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12
13 **IN THE FIRST JUDICIAL DISTRICT COURT**
14 **OF THE STATE OF NEVADA IN AND FOR CARSON CITY**

15 EMILY PERSAUD-ZAMORA, an individual,
16
17 Plaintiff,

18 vs.

19 BARBARA CEGAVSKE, in her official
capacity as NEVADA SECRETARY OF
20 STATE; R.I.S.E. NEVADA – RESTORING
INTEGRITY IN STATE ELECTIONS, a
21 Nevada Committee for Political Action; and
RAJA MOUREY, in his capacity as the
22 President of R.I.S.E. NEVADA - RESTORING
INTEGRITY IN STATE ELECTIONS,

23
24 Defendants.

Case No.: 220C0009818
Dept. No.: I

**MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF
CHALLENGING INITIATIVE
PETITION S-07-2022**

25 **PLAINTIFF'S MEMORANDUM OF POINTS AND AUTHORITIES**

26 COMES NOW, Plaintiff Emily Persaud-Zamora, an individual registered to vote in
27 Nevada, by and through her attorneys of record, hereby submits this Memorandum of Points and
28

REC'D & FILED

2022 AUG 24 PM 3:05

AUDREY ROWLATT
CLERK

BY ~~K. PETERSON~~

1 Authorities in Support of the Complaint for Declaratory and Injunctive Relief Challenging
2 Initiative Petition S-07-2022 as follows:

3 **I. INTRODUCTION**

4 Initiative Petition S-07-2022 (the “Petition”) is nearly identical to a petition from the same
5 proponents that the district court rejected as an unconstitutional unfunded mandate less than one
6 month ago. In fact, this Petition would impose the *same* unfunded mandate as that earlier petition—
7 requiring the Secretary of State to create a brand new special ID that voters who otherwise lack a
8 form of ID that the Petition deems acceptable for voting purposes could request from the Secretary
9 to enable those voters to exercise their fundamental right to vote. The only difference is that the
10 prior Petition explicitly stated that the Secretary would have to “*reallocate* existing funds to cover
11 any expenditure necessary to facilitate the issuance of a special identification document,” while
12 the present Petition omits this express reference to reallocation. But it is obvious that creating and
13 implementing the new special ID requirement would require the expenditure of funds. And the
14 new Petition does not even *try* to provide a source of funding for this new requirement. The Nevada
15 Constitution is clear that such unfunded mandates are void. *Rogers v. Heller*, 117 Nev. 169, 173,
16 18 P.3d 1034, 1036 (2001). Proponents’ deletion of the express requirement that funds be
17 “reallocated” for this purpose does not solve the problem. Rather, by including this requirement in
18 their prior petition, Proponents acknowledge that, as a matter of fact, this measure cannot be
19 implemented without a new expenditure of funds or a reallocation of existing funds. And, in fact,
20 prior financial impact statements by the Fiscal Analysis Division of Nevada’s Legislative Counsel
21 Bureau have found that imposing a new voter ID requirement will require expenditures of funds.
22 Because the Petition violates Article 19, Section 6 of the Nevada Constitution, the Court should
23 enjoin the Secretary from taking any further action on it in its current form.

24 **II. THE INITIATIVE PETITION**

25 On August 13, 2022, Raja Mourey, on behalf of the R.I.S.E. Nevada – Restoring Integrity
26 in State Elections political action committee (collectively, “Proponents”), filed Initiative Petition
27 S-07-2022, styled as the “Initiative to Restore Integrity of State Elections,” with the Nevada
28

1 Secretary of State. See **Exhibit 1**, a true and accurate copy of the Notice of Intent to Circulate
2 Statewide Initiative or Referendum Petition associated with Initiative Petition S-07-2022.

