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5	Attorney for Plaintiff	
,	Nevada Republican Party	
6	IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA AND	
7	FOR CARSON CITY	
8	FUR CARS	
9		23 00 000 51 1B
	NEVADA REPUBLICAN PARTY,	Do or JE
10	71.1.170	
11	Plaintiff,	
~-	Vs.	Election-Related Litigation; Priority
12	STATE OF NEVADA; FRANCISCO	Treatment Requested
13	AGUILAR, in his official capacity as Nevada	PC.
10	Secretary of State,	A PRIME A MICAL EVERABLICAL
14		ARBITRATION EXEMPTION CLAIMED: Equitable and Extraordinary
. =	Defendants.	Relief Requested (Injunctive & Declaratory)
15	, ROV	(1)
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	COMPI	A maron
17	COMPL	AINT
18	Plaintiff/Petitioner Nevada Republican Party, by and through its attorneys of record, the	
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19	law firm of !, allege and complai	in as follows:
20	PARTIES	
	TARTES	
21	1. Plaintiff/Petitioner Nevada Republican Party ("Plaintiff" or "NV GOP") is a stat	
22	and the second in the second i	
	party political organization affiliated with the Republican Party, and is headquartered in La	
23	Vegas, NV.	
24	Vegas, IVV.	
_	Defendant State of Nevada is gove	ernmental entity headquartered in Carson City,
25	w	
	NV.	

and the second second

4 3. Defendant Francisco Aguilar is the current Secretary of State for the State of Nevada ("NV SOS") (State of Nevada and NV SOS, collectively "Defendants"). The Nevada Secretary of State's principal offices are located in Carson City, NV.

VENUE AND JURISDICTION

- This Court has jurisdiction to hear Plaintiff's claims and to grant declaratory and injunctive relief pursuant to NRS 30.030, 30.040 and 33.010.
- 5. Venue is proper under NRS 13,020 and 13.040 because this action is against a public officer, Defendants are located within the instant judicial district, the acts complained of herein occurred within the instant judicial district, and the relief Plaintiff seeks would be granted from within the instant judicial district.

GENERAL ALCEGATIONS

- A. IN PASSING SB 292, THE NEVADA LEGISLATURE RECONIZED THAT NRS 293.130 NRS 293.163 INFRINGED UPON THE CONSTITUTIONAL RIGHT OF FREEDOM OF ASSOCIATION
- The right to freedom of association is enshrined in the First Amendment to the U.S. Constitution.
- 7. As part of the constitutionally-protected right to freedom of association, individuals are able to freely associate with one another and form political parties.
- 8. Once formed, the ability of political parties to govern themselves free of state intervention/interference is a critical requisite for the citizenry to enjoy the right to freedom of association.
- 9. Nonetheless, for decades, the Nevada Legislature governed and regulated the inner workings and structure of Nevada political parties, as set forth in NRS 293:130 NRS 293:163.

 10. During the 2021 Legislative Session, the Nevada Legislature finally came to the realization that these NRS provisions were flatly unconstitutional and abridged the constitutionally-protected right to freedom of association.

- 11. Senate Bill 292 ("SB 292"), passed during the 2021 Legislative Session, repealed the overwhelming bulk of NRS provisions governing "Major Political Parties," specifically all provisions set forth in NRS 293.130 NRS 293.163.
- 12. The legislative history of SB 292 demonstrates that the Nevada Legislature clearly understood and intended to repeal these provisions specifically due to their unconstitutionality, citing the 1981 Supreme Court Case Democratic Party of United States v. Wisconsin ex rel. La Follette as one impetus for the bill's passage.
- 13. The State Legislature further understood and recognized that the NRS was not necessarily the foundation for or the chief basis of a Nevada political party's existence. Indeed, beyond generally promulgating what a "major political party" is, the Legislature, in passing SB 292, expressly declined to delve into or regulate the inner workings, processes, or structure of political parties.
- 14. The mechanism/procedures by which a state political party votes for/chooses presidential candidates (which in practice means selecting and binding delegates to a national nominating convention), is expressly within the constitutionally-protected right to freedom of association, and was specifically mentioned during the discussions/deliberations in passing SB 292.

