

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

**Seventy-ninth Session  
February 20, 2017**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Nicole J. Cannizzaro at 3:32 p.m. on Monday, February 20, 2017, in Room 1214 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 Nicole J. Cannizzaro, Chair  
Senator Tick Segerblom, Vice Chair  
Senator Kelvin Atkinson  
Senator James A. Settelmeyer  
Senator Heidi S. Gansert

**GUEST LEGISLATORS PRESENT:**

Senator Aaron D. Ford, Senatorial District No. 11  
Senator Pat Spearman, Senatorial District No. 1  
Assemblyman James Ohrenschall, Assembly District No. 12

**STAFF MEMBERS PRESENT:**

Michael Stewart, Policy Analyst  
Brenda Erdoes, Legislative Counsel  
Jan Brase, Committee Secretary

**OTHERS PRESENT:**

Marlene Lockard, Nevada Women's Lobby  
Holly Welborn, Policy Director, American Civil Liberties Union of Nevada  
Alanna Bondy, American Civil Liberties Union of Nevada  
Helen Foley  
Cherie Mancini, President, Service Employees International Union, Local 1107  
Dagny Stapleton

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Mendy Elliot  
Nancy Cannon Downey  
Pam Roberts, Cochair, Nevada Women's Lobby  
Jessie Gypsy Taylor  
Catherine Kaelin, Codirector, ERA Action  
Leslie Sexton  
Carmella Gadsen, Make It Work Nevada  
Marla Turner, President, Emerge Nevada  
Jay Craddock  
Terri Robertson  
John Johnson  
Melissa Clary  
Amy Stewart Hale  
Barbara Aupperle  
Stacey Shinn, Policy Director, Progressive Leadership Alliance of Nevada  
Sarah Mahler  
Naomi Duerr  
Barbara Stone  
Janine Hansen, National Constitutional Issues Chair, National Eagle Forum  
Lynn Chapman, Vice President, Nevada Families for Freedom  
John Wagner, Carson City Vice Chair, Independent American Party  
C. T. Wang  
Patti Jesinoski  
Bonnie McDaniel  
Juanita Clark, Charleston Neighborhood Preservation  
Melissa Clement  
Don Nelson, President, Nevada Life  
Janna Smith  
Vicky Maltman  
Sally Zamora  
Sydnea Hanses  
Sarah Bradshaw, Feminist Majority  
Linda Kelly  
Helene de Boissiere Swanson  
Tammy Simkins  
Donna Clontz  
Angie Sullivan  
Denise Duarte  
Caroline Chieffo

Kendyll Barnett  
Peggy Lear Bowen  
Mary Liveratti, League of Women Voters of Nevada  
Maud Naroll, League of Women Voters of Nevada  
Caroline Punches, American Association of University Women  
Marguerite Zemke  
Autumn Zemke  
Patricia Mason  
Sam McMullen  
Karen England, Executive Director, Nevada Family Alliance  
Richard Ziser  
Annette Magnus, Executive Director, Battle Born Progress

CHAIR CANNIZZARO:

I open the hearing on Senate Joint Resolution (S.J.R.) 2.

**SENATE JOINT RESOLUTION 2:** Ratifies the Equal Rights Amendment to the Constitution of the United States. (BDR R-13)

SENATOR PAT SPEARMAN (Senatorial District 1):

Senate Joint Resolution 2 is one of the most historic pieces of legislation the Nevada Legislature has considered in many years. This legislation brings to the forefront years of remarkable history and recognizes the decades-long plight of women and men who have fought for equal rights, fairness in the workplace, gender equality and safeguards against sex discrimination. In many respects, given the social and political challenges seen in recent years, the continuing debate to ratify the Equal Rights Amendment (ERA) baffles the mind and perpetuates the myth of patriarchal superiority. It normalizes misogyny and moderates the collective cognitive dissonance related to universal equality. I am surprised the resolution has not already been adopted. Now is the time for S.J.R. 2, which calls for Nevada's ratification for the Equal Rights Amendment to the U.S. Constitution.

In 1972, the U.S. Congress passed the ERA and sent it to the states for ratification. At that time, Congress set a seven-year time limit for ratification in the resolving clause of the Amendment. This was later extended to June 1982. Thirty-five of the necessary 38 states voted to ratify the ERA between 1972 and 1977. While some would argue the time for ratification is passed, I would respectfully disagree. As noted in S.J.R. 2, Congress adopted the

Twenty-seventh Amendment to the Constitution of the United States in 1992. The Twenty-seventh Amendment prohibits any law that increases or decreases the salary of members of Congress from taking effect until the start of the next set of terms for those members. This Amendment was proposed in 1789 by our first Congress, but not ratified by three-fourths of the states until May 7, 1992, over 200 years later. The restricting time limit for ratification of the ERA can be found in the resolving clause and is not part of the Amendment proposed by Congress. Moreover, having passed a time extension for the ERA on October 20, 1978, Congress demonstrated that a time limit in the resolving clause may be disregarded if it is not part of the proposed amendment. If an amendment of *The Constitution of the United States* has been proposed by a two-thirds vote of both Houses of Congress and ratified by three-fourths of the states' legislatures, it is for Congress to determine the validity of the states' ratification after a time limit in the resolving clause, but not the amendment itself.

