

IN THE SUPREME COURT OF THE STATE OF NEVADA

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 K.
CEGAVSKÉ, IN HER CAPACITY AS
NEVADA SECRETARY OF STATE,

Respondents,

Case No. 84110

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SUPPLEMENTAL APPENDIX
VOLUME I

DATED this 1st day of April 2022.

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Pisanelli Bice PLLC, and that on the 1st day of April 2022, I electronically filed and served by electronic mail a true and correct copy of the above and foregoing **SUPPLEMENTAL APPENDIX** to:

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Case No. 20 OC 00172 1B

ORIGINAL

Department No. II

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY
HONORABLE JAMES WILSON, DISTRICT JUDGE

NATHANIEL HELTON, an individual,
Plaintiff,

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 capacity as NEVADA SECRETARY
OF STATE,
Defendants.

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JAVS CD-ROM TRANSCRIPT OF PROCEEDINGS
TELEPHONIC-RECORDED ORAL ARGUMENT
WEDNESDAY, JANUARY 5, 2022
CARSON CITY, NEVADA

Transcribed by: Shellie Loomis, RPR

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APPEARANCES:

For Nathaniel Helton:

Brandon Schrazer, Esq.
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-and-
Lindsay McAleer, Esq.
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1 CARSON CITY, NEVADA, WEDNESDAY, JANUARY 5, 2022

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4 (Transcription was to the best of the ability
5 of the transcriber with the audio-recording
6 quality.)

7 THE COURT: I'm going to go through individually
8 to make sure everyone can, but this is 21-OC-172, Helton
9 versus Nevada Voters First Pac.

10 Todd Bice in his capacity as President versus
11 Nevada Voters and the Secretary of State.

12 I'm going to have you state your appearances,
13 starting with the Plaintiff. If you could speak a little
14 slower than normal and enunciate a little more than you would
15 in person, it makes it a little easier for me to hear.

16 Mr. Schrazer.

17 MR. SCHRAZER: Yes, good morning. Brandon
18 Schrazer with the Plaintiff, Nathaniel Helton, and with me is
19 Ms. McAleer, Lindsay McAleer, from the Alliance Law Group and
20 she'll be making our presentation today by virtue of her
21 admission pro hac vice by order of the Court.

22 THE COURT: Thank you.

23 Mr. Bice.

24 MR. BICE: Good morning, Your Honor, Todd Bice on
behalf of Nevada Voters First and myself. Also with me will

1 be Mr. Smith, Jordan Smith, and John Horton from my office,
2 but I'll be making the arguments today, Your Honor.

3 THE COURT: All right. Mr. Newby.

4 MR. NEWBY: Good morning, Your Honor, Craig Newby
5 on behalf of the Secretary of State.

6 THE COURT: I have a couple of callers that I
7 can't identify. When you're not speaking, if you could mute
8 your computer or phone, whichever you're using orally. It'll
9 help cut down on the feedback and, again, make it easier to --
10 for me to hear.

11 Mr. Schrazer, where are you located?

12 MR. SCHRAZER: In Las Vegas, Your Honor.

13 THE COURT: And Ms. McAleer?

14 MS. MCALEER: I'm in Seattle, Your Honor.

15 THE COURT: Mr. Bice?

16 MR. BICE: Las Vegas, Your Honor.

17 THE COURT: Mr. Smith?

18 MR. SMITH: Also Las Vegas, Your Honor.

19 THE COURT: And Mr. Forton.

20 MR. FORTON: Las Vegas, Your Honor.

21 THE COURT: Mr. Newby?

22 MR. NEWBY: Las Vegas.

23 THE COURT: Is there any of you that are not able
24 to hear me clearly?

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(No audible response.)

THE COURT: Is there any of you that are not able to hear any other counsel clearly?

(No audible response.)

THE COURT: All right. This is being recorded on the court's recording system.

I have read all of the substantive papers that have been filed and formed some preliminary opinions -- not opinions, preliminary impressions. My intention is to have an order signed and filed today.

So with that, did you say Ms. McAleer was going to argue, Mr. Schrazer?

MS. MCALEER: Yes, that's --

THE COURT: Or Ms. McAleer.

MR. SCHRAZER: That's correct, yes.

THE COURT: Go ahead.

MS. MCALEER: And I -- before, if I can confirm timing, so are we splitting 45 minutes, 15, by (indiscernible) Mr. Bice (indiscernible).

THE COURT: 45 minutes.

MR. BICE: I do not intend to take that much time, Your Honor. So I have no problem with that -- with Mr. Newby and I and the balance of all the defense time.

Mr. Newby will have plenty of time.

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THE COURT: All right. Thank you.

Go ahead, Ms. McAleer.

MS. MCALEER: Thank you, Your Honor. It's
McAleer.

THE COURT: McAleer.

MS. MCALEER: Thank you, Your Honor.

If it may please the Court, my name is Lindsay
McAleer, and I represent the Plaintiff, Mr. Helton. Voting is
fundamental to our democracy. But for voting to function as
it should democracy the electorate must be informed about who
or what they are choosing or implying.

Mr. Helton challenged the Petition at issue
entitled, "Separate Voting Nevada Initiative," because it
failed to inform voters about two radical (indiscernible)
makes the Nevada Constitution.

Mr. Helton (indiscernible) three challenges to
the Petition. First, Petitioner to choose such
(indiscernible) in violation of Nevada (indiscernible) subject
to (indiscernible).

Second, the Petition mandates significant and
expensive changes to Nevada's primary and general elections
without allocating or regulating (indiscernible), in violation
of the Nevada Constitution.

Third, the (indiscernible) confusing discussed

1 (indiscernible) most failed to inform voters and to make a
2 decision about whether or not (indiscernible). Before I
3 (indiscernible) substance (indiscernible) issue
4 (indiscernible).

5 With removing the function (indiscernible)
6 democracy (indiscernible) has to be informed about who or what
7 they are (indiscernible) state constitution while eliminating
8 the Nevada post primary (indiscernible) and replacing it with
9 a top prior open primary and getting rid of plurality voting
10 in the general election (indiscernible) a new (indiscernible)
11 with the voting system.

12 These two changes are as brief and independent of
13 one another and they cannot be valid (indiscernible) by the
14 (indiscernible) general topic which (indiscernible) mainly,
15 quote, how voters elect (indiscernible), or the Division
16 (indiscernible) title (indiscernible) voting Nevada.

