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

JUAN MEDINA, an individual,

Plaintiff,

vs.

FRANCISCO V. AGUILAR, in his
official capacity as NEVADA
SECRETARY OF STATE, and VOTE
NEVADA PAC,

Defendants.

Case No.:

Dept. No.:

**PLAINTIFF'S MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT OF COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF
CHALLENGING INITIATIVE
PETITION C-02-2025**

Plaintiff Juan Medina, an individual registered to vote in Nevada, by and through his attorneys of record, submits this Memorandum of Points and Authorities in support of his Complaint for Declaratory and Injunctive Relief challenging Initiative Petition C-02-2025 as follows:

INTRODUCTION

Initiative Petition C-02-2025 (the "Petition") seeks to amend Article 4, Section 5 of the Nevada Constitution to establish the "Independent Redistricting Commission" and require that redistricting be performed by a commission rather

1 than by the Legislature. See **Exhibit 1**, a true and accurate copy of the Notice of
2 Intent to Circulate Statewide Initiative or Referendum Petition associated with the
3 Petition. The Petition violates the unfunded-mandate prohibition in Article 19,
4 Section 6 of the Nevada Constitution because it will require the expenditure of state
5 money to fund the Commission but does not provide for raising the necessary
6 revenue. The Court should therefore enjoin the Nevada Secretary of State (the
7 “Secretary”) and Vote Nevada PAC from taking any further action on the Petition.

8 **BACKGROUND**

9 On September 9, 2025, Sondra Cosgrove, on behalf of Vote Nevada PAC, filed
10 the Petition with the Secretary. The Petition seeks to amend Article 4, Section 5 of
11 the Nevada Constitution to require that redistricting be performed by a commission
12 rather than by the Legislature.

13 The Petition proposes the creation of a new, seven-member state body—the
14 “Independent Redistricting Commission”—which cannot be comprised of any
15 lobbyists, candidates, or elected officials and will be tasked with drawing state
16 legislative and Congressional districts. Ex. 1 at 2. The Commission must ensure
17 that districts comply with the U.S. Constitution and applicable federal law, have an
18 approximately equal number of inhabitants, are geographically contiguous, are not
19 drawn with “the intent or result of denying or abridging the equal opportunity of
20 racial or language minorities to participate in the political process or elect
21 representatives of their choice,” do not “unduly advantage or disadvantage a
22 political party,” reflect county, city, and township boundaries, minimize the division
23 of communities of interest, are reasonably compact, and consider the number of
24 politically competitive districts. *Id.* at 3. The Commission must ensure that its
25 meetings are open to the public and that the public has opportunities to view,
26 present testimony, and participate in Commission hearings. Commission materials
27 are public records. *Id.* at 2–3. The Petition provides no revenue to fund these
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mandates. *See id.* The operative text of the Petition is identical to the operative text of Petition C-03-2023, which Sondra Cosgrove filed on behalf of a different PAC, Fair Maps Nevada PAC, two years ago in 2023. *See Exhibit 2*, a true and accurate copy of Initiative Petition C-03-2023. The Nevada Supreme Court held in 2024 that Petition C-03-2023 violated Article 19, Section 6 of the Nevada Constitution because complying with the requirements of the petition would require the expenditure of state funds, but the petition would not raise any revenue. *See Fair Maps Nevada v. Jeng*, No. 88263, 548 P.3d 427, 2024 WL 2120696 (Nev. 2024) (unpublished), attached as **Exhibit 3**. The Court explained that both the evidence before the district court “and common sense tell us that the creation and maintenance of a new Redistricting Commission will require an expenditure of money,” but that Petition C-03-2023 did not “provide a means to generate the revenue to support that expenditure.” Ex. 3 at 6. The Supreme Court therefore affirmed the district court’s order enjoining Secretary Aguilar from taking any action on Petition C-03-2023. *Id.*

LEGAL STANDARD

Article 19, Section 6’s prohibition on initiatives that mandate unfunded expenditures is a “threshold content restriction” and voids noncompliant initiatives. *Educ. Freedom PAC v. Reid*, 138 Nev. 513, 521, 512 P.3d 296, 303 (2022).

ARGUMENT

The Petition violates the Nevada Constitution because it would require the expenditure of government funds, but it does not provide any revenue source to cover these new costs. Vote Nevada PAC is precluded from arguing otherwise, because it is in privity with Fair Maps Nevada PAC, which litigated this issue two years ago and lost.

