

COPY

REC'D & FILED  
2023 DEC -7 AM 9:25  
WILLIAM SCHEIDT  
BY D. ORTIZ  
DEPUTY

1 BRADLEY S. SCHRAGER, ESQ. (SBN 10217)  
2 DANIEL BRAVO, ESQ. (SBN 13078)  
3 BRAVO SCHRAGER LLP  
4 6675 South Tenaya Way, Suite 200  
5 Las Vegas, Nevada 89113  
6 Tele.: (702) 996-1724  
7 Email: bradley@bravoschrager.com  
8 Email: daniel@bravoschrager.com

9 DAVID R. FOX, ESQ. (SBN 16536)  
10 ELIAS LAW GROUP LLP  
11 250 Massachusetts Avenue NW, Suite 400  
12 Washington, D.C. 20001  
13 Tele.: (202) 968-4490  
14 Email: dfox@elias.law

15 *Attorneys for Plaintiff*

16 **IN THE FIRST JUDICIAL DISTRICT COURT**  
17 **OF THE STATE OF NEVADA IN AND FOR CARSON CITY**

18 ERIC JENG, an individual,  
19 Plaintiff,

20 vs.

21 FRANCISCO V. AGUILAR, in his official  
22 capacity as NEVADA SECRETARY OF  
23 STATE;

24 Defendant.

Case No.: 230C00138-1B  
Dept. No.: I

**PLAINTIFF'S MEMORANDUM OF  
POINTS AND AUTHORITIES IN  
SUPPORT OF COMPLAINT FOR  
DECLARATORY AND  
INJUNCTIVE RELIEF  
CHALLENGING INITIATIVE  
PETITION C-03-2023**

25 Plaintiff Eric Jeng, an individual registered to vote in Nevada, by and through  
26 his attorneys of record, submits this Memorandum of Points and Authorities in  
27 support of his Complaint for Declaratory and Injunctive Relief challenging Initiative  
28 Petition C-03-2023 as follows:

**INTRODUCTION**

Initiative Petition C-03-2023 (the "Petition") seeks to amend Article 4, Section  
5 of the Nevada Constitution to establish the "Independent Redistricting  
Commission," require that redistricting be performed by a commission rather than

BRAVO SCHRAGER LLP

1 by the Legislature. See **Exhibit 1**, a true and accurate copy of the Notice of Intent to  
2 Circulate Statewide Initiative or Referendum Petition associated with the Petition.

3 The Petition is invalid because it violates two threshold requirements of  
4 Nevada law: (1) the Petition violates the unfunded-mandate prohibition in Article 19,  
5 Section 6 of the Nevada Constitution because it will require the expenditure of state  
6 money to fund the Commission but does not provide for raising the necessary revenue,  
7 and (2) the Petition's description of effect is legally deficient under NRS 295.009(1)(b)  
8 because it fails to explain that the initiative will require the expenditure of state  
9 funds.

10 The Court should therefore enjoin the Nevada Secretary of State (the  
11 "Secretary") from taking any further action on the Petition.

### 12 BACKGROUND

13 On November 14, 2023, Sondra Cosgrove, on behalf of the Fair Maps Nevada  
14 PAC, filed the Petition with the Secretary. The Petition seeks to amend Article 4,  
15 Section 5 of the Nevada Constitution to require that redistricting be performed by a  
16 commission rather than by the Legislature.

17 The Petition proposes the creation of a new, seven-member state body—the  
18 "Independent Redistricting Commission"—within the legislative branch, tasked with  
19 drawing districts for state legislators and congressional representatives. Ex. 1 at 2.  
20 The Commission would be required to ensure that districts comply with the U.S.  
21 Constitution and applicable federal law, have an approximately equal number of  
22 inhabitants, are geographically contiguous, are not drawn with "the intent or result  
23 of denying or abridging the equal opportunity of racial or language minorities to  
24 participate in the political process or elect representatives of their choice," do not  
25 "unduly advantage or disadvantage a political party," reflect county, city, and  
26 township boundaries, minimize the division of communities of interest, are  
27 reasonably compact, and consider the number of politically competitive districts. *Id.*

28

1 at 2. The Commission's meetings would be open to the public, and the Commission  
2 must ensure that the public has opportunities to view, present testimony, and  
3 participate in Commission hearings. Commission materials would be public records.  
4 *Id.* at 1-2. The Petition does not provide any new revenue to fund any of these  
5 mandates. *See id.*

6 The Petition includes the following description of effect:

7 This measure will amend the Nevada Constitution to establish a  
8 redistricting commission to map electoral districts for the Nevada  
Senate, Assembly, and U.S. House of Representatives.

9 The Commission will have seven members, four who will be  
10 appointed by the leadership of the Legislature, and three who are  
11 unaffiliated with the two largest political parties who will be appointed  
12 by the other four commissioners. Commissioners may not be partisan  
candidates, lobbyists, or certain relatives of such individuals.  
Commission meetings shall be open to the public which shall have  
opportunities to participate in hearings.

13 The Commission will ensure, to the extent possible, that the  
14 districts comply with the U.S. Constitution, have an approximately  
15 equal number of inhabitants, are geographically compact and  
16 contiguous, provide equal opportunities for racial and language  
17 minorities to participate in the political process, respect areas with  
recognized similarities of interests, including racial, ethnic, economic,  
social, cultural, geographic, or historic identities, do not unduly  
advantage or disadvantage a political party, and are politically  
competitive.

18 This amendment will require redistricting following each federal census.

19 Ex. 1 at 3.

20 The substance of the Petition is nearly identical to a petition that was  
21 previously circulated in 2019. *See Exhibit 2*, a true and accurate copy of Initiative  
22 Petition C-02-2019; *see also Jackson v. Fair Maps Nevada PAC*, No. 19-OC-002909  
23 1B (1st Jud. Dist. Ct. Nev., Carson City Jan. 2, 2020) (*Exhibit 3*), *aff'd*, No. 80563  
24 (Nev. July 24, 2020) (*Exhibit 4*).