We continue to see evidence for the need of passage for the ERA every day. Pay inequity is still a significant concern. This year, April 4 will mark Equal Pay Day. This day symbolizes how far into 2017 women must work to earn what men earned during the previous year. This body considered legislation last Session to require paycheck fairness with tangible consequences for companies perpetuating economic discrimination on the basis of gender.

There is the question of sports funding. Sports programs at all levels, from the U.S. women's national soccer team to the girls' softball team at the local high school, continue to struggle to obtain adequate and equal funding when compared to male sports programs. Moreover, when it comes to crimes against women, women still suffer from victim-blaming. Victims are shamed, stigmatized and blamed as the guilty party.

We continue to struggle to provide equality under the law. The ratification of the ERA is a step in the right direction.

A 1997 article in *The William and Mary Journal of Women in Law* concludes that while women enjoy more rights today than they did when the ERA was first introduced in 1923, or when it was passed out of Congress in 1972, hard-won laws against sex discrimination do not rest on an unequivocal constitutional foundation. Laws can be inconsistently enforced or repealed. The article further concludes that the need for a federal equal rights amendment

remains as compelling as it was in 1978. In that year, Ruth Bader Ginsburg wrote in the *Harvard Women's Law Journal*:

With the Equal Rights Amendment, we may expect Congress and the state legislatures to undertake in earnest, systematically and pervasively, the law revision so long deferred. And in the event of legislative default, the courts will have an unassailable basis for applying the bedrock principle: All men and all women are created equal.

When the ERA first gained popularity in the 1960s and the 1970s, it was heard as a cry for change. Just as the cry for change continues for racial equality, fairness and justice some 152 years after the adoption of the Thirteenth Amendment, this cry has not diminished for the Equal Rights Amendment. I urge you to support this critical resolution. The cry for change today has become a clarion call to act in a responsible manner that ensures equality for all citizens.

In the 1830s, sisters Sarah Moore Grimké and Angelina Grimké Weld used similar language advocating equal rights for women. "Whatever is morally right for a man to do is morally right for a woman to do. I recognize no rights but human rights."

Fifty years ago, as the equal rights movement gained momentum, President Lyndon B. Johnson said, "We have talked long enough in this Country about equal rights. It is time now to write the next chapter and to write it into the books of law."

In 1995, during her speech at the United Nations Fourth World Congress on Women held in Beijing, China, then-First Lady Hillary Rodham Clinton said, "Human rights are women's rights, and women's rights are human rights."

I am before you today because I believe from the bottom of my heart in the foundation of the ERA and what it stands for, for all people. Recently, a Senate colleague silenced U.S. Senator Elizabeth Warren on the floor of the U.S. Senate for giving a lengthy speech, including reading a letter written by Coretta Scott King. Senator Warren fought for her right to be heard. One Senate colleague noted, "She was warned. She was given an explanation. Nevertheless, she persisted." When it comes to the ratification of the ERA we all must persist. It is

worth noting this is Black History Month, and I believe the struggle for equality crosses all ethnic, social, economic and education barriers.

I will end with the words spoken by Fanny Lou Hamer. Ms. Hamer was an African American, a voting rights activist, a civil rights leader, a daughter of a Mississippi sharecropper and a philanthropist. In 1964, someone asked her why she continued to fight for civil rights in the face of unyielding opposition. Her words punctuate the persistence of all those testifying in support of this resolution. Ms. Hamer said, "I'm sick and tired of being sick and tired."

I urge your support of S.J.R. 2.

SENATOR SEGERBLOM:

This measure requires a simple majority vote in the Assembly and the Senate. Is that correct?

SENATOR SPEARMAN:

Yes.

SENATOR SEGERBLOM:

After all these years, it has not been done?

SENATOR SPEARMAN:

Not yet, but we persist.

MARLENE LOCKARD (Nevada Women's Lobby):

I am here today at the request of former Assemblywoman, Nevada State Senator and Lieutenant Governor Sue Wagner. More than 40 years ago, she addressed this body and said:

I rise in proud support of the Equal Rights Amendment, today as I did in 1975. I rise as an American, a Republican and a woman. My support initially arises as an American citizen. This, my colleagues, is a national issue, a national principle, equality for all human beings. It has been difficult for me to accept the fact that I must stand here over 200 years, now 244 years, since the founding of this Country and debate an issue so basic, so just, so fair and so American as legal rights for all. But I must and I shall for as long as it is necessary.

She quoted Elizabeth Cady Stanton from her remarks before the Judiciary Committee of the U.S. Congress in 1892:

To guide our own craft, we must be captain, pilot, engineer; with chart and compass to stand at the wheel; to watch the wind and waves and know when to take in the sail, and to read the signs in the firmament over all. It matters not whether the solitary voyager is man or woman.

HOLLY WELBORN (Policy Director, American Civil Liberties Union of Nevada):  
We support S.J.R. 2.

ALANNA BONDY (American Civil Liberties Union):  
The American Civil Liberties Union supports S.J.R. 2. I have submitted my testimony ([Exhibit C](#)).

HELEN FOLEY:

On February 17, 1981, I was a freshman in the Nevada Legislature. Senator Floyd Lamb introduced the Equal Rights Amendment and requested it be given no further consideration. With a simple voice vote the measure was defeated.

