

Ballot Question No. 2

*Assembly Joint Resolution No. 1 of the 81st Session
(File No. 36, Statutes of Nevada 2021)*

Proposing to Amend the Nevada Constitution to
Revise Certain Language Relating to Institutions that the
State Must Foster and Support

Assembly Joint Resolution No. 1—Assemblymen Titus, Benitez-Thompson, Krasner; Gorelow, Hafen, Hansen, Hardy, Matthews, Nguyen, Orentlicher, Peters, Summers-Armstrong and Thomas

Joint Sponsors: Senators Hardy, D. Harris, SeEVERS
Gansert; Kieckhefer and Ratti

FILE NUMBER.....

ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to add and revise terms relating to persons with certain conditions for whose benefit certain public entities are supported by the State.

Legislative Counsel’s Digest:

Section 1 of Article 13 of the Nevada Constitution requires that institutions for the benefit of the insane, blind and deaf and dumb be fostered and supported by the State. This joint resolution proposes to amend the Nevada Constitution to replace the term “institutions” with “entities” and to revise the description of the persons who benefit from these entities from: (1) “insane” to “persons with significant mental illness”; (2) “blind” to “persons who are blind or visually impaired”; and (3) “deaf and dumb” to “persons who are deaf or hard of hearing.” This joint resolution also proposes to amend the Nevada Constitution to add entities for the benefit of persons with intellectual or developmental disabilities to the types of entities that shall be fostered and supported by the State.

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

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 1 of Article 13 of the Nevada Constitution be amended to read as follows:

Section ~~[.]~~ 1. ~~[Institutions]~~ *Entities* for the benefit of ~~[the Insane, Blind and Deaf and Dumb,]~~ *persons with significant mental illness, persons who are blind or visually impaired, persons who are deaf or hard of hearing and persons with intellectual disabilities or developmental disabilities,* and such other benevolent ~~[institutions]~~ *entities* as the public good may require, shall be fostered and supported by the State, subject to such regulations as may be prescribed by law.

And be it further

RESOLVED, That this resolution becomes effective upon passage.



Ballot Question No. 2

Legislative Counsel Bureau's **Initial Draft** of Ballot Materials
for *Assembly Joint Resolution No. 1 of the 81st Session*
Submitted to the Public for Comment
During the Period of May 21 to June 4, 2024

Ballot Question 2
Initial Draft

QUESTION NO. 2

Amendment to the *Nevada Constitution*

Assembly Joint Resolution No. 1 of the 81st Session

CONDENSATION (Ballot Question)

Shall Section 1 of Article 13 of the *Nevada Constitution* be amended to: (1) revise the description of the persons who benefit from institutions that the State is required to foster and support; (2) replace the term “institutions” with “entities”; and (3) add entities for the benefit of persons with intellectual or developmental disabilities to the types of entities that the State is required to foster and support?

Yes

No

EXPLANATION & DIGEST

EXPLANATION—This ballot measure amends Section 1 of Article 13 of the *Nevada Constitution* to revise the description of the persons who benefit from institutions that the State is required to foster and support from: (1) “insane” to “persons with significant mental illness”; (2) “blind” to “persons who are blind or visually impaired”; and (3) “deaf and dumb” to “persons who are deaf or hard of hearing.”

This ballot measure also replaces the terms “institutions” with “entities” in Section 1 of Article 13 of the *Nevada Constitution*.

This ballot measure further adds to Section 1 of Article 13 of the *Nevada Constitution* entities for the benefit of persons with intellectual or developmental disabilities to the types of entities that the State is required to foster and support.

A “Yes” vote would amend the *Nevada Constitution* to: (1) revise the description of the persons who benefit from institutions that the State is required to foster and support; (2) replace the term “institutions” with “entities”; and (3) add entities for the benefit of persons with intellectual or developmental disabilities to the types of entities that the State is required to foster and support.

A “No” vote would retain the existing language in the *Nevada Constitution* and would not add entities for the benefit of persons with intellectual or developmental disabilities to the types of entities that the State is required to foster and support.

