

1 THE O'MARA LAW FIRM, P.C.
2 DAVID C. O'MARA (Nevada Bar No. 8599)
3 311 East Liberty Street
4 Reno, NV 89501
5 Telephone: 775/323-1321
6 Facsimile: 775/323-4082

7 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8 IN AND FOR CARSON CITY

9	JENNIFER FLEISCHMANN, an individual,)	Case No. 23 OC 00136 1B
10	Plaintiff,)	Dept No. 2
11	and)	
12	FRANCISCO V. AGUILAR, in his official)	
13	capacity as NEVADA SECRETARY OF)	RESPONDING BRIEF
14	STATE,)	
	Defendant.)	

15 COMES NOW, DAVID GIBBS, on behalf of REPAIR THE VOTE POLITICAL ACTION
16 COMMITTEE (hereinafter "PAC"), by and through, David C. O'Mara, Esq., of The O'Mara Law
17 Firm, P.C., who hereby submit the following Brief in Support of Motion to Dismiss Complaint with
18 Prejudice. This pleading is made in good faith and based upon the Memorandum of Points and
19 Authorities and all pleadings filed herein.

20 **MEMORANDUM OF POINTS AND AUTHORITIES**

21 **I. INTRODUCTION**

22 On or about November 8, 2023, David G. Gibbs, on behalf of the Repair the Vote
23 political action committee, filed Initiative Petition C-02-2023. The Petition seeks to amend the
24 Nevada Constitution to include voter identification requirement on in-person voting. The
25 Initiative also seeks to revise the vote by mail process to require Nevadans who vote by mail to
26 include an identifying number from one of specified government issued documents with their
27 mail-in ballots.

28 The Initiative Petition specifically provides the following Description of Effect:

1 ***If passed, this initiative would amend the State Constitution to require that all***
2 ***persons voting in person present an approved photo identification before being***
3 ***provided a ballot. It also requires that voters submitting a mail-in ballot provide***
4 ***additional verification of their identity when completing their mail-ballot.***

4 See Exhibit A at p. 3 (emphasis added)

5 Previously, Repair the Vote political action committee filed Initiative Petition C-03-
6 2022, which was subject to litigation in *Persaud-Zamora v. Cegavske*, 22 OC 00022 1B. See
7 Exhibit B. As a result of the litigation in *Persaud-Zamora*¹, the district court conclude that the
8 Secretary shall accept the amendment of the foregoing Description of Effect:

9 If passed, this initiative would amend the State Constitution to require that all
10 persons voting in person present an approved photo identification before being
11 provided a ballot. It also requires that voters submitting a mail-in ballot provide
12 additional verification of their identity when completing their mail-in ballot.

11 See Exhibit C, 5:8-10, Compare with Exhibit A.²

12 On December 4, 2023, Plaintiff, as an individual registered voter in the State of Nevada,
13 filed her Complaint for Declaratory and Injunctive Relief Challenging Initiative Petitioner C-
14 02-2023. *First*, Plaintiff claims that the Initiative violates the unfunded mandate prohibition set
15 forth in Nev. Const. Art. 19, Sec. 6. See Complaint 3:19-9:7. *Second*, Plaintiff claims that the
16 Initiative violates the description of effect requirement pursuant to NRS 295.009(1)(b). *Id.* 9:8-
17 11:18.

18 Plaintiff's claims for relief are factually and legally deficient and accordingly, the
19 Complaint must be dismissed.
20
21
22
23

24 ¹ The notice of entry of order was filed with the Court on May 4, 2022. No appeal was taken as a
25 result of this Court's April 26, 2022, Order.

26 ² The Court should take Judicial Notice of this document and the facts contained therein, because
27 the document is publicly filed, and the facts cannot be reasonably disputed. The document and
28 facts are generally known within the Court's jurisdiction and can be accurately and readily
determined from sources whose accuracy cannot reasonably be questioned.

1 **II. LEGAL AUTHORITY**

2 ***A. NRS 295.061 precludes Petitioner from Challenging the Description of Petition.***

3 NRS 295.061 provides, in pertinent part that, “[i]f a description of the effect of an initiative
4 or referendum required pursuant to NRS 295.009 is challenged successfully, pursuant to subsection
5 1 and such description is amended in compliance with the order of the court, the amended
6 description may not be challenged.” NRS 295.061(3).

7 On April 26, 2022, the Honorable William A. Maddox issued an Order that specifically
8 stated that the “Description of Effect shall be amended to read as follows:

9 If passed, this initiative would amend the state Constitution to require that all
10 persons voting in person present an approved photo identification before being
11 provided a ballot. It also requires that voters submitting a mail-in ballot provide
12 additional verification of their identity when completing their mail-in ballot.

13 See Exhibit C. The language set forth in Description of Effect for Initiative C-02-02023 is verbatim
14 to the amended description, and complies with the April 2022, Court Order, and thus, “*may not be*
15 *challenged.*” See NRS 295.061(3) (emphasis added). Accordingly, Plaintiff’s Second Cause of
16 Action must be Dismissed.

17 ***B. Plaintiff is precluded from bringing a challenge to the initiative under the legal
18 doctrines of res judicata and collaterally estopped.***

19 Notwithstanding the fact that Plaintiff is precluded from challenged the Description of
20 Effect, pursuant to NRS 295.061, Collateral Estoppel and Res Judicata also preclude Plaintiff’s
21 First and Second Claims for Relief, in their entirety. The doctrines of Res Judicata and Collateral
22 Estoppel are “designed to preserve scarce judicial resources and to prevent vexation and undue
23 expense to parties.” See *Univ. of Nev. v. Tarkanian*, 110 Nev. 581, 598, 879 P.2d 1180, 1191
24 (1994). The doctrines are premised on fairness to the defendant and sound judicial administration
25 by acknowledging that litigation over a specific controversy must come to an end. *Five Star
26 Capital Group v. Ruby*, 124 Nev. 1048, 1058, 194 P.3d 709, 715 (quoting Restatement (Second) of
27 Judgments § 19 cmt. a (1982)).

28 On April 26, 2022, the Honorable William A. Maddox issued the Findings of Facts and
Conclusions of Law in *Persaud-Zamora v. Cegavske* (22 OC 00022), which was about the related
Initiative Petition C-03-0022. See Exhibit C. The Court amended the description of effect and

1 concluded that the language of the proposed constitutional amendment does not create an
2 appropriate or unfunded expenditure, and therefore does not violate Article 19, Section 6. *Id.*

3 On December 4, 2023, Plaintiff filed a Complaint for Declaratory and Injunctive Relief
4 Challenging Initiative Petition C-02-2023. Once the Description of Effect for Initiative C-03-2022
5 was amended in compliance with the Court's April 26, 2022, Order, the language in the current
6 Initiative Petition C-02-2023 is the same. *Compare* Exhibits A and C. Plaintiff is asserting the
7 same claims against the pending initiative, as was asserted in the *Persaud-Zamora*, matter, and thus,
8 Plaintiff is collaterally estopped from bringing this matter.

9 The four factors that are necessary for applying collateral estoppel (issue preclusion) are (1)
10 the issue decided in the prior litigation must be identical to the issue presented in the current action;
11 (2) the initial ruling must have been on the merits and have become final; ... (3) the party against
12 whom the judgment is asserted must have been a party or in privity with a party to the prior
13 litigation, and (4) the issue was actually and necessarily litigated.

14 *First*, the issues decided in the *Persaud-Zamora* are identical to the issues presented in the
15 present case, ie: unfunded mandate and violation of description of effect. *Second*, the Court's
16 ruling on April 26, 2022, was on the merits and is final. There was no appeal taken.