3 The Petition seeks to amend Chapter 293 of the Nevada Revised Statutes to make several
4 significant changes to Nevada's election process. The first major change concerns a requirement
5 that in-person voters present "valid photographic identification" to cast a ballot in all local and
6 federal elections unless they fall under the exceptions specified in NRS 293.277. Under current
7 Nevada law, voters may present a variety of forms of ID bearing their signature to vote in person,
8 including their voter registration card or a form of government-issued ID containing their signature
9 and a physical description. See NRS 293.277(2). The Petition seeks to amend the forms of
10 permissible ID listed in NRS 293.277(2) to prevent voters from using only their voter registration
11 card or a government-issued ID with a physical description to vote, instead requiring that *all* forms
12 of ID under NRS 293.277(2) contain the voter's picture. See Ex. 1 at 2 (proposing to amend NRS
13 293.277(2)(a) to require that "[t]he voter registration card issued to the voter [be] **accompanied by**
14 **another form of identification bearing the voter's picture**" (emphasis in original)).¹

15 The next significant change the Petition seeks to make would be to allow voters without a
16 photo ID bearing their signature to request from the Secretary of State a new "special identification
17 document" with their signature and picture to use as ID at a polling place under NRS 297.277. Ex.
18 1 at 2 (mandating that "[t]he Secretary of State shall furnish upon request a special identification
19 document to any person who is eligible to vote"). The Petition provides that "[t]he special
20 identification document is only valid for the purpose of identifying a voter at a polling place under
21 NRS 293.277." *Id.* To implement this change, the Petition would require that the county clerk,
22 with the approval of the Secretary of State: "(a) Amend the voter registration card to include an
23 option for a voter to request a special identification document; and (b) Prescribe a procedure for
24

25 ¹ In addition, because NRS 293.277(2) is referenced in several other statutes governing
26 Nevada voting procedures, including the processes for matching and curing signatures, the Petition
27 would also limit the forms of ID that voters may use for those purposes. See, e.g., NRS
28 293.269927(8)(c) (describing mail ballot cure process), 293.57691(2)(d) (describing process by
which county clerks review automatic voter registration applications received without an
electronic signature).

1 the issuance of a special identification document.” *Id.*

2 The Petition thus requires the creation of a new and special ID. It contains no funding
3 mechanism to pay for this new ID, or for any of the other changes it proposes.

4 The Petition’s description of effect reads, in full:

5 If passed, this statutory measure would require all voters voting in person at a
6 Nevada polling place to present photographic identification before casting a
7 ballot. The measure would also require the Secretary of State to create a special
8 photographic identification document for voting purposes. The new
photographic identification document will be issued upon request to any
eligible voter in Nevada.

9 Ex. 1 at 3.

10 This Petition does not come before the Court on a blank slate. It represents Proponents’
11 second attempt to circumvent the prohibition against unfunded mandates set out in Article 19,
12 Section 6 of the Nevada Constitution. Prior to filing this Petition, on or about May 4, 2022,
13 Proponents filed an almost identical petition with the Secretary of State titled S-05-2022.
14 See Notice of Intent to Circulate Statewide Initiative or Referendum Petition associated
15 with Initiative Petition S-05-2022 (May 4, 2022), available at
16 <https://www.nvsos.gov/sos/home/showpublisheddocument/10560/637884821714430000> (last
17 visited Aug. 19, 2022). On July 29, 2022, the district court held that this petition was an
18 impermissible unfunded government mandate in violation of Article 19, Section 6. See *Persaud-*
19 *Zamora v. Cegavske et al.*, No. 22 OC-00071-1B (Nev. Dist. Ct. Jul. 29, 2022). Proponents
20 resuscitate this same petition. The description of effect is the same. The language of the two
21 petitions is the same with one solitary exception: the Petition now at issue removes the following
22 language: “The Secretary of State shall reallocate existing funds to cover any expenditure
23 necessary to facilitate the issuance of a special identification document under subsection 1.” *Id.*

24 **III. LEGAL STANDARD**

25 Nevada courts have characterized Article 19, Section 6’s prohibition on initiatives that
26 mandate unfunded expenditures as a “threshold content restriction” that is ripe for review before
27 the initiative is enacted. *Herbst Gaming*, 122 Nev. at 890 n.38 (quoting *Rogers*, 117 Nev. at 173).
28

1 Thus, Nevada law allows challenges to an initiative petition at the preelection stage when it violates
2 Article 19, Section 6.

