

**In the  
Supreme Court of the State of Nevada**

Electronically Filed  
May 01 2024 01:41 PM  
Elizabeth A. Brown  
Clerk of Supreme Court

KATE FELDMAN, an individual;  
STOP PREDATORY LENDING NV,  
a Nevada nonprofit corporation,

Appellants,

vs.

NEVADANS FOR FINANCIAL  
CHOICE, a Nevada Political Action  
Committee; CHRISTINA BAUER,  
an individual; FRANCISCO V.  
AGUILAR, in his official capacity as  
Nevada Secretary of State;  
DAILYPAY, INC., a Delaware  
Corporation; PREFERRED  
CAPITAL FUNDING-NEVADA,  
LLC, a Nevada limited liability  
company; ALLIANCE FOR  
RESPONSIBLE CONSUMER  
LEGAL FUNDING, an Illinois  
nonprofit corporation;  
ACTIVEHOURS, INC., a Delaware  
corporation; and STACY PRESS, an  
individual,

Respondents.

Case No.: 88526

District Court Case No.:  
Lead Case No.: 24 OC 00018 1B

Consolidated with:

Case No.: 24 OC 00021 1B

Case No.: 24 OC 00023 1B

Case No.: 24 OC 00029 1B

**APPELLANTS' OPENING BRIEF**

BRADLEY S. SCHRAGER, ESQ. (NSB 10217)

DANIEL BRAVO, ESQ. (NSB 13078)

**BRAVO SCHRAGER LLP**

6675 S. Tenaya Way, Suite 200

Las Vegas, Nevada 89113

*Attorneys for Appellants*

BRAVO SCHRAGER LLP

**N.R.A.P. 26.1 DISCLOSURE**

Pursuant to N.R.A.P. 26.1, the undersigned counsel of record certifies that there are no persons or entities as described in N.R.A.P. 26.1(a) that must be disclosed.

The following law firm has appeared and/or is expected to appear in this Court on behalf of Appellants:

Bradley Schrager, Esq., and Daniel Bravo, Esq., of Bravo Schrager LLP.

DATED this 1st day of May, 2024.

**BRAVO SCHRAGER LLP**

By:           /s/ Bradley S. Schrager  
Bradley S. Schrager, Esq. (NSB 10217)  
Daniel Bravo, Esq. (NSB 13078)  
6675 South Tenaya Way, Suite 200  
Las Vegas, Nevada 89113  
Tele.: (702) 996-1724  
Email: bradley@bravoschrager.com  
Email: daniel@bravoschrager.com

*Attorneys for Appellants*

**TABLE OF CONTENTS**

|   | <b><u>Page</u></b> |
|---|--------------------|
| N.R.A.P. 26.1 DISCLOSURE .....  | ii                 |
| JURISDICTIONAL STATEMENT .....  | v                  |
| ROUTING STATEMENT.....  | v                  |
| I. INTRODUCTION .....   | 1                  |
| II. STATEMENT OF THE ISSUES ON APPEAL.....  | 5                  |
| III. STANDARD OF REVIEW .....   | 5                  |
| IV. STATEMENT OF THE CASE AND FACTS.....  | 6                  |
| V. ARGUMENT.....  | 9                  |
| A. Legal Standard Under NRS 295.009(1) .....  | 9                  |
| B. The District Court’s Order .....   | 11                 |
| C. The Petition Satisfies The Single-Subject Rule.....  | 13                 |
| 1. The provisions of the Petition are all functionally<br>related and germane to one another..... | 13                 |
| 2. The Petition’s subject is not excessively general .....  | 17                 |
| D. The Petition’s Description Of Effect Is Adequate.....  | 19                 |
| E. Other Issues Raised By Respondents Below .....   | 22                 |
| VI. CONCLUSION .....  | 23                 |
| CERTIFICATE OF COMPLIANCE .....   | 24                 |
| CERTIFICATE OF SERVICE.....   | 26                 |

**TABLE OF AUTHORITIES**

**Page**

**Cases**

*Educ. Initiative PAC v. Comm. to Protect Nev. Jobs*,  
129 Nev. 35, 293 P.3d 874 (2013)..... 9, 20, 21, 22