17 *Third*, Plaintiff is in privity with *Persaud-Zamora*. A privity is generally defined as 'one who
18 is represented at trial and who is in law so connected with a party to the judgment as to have such
19 an identity of interest that the party to the judgment represented the same legal right.'" *See Brown &*
20 *Williamson Tobacco Corp. v. Gault*, 280 Ga. 420, 421(1), 627 S.E.2d 549 (2006) (citation omitted).
21 Here, Plaintiff and *Persaud-Zamora* have an identity of interests. As residents and voters of the
22 State of Nevada, they have a common interest in bringing a challenge to an initiative under the
23 requirements of becoming a properly registered voter, and the relevant statutes give them standing
24 to bring challenges to enforce that interest. *See e.g. In the Matter of Election Contest Filed by*
25 *Coday*, 156 Wash.2d 485, 130 P.3d 809(IV) (2006) (holding that a voter in an election contest
26 challenging the results of the governor's election was in privity with a voter who had earlier filed
27 the same challenge).

28

1 **Fourth**, the issues were actually and necessarily litigated during a hearing on February 18,
2 2022, to which the Court made specific findings and orders related to the issues of the description
3 of effect and the unfunded mandate. Accordingly, based on these four factors, Plaintiff is
4 collaterally estopped from bringing these issues before the Court.

5 Additionally, Res Judicata (claim preclusion) applies to the Plaintiff's two claims for relief.
6 Under the legal doctrine of Res Judicata, a claim is precluded if the following factors are met. (1)
7 the same parties or their privies are involved in both cases, (2) a valid final judgment has been
8 entered, and (3) the subsequent action is based on the same claims or any part of them that were or
9 could have been brought in the first case. *See Five Star Capital Corp. v. Ruby*, 124 Nev. 1048,
10 1056-1057.

11 Plaintiff's Complaint addresses the identical subject matter (omitted and misstated details in
12 the description of effect and violation of mandate unfunded expenditures) and causes of actions
13 (challenge to an initiative). Plaintiff, as a registered voter in the State of Nevada, is identical to the
14 parties in the *Persaud-Zamora* case. *See Exhibit C*. Indeed, when "nominally different parties"
15 pursue causes of action as voters, on behalf of the body politic generally, such parties have been
16 found to "have sufficiently identical interests to satisfy the 'identity of parties' inquiry" because
17 they possess "the same legal interests as all citizens of the state." *In re Recall of Pearsall-Stipek*,
18 136 Wash.2d 255, 261, 961 P.2d 343 (1998); accord *Snyder v. Munro*, 106 Wash.2d 380, 384, 721
19 P.2d 962 (1986) (holding that "all citizens of Washington state were well represented in" a prior
20 suit brought by the leaders of the state Democratic and Republican organizations and state
21 government officials, and that therefore res judicata barred registered voters from raising the same
22 claim in a subsequent action).

23 Even though Plaintiff did not participate in the *Persaud-Zamora* case, she is acting in the
24 same capacity, and has the same legal interest, as the participants in that case. Like *Persaud-*
25 *Zamora*, Plaintiff is a Nevada registered voter that is pursuing a challenge to an initiative.
26 Plaintiff's interests are identical to that of *Persaud-Zamora* and of all citizens of the state: ensuring
27 that an initiative is properly placed before Nevada voters.

1 **Second**, there is a final and valid judgment which was entered on April 26, 2023, with a
2 notice of entry of order filed on May 4, 2022. Third, Plaintiff's subsequent action is based upon the
3 same claims as were asserted in the first case, and were actually litigated on the merits.
4 Accordingly, Plaintiff's Complaint is barred by res judicata.

5 **C. The Description of Effect is Proper and Valid.**

6 Plaintiff claims that the Description of Effect fails to identify what the law proposes and
7 how it intends to achieve that proposal, because various details within the 47-word description are
8 not included.³

9 **First**, as stated above, this issue has already been litigated and determined by the Court, and
10 thus the Description of Effect is not subject to challenge, pursuant to NRS 293.061, res judicata and
11 collateral estoppel.

12 **Second**, even if the District Court addresses Plaintiff's allegation, the 47-word description
13 of effect accurately identifies what the law proposes and how it intends to achieve the proposal. *See*
14 *Education Init. v. Comm. to Protect Nev. Jobs*, 293 P.3d 874, 876 (Nev. 2013)

15 Plaintiff claims that because the description is only 47 words, there is ample space to
16 include additional information. "A description of effect serves a limited purpose to facilitate the
17 initiative process, and to that end, it must be as straightforward, succinct, and nonargumentative
18 summary of what the initiative is designed to achieve and how it intends to reach those goals." *Id.*

19 The description provides a straightforward, succinct, and nonargumentative summary of
20 what the initiative is designed to achieve. In fact, the District Court has previously found that the
21 exact same language was "within the bounds of accuracy." *See* Exhibit C, 5:4.

22 The Description of Effect is neither deceptive nor misleading as it is substantively correct
23 and does not misrepresent what the initiative will accomplish or how it will achieve these goals.
24 *Education Init.* 293 P.3d at 883.

25
26 ³ The opponent of a petition bears the burden of demonstrating that the petition is "clearly invalid."
27 *Las Vegas Taxpayer Accountability Comm. v. City Council of City of Las Vegas*, 125 Nev.165, 176,
28 208 P.3d 429, 436 (2009).

1 The Initiative does not require additional expenditure from the State, and thus, that
2 information is not necessary, nor is it a material omission from the Description of Effect. There is
3 nothing in the Initiative that creates any new form of free identification.

4 Additionally, the description is to provide a straightforward, succinct and nonargumentative
5 summary, not to provide every detail of the Initiative like Plaintiff demands. NRS 295.009
6 specifically requires the description to set forth "the effect of the initiative or referendum if the
7 initiative or referendum is *approved* by the voters." NRS295.009(1)(b). Plaintiff seeks to place a
8 burden on the Initiative to list every conceivable implication in a 200-word description which
9 defeats the purpose of having a summary of the effect of the Initiative. The Description of Effect is
10 "straightforward, succinct, and nonargumentative, and most importantly, it is not deceptive or
11 misleading." The description of effect need not explain hypothetical effects or mention every
12 possible effect of the Initiative, and including all the forms of photo identification would obstruct,
13 rather that facilitate, the people's right to the initiative process. *Education Init. v. Comm. to Protect*
14 *Nev. Jobs*, 293 P.3d 874, 876 (Nev. 2013) ("the description of effect cannot constitutionally be
15 required to delineate every effect that an initiative will have.")

16 **D. The Petition Does Not Violate the Nevada Constitution's Prohibition of Initiatives that**
17 **Mandate Unfunded Expenditures**

18 Article 19, Section 6 of the Nevada Constitution does not permit an initiative to "make[] an
19 appropriation or otherwise require the expenditure of money, unless such statute or amendment also
20 imposes a sufficient tax..." An "appropriation is the setting aside of fund" and an "expenditure of
21 money is the payment of funds." *See Rogers v. Heller*, 18 P.3d 1034, 1036. When an initiative
22 "neither explicitly nor implicitly compels and appropriation or expenditure, but rather, leaves the
23 mechanics of its enforcement with government officials, it does not involve and appropriation or
24 expenditure." *See Herbst Gaming, Inc. v. Heller*, 117 Nev. 169, 141 P.3d 1224, 1233.

25 The Initiative does not mandate an expenditure or appropriation, nor does it require an
26 expenditure of money. Indeed, nothing in the text of the Initiative would require a Nevada official
27 to appropriate funds to, or to expend new funds.

1 **First**, the Initiative only requires a voter to present a valid identification when voting in person.
2 The forms of identification and the agencies that issue the photo identification already exist, and the
3 Initiative does not require the creation of any new forms of identification.