25 In reviewing a challenge to the 2019 petition's description of effect, the First  
26 Judicial District Court concluded that the description was "inadequate in that it does  
27 not provide potential signatories with enough information about the cost  
28

1 consequences of the Petition—specifically, that it will result in the expenditure of  
2 state funds.” Ex. 3 at 4. The Court therefore rewrote the description of effect to specify  
3 that the 2019 petition “will result in the expenditure of state funds to fund the  
4 Commission.” *Id.* at 5. The Court also concluded that the description did not  
5 “adequately inform voters that the Petition would result in redistricting in 2023 after  
6 the Legislature has already drawn electoral districts after the 2020 census” and  
7 rewrote the description to expressly state that the 2019 petition would lead to new  
8 maps “which could replace maps drawn by the Legislature after the 2020 census.” *Id.*  
9 at 4-5. The 2019 petition was circulated to voters with that revised description but  
10 failed to attract sufficient signatures for inclusion on the ballot.

#### 11 LEGAL STANDARD

12 Article 19, Section 6’s prohibition on initiatives that mandate unfunded  
13 expenditures is a “threshold content restriction” and voids any initiative that does  
14 not comply. *Educ. Freedom PAC v. Reid*, 138 Nev., Adv. Op. 47, 512 P.3d 296, 303  
15 (2022). Nevada law also allows challenges to an initiative petition where the  
16 description of effect is deficient, see NRS 295.061. Such challenges are “properly  
17 evaluated at the preelection stage.” *Herbst Gaming, Inc. v. Heller*, 122 Nev. 877, 890  
18 & n.38, 141 P.3d 1224, 1233 & n.38 (2006) (per curiam) (quoting *Rogers v. Heller*, 117  
19 Nev.169, 173, 18 P.3d 1034, 1036 (2001) (per curiam)).

#### 20 ARGUMENT

21 The Petition suffers from two fatal flaws. It violates the constitutional bar on  
22 unfunded mandates because it would require the expenditure of government funds,  
23 but it does not provide any revenue source to cover these new costs. Its description of  
24 effect is also inadequate because it does not mention that the Petition would require  
25 the expenditure of state funds.

26

27

28

1 I. **The Petition unlawfully mandates an unfunded expenditure.**

2 Under Article 19, Section 6 of the Nevada Constitution, an initiative is  
3 prohibited if it “makes an appropriation or otherwise requires the expenditure of  
4 money, unless [it] also imposes a sufficient tax, not prohibited by the Constitution, or  
5 otherwise constitutionally provides for raising the necessary revenue.” Accordingly,  
6 when an initiative “creat[es] a new requirement for the appropriation of state funding  
7 that does not now exist and provides no discretion to the Legislature about whether  
8 to appropriate or expend the money” but does not provide for the necessary revenue,  
9 it does not comply with Article 19, Section 6 and is thus void. *Educ. Freedom PAC v.*  
10 *Reid*, 138 Nev., Adv. Op. 47, 512 P.3d at 303–04. “[A]n initiative makes an  
11 appropriation or expenditure when . . . the budgeting official must approve the  
12 appropriation or expenditure, regardless of any other financial considerations.”  
13 *Herbst Gaming*, 122 Nev. at 890, 141 P.3d at 1233.

14 The Petition makes an appropriation under this standard because it requires  
15 the creation of a new state body—a redistricting commission—which will necessarily  
16 incur expenses, but the Petition fails to provide the revenue required to cover those  
17 expenses.

18 There is no question that the Petition would require the expenditure of state  
19 funds. The First Judicial District Court held in 2019 that the materially identical  
20 2019 petition “will result in the expenditure of state funds,” and ordered the  
21 description of effect amended to expressly say so. Ex. 3 at 4.<sup>1</sup> And redistricting  
22 commissions in other states have required millions of dollars of state funding to carry  
23 out their mandates. In California, the Citizens Redistricting Commission incurred  
24 more than \$10 million in costs before the adoption of the final set of maps from July

25  
26 <sup>1</sup> The challenger in the 2019 case challenged only the description of effect, so  
27 the Court did not consider the implications of this holding under Article 19, Section  
28 6. *See id.*

1 1, 2020 through December 27, 2021.<sup>2</sup> In Arizona, appropriations for the Independent  
2 Redistricting Commission totaled \$12,716,227 for 2011-2017 and \$8,400,000 for 2021-  
3 2022.<sup>3</sup> And in Ohio, the Office of Budget and Management estimated that a  
4 constitutional amendment establishing a redistricting commission and requiring new  
5 districts to be redrawn would cost between \$11 million and \$15.2 million over an  
6 eight-year period.<sup>4</sup> Redistricting expenditures under the Ohio Redistricting  
7 Commission amounted to \$625,000 from 2020 through October 2021, for  
8 “redistricting mapping software applications, consulting and research services,  
9 mileage reimbursements, and other such expenses related to the process of  
10 redistricting.”<sup>5</sup>

11       There is no reason to conclude that the funding requirements for the  
12 redistricting commission the Petition proposes for Nevada would be any different.  
13 The Petition requires that the Commission draw districts that comply with the U.S.  
14 Constitution and federal law, are approximately equal in population, are  
15 geographically contiguous, do not deny or abridge the equal opportunity of racial or  
16 language minorities, do not favor any political party, reflect city, county, and  
17 township boundaries, keep communities of interest together, are reasonably compact,  
18

19       <sup>2</sup> Letter from Antonio Le Mons, Commissioner on California Citizens  
20 Redistricting Commission, to Hans Hemann, Joint Legislative Budget Committee,  
21 and Charles LaSalle, Department of Finance (June 30, 2023),  
[https://wedrawthelines.ca.gov/wp-content/uploads/sites/64/2023/07/wd-2023-06-30-  
LegislatureExpReport.pdf](https://wedrawthelines.ca.gov/wp-content/uploads/sites/64/2023/07/wd-2023-06-30-LegislatureExpReport.pdf).

22       <sup>3</sup> Independent Redistricting Commission, FY 2023 Appropriations Report,  
23 <https://www.azjlb.com/23AR/irc.pdf>.

24       <sup>4</sup> Letter from Timothy Keen, Director of Ohio Office of Budget & Management,  
25 to Jon Husted, Ohio Secretary of State (Oct. 3,  
2012), <https://www.ohiosos.gov/globalassets/ballotboard/2012/2-fiscalanalysis.pdf>.