*Helton v. Nevada Voters First PAC*,  
138 Nev. Adv. Op. 45, 512 P.3d 309 (2022) ..... passim

*Las Vegas Taxpayer Accountability Comm. v. City Council*,  
125 Nev. 165, 208 P.3d 429 (2009)..... 10

*Las Vegas Taxpayer Accountability Committee v. City Council  
of Las Vegas*,  
125 Nev. 165, 208 P.3d 429 (2008)..... 19

*Nevadans for Reprod. Freedom v. Washington*,  
140 Nev. Adv. Op. 28, 2024 WL 1688083 (2024)..... 3, 16, 18

*Peck v. Zipf*,  
133 Nev. 890, 407 P.3d 775 (2017)..... 6

*Rea v. City of Reno*,  
76 Nev. 483, 357 P.2d 585 (1960)..... 9

*We People Nevada ex rel. Angle v. Miller*,  
124 Nev. 874, 192 P.3d 1166 (2008)..... 9

**Statutes**

NRS 295.009 ..... 10

## **JURISDICTIONAL STATEMENT**

This Court has jurisdiction over this appeal pursuant to N.R.A.P. 3A(b)(1) because it is an appeal from a final order resolving all claims presented to the district court, and pursuant to N.R.A.P. 3A(b)(3) because it is an appeal from an order granting an injunction. The final order was entered on April 16, 2024. The notice of appeal was filed on April 17, 2024. This appeal is timely because it was filed within thirty (30) days after the entry of the final judgment as N.R.A.P. 4(a)(1) requires.

## **ROUTING STATEMENT**

This case is presumptively retained by this Court pursuant to N.R.A.P. 17(a)(2) because it is a case involving a ballot or election question.

## I. INTRODUCTION

The issue in this appeal has been sharpened to a very fine point by the district court. On January 5, 2024, Appellants Feldman and Stop Predatory Lending NV (collectively, “SPLNV”) filed Initiative Petition S-01-2024 (the “Petition”), which sought to assist Nevada consumers by limiting interest rates on loans for borrowers and increase the exemptions and protections of assets for debtors. *See* Volume I of Appellants’ Appendix (“AA”) at 8–32.<sup>1</sup> The approach was multi-pronged but with a single purpose: provide relief from the spiral of debt that traps many needy people into seeking high-interest loans that oftentimes subsequently end up in asset-draining collection proceedings. Four plaintiffs filed suits in district court against the Petition within the statutory challenge period, making a variety of claims but primarily asserting a single-subject violation. I AA 1–32; I AA 68–144; I AA 145–204; II AA 205–261; III AA 413–465.

Later on, on January 24, 2024, SPLNV filed a second initiative, S-03-2024, which pursued only the interest rate cap. III AA 449–465. The

---

<sup>1</sup> For the Court’s convenience, citations to the Appellants’ Appendix shall be cited as “[Vol. No.] AA [Page No.]”.

measures were identical except for the excision of the asset-protection that had featured in the original Petition. *Compare* I AA 8–32 *with* III AA 449–465. Even the description of effect of the secondary, interest-cap-only initiative was precisely the same as had been included in the original Petition, only without the portions describing the asset-protection provisions. *Id.* All four plaintiffs challenged the secondary initiative also, resulting in four separate district court case numbers. I AA 68–144; I AA 145–204; II AA 205–261; III AA 413–465.

After agreements regarding consolidation, briefing, and hearing, the district court heard oral argument on March 22, 2023, where it determined that the original Petition (S-01-2024) did, in its view, violate the single-subject rule with the inclusion of the asset-protection provisions, but that the interest-rate-only initiative (S-03-2024) complied with the legal requirements of both the single-subject rule<sup>2</sup> and

---

<sup>2</sup> As to the interest-rate only initiative (S-03-2024), the district court found that “that the primary purpose of the Petition is to limit interest rates on consumer loan transactions, and that all components of the Petition are functionally related and germane to that purpose.” IV AA 777.

description of effect requirements.<sup>3</sup>

The issue on appeal here, therefore, is simple: Did the inclusion of asset-protection measures push the Petition beyond the boundary of what NRS 295.009(1), Nevada’s single-subject rule, permits? Appellants here contend those inclusions did not create a single-subject problem, and that under this Court’s jurisprudence stemming from *Helton v. Nevada Voters First PAC*, 138 Nev. Adv. Op. 45, 512 P.3d 309 (2022), and, most recently, *Nevadans for Reprod. Freedom v. Washington*, 140 Nev. Adv. Op. 28, 2024 WL 1688083 (2024), the Petition satisfies the requirements of NRS 295.009(1) and should be permitted to move forward to the signature-gathering phase.