Women represent more than half the population of this Nation. It is past time we commit our support to the ERA. My sister is an employment lawyer. In her experience, almost all women working for a promotion are required to demonstrate proven experience while men are only required to demonstrate potential. Discrimination based on gender is a continuing issue.

I support S.J.R. 2.

CHERIE MANCINI (President, Service Employees International Union, Local 1107):  
I represent 18,000 employees. Our labor organization provides equal rights to all represented employees. Unfortunately, many do not have these protections. We support S.J.R. 2.

DAGNY STAPLETON:

The founding document does not yet recognize men and women as persons of equal stature. I support S.J.R. 2.

MENDY ELLIOT:

The ERA was ratified in Congress on March 22, 1972. My mother supported ratification in California. I now understand her passion for the cause. She felt it was important that she be treated with the respect and equality. She wanted the same opportunities in education, career and in life that men enjoyed.

Nevada is one of 15 states that has not ratified the ERA. It matters that we are Americans who believe in equal justice and opportunity. I support S.J.R. 2.

NANCY CANNON DOWNEY:

I support S.J.R. 2 and have submitted my written testimony ([Exhibit D](#)).

PAM ROBERTS (Cochair, Nevada Women's Lobby):

In honor of Black History Month, I offer the words of Sojourner Truth from 1851:

Well, children, where there is so much racket there must be something out of kilter. I think that 'twixt the negroes of the South and the women at the North, all talking about rights, the white men will be in a fix pretty soon. But what's all this here talking about?

That man over there says that women need to be helped into carriages, and lifted over ditches, and to have the best place everywhere. Nobody ever helps me into carriages, or over mud-puddles, or gives me any best place! Ain't I a woman? ... I could work as much and eat as much as a man—when I could get it—and bear the lash as well! And ain't I a woman? I have borne thirteen children, and seen most all sold off to slavery, and when I cried out with my mother's grief, none but Jesus heard me! And ain't I a woman?

Then they talk about this thing in the head; what's this they call it? [member of audience whispers, "intellect"] That's it, honey. What's that got to do with women's rights or negroes' rights? If my cup won't hold but a pint, and yours a quart, wouldn't you be mean not to let me have my little half measure full?

Then that little man in black there, he says women can't have as much rights as men, 'cause Christ wasn't a woman! Where did



your Christ come from? Where did your Christ come from? From God and a woman! Man had nothing to do with Him.

If the first woman God ever made was strong enough to turn the world upside down all alone, these women together ought to be able to turn it back, and get it right side up again! And now they is asking to do it, the men better let them.

Obliged to you for hearing me, and now old Sojourner ain't got nothing more to say.

I support S.J.R. 2.

JESSIE GYPSY TAYLOR:

I urge support of S.J.R. 2. I have submitted my written testimony ([Exhibit E](#)).

CATHERINE KAELEN (Codirector, ERA Action):

My organization, ERA Action, is a national group dedicated to ratifying the ERA. I have submitted my written testimony ([Exhibit F](#)).

LESLIE SEXTON:

The citizens of Nevada have always been forward thinkers and pioneers, but we have failed 51 percent of our population. Women have been fighting for equality for generations. If not now, when? If not you, who? I support S.J.R. 2.

CARMELLA GADSEN (Make It Work Nevada):

I support S.J.R. 2. The ERA would provide clear language in the U.S. Constitution defining gender discrimination. It would protect against the rollback of programs designed to help women.

The Supreme Court's 2013 decision to alter the Voting Rights Act allows states to make their own election laws. The work done by civil rights activists in 1965 to protect voters against racial discrimination and disenfranchisement was in some ways undone. There is potential for states to disenfranchise people of color and exclude them from our democracy. Moving to ratify the ERA is a means of protecting civil rights for historically oppressed groups, and we should take advantage of the opportunity.

MARLA TURNER (President, Emerge Nevada):

The mission of Emerge Nevada is to train and mentor women who plan to run for public office. Despite the fact that 40 percent of Legislators in Nevada are female, women continue to experience barriers. Passage of S.J.R. 2 sends the message that Nevada's women are valued.

JAY CRADDOCK:

I am a member of the Nevada State Democratic Party Platform Committee. We support S.J.R. 2.

TERRI ROBERTSON:

In the 1970s, two remarkable women worked to support the Equal Rights Amendment. Their names were Cynthia Cunningham and Kate Butler. I urge you to support S.J.R. 2.

JOHN JOHNSON:

I am Nevada Chair of People Demanding Action. We support S.J.R. 2.

MELISSA CLARY:

All personal interactions begin with an assessment of an individual's gender. I am employed in information technology, a predominately male industry. I have experienced misogynistic attitudes and inequity in the workplace, in academic institutions, in grant-making opportunities and in community organizations. Gender equality is an intricate mosaic, a picture that cannot be complete without understanding and exploring the dynamic regional, national and demographic factors at play. We cannot approach these issues without exploring each layer. I consider the ERA to be the most important layer of the gender equality debate. The ERA will provide clear legal standing and end debate over gender equality for Nevada. I support S.J.R. 2 for past, present and future generations.

AMY STEWART HALE:

I support S.J.R. 2.

BARBARA AUPPERLE:

I serve as President of the Women's Democratic Club of Clark County. I support S.J.R. 2.