DIGEST—Section 1 of Article 13 of the *Nevada Constitution* requires the State to foster and support institutions for the benefit of the insane, blind, and deaf and dumb, and to foster and support such other benevolent institutions as required by the public good.

This ballot measure amends Section 1 of Article 13 of the *Nevada Constitution* to replace the term “institutions” with “entities” and to revise the description of persons who benefit from entities that the State is required to foster and support from: (1) “insane” to “persons with significant mental illness”; (2) “blind” to “persons who are blind or visually impaired”; and (3) “deaf and dumb” to “persons who are deaf or hard of hearing.”

This ballot measure also amends Section 1 of Article 13 of the *Nevada Constitution* to add entities for the benefits of persons with intellectual or developmental disabilities to the types of entities that the State must foster and support.

ARGUMENTS FOR PASSAGE

When the *Nevada Constitution* was originally written 160 years ago, different terms were used to describe people with mental illness or who are deaf. This language is outdated and offensive. Additionally, by changing “institutions” to “entities,” this ballot measure will ensure the *Constitution* mirrors other State agency policies regarding the use of terms describing certain populations as institutionalized. The *Nevada Constitution* is frequently amended to reflect our evolving society, and replacing offensive terms in Section 1 of Article 13 is a much-needed change to provide respect to all Nevadans.

The impact of the words used in the *Nevada Constitution* extends beyond the document itself. When offensive and derogatory terms are used in State law, they are perpetuated by lawyers, judges, social workers, and others who reference the law in their work. By replacing the terms “insane” and “deaf and dumb” with more dignified terms, we can avoid stigmatizing and marginalizing individuals and reduce the discriminatory barriers they may face when seeking employment, housing or mental health services. For these same reasons, the United States Congress took action over ten years ago to remove the terms “mental retardation” and “lunatic” from the *United States Code*.

By adding entities for the benefit of people with intellectual or developmental disabilities to the types of entities that the State must foster and support, Question 2 ensures the constitutional provision applies to a wider range of people with disabilities. Similarly, by changing the term “blind” to “persons who are blind or visually impaired,” this ballot measure recognizes that visual impairment exists on a spectrum and people who are not fully blind but have some level of visual impairment may also need access to public entities, such as contemporary training and assistive technology programs.

Replace outdated and offensive language in the *Nevada Constitution*. Vote “Yes” on Question 2.

ARGUMENTS AGAINST PASSAGE

Amending the *Nevada Constitution* should be a rare occurrence, and its language should not be changed simply to accommodate terminology that may be outdated or fall in and out of favor over time. While terms like “insane” and “deaf and dumb” can be seen as offensive by today’s standards, the language was acceptable at the time the provision was written. The *Nevada Constitution* is a historical document, and we should not expect it to keep pace with the ever-changing nature of language.

Question 2 does not effectively address the broader issue of appropriate language use. Most Nevadans do not consult the *Nevada Constitution* to determine which terms are acceptable to use, and many Nevadans are likely unaware of their State’s constitutional provisions. In fact, more than half of the respondents to a nationwide survey conducted by Johns Hopkins University did not know whether their state even had a constitution. This ballot measure is a misguided attempt to effect change to everyday language use.

There is no need to broaden the language defining the types of institutions that the State must foster and support. Nevada already provides public services for people with intellectual and developmental disabilities as well as those who are visually impaired but not fully blind. Changing these terms will have no tangible impact on the types of institutions fostered and supported by the State.

This ballot measure is an unnecessary change to the *Nevada Constitution*. Vote “No” on Question 2.

FISCAL NOTE

Financial Impact—Cannot Be Determined

The provisions of Question 2 revise existing provisions in Article 13, Section 1 of the *Nevada Constitution* requiring certain institutions for the benefit of “the Insane, Blind and Deaf and Dumb, and such other benevolent institutions as the public good may require,” to be fostered and supported by the State, subject to such regulations as may be prescribed by law. If this ballot question is approved by the voters, the *Nevada Constitution* instead would require that certain entities for the benefit of “persons with significant mental illness, persons who are blind or visually impaired, persons who are deaf or hard of hearing and persons with intellectual disabilities or developmental disabilities, and such other benevolent entities as the public good may require,” be fostered and supported by the State.