\* \* \*

Nevada lacks effective debt protections for people in need, the very people who—in times of exigency—resort to high-interest loans, and who,

---

<sup>3</sup> The court further found that the second initiative’s “description of effect is straightforward, succinct, under 200 words, and there is no basis for a finding of any argumentative language. The description proceeds, succinctly and directly, through (1) a general statement of the Petition’s purpose; (2) a neutral and accurate statement of current law regarding interest rate limitations; (3) a description of the transactions to which the proposed cap would apply; and (4) a statement of enforcement aspects of the proposal.” IV AA 779.



when repayment becomes a struggle, find themselves in collection proceedings that not only leave their assets vulnerable but make the cycle of debt so hard to escape. State law features no cap on interest rates, and provides inadequate asset exemptions for debtors who suffer from an inability to keep up with payments of interest rates that can reach **300 – 500% annually**. III AA 509.

This Petition would cap interest rates on consumer loans, as defined therein, at 36% annually. I AA 12. The Petition also features more generous protections of assets from collection than does current law, automatically protecting \$5,000 of savings in a personal bank account (up from \$400 now), and \$850 of wages in any workweek (up from \$369), as well as a portion of disposable earnings above that amount, from seizure for a debt. I AA 18–25. Those amounts would be indexed to increase periodically with inflation. I AA 26. Additionally, and complementing the operation of the Petition’s framework generally, there are safeguards designed to prevent evasion of the Petition’s terms by illicit structuring of transactions, or partnering with out-of-state lenders to violate Nevada law. I AA 9–18.

All the components of the Petition complement one another to achieve a single goal: ensuring Nevadans have better debt protections

both on the front end and the back end of their indebtedness. The Petition will require financiers to be more diligent about lending, and also will ensure that a consumer's last dime won't go towards paying off a high-interest loan in a cycle of repayment at spiraling rates. Nevada ballot measure history is replete with proposed measures with multiple *changes* to current law that do not violate the single-subject rule; *changes to existing law* do not equal *subjects* in Nevada Supreme Court jurisprudence. See *Helton*, 512 P.3d at 315 n.5. With this ballot measure, Nevadans will have the opportunity to decide for themselves if a 36% interest limit on debt and the greater protections for basic assets in debt collection proceedings is a policy they wish to adopt as law.

## **II. STATEMENT OF THE ISSUES ON APPEAL**

1. Whether the district court erred in ruling that the Petition violated NRS 295.009(1)(a) and NRS 295.009(2), Nevada's single-subject rule for initiative petitions; and

2. Whether the Petition's description of effect is legally adequate, pursuant to NRS 295.009(1)(b).

## **III. STANDARD OF REVIEW**

This case turns on the proper interpretation of NRS 295.009, and the Petition. "Questions of law, including questions of constitutional

interpretation and statutory construction, are reviewed de novo.” *Peck v. Zipf*, 133 Nev. 890, 892, 407 P.3d 775, 778 (2017) (cleaned up); *see also Helton*, 512 P.3d at 313 (applying de novo review to petition challenge).

#### **IV. STATEMENT OF THE CASE AND FACTS**

On January 5, 2024, Kate Feldman filed the Petition with the Nevada Secretary of State. I AA 8–32. The Petition proposes to amend the Nevada Revised Statutes to include a new chapter 604D entitled the “Preventing Predatory Payday and Other Loans Act.” *Id.* Ms. Feldman later filed second Petition, S-03-2024, on January 24, 2024, which proposes to enact the same “Preventing Predatory Payday and Other Loans Act,” but omits provisions regarding collections exemptions included in the first Petition. III AA 449–465. This present appeal only concerns the first petition, Initiative Petition S-01-2024, which the district court determined violated Nevada’s single-subject rule.

