

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

**Seventy-ninth Session  
March 22, 2017**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Nicole J. Cannizzaro at 3:41 p.m. on Wednesday, March 22, 2017, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E 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:**

Assemblyman Nelson Araujo, Assembly District No. 3

**STAFF MEMBERS PRESENT:**

Michael Stewart, Policy Analyst  
Janae Johnson, Committee Secretary

**OTHERS PRESENT:**

Janine Comoletti, President, PFLAG Carson Region  
Wendy Stolyarov, Libertarian Party of Nevada  
Ashley Jennings  
Tod Story, Executive Director, American Civil Liberties Union of Nevada  
Richard Munk  
Stacey Shinn, Progressive Leadership Alliance of Nevada  
Mary Liveratti, League of Women Voters  
Kent M. Ervin, Nevada Faculty Alliance  
Connie Munk

Senate Committee on Legislative Operations and Elections  
March 22, 2017  
Page 2

Matthew Kimball  
Jeromy Manke  
Elisa Cafferata, Nevada Advocates for Planned Parenthood Affiliates, Inc.  
Janette Dean  
Helene DeBoissiere Swanson  
Deborah Lomando  
Janine Hansen, State President, Nevada Families for Freedom; State Affiliate  
National Eagle Forum  
Lynn Chapman, State Vice President, Nevada Families for Freedom; State  
Affiliate National Eagle Forum  
Bill Tarbell

CHAIR CANNIZZARO:

I will open the meeting with Assembly Joint Resolution (A.J.R.) 2.

**ASSEMBLY JOINT RESOLUTION 2 (1st Reprint)**: Proposes to amend the Nevada Constitution to require the recognition of all marriages regardless of gender. (BDR C-690)

ASSEMBLYMAN NELSON ARAUJO (Assembly District No. 3):

Assembly Joint Resolution 2 proposes to amend the Nevada Constitution to recognize all marriages regardless of gender. Currently, Article 1, section 21 of the Nevada Constitution defines marriage as a union between a man and woman. This section was rendered unenforceable by the 2015 U.S. Supreme Court decision, *Obergefell vs. Hodges*. This bill aims to make the law of Nevada reflect the law of the land and protect the rights of more than 10,000 same-sex couples that have already been married in Nevada. Senator Atkinson was the first person married in Nevada after the Supreme Court decision ruled. In order for this constitutional amendment to take effect, this resolution would need to be passed during two consecutive Legislative Sessions. Then it would go to the vote of the people for the final decision.

The amendment mock-up adds one line, "Religious organizations and members of the clergy have the right to refuse to solemnize a marriage, and no person has the right to make any claim against a religious organization or member of the clergy for such a refusal." By proposing this amendment, we are bringing the language back to its original version from 2013. A lot of stakeholders worked on this language, and we will hear from them and why it is important to include this language.

I will briefly walk you through the bill. This resolution will change the title in section 21 from "Limitation on recognition of marriage" to "Recognition of marriage." This resolution would remove the following phrase "Only a marriage between a male and female person shall be recognized and given effect in this State." The resolution would add two phrases under section 1, "The State of Nevada and its political subdivisions shall recognize marriages and issue marriage licenses to couples regardless of gender." Under section 3, it would state, "All legally valid marriages must be treated equally under the law." ([Exhibit C](#)).

SENATOR SETTELMAYER:

I appreciate the concept of the amendment. The original started with Senator Segerblom, and he has taken marriage out of the Constitution in its entirety, which I supported. He came forth with a new version of the bill, and it was different in that form, so I voted no. But when it went to the Assembly, the amendment was added about the religious protections. Why was this version not brought to the Assembly?

ASSEMBLYMAN ARAUJO:

Part of this process is going back and revisiting history and looking at the Legislative record. In the Assembly, no one mentioned the specific language from the 2013 hearing. When it was brought to my attention at that point, the process had already unfolded. I made sure all of the stakeholders were on board. As soon as I knew everyone thought it was a good addition to the bill, it was quickly added on. It was not intentional; however, it was not brought up specifically. The religion conversation took place, but not this specific language. The fact that many stakeholders worked on that specific piece was not brought up during the hearing.