B. DESPITE HAVING EXPRESSLY RECOGNIZED THE RIGHT TO FREEDOM OF ASSOCIATION, THE NEVADA LEGISLATURE SIMULTANEOUSLY INFRINGED UPON THAT RIGHT VIA THE PASSAGE OF AB 126

- 15. Notwithstanding the State Legislature's passage of SB 292/repeal of NRS 293.130 NRS 293.163, during the very same 2021 Legislative Session, the Legislature also passed Assembly Bill 126 ("AB 126").
- 16. AB 126 amended NRS 298 to expressly require that all major political parties, including the NV GOP, hold a primary election as part of its nominating processes for presidential candidates, See NRS 298.650(1).
- 17. Prior to the passage of AB 126, and with respect to recent presidential elections, Nevada major political parties used caucuses for choosing and binding delegates to the national convention.
- 18. AB 126 sets forth that the NV SOS, in conjunction with county clerks, will oversee and conduct the primary election for the state's major political parties. AB 126 seemingly contemplates no role for major political parties in the primary election system beyond providing a list of qualified candidates to appear on the ballot.
- 19. AB 126 is notable because it seemingly precludes a major political party such as the NV GOP from opting out of the primary election process, and thus impedes its ability to pursue a party-run caucus system (or other permissible method) instead.
- 20. With respect to the impending 2024 presidential nomination process, AB 126 will force the NV GOP to use a state-run primary system at the possible exclusion of a party-run caucus system or other permissible method of selection pursuant to its rules/bylaws.
- As such, AB 126 threatens to obstruct the rights of the NV GOP and Nevada citizens under the First and Fourteenth Amendments to freely associate. Indeed, individuals are guaranteed the right to organize themselves into political parties, parties which are self-governed

and not subject to state interference/influence as to how its presidential candidates are chosen -something that was expressly deemed to be unconstitutional in passing SB 292.

- 22. Given the aforementioned issues and the impending threat to the NV GOP's ability to freely associate and choose how its members vote for/choose presidential nominees, this Court should order and/or mandate that Defendants be barred from enforcing the provisions of AB 126 concerning a presidential primary system against the NV GOP.
- 23. In conjunction with the requested injunctive relief, the NV GOP requests that this Court declare that the right to freedom of association guarantees the NV GOP the ability to select and bind its delegates for its national presidential nominating convention pursuant to its own rules/bylaws, and not necessarily pursuant to the processes set forth in AB 126.
- a. Although Plaintiff believes that AB 126 should be deemed completely unenforceable against the NV GOP, should this Court nonetheless find that Defendants can compel Plaintiff's participation in a primary election, the NV GOP requests alternative declaratory relief that deems the results of said primary non-binding on how the NV GOP's delegates are selected and bound with respect to its national party nominating convention. Stated differently, the NV GOP should be able to use an alternative system such as a caucus or other method pursuant to its bylaws/internal rules for choosing and binding its delegates, notwithstanding the primary election contemplated by AB 126.

FIRST CLAIM FOR RELIEF (INJUNCTIVE RELIEF)

24. Plaintiff repeats and realleges the preceding paragraphs as though fully stated herein.

- 25. The conduct alleged herein threatens to imminently deprive Plaintiff and its members of their rights with respect to freedom of association as guaranteed by the First and Fourteenth Amendments of the United States Constitution.
 - 26. Plaintiff and its members have no adequate remedy at law.
- 27. Without injunctive relief, Plaintiff and its members will suffer irreparable harm for which compensatory damages are inadequate.
- 28. The NV GOP, its members, and the public at large have a significant interest in preventing the harm that will be created in the impending presidential nomination process by regulating and interfering with how political parties choose and bind its delegates for a presidential nominating convention.

SECOND CLAIM FOR RELIEF (APPLICATION FOR WRIT OF PROHIBITION)

- 29. Plaintiff repeats and realleges the preceding paragraphs as though fully stated herein.
- 30. In furtherance of its requested injunctive relief, the NV GOP seeks a writ of prohibition that bars Defendants from enforcing against the NV GOP the provisions of AB 126 mandating participation in a primary system.
- The NV GOP has standing to seek writ relief, as it and its members are seeking to protect the constitutional right of freedom of association, and the issuance of the requested writ would protect said interest. See Heller v. Legislature of State of Nev., 120 Nev. 456, 460-61, 93 P.3d 746, 749-50 (2004).
- 32. Although writ relief is normally reserved for cases in which there is no adequate remedy at all, even when there is an adequate remedy at all, a court may "exercise its discretion to entertain a petition for mandamus under circumstances of urgency or strong necessity, or

when an important issue of law needs charification and sound judicial economy and administration favor the granting of the petition." State v. Second Jud. Dist. Ct. ex rel. Cnty. of Washoe, 118 Nev. 609, 615, 55 P.3d 420, 423 (2002).