On January 26, 2024, Respondents Nevadans for Financial Choice and Christina Bauer (collectively, “Nevadans for Financial Choice”) filed a Complaint for Declaratory and Injunctive Relief challenging the legal sufficiency of Initiative Petition S-01-2024, pursuant to NRS 295.061, and submitted a Brief in Support of the Complaint. I AA 1–32; I AA 33–67. Subsequently, on February 14, Respondents Nevadans for Financial

Choice filed a First Amended Complaint timely adding Initiative Petition S-03-2024 to their challenge. III AA 413–465.

On January 29, 2024, Respondent DailyPay, Inc. (“DailyPay”) filed a Complaint for Declaratory and Injunctive Relief challenging the legal sufficiency of both Initiative Petition S-01-2024 and Initiative Petition S-03-2024, pursuant to NRS 295.061. I AA 68–144.

On January 29, 2024, Respondents Preferred Capital Funding-Nevada, LLC and Alliance for Responsible Consumer Legal Funding (collectively, “Preferred Capital”) filed a Complaint for Declaratory and Injunctive Relief challenging the legal sufficiency of both Initiative Petition S-01-2024 and Initiative Petition S-03-2024, pursuant to NRS 295.061. I AA 145–204.

On February 13, 2024, Respondents ActiveHours, Inc. and Stacy Press (collectively, “ActiveHours”) filed a Complaint for Declaratory and Injunctive Relief challenging the legal sufficiency of Initiative Petition S-03-2024, pursuant to NRS 295.061. II AA 205–261

On or about February 22, 2024, the parties stipulated to, and the district court ordered, that the filed suits be consolidated into one action challenging the two petitions, to make the matter more efficient in terms of judicial economy and to process the matters expeditiously. III AA 470–

479. The parties also stipulated to the intervention of Ms. Feldman and Stop Predatory Lending NV, a Nevada nonprofit corporation, as appropriate and so that each case featured the same initiative proponents. *Id.* A briefing schedule was also agreed to. *Id.* After briefing, the district court held a hearing on the consolidated matters on March 22, 2024. The district court made oral pronouncement of its rulings from the bench, and tasked each side with preparing orders reflecting same, declaring S-01-2004 to be invalid due to single-subject concerns, but that S-03-2004 was legally sufficient and could move forward to gather signatures. IV AA 710–716.

On April 15, 2024, the district court issued its order declaring that Petition S-01-2024 was invalid under Nevada law and enjoining the Nevada Secretary of State from permitting the Petition from being circulated for signatures, and the order was promptly entered on April 16, 2024. IV AA 763–772; IV AA 799–812. Appellants timely filed their appeal on April 16, 2024. IV AA 813–828. The district court’s decision to permit Petition S-03-2024 to proceed was appealed (so far) by DailyPay and Nevadans for Financial Choice, and the appeal was docketed in this Court on April 26, 2024. *See Dailypay Inc. v. Aguilar*, Nev. Sup. Crt. Case No. 88557. The two appeals are separate matters before this Court, while

the remaining plaintiffs below consider their options as to whether to seek appellate review.

## V. ARGUMENT

### A. Legal Standard Under NRS 295.009(1)

Initiative is the power of the people to propose bills and laws and to enact or reject them at the polls, independent of the legislative assembly. *See Rea v. City of Reno*, 76 Nev. 483, 486, 357 P.2d 585, 586 (1960). The constitutional rights of Nevada to propose initiatives and referenda are sacrosanct, and courts are charged with preserving those rights in every way they can. *See, generally*, Nev. Const. art. 19. And, just as in the case of regular legislation, “[i]n determining whether a ballot initiative proponent has complied with NRS 295.009, it is not the function of this court to judge the wisdom of the proposed initiative.” *Helton*, 512 P.3d at 316 (quoting *Educ. Initiative PAC v. Comm. to Protect Nev. Jobs*, 129 Nev. 35, 41, 293 P.3d 874, 878 (2013)). The Nevada Supreme Court “has consistently held that the initiative powers granted to Nevada’s electorate are broad.” *We People Nevada ex rel. Angle v. Miller*, 124 Nev. 874, 886, 192 P.3d 1166, 1174 (2008). Furthermore, the Court exercises “every effort to sustain and preserve the people’s constitutional right” under Article 19. *Id.*

Nevada law requires that any initiative petition “[e]mbrace but one subject and matters necessarily connected therewith and pertaining thereto.” NRS 295.009(1)(a). “The single-subject requirement ‘facilitates the initiative process by preventing petition drafters from circulating confusing petitions that address multiple subjects.’” *Helton*, 512 P.3d at 314 (quoting *Nevadans for the Prot. of Prop. Rights, Inc. v. Heller*, 122 Nev. at 902).