17 This is clear in the Nevada Supreme Court's
18 rejection of the similar subject of the voter approval and
19 that (indiscernible) results that the (indiscernible) general
20 (indiscernible). He knew (indiscernible) polarized
21 (indiscernible) rejection.

22 The Petition (indiscernible), quote, the recall
23 effect (indiscernible) officer (indiscernible) (indiscernible)
24 remove officer to general category (indiscernible) subject to

1 how voters elect by (indiscernible).

2 Here, there's two different mechanisms and two
3 different types of elections that each cover different
4 purposes. After all the electing officers (indiscernible)
5 recalling them.

6 Second, regarding Mr. Helton's (indiscernible)
7 mandate thing. Defendants don't have (indiscernible) the
8 position including the (indiscernible) without (indiscernible)
9 expending additional costs.

10 The reality is that no money was sent to the
11 administration of the primary general elections would occur in
12 a way that violates the law.

13 The new law required (indiscernible) obvious
14 (indiscernible) the Division doesn't find the changes that
15 (indiscernible). There's no mention of costs in this
16 instruction (indiscernible) either.

17 The Nevada Supreme Court recognized similar
18 (indiscernible), it's just that no such (indiscernible) this
19 (indiscernible).

20 Third, ultimately we have been (indiscernible) is
21 the fact that (indiscernible) change (indiscernible) change
22 for a candidate, have a party relation, listing that with
23 their name on the general election ballot without a
24 (indiscernible) primary, whether no longer (indiscernible)

1 report (indiscernible) party (indiscernible) does, in fact,
2 operate (indiscernible).

3 The division itself recognizes it. It is
4 required (indiscernible) quote conspicuous disclaimer stating
5 that (indiscernible) pardons office (indiscernible)
6 (indiscernible) the candidate (indiscernible) not implied, but
7 the candidate is nominated for (indiscernible) party or
8 (indiscernible) party (indiscernible) or associate with that
9 candidate.

10 Yes, despite the (indiscernible) theoretic
11 recognition of this very true and important fact that the
12 position that (indiscernible) voter will find no one casting
13 their ballot. There's no mention of it in the description of
14 the (indiscernible).

15 The (indiscernible) (indiscernible) result to
16 inform voters of that investigation (indiscernible) after the
17 (indiscernible) (indiscernible).

18 Rather than acknowledge (indiscernible) to assure
19 the voters are informed about the content, in fact,
20 Petitioners required that (indiscernible) defendants
21 (indiscernible) Mr. Helton in viewing the Nevada voters quote
22 uninformed and unsophisticated.

23 Mr. Helton is a Nevada voter and the entire
24 purpose of the rejection (indiscernible) (indiscernible) offer

1 to ensure that voters are important and that interested
2 parties that Nevada (indiscernible) initiative that long
3 (indiscernible) (indiscernible) client (indiscernible) voter
4 (indiscernible).

5 The Defendant, Nevada voter current
6 (indiscernible) (indiscernible) needs (indiscernible)
7 political action committee (indiscernible) package of this
8 (indiscernible).

9 If anyone has interest there it is that Mr.
10 Helton brings the challenge to protect the rights of the
11 Nevada voter.

12 (Indiscernible) (indiscernible) to
13 (indiscernible) specific (indiscernible) to each challenge.
14 (Indiscernible) (indiscernible) (indiscernible).

15 The Petition violates the single subject rule
16 because it seeks to action (indiscernible) independent
17 constitutional amendment (indiscernible) (indiscernible).

18 But the (indiscernible) changes (indiscernible)
19 and subject (indiscernible) for (indiscernible) eliminate
20 votes for primary where traditionally voters elect their
21 (indiscernible) nominee (indiscernible) petitioner would
22 replace that spoken primary with its novel (indiscernible)
23 voting advanced mechanism.

24 (Indiscernible) petition will eliminate original

1 locate (indiscernible) general (indiscernible) entirely
2 different novel (indiscernible) the new (indiscernible) multi
3 (indiscernible) voting (indiscernible).

4 (Indiscernible) subject which means that the part
5 (indiscernible) must be functionally related and germane to
6 each other and the initiative (indiscernible) subject
7 (indiscernible) importantly (indiscernible) initiative
8 (indiscernible) while it may not circumvent (indiscernible)
9 law subject (indiscernible) (indiscernible) generality. That
10 is putting (indiscernible) provisions (indiscernible)
11 (indiscernible) category.

12 (Indiscernible) lawful (indiscernible) subject
13 together (indiscernible) potentially unpopular vision to a
14 more (indiscernible) or to a more attractive (indiscernible)
15 or feeling (indiscernible) lengthy complex mission.

16 And this is what the Petition has. The packaging
17 and (indiscernible) primary which general election
18 (indiscernible) voting creation (indiscernible) or duty
19 constitutional provision (indiscernible) (indiscernible)
20 require each of (indiscernible) in one (indiscernible) working
21 together to endorse (indiscernible) over chat (indiscernible)
22 and (indiscernible) (indiscernible) general.

23 To figure out the (indiscernible) purpose
24 (indiscernible) catching language and (indiscernible)

1 purposes.

2 Here (indiscernible) changes election together
3 (indiscernible) under the Petition can (indiscernible) better
4 voting Nevada and (indiscernible) briefing (indiscernible)
5 (indiscernible) foundation of quote how voter elects
6 (indiscernible).

7 That language is subject to voter will not stay
8 intact here. This is standard (indiscernible) (indiscernible)
9 generality and would circumvent the (indiscernible) single
10 subject rule.

11 When one considers the specific changes that the
12 Petition would make, it's clear that they refer to the
13 (indiscernible) just as (indiscernible) attack here.

14 Like here (indiscernible) (indiscernible)
15 actually cover to (indiscernible) one (indiscernible) go voter
16 approval first agreement (indiscernible) (indiscernible) you
17 there are things you got to (indiscernible), but once here the
18 (indiscernible) are used for the purpose which supplies the
19 voter with bigger input (indiscernible) approval for
20 (indiscernible).

21 But then (indiscernible) voter approval with
22 (indiscernible) general (indiscernible) linked these two
23 together.

24 Like that initiative, the only common language

1 needed to (indiscernible) to change it (indiscernible) is that
2 they involve the general act of voting which is too general
3 given the subject.