3 IV. ARGUMENT

4 A. The Petition violates the Nevada Constitution's prohibition on initiatives that 5 mandate unfunded expenditures.

6 The Petition is invalid because it mandates expenditures without providing reciprocal
7 revenues in violation of Article 19, Section 6 of the Nevada Constitution. That provision prohibits
8 any initiative that "makes an appropriation or otherwise requires the expenditure of money, unless
9 such statute or amendment also imposes a sufficient tax, not prohibited by the Constitution, or
10 otherwise constitutionally provides for raising the necessary revenue." Nev. Const. art. 19, § 6.
11 "Section 6 applies to all proposed initiatives, without exception, and does not permit any initiative
12 that fails to comply with the stated conditions." *Rogers*, 117 Nev. at 173. "If the Initiative does not
13 comply with section 6, then the Initiative is void" in its entirety, and the offending provision cannot
14 be severed to render it constitutional. *Id.* at 173, 177-78.

15 "Simply stated, an appropriation is the setting aside of funds, and an expenditure of money
16 is the payment of funds." *Rogers*, 117 Nev. at 173. Nevada prohibits initiatives that require
17 appropriations or expenditures to "prevent[] the electorate from creating the deficit that would
18 result if government officials were forced to set aside or pay money without generating the funds
19 to do so." *Herbst Gaming*, 122 Nev. at 891. An initiative need not "by its terms appropriate money"
20 to violate the prohibition. *Id.* at 890 n.40 (citing *State ex rel. Card v. Kaufman*, 517 S.W.2d 78, 80
21 (Mo. 1974)). Rather, "an initiative makes an appropriation or expenditure when it leaves budgeting
22 officials no discretion in appropriating or expending the money mandated by the initiative—the
23 budgeting official must approve the appropriation or expenditure, regardless of any other financial
24 considerations." *Id.* at 890. This is precisely what the Petition does.

25 And this is precisely what the district court held in finding Proponents' prior initiative
26 petition invalid – namely, that "it mandates expenditures without providing reciprocal revenues"
27 and that "[t]hese expenditures are *required* by the Petition, whose measures cannot be achieved
28

1 without them.” *Persaud-Zamora*, No. 22 OC-00071-1B at *8-9. That is, the court has already
2 found that the Petition requires an expenditure. The court noted that, by requiring the Secretary to
3 “reallocate existing funds to cover any expenditure necessary” for issuing the special ID, the
4 “Petition text facially acknowledges that an expenditure of money is necessary to achieve the
5 proposal.”² *Id.* at *9. But removing this reallocation language does not change what the Petition
6 does—it requires the issuance of a special ID (i.e., an expenditure). It simply removes the language
7 expressly recognizing as much. And Proponents did not *add* a funding source to “provid[e]
8 reciprocal revenues” to fund its obligations. *Id.* Rather, Proponents *eliminated* the only funding
9 language the prior petition contained—an attempt to reallocate funds from other sources.

10 **1. The Petition’s mandate that the Secretary create and issue a new form of photo**
11 **ID requires an expenditure.**

12 As explained above, the district court found that the earlier version of the Petition plainly
13 required an expenditure of funds. For good reason. Creating a new form of ID will cost money.
14 These costs have also been well-documented in other jurisdictions and recognized by the Fiscal
15 Analysis Division of the Legislative Council Bureau when analyzing past voter ID initiatives. *See*
16 *Nat’l Conference of State Legislatures, Costs of Voter Identification*, (June 2014),
17 [https://www.ncsl.org/documents/legismgt/elect/Voter_ID_Costs_Jun](https://www.ncsl.org/documents/legismgt/elect/Voter_ID_Costs_Jun_e2014.pdf)
18 [e2014.pdf](https://www.ncsl.org/documents/legismgt/elect/Voter_ID_Costs_Jun_e2014.pdf).

