Exhibit 25

Correspondence from Fair Maps Nevada to Nevada Secretary of State

Exhibit 25

McDONALD CARANO

April 20, 2020

VIA EMAIL

Hon. Barbara Cegavske
Secretary of State
State Capitol
101 N. Carson Street, Suite 3
Carson City, Nevada 89701
Email: nvelect@sos.gov

RE: Initiative Petition C-02-2019

Dear Secretary Cegavske:

We are writing on behalf of Fair Maps Nevada PAC ("Fair Maps"). As you know, Fair Maps filed Initiative Petition C-02-2019 (the "Petition"). If enacted, the Petition would amend the Nevada State Constitution to provide for a redistricting commission to map electoral districts for the Nevada Senate, Assembly and U.S. House of Representatives.

As detailed more below, we are writing to express concerns about Fair Maps' ability to qualify the Petition for the ballot in light of the COVID-19 pandemic and the Governor's related emergency directives. Since the Governor issued a declaration of emergency on March 13, two things have become clear: (1) the social distancing necessitated by the pandemic and the Governor's emergency directives make it extremely difficult for Fair Maps to collect the required signatures in the traditional manner—*i.e.*, by personally circulating the Petition for hand signature—by the prescribed deadline; and (2) for the same reasons it is not possible to submit the required signatures for verification by the statutory deadline even if an alternative signature gathering method is approved. Therefore, without action from your office to accommodate signature gathering during this unprecedented time, Fair Maps right to access the ballot may be entirely—and unconstitutionally—frustrated. We therefore request that you take both the actions requested below to ensure Fair Maps constitutional right to access the ballot is preserved.

a. Signature gathering

The COVID-19 pandemic has resulted in the near total cessation of public activity. This necessary public health action is the result of the adoption of guidance by the federal government and adherence to legal directives issue by the Governor. As you know, the Centers for Disease

Control ("CDC") has issued guidance requesting that Americans engage in social distancing, including, but not limited to, maintaining a distance of six feet between persons.[1] The Governor has issued several emergency directives in line with the CDC's advice, including a currently active "stay at home" order.[2] He has also ordered that Nevadans adhere to the six foot social distancing limitation[3], prohibited public gathering[4], closed non-essential businesses, including many retail establishments[5], and limited the use of recreation areas[6]. He has also ordered the closure of state buildings, which are common locations for traditional petition signature gathering.[7] [8] Local governments have taken similar action and agreed to use their enforcement authority to enforce the Governor's directives.[9]

We take no issue with either the CDC guidance or the State and local action taken to fight the pandemic. However, we note the obvious—that these actions make it extremely difficult to collect traditional wet signatures on the Petition. Under normal circumstances, signatures are gathered using a variety of methods, all of which require interpersonal contact that is inconsistent with social distancing. Eligible voters are contacted door-to-door at their homes, in front of retail establishments or in or around government buildings to solicit their interest in signing a petition. If, after a brief conversation, an individual is interested in signing the petition, the person signs the same piece of paper—most likely using the same pen—that others have signed, and goes about their business. It does not take substantial analysis to conclude that collecting signatures in this manner is inconsistent with the social distancing requirements included in the Governor's emergency directives.

Although the traditional method of gathering traditional wet signatures may be precluded under existing social distancing rules, State law does allow alternative methods. First, the word "signature" is not defined in Title 24. However, NRS 75.070 defines "sign" and "signature" to include, inter alia, an "electronic signature."[10] Electronic signatures are commonplace in

---

[1] CDC guidance on social distancing, Social Distancing, Quarantine, and Isolation, available at https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/social-distancing.html.
[2] Emergency Directive 010 at Section 2.
[3] Emergency Directive 010 at Section 6; Emergency Directive 007 at Section 2.
[4] Emergency Directive 010 at Section 2.
[5] Emergency Directive 003 at Section 1.
[6] Emergency Directive 007 at Section 2.
[7] Governor Sisolak Updates Public on State Action and Guidance Regarding COVID-19, Governor's Office press release, March 15, 2020, available at http://gov.nv.gov/News/Press/2020/Governor_Sisolak_Updates_Public_on_State_Action_and_Guidance_Regarding_COVID-19/.
[8] NRS 293.127565.
[9] Cities, counties ramp up enforcement as some nonessential businesses defy governor, remain open, Nevada Independent, March 24, 2020, available at https://thenevadaindependent.com/article/cities-counties-ramp-up-enforcement-as-some-non-essential-businesses-defy-governor-remain-open.
[10] NRS 75.070.