4 It's just like in the (indiscernible) here
5 (indiscernible) (indiscernible) changes (indiscernible). The
6 primary has traditionally (indiscernible) election which voter
7 (indiscernible) (indiscernible) party to their standard
8 (indiscernible) while the general operates for a different
9 purpose to actually hold back public (indiscernible) to
10 office.

11 Defendants proposed subject (indiscernible)
12 (indiscernible) ignored that the primary (indiscernible) the
13 current method (indiscernible) canned date that should be more
14 or less (indiscernible) be only the general election is
15 (indiscernible) by which (indiscernible) actually elected.

16 If anything, (indiscernible) changed more
17 (indiscernible) (indiscernible) (indiscernible) had merit
18 because of those two entirely different methods of voter
19 (indiscernible) election.

20 (Indiscernible) and ultimately is in Colorado
21 Supreme Court rejection initiative that (indiscernible)
22 changed (indiscernible) Colorado (indiscernible) single
23 subject rule.

24 (Indiscernible) (indiscernible) before

1 (indiscernible) definition (indiscernible) changed the profit
2 of the messy recall election, and secondly, the additional
3 subject officials subject in that office which is two
4 different subjects that the State (indiscernible).

5 (Indiscernible) (indiscernible) petition here
6 which (indiscernible) changes Nevada current primary to a
7 (indiscernible) primary such that new voters (indiscernible)
8 subject to this profits (indiscernible) and second,
9 dramatically changes the general election from a winner take
10 all over to (indiscernible) voting (indiscernible) candidate
11 choose their own (indiscernible).

12 This is obviously more problematic. At least in
13 (indiscernible) 76, the changes the (indiscernible) single
14 voting act. (Indiscernible) also (indiscernible) two
15 different mechanisms like two separate elections. Defense own
16 arguments regarding the purpose the Petition made clear the
17 difference (indiscernible) issue.

18 Defendants say that the Petition's primary
19 purpose was to address the (indiscernible) problem that
20 (indiscernible) Nevada voter (indiscernible) identifying for
21 not (indiscernible) (indiscernible) quote, disenfranchise
22 because they (indiscernible) statement (indiscernible) primary
23 and have a big choice in the general.

24 So the only changes to the Petition have an

1 effect that the purpose for those in the primary
2 (indiscernible) instituting the (indiscernible) choice voting
3 in a general election does not open a primary to allow
4 (indiscernible) (indiscernible) (indiscernible), nor
5 (indiscernible) change how many options that are here on the
6 ballot in the general.

7 Instead, it changed how votes are cast
8 (indiscernible) tallied in the general election.
9 (Indiscernible) difference here, but strategic (indiscernible)
10 voter case (indiscernible) when they have the ballot
11 constitutes separate subject (indiscernible) purchase recall
12 changes that don't depend on one another textually, logically,
13 (indiscernible) insufficient (indiscernible).

14 This is further evidenced by the fact there's not
15 even a single (indiscernible) (indiscernible). The two
16 sections (indiscernible) each stands on its own.

17 Defendants try to avoid (indiscernible) qualify
18 (indiscernible) primary and general (indiscernible) with
19 voting are must be necessarily the same. And that range with
20 voting with be (indiscernible) necessarily two candidates on
21 the ballot. (Indiscernible) further argument incorrectly in
22 Nevada and it can't get on the ballot.

23 Now a major party can't (indiscernible) ballot
24 throughout (indiscernible) outside of the primary office.

1 That there's no functional way between (indiscernible). And
2 petition failed in the subject act.

3 (Indiscernible) unmandated challenge this is a
4 relevant (indiscernible) (indiscernible). (Indiscernible)
5 credible (indiscernible) in Section 6 of the constitution and
6 it should not include a (indiscernible) (indiscernible)
7 (indiscernible).

8 Defendant does not (indiscernible) or thing
9 (indiscernible) (indiscernible) redacted, Nevada officials
10 would have to spend money to get (indiscernible) primary and
11 general election (indiscernible) (indiscernible) new law.

12 So there's no method of paying the costs
13 (indiscernible) sufficient (indiscernible) void. It's as
14 simple as that. In fact, it's not entirely (indiscernible)
15 (indiscernible) burden (indiscernible) Petitioner
16 (indiscernible) violate Section 10.

17 (Indiscernible) (indiscernible) (indiscernible)
18 all the changes in the law (indiscernible) (indiscernible)
19 financial burden, and (indiscernible) concerned
20 (indiscernible).

21 (Indiscernible) (indiscernible) for these two
22 reasons. First, it's not true that all changes to the law
23 required that (indiscernible) required by (indiscernible) and
24 an obvious example is the Supreme Court (indiscernible)

1 (indiscernible) as the Court (indiscernible) (indiscernible)
2 (indiscernible) (indiscernible) initiative not mandate any
3 type of (indiscernible) looking down (indiscernible) officials
4 (indiscernible) (indiscernible) (indiscernible).

5 Second, if Defendants are contending a burden, a
6 financial burden associated with the change of (indiscernible)
7 (indiscernible) that (indiscernible) way (indiscernible) it's
8 an obvious matter other jurisdictions (indiscernible) with
9 (indiscernible) voting (indiscernible) (indiscernible)
10 (indiscernible).

11 For example, (indiscernible) population in
12 Nevada, the estimated cost of that (indiscernible) was over
13 \$900,000. And just the (indiscernible) campaign
14 (indiscernible) voting you have (indiscernible) voting are
15 (indiscernible) \$15 million.

16 And they're going to account for costs associated
17 with the primary which will presumably have (indiscernible)
18 (indiscernible) running (indiscernible) (indiscernible)
19 account.

20 So more importantly, the Nevada Supreme Court
21 (indiscernible) no costs (indiscernible) (indiscernible) to
22 (indiscernible) sent (indiscernible) Supreme Court
23 (indiscernible) initiative (indiscernible) ensure
24 (indiscernible) health education was (indiscernible)

1 (indiscernible) necessary appreciation (indiscernible) for
2 venture (indiscernible) any (indiscernible) prevented
3 (indiscernible) requiring that be good (indiscernible)
4 original emphasis on any.

5 If an initiative for Nevada officials
6 (indiscernible), Section 6 says of the Petition also provide
7 the way for raising that dollar and then petition going
8 forward (indiscernible) Nevada (indiscernible).

