

1 W. Chris Wicker [NSB No. 1037]
2 Jose A. Tafoya [NSB No. 16011]
3 WOODBURN AND WEDGE
4 6100 Neil Road, Suite 500
5 Reno, NV 89511-1149
6 Tel: (775) 688-3000 | Fax: (775) 688-3088
7 wwicker@woodburnandwedge.com
8 jtafoya@woodburnandwedge.com

REC'D & FILED
2024 OCT 31 PM 2:23
WILLIAM SCOTT HOEN
CLERK
BY K. PETERSON
DEPUTY

5 MAYER BROWN LLP
6 Lee Rubin (pro hac vice forthcoming)
7 Two Palo Alto Square, Suite 300
8 3000 El Camino Real
9 Palo Alto, CA 94306-2112
10 (650) 331-2000
11 lrubin@mayerbrown.com
12 Rachel J. Lamorte (pro hac vice forthcoming)
13 1999 K Street, NW
14 Washington, DC 20006-1101
15 (202) 263-3000
16 rlamorte@mayerbrown.com
17 Robert C. Double III (pro hac vice forthcoming)
18 333 South Grand Avenue, 47th Floor
19 Los Angeles, CA 90071
20 (213) 229-9500
21 rdouble@mayerbrown.com

22 FREE SPEECH FOR PEOPLE
23 Amira Mattar (pro hac vice forthcoming)
24 John Bonifaz (pro hac vice forthcoming)
25 Ben Clements (pro hac vice forthcoming)
26 Courtney Hostetler (pro hac vice forthcoming)
27 48 N. Pleasant Street, Suite 304
28 Amherst, MA 01002
(617) 244-0234

Attorneys for NAACP Tri-State Conference of Idaho-Nevada-Utah

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

ZENAIDA DAGUSEN, an individual;
REPUBLICAN NATIONAL COMMITTEE;
NEVADA REPUBLICAN PARTY; and
DONALD J. TRUMP FOR PRESIDENT 2024,
INC.

Plaintiffs,

vs.

FRANCISCO AGUILAR, in his official
capacity as Nevada Secretary of State;

CASE NO.: 24-OC-001531B

DEPT. NO.: 1

1 DEMOCRATIC NATIONAL COMMITTEE;
2 and NEVADA STATE DEMOCRATIC
3 PARTY

Defendants.

4 **MOTION TO INTERVENE AS DEFENDANT BY NAACP TRI-STATE**
5 **CONFERENCE OF IDAHO-NEVADA-UTAH**

6 NAACP Tri-State Conference of Idaho-Nevada-Utah (“Tri-State NAACP”), by and
7 through its attorneys Woodburn and Wedge, Mayer Brown LLP, and Free Speech For People,
8 moves pursuant to Rule 24(a)(2) of the Nevada Rules of Civil Procedure to intervene as of right
9 as Defendant in this matter, or in the alternative, moves for permissive intervention pursuant to
10 NRCP 24(b)(1).

11 This Motion is based on the Memorandum of Points and Authorities below, the attached
12 declaration, all papers and pleadings on file, and any oral argument this Court sees fit to allow
13 at the hearing on this matter.

14 DATED this 31 of October, 2024.

15 By:



16 W. Chris Wicker [NSB No. 1037]
17 Jose A. Tafoya [NSB No. 16011]
18 WOODBURN AND WEDGE
19 6100 Neil Road, Suite 500
20 Reno, NV 89511-1149

21 **MEMORANDUM OF POINTS AND AUTHORITIES**

22 **INTRODUCTION AND BACKGROUND**

23 On the eve of the 2024 General Election, Plaintiffs—the Republican National
24 Committee, the Nevada Republican Party, Donald J. Trump for President 2024, Inc., and Zenaida
25 Dagusen—ask this Court to reshape Nevada’s voter registration system so as to deny the right
26 to vote to thousands of American citizens.

27 Plaintiffs base the lawsuit largely on a Nevada Department of Motor Vehicles file
28 obtained nearly four years ago through separate litigation, which purportedly identifies
individuals who presented immigration documents to obtain a driver’s license or identification
card. Compl. ¶ 58. They claim that by comparing that file to a statewide voter registration list,

1 they determined that thousands of noncitizens are registered to vote, and in fact have voted in
2 previous elections. *Id.* ¶ 60.

3 But Plaintiffs' conclusion is wrong. At best, the DMV data reflects an individual's
4 citizenship status at the time they obtained their driver's license or identification card. Such data
5 would not automatically be updated for any of the thousands of Nevadans who each year become
6 naturalized citizens and obtain the right to vote.¹ Thus many or even most of the individuals who
7 Plaintiffs claim should not be allowed to vote are in fact naturalized citizens with the
8 constitutionally guaranteed right to do so.

9 Making matters worse, Plaintiffs want the Nevada Secretary of State to adopt Plaintiffs'
10 flawed approach to purge from the voting rolls individuals whose citizenship cannot be verified
11 through the same type of DMV information and several other broad and mostly unspecified
12 categories of information held by state and federal agencies.² *Id.* at Prayer.

13 The results of the Court granting Plaintiffs' requested relief would be dire and entirely
14 predictable: A large number of naturalized citizens would be purged from the rolls and denied
15 their right to vote. Such purge would also create an atmosphere of chaos and confusion even for
16 those naturalized citizens who remained on the rolls. Indeed, any naturalized citizen who was
17 aware of any state or federal record that might reflect an outdated citizenship status, or otherwise
18 suspected one might exist, would have reason to believe that they too may be denied the right to
19 vote, and potentially be deterred from even trying to do so.

20 Tri-State NAACP seeks to intervene to protect the right of its members and constituents
21 to vote, as well as its own organizational interests. Its membership and constituency consist of
22 predominately Black, Latino, and other individuals in underrepresented groups, including
23 individuals from low socio-economic backgrounds and naturalized citizens. Declaration of
24 Lonnie Feemster ("Feemster Decl.") (**Exhibit 1**, attached hereto) ¶¶ 11–12. The organization

25 ¹ For example, more than 10,000 Nevadans became naturalized citizens in 2022 alone. *See* Office of Homeland
26 Security Statistics, *Profiles on Naturalized Citizens: 2022 State* (Feb. 12, 2024),
<https://www.dhs.gov/ohss/topics/immigration/naturalizations/profiles/2022/state>.

27 ² More specifically, Plaintiffs ask that the Secretary of State be required to use "information regarding citizenship
28 status" or "non-citizenship" held by the Department of Homeland Security (including the SAVE system), Nevada
courts related to jury-duty eligibility, the DMV "and other state agencies." Compl. at Prayer.

1 has nearly 650 members throughout Nevada, including members who are naturalized citizens.
2 *Id.* ¶¶ 9, 11–12. Protecting and promoting the voting rights of its members and constituents,
3 regardless of political affiliation, is central to its core mission. *Id.* ¶¶ 6, 7.

4 The existing defendants do not adequately represent Tri-State NAACP’s interests. The
5 Secretary of State’s interest is in the fair and efficient administration of the electoral process in
6 accordance with state and federal law. Likewise, the DNC and Nevada State Democratic Party
7 represent the specific interests of Democratic voters and candidates. Tri-State NAACP, by
8 contrast, seeks to protect its own fundamental rights, and the right of its members and
9 constituents on a nonpartisan basis to have their voices heard in the General Election.

10 Because Tri-State NAACP has brought this motion in a timely manner, without potential
11 for delaying this action or otherwise prejudicing another party, it satisfies each requirement for
12 intervention as a matter of right under Nevada Rule of Civil Procedure 24(a)(2), and the Court
13 should grant its motion to intervene. Alternatively, the motion should be granted on a permissive
14 basis under NRCP 24(b)(1).³

15 ARGUMENT

16 **I. Tri-State NAACP is Entitled to Intervene as a Matter of Right.**

17 Tri-State NAACP meets all of the requirements for intervention as a matter of right under
18 NRCP 24(a)(2), which permits intervention when a proposed intervenor (1) has a sufficient
19 interest in the litigation’s subject matter, (2) could suffer an impairment of its ability to protect
20 that interest if it does not intervene, (3) does not have its interest adequately represented by
21 existing parties, and (4) makes a timely application to intervene. *See Am. Home Assurance Co.*
22 *v. Eighth Jud. Dist. Ct. ex. rel. Cnty. of Clark*, 122 Nev. 1229, 1238, 147 P.3d 1120, 1126 (2006).