4 Additionally, the issue of whether the enactment of the Initiative meets federal constitutional
5 requirements is not relevant to the Court’s analysis of whether the Initiative requires an
6 appropriation of expenditure, because in this case, the Initiative does not require such action by
7 government officials, and “the substantive validity of an initiative should be challenged if and when
8 the initiative becomes law. *See Herbst Gaming, Inc. v. Heller*, 117 Nev. 169, 141 P.3d 1224, 1233.⁴

9 Plaintiff’s use of financial impact statements for photo-identification initiatives that have been
10 previously sought are not relevant to the Initiative at hand. There is no indication that these
11 previous initiatives are “similar” as claimed by Plaintiff, and there is no reference to a Judicial
12 determination on any of these initiatives. Plaintiff basically ignores, except for a reference in a
13 footnote, the judicial decision regarding Initiative C-03-2022, which resulted in Judge Maddox
14 concluding that, the language proposed in the Initiative C-03-2022, as amended, “does not create an
15 appropriation or unfunded expenditure, and therefore does not violate Article 19, Section 6. *See*
16 Exhibit C. Finally, none of the programs, or expenditures alleged by Plaintiff are required by the
17 text of the Initiative and thus, it is not self-evident or inherently required that new expenses will
18 occur. The “mechanism” of the enforcement of the Initiative is “with government officials,” and
19 does not constitute an appropriation or expenditure. *Herbst Gaming*, 141 P.3d at 1233

20 **Second**, when voting by mail, the Initiative only requires that that the mail-in ballots include a
21 block next to the voter’s signature for the voter to add digits from their driver’s license, social
22 security number, nor a number provided by the county. The only change that the Initiative requires
23 is for the form to include a section for information to be provided. In fact, election materials are
24 produced for distribution for each primary and general election and consistently have changes to the
25

26 ⁴ Plaintiff set forth a variety of ways a person could obtain a free identification card through the
27 state. In addition to these free methods, individuals are also able to obtain a free Passport under
28 various circumstances. *See Exhibit D.*

1 ballot each year, as the dates change and the candidates and offices are different. As such, there is
2 nothing to suggest that adding the required information to the mail-in ballot would require the state
3 to incur expenditures.

4 Accordingly, Plaintiff's argument fails since the Initiative does not seek to have an
5 appropriation or expenditures of funds in violation of the unfunded mandate provision.

6 **I. CONCLUSION**

7 Based on the above-mentioned points and authorities, Intervenor, DAVID GIBBS, on
8 behalf of REPAIR THE VOTE POLITICAL ACTION COMMITTEE respectfully request that
9 this honorable court dismiss Plaintiff's complaint with prejudice.

10 DATED: February 9, 2024.

THE O'MARA LAW FIRM, P.C.

11 
12 _____
13 DAVID C. O'MARA, ESQ.

14 311 E. Liberty Street
15 Reno, NV 89501
16 775.323.1321
17 david@omaralaw.net
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I am an employee of The O'Mara Law Firm, P.C., 311 E. Liberty
3 Street, Reno, Nevada 89501, and on this date I served a true and correct copy of the foregoing
4 document on all parties to this action by:

- 5 _____ Depositing in a sealed envelope placed for collection and mailing in the United States
6 _____ Mail. at Reno, Nevada, following ordinary business practices
7 _____ Personal Delivery
8 X _____ Email (by agreement)
9 _____ Federal Express or other overnight delivery
10 _____ Messenger Service
11 _____ Certified Mail with Return Receipt Requested
12 _____ Electronically through the Court's ECF system

13 addressed as follows:

14 Bradley Schragar, Esq. bradley@bravoschrager.com
15 Daniel Bravo, daniel@bravoschrager.com
16 Scott Gilles scott@g3nv.com
17 David R. Fox dfox@elais.law
18 Daniel Cohen dcohen@elias.law

19 *Attorneys for Plaintiff*

20 Laena St. Junes LSTJules@ag.nv.gov

21 Attoreny for Defendants Fransisco V. Aguilar in his
22 Official Capacity as the Nevada Secretary of State

23 Billie Shadron bshadron@carson.org

24 Judicial Assistant to Honorable William A. Maddox
25 First Justicial District Court, Dep. II.

26 DATED: February 9, 2024

27 
28 DAVID C. O'MARA

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C.	Initiative Petition C-03-2022	5
D	Request for Fee Waiver – U.S. Passport	11

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EXHIBITA

EXHIBIT A



Pursuant to NRS 295.015, before a petition for initiative or referendum may be presented to registered voters for signatures, the person who intends to circulate the petition must provide the following information:

NAME OF PERSON FILING THE PETITION

David G. Gibbs

NAME(S) OF PERSON(S) AUTHORIZED TO WITHDRAW OR AMEND THE PETITION (provide up to three)

1. David G. Gibbs
- 2.
- 3.

NAME OF THE POLITICAL ACTION COMMITTEE (PAC) ADVOCATING FOR THE PASSAGE OF THE INITIATIVE OR REFERENDUM (if none, leave blank)

Repair The Vote

Please note, if you are creating a Political Action Committee for the purpose of advocating for the passage of the initiative or referendum, you must complete a separate PAC registration form.

Additionally, a copy of the initiative or referendum, including the description of effect, must be filed with the Secretary of State's office at the time you submit this form.

X

Signature of Petition Filer

7 NOV 23

Date

State of Nevada – Initiative Petition – Constitutional Amendment

The People of the State of Nevada do enact as follows:

Article 2 of the Nevada Constitution is hereby amended by adding thereto new sections to be designated as Section 1B and Section 1C, to read as follows:

Sec 1B. Photo Identification. Each voter in Nevada shall present photo identification to verify their identity when voting in person at a polling place during early voting or on election day before being provided a ballot. To be considered valid, the photo identification must be current or expired for no more than four years. If the voter is 70 years old or more, the identification can be expired for any length of time, so long as it is otherwise valid. Acceptable forms of identification include:

1. Nevada driver's license.
2. Identification card issued by the State of Nevada, any other State, or the US Government.
3. Employee photo identification card issued by the US government, Nevada government, or any county, municipality, board, authority, or other Nevada government entity.
4. US passport.
5. US military identification card.
6. Student photo identification card issued by a Nevada public college, university, or technical school.
7. Tribal photo identification.
8. Nevada concealed firearms permit.
9. Other form of government-issued photo identification that the Legislature may approve.

Sec 1C. Voter Verification. Each voter in Nevada who votes by mail-in ballot shall enter one of the following in the block provided next to the voter's signature for election officials to use in verifying the voter's identity:

1. The last four digits of their Nevada driver's license number.
2. If the voter does not possess a Nevada driver's license, the last four digits of their Social Security number.
3. If the voter has neither a Nevada driver's license or a Social Security number, the number provided by the county clerk when the voter registered to vote.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

DESCRIPTION OF EFFECT

If passed, this initiative would amend the State Constitution to require that all persons voting in person present an approved photo identification before being provided a ballot. It also requires that voters submitting a mail-in ballot provide additional verification of their identity when completing their mail-in ballot.

County of _____ (**Only** registered voters of this county may sign below)
 Petition District _____ (**Only** registered voters of this petition district may sign below)

		This Space For Office Use Only
1	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY
	YOUR SIGNATURE DATE / /	CITY COUNTY
2	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY
	YOUR SIGNATURE DATE / /	CITY COUNTY
3	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY
	YOUR SIGNATURE DATE / /	CITY COUNTY
4	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY
	YOUR SIGNATURE DATE / /	CITY COUNTY
5	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY
	YOUR SIGNATURE DATE / /	CITY COUNTY
6	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY
	YOUR SIGNATURE DATE / /	CITY COUNTY
7	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY
	YOUR SIGNATURE DATE / /	CITY COUNTY
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DESCRIPTION OF EFFECT

If passed, this initiative would amend the State Constitution to require that all persons voting in person present an approved photo identification before being provided a ballot. It also requires that voters submitting a mail-in ballot provide additional verification of their identity when completing their mail-in ballot.