9 Defendants seem to say that the Petition is not
10 (indiscernible) dollar toward new electoral and it doesn't
11 (indiscernible) new requirement for funding an election. The
12 Supreme Court rejected (indiscernible) in Section 6.

13 (Indiscernible) (indiscernible) not whether
14 initiative by turn, but appropriate money, but rather
15 (indiscernible) it takes away officials impression
16 (indiscernible) not to spend money. That was the Petition.

17 If that (indiscernible) officials didn't spend
18 money (indiscernible) or (indiscernible) voter
19 (indiscernible), they would violate the new law and in realty
20 there would be no election.

21 By the way, Defendants' argument that the
22 (indiscernible) petition (indiscernible) (indiscernible)
23 election officials (indiscernible) current expenses
24 (indiscernible) can give the Nevada Legislature with

1 (indiscernible) implementing (indiscernible).

2 The test is not initiative take away initial
3 instruction, it is (indiscernible) where or how and money,
4 whether to take away their (indiscernible) spending money
5 currently.

6 It is irrelevant that officials in the
7 legislature (indiscernible) by which you (indiscernible)
8 (indiscernible). For example, whether they want
9 (indiscernible) public (indiscernible) (indiscernible) do
10 unlawful election.

11 The fact that (indiscernible) (indiscernible)
12 which costs money to comply (indiscernible) (indiscernible)
13 (indiscernible) (indiscernible) have to pay for them
14 (indiscernible) (indiscernible).

15 Finally, (indiscernible) challenge
16 (indiscernible) (indiscernible) that destruction of that
17 challenge, because (indiscernible) (indiscernible)
18 (indiscernible) party (indiscernible).

19 But, in the event Petition's (indiscernible) or
20 (indiscernible) is (indiscernible) another reason that
21 Defendants shouldn't be allowed to (indiscernible) form
22 because it's confusing, deceptive and misleading.

23 (Indiscernible) (indiscernible) earlier, the
24 Petition recognizes that the critically important fact that

1 under (indiscernible) party (indiscernible) and
2 (indiscernible) will not reflect a party's (indiscernible)
3 including (indiscernible) disclaimer (indiscernible) require
4 (indiscernible) to place on the general and primary election
5 ballot.

6 And remember that all thought they think it's
7 enough to put on the ballot, it is not significant enough to
8 put in a description of the fact.

9 (Indiscernible) (indiscernible) (indiscernible)
10 ballot after the Petition (indiscernible) to inform voters
11 (indiscernible). This is too late. NRS 295.009 requires
12 voters to be informed of the Petition (indiscernible)
13 important (indiscernible) of (indiscernible) things
14 (indiscernible) when voters for initiative.

15 Defendants try to (indiscernible) way
16 (indiscernible) heavily on the Supreme Court (indiscernible)
17 education initiative (indiscernible) voter (indiscernible)
18 (indiscernible) secretary (indiscernible).

19 But it has to be (indiscernible) (indiscernible)
20 take time (indiscernible). (Indiscernible) in order to do
21 that we would only (indiscernible) (indiscernible) in cases
22 like (indiscernible) and (indiscernible) would come up
23 (indiscernible).

24 The subject recognizes that leading the

1 (indiscernible) initiative, particularly along significant
2 (indiscernible) like we have here. (Indiscernible)
3 (indiscernible) voter generally will issue (indiscernible)
4 past (indiscernible) brief interaction (indiscernible)
5 (indiscernible) to sign the Petition.

6 (Indiscernible) requirement, it says
7 (indiscernible) require for voter time (indiscernible) not to
8 mention (indiscernible) that they don't need to know or not
9 required (indiscernible) to actually own (indiscernible)
10 initiative (indiscernible). That will allow an entire
11 (indiscernible) controversial aspect measure would
12 (indiscernible) initiative.

13 That's why (indiscernible) sanctuary requires
14 (indiscernible) and (indiscernible) pack that leaving out
15 important, potentially (indiscernible) (indiscernible)
16 ramification render the description defective and its
17 (indiscernible).

18 But this is not the only place where the
19 description falls short. They also (indiscernible) other
20 potentially problematic and problematic at the Petition
21 (indiscernible) and it tends to minimize the changes with
22 (indiscernible).

23 This does not make it a (indiscernible) drafted
24 (indiscernible). Globally (indiscernible) word used

1 (indiscernible) omitted or (indiscernible).

2 Specifically, the (indiscernible) informed voter
3 that they don't want to (indiscernible) voter candidate on the
4 ballot, it (indiscernible) their vote might not be included in
5 the final tally, it does not tell the voter (indiscernible)
6 converting Nevada (indiscernible) would require a significant
7 investment of public funds.

8 (Indiscernible) not (indiscernible) of civil
9 (indiscernible) that under the (indiscernible) system, the
10 candidate with the top (indiscernible) choice, but the
11 greatest number of voters being no longer guaranteed
12 (indiscernible).

13 Instead, the instruction be not (indiscernible)
14 which is (indiscernible) controversial act (indiscernible)
15 voting. So I'm suggesting that the function is the same the
16 traditional (indiscernible) candidate and a (indiscernible) 50
17 percent of the vote (indiscernible) and (indiscernible) in the
18 general election, rather is (indiscernible).

19 In our briefing, the Defendants (indiscernible).
20 Noting that the primary function for a completely different
21 offices that are covered by this petition, a general election
22 isn't required if a candidate would be (indiscernible).

23 (Indiscernible) but obviously required
24 (indiscernible) voter be 50 percent of the vote. He elected

1 not the traditional rule for the general election, but
2 (indiscernible) including a (indiscernible).

3 In fact, the Nevada Constitution was added by
4 (indiscernible) 1854 before Nevada was even paid
5 (indiscernible) Section 14 of (indiscernible) be provided at
6 as a default (indiscernible) plural at in vote have an
7 election by the people shall constitute choice.

8 There's no reasonable date that a plurality is
9 sufficient under the current (indiscernible). It does not
10 under the (indiscernible) function quote act traditionally as
11 the description (indiscernible).

12 In closing, for the reasons this (indiscernible)
13 say and in addition to those provided in briefing, we ask that
14 the Court find the Petition legally deficient and enjoin
15 (indiscernible) from (indiscernible) signature, and also
16 enjoin the Secretary of State from leaving the Petition on
17 ballot.