Courts undertake a very specific single-subject analysis under this Court’s precedents. “In considering single-subject challenges, the court must first determine the initiative’s purpose or subject[.]” *Helton*, 512 P.3d at 314. “To determine the initiative’s purpose or subject,” courts “look[] to its textual language and the proponents’ arguments,” as well as “whether the description of effect articulates an overarching purpose and explains how provisions relate to a single subject.” *Id.* (quoting *Las Vegas Taxpayer Accountability Comm. v. City Council*, 125 Nev. 165, 180, 208 P.3d 429, 439 (2009)).

Once an initiative’s single-subject has been identified, courts must “then determine if each provision is functionally related and germane to each other and the initiative’s purpose or subject.” *Helton*, 512 P.3d at 314. Significantly, “even if an initiative petition proposes more than one

change to Nevada law, it may still meet the single-subject requirement, provided that the proposed changes are functionally related and germane to each other and a single subject.” *Id.*, 512 P.3d at 312.

## **B. The District Court’s Order**

The district court’s order took issue with two aspects of the Petition, for single-subject purposes.<sup>4</sup> The first was its concern that the Petition embraced “at least two disparate subjects in purporting to establish [ ] maximum interest rates charged to consumers, and shield [ ] more of people’s savings and earnings from garnishment than under current law.” IV AA 769. These aspects had, in the court’s understanding, “no nexus,” and are neither “functionally related and germane,” nor “necessarily connected.” IV AA 770. The court went on to state that “the Petition’s proposed changes concerning garnishment, writs of execution, ... and other proposed changes, have nothing to do with the lending of money at an unconscionable or exorbitant rate of interest.” *Id.* A debtor, the court reasoned, “may be subject to garnishment for any number of

---

<sup>4</sup> The Order notes a “first” and “second” instance in its discussion, but on examination they are both really issues of functional relation and germaneness. The other area of concern was excessive generality of the subject area. IV AA 769–770.



reasons, including for unpaid debts that may or may not be subject to any interest rate at all[.]” *Id.*<sup>5</sup>

Secondly, the district court considered *better debt protections* to be “excessively generalized subject matter that, if adopted, would effectively nullify the single-subject rule.” IV AA 770–771. “While the policy goal of ensuring Nevadans have better debt protections may be laudable,” the court concluded, “those protections are distinct from proposed laws affecting the act of lending.” IV AA 771.

---

<sup>5</sup> At hearing, the district court raised the concern that the asset protection provisions would apply to debtors outside of the consumer loan context—for instance, a private car loan between individuals that was unpaid and in default. *See* IV AA 669–671. But the fact that asset protections in collections might help Nevadans beyond consumer loans is no more grounds for finding an additional subject under NRS 295.009(1) than the fact that a cap on interest rates will help those individuals who never find themselves in collections proceedings because they cannot pay off their loans.

The provisions of the Reproductive Freedom Amendment at issue in the Court’s recent decision may help entire, extended families beyond those who avail themselves directly of reproductive services. They may permit better family planning, resulting in improved economic standing, for example. The proponents of ranked-choice voting tout its virtues as extending far beyond what its ballot mechanics will be. These follow-on, or spillover, effects are incidental benefits of the core policies, not separate subjects under Nevada jurisprudence.

The district court's concerns are well-taken, but they belie an issue of perspective. Lenders, such as those in this pool of Respondents, may certainly consider the changes in law proposed here to be distinct from one another. But from a consumer's point of view, especially those people experiencing the pressing need that high-interest lenders service, the rate of interest combined with the levels of exposure and vulnerability that current asset-protection statutes create all form part of the dangerous spiral of modern indebtedness. A conclusion that triple-digit interest rates and the scramble to keep the rent paid or food on the table because garnishment or collections efforts leave so much unprotected are unrelated may look differently from the other side of the creditor-debtor divide.