26       <sup>5</sup> Fiscal Note & Local Impact Statement for S.B. 258 (Nov. 3,  
27 2023), <https://www.legislature.ohio.gov/download?key=17742&format=pdf>.

28

1 and consider the number of politically competitive districts. Ex. 1 at 2. Complying  
2 with these requirements will require significant expert and technological support,  
3 none of which are provided for in the Petition. Confirming this conclusion, the Nevada  
4 legislative committees that have previously undertaken reapportionment and  
5 redistricting have done so with the assistance of staff, including research staff,  
6 legislative counsel, redistricting and GIS specialists, and special masters, all of which  
7 carry significant expenses.<sup>6</sup>

8 Nor will the expenses of the Commission be limited to the redistricting itself.  
9 Under the Petition, the Commission must hold meetings “open to the public,” with an  
10 opportunity for public viewing, testimony, and participation, provide public notice of  
11 proposed plans and an opportunity for public review and comment, and make its  
12 records available as public records. Ex. 1 at 1. Meeting these requirements costs  
13 money, too, but the Petition fails to raise any revenue to fund it.

14 The Petition therefore “creat[es] a new requirement for the appropriation of  
15 state funding that does not now exist,” *Educ. Freedom PAC*, 138 Nev., Adv. Op. 47,  
16 512 P.3d at 304, and leaves “budgeting officials no discretion in appropriating or  
17 expending the money mandated by the initiative—the budgeting official must  
18 approve the appropriation or expenditure” to comply with its provisions. *Herbst*  
19 *Gaming*, 122 Nev. at 890, 141 P.3d at 1233. Because the Petition requires an  
20

21 <sup>6</sup> See, e.g., Nevada Legislature Committee to Conduct an Interim Study of the  
22 Requirements for Reapportionment and Redistricting in the State of Nevada (Aug.  
23 27, 2020),  
24 <https://www.leg.state.nv.us/App/InterimCommittee/REL/Document/16591>;  
25 Committee to Conduct an Investigation into Matters Relating to Reapportionment  
26 and Redistricting in Nevada,  
27 <https://www.leg.state.nv.us/App/InterimCommittee/REL/Interim2021/Committee/1909/Staff>; Nevada Legislature, Summary Minutes of the Public Hearing by Special  
28 Masters to Receive Testimony Concerning Redistricting of Legislative and  
Congressional Districts,  
<https://www.leg.state.nv.us/App/InterimCommittee/REL/Document/14769>.

1 appropriation and expenditure but does not “provide[] for raising the necessary  
2 revenue” as Article 19, Section 6 requires, it is void ab initio for unlawfully mandating  
3 an unfunded expenditure. *Rogers*, 117 Nev. at 173, 18 P.3d at 1036.

4 **II. The Petition’s description of effect’s omission of critical information  
5 renders it legally insufficient.**

6 The Petition also includes an unlawfully deficient description of its effects.

7 Under NRS 295.009(1)(b), initiative petitions must “set forth, in not more than 200  
8 words, a description of the effect of the initiative or referendum if the initiative or  
9 referendum is approved by the voters.” The description of effect should “prevent voter  
10 confusion and promote informed decisions.” *Nevadans for Nev. v. Beers*, 122 Nev. 930,  
11 939, 142 P.3d 339, 345 (2006) (per curiam) (quoting *Campbell v. Buckley*, 203 F.3d  
12 738, 746 (10th Cir. 2000)). To achieve this end, “a description of effect must identify  
13 what the law proposes and how it intends to achieve that proposal.” *Educ. Initiative  
14 PAC v. Comm. to Protect Nev. Jobs*, 129 Nev. 35, 42, 293 P.3d 874, 879 (2013). In  
15 doing so, the description “must be straightforward, succinct, and nonargumentative,  
16 and it must not be deceptive or misleading.” *Id.* (cleaned up) (quoting *Las Vegas  
17 Taxpayer Accountability Comm. v. City Council*, 125 Nev. 165, 183, 208 P.3d 429, 441  
18 (2009)). A description must also sufficiently “explain the[] ramifications of the  
19 proposed amendment” to allow voters to make an informed decision. *Nev. Judges  
20 Ass’n v. Lau*, 112 Nev. 51, 59, 910 P.2d 898, 903 (1996). A description does not need  
21 to describe *every* possible effect, but it must accurately describe the main  
22 consequences of the initiative. *See, e.g., Las Vegas Taxpayer Accountability Comm.*,  
23 125 Nev. at 184, 208 P.3d at 441 (finding description of effect materially misleading  
24 where it “materially fails to accurately identify the consequences of the referendum’s  
25 passage”). This includes identifying “the need for or nature of the revenue source” to  
26 fund the proposed initiative. *Educ. Freedom PAC*, 138 Nev., Adv. Op. 47, 512 P.3d at  
27 304.  
28







# Exhibit 1

# Exhibit 1

State of Nevada  
Secretary of State  
Francisco V. Aguilar



Notice of Intent  
Statewide Initiative or  
Referendum Petition  
NRS 295.009 and 295.015

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**

Sondra Cosgrove

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

1. Sondra Cosgrove
2. Richard MacLean
3. Edward Gonzalez Jr.

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

Fair Maps Nevada

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 Sondra Cosgrove  
Signature of Petition Filer

11/14/2023  
Date

## State of Nevada - Initiative Petition – Constitutional Amendment

EXPLANATION: Matter in *bolded italics* is new language to be added to the Nevada Constitution by this Amendment. Matter in strikethrough is existing language in the Nevada Constitution to be deleted by this Amendment.

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

**Section 1:** Article 4, Section 5 of the Nevada Constitution is hereby amended to read as follows:

**Section 5. Number of Senators and members of Assembly; ~~apportionment.~~** Senators and members of the Assembly shall be duly qualified electors in the respective counties and districts which they represent, and the number of Senators shall not be less than one-third nor more than one-half of that of the members of the Assembly.

It shall be the mandatory duty of the Legislature at its first session after the taking of the decennial census of the United States in the year 1950, and after each subsequent decennial census, to fix by law the number of Senators and Assemblymen, ~~and apportion them among the several counties of the State, or among legislative districts which may be established by law, according to the number of inhabitants in them,~~ respectively.