18 And if the Court has no further questions, we'll
19 reserve our remaining time for rebuttal.

20 THE COURT: Thank you, Ms. McAleer. I do not
21 have any questions at this point.

22 Mr. Bice?

23 MR. BICE: Good morning, Your Honor. Again, for
24 the record, Todd Bice on behalf of the Committee and myself.

1 Your Honor, let me address these subject matters
2 in the order in which they were presented by counsel. The
3 single subject matter -- well, (indiscernible) Your Honor, is
4 wrong under Nevada law.

5 The subject matter before the Court and the
6 subject of this initiative is how the voters choose
7 (indiscernible) or choose (indiscernible) source. That is
8 (indiscernible) the Nevada Supreme Court has proved under the
9 single subject requirement.

10 The standard is whether -- on the statute is
11 whether or not the provisions of the initiative functionally
12 relate to and are germane to the subject of the initiative.
13 It is not, as counsel says, where she made the argument that
14 each provision must be dependent on the other.

15 That actually is not the standard and I think
16 that was a tail, that argument was a tail, because their --
17 that is their contention is that each provision -- if any
18 provision has standalone, must be a standalone initiative.
19 And that isn't the law in Nevada and, frankly, that's not the
20 law virtually anywhere else.

21 And I'll address the reliance upon this
22 criticized Colorado decision here momentarily. But what the
23 Nevada Supreme Court has said, Your Honor, if we could just --
24 they're summarized in our brief and I know that Your Honor

1 already knows these cases pretty much back and forth, and that
2 is the Nevada Supreme Court is (indiscernible) because Nevada
3 has a single (indiscernible) requirement in the constitution
4 for the legislature, which is worded almost verbatim on the
5 same as single subject requirement that exists for voter
6 initiatives.

7 And what that requires, Your Honor, is that
8 (indiscernible) single subject and then all the provisions in
9 the initiative have to relate to that subject and that's what
10 we have done here.

11 We have proposed an initiative to change the
12 manner in which the voters choose their representatives for
13 these specified losses.

14 The fact that you have a primary election as a
15 step in that process doesn't mean that primary is somehow a
16 separate subject from the general. The fact of the matter is
17 that this is single subject. It's far narrower than
18 (indiscernible) tail regarding eminent domain as it did in the
19 Heller decision.

20 The Nevada Supreme Court simply -- specifically
21 said, eminent domain is a single subject and is one of the
22 provisions related to the subject matter, the general subject
23 is eminent domain. Those provisions were all valid under the
24 (indiscernible) requirement.

1 They then said the same thing, Your Honor, with
2 respect to (indiscernible) education and the Nevada job
3 (indiscernible) where the Court tells, in that case, you
4 had -- the (indiscernible) purpose was to fund education and
5 there they made the exact -- the challengers made the exact
6 same argument the Plaintiff is making here.

7 They made the argument that, well, there were two
8 separate taxes that were involved in that case. Some voters
9 might choose one tax over another or they might prefer one
10 over another. Those taxes could stand independently. They
11 were both separate and had to be treated like separate
12 initiatives and the Nevada Supreme Court said, no, that's not
13 right. That's wrong.

14 The standard isn't does one depend on the other.
15 The standard is whether or not the provision functionally
16 relates to the subject matter of the initiative. And here
17 obviously the primary and the general relate to this election
18 of (indiscernible) holders. That's how they get into office.

19 The fact that someone can also get into office,
20 Your Honor, they (indiscernible) election. (Indiscernible)
21 primary process in circumstances, that doesn't negate the fact
22 that the primary is the principle way in which people get into
23 the general. That doesn't in any way negate the fact that
24 they weren't even complying with each other.

1 And that's -- the same was true, Your Honor, in
2 the sanctuary cities case, which I acknowledge is an
3 unpublished decision.

4 But in that case, the description was from -- the
5 subject was sanctuary cities and the Nevada Supreme Court
6 specifically upheld that and said that it's in all the
7 provisions, yeah, they were very wrong in that case, but since
8 all of them relate to the subject matter of sanctuary cities,
9 the initiatives go out for signature to the voters -- or for
10 signature (indiscernible).

11 This proposed amendment, again, Your Honor, is
12 far narrower than those that the Supreme Court in the past has
13 approved them because what we have proposed is a process for
14 change how (indiscernible) offices are, in fact, selected.

15 And we site to, Your Honor, the Alaska Supreme
16 Court's decision. It involved a very similar initiative for
17 the Alaska Supreme Court's (indiscernible).

18 These provisions about open and binary are
19 nonpartisan primary and are linked to one's voting are
20 interrelated with (indiscernible) because that's the
21 (indiscernible) accomplishing at the end of the initiative.
22 That's what it means to be (indiscernible) related and
23 germane.

24 That's how the process is supposed to work and

1 their criticism and their (indiscernible) Alaska Supreme Court
2 (indiscernible) the Alaska Supreme Court is completely
3 different than Nevada is just dead wrong.

4 The Nevada Supreme Court has specifically said
5 this provision single subject requirement provision under
6 NRS 295.409 is supposed to be broadly interpreted so as to
7 (indiscernible) the public's right to propose initiatives,
8 which is the same thing that the Alaska Supreme Court said in
9 rejecting the exact same single subject (indiscernible).

10 Now, let me turn now briefly (indiscernible)
11 decision, which was the first time in their reply was quite
12 interesting. (Indiscernible) is red flagged and Westlaw
13 because it held Supreme Court revised its decision
14 subsequently in 2019.

15 And the other problem with this is
16 (indiscernible) it's a Colorado equivalent of our decision in
17 Nevada Judges Association versus Lau.

18 So what happened in that case, Colorado lost
19 (indiscernible) provisions, one that dealt with election
20 (indiscernible) and one that dealt with unelected public
21 relations. All right.

22 Well, the proposed (indiscernible) issue proposed
23 is an amendment that would deal with both (indiscernible) even
24 though under existing law, there was already an existing

1 recall process for elected representatives, but there was no
2 such process for unelected (indiscernible) public officials.

3 So what the Colorado Supreme Court there said
4 was, well, this initiative lumps all of these true
5 historically separate groups of people together into one
6 initiative. One that was subject to a recall previously and
7 one that was not, and that's why the Colorado Supreme Court
8 there had an issue with that.

9 Similar to how the Nevada (indiscernible) and
10 allow this initiative to support all. (Indiscernible)
11 initiative term limits that apply to everyone and the Supreme
12 Court said, well, that's a problem.