1 **I. The Petition unlawfully mandates an unfunded expenditure.**

2 Article 19, Section 6 of the Nevada Constitution prohibits any initiative that
3 “makes an appropriation or otherwise requires the expenditure of money, unless [it]
4 also imposes a sufficient tax, not prohibited by the Constitution, or otherwise
5 constitutionally provides for raising the necessary revenue.” Nev. Const. art. 19, § 6.
6 This prohibition fully applies to “initiatives proposing constitutional changes.” *Reid*,
7 138 Nev. 513, 520, 512 P.3d 296, 303 (2022). As a result, an initiative violates
8 Article 19, Section 6 and is therefore void if it “creat[es] a new requirement for the
9 appropriation of state funding that does not now exist and provides no discretion to
10 the Legislature about whether to appropriate or expend the money.” *Id.* at 520–21,
11 512 P.3d at 303–04. “[A]n initiative makes an appropriation or expenditure
12 when . . . the budgeting official must approve the appropriation or expenditure,
13 regardless of any other financial considerations.” *Herbst Gaming*, 122 Nev. at 890,
14 141 P.3d at 1233. This rule serves to prevent initiative proponents from “creat[ing]
15 a hole in the state’s budget” that the Legislature will have to fill, and it applies even
16 if “the initiative leaves it up to the Legislature to determine how to fund the
17 proposed change.” *Reid*, 138 Nev. at 519, 521, 512 P.3d at 303.

18 The Nevada Supreme Court held just last year that Petition C-03-2023—the
19 operative text of which is identical to the text of the Petition challenged here—made
20 an appropriation under this standard because it required the creation of a new state
21 body—a redistricting commission—which will necessarily incur expenses, but it
22 failed to provide the revenue required to cover those expenses. *Fair Maps Nevada*,
23 Ex. 3 at 6. The operative text of the Petition at issue here is identical to Petition
24 C-03-2023, so the Nevada Supreme Court’s decision invalidating it is
25 indistinguishable.

26 Regardless, the Supreme Court was correct in *Fair Maps Nevada*—the
27 Petition violates Article 19, Section 6 by requiring a government expenditure
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1 without raising revenue to fund it. In fact, the Petition admits as much: its
2 description of effect concedes that it “will result in the expenditure of state funds to
3 fund the Commission.” Ex. 1 at 4.

4 The Petition creates an “Independent Redistricting Commission,” which is an
5 entirely new body whose members cannot be current legislators. Ex. 1 at 3.
6 Redistricting commissions in other states have required millions of dollars of state
7 funding to carry out their mandates. In California, the Citizens Redistricting
8 Commission incurred more than \$10 million in costs before the adoption of the final
9 set of maps from July 1, 2020 through December 27, 2021.¹ In Arizona,
10 appropriations for the Independent Redistricting Commission totaled \$12,716,227
11 for 2011-2017 and \$8,400,000 for 2021-2022.² In Ohio, the Office of Budget and
12 Management estimated that a constitutional amendment establishing a
13 redistricting commission and requiring new districts to be redrawn would cost
14 between \$11 million and \$15.2 million over an eight-year period.³ Redistricting
15 expenditures under the Ohio Redistricting Commission amounted to \$625,000 from
16 2020 through October 2021, for “redistricting mapping software applications,
17 consulting and research services, mileage reimbursements, and other such expenses
18

19 ¹ **Exhibit 4**, a true and accurate copy of a Letter from Antonio Le Mons,
20 Commissioner on California Citizens Redistricting Commission, to Hans Hemann,
21 Joint Legislative Budget Committee, and Charles LaSalle, Department of Finance
22 dated June 30, 2023, <https://wedrawthelines.ca.gov/wp-content/uploads/sites/64/2023/07/wd-2023-06-30-LegislatureExpReport.pdf>.

23 ² **Exhibit 5**, a true and accurate copy of FY 2023 Appropriations Report from
24 the Arizona Independent Redistricting Commission, , <https://www.azjlbc.gov/23AR/irc.pdf>.

25 ³ **Exhibit 6**, a true and accurate copy of a Letter from Timothy Keen,
26 Director of Ohio Office of Budget & Management, to Jon Husted, Ohio Secretary of
27 State dated Oct. 3, 2012, <https://www.ohiosos.gov/globalassets/ballotboard/2012/2-fiscalanalysis.pdf>.
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1 related to the process of redistricting.”⁴ And in Virginia, the Redistricting
2 Commission estimated it would spend \$250,000 for public hearings, member
3 meetings, and experts alone.⁵

4 There is no reason to conclude that a redistricting commission in Nevada
5 would be any different, and Nevada’s own redistricting experiences support this
6 conclusion, too. At a minimum, it will cost money to recruit, identify, and vet the
7 Commission’s members, and the Commission will need to analyze the maps,
8 consider its options, hold public hearings, and ensure it complies with nine specific
9 criteria identified in the Petition. Ex. 1 at 3. Complying with these requirements
10 entails significant expert and technological support, none of which are provided for
11 in the Petition. Nevada legislative committees that have previously undertaken
12 reapportionment and redistricting have relied on research staff, legislative counsel,
13 redistricting and GIS specialists, and special masters, all of which carry significant
14 expenses.⁶

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16 ⁴ **Exhibit 7**, a true and accurate copy of Fiscal Note & Local Impact
17 Statement for S.B. 258 dated Nov. 3, 2023, [https://www.legislature.ohio.gov/
download?key=17742&format=pdf](https://www.legislature.ohio.gov/download?key=17742&format=pdf).

