

IN THE SUPREME COURT OF THE STATE OF NEVADA

KATE FELDMAN, AN INDIVIDUAL;
AND STOP PREDATORY LENDING
NV, A NEVADA NONPROFIT CORP.,
Appellants,

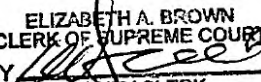
vs.

FRANCISCO V. AGUILAR, IN HIS
OFFICIAL CAPACITY AS NEVADA
SECRETARY OF STATE; NEVADANS
FOR FINANCIAL CHOICE, A NEVADA
POLITICAL ACTION COMMITTEE;
CHRISTINA BAUER, AN INDIVIDUAL;
DAILYPAY, INC., A DELAWARE
CORPORATION; PREFERRED
CAPITAL FUNDING NEVADA, LLC, A
NEVADA LIMITED LIABILITY
COMPANY; AND ALLIANCE FOR
RESPONSIBLE CONSUMER LEGAL
FUNDING, AN ILLINOIS NONPROFIT
CORPORATION,
Respondents.

No. 88526

FILED

JUN 20 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order granting declaratory and injunctive relief in a ballot initiative matter. First Judicial District Court, Carson City; William A. Maddox, Senior Judge.

Appellants Kate Feldman and Stop Predatory Lending NV (collectively, Feldman) seek to circulate and gather voter support for an initiative (the Initiative) to present to the Nevada Legislature. The Initiative would add a new chapter to the Nevada Revised Statutes to impose a maximum rate of interest which lenders can charge for certain loans and other financial transactions. The Initiative would also amend current statutes to shield certain amounts and types of assets from

execution and garnishment. Respondents filed multiple challenges to the Initiative petition. After a hearing, the district court issued an injunction barring Feldman from circulating the Initiative petition for signatures because the Initiative violates Nevada’s single-subject requirement. Feldman now appeals.¹ Reviewing the district court’s decision de novo, *Helton v. Nev. Voters First PAC*, 138 Nev. 483, 486, 512 P.3d 309, 313 (2022), we affirm.

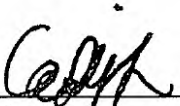
The single-subject requirement is set forth in NRS 295.009(1), which provides that an initiative petition “must . . . [e]mbrace but one subject and matters necessarily connected therewith and pertaining thereto.” Subsection 2 of that statute elaborates that an initiative petition satisfies subsection 1 “if the parts of the proposed initiative . . . are functionally related and germane to each other in a way that provides sufficient notice of the general subject of, and of the interests likely to be affected by, the proposed initiative.” NRS 295.009(2). Thus, when considering a single-subject challenge, we “must first determine the initiative’s purpose or subject and then determine if each provision is functionally related and germane to each other and the initiative’s purpose or subject.” *Helton*, 138 Nev. at 486, 512 P.3d at 314.

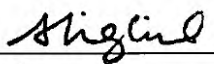
The Initiative’s text and description of effect do not support the single subject articulated by Feldman, and we can discern no overarching purpose or theme to which all of the Initiative’s provisions are functionally related and germane. Further, the Initiative’s provisions are not “functionally related and germane to each other.” NRS 295.009(2). The

¹The Secretary of State, listed as a respondent on appeal, filed a limited response below and before this court indicating that he takes no position in this matter.

proposed interest rate cap applies to certain types of “loans” and financial transactions, whereas the asset protection provisions apply to the enforcement of judgments regardless of whether the judgment stems from efforts to collect on a loan with an interest rate. And although Feldman argues that the Initiative’s provisions work together to address both the front and back ends of the debt cycle, we cannot say that “the effectiveness of one change would be limited without the other.” *Helton*, 138 Nev. at 487, 512 P.3d at 315. Thus, we conclude that the district court did not err in determining that the Initiative violates the single-subject requirement. Given that conclusion, we need not address the parties’ other arguments, including whether the Initiative satisfies the Nevada Constitution’s full-text requirement or contains an inadequate description of effect. We therefore

ORDER the judgment of the district court AFFIRMED.

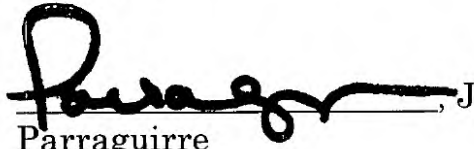

_____, C.J.
Cadish



_____, J.
Stiglich


_____, J.
Pickering


_____, J.
Herndon


_____, J.
Lee


_____, J.
Parraguirre


_____, J.
Bell

cc: Chief Judge, The First Judicial District Court
Hon. William A. Maddox, Senior Judge
Bravo Schragar, LLP
Pisanelli Bice, PLLC
Reisman Sorokac
Holland & Hart LLP/Las Vegas
Attorney General/Carson City
Legal Aid Center of Southern Nevada, Inc.
Carson City Clerk