

No. 8411

IN THE SUPREME COURT OF THE STATE OF NEVADA

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Elizabeth A. Brown
Clerk of Supreme Court

NATHANIEL HELTON, an individual,

Appellant,

vs.

NEVADA VOTERS FIRST PAC, a Nevada Committee for Political Action;
TODD L. BICE, in his capacity as the President of NEVADA VOTERS
FIRST PAC; and BARBARA CEGAVSKE, in her official capacity as
NEVADA SECRETARY OF STATE,

Respondents.

On Appeal from the First Judicial District Court of the State of Nevada
Case No. 21 OC 00172 1B

**RESPONDENT BARBARA CEGAVSKE'S
LIMITED ANSWERING BRIEF**

AARON D. FORD
Nevada Attorney General
CRAIG A. NEWBY
Deputy Solicitor General
LAENA ST-JULES
Deputy Attorney General
Office of the Nevada Attorney General
555 E. Washington Ave., Ste. 3900
Las Vegas, NV 89101
(702) 486-3594
cnewby@ag.nv.gov
lstjules@ag.nv.gov

*Attorneys for Respondent Barbara Cegavske,
in her official capacity as Nevada Secretary of State*

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ROUTING STATEMENT

This matter is presumptively retained by the Supreme Court pursuant to NRAP 17(a)(2).

SUMMARY OF THE LIMITED ARGUMENT

Respondent Barbara Cegavske, in her official capacity as Nevada Secretary of State, takes no position on the legality of the proposed initiative and will comply with any final judgment in this case.

LIMITED ARGUMENT

The Secretary of State submits the following limited answer to Appellant Nathaniel Helton's Opening Brief.

On December 21, 2021, the Secretary of State filed a limited response to Appellant's "Memorandum of Points and Authorities in Support of Complaint for Declaratory and Injunctive Relief Challenging the Better Voting Nevada Initiative." (JAPP0075-JAPP0078.)

Consistent with her stated position before the district court, the Secretary of State does not take a position on the legality of the proposed initiative. This case was brought prior to the Secretary of State having the opportunity to consider certifying the proposed initiative as sufficient pursuant to NRS 295.061(2). Appellant and the other Respondents will make those arguments, and the Secretary of State will comply with any final judgment in this case. The Secretary of State does not take a

position on the policy merits of the proposed initiative. If deemed legal and qualified for the 2022 general election ballot, Nevadan voters will have that debate and make that policy decision.

CONCLUSION

Because the Secretary of State does not take a position on the legality of the proposed initiative, the Secretary of State does not seek any specific relief, except that under the circumstances here, no award of attorneys' fees or costs is appropriate against the Secretary of State.

Dated this 1st day of April, 2022.

AARON FORD
Attorney General

By: /s/ Craig Newby
Craig. A. Newby
Deputy Solicitor General
Laena St-Jules
Deputy Attorney General
Office of Nevada Attorney General
555 E. Washington Ave., Ste. 3900
Las Vegas, NV 89101
(702) 486-3594
cnewby@ag.nv.gov
lstjules@ag.nv.gov
Attorneys for Respondents

CERTIFICATE OF COMPLIANCE

1. I hereby certify that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because:

This brief has been prepared in a proportionally spaced typeface using Microsoft Word 2010 in 14 pt. font and Times New Roman; or

This brief has been prepared in a monospaced typeface using [state name and version of word processing program] with [state number of characters per inch and name of type style].

2. I further certify that this brief complies with the page- or type volume limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is either:

Proportionately spaced, has a typeface of 14 points or more and contains no more than 14,000 words; or

Monospaced, has 10.5 or fewer characters per inch, and contains ___ words or ___ lines of text; or

Does not exceed ___ pages.

3. Finally, I hereby certify that I have read this appellate 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 NRAP 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 accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

Dated this 1st day of April, 2022.

AARON FORD
Attorney General

By: /s/ Craig Newby
Craig. A. Newby
Deputy Solicitor General
Laena St-Jules
Deputy Attorney General
Office of Nevada Attorney General
555 E. Washington Ave., Ste. 3900
Las Vegas, NV 89101
(702) 486-3594
cnewby@ag.nv.gov
lstjules@ag.nv.gov
Attorneys for Respondents

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing RESPONDENT BARBARA CEGAVSKE'S' LIMITED ANSWERING BRIEF in accordance with this Court's electronic filing system and consistent with NEFCR 9 on this 1st day of April, 2022.

Participants in the case who are registered with this Court's electronic filing system will receive notice that the document has been filed and is available on the court's electronic filing system.

I further certify that any of the participants in the case that are not registered as electronic users will be mailed the foregoing document by First-Class Mail, postage prepaid.

Bradley S. Schrager, Esq.
John Samberg, Esq.
Daniel Bravo, Esq.
Eric Levinrad, Esq.
WOLF, RIFKIN, SHAPIRO, SCHULMAN & RABKIN, LLP
3773 Howard Hughes Pkwy., Ste. 590 S.
Las Vegas, NV 89169

Marc E. Elias, Esq.
Spencer McCandless, Esq.
Elisabeth Frost, Esq.
ELIAS LAW GROUP LLP
10 G St. NE, Ste. 600
Washington, DC 20002

///

///

Lindsay McAleer, Esq.
ELIAS LAW GROUP LLP
1700 7th Ave., Ste. 2100
Seattle, WA 98101

Todd Bice, Esq.
Jordan T. Smith, Esq.
John A. Fortin, Esq.
PISANELLI BICE PLLC
400 S. 7th St., Ste. 300
Las Vegas, NV 89101

/s/ L. Combs

An employee of the Office of the
Attorney General