

# Ballot Question No. 4

*Assembly Joint Resolution No. 10 of the 81st Session  
(File No. 24, Statutes of Nevada 2021)*

Proposing to Amend the Nevada Constitution to  
Remove Language Authorizing the Use of  
Slavery and Involuntary Servitude

Assembly Joint Resolution No. 10—Assemblymen Watts, C.H. Miller, Frierson, Brittney Miller, Monroe-Moreno; Summers-Armstrong and Thomas

Joint Sponsors: Senators D. Harris, Neal and Spearman

FILE NUMBER.....

ASSEMBLY JOINT RESOLUTION—Proposing to amend the Ordinance of the Nevada Constitution and the Nevada Constitution to remove language authorizing the use of slavery and involuntary servitude as a criminal punishment.

**Legislative Counsel’s Digest:**

Under the Ordinance of the Nevada Constitution and the Nevada Constitution, slavery and involuntary servitude are prohibited except as punishment for a crime. (Ordinance of the Nevada Constitution; Nev. Const. Art. 1, § 17) This resolution proposes to amend the Ordinance of the Nevada Constitution and the Nevada Constitution to remove language authorizing the use of slavery and involuntary servitude as a criminal punishment. If this resolution is passed by the 2021 Legislature, it must also be passed by the next Legislature and then approved and ratified by voters in an election before the proposed amendments become effective.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the Ordinance of the Nevada Constitution be amended to read as follows:

In obedience to the requirements of an act of the Congress of the United States, approved March twenty-first, A.D. eighteen hundred and sixty-four, to enable the people of Nevada to form a constitution and state government, this convention, elected and convened in obedience to said enabling act, do ordain as follows, and this ordinance shall be irrevocable, without the consent of the United States and the people of the State of Nevada:

First. That there shall be in this state neither slavery nor involuntary servitude . ~~[, otherwise than in the punishment for crimes, whereof the party shall have been duly convicted.]~~

Second. That perfect toleration of religious sentiment shall be secured, and no inhabitant of said state shall ever be molested, in person or property, on account of his or her mode of religious worship.

Third. That the people inhabiting said territory do agree and declare, that they forever disclaim all right and title to the unappropriated public lands lying within said territory, and



that the same shall be and remain at the sole and entire disposition of the United States; and that lands belonging to citizens of the United States, residing without the said state, shall never be taxed higher than the land belonging to the residents thereof; and that no taxes shall be imposed by said state on lands or property therein belonging to, or which may hereafter be purchased by, the United States, unless otherwise provided by the congress of the United States.

And be it further

RESOLVED, That Section 17 of Article 1 of the Nevada Constitution be amended to read as follows:

Sec. 17. Neither Slavery nor involuntary servitude ~~[unless for the punishment of crimes]~~ shall ever be tolerated in this State.

And be it further

RESOLVED, That this resolution becomes effective upon passage.



# Ballot Question No. 4

Legislative Counsel Bureau's **Initial Draft** of Ballot Materials  
for *Assembly Joint Resolution No. 10 of the 81st Session*  
Submitted to the Public for Comment  
During the Period of May 21 to June 4, 2024

Ballot Question 4  
Initial Draft

## QUESTION NO. 4

Amendment to the Ordinance of the *Nevada Constitution* and the *Nevada Constitution*

Assembly Joint Resolution No. 10 of the 81st Session

### CONDENSATION (Ballot Question)

Shall the Ordinance of the *Nevada Constitution* and the *Nevada Constitution* be amended to remove language authorizing the use of slavery and involuntary servitude as a criminal punishment?

