

STATE QUESTION NUM. 2

Amendment to the *Nevada Constitution*

Senate Joint Resolution No. 1 of the 81st Session

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 or 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.