STACEY SHINN (Policy Director, Progressive Leadership Alliance of Nevada):  
We support S.J.R. 2.

SARAH MAHLER:

My daughter and I support S.J.R. 2. The United States is obligated to support gender equality based on three actions taken by our Country. First, the adoption by the United States of the United Nations Universal Declaration of Human Rights on December 10, 1948. Article 2 of the Declaration confirms entitlement to the Declaration's rights regardless of gender. Second, the United States signed and ratified the United Nations International Covenant on Civil and Political Rights. Article 3 of the Covenant requires all signatories to undertake and ensure the equal rights of men and women. Third, the United States joined 193 countries in adopting the United Nations 17 Sustainable Development Goals. Gender equality is the fifth goal outlined in the statement. It is time for Nevada to take action. I have submitted my testimony ([Exhibit G](#)).

NAOMI DUERR:

I am a scientist, a geologist and am president and owner of a mineral exploration company. I recently read an article titled, "Here's Why There Ought to be a Cap on Women Studying Science and Maths." The author argued that women leave the science and mathematics fields because they cannot succeed in the highly competitive environments or because they change their minds about what they want from life. The author suggested there is no evidence that lingering stereotypes cause women to leave the field of science, and a gender-based cap on entry to the field of science would improve competition, arrest the tide of attrition and preserve public funds.

I disagree. This writer represents the thoughts of too many who believe women should be assigned to places they can be most productive. I support S.J.R. 2.

SENATOR AARON D. FORD (Senatorial District No. 11):

I support S.J.R. 2. Though I do not have daughters, I have four sons. I speak on their behalf today.

Why are we still having this conversation? The ERA should have been ratified years ago. My mother was born 20 years before Congress sent the ERA to the states for ratification. I, myself, was born in that year. My nieces were born 35 and 40 years later. Too much time has passed.

I stand here as a man who believes in equality, in equal rights for everyone. Why are we still having this conversation? The ERA will be ratified in Nevada.

ASSEMBLYMAN JAMES OHRENSCHALL (Assembly District No. 12):

We have come a long way in Nevada since the 1970s, but we can do more. I support S.J.R. 2.

BARBARA STONE:

I am 80 years old and have raised 5 children. I have experienced discrimination over my life. I was told I was not capable of raising my children without a man. I support S.J.R. 2.

JANINE HANSEN (National Constitutional Issues Chair, National Eagle Forum):

We oppose S.J.R. 2. I was present over the years when the ERA was defeated in the Nevada Legislature and by the people of the State. Senate Joint Resolution 2, page 2, line 18 does not mention women. Instead, the term used is "on account of sex." The bill will not necessarily help women, but it will equalize all things. Page 2, line 27 of S.J.R. 2 refers to the Madison Amendment, passed in the United States Congress, extending the deadline for ratification of the ERA. The constitutionality of the Madison Amendment is unclear because it was passed with a simple majority while a two-thirds majority was required to adopt the original proposal.

Five states rescinded their original ratification. No other states ratified the ERA during the extended time. Congress has authority, under Article V of the United States Constitution, to fix a reasonable limit of time for ratification of a constitutional amendment. Supreme Court decisions have held that a state legislature can vote to ratify if the deadline set by Congress has not expired. It may be deemed that the question is an open one when the limit has not been fixed in advance. In *Colman v. Miller*, 307 U.S. 433, 452-454 (1939), the Supreme Court decided it has no power to determine what is, in the absence of a limitation fixed by Congress, a reasonable period within which ratification may be made of a proposed amendment to the U.S. Constitution. *Colman v. Miller* was subsequent to another decision, *Dillon v. Gloss*, 256 U.S. 368, 375-376 (1921), in which the justices specifically state that congressionally imposed ratification deadlines must be honored.

Taken together, *Colman v. Miller* and *Dillon v. Gloss* hold that Congress has jurisdiction over reasonable ratification deadlines. Therefore, the answer to the

question as to whether or not the Legislature of Nevada, now 35 years after the deadline has expired, can ratify the ERA, is clearly no. Twenty-four of the states which originally ratified the ERA specifically referenced the 1979 deadline, indicating legislators acknowledged this time limit.

The Equal Rights Amendment would facilitate a transfer of power from state legislatures to the federal government. United States Senator Sam Ervin was a recognized constitutional authority. He said all laws including marriage, divorce, family property law, adoptions, abortions, alimony, criminal laws, public and private schools, prison regulations and insurance rates would be transferred into the hands of the federal courts and bureaucrats. Senator Ervin said, if adopted, the ERA would reduce the states to "meaningless legislative zeros" on the Nation's map. This is a critical issue and one that is rarely discussed.

I have submitted a handout outlining laws in Nevada which would need to be revised to comply with the ERA ([Exhibit H](#)). I oppose the ERA because it will not help women. It will deny advantages earned over the years. I have worked in the construction field and have been a citizen lobbyist since 1971. Being a woman has been an advantage. It has much to do with my attitude.

SENATOR ATKINSON:

Can you clarify your statement regarding the undesirable consequences of passing the ERA?

MS. HANSEN:

The ERA would allow for abortion without limitation. Women would be subject to the military draft and to serving in combat. Marriage could not be restricted to a man and woman. It would provide for same-sex bathrooms. Any law that provides an advantage for women would not be allowed. Social security payments would be altered.