23 Such requirements are construed “broadly in favor of proposed intervenors . . . because
24 a liberal policy in favor of intervention serves both efficient resolution of issues and broadened
25 access to the courts.” *Wilderness Soc’y v. U.S. Forest Serv.*, 630 F.3d 1173, 1179 (9th Cir. 2011)

26 ³ If Tri-State NAACP’s motion is granted, it reserves the right to join any motion to dismiss by any other party
27 and to separately move to dismiss the complaint under NRCP 12(b). Because NRCP 24(c) requires putative
28 intervenors to attach a proposed pleading to their motion, however, Tri-State NAACP has attached a proposed
answer hereto as **Exhibit 2**.

1 (cleaned up) (*quoting United States v. City of L.A.*, 288 F.3d 391, 397-98 (9th Cir. 2002)).⁴ Courts
2 regularly grant motions to intervene under Rule 24(a) when organizations seek to defend against
3 a challenge that threatens the right to vote. *See, e.g., Paher v. Cegavske*, No. 3:20-CV-00243-
4 MMD, 2020 WL 2042365, at *2-3 (D. Nev. Apr. 28, 2020) (granting motion to intervene
5 brought by groups seeking to protect the right to vote in case involving challenge to Nevada’s
6 vote-by-mail plan); *Issa v. Newsom*, 2:20-cv-01055-MCE-CKD, 2020 WL 3074351, at *2-4
7 (E.D. Cal. June 10, 2020) (same in California).

8 **A. The Disposition of This Case Will Impede the Ability of Tri-State NAACP to**
9 **Protect Its Interests.**

10 Tri-State NAACP has significant protectable interests that may be impaired by Plaintiffs’
11 claims. A “‘significantly protectable interest’ . . . [is] one that is protected under the law and
12 bears a relationship to the plaintiff’s claims.” *Am. Home Assurance Co.*, 122 Nev. at 1239, 147
13 P.3d at 1127 (quoting *S. Cal. Edison Co. v. Lynch*, 307 F.3d 794, 803 (9th Cir. 2002)). “Once an
14 applicant has established a significantly protectable interest in an action, courts regularly find
15 that disposition of the case may, as a practical matter, impair an applicant’s ability to protect that
16 interest.” *Venetian Casino Resort, LLC v. Enwave Las Vegas, LLC*, No. 19-cv-1197-JCM, 2020
17 WL 1539691, at *3 (D. Nev. Jan. 7, 2020) (citing *California ex. rel. Lockyer v. United States*,
18 450 F.3d 436, 442 (9th Cir. 2006)). Indeed, “[n]o specific legal or equitable interest need be
19 established” for courts to grant intervention. *Greene v. United States*, 996 F.2d 973, 976 (9th Cir.
20 1993); *see also Sw. Ctr. for Biological Diversity v. Berg*, 268 F.3d 810, 822 (9th Cir. 2001)
21 (inquiry turns on whether “an absentee would be substantially affected in a practical sense”
22 (citation omitted)).

23 Tri-State NAACP has at least two significant, protectable interests at stake in this lawsuit.
24 First, it has a significant interest in advancing the fundamental constitutional right of its members
25 and constituents to vote, free from unlawful interference and intimidation. Plaintiffs threaten this

26 ⁴ Nevada courts have stated that “[f]ederal cases interpreting [Rule 24] ‘are strong persuasive authority.’” *Exec.*
27 *Mgmt., Ltd. v. Ticor Title Ins. Co.*, 118 Nev. 46, 53, 38 P.3d 872, 876 (2002) (quoting *Las Vegas Novelty, Inc. v.*
Fernandez, 106 Nev. 113, 119, 787 P.2d 772, 776 (1990); *see also Lawler v. Ginochio*, 94 Nev. 623, 626, 584 P.2d
28 667, 668 (1978) (acknowledging that Nevada and Federal versions of Rule 24 are “equivalent”).

1 interest by asking the Court to require the Secretary of State to purge from the state voter rolls
2 individuals whose citizenship cannot be verified based on what in many cases could be outdated
3 information, including from the DMV. This could result in thousands of American citizens and
4 many of Tri-State NAACP's members and constituents being denied their right to vote, with
5 naturalized citizens likely bearing the brunt of such denial. Moreover, even if certain naturalized
6 citizens are not purged from the voting rolls, this action still may deter them from voting if they
7 have reason to believe that information held by state or federal agencies could reflect an outdated
8 citizenship status.

9 Second, Tri-State NAACP's organizational interests will be impaired if Plaintiffs obtain
10 their requested relief. In pursuit of its core mission, Tri-State NAACP engages in voter
11 registration, voter education, and get-out-the-vote and ballot-cure activities to ensure that eligible
12 Nevada voters, particularly voters in traditionally disenfranchised communities, can exercise
13 their right to vote. Feemster Decl. ¶¶ 7, 13, 20–21. The organization has limited staff and
14 volunteer resources to devote to other activities, including to troubleshoot any issues that may
15 arise if its members and constituents are purged from the voter rolls and to expand its voter
16 education to address any confusion otherwise created by Plaintiffs' requested relief. *Id.* ¶ 20.
17 These tasks would be challenging and resource-intensive, especially in Tri-State NAACP's
18 marginalized constituencies that have less time and resources to address these issues themselves.
19 *Id.* ¶ 21.

20 In addition, Plaintiffs broadly ask that the Secretary of State be required to use
21 "information regarding citizenship status" or "non-citizenship" held by the Department of
22 Homeland Security (including the SAVE system), Nevada courts related to jury-duty eligibility,
23 the DMV "and other state agencies." Compl. at Prayer. The vagueness of their request prevents
24 Tri-State NAACP from fully anticipating and addressing the many issues that may arise from
25 such information-sharing. Tri-State NAACP therefore would not only need to divert its limited
26 resources, but may have to do so at the last minute before the 2024 General Election when all its
27 available resources will be needed for many of its crucial voting-related activities. *Id.* ¶ 20.

1 Both these interests “are routinely found to constitute significant protectable interests”
2 that favor intervention as of right. *Issa*, 2020 WL 3074351, at *3; *see Paher*, 2020 WL 2042365,
3 at *4 (political groups and voters had protectable interest in promoting the franchise, the election
4 of party candidates, and voting by mail); *Jud. Watch, Inc. v. Ill. State Bd. of Elections*, No. 24-
5 cv-1867-SLE, 2024 WL 3454706, at *4 (N.D. Ill. July 18, 2024) (union had protectable interest
6 in protecting the rights of members and use of its own resources to protect them from removal
7 from the rolls); *Bellitto v. Snipes*, No. 16-cv-61474, 2016 WL 5118568, at *2 (S.D. Fla. Sept.
8 21, 2016) (granting union’s motion to intervene in NVRA case because it “asserts that its interest
9 and the interests of its members would be threatened by the court-ordered ‘voter list
10 maintenance’ sought by Plaintiffs”).

11 **B. Defendants Do Not Adequately Represent Tri-State NAACP’s Interests.**

12 Tri-State NAACP’s interests are not adequately represented by Defendants. A
13 prospective intervenor seeking intervention as a matter of right under Rule 24(a) bears the burden
14 of showing that there is inadequate representation of that interest by existing parties. *W.*
15 *Watersheds Project v. Haaland*, 22 F.4th 828, 840 (9th Cir. 2022). But that burden “is ‘minimal’
16 and satisfied if [the proposed intervenors] can demonstrate that representation of their interests
17 ‘may be’ inadequate.” *Id.* at 840 (citation omitted)); *see also Berger v. N.C. State Conf. of the*
18 *NAACP*, 597 U.S. 179, 181 (2022) (this prong of the Rule’s test “presents proposed intervenors
19 with only a minimal challenge . . .”).

20 The Secretary of State, DNC, and Nevada State Democratic Party each have interests that
21 diverge from those of Tri-State NAACP, even though they are on the side of the lawsuit Tri-State
22 NAACP seeks to join. As discussed above, Tri-State NAACP has interests in preserving its
23 resources to allow it to fulfill its core mission, and in protecting the right to vote of its members
24 and constituents (including naturalized citizens) regardless of their partisan affiliations and free
25 from unlawful interference and intimidation.

26 By contrast, the Secretary of State’s primary interest is in the fair and efficient
27 administration of the electoral process in accordance with state and federal law. *See Pub. Int.*
28 *Legal Found., Inc. v. Winfrey*, 463 F. Supp. 3d 795, 799 (E.D. Mich. 2020) (holding that the

1 “interests of election officials in voting roll maintenance are sufficiently distinct ... to warrant
2 intervention by those who could be impacted by the results of the maintenance process”);
3 *Bellitto*, 2016 WL 5118568, at *2 (same); *Republican Nat’l Comm. v. Aguilar*, No. 2:24-CV-
4 00518-CDS-MDC, 2024 WL 3409860, at *3 (D. Nev. July 12, 2024) (in voting roll-maintenance
5 action, holding that proposed intervenors with the mission “to ensure that voters are retained on
6 or restored to the rolls” “provide the counterbalance to plaintiffs’ singular purpose that
7 defendants’ [including the Nevada Secretary of State’s] mission does not allow”). The DNC and
8 Nevada State Democratic Party have a partisan interest in protecting the rights of *Democratic*
9 voters and candidates.