Because Article 13, Section 1 provides that the support for these entities by the State is “subject to such regulations as may be prescribed by law,” the Legislature would need to approve legislation in order to provide support to entities that may not currently be supported under the existing law, were this question to be approved by the voters. However, because it cannot be predicted what actions the Legislature may take with respect to the entities that may be supported or the amount of support that may be provided, the financial impact upon the State cannot be determined with any reasonable degree of certainty.

Ballot Question No. 2

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. 1 of the 81st Session

No public comment was received for Ballot Question 2

Ballot Question No. 2

After Consideration of Public Comment,
LCB's **Revised Draft** of Ballot Materials for
Assembly Joint Resolution No. 1 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.

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QUESTION NO. 2

Amendment to the *Nevada Constitution*

Assembly Joint Resolution No. 1 of the 81st Session

CONDENSATION (Ballot Question)

Shall Section 1 of Article 13 of the *Nevada Constitution* be amended to: (1) revise the description of the persons who benefit from institutions that the State is required to foster and support; (2) replace the term “institutions” with “entities”; and (3) add entities for the benefit of persons with intellectual or developmental disabilities to the types of entities that the State is required to foster and support?

Yes No

EXPLANATION & DIGEST

EXPLANATION—This ballot measure amends Section 1 of Article 13 of the *Nevada Constitution* to revise the description of the persons who benefit from institutions that the State is required to foster and support from: (1) “insane” to “persons with significant mental illness”; (2) “blind” to “persons who are blind or visually impaired”; and (3) “deaf and dumb” to “persons who are deaf or hard of hearing.”

This ballot measure also replaces the terms “institutions” with “entities” in Section 1 of Article 13 of the *Nevada Constitution*.

This ballot measure further adds to Section 1 of Article 13 of the *Nevada Constitution* entities for the benefit of persons with intellectual or developmental disabilities to the types of entities that the State is required to foster and support.

A “Yes” vote would amend the *Nevada Constitution* to: (1) revise the description of the persons who benefit from institutions that the State is required to foster and support; (2) replace the term “institutions” with “entities”; and (3) add entities for the benefit of persons with intellectual or developmental disabilities to the types of entities that the State is required to foster and support.

A “No” vote would retain the existing language in the *Nevada Constitution* and would not add entities for the benefit of persons with intellectual or developmental disabilities to the types of entities that the State is required to foster and support.

1 **DIGEST**—Section 1 of Article 13 of the *Nevada Constitution* requires the State to foster and
2 support institutions for the benefit of the insane, blind, and deaf and dumb, and to foster
3 and support such other benevolent institutions as required by the public good.

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5 This ballot measure amends Section 1 of Article 13 of the *Nevada Constitution* to replace the term
6 “institutions” with “entities” and to revise the description of persons who benefit from entities that
7 the State is required to foster and support from: (1) “insane” to “persons with significant mental
8 illness”; (2) “blind” to “persons who are blind or visually impaired”; and (3) “deaf and dumb” to
9 “persons who are deaf or hard of hearing.”

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11 This ballot measure also amends Section 1 of Article 13 of the *Nevada Constitution* to add entities
12 for the benefits of persons with intellectual or developmental disabilities to the types of entities that
13 the State must foster and support.

14 15 16 **ARGUMENTS FOR PASSAGE**

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18 When the *Nevada Constitution* was originally written 160 years ago, different terms were used to
19 describe people with mental illness or who are deaf. This language is outdated and offensive.
20 Additionally, by changing “institutions” to “entities,” this ballot measure will ensure the
21 *Constitution* mirrors other State agency policies regarding the use of terms describing certain
22 populations as institutionalized. The *Nevada Constitution* is frequently amended to reflect our
23 evolving society, and replacing offensive terms in Section 1 of Article 13 is a much-needed change
24 to provide respect to all Nevadans.