Yes

No

### EXPLANATION & DIGEST

**EXPLANATION**—This proposed amendment removes from the Ordinance of the *Nevada Constitution* and from the *Nevada Constitution* the language that allows for slavery or involuntary servitude as a punishment for crimes. "Slavery," as defined by Black's Law Dictionary, is a situation in which one person has absolute power over the life, fortune and liberty of another person. For the purposes of a federal statute prohibiting involuntary servitude as a means of enforcing a similar prohibition against involuntary servitude in the *United States Constitution*, the United States Supreme Court defined involuntary servitude to mean the use or threat of physical restraint or physical injury, or coercion through law or the legal process, to force a person to work. *United States v. Kozminski*, 487 U.S. 931, 952 (1988)

Currently, Article I, Section 17 of the Ordinance of the *Nevada Constitution* and the *Nevada Constitution* prohibit slavery and involuntary servitude, except as punishment for a crime for which a person has been convicted. This amendment removes this exception, clarifying that slavery and involuntary servitude are prohibited in all circumstances.

**A "Yes" vote would prohibit the use of slavery and involuntary servitude as a punishment for a crime.**

**A "No" vote would maintain the current language authorizing the use of slavery or involuntary servitude as a punishment for a crime.**

**DIGEST**—As included in the original Ordinance of the *Nevada Constitution* and the *Constitution of the State of Nevada*, slavery and involuntary servitude are prohibited, except as punishment for a crime. This resolution proposes to amend the Ordinance of the *Nevada Constitution* and the *Nevada Constitution* to remove language authorizing the use of slavery and involuntary servitude as a criminal punishment.

## ARGUMENTS FOR PASSAGE

Slavery and involuntary servitude are morally unacceptable forms of punishment and should not exist in any form, even in our prison system. This form of punishment for crime has a history of discrimination and lack of respect for human dignity and has had disproportionate and hurtful impacts. Eliminating the ability to use slavery or involuntary servitude as a form of punishment for crime reflects core values of equality. By voting for this ballot question, Nevadans are signaling that we no longer accept this hurtful and outdated form of punishment in our most important legal document.

In our prison system, offenders have the opportunity to volunteer for work in prison, earning work credits towards their sentences or wages that go toward, among other things, restitution, child support, and commissary. This change is not intended to impact those voluntary work programs. Removing language authorizing the use of slavery or involuntary servitude as punishment for crime would get rid of hurtful and offensive language in our *Constitution* while allowing voluntary work programs to continue.

Vote “Yes” on Question 4 and abolish slavery from the *Nevada Constitution* once and for all.

## ARGUMENTS AGAINST PASSAGE

Proponents of Question 4 want voters to believe that this change to the *Nevada Constitution* will not negatively affect the criminal justice system. However, this ballot question could lead to unintended consequences within the criminal justice system relating to prison work requirements, community service, and parole and probation.

Removing the language may create legal uncertainty in the State around current offender work practices. The uncertainty arising from the passage of Question 4 could impact prison work assignments, such as clerks, cooks, boiler operators, and porters that provide the basic labor to meet the institutions' operational needs. Additionally, offenders who voluntarily participate in work programs that provide life skills, job training, and rehabilitation and offenders who chose community service as an alternative to incarceration may lose these opportunities.

Vote “No” on Question 4 against this unnecessary change to the *Nevada Constitution*.

## FISCAL NOTE

### **Financial Impact—Cannot Be Determined**

The provisions of Question 4 remove existing provisions in the Ordinance of the *Nevada Constitution* and Article 1, Section 17 of the *Nevada Constitution* that allow slavery and involuntary servitude to be utilized as a criminal punishment. If this ballot question is approved by the voters, the removal of this exception may require the State and local governments to revise laws, policies or procedures relating to prison labor, parole and probation, community service and

other programs that may require labor to be performed by an offender as a condition of his or her sentence, if it is determined that the existing laws, policies or procedures may be in violation of the *Nevada Constitution*.

To the extent that any laws, policies or procedures would need to be revised, the changes may have a financial impact upon the State or local governments utilizing these programs. However, because it is not known what changes may be required, if any, to comply with these provisions, nor can the changes that would be made by the State or a local government, if any, be predicted, the resultant effect on the State or local governments cannot be determined with any reasonable degree of certainty.