**Section 2:** Article 4 of the Nevada Constitution is hereby amended by adding thereto new sections to be designated as Sections 5A, 5B and 5C, to read as follows:

**Section 5A. Apportionment; Creation of Independent Redistricting Commission.**

*1. There is created within the legislative branch of state government the Independent Redistricting Commission. It shall be the duty of the Commission after each decennial census of the United States, to apportion the number of Senators and Assemblymen among legislative districts established by the Commission and to apportion the number of representatives in the United States House of Representatives among districts established by the Commission.*

*2. The Commission shall be composed of seven members who are registered and eligible to vote in Nevada, and who satisfy the qualification standards in subsection 3. The Senate Majority Leader, Senate Minority Leader, Speaker of the Assembly, and Assembly Minority Leader shall each appoint one Commissioner. The four Commissioners appointed in this manner shall appoint three additional Commissioners, each of whom, for at least four years immediately preceding their appointment, has not been registered or affiliated with the largest political party or the second largest political party, according to voter registration data published by the Secretary of State as of the earliest day in January of the redistricting year, and none of whom, if registered or affiliated with a political party, is affiliated or registered with the same political party as another Commissioner.*

*3. Within four years preceding appointment and during their term, no Commissioner may be a registered lobbyist; a candidate for a federal, state, or partisan local office; an elected official to a federal, state, or partisan local office; an officer or member of the governing body of a national, state, or local political party; a paid consultant or employee of a federal, state, or partisan local elected official or candidate, or of a political action committee, or of a committee sponsored by a political party, or of a committee that seeks to influence elections to federal, state, or partisan local offices; an employee of the Legislature; an employee of the State of Nevada, except for employees in the judicial branch, the armed forces, or a state institution of higher education; or related within the third degree of consanguinity or affinity to any individual disqualified under this subsection.*

*4. The term of office of each Commissioner shall expire once the Commission has completed its obligations for a census cycle but not before any judicial review of the redistricting plan is complete and shall expire no later than the release of the following decennial census of the United States.*

*5. All meetings of the Commission shall be open to the public. The Commission shall ensure that the public has opportunities to view, present testimony, and participate in hearings before the Commission. All Commission materials shall be public records.*

6. The Commission shall adopt rules to govern its administration and operation.
7. The powers granted to the Commission are legislative functions not subject to the control or approval of the Legislature and are exclusively reserved to the Commission.

**Section 5B. Criteria for Determination of Districts; Approval of Final Plans.**

1. In adopting a redistricting plan, the Independent Redistricting Commission shall use the following criteria, in the order listed, to draw districts: Ensure that districts comply with the United States Constitution and applicable federal law; Ensure that districts have an approximately equal number of inhabitants; Ensure that districts are geographically contiguous; Ensure that districts are not drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or elect representatives of their choice, whether by themselves or voting in concert with other persons; Ensure that districts, when considered on a statewide basis, do not unduly advantage or disadvantage a political party; Ensure that districts reflect, to the extent possible, county, city, and township boundaries; Minimize, to the extent practicable, the division of communities of interest, meaning an area with recognized similarities of interests, including but not limited to racial, ethnic, economic, social, cultural, geographic, or historic identities, but not including common relationships with political parties or political candidates; Ensure that districts are reasonably compact; and to the extent practicable, after complying with the requirements above, consider the number of politically competitive districts, measured by creating a reasonable potential for the party affiliation of the district's representative to change at least once between federal decennial censuses.
2. Not later than 180 days from the release of the decennial census of the United States, the Commission shall approve a redistricting plan for the Nevada State Senate, the Nevada State Assembly, and Nevada's Congressional Districts, after providing public notice of each proposed final plan and allowing sufficient time for public review and comment. A final plan may be approved by the Commission only upon at least five affirmative votes, including at least one Commissioner registered with the largest political party, one Commissioner registered with the second largest political party, and one Commissioner not registered or affiliated with the largest or second largest political party, according to voter registration data published by the Secretary of State as of the earliest day in January of the redistricting year.

**Section 5C. Severability.**

Should any part of this Amendment be declared invalid, or the application thereof to any person, thing, or circumstance be held invalid, such invalidity shall not affect the remaining provisions or application of this Amendment which can be given effect without the invalid provision or application, and to this end the provisions of this Amendment are declared to be severable. This Section shall be construed broadly to preserve and effectuate the purpose of this Amendment.

[The remainder of this page is blank.]

## DESCRIPTION OF EFFECT

This measure will amend the Nevada Constitution to establish a redistricting commission to map electoral districts for the Nevada Senate, Assembly, and U.S. House of Representatives.

The Commission will have seven members, four who will be appointed by the leadership of the Legislature, and three who are unaffiliated with the two largest political parties who will be appointed by the other four commissioners. Commissioners may not be partisan candidates, lobbyists, or certain relatives of such individuals. Commission meetings shall be open to the public which shall have opportunities to participate in hearings.

The Commission will ensure, to the extent possible, that the districts comply with the U.S. Constitution, have an approximately equal number of inhabitants, are geographically compact and contiguous, provide equal opportunities for racial and language minorities to participate in the political process, respect areas with recognized similarities of interests, including racial, ethnic, economic, social, cultural, geographic, or historic identities, do not unduly advantage or disadvantage a political party, and are politically competitive.

This amendment will require redistricting following each federal census.

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

<b>1</b>	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE	DATE / /	CITY	
<b>2</b>	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE	DATE / /	CITY	
<b>3</b>	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE	DATE / /	CITY	
<b>4</b>	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE	DATE / /	CITY	
<b>5</b>	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE	DATE / /	CITY	

## DESCRIPTION OF EFFECT

This measure will amend the Nevada Constitution to establish a redistricting commission to map electoral districts for the Nevada Senate, Assembly, and U.S. House of Representatives.

The Commission will have seven members, four who will be appointed by the leadership of the Legislature, and three who are unaffiliated with the two largest political parties who will be appointed by the other four commissioners. Commissioners may not be partisan candidates, lobbyists, or certain relatives of such individuals. Commission meetings shall be open to the public which shall have opportunities to participate in hearings.