19 The nature of the Petition’s required expenditures is evidenced by Nevada’s own analysis
20 of prior voter ID laws. Although the Fiscal Analysis Division of the Legislative Counsel Bureau
21 has not yet issued a financial impact statement for the Petition, in 2014 and 2016, the Division
22

23
24 ² At the culmination of the hearing, the district court judge who heard the matter noted that
25 the unfunded mandate question was not a close call because that version of the petition expressly
26 required the Secretary to “reallocate” existing funds. The question there was whether the use of
27 existing funds can overcome a claim that the measure was an unfunded mandate; it cannot. Here,
28 this Petition contains no command to reallocate monies, but it nonetheless requires an
appropriation and/or expenditure to fund its special-use ID card program. The current version of
the Petition, therefore, avoids the reallocation issue, but does nothing to cure its central flaw—the
nondiscretionary requirement to create an entirely new type of state ID card.

1 determined that voter photo ID initiatives that would require a new form of photo ID would
2 increase the expenditures of the state and local governments. As noted in each financial impact
3 statement, “Legislation requiring the issuance of voter identification cards at no charge *would*
4 *increase the expenditures of* the state and local government entities required to issue the cards.”³
5 *Id.* (emphasis added). Further, the Division concluded in both analyses that “the provisions of the
6 Initiative requiring a registered voter to present his or her proof of identity to vote in person would
7 require the Secretary of State to conduct an educational campaign to inform voters of the
8 identification requirements specified within the Initiative.”⁴ *Id.*

9 Outside of Nevada, the creation of new forms of photo ID for voting has resulted in
10 significant expenditures. In Ohio, for example, a nonpartisan analysis found that providing free ID
11 cards to eligible voters would cost the state between \$8.50 and \$13.00 per card, taking into account
12 increased operating costs associated with extended hours of operation at offices that issue IDs and
13 increased costs of carrying out additional education and outreach activities.⁵ Indiana calculated its
14 production costs alone for the 168,264 voter ID cards that it provided to voters in 2010 to be over
15 \$1.3 million.⁶ The North Carolina legislature’s fiscal impact analysis of the then-pending bill to

17 ³ Neither of the initiative petitions the Division analyzed included language requiring that a
18 government agency or actor *reallocate* funds to cover these expenditures; rather, each would have
19 required the creation of a new form of ID for voting purposes at no cost to voters, just as this
20 Petition would do. See *Initiative Petition to Require Voter ID* (July 8, 2016), available at
<https://www.nvsos.gov/sos/home/showpublisheddocument/4342/637080310707300000>; *The*
Voter ID Initiative (May 14, 2014), available at
<https://www.nvsos.gov/sos/home/showpublisheddocument/3330/636087792326570000>.

21 ⁴ See *Financial Impact Statement of the Voter ID Initiative* (Feb. 13, 2014), available at
22 <https://www.nvsos.gov/sos/home/showpublisheddocument/3214/636578340122570000> (last
23 visited Aug. 19, 2022); *Financial Impact of the Initiative to Require Voter ID* (Aug. 4, 2016),
available at [https://www.nvsos.gov/sos/home/showpublisheddocument/4385/6365860236453000](https://www.nvsos.gov/sos/home/showpublisheddocument/4385/636586023645300000)
00 (last visited Aug. 19, 2022).

24 ⁵ See Sana Haider and Amy Hanauer, *Ohio Photo Voter ID: A Picture worth \$7 Million a*
25 *Year?*, POLICY MATTERS OHIO, [http://www.policymattersohio.org/wp-](http://www.policymattersohio.org/wp-content/uploads/2012/04/PhotoVoterID_Apr2012.pdf)
content/uploads/2012/04/PhotoVoterID_Apr2012.pdf.