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Petition District _____ (**Only** registered voters of this petition district may sign below)

		This Space For Office Use Only	
9	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE _____ DATE _____ / /	CITY _____	COUNTY _____
10	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE _____ DATE _____ / /	CITY _____	COUNTY _____
11	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE _____ DATE _____ / /	CITY _____	COUNTY _____
12	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE _____ DATE _____ / /	CITY _____	COUNTY _____
13	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE _____ DATE _____ / /	CITY _____	COUNTY _____
14	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
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30	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY
	YOUR SIGNATURE DATE / /	CITY COUNTY
31	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY
	YOUR SIGNATURE DATE / /	CITY COUNTY
32	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY
	YOUR SIGNATURE DATE / /	CITY COUNTY

THE FOLLOWING AFFIDAVIT MUST BE COMPLETED AND SIGNED:

AFFIDAVIT OF CIRCULATOR
(TO BE SIGNED BY CIRCULATOR)

STATE OF NEVADA)
)
COUNTY OF _____)

I, _____, (print name), being first duly sworn under penalty of perjury,
depose and say: (1) that I reside at _____

(print street, city and state); (2) that I am 18 years of age or older; (3) that I personally circulated
this document; (4) that all signatures were affixed in my presence; (5) that the number of
signatures affixed thereon is _____; and
(6) that each person who signed had an opportunity before signing to read the full text of the
act or resolution on which the initiative or referendum is demanded.

Subscribed and sworn to or affirmed before me this _____ day of _____, _____, by _____.

Signature of Circulator

Notary Public or person authorized to administer oath

Page ____ of ____

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EXHIBIT B

EXHIBIT B

1 **FFCL**
2 **SIGAL CHATTAH, ESQ.**
3 **NV Bar No.: 8264**
4 **CHATTAH LAW GROUP**
5 **5875 S. Rainbow Blvd. #204**
6 **Las Vegas, Nevada 89101**
7 **(702) 360-6200**
8 **(702) 643-6292**
9 CicchiniLaw@gmail.com
10 **Attorney for Defendants Intervenor**
11 **David Gibbs Et Al**

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2022 APR 26 PM 1:43
AUBREY BOALLET
CLERK
BY: *[Signature]*
090377

12
13 **IN THE FIRST JUDICIAL COURT**
14 **OF THE STATE OF NEVADA IN AND FOR CARSON CITY**

15 **EMILY PERSAUD-ZAMORA, an individual**

16 **Plaintiff,**

17 **vs.**

18 **BARBARA CEGAVSKE, in her official**
19 **capacity as NEVADA SECRETARY OF**
20 **STATE,**

21 **Defendant.**

22 **vs.**

23 **REPUBLICAN PARTY OF NEVADA,**

24 **Proposed Intervenor-Defendant**

Case No.: 22 OC 00022 1B
Dept. No.: I

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

25 **PROCEDURAL HISTORY AND PARTIES**

26 On February 18, 2022, Plaintiff Emily Persaud-Zamora ("Plaintiff") filed a Complaint
27 seeking declaratory and injunctive relief, asking this Court to declare that the description (the
28 "Description") of Initiative Petition C-03-2022 (the "Initiative") does not comply with NRS
29 295.009(1)(b) because it is argumentative, confusing, deceptive, and misleading and does not
30 sufficiently explain the ramifications of the Initiative, that the Petition does not comply with
31 Article 19, Section 6 of the Nevada Constitution for creating unfunded expenditure(s), and to
32 enjoin the Nevada Secretary of State ("Secretary") from placing the Referendum on the 2022

1 general election ballot. On February 28, 2022, the proponent of the Referendum, David Gibbs
2 (“Gibbs”) moved to intervene as a defendant. On March 29, 2022, the Court issued an order asking
3 the Defendants to respond to the Plaintiff’s Memorandum in Support of his Complaint. On April
4 12, 2022, the Republican Party of Nevada (“RPV”) filed its Motion to Intervene in this matter.
5 Because both proposed Intervenors have demonstrated timeliness, that they have an interest in the
6 subject matter of this litigation, that their respective interests would be violated should Plaintiff
7 prevail, and that their respective interests are not represented by any existing party, including each
8 other, both have satisfied the requirements to intervene.
9

10 STATEMENT OF FACTUAL HISTORY

11 On January 22, 2022, Gibbs filed a Notice of Intent to Circulate Statewide Initiative or
12 Referendum Petition. Any initiative petition must have a 200-word description as to the effects of
13 the referendum. NRS 295.009.1(b). In this case, the Initiative would add to the Nevada
14 Constitution the following text:
15

16 Article 2 of the Nevada Constitution is hereby amended by adding thereto
17 new sections to be designated as Section 1B and Section 1C, to read as
18 follows:

19 **Sect 1B. Photo Identification.** Each voter in Nevada shall present photo
20 identification to verify their identity when voting in person at a polling place
21 during early voting or on election day before being provided a ballot. To be
22 considered valid, the photo identification must be current or expired for no
23 more than four years. If the voter is 70 years old or more, the identification
24 can be expired for any length of time, so long as it is otherwise valid.
25 Acceptable forms of identification include:

- 26 1. Nevada driver’s license.
- 27 2. Identification card issued by the State of Nevada, any other State, or
28 the US Government.
3. Employee photo identification card issued by the US government,
Nevada government, or any county, municipality, board, authority, or
other Nevada government entity.
4. US Passport.
5. US military identification card.
6. Student photo identification card issued by a Nevada public college,
university, or technical school.
7. Tribal photo identification.

- 1 8. Nevada concealed firearms permit.
- 2 9. Other form of government-issued photo identification that the
- 3 Legislature may approve.

4 **Sec 1C. Voter Verification.** Each voter in Nevada who votes by mail-in
5 ballot shall enter one of the following in the block provided next to the
6 voter's signature for election officials to use in verifying the voter's identity.

- 7 1. The last four digits of their Nevada driver's license number.
- 8 2. If the voter does not possess a Nevada driver's license, the last four
9 digits of their Social Security number.
- 10 3. If the voter is neither a Nevada driver's license or Social Security
11 number, the number provided by the county clerk when the voter
12 registered to vote.

13 The Description of the Initiative states:

14 If passed, this initiative would amend the State Constitution to require that all
15 persons voting in person present an approved photo identification before being
16 provided a ballot. It also requires that voters submitting a mail-in ballot provide
17 additional verification of their identity when completing their mail-in ballot using
18 the number provided on their voter registration form when they registered to vote.
19 This amendment will increase voter integrity by ensuring that any person casting a
20 ballot in Nevada is, in fact, the duly registered voter. It will also improve and speed
21 up the mail-in ballot verification process by providing a second, more secure means
22 of verifying that the mail-in ballot was completed by the registered voter. Nevadans
23 want confidence that all ballots submitted during an election are cast only by
24 eligible voters.

25 Plaintiff argues that this description does not comply with NRS 295.009.1(b) because it is
26 argumentative, misleading, and confusing does not adequately inform the voters of the effects.
27 Additionally, Plaintiff argues that this Constitutional amendment would necessarily create
28 appropriations or create unfunded expenditures. Plaintiff asks this Court to prohibit the Initiative
from being placed on the general election ballot.

29 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

30 **A. Description**

31 **1. Statement of Law**

32 Nevada law allows a challenger to a petition to bring suit alleging that the description of
33 the initiative's effect is deficient pursuant to NRS 295.061. This challenge, falling within the
34 category of a "procedural defect," is "virtually always ripe for pre-election review, since the

1 question to be resolved is whether a proposal has satisfied all constitutional and statutory
2 requirements for placement on the ballot.” *Herbst Gaming, Inc. v. Heller*, 141 P.3d 1224, 1228
3 (Nev. 2006). However, “[c]ourts generally refuse, at the pre-election stage, to consider
4 challenges...that the measure, if enacted, would violate substantive federal or state constitutional
5 provisions.” *Herbst Gaming*, 141 P.3d at 1229. The “substantive validity of an initiative should be
6 challenged if and when the initiative becomes law.” *Id.* at 1231.

