

# HOW WE'LL WIN THE FREEDOM TO MARRY IN NEVADA

## ♥ SPRING 2013

Nevada legislature passed [Senate Joint Resolution 13 \(SJR 13\)](#), an amendment to Nevada's state constitution which will overturn the current discriminatory definition of marriage and replace it with the freedom to marry for all Nevada families.

## ♥ JUNE 2013

U.S. Supreme Court decided DOMA and Proposition 8. Neither case directly affects Nevada, so the fight to win the freedom to marry continues.

## ♥ FALL 2014

Nevada Primary and General Elections take place. Ask your candidates where they stand on the freedom to marry.

## ♥ 2015

The resolution to repeal the constitutional amendment must pass again in both houses during the 2015 legislative session.

## ♥ 2015 - 2016

LGBT community and allies educate Nevada voters about how all loving couples in Nevada should have the freedom to marry.

## ♥ NOVEMBER 2016 ♥

Nevadans vote on the ballot to secure the freedom to marry for all Nevada families.

*With thanks to Freedom to Marry*  
[www.freedomtomarry.org/nevada](http://www.freedomtomarry.org/nevada)

# ABOUT THE ACLU OF NEVADA

The American Civil Liberties Union of Nevada is a nonprofit, nonpartisan organization dedicated to defending, preserving, and advancing the civil rights and civil liberties of all people in Nevada.

We are committed to fighting for the full legal and social equality of lesbian, gay, bisexual, and transgender people in Nevada, including ensuring that all loving and committed couples in Nevada can marry. Working in courts, the Nevada legislature, and communities, the ACLU of Nevada has helped Nevada progress toward increased recognition of LGBT rights and the right of all people to live free from discrimination.

The ACLU of Nevada is an affiliate of the national ACLU, and it was founded in 1966. It is the only organization in Nevada dedicated solely to protecting the Constitutional rights and liberties of every individual in the state.



[WWW.ACLUNV.ORG](http://WWW.ACLUNV.ORG)

[FACEBOOK.COM/ACLUNV](https://FACEBOOK.COM/ACLUNV)  
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# AFTER DOMA WHAT IT MEANS FOR YOU



NEVADA

*the end of DOMA is only the beginning*

On June 26, 2013, the United States Supreme Court struck down the federal Defense of Marriage Act (DOMA) in *Windsor v. United States*. The court ruled that the federal government cannot discriminate against married same-sex couples by denying them federal benefits and protections.

This historic ruling is monumental for our country, but the end of DOMA is only the beginning, especially for couples who live in Nevada, which still has a discriminatory definition of marriage.

This document is intended to provide an educational overview on how the DOMA ruling affects married couples living in Nevada. ***This is not legal advice*** or a guide for making personal financial decisions. We encourage you to consult a legal or tax professional to determine the best next steps you can take.

## CAN WE GET MARRIED IN NEVADA?

Nevada's constitution has a discriminatory definition of marriage, limiting marriage to opposite-sex couples and prohibiting the recognition of same-sex marriages conducted in other states.

Nevada does have domestic partnerships that confer rights and responsibilities similar to marriage to both same-sex and different-sex couples, but domestic partnerships are not legally the same as marriage and are not recognized by the federal government.

In the 2013 legislative session, the ACLU of Nevada fought successfully for SJR 13, which begins the process to define marriage in Nevada to include all loving couples. See the "How We'll Win the Freedom to Marry in Nevada" time line in this brochure for details.

## WHAT BENEFITS ARE AVAILABLE TO MARRIED SAME-SEX COUPLES LIVING IN NEVADA?

The Supreme Court decision striking down DOMA affects only *federal* marriage benefits. State marriage benefits are not affected by the DOMA decision.

There are over 1,100 places in federal law where a protection or responsibility is based on marital status. Nevadans who were legally married in another state will be eligible for federal benefits that are determined by where they were married. However, many federal benefits are based on where a couple lives, not where they were married. The status of other benefits is simply not clear, and future administrative orders, policies, laws, and lawsuits may change couples' eligibility for benefits.

For detailed information see:  
[www.aclu.org/lgbt-rights/after-doma-what-it-means-you](http://www.aclu.org/lgbt-rights/after-doma-what-it-means-you)



*ACLU plaintiff Edie Windsor with her partner of 44 years, Thea Spyer. Edie's case struck down DOMA.*

## All married couples in Nevada ARE eligible for:

- Federal income tax benefits

### **Federal Employees:**

- Health insurance (FEHB)
- Dental and vision benefits (FEDVIP)
- Long-term care (FLTCIP)
- Group life insurance (FEGLI)
- Family medical leave (FMLA)
- Ethics and conflict-of-interest rules

### **Immigrants:**

- Marriage-based green card
- Fiancé visa
- Green card for foreign-born children
- H-4 derivative visa for foreign same-sex couples

### **Military personnel:**

- Full spousal benefits (pending official authorization) through DEERS and SCRA
- Spousal Identification Card
- TRICARE medical insurance coverage
- Dependent-rate housing allowance
- Family separation allowance
- Ability to move off base with spouse
- Command-sponsored visas
- Access to military installations and facilities including base, commissaries, exchanges, Morale, Welfare and Recreation (MWR) centers, and Family Center programs
- Joint Duty Assignments
- Access to legal assistance

### **Veterans:**

- Veteran spousal benefits through the Department of Defense and the VA

## Married same-sex couples in Nevada probably WON'T be eligible for:

- Medicaid
- Medicare

- Temporary Assistance for Needy Families (TANF)
- Social Security

## Benefits still in question:

- Private employment benefits
- Joint bankruptcy

### **Federal Employees:**

- Death and survivorship benefits for spouses of retired employees (FERS and CSRS)

### **Public Programs:**

- Supplemental security income for aged, blind, and disabled (SSI)

## Family and Medical Leave

It's unlikely that the DOMA decision will allow state and local government employees in same-gender marriages to obtain benefits under the federal Family and Medical Leave Act (FMLA).

## Applying for Federal Student Aid (FAFSA) 2013-2014 Application

If your parents were legally married, list both parents regardless of where they live. If your parents were not legally married (if they were unmarried, in a domestic partnership, etc.), list one parent.

## 2014-2015 Application

If your parents were legally married, list both parents regardless of where they live. If your parents live together you must list both, whether or not they are married.

## SHOULD WE GET MARRIED, NOW THAT WE CAN GET FEDERAL MARRIAGE BENEFITS?

Marriage is a personal decision. From a legal standpoint, it's important to get advice from an attorney. This is true especially if you have, or are applying for, public benefits. Getting married may make you lose eligibility for some public benefits without actually giving you all the protections that different-sex married couples enjoy. Plus, should you ever need a divorce, you may have difficulty obtaining one in Nevada if you married somewhere else.