10 Given this divergence of interests, it is not clear that any of the Defendants would
11 “undoubtedly make all of prospective intervenor’s arguments,” let alone whether they are
12 “capable and willing to make such arguments.” *Citizens for Balanced Use v. Mont. Wilderness*
13 *Ass’n*, 647 F.3d 893, 898 (9th Cir. 2011). In such circumstances, courts have consistently allowed
14 voting rights organizations to intervene as of right.

15 **C. The Motion to Intervene Is Timely.**

16 Tri-State NAACP’s motion is timely. Since Plaintiffs filed their complaint on September
17 11, 2024, the Democratic National Committee and Nevada State Democratic Party moved to
18 dismiss the complaint on October 3, 2024, and the Secretary of State has yet to respond to the
19 complaint. Plaintiffs opposed the motion to dismiss on October 25, 2024. No other substantive
20 proceedings have taken place or even have been scheduled. And Tri-State NAACP agrees to
21 abide by any schedule set by the Court. Tri-State NAACP’s intervention, therefore, would not
22 delay the action and there is no risk of prejudice to the existing parties. *See In re Guardianship*
23 *of A.M.*, No. 59116, 2013 WL 3278878, at *3 (Nev. May 24, 2013) (timeliness determination
24 weighs prejudice to existing parties resulting from delay against prejudice resulting from the
25 application being denied); *Lawler*, 94 Nev. at 626, 584 P.2d at 669 (“[t]he most important
26 question to be resolved in the determination of the timeliness of an application for intervention
27 is not the length of the delay by the intervenor but the extent of prejudice to the rights of existing
28 parties resulting from the delay”); *see also Kalbers v. U.S. Dep’t of Justice*, 22 F.4th 816, 825

1 (9th Cir. 2021) (interval of “just a few weeks” “weigh[ed] in favor of timeliness”); *Issa*, 2020
2 WL 3074351, at *4 (motion was timely where “no substantive proceeding[] ha[d] occurred”);
3 *Nev. v. United States*, No. 18-cv-569, 2019 WL 718825, at *3 (D. Nev. Jan. 14, 2019) (granting
4 motion to intervene filed several weeks after action commenced); *W. Expl. LLC v. Dep’t of*
5 *Interior*, No. 15-cv-00491, 2016 WL 355122, at *3 (D. Nev. Jan. 28, 2016) (granting motion to
6 intervene filed nearly two months after action commenced).

7 Tri-State NAACP has significant, protectable interests at stake that will not be adequately
8 represented by any other party to this action. It has moved to intervene in a timely manner,
9 without threat of delaying the action or otherwise prejudicing any other party. Tri-State NAACP,
10 therefore, is entitled to intervention as a matter of right.

11 **II. In the Alternative, the Court Should Grant Permissive Intervention.**

12 Rule 24(b) grants courts broad discretion to permit intervention where an applicant’s
13 defense and the main action have a question of law or fact in common and intervention will not
14 unduly delay or prejudice the adjudication of the rights of the original parties. *See Hairr v. First*
15 *Jud. Dist. Ct.*, 132 Nev. 180, 186, 368 P.3d 1198,1202–03 (2016); *see also* NRCP 24(b)(1)
16 (allowing a party to permissively intervene if it “has a . . . defense that shares with the main
17 action a common question of law or fact”); *id.* 24(b)(3) (a court “must consider whether the
18 intervention will unduly delay or prejudice the adjudication of the original parties’ rights”).

19 Tri-State NAACP’s defenses—that Plaintiffs’ requested relief is unconstitutional,
20 invalid, and violates the rights of voters—present clear questions of law and fact in common
21 with the pending action. And because Tri-State NAACP and its members and constituents stand
22 to be harmed by the relief Plaintiffs seek, it will aid the Court in developing a full record of the
23 relevant considerations—including the effect of this litigation on those voters whose rights it
24 threatens. Those realities should be at the forefront of the Court’s consideration as to whether to
25 grant Plaintiffs’ requested relief. Moreover, intervention will not result in any undue delay or
26 prejudice because Tri-State NAACP has a strong interest in swift resolution to this action to
27 ensure that its members’ and constituents’ voting rights, and its own organizational interests, are
28 protected ahead of the 2024 General Election.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATION

Pursuant to FJDCR 3.7, counsel for Tri-State NAACP conferred with counsel for Plaintiffs on October 30, 2024 via telephone call, but the parties were unable to resolve the issues pertaining to this motion. The parties did not exchange witnesses or documents. Tri-State NAACP counsel also conferred with counsel for the Democratic National Committee; and Nevada State Democratic Party. The Democratic National Committee; and Nevada State Democratic Party indicated they do not object to the motion to intervene.

CONCLUSION

For these reasons, Tri-State NAACP respectfully requests that the Court grant its motion to intervene as a matter of right under Nevada Rule of Civil Procedure 24(a), or in the alternative, permit it to intervene under Nevada Rule of Civil Procedure 24(b).

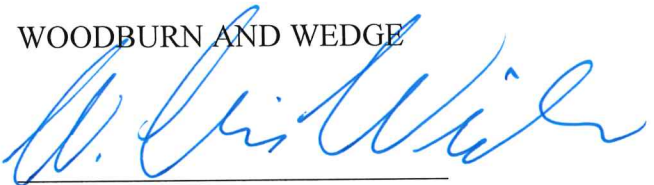
WHEREFORE, Tri-State NAACP respectfully requests that the Court grant its Motion to Intervene as a matter of right, or in the alternative with permission of the Court, and an expedited consideration of this Motion.

Affirmation Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

DATED this 31 day of October, 2024.

WOODBURN AND WEDGE

By: 

W. Chris Wicker [NSB No. 1037]
Jose A. Tafoya [NSB No. 16011]
WOODBURN AND WEDGE
6100 Neil Road, Suite 500
Reno, NV 89511-1149
Tel: (775) 688-3000
Fax: (775) 688-3088
wwicker@woodburnandwedge.com
jtafoya@woodburnandwedge.com

MAYER BROWN LLP
Lee Rubin (*pro hac vice* forthcoming)
Two Palo Alto Square, Suite 300

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

3000 El Camino Real
Palo Alto, CA 94306-2112
(650) 331-2000
lrubin@mayerbrown.com

Rachel J. Lamorte (*pro hac vice* forthcoming)
1999 K Street, NW
Washington, DC 20006-1101
(202) 263-3000
rlamorte@mayerbrown.com

Robert C. Double III (*pro hac vice* forthcoming)
333 South Grand Avenue, 47th Floor
Los Angeles, CA 90071
(213) 229-9500
rdouble@mayerbrown.com

FREE SPEECH FOR PEOPLE

Amira Mattar (*pro hac vice* forthcoming)
John Bonifaz (*pro hac vice* forthcoming)
Ben Clements (*pro hac vice* forthcoming)
Courtney Hostetler (*pro hac vice* forthcoming)
48 N. Pleasant Street, Suite 304
Amherst, MA 01002
(617) 244-0234
amira@freespeechforpeople.org
jbonifaz@freespeechforpeople.org
bclements@freespeechforpeople.org
chostetler@freespeechforpeople.org

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Woodburn and Wedge, and that on the below date, I caused a true and correct copy of the *Motion to Intervene As Defendant By NAACP Tri-State Conference Of Idaho-Nevada-Utah* to be served via U.S. Mail, postage prepaid to the following:


Brian R. Hardy, Esq.
Harry L. Arnold, Esq.
MARQUIS AURBACH
10001 Park Run Drive
Las Vegas, NV 89145
bhardy@maclaw.com
harnold@maclaw.com
Attorneys for Plaintiffs

Laena St Jules, Esq.
Senior Deputy Attorney General
100 N. Carson St.
Carson City, NV 89701
lstjules@ag.nv.gov
Attorneys for Defendant Francisco V Aguilar

Bradley S. Schragger, Esq.
Daniel Bravo, Esq.
BRAVO SCHRAGER LLP
6675 S. Tenaya Way, Ste. 200
Las Vegas, NV 89113
bradley@bravoschrager.com
daniel@bravoschrager.com

David R. Fox, Esq.
ELIAS LAW GROUP LLP
250 Massachusetts Ave. NW, Ste. 400
Washington, D.C. 20001
dfox@elias.law
Attorneys for Defendants Democratic National Committee and Nevada State Democratic Party

DATED this 31 day of October, 2024.