- 33. In this particular case, Nevada's state-run primary system is set to be implemented in less than a year. Given the months of planning that goes into operating a primary (or caucus) system, it is imperative that this Court consider the requested injunctive relief on an expedited basis. Moreover, the issues presented herein represent critical issues of law that require clarification, especially in light of the fact that the Nevada Legislature expressly passed SB 292 to protect the constitutional right of freedom of association, only to contradict itself during the same legislative session and infringe upon said right in passing AB 126,
- 34. Overall, this Court has the ability to prohibit the State of Nevada and the NV SOS from enforcing against the NV GOP the provisions of AB 126 that require the NV GOP's participation in a state-run primary system for choosing delegates for its presidential nominating convention.

THIRD CLAIM FOR RELIEF (DECLARATORY RELIEF)

- 35. Plaintiff repeats and realleges the preceding paragraphs as though fully stated herein.
- 36. In conjunction with the requested injunctive relief/writ of prohibition, the NV GOP seeks declaratory relief.
- 37. This Court has the ability to declare the rights, status and other legal relations of the parties herein, regardless of whether further relief is or could be claimed.
- 38. The facts and issues presented herein constitute a justiciable controversy, in which the NV GOP asserts a legally-protectable interest (i.e., the freedom of association, and

specifically, the ability to exclusively govern how it and its members vote for/express a preference for presidential candidates).

- 39. The controversy is ripe for determination as AB 126 has already been codified into the NRS, and it set to be implemented in less than a year as part of the forthcoming 2024 presidential nomination process.
- 40. As a result of the foregoing, the NV GOP is entitled to relief pursuant to NRS 30.010 et seq., in the form of a declaration that says:
- a. The provisions of AB 126, to the extent that they require a major political party to participate in and comply with a state-mandated and state-run primary process, are unenforceable against the NV GOP, who is free to use a caucus system (or other permissible method of selecting/binding delegates) in lieu of the primary system contemplated by AB 126.
- 41. In the alternative to the foregoing, and in the event this Court deems AB 126 constitutional and enforceable against the NV GOP, the NV GOP seeks a declaration that says:
- a. The results of the primary conducted pursuant to AB 126 are not necessarily binding on the NV GOP, who are free to use an alternative method such as a caucus system or other method pursuant to its bylaws/internal rules for voting for/choosing party presidential candidates.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

I. Grant preliminary injunctive and permanent injunctive relief, including but not limited to in the form of a writ of prohibition, prohibiting Defendants from enforcing against the NV GOP provisions of AB 126 that require participation in a primary system;

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2. Declaratory Relief that deems the provisions of AB 126 requiring major political parties to participate in a state-run primary system unconstitutional and unenforceable against the NV GOP, which is free to select and bind its delegates for its national presidential nominating convention pursuant to its own rules/bylaws;

3. In the alternative to the above requested relief, declaratory relief that deems the results of Nevada's state-run primary non-binding on how the NV GOP's delegates are selected and bound for its national party's nominating convention;

For any other relief as this Court may deem just and proper.

Dated this 25 day of May, 2023

CHATTAH LAW GROUP

SIGAL CHATTAH, ESQ. Nevada Bar No.: 8264 5875 Rainbow Blvd. #204 Las Vegas, Nevada 89118

Tel: (702)360-6200 Fax: (702)643-6292 Attorneys for Plaintiff

AFFIRMATION

Pursuant to NRS 239B.030/603A.040 (Initial Appearance) The undersigned does hereby affirm that the document entitled COMPLAINT does not contain "Personal Information" and agrees that upon the filing of additional documents in the above matter, an Affirmation will be provided ONLY if the document contains a social security number (NRS 239B.030) or "personal information" (NRS 603A.040), which means a natural person's first name or first initial and last name in combination with any one or more of the following data elements:

- 1. Social Security number.
- 2. Driver's license number, driver authorization card number or identification card number.
- 3. Account number, credit card number or debit card number, in combination with any required security code, access code or password that would permit access to the person's financial account.
 - 4. A medical identification number or a health insurance identification number.
- 5. A user name, unique identifier or electronic mail address in combination with a password, access code or security question and answer that would permit access to an online account.

The term does not include publicly available information that is lawfully made available to the general public.

Dated this 25th day of May, 2023

Sigal Chattah, Esq.

The purpose of this initial affirmation is to ensure that each person who initiates a case, or upon first appearing in a case, acknowledges their understanding that no further affirmations are necessary unless a pleading which is filed contains personal information.