DRAFT

# Ballot Question No. 4

Public Comments Received by the LCB  
During the Period of May 21 to June 4, 2024,  
Regarding the LCB's **Initial Draft** of Ballot Materials for  
*Assembly Joint Resolution No. 10 of the 81st Session*



## View results

Respondent



  
Time to complete

1. Your Name \*

Darlene Edwards

2. Address



3. City

Las Vegas

4. State

Nevada

5. Zip code

89142

6. Email address \*



7. Phone number



8. Comments on draft language of Question 1 (Senate Joint Resolution 7 [2021])  
(4,000 character limit)

9. Comments on draft language of Question 2 (Assembly Joint Resolution 1 [2021])  
(4,000 character limit)

10. Comments on draft language of Question 4 (Assembly Joint Resolution 10 [2021])  
(4,000 character limit)

I believe and will vote for the amendment to remove the language authorizing the use of slavery and involuntary servitude as a criminal punishment. I'm not sure how this is supposed to work, but I just wanted my opinion to be considered.

This resolution proposes to amend the Ordinance of the Nevada Constitution and the Nevada Constitution to remove language authorizing the use of slavery and involuntary servitude as a criminal punishment.

Yes" vote would prohibit the use of slavery and involuntary servitude as a punishment for a crime.

11. Comments on draft language of Question 5 (Senate Bill 428 [2023])  
(4,000 character limit)

**From:** Watts, Howard Assemblyman <Howard.Watts@asm.state.nv.us>  
**Sent:** Tuesday, May 28, 2024 10:11 AM  
**To:** Proehl, Haley <[REDACTED]>  
**Subject:** Re: Draft Statewide Ballot Questions - Request for Review and Comment

Thank you Haley!

On AJR10/Q4 Arguments for Passage, I think the first sentence should remove the words "forms of punishment" because slavery and involuntary servitude have historically existed outside the context of punishment. I would also suggest changing "human dignity" to "basic human rights." I would recommend eliminating the sentence that begins "Eliminating the ability to use slavery or involuntary servitude..." And finally, I would recommend adding a sentence mentioning the other states that have either passed or advanced similar measures in recent years, and that those states still retain voluntary prison work programs.

I have no feedback on the remainder of the ballot language.

# Ballot Question No. 4

After Consideration of Public Comment,  
LCB's **Revised Draft** of Ballot Materials for  
*Assembly Joint Resolution No. 10 of the 81st Session*  
for Consideration by the Legislative Commission  
Pursuant to NRS 218D.810

## EXPLANATION OF FORMATTING IN REVISED DRAFT

1. Matter in ***bolded italics*** is language to be added to ballot materials;  
and
2. Matter between brackets ~~strike-through~~ is language to be  
removed from ballot materials.

1 **QUESTION NO. 4**

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3 Amendment to the Ordinance of the *Nevada Constitution* and the *Nevada Constitution*

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5 Assembly Joint Resolution No. 10 of the 81st Session

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8 **CONDENSATION (Ballot Question)**

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10 Shall the Ordinance of the *Nevada Constitution* and the *Nevada Constitution* be amended to  
11 remove language authorizing the use of slavery and involuntary servitude as a criminal  
12 punishment?

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14 Yes  No

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17 **EXPLANATION & DIGEST**

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19 **EXPLANATION**—This proposed amendment removes from the Ordinance of the  
20 *Nevada Constitution* and from the *Nevada Constitution* the language that allows for slavery or  
21 involuntary servitude as a punishment for crimes. “Slavery,” as defined by Black’s Law  
22 Dictionary, is a situation in which one person has absolute power over the life, fortune and liberty  
23 of another person. For the purposes of a federal statute prohibiting involuntary servitude as a means  
24 of enforcing a similar prohibition against involuntary servitude in the *United States Constitution*,  
25 the United States Supreme Court defined involuntary servitude to mean the use or threat of  
26 physical restraint or physical injury, or coercion through law or the legal process, to force a person  
27 to work. *United States v. Kozminski*, 487 U.S. 931, 952 (1988)

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29 Currently, Article I, Section 17 of the Ordinance of the *Nevada Constitution* and the  
30 *Nevada Constitution* prohibit slavery and involuntary servitude, except as punishment for a crime  
31 for which a person has been convicted. This amendment removes this exception, clarifying that  
32 slavery and involuntary servitude are prohibited in all circumstances.