Mele Puletau
An employee of Woodburn and Wedge

INDEX OF EXHIBITS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

<u>Exhibit No.</u>	<u>Description</u>	<u>No. of Pages</u>
1	Declaration of Lonnie Feemster, President of the Tri-State Conference of Idaho-Nevada-Utah in support of Motion to Intervene as Defendant	6
2	Proposed Answer to Complaint by Intervenor-Defendant NAACP Tri-State Conference of Idaho-Nevada-Utah	19

EXHIBIT 1

EXHIBIT 1

1 W. Chris Wicker [NSB No. 1037]
2 Jose A. Tafoya [NSB No. 16011]
3 WOODBURN AND WEDGE
4 6100 Neil Road, Suite 500
5 Reno, NV 89511-1149
6 Tel: (775) 688-3000 | Fax: (775) 688-3088
7 wwicker@woodburnandwedge.com
8 jtafoya@woodburnandwedge.com

9
10 MAYER BROWN LLP
11 Lee Rubin (pro hac vice forthcoming)
12 Two Palo Alto Square, Suite 300
13 3000 El Camino Real
14 Palo Alto, CA 94306-2112
15 (650) 331-2000
16 lrubin@mayerbrown.com

17 Rachel J. Lamorte (pro hac vice forthcoming)
18 1999 K Street, NW
19 Washington, DC 20006-1101
20 (202) 263-3000
21 rlamorte@mayerbrown.com

22 Robert C. Double III (pro hac vice forthcoming)
23 333 South Grand Avenue, 47th Floor
24 Los Angeles, CA 90071
25 (213) 229-9500
26 rdouble@mayerbrown.com

27 [Additional Counsel Listed on Signature Page]

28 *Attorneys for NAACP Tri-State Conference of Idaho-Nevada-Utah*

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR CARSON CITY

20 ZENAIDA DAGUSEN, an individual;
21 REPUBLICAN NATIONAL
22 COMMITTEE; NEVADA REPUBLICAN
23 PARTY; and DONALD J. TRUMP FOR
24 PRESIDENT 2024, INC.

Plaintiffs,

v.

25 FRANCISCO AGUILAR, in his official
26 capacity as Nevada Secretary of State;

CASE NO.: 24-OC-001531B

DEPT. NO.: 1

1 DEMOCRATIC NATIONAL
2 COMMITTEE; and NEVADA STATE
3 DEMOCRATIC PARTY,
4 Defendants.

4 **DECLARATION OF LONNIE FEEMSTER, PRESIDENT OF THE TRI-STATE**
5 **IDAHO, NEVADA, AND UTAH CONFERENCE OF THE NAACP IN SUPPORT OF**
6 **MOTION TO INTERVENE AS DEFENDANT**

6 I, Lonnie Feemster, swear under penalty of perjury under the law of the State of Nevada
7 that the following information is true to the best of my knowledge and declare as follows:

8 1. I am over the age of 18 years, have personal knowledge of the matters stated
9 herein, am competent to make this declaration, and would testify to the same if called as a witness
10 in Court.

11 2. I was born and raised in Reno, Nevada and am currently a resident of Sparks,
12 Nevada.

13 3. I am the President of the Tri-State Idaho, Nevada, and Utah Conference of the
14 National Association for the Advancement of Colored People ("Tri-State NAACP"). I have
15 served as President of Tri-State NAACP since August 2024. I am authorized to speak for Tri-
16 State NAACP in this matter.

17 4. Tri-State NAACP is a state chapter of the National NAACP. The National
18 NAACP is a 501(c)(4) registered nonpartisan, nonprofit community organization dedicated to
19 eliminating racial hatred and racial discrimination through education, advocacy, and litigation.

20 5. Tri-State NAACP was founded in 1909. Tri-State NAACP is a non-partisan,
21 interracial, nonprofit membership organization with a mission to eliminate racial discrimination
22 through democratic processes and ensure the equal political, educational, social, and economic
23 rights of all persons, in particular the rights of Americans who are racial and ethnic minorities or
24 come from low economic backgrounds. Protecting and promoting the voting rights of Black
25 voters, other voters of color, and underserved communities is essential to this mission.

26 6. Tri-State NAACP is one of the largest, most significant organizations promoting
27 and protecting the civil rights of African Americans and other racial and ethnic minorities in

28

1 Nevada, as well as Americans of low socio-economic backgrounds and naturalized citizens,
2 regardless of partisan affiliation.

3 7. In pursuit of its core mission, Tri-State NAACP engages in voter registration,
4 voter education, and get-out-the-vote activities, expending considerable resources towards
5 ensuring that eligible voters in Nevada, particularly voters in traditionally disenfranchised
6 communities, can exercise their right to vote, free from unlawful interference and intimidation.

7 8. As President of Tri-State NAACP, my office is located in Sparks, Nevada.
8 Tri-State NAACP has two branches and two chapters throughout the State.

9 9. At this time, Tri-State NAACP has nearly 650 members in Nevada.

10 10. Tri-State NAACP's members, including those who are registered voters, are in at
11 least five counties in Nevada.

12 11. Tri-State NAACP's membership is comprised of predominately Black, Latino,
13 and individuals in other underrepresented groups. The membership also includes individuals
14 from low socio-economic backgrounds and naturalized U.S. citizens. Many of Tri-State
15 NAACP's members are registered voters throughout the state.

16 12. A number of Tri-State NAACP's members in Nevada are naturalized U.S.
17 citizens, including members from Argentina, Belize, Brazil, Colombia, Haiti, Mexico, and
18 Nigeria.

19 13. Ahead of the November 2024 General Election, Tri-State NAACP has been
20 holding get-out-the-vote events, registering prospective voters, advising its members and
21 broader constituents to check their voter registration, and planning its Souls-to-the-Polls
22 programs.

23 14. Tri-State NAACP has helped hundreds of individuals to register to vote in 2024.
24 These individuals are those who previously did not know how to access their right to vote, or
25 those who became eligible to vote as naturalized U.S. citizens.

26 15. Many Tri-State NAACP members plan to vote in the upcoming General Election.
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

16. I am aware about the lawsuit filed just 55 days before the General Election by the Republican National Committee (“RNC”), Nevada Republican Party, and Donald J. Trump For President 2024, Inc. (“Trump Campaign”). I am alarmed by the relief sought by these parties, because they seek to prevent registered voters whom they suspect to be noncitizens from voting, based on combing through data, in some instances outdated, maintained by the federal government, Nevada courts, and state agencies, like the Department of Motor Vehicles. In addition, the parties do not specify entirely the data to be used in these checks.

17. We are so close to the General Election—less than one week away, in fact. The relief sought in this case is impractical to implement before the election. In fact, I believe that the relief, if granted, will be disastrous for our members who plan to vote in in the General Election.

18. Tri-State NAACP’s members will be harmed because registered voters, including those who have previously voted and those who plan to vote for the first time, will be intimidated before casting their vote because they may be concerned whether they will be impacted by the Plaintiffs’ requested relief right before the General Election. Furthermore, it also suggests that there is widespread illegal voting in Nevada, even though I am not aware of any evidence to support that. Unsubstantiated claims of widespread noncitizen voting activity harm the immigrant communities that we work with, and it impacts Tri-State NAACP’s mission to eliminate racial discrimination.

19. The relief sought also directly frustrates Tri-State NAACP’s mission. Tri-State NAACP works hard to register prospective voters, to educate them of their right to vote free from unlawful interference and intimidation, and is now planning to mobilize these voters to the polls. These last-minute challenges have the potential to disenfranchise Tri-State NAACP’s members and constituents. It will undo much of the hard work that Tri-State NAACP has done.

20. Tri-State NAACP has limited staff and volunteer resources to troubleshoot any issues that arise if members find out that they will be prevented from voting because of inaccurate databases. Tri-State NAACP also has limited insight into whether their members will be purged

1 by the relief sought because the RNC, Nevada Republican Party, and Trump Campaign have
2 failed to identify the more than 6,000 voters they seek to prevent from voting and do not specify
3 entirely which data will be used to identify potential noncitizen voters. Our staff time so far has
4 been dedicated to registering, educating, and activating voters for the upcoming General
5 Election. And after the General Election, we plan to spend the bulk of our time helping voters
6 who cast provisional ballots to cure those ballots. But with this looming litigation, we must divert
7 our limited resources towards new issues that will arise from the permanent injunction sought in
8 this case.