26 ⁶ See Nat’l Conference for State Legislatures, *The Canvass*, No. XVII, Feb. 2011, p. 2,
27 available at [https://www.ncsl.org/research/elections-and-campaigns/cnv-the-canvass-vol-xvii-](https://www.ncsl.org/research/elections-and-campaigns/cnv-the-canvass-vol-xvii-february-2011.aspx#Cost)
february-2011.aspx#Cost.

1 require the state to issue free voter ID cards to eligible voters concluded that the state would incur
2 \$3.2 million in startup costs followed by \$375,000 in recurring costs to administer the system.⁷
3 Academic researchers in Minnesota estimated that the direct cost to the state of providing free ID
4 documents to half of the eligible voters who do not already have a valid photo ID to be in excess
5 of \$1.03 million in the first year.⁸ Simply put, there is no way in which designing, printing, and
6 administering a new form of required photo ID could be cost-free.

7 This is an obvious and substantial expenditure in its own right. And it alone is sufficient to
8 find that the Petition is subject to the Nevada Constitution's unfunded mandate provisions. But the
9 Petition would require additional expenditures, as well. For example, the new in-person
10 requirements would necessitate extensive voter education and outreach, revised and additional
11 election materials, and expanded training, which have cost hundreds of thousands of dollars in
12 states that have adopted similar laws.⁹ In addition, the Petition's requirement that the county clerk
13 "[a]mend the voter registration card to include an option for a voter to request a special
14 identification document," Ex. 1 at 2, would mean that the state must redesign and reprint all voter
15 registration cards, yet another expense that must be incurred. And, of course, the state must
16 generate and distribute the new special ID.

17 **2. The Petition fails to fund its required expenditures in violation of Article 19,**
18 **Section 6.**

19 Each of the expenditures described above is inherently required by the Petition, whose
20
21

22 ⁷ See H.R. 351, 2011 Sess. (N.C. 2011), available at
<http://www.ncga.state.nc.us/Sessions/2011/FiscalNotes/House/PDF/HFN0351v1.pdf>.

23 ⁸ See Nicholas Anhut, et al., *Voter Identification: The True Cost, An Analysis of Minnesota's*
24 *Voter Identification Amendment*, The Hubert H. Humphrey School of Public Affairs, University
of Minnesota, at 2 (Apr. 20, 2012), available at
25 https://conservancy.umn.edu/bitstream/handle/11299/123582/Anhut_Voter%20Identification%20The%20True%20Costs%20An%20Analysis%20of%20Minnesotas%20Voter%20Identification%20Amendment.pdf?sequence=1&isAllowed=y.
26

27 ⁹ See Nat'l Conference of State Legislatures, *Costs of Voter Identification* (June 2014) at 2-
28 3, https://www.ncsl.org/documents/legismgt/elect/Voter_ID_Costs_June2014.pdf.

1 measures cannot be achieved without them. Section 6 is not triggered only when an initiative would
2 require a new appropriation—that is, “the setting aside of funds” that the Legislature would not
3 otherwise set aside. *Rogers*, 117 Nev. at 173. It is also implicated when an initiative requires an
4 expenditure—that is, “the payment of funds” for a particular purpose. *Id.* By directing the
5 Secretary to create and issue a new form of photo ID, the Petition mandates an expenditure that
6 would not otherwise exist, thereby triggering Section 6’s funding requirement. Proponents cannot
7 “solve” this problem by removing the express directive that the Secretary “reallocate existing
8 funds” to cover these costs. While that language explicitly acknowledged that expenditures would
9 be required by the Petition, removing that language does not change the fact that the Petition
10 requires but does not fund them.