JANINE COMOLETTI (President, PFLAG Carson Region):

I support A.J.R. 2. PFLAG stands for Parents, Families and Friends of Lesbian, Gay, Bisexual, Trans, Queer (LGBTQ) community. We are an ally organization that advocates, educates and supports the LGBTQ community. My role as the president has been to support LGBTQ youth. The main focus is to create safe working and learning environments and helping youths see their futures in a hopeful and positive way. I think this is crucial for the development of these kids. I hope you will all support A.J.R. 2 so that I can go back to the LGBTQ kids that PFLAG supports and tell them that Nevada supports them, that Nevada is a safe and welcoming State for our LGBTQ youth.

WENDY STOLYAROV (Libertarian Party of Nevada):

The Libertarian Party of Nevada supports A.J.R. 2 and I have submitted my testimony ([Exhibit D](#)).

ASHLEY JENNINGS:

I support A.J.R. 2 coming from a unique situation. I was married to a man ten years ago, and he has since become transgender. For about seven years of my marriage I was afforded privileges that other heterosexuals are afforded. It was not until my spouse's transition that I became aware of how hard it is in society to live as a member in the LGBTQ community. A lot of things that we take for granted, especially with heterosexual couples, are not granted to those who are not in heterosexual relationship. Nevada has been fantastic for my spouse, who was able to transition seamlessly because the laws have been so fantastic. This issue is important: that all of our citizens are afforded that privilege.

TOD STORY (Executive Director, American Civil Liberties Union of Nevada):

It was 25 years ago that I met my husband, in 1992. In 1993, our relationship was considered illegal. In 2000 and 2002, a measure was passed by the voters that made our relationship unconstitutional. In 2009, in its wisdom, the State Legislature enacted a domestic partner law, and we were able to become domesticated after the decision in 2014 by the Ninth Circuit Court and we were able to get engaged. In 2015, after the Supreme Court decision, we were able to marry. I have submitted my testimony ([Exhibit E](#)). I support A.J.R. 2.

RICHARD MUNK:

I represent myself. I truly believe that we have discriminated against people who are different. It has mostly been due to religious beliefs, and that needs to end. I believe codifying this into State law will make a difference for those people, and I support A.J.R. 2.

STACEY SHINN (Progressive Leadership Alliance of Nevada):

We are a coalition that was originally founded on LGBTQ and environmental issues. Along the way, we have been fighting for domesticated partnerships for marriage. I remember the amendment that Senator Settlemeyer was discussing and being nervous presenting it. But four years later, it is a different atmosphere that is more supportive. We support A.J.R. 2.

MARY LIVERATTI (League of Women Voters):

We are a nonpartisan political organization that encourages, informs and participates in government. We work to increase the understanding of major public policy issues, and we influence public policy through education and advocacy. We include both men and women in our organization. The League of Women Voters supports equal rights for all under State and federal laws. We support legislation to equalize legal rights, obligations and benefits available to same-gender couples and to heterosexual couples. We support legislation to permit same-gender couples to marry under civil law. We believe that civil status of marriage is already clearly distinguished from the religious institution of marriage, and that religious rights will be preserved. We support A.J.R. 2.

KENT M. ERVIN (Nevada Faculty Alliance):

We support A.J.R. 2 and the clause of the proposed amendment that states all legally valid marriages must be treated equally under the law. The Nevada Faculty Alliance (NFA) supports the Nevada System of Higher Education nondiscrimination policy. Nevada System of Higher Education is committed to providing a place of work and learning free of discrimination on the basis of a person's age, disability, gender, military status, sexual orientation, gender identity, expression, genetic information, national origin, race or religion. The NFA further supports nondiscrimination in employment education on the basis of marital status and familial status. Marital status is understood to include being married or not married, divorced, single, etc., but also who you are married to including race, national origin, religion, age or gender of the spouse.

Passage of the amendment, especially in that third clause, would protect against future efforts in Nevada attempting to roll back equal benefits for employees with same-sex spouses. A challenge was heard last month in the Texas Supreme Court seeking to narrow the scope of the *Obergefell* ruling, maintaining that Houston's benefits for same-sex couples are not valid and maintaining the spouse's benefits is not a fundamental right and can be restricted to the state, even with the *Obergefell* ruling on legalizing same-sex marriages. This is apparently with the intention to carry this fight to the U.S. Supreme Court. Douglas Alexander, the lawyer who defended Houston benefits policy, told the Texas court that if you extend spousal benefits to opposite-sex couples, then you also have to extend them to same-sex couples. He stated it was not because there is fundamental employment right to spousal benefits themselves, but because there is a fundamental right that all marriages be treated equally. That is based on the current U.S. Supreme Court ruling, and we

do not know the outcome of coming lawsuits. Clarifying that all legal valid marriages are equal under law in the Nevada Constitution ensures equal treatment of employees in our great State regardless of the outcome of such lawsuits.