8 Each petition for initiative or referendum must set forth, in 200 words, “a description of
9 the effect of the initiative or referendum if the initiative or referendum is approved by the voters.”
10 NRS 295.009.1(b). “A description of effect serves a limited purpose to facilitate the initiative
11 process, and to that end, it must be a straightforward, succinct, and nonargumentative summary of
12 what the initiative is designed to achieve and how it intends to reach those goals.” *Education Init.*
13 *v. Comm. to Protect Nev. Jobs*, 293 P.3d 874, 876 (Nev. 2013). “[T]he description of effect cannot
14 constitutionally be required to delineate every effect that an initiative will have; to conclude
15 otherwise could obstruct, rather than facilitate, the people’s right to the initiative process.” *Id.*
16 “Judicial review of a petition’s description of effect does not involve the close textual analysis
17 statutory construction does.” *Prevent Sanctuary Cities v. Haley*, 421 P.3d 281, *3 (Nev. 2018)
18 (unpublished disposition).

20 It is not the job of the Court to “parse the meanings of the words and phrases used in a
21 description of effect as closely as...statutory text.” *Education Init.*, 293 P.3d at 883. The court is
22 to take a “holistic approach.” *Id.* Accordingly, when “the information contained in the description
23 is neither deceptive nor misleading” so as to be “substantively correct and does not misrepresent
24 what the initiative will accomplish or how it will achieve those goals” it satisfies the description
25 requirement. *Id.* at 884.

1 **2. Analysis**

2 **a. Amendment of the Description of Effect.**

3 Given the strict word limit, the Description Of Effect necessarily must choose brevity,
4 within the bounds of accuracy, over exhaustive exposition. Upon reviewing the papers and
5 pleadings on file and hearing the arguments of counsel it is determined that the Description of
6 Effect should read as follows:
7

8 If passed, this initiative would amend the State Constitution to require that all
9 persons voting in person present an approved photo identification before being
10 provided a ballot. It also requires that voters submitting a mail-in ballot provide
11 additional verification of their identity when completing their mail-in ballot.

12 The Secretary shall accept the amendment of the foregoing Description of Effect and the
13 Petitioner shall forthwith be permitted to begin again collecting the required signatures.

14 **B. Appropriations or Unfunded Expenditures**

15 **1. Statement of Law**

16 Article 19, Section 6 of the Nevada Constitution does not permit an initiative to “make[]
17 an appropriation or otherwise require the expenditure of money, unless such statute or amendment
18 also imposes a sufficient tax....” An “appropriation is the setting aside of funds.” *Rogers*, 18 P.3d
19 at 1036. An “expenditure of money is the payment of funds.” *Id.* When an initiative “neither
20 explicitly nor implicitly compels an appropriation or expenditure, but rather, leaves the mechanics
21 of its enforcement with government officials, it does not involve an appropriation or expenditure.”
22 *Herbst Gaming*, 141 P.3d at 1233.

23 Nevada has limited case law to draw upon for Article 19, Section 6. In *Rogers*, the initiative
24 was to “increase[e] funding to Nevada’s public schools,” therefore, it was found that “the Initiative
25 requires a new appropriation and expenditure.” 18 P.3d at 1035, 1038. In *Herbst Gaming*, the
26 initiative would create new no smoking sections at various establishments, which did not create an
27
28

1 appropriation or expenditure. 141 P.3d at 1233. The Court noted that the initiative did not “compel
2 an increase or reallocation of police officers to enforce its provisions.” *Id.* Thus, so long as the
3 “mechanics of its enforcement” is left to government officials, an appropriation or expenditure has
4 not been created. *Id.*

5 2. Analysis

6 a. Plaintiff Failed to Establish that the Initiative Necessarily Requires an 7 Appropriation or Expenditure of Money

8 The Fiscal Analysis Division of the Legislative Counsel Bureau has not issued a Financial
9 Impact Statement. *Financial Impact of the Statewide Constitutional Initiative Petition-Identifier:*
10 *C-03-2022* (February 14, 2022), <https://www.lcsus.edu/sus/home/sga/initial>
11 [document.101317637805360128370000](#) (stating that “The Fiscal Analysis Division is unable to provide a completed
12 financial impact statement... [but] will be provided to the Secretary of State when completed...”). Regardless, nothing in the text of
13 the Initiative would require Nevada officials to appropriate existing funds to or to expend new
14 funds. The Initiative only does two things.

15 First, it requires voters to present a valid identification when voting. These forms of
16 identification are listed and no new forms of identification are created by the Initiative. Each of
17 these forms of identification already exist and the agencies who issue them already issue photo
18 identification.

19 Second, the Initiative will require mail-in ballots have a block next to the voter’s signature
20 for the voter to add digits from their driver’s license number, social security number, or a number
21 provided by the county’s clerk. The only change that this requirement mandates is for the form to
22 have a block added.

23 The only evidence Plaintiff offers regarding the costs of this Initiative is a national
24 Conference of State Legislatures report from 2014. Nat’l Conference of State Legislatures, *Costs*
25 *of Voter Identification*, (June 2014), <https://www.ncsl.org/ismgt/elect/Vote>

1 r_ID_Costs_June2014.pdf. ("NCSL Report"). The costs Plaintiff discusses echoes the "Universal
2 Costs" that the report describes. *Compare* Pl. Mem. 9-10 with NCSL Report 1.

3 The report lists "Free voter ID cards" as its first universal cost. NCSL Report 1. But,
4 Nevada already has a mechanism for free identification cards, which Plaintiff acknowledges. Pl.
5 Mem. 3. Additionally, the Initiative does not create any new form of free identification. Next,
6 regarding "revised election materials," there is nothing to suggest that adding a square to a form
7 would require the state to expend money. Indeed, election forms always have minimal changes
8 each year (changing the date, for example). Finally, the other "universal costs" are voter education
9 and poll worker training. NCSL Report 1. However, these are not programs required by the text of
10 the Initiative. The Initiative "leaves the mechanics of its enforcement with government officials,"
11 which does not constitute an appropriation or expenditure. *Herbst Gaming*, 141 P.3d at 1233.

12 Plaintiff argues that it is "self-evident" and "inherently required" that new expenses will
13 occur. Pl. Mem. 9-10. But even Plaintiff's sole piece of evidence does not support this position.
14 The NCSL Report says that "states typically run voter education campaigns," that states "may also
15 have to offer public outreach programs," that they "may have to revise and reissue election
16 materials," and that they "may want to supplement existing poll worker training." NCSL Report
17 2. (emphasis added). Thus, even the NSCL Report acknowledges that these expenditures are not
18 inherent or self-evident. Plaintiff offered no evidence specific to Nevada or this Initiative.
19 Plaintiff's evidence does not establish that budgeting officials will be required to appropriate or
20 expend money.

21
22
23
24 **CONCLUSIONS OF LAW AND ORDER**

25 For each of these reasons, the Court FINDS and ORDERS the following:

- 26
27 1. Both proposed Intervenor have demonstrated timelines, that they have an interest in
28 the subject matter of this litigation, that their respective interests would be violated

1 should Plaintiff prevail, and that their respective interests are not represented by any
2 existing party, including each other. Their Motions are GRANTED.

