meaningful and needed as part of the
5 Constitution of the United States and that the present political, social
6 and economic conditions demonstrate that constitutional equality for
7 women and men continues to be a timely issue in the United States;
8 now, therefore, be it

9 RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF
10 NEVADA, JOINTLY, That the proposed amendment to the
11 Constitution of the United States of America is hereby ratified by
12 the Legislature of the State of Nevada; and be it further

13 RESOLVED, That the Secretary of the Senate prepare and
14 transmit a copy of this resolution to the Secretary of State for her
15 certification and transmittal to the Archivist of the United States
16 pursuant to 1 U.S.C. §§ 106b and 112; and be it further

17 RESOLVED, That the Secretary of the Senate prepare and
18 transmit a copy of this resolution to the Vice President of the United
19 States as the presiding officer of the United States Senate, the
20 Speaker of the House of Representatives and each member of the
21 Nevada Congressional Delegation; and be it further

22 RESOLVED, That this resolution becomes effective upon
23 passage.

