

No. 87613

IN THE SUPREME COURT OF THE STATE OF NEVADA

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SCHOOLS OVER STADIUMS, a Nevada Committee for Political Action,
DAWN ETCHEVERRY, an individual; CHRISTOPHER DALY, an individual;
and ANDREA DEMICHIELI, an individual,

Appellants,

vs.

DANNY THOMPSON, an individual; THOMAS MORLEY, an individual; and
FRANCISCO V. AGUILAR, in his official capacity as NEVADA SECRETARY
OF STATE,

Respondents.

On Appeal from the First Judicial District Court of the State of Nevada
Case No. 23 OC 00106 1B

**RESPONDENT FRANCISCO V. AGUILAR'S
LIMITED ANSWERING BRIEF**

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SUMMARY OF THE LIMITED ARGUMENT

Respondent Francisco V. Aguilar, in his official capacity as Nevada Secretary of State, takes no position on the legality of the proposed referendum petition and will comply with any final judgment in this case.

LIMITED ARGUMENT

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

This case was brought prior to the Secretary of State having the opportunity to consider certifying the proposed referendum petition as sufficient pursuant to NRS 295.061(2). The Secretary of State takes no position on the legality of the proposed referendum petition. Appellant and the other Respondents will make arguments as to the petition's legality, and the Secretary of State will comply with any final judgment in this case. The Secretary of State also takes no position on the policy merits of the proposed referendum petition. If deemed legal and qualified for the 2024 general election ballot, Nevada 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.

RESPECTFULLY SUBMITTED this 22nd day of December 2023.

AARON D. FORD
Attorney General

By: /s/ Laena St-Jules
LAENA ST-JULES
Senior Deputy Attorney General

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 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 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.

RESPECTFULLY SUBMITTED this 22nd day of December 2023.

AARON D. FORD
Attorney General

By: /s/ Laena St-Jules
LAENA ST-JULES
Senior Deputy Attorney General

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing RESPONDENT FRANCISCO V. AGUILAR'S LIMITED ANSWERING BRIEF in accordance with this Court's electronic filing system and consistent with NEFCR 9 on this 22nd day of December, 2023.

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.

/s/ Aaron D. Van Sickle

An employee of the
Office of the Attorney General