11 The Nevada Supreme Court’s recent decision in *Education Freedom PAC v. Reid* further
12 illustrates this point. 138 Nev. Adv. Op. 47, 512 P.3d 296, 303–04 (2022). There, the Court
13 invalidated a petition that would have required an appropriation and expenditure to fund education
14 accounts without raising any funds, leaving it to the Legislature to decide how to effectuate the
15 accounts. The Court held that “[t]he fact that the initiative leaves it up to the Legislature to
16 determine how to fund the proposed change does not exclude the initiative from the funding
17 mandate.” *Id.* at 303. The initiative was an unfunded mandate because it “is creating a new
18 requirement for the appropriation of state funding that does not now exist and provides no
19 discretion to the Legislature about whether to appropriate or expend the money.” *Id.* Thus, “[i]t
20 requires the Legislature to fund the education freedom accounts” in violation of Article 19, Section
21 6. *Id.* The Court also rejected the initiative proponents’ argument that “because the initiative does
22 not include any explicit expenditure or appropriation . . . it did not need to include a funding
23 provision.” *Id.* Rather, it was enough that the petition required the Legislature to appropriate and
24 spend money for a specified purpose. *Id.*

25 Moreover, as the district court already found in rejecting the prior petition, the reallocation
26 of existing funding to offset an initiative’s costs cannot immunize it from Section 6’s requirements.
27 See *Rogers*, 117 Nev. at 175-76. In *Rogers v. Heller*, the Nevada Supreme Court considered an
28

1 initiative that would have required Nevada to fund education at a given level and imposed a new
2 tax to cover the difference between that level and then-current education funding. *Id.* The Court
3 rejected the supposition that the “appropriation” to be considered was only the difference between
4 current funding levels and those that the initiative would mandate. *Id.* at 176. Because “the
5 Legislature is under no continuing obligation to fund education in any particular amount” and has
6 broad discretion to set funding at whatever level it deems appropriate, the Court ruled that “the
7 entire amount is a new requirement” that must be considered when deciding whether the initiative
8 complied with Section 6. *Id.* at 175-76 (emphasis added). The new tax would have been insufficient
9 to cover the entirety of the required spending, and the Nevada Supreme Court ruled the initiative
10 was void. *Id.* at 176-77.

11 The same is true here. For this Petition to work, the Legislature has no choice: it must fund
12 the creation of a new form of photo ID, among the other costs associated with administering the
13 program. Removing the requirement that the Secretary “reallocate” funds to cover the costs of the
14 initiative does not remove the fact that the Petition would necessitate an expenditure that it does
15 not otherwise fund, still leaving the Legislature with *no* discretion about whether it must be funded
16 to be effectuated. If funds are not appropriated or reallocated to cover the cost of the new photo
17 ID program, that photo ID program will not exist. Thus, the Petition requires an expenditure, and
18 it does not fund it.

19 This is precisely what the district court recognized as problematic in finding Proponents’
20 prior petition to be an impermissible unfunded mandate:

21 [T]he Petition would eliminate the Legislature’s discretion to lower present
22 funding below the level necessary to fund the changes it mandates, as well as
23 budgeting officials’ discretion to decline to spend money for the purposes the
24 Petition directs. The Petition accordingly leaves “budgeting officials no
25 discretion in appropriating or expending the money mandated by the
26 initiative—the budgeting official must approve the appropriation or
27 expenditure” to comply with its provisions. *Herbst Gaming*, 122 Nev. at 890.
28 And, because no portion of the Petition “provides for raising the necessary
revenue,” as Article 19, Section 6 requires, it is void *ab initio*. *Rogers*, 117 Nev.
at 173.

27 *Persaud-Zamora*, No. 22 OC-00071-1B at *10. Thus, the Petition violates Article 19, Section 6’s

1 prohibition against unfunded mandates.

2 **V. CONCLUSION**

3 Because the Petition mandates significant public expenditures without providing for
4 reciprocal revenues, it violates Article 19, Section 6 and is void. For the reasons set forth above,
5 the Court should grant Plaintiff's requested relief, striking the Petition and issuing an injunction
6 prohibiting the Secretary from taking further action upon it.