CONNIE MUNK:

I support A.J.R. 2 because same sex-marriages have been legalized in Nevada since October 9, 2014. I would like to see that wording changed, and I recommend that you improve the wording and vote on it.

MATTHEW KIMBALL:

I moved to Nevada in 2008, and one of the first battles fought after working on the election was to work on marriage equality. I worked with organizations surrounding California around Proposition 8 and eventually went to the National Equality March in 2009. I would like to see the State that I have chosen to reside in be on the right side of history by voting to amend our Constitution to support marriage of all genders. I support A.J.R. 2.

JEROMY MANKE:

I am a native Nevadan. I graduated from the University of Nevada, Reno (UNR), and was the president of the LGBTQ community center in Reno. I support A.J.R. 2. In 2012 when I became engaged to my husband, the atmosphere was murky as far as where we would live and whether our rights would be protected. We did have domestic partnerships in Nevada, but we wanted a marriage that was equal and could be recognized in other states.

We married in California and shortly after, we were selected to participate in the ACLU's "My Big Gay Illegal Wedding" project, which specifically highlighted the challenges that LGBTQ couples face and have with crossing borders. In many cases, it was challenge to travel far distances in order to have a legal marriage and the opportunity to have rights protected. I cannot express how difficult it is to have your marriage considered "less than" or not have the chance to have equal protections for each other, especially in a case of emergency or death. This is destabilizing and creates a situation such that you are not sure it is worth staying in the place where you were born and raised. At the time, I graduated from college and considered moving to another place. My husband and I elected to stay in Nevada, started a business and became involved in our community.

Affirming and affording protections for same-sex marriages creates a positive environment throughout the State and results in both economic and social benefits. According to a study done by the Williams Institute at the University of California, Los Angeles School of Law, while lesbian, gay, bisexual, transgender (LGBT) communities are clearly present in every state in the union, their visibility is generally higher in states with greater levels of social acceptance and LGBT-supportive legal climates. Nevada has one of the highest percentages of individuals openly identifying as LGBT. The *Washington Post* published an article showing that there is significant decrease in high school suicide rates, particularly among LGBT individuals, in states that have protections. I strongly encourage you to pass A.J.R. 2 to not only solidify the marriages including mine, but to affirm the State is supportive of LGBT marriages and to create an environment for LGBT communities to prosper.

ELISA CAFFERATA (Nevada Advocates for Planned Parenthood Affiliates, Inc.):  
We have three health care facilities in Nevada, and we see 1,800 patients yearly. On behalf of our LGBT supporters and patients, we support A.J.R. 2.

JANETTE DEAN:

As a UNR alumna, I have studied political science and sociology. One thing that is important in our studies, as human beings, is we have to stand up for each other's rights even when they may not personally affect us. I am a heterosexual but with many friends and others. Love is love and we should uphold the rights of others. As one humanity rising together, we are a global community and one nation. We need to be united in rights for all. I strongly support A.J.R. 2 and hope that everyone here will vote yes when the time comes.

HELENE DEBOISSIERE SWANSON:

As an ally to the LGBT community and a lay leader in church, a founder of Katrina's Dream in which two of our board members are reverends and part of the LGBTQ community, I support marriage equality and A.J.R. 2. It is a shame to see people not allowed to be together because of laws, especially when they love each other. It is sad when two people who have been together as a couple for 29 years are not allowed to be married and are separated because of an illness and cannot be there for each other during their dying days.

DEBORAH LOMANDO:

I strongly support A.J.R. 2 and ask you to pass this bill. I agree with all of the comments made by my colleagues. Any relationship between two loving

partners who, if they chose to confirm that with marriage, should be recognized and be treated equally. Everyone should have the same rights.

JANINE HANSEN (State President, Nevada Families for Freedom; State Affiliate National Eagle Forum):

We appreciate the amendment that has been offered, but I am in opposition of this bill. We feel it is part of the response to the concerns that we expressed to the Assembly. When I spoke to the Assembly, I asked the Chair of the Committee which constitutional provision would take precedence, A.J.R. 2, the gender-marriage constitutional amendment, or the Nevada Constitution Declaration of Rights, Article 1, section 4 protecting our religious liberty. The Chair asked the Legislative Counsel to respond to the question. Counsel said the newest constitutional amendment regarding gender marriage would take precedence over religious liberty. This is a deep concern to us regarding our religious liberties and this particular amendment. Although we are glad for the amendment that has been brought forward, it does not take away all our concerns.