SENATOR ATKINSON:

You pointed out that in the past the ERA was defeated in Nevada. In 2017, I believe it will be approved.

LYNN CHAPMAN (Vice President, Nevada Families for Freedom):

I have researched the subject of equal pay for equal work. In an interview with "MoneyWatch," Marty Nemko, a career expert and author, cited a White House report, "Women in America, Indicators of Social and Economic Well-Being" and

"An Analysis of Reasons for the Disparity in Wages Between Men and Women." The analysis was prepared under contract for the U.S. Department of Labor in 2009. Mr. Nemko concluded from his research that men choose more dangerous careers. They work longer hours than women. Even in similar career categories, men pursue higher-stress, higher-paid specialties. According to the White House report, only 7 percent of female professionals are employed in computer and engineering fields. Professional women are more prevalent in education and health care occupations.

The report from the U.S. Department of Labor states the study leads to the unambiguous conclusion that the differences in the compensation of men and women are the result of a multitude of factors and that the raw wage gap should not be used as a basis to justify corrective action. The differences in raw wages may be the result of choices made by individuals. I oppose S.J.R. 2.

JOHN WAGNER (Carson City Vice Chair, Independent American Party):

I oppose S.J.R. 2. I am concerned about the possibility of women's eligibility for the military draft. Women in combat positions will be especially vulnerable. Men will be motivated to protect them to the detriment of the mission and their unit's safety. There are many opportunities for women to work effectively alongside men, but fighting in combat environments is not one of them.

C. T. WANG:

My family is made up of successful women. I question the consequences of S.J.R. 2. Laws enacted to protect the most vulnerable people in society will be replaced by the principle of making women equally liable for financial responsibilities. It will end state laws exempting widows from their husband's debts. It will repeal all antiabortion laws. It will require women to register for the military draft. It will not improve wages or educational opportunities. It will transfer broad legislative powers from the states to the federal government. I oppose S.J.R. 2.

PATTI JESINOSKI:

I oppose S.J.R. 2. Many changes have occurred over the years since the ERA was approved by the U.S. Congress. I have submitted my written testimony ([Exhibit I](#)).

BONNIE MCDANIEL:

I oppose S.J.R. 2. The time limit to ratify the ERA ran out in 1982. Congress should be required to begin the process again.

Young women today expect special treatment. Women who want equality should stand up for themselves. We do not need a constitutional amendment to be equal.

JUANITA CLARK (Charleston Neighborhood Preservation):

I oppose S.J.R. 2 and have submitted my written testimony ([Exhibit J](#)).

MELISSA CLEMENT:

I oppose S.J.R. 2. The ERA is a 1970s solution looking for a twenty-first century problem. What is the purpose of this exercise? Is it to tear down the walls keeping women from certain industries or to advance women into leadership? These are problems which have been solved. Is it, instead, a vehicle to provide for unfettered, unregulated abortion through all nine months of pregnancy for any reason at taxpayer expense? The language you consider today is virtually identical to language used by major proabortion groups in other states for highly successful legal attacks on laws protecting unborn children and limiting public funding of abortion.

It is important to consider the unintended consequences of ratifying the ERA. There are many programs designed specifically to support women, such as the University of Nevada, Reno, program, Women in Science and Engineering, Title IX sports programs and scholarships available only to girls. As the mother of a teenage girl, I am concerned about the future of these programs.

DON NELSON (President, Nevada Life):

I oppose S.J.R. 2 as written. We have seen states use their version of ERA legislation to overturn laws prohibiting taxpayer funding of abortion on the grounds that the prohibition is discriminatory. We would not oppose S.J.R. 2 if it were abortion-neutral. I have submitted my written testimony ([Exhibit K](#)).

JANNA SMITH:

I opposed the ERA in 1978 and oppose S.J.R. 2. I agree with previous statements and concerns. The ERA could require military service of all, men and women.

VICKY MALTMAN:

I am a retired police officer and I oppose S.J.R. 2. I am proud to have worked to provide for my family. I have never accepted handouts. I was respected because I earned respect in male-dominated professions. I hope you will understand and consider the unintended consequences of this legislation before you vote.

SALLY ZAMORA:

I oppose S.J.R. 2 and agree with previous statements concerning social security benefits. Ruth Bader Ginsburg has made it clear that the ERA would abolish the homemakers, wives and widows benefits in social security. In the 1977 report of the United States Commission on Civil Rights, "Sex Bias in the U.S. Code," the authors asserted the concept of dependent women whose primary responsibility is to care for children in the household must be eliminated from the code if it is to reflect the equality principle.

A vote for the ERA is a vote to take away social security checks received by most mothers and grandmothers. It is hard to think of anything more antiwoman and antimother than the plan to deprive mothers and grandmothers of their benefits in order to obey equality principles demanded by feminists.

The pursuit of equal rights has hurt the whole of society in many ways. Tensions between men and women have heightened in the past 20 years. Because of quota requirements, men have lost jobs to women who are not qualified. So much of society has been hurt. There is so much hatred, so much dissension and so much confusion.

I ask that you vote no on S.J.R. 2 and represent me.