9 21. These tasks will be challenging and resource-intensive, especially in our
10 marginalized constituencies. Those vulnerable voters have less time and resources to fight
11 against any uncertainty and confusion that will be caused by this change in voter roll. To that
12 end, Tri-State NAACP's resources will be stretched thin. We spend a lot of our limited time,
13 resources, and staff helping voters who cast provisional ballots at the polls cure those ballots in
14 the days after the General Election. And we will not be able to do so at the same degree if we
15 have to deal with the consequences of this litigation.

16 //

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

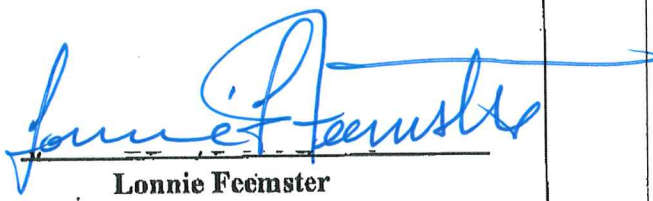
27 //

28

1 22. Tri-State NAACP's work relating to other initiatives in the criminal justice and
2 economic justice spaces would also suffer if we were forced to spend considerable resources
3 responding to last minute mass voter challenges.

4 I, Lonnie Feemster, declare under penalty of perjury under the law of the State of Nevada
5 that the foregoing is true and correct.

6
7
8 Executed on October 9 2024


Lonnie Feemster

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 2

EXHIBIT 2

1 W. Chris Wicker [NSB No. 1037]
2 Jose A. Tafoya [NSB No. 16011]
3 WOODBURN AND WEDGE
4 6100 Neil Road, Suite 500
5 Reno, NV 89511-1149
6 Tel: (775) 688-3000 | Fax: (775) 688-3088
7 wwicker@woodburnandwedge.com
8 jtafoya@woodburnandwedge.com

9 MAYER BROWN LLP
10 Lee Rubin (pro hac vice forthcoming)
11 Two Palo Alto Square, Suite 300
12 3000 El Camino Real
13 Palo Alto, CA 94306-2112
14 (650) 331-2000
15 lrubin@mayerbrown.com
16 Rachel J. Lamorte (pro hac vice forthcoming)
17 1999 K Street, NW
18 Washington, DC 20006-1101
19 (202) 263-3000
20 rlamorte@mayerbrown.com
21 Robert C. Double III (pro hac vice forthcoming)
22 333 South Grand Avenue, 47th Floor
23 Los Angeles, CA 90071
24 (213) 229-9500
25 rdouble@mayerbrown.com

26 FREE SPEECH FOR PEOPLE
27 Amira Mattar (*pro hac vice* forthcoming)
28 John Bonifaz (*pro hac vice* forthcoming)
Ben Clements (*pro hac vice* forthcoming)
Courtney Hostetler (*pro hac vice* forthcoming)
48 N. Pleasant Street, Suite 304
Amherst, MA 01002
(617) 244-0234

Attorneys for NAACP Tri-State Conference of Idaho-Nevada-Utah

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR CARSON CITY

ZENAIDA DAGUSEN, an individual;
REPUBLICAN NATIONAL COMMITTEE;
NEVADA REPUBLICAN PARTY; and
DONALD J. TRUMP FOR PRESIDENT
2024, INC.

CASE NO.: 24-OC-001531B

DEPT. NO.: 1

Plaintiffs,

vs.

FRANCISCO AGUILAR, in his official
capacity as Nevada Secretary of State;

1 DEMOCRATIC NATIONAL
2 COMMITTEE; and NEVADA STATE
3 DEMOCRATIC PARTY,

4 Defendants.

5 **ANSWER TO COMPLAINT BY INTERVENOR-DEFENDANT NAACP**
6 **TRI-STATE CONFERENCE OF IDAHO-NEVADA-UTAH**

7 Intervenor-Defendant NAACP Tri-State Conference of Idaho-Nevada-Utah (“Tri-State
8 NAACP”), by and through their attorneys, submit the following Proposed Answer to Plaintiffs’
9 Complaint for Declaratory and Injunctive Relief (“Complaint”). Tri-State NAACP responds to
10 the allegations in the Complaint as follows:

11 **INTRODUCTION**

12 1. The allegations in Paragraph 1 state legal conclusions to which no response is
13 required. To the extent any response is required, Tri-State NAACP admits that United States
14 citizenship is a requirement to vote in federal, state, and local elections in Nevada. Tri-State
15 NAACP lacks knowledge or information sufficient to form a belief as to the truth of the
16 remaining allegations in Paragraph 1 and therefore denies them.

17 2. The allegations in Paragraph 2 state legal conclusions to which no response is
18 required. To the extent any response is required, Tri-State NAACP admits that United States
19 citizenship is a requirement to vote in federal, state, and local elections in Nevada. Tri-State
20 NAACP lacks knowledge or information sufficient to form a belief as to the truth of the
21 remaining allegations in Paragraph 2 and therefore denies them.

22 3. The allegations in Paragraph 3 state legal conclusions to which no response is
23 required. To the extent any response is required, Tri-State NAACP admits that United States
24 citizenship is a requirement to vote in federal, state, and local elections in Nevada. Upon
25 information and belief, Tri-State NAACP denies that noncitizens are “registered and voting in
26 Nevada elections.” Tri-State NAACP lacks knowledge or information sufficient to form a belief
27 as to the truth of the remaining allegations in Paragraph 3 and therefore denies them.

28 4. The allegations in Paragraph 4 state legal conclusions to which no response is
required. To the extent any response is required, upon information and belief, Tri-State NAACP

1 denies that “[p]ast and recent evidence shows that noncitizen registration is worsening.” Tri-
2 State NAACP lacks knowledge or information sufficient to form a belief as to the truth of the
3 remaining allegations in Paragraph 4 and therefore denies them.

4 5. The allegations in Paragraph 5 state legal conclusions to which no response is
5 required. Tri-State NAACP lacks knowledge or information sufficient to form a belief as to the
6 truth of the remaining allegations in Paragraph 5 and therefore denies them.

7 6. The allegations in Paragraph 6 state legal conclusions to which no response is
8 required. To the extent any response is required, Tri-State NAACP admits that “legally present,”
9 noncitizen “immigrants . . . cannot legally vote in Nevada elections.” Tri-State NAACP also
10 admits that Section 1 of Article 2 of the Constitution of the State of Nevada exists and that the
11 Complaint purports to characterize such source. Tri-State NAACP lacks knowledge or
12 information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 6
13 and therefore denies them.

14 7. Tri-State NAACP lacks knowledge or information sufficient to form a belief as
15 to the truth of the allegations in Paragraph 7 regarding Individual Plaintiff’s residency and voter
16 registration status, and therefore denies them. The remaining allegations in Paragraph 7 state
17 legal conclusions to which no response is required.

18 8. Tri-State NAACP lacks knowledge or information sufficient to form a belief as
19 to the truth of the allegations in Paragraph 8 regarding the composition of the Republican Party
20 Plaintiffs’ membership and therefore denies them. The remaining allegations in Paragraph 8 state
21 legal conclusions to which no response is required.

22 9. Tri-State NAACP lacks knowledge or information sufficient to form a belief as
23 to the truth of the allegations in Paragraph 9 and therefore denies them.

24 10. The allegations in Paragraph 10 state legal conclusions to which no response is
25 required. To the extent any response is required, Tri-State NAACP lacks knowledge or
26 information sufficient to form a belief as to the truth of the remaining allegations in Paragraph
27 10 and therefore denies them.

1 **JURISDICTION AND VENUE**

2 11. The allegations in Paragraph 11 state legal conclusions to which no response is
3 required. To the extent any response is required, Tri-State NAACP admits that this action is
4 “against a public officer” and denies the remaining allegations in Paragraph 11.

5 **PARTIES**

6 12. Tri-State NAACP lacks knowledge and information sufficient to form a belief as
7 to the truth of the allegations in Paragraph 12 and therefore denies them.

8 13. Tri-State NAACP lacks knowledge or information sufficient to form a belief as
9 to the truth of the allegations in Paragraph 13 and therefore denies them.

10 14. Tri-State NAACP lacks knowledge or information sufficient to form a belief as
11 to the truth of the allegations in Paragraph 14 and therefore denies them.

12 15. Tri-State NAACP lacks knowledge and information sufficient to form a belief as
13 to the truth of the allegations in Paragraph 15 and therefore denies them.

14 16. Tri-State NAACP admits that “[i]n November 2024,” Republican “candidates
15 will appear on the ballot in Nevada for election to the Presidency, U.S. Senate, and U.S. House
16 of Representatives.” Tri-State NAACP lacks knowledge or information sufficient to form a
17 belief as to the truth of the remaining allegations in Paragraph 16 and therefore denies them.