The Commission will ensure, to the extent possible, that the districts comply with the U.S. Constitution, have an approximately equal number of inhabitants, are geographically compact and contiguous, provide equal opportunities for racial and language minorities to participate in the political process, respect areas with recognized similarities of interests, including racial, ethnic, economic, social, cultural, geographic, or historic identities, do not unduly advantage or disadvantage a political party, and are politically competitive.

This amendment will require redistricting following each federal census.

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

<b>6</b>	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE	DATE / /	CITY	
<b>7</b>	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE	DATE / /	CITY	

**Place Affidavit on last page of document.**

**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.

\_\_\_\_\_  
Signature of Circulator

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

\_\_\_\_\_  
Notary Public or person authorized to administer oath

# Exhibit 2

# Exhibit 2

# State of Nevada - Initiative Petition – Constitutional Amendment

C-02-2019

FILED.NV.SOS  
2019 NOV 4 PM4:16

EXPLANATION: Matter in *bolded italics* is new language to be added to the Nevada Constitution by this Amendment. Matter in strikethrough is existing language in the Nevada Constitution to be deleted by this Amendment.

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

**Section 1:** Article 4, Section 5 of the Nevada Constitution is hereby amended to read as follows:

**Section 5. Number of Senators and members of Assembly; ~~apportionment.~~** Senators and members of the Assembly shall be duly qualified electors in the respective counties and districts which they represent, and the number of Senators shall not be less than one-third nor more than one-half of that of the members of the Assembly.

It shall be the mandatory duty of the Legislature at its first session after the taking of the decennial census of the United States in the year 1950, and after each subsequent decennial census, to fix by law the number of Senators and Assemblymen, ~~and apportion them among the several counties of the State, or among legislative districts which may be established by law, according to the number of inhabitants in them,~~ respectively.

**Section 2:** Article 4 of the Nevada Constitution is hereby amended by adding thereto new sections to be designated as Sections 5A, 5B and 5C, to read as follows:

**Section 5A. Apportionment; Creation of Independent Redistricting Commission.**

*1. There is created within the legislative branch of state government the Independent Redistricting Commission. It shall be the duty of the Commission in the year 2023, and after each subsequent decennial census of the United States, to apportion the number of Senators and Assemblymen among legislative districts established by the Commission and to apportion the number of representatives in the United States House of Representatives among districts established by the Commission.*

*2. The Commission shall be composed of seven members who are registered and eligible to vote in Nevada, and who satisfy the qualification standards in subsection 3. The Senate Majority Leader, Senate Minority Leader, Speaker of the Assembly, and Assembly Minority Leader shall each appoint one Commissioner. The four Commissioners appointed in this manner shall appoint three additional Commissioners, each of whom, for at least four years immediately preceding their appointment, has not been registered or affiliated with the largest political party or the second largest political party, according to voter registration data published by the Secretary of State as of the earliest day in January of the redistricting year, and none of whom, if registered or affiliated with a political party, is affiliated or registered with the same political party as another Commissioner.*

*3. Within four years preceding appointment and during their term, no Commissioner may be a registered lobbyist; a candidate for a federal, state, or partisan local office; an elected official to a federal, state, or partisan local office; an officer or member of the governing body of a national, state, or local political party; a paid consultant or employee of a federal, state, or partisan local elected official or candidate, or of a political action committee, or of a committee sponsored by a political party, or of a committee that seeks to influence elections to federal, state, or partisan local offices; an employee of the Legislature; an employee of the State of Nevada, except for employees in the judicial branch, the armed forces, or a state institution of higher education; or related within the third degree of consanguinity or affinity to any individual disqualified under this subsection.*

*4. The term of office of each Commissioner shall expire once the Commission has completed its obligations for a census cycle but not before any judicial review of the redistricting plan is complete and shall expire no later than the release of the following decennial census of the United States.*

5. All meetings of the Commission shall be open to the public. The Commission shall ensure that the public has opportunities to view, present testimony, and participate in hearings before the Commission. All Commission materials shall be public records.
6. The Commission shall adopt rules to govern its administration and operation.
7. The powers granted to the Commission are legislative functions not subject to the control or approval of the Legislature and are exclusively reserved to the Commission.

**Section 5B. Criteria for Determination of Districts; Approval of Final Plans.**

1. In adopting a redistricting plan, the Independent Redistricting Commission shall use the following criteria, in the order listed, to draw districts: Ensure that districts comply with the United States Constitution and applicable federal law; Ensure that districts have an approximately equal number of inhabitants; Ensure that districts are geographically contiguous; Ensure that districts are not drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or elect representatives of their choice, whether by themselves or voting in concert with other persons; Ensure that districts, when considered on a statewide basis, do not unduly advantage or disadvantage a political party; Ensure that districts reflect, to the extent possible, county, city, and township boundaries; Minimize, to the extent practicable, the division of communities of interest, meaning an area with recognized similarities of interests, including but not limited to racial, ethnic, economic, social, cultural, geographic, or historic identities, but not including common relationships with political parties or political candidates; Ensure that districts are reasonably compact; and to the extent practicable, after complying with the requirements above, consider the number of politically competitive districts, measured by creating a reasonable potential for the party affiliation of the district's representative to change at least once between federal decennial censuses.
2. Not later than July 1, 2023, and thereafter not later than 180 days from the release of the decennial census of the United States, the Commission shall approve a redistricting plan for the Nevada State Senate, the Nevada State Assembly, and Nevada's Congressional Districts, after providing public notice of each proposed final plan and allowing sufficient time for public review and comment. A final plan may be approved by the Commission only upon at least five affirmative votes, including at least one Commissioner registered with the largest political party, one Commissioner registered with the second largest political party, and one Commissioner not registered or affiliated with the largest or second largest political party, according to voter registration data published by the Secretary of State as of the earliest day in January of the redistricting year.

**Section 5C. Severability.**

Should any part of this Amendment be declared invalid, or the application thereof to any person, thing, or circumstance be held invalid, such invalidity shall not affect the remaining provisions or application of this Amendment which can be given effect without the invalid provision or application, and to this end the provisions of this Amendment are declared to be severable. This Section shall be construed broadly to preserve and effectuate the purpose of this Amendment.

[The remainder of this page is blank.]