13 They lump judiciary again with what are known as
14 career politicians or, in other words, (indiscernible) office
15 holders. And that's what (indiscernible). That's now
16 (indiscernible) done here.

17 This initiative applies to partisan office
18 holders. We have defined specifically which office holders it
19 applies. They're all subject to the primary process. They're
20 all subject to the general election process and they have been
21 historically always (indiscernible).

22 So the Colorado decision (indiscernible) is
23 somehow being the significant decision raised in their reply,
24 because now they've been criticized (indiscernible) itself

1 label (indiscernible). But it's also simply not square on the
2 back of the case.

3 We are treating existing political officers the
4 same way and we are separating out (indiscernible) like they
5 were in the Colorado decision, Your Honor.

6 So under the articulation, the Nevada Supreme
7 Court has given us about the (indiscernible) requirement, we
8 have satisfied that. We have proposed an initiative that
9 is -- relates to and defines how these office holders elected
10 and each of the provision of the (indiscernible) functions
11 towards that same end and is interrelated with each other.

12 So they don't deny the open primary process and
13 (indiscernible) vote or interrelated (indiscernible). What
14 our (indiscernible) dependent on (indiscernible). That,
15 again, as I said, that detail because I thought was standard.

16 If that was the standard, no unconstitutional
17 would ever survive because they essentially argue that one
18 (indiscernible) this is what I pointed out in our brief.

19 The recent amendment to the Nevada constitution
20 adopting voter (indiscernible) rights. None of those
21 constitute (indiscernible) 11 provisions in that
22 constitutional amendment were, quote, dependent on each other.
23 They all could have stood alone.

24 So the plaintiff's argument on the

1 (indiscernible) you have to have 11 different (indiscernible).
2 The same would be true, Your Honor, in 1996 amendment where
3 the voters of Nevada adopted campaign contribution limits for
4 both the primary election and the general election in a single
5 initiative.

6 Under the Plaintiff's articulation, well, those
7 aren't dependent on each other. You can have a
8 constitutional -- you can have a campaign contribution limit
9 from the primary that is separate and distinct from the
10 general and so, therefore, (indiscernible) was 5,000 for the
11 primary and then an additional 5,000 for the general.

12 So if you were somebody who didn't participate in
13 the primary, the campaign contribution limit wasn't even
14 implicated. But no one has seriously (indiscernible) that the
15 voters had to adopt constitutional initiatives in order to
16 impose those campaign contribution limits just because the
17 primary and the general are technically separate elections.

18 So they all relate to the subject matter,
19 Your Honor, and that's why it satisfies our articulation on
20 the single subject rule just like the civil initiative did in
21 the State of Alaska under their very similar single subject
22 rule requirements.

23 So, Your Honor, coming to the funding
24 (indiscernible) issue, let me note first a procedural issue in

1 that I do object to the (indiscernible) reply brief now to
2 introduce evidence. It's not actually evidence.

3 They site in a footnote 2,2 (indiscernible) where
4 they claim for the first time now that this constitutes, I
5 guess, their argument that this would necessarily impose a
6 buddy requirement to do the election. That violates the rule
7 of the court.

8 We raise (indiscernible) reply brief, number one,
9 and number two, it's actually not evidence. I don't know what
10 the Alaska system was and I don't know what the New York
11 system was just like the Plaintiff here provides no baseline
12 for how much the election process costs in Nevada.

13 And the Plaintiff met the burden here in Nevada,
14 of course made that clear, has the burden of demonstrating
15 that it's clearly unconstitutional. That's their burden. You
16 can't shift that burden.

17 And again, I would submit this is a tail when the
18 Plaintiff tries to shift that burden on the defense saying,
19 well, we claim that it's going to cost a lot more money. We
20 don't have any proof of that, but we claim it's a
21 (indiscernible) for this (indiscernible) and that's not what
22 the law requires.

23 If the Plaintiff actually was going to
24 (indiscernible) theory that this is constituted, an unfunded

1 mandate, it is the Plaintiff's burden to prove that unfunded
2 mandate and what that mandate (indiscernible).

3 They haven't done that at all. They just simply
4 stated, well, (indiscernible). Nevada has conducted elections
5 (indiscernible) the State.

6 There is zero evidence (indiscernible) offered by
7 the Plaintiff that this initiative will cost any amount of
8 money or that it won't even be the process (indiscernible) for
9 the state (indiscernible).

10 All of the things that they (indiscernible) they
11 say, well, it will cost (indiscernible) software. Do they
12 have any (indiscernible) evidence of this? No. They will
13 somehow cost (indiscernible) cost in terms of training.

14 Again, do they have any evidence this? No.
15 These are all just open (indiscernible) content and not
16 supported by anything.

17 But the bigger problem with this is the type of
18 (indiscernible) argument about the types of (indiscernible)
19 happen with any (indiscernible).

20 Those are the exact same arguments and I mean the
21 exact same arguments that were advanced against
22 (indiscernible) initiative and we site to the Court the
23 portion of the record in (indiscernible) back (indiscernible)
24 present evidence to the trial board that it was going to cost

1 money for that initiative under the theory of enforcement, law
2 enforcement and changes in processes and procedures, because
3 in that case, that initiative (indiscernible) legislature and
4 law enforcement testified at the legislative hearing about how
5 there was going to be the increase in costs.

6 The Nevada Supreme Court recognized that's not
7 what this -- that's not what the provisions of the Nevada
8 constitution where it talks about unfunded mandates is talking
9 about. There's always going to be associated costs any time
10 you change the law. But that's not here.

11 This initiative doesn't mandate (indiscernible)
12 government do anything new. It simply mandates that when you
13 conduct these elections, you do it in the following manner.
14 You are already conducting it. You're already conducting the
15 prior, which -- I'll address this shortly, which is a
16 (indiscernible) expense and what you're really arguing is that
17 once (indiscernible) parties (indiscernible) process and that
18 was (indiscernible) will do away with.

19 Number two, you already conducted
20 (indiscernible). The only difference now (indiscernible) are
21 tabulated in that general election. They're not separate
22 (indiscernible).

23 They're all these -- this process by which office
24 workers are selected and there's no evidence in this record

1 offered by the Plaintiff that this is going to impose any sort
2 of additional officers from the public.