18 17. The allegations in Paragraph 17 state legal conclusions to which no response is
19 required. To the extent any response is required, Tri-State NAACP lacks knowledge or
20 information sufficient to form a belief as to the truth of the allegations in Paragraph 17 and
21 therefore denies them.

22 18. Tri-State NAACP lacks knowledge and information sufficient to form a belief as
23 to the truth of the allegations in Paragraph 18 and therefore denies them.

24 19. Tri-State NAACP lacks knowledge and information sufficient to form a belief as
25 to the truth of the allegations in Paragraph 19 and therefore denies them.

26 20. The allegations in Paragraph 20 state legal conclusions to which no response is
27 required. To the extent any response is required, Tri-State NAACP lacks knowledge or

1 information sufficient to form a belief as to the truth of the allegations in Paragraph 20 and
2 therefore denies them.

3 21. The allegations in Paragraph 21 states a legal conclusion to which no response is
4 required. To the extent any response is required, Tri-State NAACP admits that “Donald J. Trump
5 is a candidate for President on the ballot for the 2024 Nevada general election.” Tri-State
6 NAACP lacks knowledge or information sufficient to form a belief as to the truth of the
7 remaining allegations in Paragraph 21 and therefore denies them.

8 22. The allegations in Paragraph 22 state legal conclusions to which no response is
9 required. To the extent any response is required, Tri-State NAACP admits Francisco Aguilar is
10 the Secretary of State of Nevada and is being sued in his official capacity. Tri-State NAACP also
11 admits that the NRS 293.124 exists and that the Complaint purports to characterize such source.
12 Tri-State NAACP lacks knowledge or information sufficient to form a belief as to the truth of
13 the remaining allegations in Paragraph 22 and therefore denies them.

14 23. The allegations in Paragraph 23 state legal conclusions to which no response is
15 required. To the extent any response is required, Tri-State NAACP admits that the “Democratic
16 National Committee and Nevada State Democratic Party are political parties.” Tri-State NAACP
17 also admits that the cases cited in Paragraph 23 exist and that the Complaint purports to
18 characterize such sources. Tri-State NAACP lacks knowledge or information sufficient to form
19 a belief as to the truth of the remaining allegations in Paragraph 23 and therefore denies them.

20 **FACTUAL BACKGROUND**

21 **I. Voter registration in Nevada**

22 24. The allegations in Paragraph 24 state legal conclusions to which no response is
23 required. To the extent any response is required, Tri-State NAACP admits the allegations in
24 Paragraph 24.

25 25. The allegations in Paragraph 25 state legal conclusions to which no response is
26 required. To the extent any response is required, Tri-State NAACP admits the allegations in
27 Paragraph 25.

1 26. The allegations in Paragraph 26 state legal conclusions to which no response is
2 required. To the extent any response is required, Tri-State NAACP admits the allegations in
3 Paragraph 26.

4 27. The allegations in Paragraph 27 state legal conclusions to which no response is
5 required. To the extent any response is required, Tri-State NAACP denies the allegations in
6 Paragraph 27 because the quoted text is a selective, inaccurate, and incomplete recitation of NRS
7 293.485(1).

8 28. The allegations in Paragraph 28 state legal conclusions to which no response is
9 required. To the extent any response is required, Tri-State NAACP denies the allegations in
10 Paragraph 28 because the quoted text is a selective, inaccurate, and incomplete recitation of NRS
11 293.675(1) and §293.675(3)(d).

12 29. The allegations in Paragraph 29 state legal conclusions to which no response is
13 required. To the extent any response is required, Tri-State NAACP denies the allegations in
14 Paragraph 29 because the quoted text is a selective, inaccurate, and incomplete recitation of NAC
15 293.472.

16 30. The allegations in Paragraph 30 state legal conclusions to which no response is
17 required. To the extent any response is required, Tri-State NAACP admits that NRS
18 293.675(3)(c) and NAC 293.472 exist and that the Complaint purports to characterize such
19 source.

20 31. The allegations in Paragraph 31 state legal conclusions to which no response is
21 required. To the extent any response is required, Tri-State NAACP admits that Paragraph 31
22 accurately quotes the excerpted portion of NRS 293.055.

23 32. The allegations in Paragraph 32 state legal conclusions to which no response is
24 required. To the extent any response is required, Tri-State NAACP lacks knowledge or
25 information sufficient to form a belief as to the truth of the allegations in Paragraph 32 and
26 therefore denies them.

27 33. The allegations in Paragraph 33 state legal conclusions to which no response is
28 required. To the extent any response is required, Tri-State NAACP denies the allegations in

1 Paragraph 33 because the quoted text is a selective, inaccurate, and incomplete recitation of NRS
2 293.675(3)(i).

3 34. The allegations in Paragraph 34 state legal conclusions to which no response is
4 required. To the extent any response is required, Tri-State NAACP admits that Paragraph 34
5 accurately quotes the excerpted portion of NRS 293.124(1).

6 35. Tri-State NAACP admits that the quoted website exists and that the Complaint
7 purports to characterize such source. Tri-State NAACP lacks knowledge or information
8 sufficient to form a belief as to the truth of the remaining allegations in Paragraph 35 and
9 therefore denies them.

10 36. The allegations in Paragraph 36 state legal conclusions to which no response is
11 required. To the extent any response is required, Tri-State NAACP lacks knowledge or
12 information sufficient to form a belief as to the truth of the allegations in Paragraph 36 and
13 therefore denies them.

14 37. The allegations in Paragraph 37 state legal conclusions to which no response is
15 required. To the extent any response is required, Tri-State NAACP denies the allegations in
16 Paragraph 37 because the quoted text is a selective, inaccurate, and incomplete recitation of NRS
17 293.485(1).

18 38. The allegations in Paragraph 38 state legal conclusions to which no response is
19 required. To the extent any response is required, Tri-State NAACP denies the allegations in
20 Paragraph 38 because the quoted text is a selective, inaccurate, and incomplete recitation of NAC
21 293.464.

22 39. The allegations in Paragraph 39 state legal conclusions to which no response is
23 required. To the extent any response is required, Tri-State NAACP denies the allegations in the
24 first sentence of Paragraph 39 because the quoted text is a selective, inaccurate, and incomplete
25 recitation of NRS 293.124(2). Tri-State NAACP lacks knowledge or information sufficient to
26 form a belief as to the truth of the remaining allegations in the second sentence of Paragraph 39
27 and therefore denies them.

1 **II. Nevada's Voter Registration Process**

2 40. Tri-State NAACP admits the allegations in Paragraph 40.

3 41. The allegations in Paragraph 41 state legal conclusions to which no response is
4 required. To the extent any response is required, Tri-State NAACP admits that NRS
5 293.517(1)(a) and NRS 293.517(1) exist and that the Complaint purports to characterize such
6 sources.

7 42. The allegations in Paragraph 42 state legal conclusions to which no response is
8 required. To the extent any response is required, Tri-State NAACP admits that NRS 293.5742(1)
9 exists and that the Complaint purports to characterize such source.

10 43. The allegations in Paragraph 43 state legal conclusions to which no response is
11 required. To the extent any response is required, Tri-State NAACP admits that NRS 93.5742(1)
12 exists and that the Complaint purports to characterize such source.

13 44. The allegations in Paragraph 44 state legal conclusions to which no response is
14 required. To the extent any response is required, Tri-State NAACP admits that NRS 293.5742(2)
15 exists and that the Complaint purports to characterize such source.

16 45. The allegations in Paragraph 45 state legal conclusions to which no response is
17 required. To the extent any response is required, Tri-State NAACP admits that Paragraph 45
18 accurately quotes the excerpted portion of NRS 293.5752(2).

19 46. The allegations in Paragraph 46 state legal conclusions to which no response is
20 required. To the extent any response is required, Tri-State NAACP admits that NRS
21 293.5752(1)(c) exists and that the Complaint purports to characterize such source.

22 47. The allegations in Paragraph 47 state legal conclusions to which no response is
23 required. To the extent any response is required, Tri-State NAACP admits that NRS 483.290
24 exists and that the Complaint purports to characterize such source.

25 48. The allegations in Paragraph 48 state legal conclusions to which no response is
26 required. To the extent any response is required, Tri-State NAACP admits NRS 483.290(7)(b)
27 exists and that the Complaint purports to characterize such source.

1 49. Tri-State NAACP lacks knowledge or information sufficient to form a belief as
2 to the truth of the allegations in Paragraph 49 and therefore denies them.

3 50. Tri-State NAACP lacks knowledge or information sufficient to form a belief as
4 to the truth of the allegations in Paragraph 50 and therefore denies them.