## DESCRIPTION OF EFFECT

This measure will amend the Nevada Constitution to establish an Independent Redistricting Commission to oversee the mapping of fair and competitive electoral districts for the Nevada Senate, Nevada Assembly, and U.S. House of Representatives.

The Commission will consist of seven Nevada voters, four who will be appointed by the leadership of the Nevada Legislature, and three who are unaffiliated with the two largest political parties who will be appointed by the other four commissioners. Commissioners may not be partisan candidates, lobbyists, or certain relatives of such individuals. All meetings of the Commission shall be open to the public who shall have opportunities to participate in hearings before the Commission.

The Commission will ensure, to the extent possible, that the electoral districts comply with the United States Constitution, have an approximately equal number of inhabitants, are geographically compact and contiguous, provide equal opportunities for racial and language minorities to participate in the political process, respect areas with recognized similarities of interests, including racial, ethnic, economic, social, cultural, geographic, or historic identities, do not unduly advantage or disadvantage a political party, and are politically competitive.

This amendment will require redistricting by the Commission beginning in 2023 and thereafter following each federal census.

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

<b>1</b>	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE _____ DATE / /	CITY _____	COUNTY _____	
<b>2</b>	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE _____ DATE / /	CITY _____	COUNTY _____	
<b>3</b>	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE _____ DATE / /	CITY _____	COUNTY _____	
<b>4</b>	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE _____ DATE / /	CITY _____	COUNTY _____	
<b>5</b>	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE _____ DATE / /	CITY _____	COUNTY _____	

## DESCRIPTION OF EFFECT

This measure will amend the Nevada Constitution to establish an Independent Redistricting Commission to oversee the mapping of fair and competitive electoral districts for the Nevada Senate, Nevada Assembly, and U.S. House of Representatives.

The Commission will consist of seven Nevada voters, four who will be appointed by the leadership of the Nevada Legislature, and three who are unaffiliated with the two largest political parties who will be appointed by the other four commissioners. Commissioners may not be partisan candidates, lobbyists, or certain relatives of such individuals. All meetings of the Commission shall be open to the public who shall have opportunities to participate in hearings before the Commission.

The Commission will ensure, to the extent possible, that the electoral districts comply with the United States Constitution, have an approximately equal number of inhabitants, are geographically compact and contiguous, provide equal opportunities for racial and language minorities to participate in the political process, respect areas with recognized similarities of interests, including racial, ethnic, economic, social, cultural, geographic, or historic identities, do not unduly advantage or disadvantage a political party, and are politically competitive.

This amendment will require redistricting by the Commission beginning in 2023 and thereafter following each federal census.

County of \_\_\_\_\_  
 Petition District \_\_\_\_\_

(Only registered voters of this county may sign below)  
 (Only registered voters of this petition district may sign below)

This Space For  
Office Use Only

<b>6</b>	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE	DATE / /	CITY COUNTY
<b>7</b>	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE	DATE / /	CITY COUNTY

**Place Affidavit on last page of document.**

**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.

Signature of Circulator

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

\_\_\_\_\_  
Notary Public or person authorized to administer oath

EL501C  
Revised 8/2019

# Exhibit 3

# Exhibit 3



**MCDONALD CARANO**  
100 WEST LIBERTY STREET, TENTH FLOOR • RENO, NEVADA 89501  
PHONE 775.788.2000 • FAX 775.788.2020

1 Adam Hosmer-Henner, Esq. (NSBN 12779)  
Lucas Foletta, Esq. (NSBN 12154)  
2 MCDONALD CARANO  
100 West Liberty Street, 10th Floor  
3 Reno, NV 89501  
(775) 788-2000  
4 [ahosmerhenner@mcdonaldcarano.com](mailto:ahosmerhenner@mcdonaldcarano.com)  
[lfoletta@mcdonaldcarano.com](mailto:lfoletta@mcdonaldcarano.com)

5 *Attorneys for Defendant*  
6 *Fair Maps Nevada PAC*

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

9 \* \* \*

10 REV. LEONARD JACKSON,

11 Plaintiff,

12 vs.

13 FAIR MAPS NEVADA PAC, and  
14 BARBARA CEGAVSKE, in her official  
capacity as Nevada Secretary of State,

15 Defendants.

Case No. 19 OC 00209 1B

Dept. No. 1

**[PROPOSED] ORDER**

16 **ORDER**

17  
18 This matter having come before this Court pursuant to Plaintiff Reverend Leonard  
19 Jackson's Complaint for Declaratory Relief ("Complaint") and Plaintiff's Opening Brief in  
20 Support of Complaint for Declaratory and Injunctive Relief ("Opening Brief"), and having  
21 considered Defendant Fair Maps Nevada PAC's ("Fair Maps") Answer and Answering Brief in  
22 Response to Plaintiff's Opening Brief in Support of Complaint for Declaratory and Injunctive  
23 Relief ("Answering Brief") and Plaintiff's Reply Brief in Support of Complaint for Declaratory  
24 Relief ("Reply Brief") as well as the arguments of counsel at the hearing held December 23,  
25 2019, the Court finds as follows:

26 //

27 //

28

REC'D & FILED

2020 JAN -2 PM 12: 15

AUBREY HOKLATT  
CLERK

DEPUTY

JA000094

1 **PROCEDURAL BACKGROUND**

2 Fair Maps filed Initiative Petition #C-02-2019 (“Petition”) on November 4, 2019 to  
3 amend the Nevada Constitution by adding a new section to the Nevada Constitution to establish  
4 a redistricting commission to map electoral districts for members of the Nevada Senate, Nevada  
5 Assembly, and Nevada’s delegation to the U.S. House of Representatives. The Petition includes  
6 the following description of effect:

7 This measure will amend the Nevada Constitution to establish an  
8 Independent Redistricting Commission to oversee the mapping of fair and  
9 competitive electoral districts for the Nevada Senate, Nevada Assembly, and U.S.  
10 House of Representatives.

11 The Commission will consist of seven Nevada voters, four who will be  
12 appointed by the leadership of the Nevada Legislature, and three who are  
13 unaffiliated with the two largest political parties who will be appointed by the  
14 other four commissioners. Commissioners may not be partisan candidates,  
15 lobbyists, or certain relatives of such individuals. All meetings of the Commission  
16 shall be open to the public who shall have opportunities to participate in hearings  
17 before the Commission.