- 3 2. The Description of Effect shall be amended to read as follows: "If passed, this
4 initiative would amend the State Constitution to require that all persons voting in
5 person present an approved photo identification before being provided a ballot. It
6 also requires that voters submitting a mail-in ballot provide additional verification of
7 their identity when completing their mail-in ballot."
8
- 9 3. The language of the proposed constitutional amendment does not create an
10 appropriation or unfunded expenditure, and therefore does not violate Article 19,
11 Section 6.
12
- 13 4. Plaintiff's requests for declaratory and injunctive relief are DENIED. The matter is
14 **DISMISSED, with prejudice.**

15 So Ordered.

16  4/26/22

17 Judge William A. Maddox

18 Submitted by:

19 CHATTAH LAW GROUP

20
21
22 By: /s/ Sigal Chattah
23 SIGAL CHATTAH, ESQ.
24 NV Bar No.: 8264
25 CHATTAH LAW GROUP
26 5875 S. Rainbow Blvd. #204
27 Las Vegas, Nevada 89101
28 (702) 360-6200
(702) 643-6292
Chattahlaw@gmail.com
Attorney for Defendants Intervenor
David Gibbs Et Al

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CERTIFICATE OF MAILING


Pursuant to NRCP 5(b), I certify that I am an employee of the First Judicial District Court, and that on this 11 day of April, 2022, I deposited for mailing at Carson City, Nevada, a true and correct copy of the foregoing Order addressed as follows:

Bradley S. Schrager, Esq.
John Samberg, Esq.
Daniel Bravo, Esq.
Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP
3773 Howard Hughes Parkway, Suite 590 South
Las Vegas, NV 89169

Craig A. Newby, Esq.
Laena St. Jules, Esq.
Office of the Attorney General
555 E Washington Avenue, Suite #3900
Las Vegas, NV 89101

Sigal Chattah, Esq.
Chattah Law Group
5875 S. Rainbow Blvd., #204
Las Vegas, NV 89118

Brian R. Hardy, Esq.
Tye S. Hanseen, Esq.
10001 Park Run Drive
Las Vegas, NV 89145



Julie Harkleroad
Judicial Assistant, Dept. 1

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EXHIBIT C

EXHIBIT C

received
Jan. 28, 2012

NOTICE OF INTENT TO CIRCULATE STATEWIDE INITIATIVE OR REFERENDUM PETITION

State of Nevada



Secretary of State Barbara K. Cegavske

Pursuant to NRS 295.015, before a petition for initiative or referendum may be presented to registered voters for signatures, the person who intends to circulate the petition must provide the following information:

NAME OF PERSON FILING THE PETITION

David G. Gibbs

NAME(S) OF PERSON(S) AUTHORIZED TO WITHDRAW OR AMEND THE PETITION (provide up to three)

- 1. David G. Gibbs
- 2.
- 3.

NAME OF THE POLITICAL ACTION COMMITTEE (PAC) ADVOCATING FOR THE PASSAGE OF THE INITIATIVE OR REFERENDUM (if none, leave blank)

Repair the Vote

Please note, if you are creating a Political Action Committee for the purpose of advocating for the passage of the initiative or referendum, you must complete a separate PAC registration form.

Additionally, a copy of the initiative or referendum, including the description of effect, must be filed with the Secretary of State's office at the time you submit this form.

X

Signature of Petition Filer

Date

State of Nevada - Initiative Petition – Constitutional Amendment

The People of the State of Nevada do enact as follows:

FULL TEXT OF THE PROPOSED MEASURE

Article 2 of the Nevada Constitution is hereby amended by adding thereto new sections to be designated as Section 1B and Section 1C, to read as follows:

Sec 1B. Photo Identification. Each voter in Nevada shall present photo identification to verify their identity when voting in person at a polling place during early voting or on election day before being provided a ballot. To be considered valid, the photo identification must be current or expired for no more than four years. If the voter is 70 years old or more, the identification can be expired for any length of time, so long as it is otherwise valid. Acceptable forms of identification include:

1. Nevada driver's license.
2. Identification card issued by the State of Nevada, any other State, or the US Government.
3. Employee photo identification card issued by the US government, Nevada government, or any county, municipality, board, authority, or other Nevada government entity.
4. US passport.
5. US military identification card.
6. Student photo identification card issued by a Nevada public college, university, or technical school.
7. Tribal photo identification.
8. Nevada concealed firearms permit.
9. Other form of government-issued photo identification that the Legislature may approve.

Sec 1C. Voter Verification. Each voter in Nevada who votes by mail-in ballot shall enter one of the following in the block provided next to the voter's signature for election officials to use in verifying the voter's identity:

1. The last four digits of their Nevada driver's license number.
2. If the voter does not possess a Nevada driver's license, the last four digits of their Social Security number.
3. If the voter has neither a Nevada driver's license or a Social Security number, the number provided by the county clerk when the voter registered to vote.

The remainder of this page intentionally left blank.

DESCRIPTION OF EFFECT

If passed, this initiative would amend the State Constitution to require that all persons voting in person present an approved photo identification before being provided a ballot. It also requires that voters submitting a mail-in ballot provide additional verification of their identity when completing their mail-in ballot using the number provided on their voter registration form when they registered to vote. This amendment will increase voter integrity by ensuring that any person casting a ballot in Nevada is, in fact, the duly registered voter. It will also improve and speed up the mail-in ballot verification process by providing a second, more secure means of verifying that the mail-in ballot was completed by the registered voter. Nevadans want confidence that all ballots submitted during an election are cast only by eligible voters.

County of _____ **(Only registered voters of this county may sign below)**

Petition District _____ **(Only registered voters of this petition district may sign below)**

		This Space For Office Use Only	
1	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE DATE / /	CITY	COUNTY
2	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE DATE / /	CITY	COUNTY
3	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE DATE / /	CITY	COUNTY
4	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE DATE / /	CITY	COUNTY
5	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE DATE / /	CITY	COUNTY
6	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE DATE / /	CITY	COUNTY

DESCRIPTION OF EFFECT

If passed, this initiative would amend the State Constitution to require that all persons voting in person present an approved photo identification before being provided a ballot. It also requires that voters submitting a mail-in ballot provide additional verification of their identity when completing their mail-in ballot using the number provided on their voter registration form when they registered to vote. This amendment will increase voter integrity by ensuring that any person casting a ballot in Nevada is, in fact, the duly registered voter. It will also improve and speed up the mail-in ballot verification process by providing a second, more secure means of verifying that the mail-in ballot was completed by the registered voter. Nevadans want confidence that all ballots submitted during an election are cast only by eligible voters.

County of _____ (Only registered voters of this county may sign below)
 Petition District _____ (Only registered voters of this petition district may sign below)

This Space For
Office Use Only

7	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE _____ DATE _____ / /	CITY _____	COUNTY _____
8	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE _____ DATE _____ / /	CITY _____	COUNTY _____
9	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE _____ DATE _____ / /	CITY _____	COUNTY _____
10	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE _____ DATE _____ / /	CITY _____	COUNTY _____
11	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE _____ DATE _____ / /	CITY _____	COUNTY _____
12	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE _____ DATE _____ / /	CITY _____	COUNTY _____

THE FOLLOWING AFFIDAVIT MUST BE COMPLETED AND SIGNED:

AFFIDAVIT OF CIRCULATOR
(TO BE SIGNED BY CIRCULATOR)

STATE OF NEVADA)
)
COUNTY OF _____)

I, _____, (print name), being first duly sworn under penalty of perjury, depose and say: (1) that

I reside at _____

(print street, city and state); (2) that I am 18 years of age or older; (3) that I personally circulated this document; (4) that all signatures were affixed in my presence; (5) that the number of signatures affixed thereon is _____; and (6) that each person who signed had an opportunity before signing to read the full text of the act or resolution on which the initiative or referendum is demanded.

Subscribed and sworn to or affirmed before me this
_____ day of _____, _____, by _____

Signature of Circulator

Notary Public or person authorized to administer oath

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EXHIBIT D

EXHIBIT D



Request for Fee Waiver
Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-912
 OMB No. 1615-0116
 Expires: 09/30/2024

For USCIS Use Only	Application Received At (Select only one box)			
	<input type="checkbox"/> USCIS Field Office <input type="checkbox"/> Fee Waiver Approved <input type="checkbox"/> Fee Waiver Denied Date: _____ Date: _____		<input type="checkbox"/> USCIS Service Center <input type="checkbox"/> Fee Waiver Approved <input type="checkbox"/> Fee Waiver Denied Date: _____ Date: _____	

▶ **START HERE - Type or print in black ink.**

If you need extra space to complete any section of this request or if you would like to provide additional information about your circumstances, use the space provided in Part 11. Additional Information. Complete and submit as many copies of Part 11., as necessary, with your request.