Nevada, and are used in court filings, business license filings, and corporate filings with your office, among many other uses. We ask that your office confirm that electronic signatures also will be accepted on a ballot petition.

Second, it is our opinion that NRS 295.0575, which sets for the circulator's affidavit requirements and generally governs the manner in which petitions are circulated, is satisfied where the circulator circulates a petition electronically for electronic signature. While unorthodox in Nevada, nothing in NRSS 295.0575, or any other relevant statutes, precludes this method. And any interpretation of the statute to require otherwise would, as applied in the current circumstances, preclude Fair Maps from access to the ballot, in violation of Article 19 of the Nevada State Constitution. As you know, that provision states that the "people reserve to themselves the power to propose, by initiative petition, statutes and amendments to statutes and amendments to this Constitution, and to enact or reject them at the polls."[11]

By this letter, we are requesting that you clarify that NRS 295.0575 may be satisfied by electronic circulation and electronic signature so that Fair Maps may confidently exercise its constitutional right to gather signatures in a manner that is consistent with the law and public health requirements of the moment.

b. Verification submission deadline

NRS 295.056(3) establishes the date by which the proponent of an initiative petition must submit petition documents for verification to the county clerks. Where, as here, the initiative petition proposes an amendment to the Nevada State Constitution, the deadline is the fifteenth day after the primary election.[12] This year, that date falls on June 24, 2020.

Social distancing dictates make it implausible to meet this deadline. As described above, the traditional method of gathering wet signatures is unavailable to Fair Maps and may not be available in time to meet the deadline. The Governor's Emergency Directive 010, mandating that Nevada's stay at home, is scheduled to stay in effect until April 30.[13] And based on the actions other states have taken it seems likely that the order could stay in effect longer.[14] It simply does not seem plausible that life in Nevada will return to normal such that Fair Maps could gather the necessary signatures using the traditional method before the deadline, although Fair Maps intends to do so as long as it is feasible.

---

[11] Nev. State Const., Article 19, Section 1.
[12] NRS 295.056(3).
[13] Emergency Directive 010 at Section 8.
[14] *E.g.*, New York Gov. Cuomo extends stay-at-home order until at least May 15, CNN, April 16, 2020, available at https://www.cnn.com/2020/04/16/us/new-york-coronavirus/index.html.

Even if the use of an alternative method is approved, the existing submission deadline is unlikely to be met. Fair Maps would have to establish a new, never-used-before signature gathering process and complete the signature gathering in approximately two months. Setting up the technological infrastructure to do so will take more time that the existing deadline accommodates. Fair Maps would also have to educate voters on the new method, which will likely necessitate that it solicits more eligible voters than it would otherwise have to in order to obtain the requisite number of signatures. Attracting eligible voters' attention will, therefore, take substantial effort and planning.

For these reasons, the existing deadline largely frustrates Fair Maps' constitutional right to access the ballot. Fair Maps may not be able to, through no fault of its own, meet the statutory deadline for submitting signatures for verification because (1) it cannot engage in signature gathering via the traditional method, (2) to date your office has not provided sufficient guidance to afford a meaningful opportunity to gather signatures using alternative methods, and (3) the issuance of any such guidance at this point comes too late in the process to plausibly allow Fair Maps to meet the deadline. Consequently, the deadline must be extended to ensure that Fair Maps' right to access the ballot is not unduly burdened.

We therefore request that you extend the deadline for submitting the Petition for verification by at least six weeks, or longer if the current state of emergency is extended and traditional signature gathering methods remain unavailable. The additional time afforded by this change will allow Fair Maps a reasonable opportunity to circulate the Petition for signature assuming it is also authorized to do so electronically for electronic signature. If that authorization is not granted, more time will be needed—time that the electoral schedule may not accommodate. Thus, in our view both the actions we requested in this letter must be taken.

We understand these are unprecedented times; however, Nevadans' right to access the ballot is a key element of our democracy and is protected by the Nevada Constitution, and we should protect and facilitate that right even in the most difficult of times. We appreciate your attention to this issue and look forward to your response.

Sincere regards,

Lucas Foletta

/s/
Adam Hosmer-Henner