18 The Commission will ensure, to the extent possible, that the electoral  
19 districts comply with the United States Constitution, have an approximately equal  
20 number of inhabitants, are geographically compact and contiguous, provide equal  
21 opportunities for racial and language minorities to participate in the political  
22 process, respect areas with recognized similarities of interests, including racial,  
23 ethnic, economic, social, cultural, geographic, or historic identities, do not unduly  
24 advantage or disadvantage a political party, and are politically competitive.

25 This amendment will require redistricting by the Commission beginning in  
26 2023 and thereafter following each federal census.

27 Plaintiff filed his Complaint and the Opening Brief on November 26, 2019, in which he  
28 argues that the Petition’s description of effect fails to comply with NRS 295.009(1)(b). More  
specifically, he contends that description of the commission as independent and the description  
of effect’s statement that the commission will oversee “the mapping of fair and competitive  
electoral districts,” are materially misleading statements. Compl. ¶¶ 15 & 23. He also asserts  
that the description of effect is deceptive and misleading because it fails to inform voters of a  
specific practical effect of passage of the Petition—that the redistricting commission will “undo”  
electoral maps generated by the Legislature in 2021 “thus potentially doubling the resources that  
would otherwise be spent on redistricting following the 2020 census.” *Id.* at ¶¶ 30. Plaintiff’s  
Complaint is limited to his challenge to the description of effect.

1 Fair Maps contends that the use of the term independent and the characterization of the  
2 commission's objective of creating fair and competitive electoral districts is neither deceptive  
3 nor misleading and amount to attacks on the policy reflected in the Petition and not the  
4 description of effect. Ans. Br. 6-8. Fair Maps also contends that Plaintiff's claim that there will  
5 be additional redistricting costs as a result of Petition is speculative and hypothetical and  
6 therefore need not be addressed in the description of effect. *Id.* at 8-10.

7 **LEGAL STANDARDS**

8 Article 19, Section 2 of the Nevada Constitution enshrines the people's right to amend  
9 the Nevada Constitution by initiative petition. Specifically it states that "the people reserve to  
10 themselves the power to propose, by initiative petition, . . . amendments to this Constitution."  
11 Nev. Const. art. 19, § 2(1). The Nevada Constitution further provides that the Legislature "may  
12 provide by law for procedures to *facilitate* the operation thereof." *Id.* art. 19, § 5 (emphasis  
13 added). In interpreting such laws, the courts "must make every effort to sustain and preserve the  
14 people's constitutional right to amend their constitution through the initiative process."  
15 *Nevadans for the Prot. of Prop. Rights, Inc. v. Heller*, 122 Nev. 894, 912, 141 P.3d 1235, 1247  
16 (2006).

17 NRS 295.009(1)(b) provides that a petition must "[s]et forth, in not more than 200  
18 words, a description of the effect of the initiative . . . if the initiative . . . is approved by the  
19 voters." NRS 295.009(1)(b). The Nevada Supreme Court has noted that "[a] description of effect  
20 serves a limited purpose to facilitate the initiative process," and that a description of effect  
21 should be reviewed with an eye toward that limited purpose. *Educ. Initiative PAC v. Comm. to*  
22 *Protect Nev. Jobs*, 129 Nev. 35, 37, 293 P.3d 874, 876 (2013). Thus, while a description of  
23 effect need not "delineate every effect that an initiative will have," it must be "a straightforward,  
24 succinct, and nonargumentative statement of what the initiative will accomplish and how it will  
25 achieve those goals." *Id.* at 38, 293 P.3d at 876. A description of effect cannot "be deceptive or  
26 misleading." *Id.* at 42, 293 P.3d at 879.

27 In reviewing a description of effect, "it is inappropriate to parse the meanings of the  
28 words and phrases used in a description of effect" as closely as a reviewing court would a

1 statutory text. *Id.* at 48, 293 P.3d at 883. Such an approach “comes at too high a price in that it  
2 carries the risk of depriving the people of Nevada of their constitutional right to propose laws by  
3 initiative.” *Id.* Thus, a reviewing court “must take a holistic approach” to the required analysis.  
4 *Id.* “The opponent of a ballot initiative bears the burden of showing that the initiative’s  
5 description of effect fails to satisfy this standard.” *Id.* at 42, 293 P.3d at 879.

#### 6 FINDINGS OF FACT AND CONCLUSIONS OF LAW

7 In this case, the description of effect for the Petition does not meet the requirements of  
8 NRS 295.009(1)(b). The description of effect could be argumentative or confusing or  
9 misleading to voters as currently written. The description of effect does not adequately explain  
10 to voters what is meant by the term “independent” or the phrase “fair and competitive.” The  
11 Court further finds that the description of effect is inadequate in that it does not provide potential  
12 signatories with enough information about the cost consequences of the Petition—specifically,  
13 that it will result in the expenditure of state funds. *See, e.g., Nev. Judges Ass’n v. Lau*, 112 Nev.  
14 51,59 (1996). The Petition also does not adequately inform voters that the Petition would result  
15 in redistricting in 2023 after the Legislature has already drawn electoral districts after the 2020  
16 Census.

17 The Court finds that the above-referenced deficiencies may be cured through the revised  
18 description of effect provided herein. NRS 295.061(3) provides that “[i]f a description of the  
19 effect of an initiative or referendum required pursuant to NRS 295.009 is challenged  
20 successfully . . . and such description is amended in compliance with the order of the court, the  
21 amended description may not be challenged.” NRS 295.061(3). Thus, the Court, in consultation  
22 with the parties, identifies a new description of effect that satisfies the legal standard required by  
23 NRS 295.061(3). This revised description of effect states:

24  
25 “This measure will amend the Nevada Constitution to establish a redistricting  
26 commission to map electoral districts for the Nevada Senate, Assembly, and U.S. House of  
27 Representatives.