**C. The Petition Satisfies The Single-Subject Rule**

**1. The provisions of the Petition are all functionally related and germane to one another**

Here, the Petition's primary purpose is an overall program of *consumer debt relief*, or as the district court put it, *better debt protections*, and all components of the measure are functionally related and germane to alleviating the worst effects of our modern culture of consumer debt, especially the sort of debt that consumers take on due to immediate needs, and which therefore permit lenders to take advantage of Nevada's

current lack of an interest rate cap. Relatedly, permitting Nevada consumers to retain and protect more of their assets when debt collection threatens because the spiral of one's debt and need has accelerated, will help Nevadans avoid some of the issues that cause them to enter into debt. The overall program is clear in its primary purpose and interconnected in its parts: limit consumer interest rates on loans, as defined, to a still-generous 36%, and protect more assets when creditors seek collection. In combination, these provisions provide consumers with an improved framework of protections on both the front and back ends of the debtor experience.

It cannot be said that an interest rate cap on consumer loans would not result in better debt protections for Nevadans; axiomatically, consumers would pay less in interest, even when an emergency financial situation places them at a lender's mercy. Further, it can hardly be gainsaid that the ability to preserve a greater portion of one's assets in collection proceedings would *also* provide better debt protections. In fact, the ability to protect \$5,000 in personal savings—if one is lucky enough to have it—or having \$850 in weekly wages protected rather than \$369 may forestall the need to enter and remain in the debt spiral that is the target of this proposal. The functional relationship between need, debt,

and collections does not, when one puts it that way, seem at all controversial.

The Petition’s text and description of effect both confirm its primary purpose. As the description of effect explains, the Petition “addresses high-interest lending practices by establishing maximum interest rates charged to consumers, and shields more of people’s savings and earnings from garnishment than under current law.” I AA 27. The description of effect therefore “articulates an overarching purpose” that is neither undermined nor contradicted by any of the Petition’s other provisions. *Helton*, 512 P.3d at 314.

This Court’s decision in *Helton* demonstrates that the Respondents below, and the district court, sliced matters far too thin in their conceptions of what is a “subject.” In *Helton*, the initiative’s “single subject” was “the *framework* by which specified officeholders are presented to voters and elected.” *Helton*, 512 P.3d at 314. That the provisions were separate (and even arguably independent, as the Court noted in its opinion) was not material to a single-subject analysis because the provisions had a functional relationship to one another in achieving the purpose of the initiative generally. Obviously, in *Helton*, each aspect of the new rules governing primary elections did not relate directly to

each aspect of the separate rules governing general elections; the specific ranked-choice rules that would govern general elections, for example, bore no direct relationship to the rules governing which party name would be listed on a primary ballot next to a given candidate. *See id.* at 313. But that was not how the Court approached the single-subject question; instead, it focused on the overall “policy changes” that the petition would have adopted, not the specific implementation details, and it assessed whether the two policy changes involved unrelated matters or a single framework. *Id.* at 314–15. Here, in fact, the changes proposed in the Petition arguably have more connection to one another than did the open-primary/ranked-voting scheme of the Better Voting Nevada initiative. That the provisions here have “no nexus” between them, in the words of the district court, is not a sustainable position.

The Court’s recent decision in *Nevadans for Reprod. Freedom v. Washington*, echoes and reiterates these salient points from *Helton*. There, the Court again stated that “an initiative petition can propose more than one change and still comply with the single-subject requirement as long as the changes are functionally related and germane to each other and the overall subject of the initiative.” *Id.*, 2024 WL 1688083, at \*4 (citing *Helton*, 512 P.3d at 315). That the provisions at

issue in *Nevadans for Reprod. Freedom* “may be addressed by various NRS chapters, they each concern the subject of reproduction and can be addressed together in a petition addressing that subject.” *Id.* Similarly, here, although the Petition may touch upon issues or matters that cut across multiple existing statutes or even chapters—for example, the creation of a new NRS Chapter 604D as well as amendments to NRS Chapter 21—the only pertinent determination is whether those proposed changes are functionally related and germane to each other and the overall subject of the measure.

