

101 NORTH CARSON STREET
CARSON CITY, NEVADA 89701-3713
OFFICE: (775) 684-5670



1 STATE OF NEVADA WAY
LAS VEGAS, NEVADA 89119-4339
OFFICE: (702) 486-2500

Office of the Governor

June 11, 2025

The Honorable Francisco Aguilar
Nevada Secretary of State
101 North Carson Street
Carson City, Nevada 89701

Re: Assembly Bill 416 of the 83rd Legislative Session

Dear Secretary of State Aguilar:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 416 ("AB 416"), which is titled as follows:

AN ACT relating to education; prohibiting the board of trustees of a school district, the governing body of a charter school, a school employee or a volunteer and certain persons affiliated with a public library from limiting access to library materials under certain circumstances; authorizing the Board of Regents of the University of Nevada to adopt a policy containing such a prohibition; prohibiting certain actions against certain persons which are intended to limit access to library materials; providing penalties; and providing other matters properly relating thereto.

AB 416 is fundamentally flawed because it removes critical decision-making authority from schools, districts, and parents and instead places it in the hands of the courts. Decisions about what library materials are appropriate for students should be made locally—by educators and families who understand the unique needs of their school communities—not by judges through a rigid, one-size-fits-all legal process.

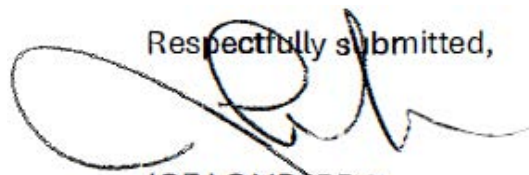
The bill's requirement for judicial intervention to determine whether a book is "obscene" introduces a slow, costly, and adversarial process. By the time a court reaches a decision, the students most affected may have already graduated, making the review effectively meaningless. Moreover, AB 416 eliminates the flexibility schools currently have to regularly and responsively assess materials based on age appropriateness and evolving community

standards. In practice, this bill could delay or even block timely conversations between parents and educators about the content their children are accessing. Local control, not courtroom battles, is the best way to ensure that school libraries reflect both educational value and community values, as sexually explicit materials that are inappropriate for minor students may not fit the legal definition of 'obscenity'.

Additionally, Section 3(3) of the bill raises significant constitutional concerns due to its vague and overly broad language, particularly regarding the undefined term "retaliation." The bill fails to provide a clear, objective standard for what constitutes retaliation—leaving open whether protected speech such as harsh criticism or calls for employment action (e.g., requesting a teacher's removal) could be criminalized. Such ambiguity potentially violates the Due Process Clause of the Fourteenth Amendment, which requires laws to be sufficiently clear so that ordinary people can understand what conduct is prohibited. *Grayned v. City of Rockford*, 408 U.S. 104, 108-09 (1972). Furthermore, this vague language risks chilling constitutionally protected speech under the First Amendment by deterring individuals from engaging in lawful criticism or advocacy out of fear that their words might be construed as "intent to cause harm" or retaliatory conduct. See *NAACP v. Button*, 371 U.S. 415, 433 (1963); *Holder v. Humanitarian Law Project*, 561 U.S. 1, 26 (2010).

Because AB 416 disconnects parents and schools from decisions best made at the local level and is constitutionally dubious, I cannot support it.

For these reasons, I veto this bill and return it without my signature or approval.

Respectfully submitted,

JOE LOMBARDO
Governor of Nevada

Enclosure

cc: The Honorable Stavros Anthony, President of the Senate (without enclosure)
The Honorable Nicole Cannizzaro, Senate Majority Leader (without enclosure)
The Honorable Steve Yeager, Speaker of the Assembly (without enclosure)
Brendan Bucy, Secretary of the Senate (without enclosure)
Bonnie Borda Hoffecker, Chief Clerk of the Assembly (without enclosure)
Diane Thornton, Legislative Counsel Bureau, Director (without enclosure)
Asher Killian, Legislative Counsel Bureau, Legislative Counsel (without enclosure)