5 51. Tri-State NAACP lacks knowledge or information sufficient to form a belief as
6 to the truth of the allegations in Paragraph 51 and therefore denies them.

7 52. Tri-State NAACP lacks knowledge or information sufficient to form a belief as
8 to the truth of the allegations in Paragraph 52 and therefore denies them.

9 53. The allegations in Paragraph 53 state legal conclusions to which no response is
10 required. To the extent any response is required, Tri-State NAACP admits NAC 293.408 exists
11 and that the Complaint purports to characterize such source.

12 54. The allegations in Paragraph 54 state legal conclusions to which no response is
13 required. To the extent any response is required, Tri-State NAACP admits NAC §§ 293.409(I)(b)
14 and 293.408 exist and that the Complaint purports to characterize such sources.

15 55. The allegations in Paragraph 55 state legal conclusions to which no response is
16 required. To the extent any response is required, Tri-State NAACP admits NAC § 293.409(3)
17 exists and that the Complaint purports to characterize such source.

18 **III. The Secretary is failing to ensure that noncitizens are not registered to vote.**

19 56. Tri-State NAACP admits that the press release cited in Paragraph 56 exists and
20 that the Complaint purports to characterize such source. Tri-State NAACP lacks knowledge or
21 information sufficient to form a belief as to the truth of the remaining allegations in Paragraph
22 56 and therefore denies them.

23 57. Tri-State NAACP admits that the press release quoted in Paragraph 57 exists and
24 that the Complaint purports to characterize such source. Tri-State NAACP lacks knowledge or
25 information sufficient to form a belief as to the truth of the remaining allegations in Paragraph
26 57 and therefore denies them.

27 58. Tri-State NAACP lacks knowledge or information sufficient to form a belief as
28 to the truth of the allegations in Paragraph 58 and therefore denies them.

1 59. Tri-State NAACP lacks knowledge or information sufficient to form a belief as
2 to the truth of the allegations in Paragraph 59 and therefore denies them.

3 60. Tri-State NAACP lacks knowledge or information sufficient to form a belief as
4 to the truth of the allegations in Paragraph 60 and therefore denies them.

5 61. Tri-State NAACP lacks knowledge or information sufficient to form a belief as
6 to the truth of the allegations in Paragraph 61 and therefore denies them.

7 62. Tri-State NAACP lacks knowledge or information sufficient to form a belief as
8 to the truth of the allegations in Paragraph 62 and therefore denies them.

9 63. Tri-State NAACP lacks knowledge or information sufficient to form a belief as
10 to the truth of the allegations in Paragraph 63 and therefore denies them.

11 64. Tri-State NAACP lacks knowledge or information sufficient to form a belief as
12 to the truth of the allegations in Paragraph 64 and therefore denies them.

13 65. The allegations in Paragraph 65 state legal conclusions to which no response is
14 required. To the extent any response is required, Tri-State NAACP admits that the case cited in
15 Paragraph 65 exists and that the Complaint purports to characterize such source. Tri-State
16 NAACP lacks knowledge or information sufficient to form a belief as to the truth of the
17 remaining allegations in Paragraph 65 and therefore denies them.

18 66. Tri-State NAACP lacks knowledge or information sufficient to form a belief as
19 to the truth of the allegations in Paragraph 66 and therefore denies them.

20 67. Tri-State NAACP lacks knowledge or information sufficient to form a belief as
21 to the truth of the allegations in Paragraph 67 and therefore denies them.

22 68. Tri-State NAACP lacks knowledge or information sufficient to form a belief as
23 to the truth of the allegations in Paragraph 68 and therefore denies them.

24 69. Tri-State NAACP lacks knowledge or information sufficient to form a belief as
25 to the truth of the allegations in Paragraph 69 and therefore denies them.

26 70. Tri-State NAACP lacks knowledge or information sufficient to form a belief as
27 to the truth of the allegations in Paragraph 70 and therefore denies them.

1 71. Tri-State NAACP lacks knowledge or information sufficient to form a belief as
2 to the truth of the allegations in Paragraph 71 and therefore denies them.

3 72. Tri-State NAACP lacks knowledge or information sufficient to form a belief as
4 to the truth of the allegations in Paragraph 72 and therefore denies them.

5 73. Tri-State NAACP lacks knowledge or information sufficient to form a belief as
6 to the truth of the allegations in Paragraph 73 and therefore denies them.

7 74. Tri-State NAACP lacks knowledge or information sufficient to form a belief as
8 to the truth of the allegations in Paragraph 74 and therefore denies them.

9 75. Tri-State NAACP lacks knowledge or information sufficient to form a belief as
10 to the truth of the allegations in Paragraph 75 and therefore denies them.

11 76. Tri-State NAACP lacks knowledge or information sufficient to form a belief as
12 to the truth of the allegations in Paragraph 76 and therefore denies them.

13 77. Tri-State NAACP lacks knowledge or information sufficient to form a belief as
14 to the truth of the allegations in Paragraph 77 and therefore denies them.

15 78. The allegations in Paragraph 78 state legal conclusions to which no response is
16 required. To the extent any response is required, Tri-State NAACP admits that Paragraph 78
17 accurately quotes the excerpted portion of NRS 6.045(3)(a).

18 79. Tri-State NAACP lacks knowledge or information sufficient to form a belief as
19 to the truth of the allegations in Paragraph 79 and therefore denies them.

20 80. Tri-State NAACP lacks knowledge or information sufficient to form a belief as
21 to the truth of the allegations in Paragraph 80 and therefore denies them.

22 81. The allegations in Paragraph 81 state legal conclusions to which no response is
23 required. To the extent a response is required, Tri-State NAACP lacks knowledge or information
24 sufficient to form a belief as to the truth of the allegations in Paragraph 81 and therefore denies
25 them.

26 82. The allegations in Paragraph 82 state legal conclusions to which no response is
27 required. To the extent a response is required, Tri-State NAACP lacks knowledge or information

1 sufficient to form a belief as to the truth of the allegations in Paragraph 82 and therefore denies
2 them.

3 83. The allegations in Paragraph 83 state legal conclusions to which no response is
4 required. To the extent a response is required, Tri-State NAACP lacks knowledge or information
5 sufficient to form a belief as to the truth of the allegations in Paragraph 83 and therefore denies
6 them.

7 84. The allegations in Paragraph 84 state legal conclusions to which no response is
8 required. To the extent a response is required, Tri-State NAACP lacks knowledge or information
9 sufficient to form a belief as to the truth of the allegations in Paragraph 84 and therefore denies
10 them.

11 85. The allegations in Paragraph 85 state legal conclusions to which no response is
12 required. To the extent a response is required, Tri-State NAACP lacks knowledge or information
13 sufficient to form a belief as to the truth of the allegations in Paragraph 85 and therefore denies
14 them.

15 86. The allegations in Paragraph 86 state legal conclusions to which no response is
16 required. To the extent a response is required, Tri-State NAACP lacks knowledge or information
17 sufficient to form a belief as to the truth of the allegations in Paragraph 86 and therefore denies
18 them.

19 87. The allegations in Paragraph 87 state legal conclusions to which no response is
20 required. To the extent a response is required, Tri-State NAACP lacks knowledge or information
21 sufficient to form a belief as to the truth of the allegations in Paragraph 87 and therefore denies
22 them.

23 88. Tri-State NAACP lacks knowledge or information sufficient to form a belief as
24 to the truth of the allegations in Paragraph 88 and therefore denies them.

25 89. Tri-State NAACP lacks knowledge or information sufficient to form a belief as
26 to the truth of the remaining allegations in Paragraph 89 and therefore denies them.

27 90. Tri-State NAACP denies the allegations in Paragraph 90.

1 **IV. The Secretary's violations disproportionately dilutes the Individual Plaintiffs vote**
2 **as a Republican voter as well as those of all eligible Nevada Republican voters.**

3 91. The allegations in Paragraph 91 state legal conclusions to which no response is
4 required. To the extent any response is required, Tri-State NAACP denies the allegations in
5 Paragraph 91.

6 92. The allegations in Paragraph 92 state legal conclusions to which no response is
7 required. To the extent any response is required, Tri-State NAACP denies the allegations in
8 Paragraph 92.

9 93. Tri-State NAACP lacks knowledge or information sufficient to form a belief as
10 to the truth of the allegations in Paragraph 93 and therefore denies them.

11 94. Tri-State NAACP lacks knowledge or information sufficient to form a belief as
12 to the truth of the allegations in Paragraph 94 and therefore denies them.

13 95. Tri-State NAACP lacks knowledge or information sufficient to form a belief as
14 to the truth of the allegations in Paragraph 95 and therefore denies them.

