

EMERGENCY REQUEST OF SENATE MAJORITY LEADER

SENATE JOINT RESOLUTION NO. 8—SENATORS CANNIZZARO, SPEARMAN, RATTI, WOODHOUSE, PARKS; BROOKS, CANCELA, DENIS, DONDERO LOOP, D. HARRIS, OHRENSCHALL AND SCHEIBLE

MAY 30, 2019

Referred to Committee on Legislative Operations and Elections

SUMMARY—Proposes to amend the Nevada Constitution to guarantee equal rights. (BDR C-1278)

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—Proposing to amend the Nevada Constitution to guarantee equal rights.

Legislative Counsel’s Digest:

1 Existing law provides numerous prohibitions against discrimination on the
2 basis of sex and other characteristics. (See, for example, NRS 62B.510, 217.420,
3 274.140, 281.370, 284.150, 288.270, 319.060, 338.125, 396.530, 463.151,
4 463.4076, 610.020, 610.150 and 613.330) This resolution proposes to amend the
5 Nevada Constitution by adding a guarantee that equality of rights under the law
6 shall not be denied or abridged by this State or any of its political subdivisions on
7 account of race, color, creed, sex, sexual orientation, gender identity or expression,
8 age, disability, ancestry or national origin.
9 If this resolution is passed by the 2019 Legislature, it must also be passed by
10 the next Legislature and then approved and ratified by the voters in an election
11 before the proposed amendment to the Nevada Constitution becomes effective.

1 WHEREAS, The Fourteenth Amendment to the United States
2 Constitution prohibits any state from denying to any person within
3 its jurisdiction the equal protection of the laws; and
4 WHEREAS, The Nevada Supreme Court has interpreted the
5 requirement of Section 21 of Article 4 of the Nevada Constitution
6 that “all laws shall be general and of uniform operation throughout
7 the State” to be coextensive with the guarantees of the Equal



1 Protection Clause of the Fourteenth Amendment to the United States
2 Constitution; and

3 WHEREAS, The generality of the language used in the
4 Fourteenth Amendment to the United States Constitution and
5 Section 21 of Article 4 of the Nevada Constitution has allowed the
6 Judicial branches of the Federal and State governments to establish
7 a hierarchy within the persons entitled to the protection of the laws;
8 and

9 WHEREAS, The United States Supreme Court has recognized
10 that each individual state may adopt its own constitution and
11 provide its citizens more expansive individual liberties than those
12 provided by the Federal Constitution; and

13 WHEREAS, The Legislature of this State wishes to strictly
14 guarantee the equality of rights under law to certain persons within
15 its jurisdiction; now, therefore, be it

16 RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF
17 NEVADA, JOINTLY, That a new section, designated Section 24, be
18 added to Article 1 of the Nevada Constitution to read as follows:

19 *Sec. 24. Equality of rights under the law shall not be*
20 *denied or abridged by this State or any of its political*
21 *subdivisions on account of race, color, creed, sex, sexual*
22 *orientation, gender identity or expression, age, disability,*
23 *ancestry or national origin.*