SYDNEA HANSES:

I support S.J.R. 2. I have endometriosis and was misdiagnosed by practitioners who used outdated methods. I believe the ERA will contribute to the fair treatment of women by the medical community.

SARAH BRADSHAW (Feminist Majority):

An important book was written about Fannie Lou Hamer titled, *This Little Light of Mine*. Senator Spearman is carrying that light here today. You are part of the carrying of a torch that is generational. I thank Senator Spearman for her clear analysis of the ERA's trajectory. Do not be distracted by talk of timelines. Other



amendments faced similar challenges but prevailed. Right will eventually win out.

There were two reasons for the failure of the ERA, one was unisex bathrooms. I just flew in on an airplane and survived the experience with a unisex bathroom. Secondly, there was concern about women being drafted into the military. I salute all the men and women who serve and have served in the military. We have survived. All these years later, we still have not ratified the ERA.

I ask that you give my daughter a place in the U.S. Constitution and vote yes on S.J.R. 2.

LINDA KELLY:

I support S.J.R. 2. In my opinion, those opposing the ERA are offering alternative facts. I worked in law enforcement, as a firefighter and for the military. I participated in the Women's March in Washington, D.C., and was encouraged by the respect we were afforded.

I ask you to support S.J.R. 2 for all of the citizens of Nevada.

HELENE DE BOISSIERE SWANSON:

I moved to Las Vegas in 1976 and know of the hardships of women in Las Vegas. I have worked in the legal field and have long supported the ERA. Regarding the question of the time limit for ratification, an analysis of the Deputy Solicitor General Counsel to the executive division of the state of Virginia states:

As a matter of historical fact, however, I observe that the lapse of a prescribed ratification period has not previously kept a general assembly from considering and even passing a joint resolution ratifying an amendment to the U.S. Constitution. In 1977, the Senate and the House of Delegates agreed to Senate Joint Resolution 140 which ratified the Twenty-fourth Amendment barring denial of the right to vote for failure to pay a poll tax or other taxes. They did so despite the expiration of a seven-year limitation on consideration stipulated in the proposing resolution of the amendment which was also restated in the General Assembly's ratifying resolution. The amendment was submitted to the U.S.

Congress in 1962 and ratified in 1964. The ratification period lapsed in 1969.

Based upon the analysis, it is safe to say the time limit has no bearing on this resolution. I ask for your support of S.J.R. 2.

TAMMY SIMKINS:

In 1923, when the ERA was introduced, its author, Alice Paul said, "We shall not be safe until the principle of equal rights is written in the framework of our government." I support S.J.R. 2 and have submitted my written testimony ([Exhibit L](#)).

DONNA CLONTZ:

I have been involved in issues relating to children, women and seniors. In 1972, I was starting law school and my class was half women. I was excited to see that women had a great chance to get out into the world as attorneys. I was a prosecutor for quite a few years. I worked with law enforcement folks, and I saw that there are still barriers to women in the workforce. I know that the ERA will make a difference in all our lives. Opinions on the ERA seem to be on partisan lines. This is not a partisan issue. This is a civil rights issue. I urge all Legislators, regardless of party affiliation, to support S.J.R. 2.

ANGIE SULLIVAN:

I am a teacher. Teachers in Clark County are paid \$40,000 a year after significant funding was allocated last Session. I am in a female-dominated field. Finding employment is not an issue, but it is very difficult for women to advance through the salary schedule. Teachers hold more master's degrees than any other group, but the pay is not comparable to other fields. We struggle to protect due process and union rights. Frequently, we are told to stop complaining. When people claim to be equal, I wonder what forum they are in. I have not experienced equality in my work life. I am here speaking out for equal pay, and I urge support for S.J.R. 2.

DENISE DUARTE:

As a point of clarification, the social security Website has reclassified "homemaker benefits" as "spousal benefits." The payments are made to both widows and widowers.

CAROLINE CHIEFFO:

I agree with the previous speaker. I am a certified public accountant and have taught continuing education classes regarding social security benefits. Both men and women are eligible for spousal benefits.

I do not want my daughters or my nephews drafted into the military, but it is my understanding that women, today, are involved in combat operations. I support S.J.R. 2.

KENDYLL BARNETT:

I want to address the issue of women in the military. My father died while on active duty in 2012. His mother and sister served in the Army. A speaker who opposes S.J.R. 2 said that he was concerned about women experiencing sexual assault while in the military. This is a serious problem today. Studies suggest that 25 percent of women and men in the military are sexually assaulted and women are, subsequently, less than honorably discharged. They are not believed. We need equal protection and justice for the women in military service today.

PEGGY LEAR BOWEN:

The Nevada Constitution says "We the people of the State of Nevada." It does not say "We the men of the State of Nevada." The Declaration of Independence applies to men and women. We are all talking about universal rights. I have worked for many years for equality for women and support S.J.R. 2.

MARY LIVERATTI (League of Women Voters of Nevada):

The League is a nonpartisan political organization that encourages informed and active participation in government and influences public policy through education and advocacy. For decades the League of Women Voters has supported the ERA. We continue to support it. I ask for your support on S.J.R. 2. It is long overdue.

MAUD NAROLL (Member, League of Women Voters of Nevada):

I have a question for the members of the Committee. Could you vote against ratifying the ERA, go home and tell your wife, mother, sister, daughter or your niece they should not be equal under the law to their husband, son, brother or their uncle?