I would like to reference the second ordinance in the Nevada Constitution: "Perfect toleration of religious sentiment shall be secured, and no inhabitant of said State shall ever be molested, in person or property, on the account of his or her religious mode of worship." Article 1, section 4, says, "The free exercise and enjoyment of religious profession and worship without discrimination or preference shall be forever allowed in this State, and ... liberty of conscience hereby secured." So those are critical constitutional liberties with which we have been concerned. I was the petition chairman for 16 of the 17 counties when this passed by over 17 percent. I visited every county, and we gathered twice the number of signatures needed, which was 60,000. We gathered 120,000, all with volunteers, and no one was paid to gather signatures.

One concern: Does the amendment cover lay ministers? In my religion, we do not have professional clergy, instead we have lay ministers who serve part time because of working regular jobs. On their own time for free they serve as lay ministers for one to five years. It depends on the person for the length of service. In addition, this does not appear that in the amendment: Does it protect churches, members and individuals so they can teach, preach and counsel according to their own religious beliefs? We do not support any-gender marriage, but we are glad this amendment has been brought forth, and it does answer some of our concerns.



I have spoken with Senator Settlemeyer about things being in the Constitution. A bill in the state of Alabama, which the Senate passed and is sitting in the other house, would abolish all requirements to obtain a marriage license in Alabama. Instead, a probate judge would simply record civil contracts of marriage between two individuals based on signed affidavits. I think this is a good alternative. All requirements to obtain marriage licenses in the state of Alabama would be abolished and repealed and the requirement of a ceremony of marriage to solemnize marriage would also be abolished. It does, however, allow people to have a ceremony if they want one, but it is not required by the state.

We make a lot of money on marriage in Nevada. It is probably not as reasonable to think we could have option like this here. I do think this is an interesting option to take it out of the hands of the government where I do not think it should be. Something rarely considered by those seeking control of the State definition of marriage is that a marriage license means a person requires government permission before getting married. I certainly do not feel that is the best way to do so.

SENATOR ATKINSON:

Going back to the clergy part, could you repeat that portion pertaining to the clergy? You are wearing a few different hats. I do not see any clergy here speaking, but you are addressing those concerns.

Ms. HANSEN:

Yes, they are probably working. My bishop runs a full-time ranch and so that is the reason many of them are not able to attend the meeting.

SENATOR ATKINSON:

Are there any clergy out there?

Ms. HANSEN:

I do not think there is anyone here from my religion who is a lay minister. That is my concern for lay ministers. I ask, does this amendment cover lay ministers, the people who are not professionals who only serve as clergy in their spare time and who have not gone through a seminary or religious school to get a degree.

SENATOR ATKINSON:

My point is that when you come to speak from that standpoint, you are not speaking for them because they are not sending you to speak for them. This is just your opinion?

MS. HANSEN:

Yes, this is my opinion. I have been a member of this religion my entire life, and I know how they operate. I want to make sure whether they are covered.

SENATOR ATKINSON:

We will have to check.

LYNN CHAPMAN (State Vice President, Nevada Families for Freedom; State Affiliate National Eagle Forum):

I oppose A.J.R. 2, and I would like to start with a quote by Philadelphia Archbishop Charles Chaput:

Government pressure on religious communities has clearly increased in our country in recent years. The United States has no magic immunity attached to its liberties. The U.S. Constitution, as great as it is, is still just a piece of paper unless the people vigorously protect their rights. For religious believers that means defending their faith in the courts and in the Legislatures. It also means living their faith with joy and conviction publicly as well as privately.

Ms. Hansen was talking about the Alabama Senate that had passed the no marriage license bill. In 2007, a *New York Times* op-ed points out:

For centuries marriage was a private affair. For most of western history they didn't need the state's permission to marry because marriage was a private contract between two families. The parents' agreement to the match, not approval from the church or State, was what confirmed its validity. For 16 centuries, Christianity also defined the validity of marriage on the basis of a couple's wishes. If two people claimed they had exchanged marital vows—even out alone by a hay stack—the Catholic church accepted that they were validly married.