Adopting the approach in *Helton* and *Nevadans for Reprod. Freedom*, the district court was in error to find a single-subject violation. This Petition is proposed for the benefit of consumers themselves, and from that vantage point the functional connections and germaneness of its provisions is clear.

## **2. The Petition’s subject is not excessively general**

The district court also determined that *better debt protections* or *consumer debt relief* was excessively broad as a subject area to fit within the requirements of NRS 295.009(1). IV AA 770. This is inconsistent with *Helton*. It does not matter, for example, that provisions of the Petition are “distinct” from one another, as the court had it; rather, this is

derivative of the “functional relation” standard, in that provisions that are simply too broad cannot demonstrate the necessary connection and relation to satisfy the single-subject rule.

In *Helton* (and also in *Nevadans for Reprod. Freedom*, in its discussion of “framework” and “mechanics” (*see* 2024 WL 1688083, at \*4 n.3)), the measure was found not to be overbroad, despite the seemingly-general purpose of how “specified officeholders are presented to voters and elected.” *Helton*, 512 P.3d at 314. This “framework” took in changes to the historic structure of primary elections that would, essentially do away with party nominations entirely, and a new method of general election voting involving the ranking of up to five candidates, any of whom may wind up gaining the elector’s vote. Clearly, the two changes in law could have been proposed in separate ballot measures without issue. But the Court there said that not only did they not need to be brought separately and that these disparate changes were not excessively broad, but that “the effectiveness of one change would be limited without the other.” *Helton*, 512 P.3d at 315.

This Petition specifically targets interest rates and the follow-on effects of ongoing indebtedness after a high-interest loan becomes a debt

trap, by means of improved asset protections for consumers. As debt relief policy, the effectiveness of the one feeds the effectiveness of the other.<sup>6</sup>

The mutually-beneficial provisions of the Petition are not unrelated, and certainly not so lacking in functional relation as the order of the district court would have them. The Court should reverse the court's determination.

#### **D. The Petition's Description Of Effect Is Adequate**

The district court did not make any findings regarding the Petition's description of effect, but presumably a violation of the single-subject rule (and subsequent discussion of the subject the district court considered the bridge too far) results, *ipso facto*, in a description problem as well. IV AA 771.

As explained above, the Petition's description of effect here is the description taken verbatim from the description in the interest-rate-only initiative, and merely adds a brief paragraph explaining the asset-protection provisions of the Petition:

Additionally, the initiative automatically protects \$5,000 of savings in a personal bank account (up from \$400 now),

---

<sup>6</sup> The overly-generalized subjects identified in *Las Vegas Taxpayer Accountability Committee v. City Council of Las Vegas*, 125 Nev. 165, 181, 208 P.3d 429, 440 (2008), included "government," "public welfare," "fiscal affairs," and "public disclosure."



and \$850 of wages in any workweek (up from \$369), as well as a portion of disposable earnings above that amount, from seizure for a debt. Those amounts would be indexed to increase periodically with inflation.

I AA 27. Because the district court has already approved the portion of the Petition’s description that pertains only to the interest-rate-only initiative, the question here (which the district court did not entertain) is whether—should this Court approve the Petition as single-subject compliant—the description of effect also complies. IV AA 778–779. A ruling from this Court on the adequacy of the description would serve to facilitate Appellants’ rights to proceed, therefore.

An initiative’s description of effect “must be straightforward, succinct, and nonargumentative, and it must not be deceptive or misleading.” *Educ. Initiative PAC v. Comm. to Protect Nev. Jobs*, 129 Nev. at 41 (internal quotation marks and citation omitted). The purpose of the description of effect of an initiative is to inform signatories to the initiative petition about the petition’s subject; it does not serve as the full, detailed explanation, including arguments for and against, that voters receive prior to a general election. *Helton*, 512 P.3d at 317–18. Because the description of effect of an initiative petition is limited to only 200 words, it cannot constitutionally be required to delineate every effect that

an initiative will have; to conclude otherwise could obstruct, rather than facilitate, the people's right to the initiative process.

An "adequate" description makes a "legitimate effort to summarize what [the proponent] believes to be the Initiative's main components," noting that requiring petitions to describe "every detail or effect that an initiative may have . . . would significantly hinder the people's power to legislate by initiative and effectively bar all but the simplest of ballot measures." *Educ. Initiative PAC*, 129 Nev. at 42–50; *see also id.* at 43.