Part 1. Basis for Your Request (Each basis is further explained in the Specific Instructions section of the Form I-912 Instructions)

Select at least one basis or more for which you may qualify and provide supporting documentation for any basis you select. You only need to qualify and provide documentation for one basis for U.S. Citizenship and Immigration Services (USCIS) to grant your fee waiver. If you choose, you may select more than one basis; you must provide supporting documentation for each basis you want considered.

1. I am, my spouse is, or the head of household living in my household is currently receiving a means-tested benefit. (Complete Parts 2. - 4. and Parts 7. - 10.)
2. My household income is at or below 150 percent of the Federal Poverty Guidelines. (Complete Parts 2. - 3., Part 5., and 7. - 10.)
3. I have a financial hardship. (Complete Parts 2. -3. and Parts 6. - 10.)

Part 2. Information About You (Requestor)

Provide information about yourself if you are the person requesting a fee waiver for a petition or application you are filing. If you are the parent or legal guardian filing on behalf of a child or person with a physical disability or developmental or mental impairment, provide information about the child or person for whom you are filing this form.

1. Full Name

Family Name (Last Name)	Given Name (First Name)	Middle Name
--------------------------------	--------------------------------	--------------------

2. Other Names Used (if any)

List all other names you have used, including nicknames, aliases, and maiden name.

Family Name (Last Name)	Given Name (First Name)	Middle Name

3. Alien Registration Number (A-Number) (if any)

▶ A-

4. USCIS Online Account Number (if any)

▶

5. Date of Birth (mm/dd/yyyy)

6. U.S. Social Security Number (if any)

▶

Part 2. Information About You (Requestor) (continued)

7. Marital Status

- Single, Never Married
 Married
 Divorced
 Widowed
 Marriage Annulled
 Separated
 Other (Explain)

Part 3. Applications and Petitions for Which You Are Requesting a Fee Waiver

1. In the table below, add the form numbers of the applications and petitions for which you are requesting a fee waiver.

Applications or Petitions for You and Your Family Members					
Full Name	A-Number (if any)	Date of Birth	Relationship to You	Forms Being Filed	
	A-		Self		
	A-				
	A-				
	A-				
Total Number of Forms (including self)					

Part 4. Means-Tested Benefits

If you selected Item Number 1. in Part 1., complete this section.

1. If you, your spouse, or the head of household (including parent if the child is under 21 years of age) living with you is receiving any means-tested benefits, list the information in the table below and attach supporting documentation. If you are the parent or legal guardian filing on behalf of a child or person with a physical disability or developmental or mental impairment, provide information about the child or person for whom you are filing this form if he or she is receiving a means-tested benefit.

Means-Tested Benefit Recipients					
Full Name of Person Receiving the Benefit	Relationship to You	Name of Agency Awarding Benefit	Type of Benefit	Date Benefit was Awarded	Date Benefit Expires (or must be renewed)

Part 5. Income at or Below 150 Percent of the Federal Poverty Guidelines

If you selected Item Number 2. in Part 1., complete this section.

Your Employment Status

1. Employment Status

- Employed (full-time, part-time, seasonal, self-employed)
 Unemployed or Not Employed
 Retired
 Other (Explain)

Part 5. Income at or Below 150 Percent of the Federal Poverty Guidelines (continued)

2. If you are currently unemployed, are you currently receiving unemployment benefits? Yes No

A. Date you became unemployed
(mm/dd/yyyy)

Information About Your Spouse

3. If you are married or separated, does your spouse live in your household? Yes No

A. If you answered "No" to Item Number 3., does your spouse provide any financial support to your household? Yes No

Your Household Size

4. Are you the person providing the primary financial support for your household? Yes No

If you answered "Yes" to Item Number 4., type or print your name on the line marked "self" in the table below. If you answered "No" to Item Number 4., type or print your name on the line marked "self" in the table below and add the head of household's name on the line below yours.

Household Size					
Full Name	Date of Birth	Relationship to You	Married	Full-Time Student	Is any income earned by this person counted towards the household income?
		Self	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Total Household Size (including self)					

Your Annual Household Income

Provide information about your income and the income of all family members counted as part of your household. You must list all amounts in U.S. dollars.

5. Your Annual Income \$

6. Annual Income of All Family Members
Provide the annual income of all family members counted as part of your household as listed in Item Number 4. (Do not include the amount provided in Item Number 5.) \$

7. Total Additional Income or Financial Support \$

Provide the total annual amount you receive in additional income or financial support from a source outside of your household. (Do not include the amount provided in Item Numbers 5. or 6.) You must add all of the additional income and financial support amounts and put the total amount in the space provided. Type or print "0" in the total box if there are none. Select the type of additional income or financial support that you receive and provide documentation.

- Parental Support
- Spousal Support (Alimony)
- Child Support
- Educational Stipends
- Royalties
- Pensions
- Unemployment Benefits
- Social Security Benefits
- Veteran's Benefits
- Financial Support From Adult Children, Dependents, Other People Living in the Household
- Other (Explain)

Part 5. Income at or Below 150 Percent of the Federal Poverty Guidelines (continued)

8. Total Household Income (add the amounts from Item Numbers 5., 6., and 7.) \$
9. Has anything changed since the date you filed your Federal tax returns? (For example, your marital status, income, or number of dependents.) Yes No

If you answered "Yes" to Item Number 9., provide an explanation below. Provide documentation if available. You may also use this space to provide any additional information about your circumstances that you would like USCIS to consider.

Part 6. Financial Hardship

If you selected Item Number 3. in Part 1., complete this section.

1. If you or any family members have a situation that has caused you to incur expenses, debts, or loss of income, describe the situation in the box below. Specify the amounts of the expenses, debts, and income losses in as much detail as possible. Examples may include medical expenses, job loss, eviction, and homelessness.

2. If you have cash or assets that you can quickly convert to cash, list those in the table below. For example, bank accounts, stocks, or bonds. (Do not include retirement accounts.)

Assets	
Type of Asset	Value (U.S. Dollars)
Total Value of Assets	

Part 6. Financial Hardship (continued)

3. Total Monthly Expenses and Liabilities

\$

Provide the total monthly amount of your expenses and liabilities. You must add all of the expense and liability amounts and type or print the total amount in the space provided. Type or print "0" in the total box if there are none. Select the types of expenses or liabilities you have each month and provide evidence of monthly payments, where possible.

- | | | |
|--|--|--------------------------------|
| <input type="checkbox"/> Rent and/or Mortgage | <input type="checkbox"/> Loans and/or Credit Cards | <input type="checkbox"/> Other |
| <input type="checkbox"/> Food | <input type="checkbox"/> Car Payment | _____ |
| <input type="checkbox"/> Utilities | <input type="checkbox"/> Commuting Costs | _____ |
| <input type="checkbox"/> Child and/or Elder Care | <input type="checkbox"/> Medical Expenses | _____ |
| <input type="checkbox"/> Insurance | <input type="checkbox"/> School Expenses | _____ |

Part 7. Requestor's Statement, Contact Information, Certification, and Signature

NOTE: Read the Penalties section of the Form I-912 Instructions before completing this part.

Each person applying for a fee waiver request must complete, sign, and date Form I-912 and provide the required documentation. This includes family members identified in Part 3. Signature fields for family members are at the end of this part. If an individual is under 14 years of age, a parent or legal guardian may sign the request on their behalf. USCIS rejects any Form I-912 that is not signed by all individuals requesting a fee waiver and may deny a request that does not provide required documentation.

Select the box for either Item A. or B. in Item Number 1. If applicable, select the box for Item Number 2.

1. Requestor's Statement Regarding the Interpreter

- A. I can read and understand English, and I have read and understand every question and instruction on this request and my answer to every question.
- B. The interpreter named in Part 9. read to me every question and instruction on this request and my answer to every question in , a language in which I am fluent, and I understood everything.

2. Requestor's Statement Regarding the Preparer (if applicable)

- At my request, the preparer named in Part 10., , prepared this request for me based only upon information I provided or authorized.