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26 The impact of the words used in the *Nevada Constitution* extends beyond the document itself.
27 When offensive and derogatory terms are used in State law, they are perpetuated by lawyers,
28 judges, social workers, and others who reference the law in their work. By replacing the terms
29 “insane” and “deaf and dumb” with more dignified terms, we can avoid stigmatizing and
30 marginalizing individuals and reduce the discriminatory barriers they may face when seeking
31 employment, housing or mental health services. For these same reasons, the United States
32 Congress took action over ten years ago to remove the terms “mental retardation” and “lunatic”
33 from the *United States Code*.

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35 By adding entities for the benefit of people with intellectual or developmental disabilities to the
36 types of entities that the State must foster and support, Question 2 ensures the constitutional
37 provision applies to a wider range of people with disabilities. Similarly, by changing the term
38 “blind” to “persons who are blind or visually impaired,” this ballot measure recognizes that visual
39 impairment exists on a spectrum and people who are not fully blind but have some level of
40 visual impairment may also need access to public entities, such as contemporary training and
41 assistive technology programs.

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43 Replace outdated and offensive language in the *Nevada Constitution*. Vote “Yes” on Question 2.

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3 **ARGUMENTS AGAINST PASSAGE**

4 Amending the *Nevada Constitution* should be a rare occurrence, and its language should not be
5 changed simply to accommodate terminology that may be outdated or fall in and out of favor over
6 time. While terms like “insane” and “deaf and dumb” can be seen as offensive by today’s
7 standards, the language was acceptable at the time the provision was written. The
8 *Nevada Constitution* is a historical document, and we should not expect it to keep pace with
9 the ever-changing nature of language.

10 Question 2 does not effectively address the broader issue of appropriate language use. Most
11 Nevadans do not consult the *Nevada Constitution* to determine which terms are acceptable to use,
12 and many Nevadans are likely unaware of their State’s constitutional provisions. In fact, more than
13 half of the respondents to a nationwide survey conducted by Johns Hopkins University did not
14 know whether their state even had a constitution. This ballot measure is a misguided attempt to
15 effect change to everyday language use.

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17 There is no need to broaden the language defining the types of institutions that the State must foster
18 and support. Nevada already provides public services for people with intellectual and
19 developmental disabilities as well as those who are visually impaired but not fully blind. Changing
20 these terms will have no tangible impact on the types of institutions fostered and supported by
21 the State.

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23 This ballot measure is an unnecessary change to the *Nevada Constitution*. Vote “No” on
24 Question 2.

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27 **FISCAL NOTE**

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29 **Financial Impact—Cannot Be Determined**

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31 The provisions of Question 2 revise existing provisions in Article 13, Section 1 of the
32 *Nevada Constitution* requiring certain institutions for the benefit of “the Insane, Blind and Deaf
33 and Dumb, and such other benevolent institutions as the public good may require,” to be fostered
34 and supported by the State, subject to such regulations as may be prescribed by law. If this ballot
35 question is approved by the voters, the *Nevada Constitution* instead would require that certain
36 entities for the benefit of “persons with significant mental illness, persons who are blind or visually
37 impaired, persons who are deaf or hard or hearing and persons with intellectual disabilities or
38 developmental disabilities, and such other benevolent entities as the public good may require,” be
39 fostered and supported by the State.

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41 Because Article 13, Section 1 provides that the support for these entities by the State is “subject to
42 such regulations as may be prescribed by law,” the Legislature would need to approve legislation
43 in order to provide support to entities that may not currently be supported under the existing law,
44 were this question to be approved by the voters. However, because it cannot be predicted what
45 actions the Legislature may take with respect to the entities that may be supported or the amount
46 of support that may be provided, the financial impact upon the State cannot be determined with
47 any reasonable degree of certainty.