7 **AFFIRMATION**

8 The undersigned hereby affirm that the foregoing document does not contain the social
9 security number of any person.

10 DATED this 23rd day of August, 2022.

11 **WOLF, RIFKIN, SHAPIRO,**
12 **SCHULMAN & RABKIN, LLP**

13 By: 

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INDEX OF EXHIBITS

| Exhibit No. | Documents | Pages |
|-------------|--|-------|
| 1 | Notice of Intent to Circulate Statewide Initiative or Referendum Petition associated with Initiative Petition S-07-2022 | 6 |

RETRIEVED FROM DEMOCRACYDOCKET.COM

EXHIBIT 1

RETRIEVED FROM DEMOCRACYDOCKET.COM

EXHIBIT 1

NOTICE OF INTENT TO CIRCULATE STATEWIDE INITIATIVE OR REFERENDUM PETITION

State of Nevada



Secretary of State Barbara K. Cegavske

Pursuant to NRS 295.015, before a petition for initiative or referendum may be presented to registered voters for signatures, the person who intends to circulate the petition must provide the following information:

NAME OF PERSON FILING THE PETITION

Raja Mourey

NAME(S) OF PERSON(S) AUTHORIZED TO WITHDRAW OR AMEND THE PETITION (provide up to three)

1. Raja Mourey

2.

3.

NAME OF THE POLITICAL ACTION COMMITTEE (PAC) ADVOCATING FOR THE PASSAGE OF THE INITIATIVE OR REFERENDUM (if none, leave blank)

R.I.S.E. Nevada - Restoring Integrity in State Elections

Please note, if you are creating a Political Action Committee for the purpose of advocating for the passage of the initiative or referendum, you must complete a separate PAC registration form.

Additionally, a copy of the initiative or referendum, including the description of effect, must be filed with the Secretary of State's office at the time you submit this form.

X

Signature of Petition Filer

7-27-2022

Date

RESTORE INTEGRITY TO STATE ELECTIONS INITIATIVE

EXPLANATION: Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is language to be omitted.

The People of the State of Nevada do enact as follows:

Chapter 293 of NRS is hereby amended by adding thereto as follows:

1. *A person who does not possess any document bearing his or her signature and picture may request from the Secretary of State a special identification document bearing his or her signature and picture.*
2. *The special identification document is only valid for the purpose of identifying a voter at a polling place under NRS 293.277.*
3. *The Secretary of State shall furnish upon request a special identification document to any person who is eligible to vote.*
4. *The county clerk, with the approval of the Secretary of State, shall:*
 - (a) *Amend the voter registration card to include an option for a voter to request a special identification document; and*
 - (b) *Prescribe a procedure for the issuance of a special identification document under subsection 1.*

NRS 293.277 is hereby amended to read as follows:

1. Except as otherwise provided in NRS 293.283, 293.541 and 293.5772 to 293.5887, inclusive, if a person's name appears in the roster or if the person provides an affirmation pursuant to NRS 293.525, ***and he or she presents valid photographic identification***, the person is entitled to vote and must sign his or her name in the roster or on a signature card when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's application to register to vote or one of the forms of identification listed in subsection 2.
2. Except as otherwise provided in NRS 293.2725, the forms of identification which may be used individually to identify a voter at the polling place are:
 - a. The voter registration card issued to the voter ***accompanied by another form of identification bearing the voter's picture***;
 - b. A driver's license;
 - c. An identification card issued by the Department of Motor Vehicles;
 - d. A military identification card; or
 - e. Any other form of identification issued by a governmental agency which contains the voter's signature and ~~[physical description or]~~ picture.
3. The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that county in the current election.

DESCRIPTION OF EFFECT

If passed, this statutory measure would require all voters voting in person at a Nevada polling place to present photographic identification before casting a ballot. The measure would also require the Secretary of State to create a special photographic identification document for voting purposes. The new photographic identification document will be issued upon request to any eligible voter in Nevada.