Here, the paragraph of the description cited just above that relates to the asset-protection provisions are succinct and direct, fully explanatory, and there is no basis for a finding of any argumentative language. I AA 27. It contains, after the same language found adequate as to second-filed initiative, a short description of the expanded asset protections against seizure for debts. *Compare I AA 27 with I AA 131; IV AA 778–779.*

The test for sufficiency of a description of effect is not whether Respondents are satisfied, but rather have the measure's proponents made good-faith efforts to describe the measures proposed in ways that adequately inform the electorate in a brief space. "[I]t is inappropriate to parse the meanings of the words and phrases used in a description of

effect as closely as we would statutory text.” *Educ. Initiative PAC*, 129 Nev. at 48. Instead, courts “must determine whether the description provides an expansive view of the initiative, rather than undertaking a hyper-technical examination of whether the description covers each and every aspect of the initiative” by examining “the meaning and purpose of each word and phrase contained in the description.” *Id.* at 49. Nevada law requires is a description that provides a “straightforward, succinct, and nonargumentative summary of what the initiative is designed to achieve and how it intends to reach those goals.” *Helton*, 512 P.3d at 316. Nothing more is required, and the Petition’s description of effect readily complies here.

#### **E. Other Issues Raised By Respondents Below**

Below, Respondents made further arguments regarding whether the Petition features an unfunded mandate pursuant to Nev. Const. Article 19, Section 6; whether it includes the full text of the measure proposed, pursuant to Nev. Const. Article 19, Section 3(1), or even whether the Petition was really a referendum masquerading as a statutory initiative, under a theory that other portions of the NRS may be affected by the terms of the measure. The district court properly found those arguments to be without merit. IV AA 780–781.

## VI. CONCLUSION

Based upon the foregoing, the Court should reverse the district court and determine that the Petition complies with all provisions of NRS 295.009.

DATED this 1st day of May, 2024.

### **BRAVO SCHRAGER LLP**

By:           /s/ Bradley S. Schrager          

Bradley S. Schrager, Esq. (NSB 10217)

Daniel Bravo, Esq. (NSB 13078)

6675 South Tenaya Way, Suite 200

Las Vegas, Nevada 89113

Tele.: (702) 996-1724

Email: bradley@bravoschrager.com

Email: daniel@bravoschrager.com

*Attorneys for Appellants*

## CERTIFICATE OF COMPLIANCE

1. I certify that this Brief complies with the formatting requirements of N.R.A.P. 32(a)(4), the typeface requirements of N.R.A.P. 32(a)(5) and the type style requirements of N.R.A.P. 32(a)(6) because it has been prepared in a proportionally-spaced typeface, size 14, Century Schoolbook.

2. I further certify that this Brief complies with the type volume limitations of N.R.A.P. 32(a)(7) because, excluding the parts of the Brief exempted by N.R.A.P. 32(a)(7)(C), it contains 5,136 words.

3. Finally, I hereby certify that I have read this Brief, and to the best of my knowledge, information and belief, it is not frivolous or interposed for any improper purpose. I further certify that this Brief complies with all applicable Nevada Rules of Appellate Procedure, in particular N.R.A.P. 28(e)(1), which requires every assertion in the Brief regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to

///

///

///

sanctions in the event that the Brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

DATED this 1st day of May, 2024.

**BRAVO SCHRAGER LLP**

By:           /s/ Bradley S. Schrager          

Bradley S. Schrager, Esq. (NSB 10217)

Daniel Bravo, Esq. (NSB 13078)

6675 South Tenaya Way, Suite 200

Las Vegas, Nevada 89113

Tele.: (702) 996-1724

Email: bradley@bravoschrager.com

Email: daniel@bravoschrager.com

*Attorneys for Appellants*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 1st day of May, 2024, a true and correct copy of **APPELLANTS' OPENING BRIEF** was served upon all counsel of record by electronically filing the document using the Nevada Supreme Court's electronic filing system:

By: /s/ Dannielle Fresquez  
Dannielle Fresquez, an Employee of  
BRAVO SCHRAGER LLP