

SENATE JOINT RESOLUTION NO. 2—SENATORS SPEARMAN,
CANCELA, CANNIZZARO, RATTI, WOODHOUSE; ATKINSON,
DENIS, FARLEY, FORD, MANENDO, PARKS AND SEGERBLOM

PREFILED FEBRUARY 13, 2017

JOINT SPONSORS: ASSEMBLYMEN ARAUJO, BILBRAY-AXELROD,
BROOKS, BUSTAMANTE ADAMS, CARLTON, CARRILLO,
COHEN, DIAZ, FRIERSON, JAUREGUI, JOINER, MILLER,
MONROE-MORENO, OHRENSCHALL, SPIEGEL, SPRINKLE
AND YEAGER

Referred to Committee on Legislative Operations and Elections

SUMMARY—Ratifies the Equal Rights Amendment to the
Constitution of the United States. (BDR R-13)

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:

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



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

5
6 RESOLVED BY THE SENATE AND HOUSE OF
7 REPRESENTATIVES OF THE UNITED STATES OF
8 AMERICA IN CONGRESS ASSEMBLED (TWO-THIRDS
9 OF EACH HOUSE CONCURRING THEREIN), That the
10 following article is proposed as an amendment to the
11 Constitution of the United States, which shall be valid to all
12 intents and purposes as part of the Constitution when ratified
13 by the legislatures of three-fourths of the several States within
14 seven years from the date of its submission by the Congress:

15 ARTICLE.....

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

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

22 Section 3. This amendment shall take effect two years
23 after the date of ratification; and
24

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

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

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

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

42 WHEREAS, The United States Supreme Court in *Coleman v.*
43 *Miller*, 307 U.S. 433 (1939), recognized that Congress is in a unique
44 position to judge the tenor of the nation, to be aware of the political,



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1 social and economic factors affecting the nation and to be aware of
2 the importance to the nation of the proposed amendment; and

3 WHEREAS, If an amendment to the Constitution of the United
4 States has been proposed by two-thirds of both houses of Congress
5 and ratified by three-fourths of the state legislatures, it is for
6 Congress, under the principles of *Coleman v. Miller*, to determine
7 the validity of the state ratifications occurring after a time limit in
8 the resolving clause, but not in the amendment itself; and

9 WHEREAS, The Legislature of the State of Nevada finds that the
10 proposed amendment is meaningful and needed as part of the
11 Constitution of the United States and that the present political, social
12 and economic conditions demonstrate that constitutional equality for
13 women and men continues to be a timely issue in the United States;
14 now, therefore, be it

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

19 RESOLVED, That the Secretary of the Senate shall prepare and
20 transmit a copy of this resolution to the Secretary of State who shall
21 keep it as a true record of the official acts of the Legislative
22 Department of the State Government pursuant to Section 20 of
23 Article 5 of the Nevada Constitution; and be it further

24 RESOLVED, That the Secretary of the Senate shall prepare and
25 transmit a certified copy of this resolution, duly authenticated, to the
26 Archivist of the United States at the National Archives and Records
27 Administration pursuant to 1 U.S.C. §§ 106b and 112, which shall
28 serve as official notice that the proposed amendment to the
29 Constitution of the United States of America is hereby ratified by
30 the Legislature of the State of Nevada; and be it further

31 RESOLVED, That the Secretary of the Senate shall prepare and
32 transmit a copy of this resolution to the Vice President of the United
33 States as the presiding officer of the United States Senate, the
34 Speaker of the House of Representatives and each member of the
35 Nevada Congressional Delegation; and be it further

36 RESOLVED, That this resolution becomes effective upon
37 passage.