3 And even if (indiscernible) argument about
4 (indiscernible) self-evidence by the time (indiscernible) with
5 any general change in the law, the Nevada Supreme Court just
6 said is not what Article 19 said -- is talking about.

7 What they -- what the Court there explained in
8 the education case for the (indiscernible) yes, provided for
9 education and all they had. But that initiative was going to
10 uphold a burden on the State (indiscernible) specified level
11 and it was their board -- their (indiscernible) to remove the
12 discretion that it already (indiscernible) existed in the law.

13 And by imposing that (indiscernible) spend X
14 amount, you now (indiscernible) the demands of expenditure and
15 you have the funds expenditure. That's not what we are doing.
16 This is (indiscernible) again, the general change in the law,
17 which again, leaves discretion to the legislative branch to
18 determine how that process (indiscernible).

19 And then lastly, Your Honor, with (indiscernible)
20 effect, I've been frankly (indiscernible) the Plaintiff
21 provide (indiscernible) description of the (indiscernible).
22 Our description of effect shows exactly what the statute is
23 signed to do.

24 It gives -- the statute gives up the obligation,

1 this whole (indiscernible) to provide the description of the
2 initiative proposes to do in 200 words or (indiscernible) in
3 200 words. Our description does that.

4 Right in the first sentence, Your Honor, we point
5 out (indiscernible) in front of me. We point out what the
6 exact (indiscernible) right in the first sentence
7 (indiscernible) to which (indiscernible) initiative apply and
8 then we talk about the changes that we've made.

9 The changes are spelled out right there. It will
10 eliminate the parties to primary, establishing a
11 (indiscernible) open primary, followed by (indiscernible)
12 election right in the first sentence. The following sentence
13 then tells the voters how that process is going to work and we
14 tell them the consequences of that change.

15 And contrary to the argument, I think --
16 Your Honor, I think a court recognizes it is well understood
17 throughout the country, not just Nevada, that the traditional
18 rule is that if you get 50 percent plus one vote, you're a
19 winner. That's what we're saying there (indiscernible) votes,
20 that's -- that remains.

21 But what happens if somebody doesn't get
22 50 percent plus one of the initial first place first line
23 votes, then explain to the voters the exact (indiscernible).
24 And there's no dispute (indiscernible) because description

1 (indiscernible) pay (indiscernible) they concede that we have
2 an accurate (indiscernible) on how it works.

3 What they then tried to do -- oh, and then to my
4 last point, Your Honor, is we then inform our voters in the
5 last sentence exactly what the legislature must implement
6 (indiscernible) finding.

7 We only have 200 words (indiscernible), but the
8 Nevada Supreme Court has said we it's the limited out of
9 state, you have to tell (indiscernible) principles of what
10 we're proposing, which is what we've done.

11 I've told them the offices of which it applies,
12 I've told them what the changes are we're making, how it's
13 going to work and how (indiscernible). Look at what the
14 Plaintiff proposes.

15 The Plaintiff proposes to not inform
16 (indiscernible) or supplies. The Plaintiff then goes in to
17 engage in the most types of -- the most transparent type of
18 partisan advocacy.

19 Spending time on things like (indiscernible) are
20 misleading (indiscernible) claiming somehow their
21 (indiscernible) rejected if they choose not to (indiscernible)
22 ranking more than the initial candidate, which is, by the way,
23 just flat out untruthful. That's not even a close call.

24 No (indiscernible), no ballot. I think voters

1 are sufficiently informed to understand that if you have a
2 right to foreclosure, guess what happens? You can choose not
3 to rank all the candidates, and when a candidate doesn't win,
4 then your decision not to rank additional candidate means that
5 you will not be participating in that ranking. I don't think
6 that (indiscernible) understand that.

7 Similarly, you know, the claim that now they're
8 also telling the voters, again falsely, that somehow the
9 (indiscernible) guaranteed victory. The opposite is true.
10 The highest vote count (indiscernible) in this system and,
11 again, this isn't just partisan advocacy.

12 To find and use the description as an advocacy
13 piece against the initiative as opposed to informing the
14 voters what it actually does. And they highlight that when
15 they put -- when they're talking about political parties.
16 It's the impact on the political party that's supposed to
17 impact voters. And that is what this -- that's what this
18 fight is really about.

19 And then the last point (indiscernible), Your
20 Honor, the Nevada Supreme Court made this clear, the
21 description and purpose is not to engage in evidence.

22 It is to inform voters and they're trying to
23 hijack this description as an advocacy piece against the
24 initiative as opposed to actually letting the voter make up

1 their mind based upon an objective statement of what the
2 changes that were at issue.

3 And with that, Your Honor, I will answer any
4 questions you have and I thank the Court for its time.

5 THE COURT: I do not have any questions,
6 Mr. Bice. Thank you.

7 Mr. Newby?

8 MR. NEWBY: Good afternoon, Your Honor --
9 actually it's still morning, I apologize. Craig Newby
10 representing Secretary Cegavske. We stand on our limited
11 response that we filed on December 21st in terms of -- in
12 terms of the proceedings (indiscernible) matter, subject to
13 any questions the Court may have.

14 THE COURT: Thank you. I do not have any
15 questions of you either.

16 MR. NEWBY: Thank you, Your Honor.

17 THE COURT: So we are back to you, Ms. McAleer.

18 MS. MCALEER: Thank you, Your Honor. And
19 (indiscernible) couple of points raised by counsel in
20 rebuttal.

21 First, regarding the single subject rule, defense
22 argued that our rule is that each party (indiscernible) one
23 another. That's not what we're arguing here.

24 What we're arguing here is that the various

1 proposals have been deficient. (Indiscernible) and for a
2 different purpose than what they've put forth as the purpose.

3 So specifically in our paper we state
4 (indiscernible) voter. Again, opening the primary is the sole
5 change here that serves that purpose. It's only for -- we're
6 only adding it to this in that the primary and the general
7 election, although (indiscernible) for different purposes.

8 But it is, in fact, what they're putting forth as
9 their purpose doesn't (indiscernible) with these proposed
10 changes are (indiscernible).

11 And then defense also say that other
12 (indiscernible) should (indiscernible) single subject are
13 passable. But the same (indiscernible) here (indiscernible)
14 but the Supreme Court (indiscernible) topic generally such
15 that it may ever be (indiscernible) actually (indiscernible)
16 subject. That's not what's allowed.