Requestor's Contact Information

3. Requestor's Daytime Telephone Number

4. Requestor's Mobile Telephone Number (if any)

5. Requestor's Email Address (if any)

Requestor's Certification

Copies of any documents I have submitted are exact photocopies of unaltered, original documents, and I understand that USCIS may require that I submit original documents to USCIS at a later date. Furthermore, I authorize the release of any information from any of my records that USCIS may need to determine my eligibility for the immigration benefit I seek.

I further authorize release of information contained in this request, in supporting documents, and in my USCIS records to other entities and persons where necessary for the administration and enforcement of U.S. immigration laws.

I certify, under penalty of perjury, that I provided or authorized all of the information in my request, I understand all of the information contained in, and submitted with, my request, and that all of this information is complete, true, and correct.

Part 7. Requestor's Statement, Contact Information, Certification, and Signature (continued)

WARNING: If you knowingly and willfully falsify or conceal a material fact or submit a false document with your Form I-912, USCIS will deny your fee waiver request and may deny any other immigration benefit. In addition, you may face severe penalties provided by law and may be subject to criminal prosecution.

Requestor's Signature

6. Requestor's Signature

➔

Date of Signature (mm/dd/yyyy)

NOTE TO ALL REQUESTORS: If you do not completely fill out this request or fail to submit required documents listed in the Instructions, USCIS may deny your request.

Family Members' Signatures

NOTE: Each family member must type or print their full name and sign in the spaces below. You can find additional family members' signature spaces in **Item Numbers 7. - 10.** below. All family members identified in **Part 3.** must sign and date Form I-912.

I certify that the information provided by the requestor in **Part 7.** applies to me.

7. Family Member 1

Family Member's Name

Family Member's Signature

Date of Signature (mm/dd/yyyy)

8. Family Member 2

Family Member's Name

Family Member's Signature

Date of Signature (mm/dd/yyyy)

9. Family Member 3

Family Member's Name

Family Member's Signature

Date of Signature (mm/dd/yyyy)

10. Family Member 4

Family Member's Name

Family Member's Signature

Date of Signature (mm/dd/yyyy)

11. Family Member 5

Family Member's Name

Family Member's Signature

Date of Signature (mm/dd/yyyy)

Part 8. Family Member's Statement, Contact Information, Certification, and Signature

NOTE: Read the Penalties section of the Form I-912 Instructions before completing this part.

If the information provided by the requestor in Part 7. is not applicable to a family member identified in Part 3., (for example, the family member used an interpreter or speaks a different language) that individual should complete Part 8. USCIS rejects any Form I-912 that is not signed by all individuals requesting a fee waiver.

Select the box for either Item A. or B. in Item Number 1. If applicable, select the box for Item Number 2.

1. Family Member's Statement Regarding the Interpreter for

A. I can read and understand English, and I have read and understand every question and instruction on this request and my answer to every question.

B. The interpreter named in Part 9. read to me every question and instruction on this request and my answer to every question in , a language in which I am fluent, and I understood everything.

2. Family Member's Statement Regarding the Preparer for

At my request, the preparer named in Part 10., , prepared this request for me based only upon information I provided or authorized.

Family Member's Contact Information

3. Family Member's Daytime Telephone Number

4. Family Member's Mobile Telephone Number (if any)

5. Family Member's Email Address (if any)

Family Member's Certification

Copies of any documents I have submitted are exact photocopies of unaltered, original documents, and I understand that USCIS may require that I submit original documents to USCIS at a later date. Furthermore, I authorize the release of any information from any of my records that USCIS may need to determine my eligibility for the immigration benefit I seek.

I further authorize release of information contained in this request, in supporting documents, and in my USCIS records to other entities and persons where necessary for the administration and enforcement of U.S. immigration laws.

I certify, under penalty of perjury, that I provided or authorized all of the information in my request, I understand all of the information contained in, and submitted with, my request, and that all of this information is complete, true, and correct.

Family Member's Signature

6. Family Member's Signature Date of Signature (mm/dd/yyyy)

NOTE TO ALL FAMILY MEMBERS: If you do not completely fill out this request or fail to submit required documents listed in the Instructions, USCIS may deny your request.

Part 9. Interpreter's Contact Information, Certification, and Signature

1. Did any person filing this request use an interpreter? Yes, (complete this section) No (skip to Part 10.)
2. Was the same interpreter used for all individuals requesting a fee waiver (as listed in Part 3.)? Yes No

NOTE for Family Members: If you used a different interpreter than the one used by the requestor, make additional copies of Part 9, provide the following information, indicate the family member for whom he or she interpreted, and include the pages with your completed Form I-912.

Provide the following information about the interpreter for

Interpreter's Full Name

3. Interpreter's Family Name (Last Name) Interpreter's Given Name (First Name)

4. Interpreter's Business or Organization Name (if any)

Interpreter's Mailing Address

(USPS ZIP Code Lookup)

5. Street Number and Name Apt. Ste. Flr. Number
- City or Town State ZIP Code
- Province Postal Code Country

Interpreter's Contact Information

6. Interpreter's Daytime Telephone Number
7. Interpreter's Mobile Telephone Number (if any)
8. Interpreter's Email Address (if any)

Interpreter's Certification

I certify, under penalty of perjury, that:

I am fluent in English and , which is the same language specified in Part 7., Item B. in Item Number 1., and I have read to this requestor in the identified language every question and instruction on this request and his or her answer to every question. The requestor informed me that he or she understands every instruction, question, and answer on the request, including the Applicant's Certification, and has verified the accuracy of every answer.

Interpreter's Signature

9. Interpreter's Signature Date of Signature (mm/dd/yyyy)

Part 10. Contact Information, Declaration, and Signature of the Person Preparing this Request, if Other Than the Requestor

1. Did any person prepare this request on your behalf? Yes, (complete this section) No, skip
2. Was the same preparer used for all individuals requesting a fee waiver (as listed in Part 3.)? Yes No

NOTE for Family Members: If you used a different preparer than the one used by the requestor, provide the following information, and include the pages with your completed Form I-912.

Provide the following information about the preparer for

Preparer's Full Name

3. Preparer's Family Name (Last Name) Preparer's Given Name (First Name)

4. Preparer's Business or Organization Name (if any)

Preparer's Mailing Address

5. Street Number and Name Apt. Ste. Flr. Number
- City or Town State ZIP Code
- Province Postal Code Country

Preparer's Contact Information

6. Preparer's Daytime Telephone Number
7. Preparer's Mobile Telephone Number (if any)
8. Preparer's Email Address (if any)

Preparer's Statement

9. A. I am not an attorney or accredited representative but have prepared this request on behalf of the requestor and with the requestor's consent.
- B. I am an attorney or accredited representative and my representation of the requestor in this case extends does not extend beyond the preparation of this request.

NOTE: If you are an attorney or accredited representative, you may be obliged to submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, or G-28I, Notice of Entry of Appearance as Attorney In Matters Outside the Geographical Confines of the United States, with this request.

Part 10. Contact Information, Declaration, and Signature of the Person Preparing this Request, if Other Than the Requestor (continued)

Preparer's Certification

By my signature, I certify, under penalty of perjury, that I prepared this request at the request of the requestor. The requestor then reviewed this completed request and informed me that he or she understands all of the information contained in, and submitted with, his or her request, including the **Applicant's Certification**, and that all of this information is complete, true, and correct. I completed this request based only on information that the requestor provided to me or authorized me to obtain or use.

Preparer's Signature

10. Preparer's Signature

Date of Signature (mm/dd/yyyy)

➔

Part 11. Additional Information

If you need extra space to provide any additional information within this request, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this request or attach a separate sheet of paper. Include your name and A-Number (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers.

1. Family Name (Last Name) Given Name (First Name) Middle Name

2. A-Number (if any) ▶ A-

3. A. Page Number B. Part Number C. Item Number

D. _____

4. A. Page Number B. Part Number C. Item Number

D. _____

5. A. Page Number B. Part Number C. Item Number

D. _____

6. A. Page Number B. Part Number C. Item Number

D. _____