15 96. Tri-State NAACP lacks knowledge or information sufficient to form a belief as
16 to the truth of the allegations in Paragraph 96 and therefore denies them.

17 97. The allegations in Paragraph 97 state legal conclusions to which no response is
18 required. To the extent any response is required, Tri-State NAACP denies the allegations in
19 Paragraph 97.

20 98. Tri-State NAACP lacks knowledge or information sufficient to form a belief as
21 to the truth of the allegations in Paragraph 98 and therefore denies them.

22 99. Tri-State NAACP lacks knowledge or information sufficient to form a belief as
23 to the truth of the allegations in Paragraph 99 and therefore denies them.

24 100. The allegations in Paragraph 100 state legal conclusions to which no response is
25 required. To the extent any response is required, Tri-State NAACP denies the allegations in
26 Paragraph 100.

27 101. The allegations in Paragraph 101 state legal conclusions to which no response is
28 required. To the extent any response is required, upon information and belief, Tri-State NAACP

1 denies that the Secretary has “failed to ensure that only U.S citizens are on the voter registration
2 lists.” Tri-State NAACP lacks knowledge or information sufficient to form a belief as to the truth
3 of the remaining allegations in Paragraph 101 and therefore denies them.

4 102. Tri-State NAACP denies the allegations in Paragraph 102.

5 **COUNT I**

6 **Equal Protection Under the Nevada Constitution (Nev. Const. art. IV, §21)**

7 103. In response to Paragraph 103, Tri-State NAACP repeats, realleges, and
8 incorporates its responses to each and every paragraph above.

9 104. The allegations in Paragraph 104 state legal conclusions to which no response is
10 required. To the extent any response is required, Tri-State NAACP admits that Article IV,
11 Section 21 of the Nevada Constitution exists and that the Complaint purports to characterize
12 such source.

13 105. The allegations in Paragraph 105 state legal conclusions to which no response is
14 required. To the extent any response is required, Tri-State NAACP admits that Article IV,
15 Section 21 of the Nevada Constitution and the case cited in Paragraph 105 exist and that the
16 Complaint purports to characterize such sources.

17 106. The allegations in Paragraph 106 state legal conclusions to which no response is
18 required. To the extent any response is required, Tri-State NAACP admits that the cases cited in
19 Paragraph 106 exist and that the Complaint purports to characterize such sources.

20 107. The allegations in Paragraph 107 states legal conclusions to which no response is
21 required. To the extent any response is required, Tri-State NAACP admits that the cases cited in
22 Paragraph 107 exist and that the Complaint purports to characterize such source.

23 108. The allegations in Paragraph 108 state legal conclusions to which no response is
24 required. To the extent any response is required, Tri-State NAACP admits that the case cited in
25 Paragraph 108 exists and that the Complaint purports to characterize such source.

26 109. The allegations in Paragraph 109 state legal conclusions to which no response is
27 required. To the extent any response is required, Tri-State NAACP denies the allegations in
28 Paragraph 109.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COUNT III

Right to Vote Under the Nevada Constitution

(Nev. Const. art. II, §1)

118. In response to Paragraph 118, Tri-State NAACP repeats, realleges, and incorporates its responses to each and every paragraph above.

119. The allegations in Paragraph 119 state legal conclusions to which no response is required. To the extent any response is required, Tri-State NAACP admits that Article II, Section 1 of the Nevada Constitution exists and that the Complaint purports to characterize such source.

120. The allegations in Paragraph 120 state legal conclusions to which no response is required. To the extent any response is required, Tri-State NAACP admits that the cases cited in Paragraph 120 exist and that the Complaint purports to characterize such sources.

121. The allegations in Paragraph 121 state legal conclusions to which no response is required. To the extent any response is required, Tri-State NAACP denies the allegations in Paragraph 121.

122. The allegations in Paragraph 122 state legal conclusions to which no response is required. To the extent any response is required, Tri-State NAACP denies the allegations in Paragraph 122.

COUNT IV

Declaratory Judgment (NRS 30.040)

123. In response to Paragraph 123, Tri-State NAACP repeats, realleges, and incorporates its responses to each and every paragraph above.

124. The allegations in Paragraph 124 state legal conclusions to which no response is required. To the extent any response is required, Tri-State NAACP admits that Paragraph 124 accurately quotes the excerpted portion of NRS 30.040(1).

125. The allegations in Paragraph 125 state legal conclusions to which no response is required. To the extent any response is required, Tri-State NAACP denies the allegations in Paragraph 125 because the quoted text is a selective, inaccurate, and incomplete recitation of NRS 293.675(3)(i).

1 126. The allegations in Paragraph 126 state legal conclusions to which no response is
2 required. To the extent any response is required, Tri-State NAACP denies the allegations in
3 Paragraph 126 because the quoted text is a selective, inaccurate, and incomplete recitation of
4 NRS 293.124(2).

5 127. The allegations in Paragraph 127 state legal conclusions to which no response is
6 required. To the extent any response is required, Tri-State NAACP denies the allegations in
7 Paragraph 127.

8 128. The allegations in Paragraph 128 state legal conclusions to which no response is
9 required. To the extent any response is required, Tri-State NAACP denies the allegations in
10 Paragraph 128.

11 GENERAL DENIAL

12 Tri-State NAACP denies every allegation in the Petition that is not expressly admitted
13 herein.

14 AFFIRMATIVE DEFENSES

15 Tri-State NAACP sets forth affirmative defenses without assuming the burden of proving
16 any fact, issue, or element of a cause of action where such burden properly belongs to Petitioners.
17 Moreover, nothing stated here is intended or shall be construed as an admission that any
18 particular issue or subject matter is relevant to the allegations in the Petition. Tri-State NAACP
19 reserves the right to amend or supplement its affirmative defenses as additional facts concerning
20 defenses become known.

21 Tri-State NAACP asserts the following affirmative defenses:

- 22 1. Plaintiffs fail to state a claim upon which relief can be granted.
- 23 2. Plaintiffs lack standing to pursue their claims.
- 24 3. There is no ripe controversy between the parties.
- 25 4. Plaintiffs' claims are barred because the relief sought violates the National Voter
26 Registration Act.
- 27 5. Plaintiffs' claims are barred by the doctrine of laches.
- 28 6. Plaintiffs' claims are barred by the *Purcell* principle.

1 7. Plaintiffs' requested relief will result in unconstitutionally depriving U.S. citizens
2 who are eligible voters of their right to vote.

3 **PRAYER FOR RELIEF**

4 **WHEREFORE**, Tri-State NAACP respectfully prays that the Court grant and award
5 Tri-State NAACP the following relief against Plaintiffs:

- 6 A. Deny that Plaintiffs are entitled to any relief;
- 7 B. Dismiss the Complaint in its entirety, with prejudice; and
- 8 C. Grant such other relief as the Court deems just and proper.

9 **AFFIRMATION**

10 Pursuant to NRS 239B.030 and 603A.040, the undersigned does hereby affirm that this
11 document does not contain the personal information of any person.

12 DATED this ____ day of October, 2024

13 WOODBURN AND WEDGE

14

15 By: _____

16 W. Chris Wicker [NSB No. 1037]
17 Jose A. Tafoya [NSB No. 16011]
18 WOODBURN AND WEDGE
19 6100 Neil Road, Suite 500
20 Reno, NV 89511-1149
21 Tel: (775) 688-3000
22 Fax: (775) 688-3088
23 wwicker@woodburnandwedge.com
24 jtafoya@woodburnandwedge.com

21 **MAYER BROWN LLP**

22 Lee Rubin (*pro hac vice* forthcoming)
23 Two Palo Alto Square, Suite 300
24 3000 El Camino Real
25 Palo Alto, CA 94306-2112
26 (650) 331-2000
27 l Rubin@mayerbrown.com

28 Rachel J. Lamorte (*pro hac vice* forthcoming)
1999 K Street, NW
Washington, DC 20006-1101
(202) 263-3000
rlamorte@mayerbrown.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Robert C. Double III (*pro hac vice* forthcoming)
333 South Grand Avenue, 47th Floor
Los Angeles, CA 90071
(213) 229-9500
rdouble@mayerbrown.com

FREE SPEECH FOR PEOPLE

John Bonifaz (*pro hac vice* forthcoming)
Ben Clements (*pro hac vice* forthcoming)
Courtney Hostetler (*pro hac vice* forthcoming)
Amira Mattar (*pro hac vice* forthcoming)
48 N. Pleasant Street, Suite 304
Amherst, MA 01002
(617) 244-0234
jbonifaz@freespeechforpeople.org
bclements@freespeechforpeople.org
chostetler@freespeechforpeople.org
amira@freespeechforpeople.org