In this bill in the first hearing, I did point out something that I thought should be looked at because when I read it, this is what exactly came to my mind. It says

beginning on line 7 of the amendment to A.J.R. 2, the "State of Nevada and its political subdivisions shall recognize marriages and issue marriage licenses to couples regardless of gender." I pointed out that couple means two, but is not the word "couples" the plural of two? I just thought that was something we should look at because it could mean couples, which is more than two people. This could lead to polygamy and I know there are number of lawsuits out there for people to have polygamy recognized. I do not believe that is the case in Nevada, but in other states there are lawsuits pertaining to polygamy.

CHAIR CANNIZZARO:

I know that you had brought up some conversation about the word "couples." We do not have legal counsel today, but we do have Michael Stewart, and he did have chance to look over some of the testimony. He could speak briefly about what was discussed in the Assembly meeting for the Committee's own edification.

MICHAEL STEWART (Policy Analyst):

I did relisten to the Assembly side, and I do not know if there is a specific reference about couples. There was some discussions about polygamy. There was a question raised, does this in any way open the door to protect polygamists at all? The legal counsel in the Assembly noted that the proposal relates to gender and does not address polygamy. Counsel did not believe there would be any impact on a polygamy issue for this joint resolution.

BILL TARBELL:

I am a retired Presbyterian minister and served across the United States and several regions for 45 years. I have had experience with marriage issues all over the Country, but strictly speaking only in terms of a woman and a man seeking to be married. My responsibilities were actually state-related in the sense to file any documents signed by the couple or witnesses. There is an intricate relationship between being a person responsible for marriage and the state's responsibilities. I noticed the amendment being proposed relating to religious organizations, and specifically it says clergy, is that correct?

I do want to say for the record that there are some religious bodies that do not formally ordain clergy but do give persons the responsibility for performing marriages within their own belief system. It may be important to apply bit of tweaking in terms of recognizing persons whomever may be designated by a religious organization within that authority and in that body. It may be necessary

to say that rather than specifically clergy. I am in opposition to this resolution because not everyone who serves in that capacity is an ordained minister. This particular amendment appears to be a friendly move for people in religious groups and is a good idea. There is one caveat: As a state it does not mean it may not be challenged in future courts. It is possible these provisions have to go through a judicial review in the long run. I want to affirm what a positive effort this is from the Legislature.

CHAIR CANNIZZARO:

I will close the hearing on the A.J.R. 2 and open the work session on Senate Concurrent Resolution (S.C.R.) 1. We have a few pieces that deal with Interim studies with deadlines coming up. We are trying to hear things and send them over to the Assembly for their consideration.

**SENATE CONCURRENT RESOLUTION 1**: Directs the Legislative Commission to appoint a committee to conduct an interim study relating to affordable housing within the State of Nevada. (BDR R-835)

MICHAEL STEWART:

This is the affordable housing proposed Interim study from Senator Julia Ratti, Senatorial District No. 13. There was a specific amendment proposed to subsection 3 in the second resolved clause that would add the word "suburban." I have provided the work session document ([Exhibit F](#)).

SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS AS AMENDED S.C.R. 1.

SENATOR SEGERBLOM SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

Senate Committee on Legislative Operations and Elections  
March 22, 2017  
Page 13

CHAIR CANNIZZARO:

Seeing no further business, I adjourn this meeting at 4:29 p.m.

RESPECTFULLY SUBMITTED:

---

Janae Johnson,  
Committee Secretary

APPROVED BY:

---

Senator Nicole J. Cannizzaro, Chair

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

| <b>EXHIBIT SUMMARY</b> |                                 |   |  |                       |
|------------------------|---------------------------------|---|--|-----------------------|
| <b>Bill</b>            | <b>Exhibit /<br/># of pages</b> |   | <b>Witness / Entity</b>                          | <b>Description</b>    |
|                        | A                               | 1 |  | Agenda                |
|                        | B                               | 5 |  | Attendance Roster     |
| A.J.R. 2               | C                               | 1 | Assemblyman Nelson Araujo                        | Proposed Amendment    |
| A.J.R. 2               | D                               | 1 | Wendy Stolyarov / Libertarian<br>Party of Nevada | Testimony             |
| A.J.R. 2               | E                               | 1 | Tod Story / ACLU                                 | Testimony             |
| S.C.R. 1               | F                               | 2 | Michael Stewart                                  | Work Session Document |