18 ⁵ **Exhibit 8**, a true and accurate copy of the Budget and Finance
19 Subcommittee Meeting Summary of the Virginia Redistricting Commission dated
20 May 27, 2021, [https://www.virginiaredistricting.org/2021/Data/public%20hearings/
sm052721.pdf](https://www.virginiaredistricting.org/2021/Data/public%20hearings/sm052721.pdf).

21 ⁶ See, e.g., **Exhibit 9**, a true and accurate copy of the Nevada Legislature
22 webpage identifying staff members of the Committee to Conduct an Investigation
23 into Matters Relating to Reapportionment and Redistricting in Nevada **Exhibit 10**,
24 a true and accurate copy of the Legislative Counsel Bureau’s presentation on
25 Redistricting Software Options; **Exhibit 11**, a true and accurate copy of the May 27,
26 2020, Summary Minutes of the Nevada Legislature Committee to Conduct an
27 Interim Study of the Requirements for Reapportionment and Redistricting in the
28 State of Nevada; **Exhibit 12** a true and accurate copy of Summary Minutes of the
Nevada Legislature Public Hearing by Special Masters to Receive Testimony
Concerning Redistricting of Legislative and Congressional Districts, [https://
www.leg.state.nv.us/App/InterimCommittee/REL/Document/14769](https://www.leg.state.nv.us/App/InterimCommittee/REL/Document/14769).

1 Furthermore, the Petition demands that the Commission hold meetings
2 “open to the public,” with an opportunity for public viewing, testimony, and
3 participation, provide public notice of proposed plans and an opportunity for public
4 review and comment, and make its records available as public records. Ex. 1 at 1.
5 Meeting these requirements costs money, too, but the Petition fails to raise any
6 revenue to fund it.

7 The Petition therefore “creat[es] a new requirement for the appropriation of
8 state funding that does not now exist,” *Reid*, 138 Nev. at 521, 512 P.3d at 304, and
9 leaves “budgeting officials no discretion in appropriating or expending the money
10 mandated by the initiative—the budgeting official must approve the appropriation
11 or expenditure” to comply with its provisions, *Herbst Gaming*, 122 Nev. at 890, 141
12 P.3d at 1233. Because the Petition requires an appropriation and expenditure but
13 does not “provide[] for raising the necessary revenue” as Article 19, Section 6
14 requires, it is void ab initio for unlawfully mandating an unfunded expenditure.
15 *Rogers*, 117 Nev. at 173, 18 P.3d at 1036.

16 **II. Issue preclusion bars Vote Nevada PAC from denying that the**
17 **Petition unlawfully mandates an unfunded expenditure.**

18 Issue preclusion bars Vote Nevada PAC from denying that the Petition
19 requires an unfunded government expenditure in violation of Article 19, Section 6.
20 Issue preclusion applies where (1) “the issue decided in the prior litigation [was]
21 identical to the issue presented in the current action,” (2) the prior ruling was “on
22 the merits and became final,” (3) the party to be precluded was “a party or in
23 privity with a party to the prior litigation,” and (4) the issue was “actually and
24 necessarily litigated” in the prior case. *Five Star Cap. Corp. v. Ruby*, 124 Nev. 1048,
25 1053, 1055, 194 P.3d 709, 712–13 (quoting *LaForge v. State, Univ. & Cmty. Coll. Sys.*
26 *of Nev.*, 116 Nev. 415, 420, 997 P.2d 130, 134 (2000)). Each of those elements is met
27 here.
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1 *First*, the operative text of the Petition is identical to Petition C-03-2023 from
2 *Fair Maps Nevada*, so whether the Petition unlawfully requires an unfunded
3 expenditure of state funds is exactly the same factual and legal issue decided there.
4 *Compare* Ex. 1 (Petition C-02-2025) *with* Ex. 2 (C-03-2023, at issue in *Fair Maps*
5 *Nevada*).

6 *Second*, the ruling in *Fair Maps Nevada* was final and on the merits. The
7 Nevada Supreme Court affirmed the district court’s final judgment enjoining
8 Secretary Aguilar from taking further action on Petition C-03-2023. *Fair Maps*
9 *Nevada*, Ex. 3 at 6–7. That judgment was on the merits—the Supreme Court held
10 that Petition C-03-2023 violated Article 19, Section 6 by requiring unfunded
11 expenditures. *Id.* at 6.