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34 **A “Yes” vote would prohibit the use of slavery and involuntary servitude as a punishment**  
35 **for a crime.**

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37 **A “No” vote would maintain the current language authorizing the use of slavery or**  
38 **involuntary servitude as a punishment for a crime.**

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41 **DIGEST**—As included in the original Ordinance of the *Nevada Constitution* and the  
42 *Constitution of the State of Nevada*, slavery and involuntary servitude are prohibited, except as  
43 punishment for a crime. This resolution proposes to amend the Ordinance of the  
44 *Nevada Constitution* and the *Nevada Constitution* to remove language authorizing the use of  
45 slavery and involuntary servitude as a criminal punishment.

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## ARGUMENTS FOR PASSAGE

Slavery and involuntary servitude are morally unacceptable ~~forms of punishment~~ and should not exist in any form, even in our prison system. This form of punishment for crime has a history of discrimination and lack of respect for *basic* human ~~dignity~~ *rights* and has had disproportionate and hurtful impacts. ~~Eliminating~~ *Nevada is not* the ~~ability to use~~ *only state considering this change. In recent years, seven of the 27 states that permitted* slavery or involuntary servitude as ~~a form~~ *forms* of *criminal* punishment ~~for crime reflects core values of equality~~ *in their state constitutions removed this language*. By voting for this ballot question, Nevadans are signaling that we no longer accept this hurtful and outdated form of punishment in our most important legal document.

In our prison system, offenders have the opportunity to volunteer for work in prison, earning work credits towards their sentences or wages that go toward, among other things, restitution, child support, and commissary. This change is not intended to impact those voluntary work programs. Removing language authorizing the use of slavery or involuntary servitude as punishment for crime would get rid of hurtful and offensive language in our *Constitution* while allowing voluntary work programs to continue.

Vote “Yes” on Question 4 and abolish slavery from the *Nevada Constitution* once and for all.

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## ARGUMENTS AGAINST PASSAGE

Proponents of Question 4 want voters to believe that this change to the *Nevada Constitution* will not negatively affect the criminal justice system. However, this ballot question could lead to unintended consequences within the criminal justice system relating to prison work requirements, community service, and parole and probation.

Removing the language may create legal uncertainty in the State around current offender work practices. The uncertainty arising from the passage of Question 4 could impact prison work assignments, such as clerks, cooks, boiler operators, and porters that provide the basic labor to meet the institutions’ operational needs. Additionally, offenders who voluntarily participate in work programs that provide life skills, job training, and rehabilitation and offenders who chose community service as an alternative to incarceration may lose these opportunities.

Vote “No” on Question 4 against this unnecessary change to the *Nevada Constitution*.

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## FISCAL NOTE

### **Financial Impact—Cannot Be Determined**

The provisions of Question 4 remove existing provisions in the Ordinance of the *Nevada Constitution* and Article 1, Section 17 of the *Nevada Constitution* that allow slavery and involuntary servitude to be utilized as a criminal punishment. If this ballot question is approved

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1 by the voters, the removal of this exception may require the State and local governments to revise  
2 laws, policies or procedures relating to prison labor, parole and probation, community service and  
3 other programs that may require labor to be performed by an offender as a condition of his or her  
4 sentence, if it is determined that the existing laws, policies or procedures may be in violation of  
5 the *Nevada Constitution*.

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7 To the extent that any laws, policies or procedures would need to be revised, the changes may have  
8 a financial impact upon the State or local governments utilizing these programs. However, because  
9 it is not known what changes may be required, if any, to comply with these provisions, nor can the  
10 changes that would be made by the State or a local government, if any, be predicted, the resultant  
11 effect on the State or local governments cannot be determined with any reasonable degree of  
12 certainty.