CAROLINE PUNCHES (American Association of University Women):

The mission of the American Association of University Women is to advance equity for women and girls through advocacy, education, philanthropy and research. We are a nationwide network of more than 170,000 members, and we do not discriminate. We do admit men as members. We support S.J.R. 2 and have submitted testimony ([Exhibit M](#)).

The ERA is necessary to conform with the promise engraved over the Supreme Court, "Equal Justice Under Law." While the U.S. has helped other countries write their constitutions and include an affirmation of legal equality of the sexes, most recently, Japan and Afghanistan, our own Constitution is lacking in that primary right. It is time. Let us do it now.

MARGUERITE ZEMKE:

I am eight years old. I support the ERA, and it should be approved. Men and women should be equal and girls should be protected from bullying.

AUTUMN ZEMKE:

I support S.J.R. 2, not only for my daughter but for my two sons. During the recent Women's March, my son told me that it scares him when he hears the President talking disrespectfully about women while he has control over the military. Also, I am concerned about disrespectful behavior aimed at girls in my sons' school. We need the ERA for our girls, but we also need it for our boys.

PATRICIA MASON:

I am a child of divorce. My siblings and I were forced to live with an abusive father for three years before my mother was able to gain custody. She was not afforded the same parental rights as my father because she was a woman. I support S.J.R. 2.

SAM McMULLEN:

I was here in the Legislature in 1973 when the ERA was considered for ratification. I support S.J.R. 2 and offer a masculine perspective. This is an issue of fundamental fairness. I have never had to worry about being treated fairly, but I have witnessed unfair treatment of women in both my professional and personal life.

There is a good deal of fear in the remarks of the opposition. They are in fear of losing things they think they have. It is important to remember that everyone

who supports the ERA loses something today. This is about the future. We do not want another generation of women who regret not being able to reach their potential.

KAREN ENGLAND (Executive Director, Nevada Family Alliance):

I am a mother and grandmother. Our organization opposes S.J.R. 2. I am not afraid of losing anything, but I oppose the ERA because I am pro-states' rights, I am prowoman and I am prolife. I especially care about the little girl in the womb who has no rights.

RICHARD ZISER:

I agree with many of the previous comments opposing S.J.R. 2. Many of those supporting the measure have asked, why are we still talking about this question? There are reasons for the failure of the ERA in the past: taxpayer-funded abortion, military draft and social security payments.

Some today have commented about the truthfulness of the opposition's statement and that we are being disingenuous. Yet, most of our positions are taken from a liberal Supreme Court Justice who has outlined the possibility of these outcomes.

One woman who testified today was wearing a hat resembling female genitalia. She says that opponents should be discouraged from saying things. Donald Trump and the things he said were mentioned. Where has the women's movement been with all the rappers and the unbelievable things said about women? Never do they say this is wrong. This was supported by the previous administration. You can criticize Donald Trump all you want, but President Obama said nothing about rap songs and actually encouraged them.

We strongly recommend you vote no on S.J.R. 2.

SENATOR ATKINSON:

Every time we have these discussions, when we talk about equal rights and civil rights, the same individuals have an issue with it and make absurd arguments. I do not believe President Obama ever supported rappers using foul language.

The same group of people oppose this type of legislation in every situation. It does not necessarily have to be black or white. It is just equal rights for individuals, period. I am not sure anyone will deny the fact that data shows that

women are not paid equally. It is just astonishing to me that it is 2017 and anyone would suggest otherwise.

Women in combat, unisex bathrooms, marriage equality and abortion issues are settled. As I hear some of the conversation today, I wonder if this is Nevada. Listening to some people speaking, it sounds like the 1970s. Women deserve the same rights, now.

My grandmother lived in the projects. I went to visit her every weekend. She would remind me that one day there would be an equal-playing field for young black men. Today, we are talking about equal rights for women. It is astonishing to me that some people think the status quo is acceptable. They do not offer solutions.

Thirty-five states have done this and have not experienced any of the problems discussed today. I hope at some point we would understand where we are in America and that we would rise up and do the right thing. I am hopeful we can join the 35 states that have ratified the ERA and bring Nevada into 2017. It is time to even the playing field for women.

ANNETTE MAGNUS (Executive Director, Battle Born Progress):

I support S.J.R. 2. I am compelled to speak today. The election of 2016 reminded me that I am not truly equal in this Country. I am not asking for a handout. I am not asking for anything other than equality, equal in my Country and equality in my state. I do not think it is too much to ask.

My husband and I graduated from the University of Nevada, Las Vegas, in the same year. We did an internship at the Nevada Legislature. He makes \$20,000 more than I do, simply because he makes toilet paper. I chose to enter the nonprofit field. I do not think it is fair at all. Another speaker suggested that women do not work as many hours as men do. I work all the time. I work constantly, and my husband is still paid more than I am. In this day and age, we should not be fighting for equal rights.

I also want to address the abortion issue. The Hyde Amendment prohibits taxpayer funds paying for abortion services. For these people to get up here and state on the record that taxpayer funds will somehow be used for abortions is an outright lie. This funding is already federally prohibited.