County of _____ (**Only** registered voters of this county may sign below)

Petition District: _____ (**Only** registered voters of this petition district may sign below)

This Space For
Office Use Only

| | | | | |
|----------|--|------------------------|--------------|--|
| 1 | PRINT YOUR NAME (first name, initial, last name) | RESIDENCE ADDRESS ONLY | | |
| | YOUR SIGNATURE _____ DATE _____ / / | CITY _____ | COUNTY _____ | |
| 2 | PRINT YOUR NAME (first name, initial, last name) | RESIDENCE ADDRESS ONLY | | |
| | YOUR SIGNATURE _____ DATE _____ / / | CITY _____ | COUNTY _____ | |
| 3 | PRINT YOUR NAME (first name, initial, last name) | RESIDENCE ADDRESS ONLY | | |
| | YOUR SIGNATURE _____ DATE _____ / / | CITY _____ | COUNTY _____ | |
| 4 | PRINT YOUR NAME (first name, initial, last name) | RESIDENCE ADDRESS ONLY | | |
| | YOUR SIGNATURE _____ DATE _____ / / | CITY _____ | COUNTY _____ | |
| 5 | PRINT YOUR NAME (first name, initial, last name) | RESIDENCE ADDRESS ONLY | | |
| | YOUR SIGNATURE _____ DATE _____ / / | CITY _____ | COUNTY _____ | |

Petition Packet Number: _____

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DESCRIPTION OF EFFECT

If passed, this statutory measure would require all voters voting in person at a Nevada polling place to present photographic identification before casting a ballot. The measure would also require the Secretary of State to create a special photographic identification document for voting purposes. The new photographic identification document will be issued upon request to any eligible voter in Nevada.

County of _____ (**Only** registered voters of this county may sign below)
 Petition District: _____ (**Only** registered voters of this petition district may sign below)

This Space For
Office Use Only

| | | | | |
|----|--|------------------------|-------------|--|
| 6 | PRINT YOUR NAME (first name, initial, last name) | RESIDENCE ADDRESS ONLY | | |
| | YOUR SIGNATURE | DATE / / | CITY COUNTY | |
| 7 | PRINT YOUR NAME (first name, initial, last name) | RESIDENCE ADDRESS ONLY | | |
| | YOUR SIGNATURE | DATE / / | CITY COUNTY | |
| 8 | PRINT YOUR NAME (first name, initial, last name) | RESIDENCE ADDRESS ONLY | | |
| | YOUR SIGNATURE | DATE / / | CITY COUNTY | |
| 9 | PRINT YOUR NAME (first name, initial, last name) | RESIDENCE ADDRESS ONLY | | |
| | YOUR SIGNATURE | DATE / / | CITY COUNTY | |
| 10 | PRINT YOUR NAME (first name, initial, last name) | RESIDENCE ADDRESS ONLY | | |
| | YOUR SIGNATURE | DATE / / | CITY COUNTY | |

Petition Packet Number: _____

THE FOLLOWING AFFIDAVIT MUST BE COMPLETED AND SIGNED:

AFFIDAVIT OF CIRCULATOR

(To be signed by the circulator in the presence of a notary public)

STATE OF NEVADA)
)
COUNTY OF _____)

I, _____, (print name), being first duly sworn under
penalty of perjury, depose and say: (1) that I reside at

(print street, city and state); (2) that I am 18 years of age or older; (3) that I personally circulated
this document; (4) that all signatures were affixed in my presence; (5) that the number of
signatures affixed thereon is _____; and (6) that each person who signed had an
opportunity before signing to read the full text of the act or resolution on which the initiative
or referendum is demanded.

Signature of Circulator

Subscribed and sworn to or affirmed before me this ____ day
of _____, _____, by _____.

Notary Public or person authorized to administer oath