12 *Third*, “the party against whom the judgment is asserted”—Defendant Vote
13 Nevada PAC—was “in privity with a party to the prior litigation”—Fair Maps
14 Nevada, an intervenor-defendant and appellant in the 2024 challenge. *Five Star*
15 *Cap. Corp.*, 124 Nev. at 1055, 194 P.3d at 713; *see Fair Maps Nevada*, Ex. 3 at 1–2.
16 A finding of privity requires a “relationship between the parties [that] is sufficiently
17 close to supply preclusion.” *Mendenhall v. Tassinari*, 133 Nev. 614, 618, 403 P.3d
18 364, 369 (2017) (cleaned up). Vote Nevada PAC and Fair Maps Nevada PAC have
19 that close relationship. The same person—Sondra Cosgrove—is the Executive
20 Director of Vote Nevada PAC and the President of Fair Maps Nevada PAC. *See*
21 **Exhibit 13**, a true and correct copy an amended committee registration form for
22 Fair Maps Nevada PAC dated November 14, 2023; **Exhibit 14**, a true and correct
23 copy of a committee registration form for Vote Nevada PAC dated September 9,
24 2025. Ms. Cosgrove was not some bystander—she filed and personally signed the
25 notice of intent to distribute for both petitions and is authorized to withdraw or
26 amend both petitions. *See* Ex. 1 at 1, Ex. 2 at 1. And Fair Maps Nevada PAC listed
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1 Vote Nevada as an affiliated organization on its committee registration form. Ex. 14
2 at 2.

3 Given these close ties, Vote Nevada PAC cannot deny that it had a fair
4 opportunity to defend the Petition in the prior proceeding “such that it is fair to
5 apply a prior decision [] to their claims.” *Bower v. Harrah’s Laughlin, Inc.*, 125 Nev.
6 470, 481, 215 P.3d 709, 718 (2009). Proponents cannot escape issue preclusion by
7 simply spinning up a new organization each time they want to run identical
8 petitions and relitigate the same issues. *See FQ Men’s Club, Inc. v. City of Reno*, No.
9 75132, 135 Nev. 644, 441 P.3d 1090, 2019 WL 2339967 (2019) (unpublished)
10 (finding privity between parties owned by the same nonparty owner and officer and
11 applying preclusive effect), attached as **Exhibit 15**; *cf. Headwaters Inc. v. U.S.*
12 *Forest Serv.*, 399 F.3d 1047, 1056 (9th Cir. 2005) (indicating that overlapping
13 officers suggests the close organizational ties required to find privity). And it makes
14 no difference that Medina, the plaintiff, was not a party in the prior litigation,
15 because issue preclusion under Nevada law, unlike claim preclusion, requires only
16 that “*the party against whom the judgment is asserted*” have been a party or in
17 privity with a party to the prior case. *Five Star*, 124 Nev. at 1054 (emphasis added).
18 As explained, Vote Nevada PAC is in privity with Fair Maps Nevada PAC, meeting
19 that requirement.

20 *Fourth*, the issue of whether the Petition requires an unfunded government
21 expenditure in violation of Article 19, Section 6 was actually and necessarily
22 litigated in *Fair Maps Nevada*. The Nevada Supreme Court evaluated Petition
23 C-03-2023—with operative text identical to the Petition here—and expressly held
24 that the evidentiary record “and common sense tell us that the creation and
25 maintenance of a new Redistricting Commission will require an expenditure of
26 money” that Petition 03-2023 did not raise, and that it therefore violated Article 19,
27 Section 6. *Fair Maps Nevada*, Ex. 6, at 6. That holding, resolving a disputed
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1 argument against Fair Maps Nevada, was the basis for the Court's affirmance of the
2 district court's judgment in the case. *See id.*

3 The requirements for issue preclusion are therefore met, and Vote Nevada
4 PAC is precluded from denying that the Petition requires an unfunded government
5 expenditure in violation of Article 19, Section 6.

6 **CONCLUSION**

7 Because the Petition would mandate significant public expenditures without
8 providing for reciprocal revenues, it violates Article 19, Section 6 of the Nevada
9 Constitution and is void. The Court should therefore grant Plaintiff's requested
10 relief, striking the Petition and issuing an injunction prohibiting the Secretary and
11 Vote Nevada PAC from taking further action on it.

1 **AFFIRMATION**

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

4 DATED this ____th day of September, 2025.

5
6 **BRADLEY S. SCHRAGER, ESQ. (SBN 10217)**

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8 y: _____

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