People who spoke in opposition all look a certain way. They are older. They are white. They are straight, and they are privileged. It must be reassuring to have so much privilege. The vast majority of the people in this Country need equal rights. We expect you to do the right thing on this bill, and we will hold you accountable for your vote.

SENATOR GANSERT:

I would request that our Legal Counsel remark on some of the legal questions raised today, particularly the question of changes in roles of the state and federal governments.

BRENDA ERDOES (Legislative Counsel):

You are asking if these specific things will happen as a result of the passage of this Amendment. The answer is that the general language of this Amendment that protects the equality of rights under law is similar to the language in the due process clause and the equal protection clause, and like those constitutional provisions, this provision would provide a right but does not provide the specific statutory requirements that we have talked about today. Under the due process and equal protection clauses, there will be statutes that are upheld that treat protected classes differently because that is the way the U.S. Constitution works. The rights protected by those clauses have evolved over time on a case-by-case interpretation by the judicial branch. Therefore, it is likely the rights protected by this Amendment will also evolve over time, in a similar case-by-case interpretative fashion. We are talking about amending the Constitution, so it will not have absolute, statute-like, effects.

SENATOR GANSERT:

How will the Amendment affect Nevada's antidiscrimination statutes?

MS. ERDOES:

There definitely are some redundancies in both State and federal law. The redundancies occur throughout the statutes and the Constitution in other areas as well.

CHAIR CANNIZZARO:

My understanding is that even if this Amendment were ratified, the State would not be prohibited from passing laws based on race or gender as long as the laws meet certain standards.

Ms. ERDOES:

Yes, the Amendment would work much like the due process clause and the equal protection clause.

SENATOR SPEARMAN:

I would like to address some of the inconsistencies in testimony today. My last assignment was at the Pentagon. I worked in the Army Operations Center. I was on the personnel desk. My responsibility was moving personnel in and out of both theaters and making sure we had replacements. It was not necessarily because of deaths. It was usually due to rotation.

I am thankful to those who have mentioned me by name, but there are so many who have gone before me. I stand on the shoulder of giants, and I stand shoulder to shoulder with my colleagues here in the Legislature as we support equality for all. I retired as a lieutenant colonel in the military police. We were a combat support branch. As of the 9/11 terrorist attacks, we have entered into an asymmetric combat zone, which means that combat can break out anywhere.

Regarding the abortion-related comments, if I had wanted to sponsor an abortion bill, abortion would have been obviously a part of the legislation. I am not shy about saying what I want to do. Abortion is not part of S.J.R. 2 because it is not an abortion bill.

I would also caution against the overuse of conjecture as a strategy to fight equality. It did not work with the Thirteenth Amendment, which freed the slaves. Once we pass S.J.R. 2, we will see again that conjecture does not work. Changing the wording of the legislation will not work. This is a resolution dealing with equality. Those in opposition have mischaracterized the measure. It is the difference between elephants and apples.

Passage of S.J.R. 2 will not cause catastrophic destruction. The sun will come out tomorrow. This bill is about equality, plain and simple, equality for all. Unless all are equal, none are equal. I, like Fannie Lou Hamer, am sick and tired of being sick and tired. We will persist.

I will close the hearing on S.J.R. 2. The meeting is open for public comment.



Ms. JESINOSKI:

I was offended by the woman who said I was born with a silver spoon in my mouth. I grew up with a family of eight children, and we learned to pull ourselves up. I went to school full-time and worked 30 hours a week. Please excuse me if I am offended.

Remainder of page intentionally left blank; signature page to follow.

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CHAIR CANNIZZARO:

I have 28 documents in support of S.J.R. 2 to put into the record ([Exhibit N](#)), and I have 6 documents opposing S.J.R. 2 to put into the record ([Exhibit O](#)). I adjourn the meeting at 6:40 p.m.

RESPECTFULLY SUBMITTED:

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Jan Brase,  
Committee Secretary

APPROVED BY:

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Senator Nicole J. Cannizzaro, Chair

DATE: \_\_\_\_\_

<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit / # of pages</b>		<b>Witness / Entity</b>	<b>Description</b>
	A	1		Agenda
	B	24		Attendance Roster
S.J.R. 2	C	1	Alanna Bondy / ACLU of Nevada	Written Testimony
S.J.R. 2	D	1	Nancy Cannon Downey	Written Testimony
S.J.R. 2	E	1	Jessie Gypsy Taylor	Written Testimony
S.J.R. 2	F	2	Catherine Kaelin / ERA Action	Written Testimony
S.J.R. 2	G	2	Sarah Mahler	Written Testimony
S.J.R. 2	H	12	Janine Hansen / National Eagle Forum	Nevada Statutes Effected by ERA
S.J.R. 2	I	2	Patti Jesinoski	Written Testimony
S.J.R. 2	J	1	Juanita Clark	Written Testimony
S.J.R. 2	K	2	Don Nelson / Nevada Life	Written Testimony
S.J.R. 2	L	1	Tammy Simkins	Written Testimony
S.J.R. 2	M	2	Caroline PUNCHES / American Association of University Women	Written Testimony
S.J.R. 2	N	66	Senator Nicole J. Cannizzaro	Documents in favor of S.J.R. 2
S.J.R. 2	O	15	Senator Nicole J. Cannizzaro	Documents against S.J.R. 2