28 The Commission will have seven members, four who will be appointed by the leadership  
of the Legislature, and three who are unaffiliated with the two largest political parties who will  
be appointed by the other four commissioners. Commissioners may not be partisan candidates,

**MCDONALD CARANO**  
100 WEST LIBERTY STREET, TENTH FLOOR • RENO, NEVADA 89501  
PHONE 775.786.2000 • FAX 775.786.2020

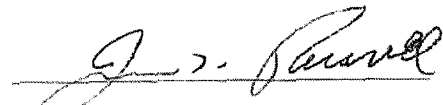
1 lobbyists, or certain relatives of such individuals. Commission meetings shall be open to the  
2 public who shall have opportunities to participate in hearings.

3 The Commission will ensure, to the extent possible, that the districts comply with the  
4 U.S. Constitution, have an approximately equal number of inhabitants, are geographically  
5 compact and contiguous, provide equal opportunities for racial and language minorities to  
6 participate in the political process, respect areas with recognized similarities of interests,  
7 including racial, ethnic, economic, social, cultural, geographic, or historic identities, do not  
8 unduly advantage or disadvantage a political party, and are politically competitive.

9 This amendment requires redistricting after each federal census, beginning in 2023,  
10 which could replace maps drawn by the Legislature after the 2020 census, and will result in the  
11 expenditure of state funds to fund the Commission.”

12 **IT IS THEREFORE ORDERED** and declared that the description of effect filed with  
13 the Secretary of State on November 4, 2019 failed to satisfy the requirements of NRS  
14 295.009(1)(b). Thus, any signatures collected on the Petition containing the description of effect  
15 are invalid. However, Defendant Fair Maps may re-file an amended petition with the revised  
16 description of effect as set forth by this Order, which cures all deficiencies raised by Plaintiff  
17 and identified by the Court. Upon re-filing, the description of effect will have been amended in  
18 compliance with this Order and be accorded the finality set forth in NRS 295.061(3) and shall  
19 not be subject to further challenge. NRS 295.061(3).

20 Dated this 2 day of <sup>January</sup> ~~December~~, <sup>2020</sup> 2019.

21   
22 District Court Judge James Russell

23 Respectfully submitted by:

24 MCDONALD CARANO LLP

25 By:           /s/ Adam Hosmer-Henner            
26 Adam Hosmer-Henner, Esq. (NSBN 12779)  
27 Lucas Foletta, Esq. (NSBN 12154)  
28 MCDONALD CARANO  
100 West Liberty Street, 10th Floor  
Reno, NV 89501  
*Attorneys for Defendant Fair Maps PAC*

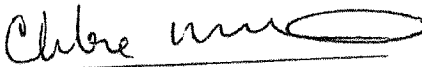
**CERTIFICATE OF MAILING**

Pursuant to NRCF 5(b), I certify that I am an employee of the First Judicial District Court, and that on this 2 day of January 2020 deposited for mailing, postage paid, at Carson City, Nevada, a true and correct copy of the foregoing Order addressed as follows:

Kevin K. Benson, Esq.  
123 West Nye Lane, Suite 487  
Carson City, NV 89706

Adam Hosmer-Henner, Esq.  
Lucas Foletta, Esq.  
MCDONALD CARANO  
100 West Liberty Street, 10th Floor  
Reno, NV 89501

Gregory L. Zunino, Esq.  
100 N Carson Street  
Carson City, NV 89701

  
Chloe McClintick, Esq.  
Law Clerk, Dept. 1

# Exhibit 4

# Exhibit 4

IN THE SUPREME COURT OF THE STATE OF NEVADA

REV. LEONARD JACKSON,  
Appellant/Cross-Respondent,  
vs.  
FAIR MAPS NEVADA PAC,  
Respondent/Cross-Appellant,  
and  
BARBARA K. CEGAVSKE, IN HER  
OFFICIAL CAPACITY AS NEVADA  
SECRETARY OF STATE,  
Respondent.

No. 80563

**FILED**

JUL 24 2020

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is an appeal and cross-appeal from a district court order granting declaratory relief in a ballot initiative matter. First Judicial District Court, Carson City; James Todd Russell, Judge.

Reverend Leonard Jackson contends that the district court lacked "jurisdiction" to "rewrite" Fair Maps Nevada PAC's description of effect. We are not persuaded by Jackson's argument, as he has presented no authority that actually supports his position, *see Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (requiring parties to support arguments with salient authority), nor has he explained how construing NRS 295.061(3) in such a manner would further any public policy goals, *see Tam v. Eighth Judicial Dist. Court*, 131 Nev. 792, 800, 358 P.3d 234, 240 (2015) (recognizing that we construe statutes in accordance with "reason and public policy" (internal quotation marks omitted)).

Jackson next contends that Fair Maps' rewritten description of effect is still misleading. We disagree. While a description of effect must not be deceptive or misleading, *Educ. Initiative PAC v. Comm. to Protect*

SUPREME COURT  
OF  
NEVADA

10) 1947A 

20-27106

JA000101



*Nev. Jobs*, 129 Nev. 35, 42, 293 P.3d 874, 879 (2013), Jackson's fixation on the description's use of "could" instead of "will" requires an improperly "hyper-technical" analysis of the description, *id.* at 49, 293 P.3d at 883-84. We are likewise unpersuaded that the district court failed to make sufficient factual findings. The only shortcoming Jackson alleges pertains to an issue that appeared in the original description of effect but that is absent from the amended description. Accordingly, we affirm the district court's order insofar as Jackson challenges it.

On cross-appeal, Fair Maps argues that the district court erred in determining that its original description of effect was misleading. In light of our above-mentioned determinations, however, this issue is moot, and we therefore dismiss Fair Maps' cross-appeal. *Personhood Nev. v. Bristol*, 126 Nev. 599, 602, 245 P.3d 572, 574 (2010) ("This court's duty is not to render advisory opinions . . ."). In so doing, we note that Fair Maps has not indicated that it would prefer to proceed with its original petition instead of its amended petition. In light of the foregoing, we

ORDER the judgment of the district court AFFIRMED.

Pickering, C.J.  
Pickering

Gibbons, J.  
Gibbons

Hardesty, J.  
Hardesty

Parraguirre, J.  
Parraguirre

Stiglich, J.  
Stiglich

Cadish, J.  
Cadish

Silver, J.  
Silver

cc: Hon. James Todd Russell, District Judge  
Benson Law LLC  
Attorney General/Carson City  
McDonald Carano LLP/Reno  
Carson City Clerk