17 So if you look at education, the education
18 initiative (indiscernible) goal or (indiscernible) on
19 education. Those are not (indiscernible) subject there.

20 Similarly, in that unpublished (indiscernible) to
21 encourage flawless, make sure the corporation of the federal
22 government or local officials, the change for (indiscernible).
23 (Indiscernible) different types of restrictions, say, on lower
24 level officials, higher level officials. They were one that

1 restriction that was based on that.

2 So with -- the point here is there are different
3 (indiscernible) and there's actually -- they don't reflect
4 (indiscernible) as their initiative.

5 And then turning to the Colorado case, counsel
6 said that (indiscernible). That means a lot of things. And
7 here it can be (indiscernible) in this case. So it is
8 (indiscernible) Supreme Court in Colorado looked at the voter
9 Bill of Rights here that's packaged together (indiscernible)
10 constitution all of the provisions (indiscernible) court
11 (indiscernible).

12 But in matters of the (indiscernible), there were
13 different (indiscernible) purposes, again, under the general
14 heading of the recall government officer.

15 The Nevada Supreme Court has (indiscernible) in
16 2021 for the exact same purpose that we are using it in court
17 here. We didn't rely on a case that's no longer the law. We
18 relied on the composition that it absolutely (indiscernible)
19 law (indiscernible).

20 And last, with respect to the reference to the
21 Alaska case, it's important to point out (indiscernible) are
22 different in Alaska than in Nevada.

23 In Alaska, the Court uses the same standard they
24 use for analyzing whether a legislative bill contains a

1 subject. That's not what Nevada does here. And although
2 counsel says (indiscernible) similar, the legislators will not
3 say that (indiscernible) initiative (indiscernible) here.

4 And the purpose (indiscernible) legislative bill
5 (indiscernible) drafting (indiscernible) public based on an
6 interest group (indiscernible). The whole point is to let
7 (indiscernible) legislature wanted to put in protection when
8 voter (indiscernible) educated and informed about what the
9 ballot issue (indiscernible) within it.

10 And so those are (indiscernible). They don't
11 (indiscernible) that Nevada has moved forward with Judge
12 Robert (indiscernible) particularly given that campaign
13 finance (indiscernible) were thrown in there and asked him a
14 (indiscernible) restrictions based on the general primary
15 election.

16 Again, this is the same (indiscernible) one
17 purpose. It's where here, different voting methods have
18 different purposes. So it's not comparable to say that just
19 because that happened in one case, that it's -- that
20 (indiscernible) the same thing here.

21 And turning to (indiscernible) argument the Court
22 right now (indiscernible) the standard is not whether
23 (indiscernible) have to be spent or (indiscernible)
24 expenditure, and the Court attempted to ignore the obvious

1 (indiscernible) again, sending no money here would result in
2 no election.

3 So while we're not putting -- so in their
4 briefing they give to the court (indiscernible) this is not an
5 evidentiary hearing.

6 So, again, it doesn't mean that the Court has to
7 just put it aside (indiscernible) that argument and he changed
8 his argument. This is completely over (indiscernible) Nevada
9 (indiscernible). It's not tweaking the order named on the
10 ballot. It is something that is not (indiscernible) new
11 voting technology has to be used to actually (indiscernible)
12 Nevada plurality in the section.

13 So if they think it's incorrect that
14 (indiscernible) question, ignore what is (indiscernible) you
15 don't need the limited evidence to know that it's going to
16 cost money (indiscernible) office (indiscernible) not yet
17 issued a (indiscernible) statement.

18 So it makes sense that there is, you know, an
19 actual discussion that we don't have access to that either.
20 But, again, it's obvious that (indiscernible) and if they
21 were, the election would (indiscernible) the law here.

22 And last (indiscernible) description of facts or
23 (indiscernible). I think it's important to point out the
24 (indiscernible) and not (indiscernible) us omitting that the

1 party believes that we no longer (indiscernible) even on the
2 last (indiscernible) petition that they put (indiscernible)
3 ballot for the voter.

4 So clearly it's important (indiscernible)
5 interests voters consistently rely on (indiscernible) to vote
6 (indiscernible). That is recognized by the (indiscernible) in
7 our briefing regarding (indiscernible) voting.

8 If (indiscernible) voter to know what
9 (indiscernible) and it is a significant change to
10 (indiscernible) process and just allow folks to self-designate
11 their candidate or party (indiscernible) and to omit that is,
12 in fact, deceiving.

13 And they also made much of their (indiscernible)
14 and so it's (indiscernible) you think that it's
15 (indiscernible) you know, we (indiscernible). It's not about
16 (indiscernible), it's about the true facts and the true fact
17 is that it takes away nomination process, it takes away the
18 designation for a political party that is a designee on a
19 ballot and it will cost money, and to not include that
20 information and description is factually misleading to the
21 voter.

22 To ask them to go back and hone through suspicion
23 and read the definition section and, you know, look at the
24 initiative with their lawyer is not how the rule works. The

1 rule is to enforce voter that he (indiscernible) of the facts
2 and that there's (indiscernible) current one.

3 And with that, if you have any questions, I'm
4 happy to answer them.

5 THE COURT: I do not have any questions. Thank
6 you, Ms. McAleer, sorry.

7 All right. Counsel, the matter is submitted.
8 Like I said, my intent is to have an order filed today. I'll
9 do the best that I can to get that done.

10 Mr. Bice?

11 MR. BICE: Thank you, Your Honor.

12 THE COURT: Mr. Newby?

13 MR. NEWBY: Thank you, Your Honor.

14 THE COURT: Thank you. Ms. McAleer, thank you
15 again. I'm going to go ahead and --

16 MS. MCALEER: Thank you, Your Honor.

17 (Proceedings concluded.)

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1 STATE OF NEVADA,)
2 CARSON CITY.) ss.

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I, SHELLIE LOOMIS, do hereby certify:

That on January 5, 2022, a hearing was held in the within-entitled matter in the First Judicial District Court, State of Nevada;

That said hearing was recorded on JAVS CD-ROM, and said JAVS CD-ROM was delivered to me for transcription;

That the foregoing transcript, consisting of pages 1 through 45, is a full, true and correct transcript of said recorded JAVS CD-ROM performed to the best of my ability under the circumstances.

Dated at Carson City, Nevada, this 24th day of February, 2022.

//Shellie Loomis//
Shellie Loomis, RPR