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

15 REPUBLICAN NATIONAL COMMITTEE;
16 NEVADA REPUBLICAN PARTY; and JAMES
17 CARL MARCHANT, JR. an individual.

18 Plaintiffs,

19 vs.

20 FRANCISCO AGUILAR, in his official capacity
21 as NEVADA SECRETARY OF STATE;
22 DEMOCRATIC NATIONAL COMMITTEE;
23 and NEVADA STATE DEMOCRATIC PARTY

24 Defendants.

Case No.:
Dept. No.:

COMPLAINT

**NAR Arbitration Exempt: Declaratory and
Injunctive Relief Sought**

***Election-Related Matter / Expedited
Treatment Requested***

25 Plaintiffs the Republican National Committee, Nevada Republican Party, and James Carl
26 Marchant, Jr. (collectively, "Plaintiffs"), by and through undersigned counsel, bring this action
27 seeking declaratory and injunctive relief against Defendant Francisco Aguilar in his official
28 capacity as the Nevada Secretary of State. Plaintiffs also name the Democratic National Committee
and Nevada State Democratic Party as necessary parties (*see infra* fn. 1 herein). In support thereof,
Plaintiffs allege as follows:

INTRODUCTION & SUMMARY

1. This is an action challenging the constitutionality of NRS 293D.210(4), which
permits the registration and voting of individuals who (a) were born outside of the United States

1 and (b) have never resided in the State of Nevada, in direct violation of Article 2, Section 1 of the
2 Nevada Constitution. Nevada has impermissibly relaxed its constitutional residency requirement
3 for such individuals based solely on the adult individual’s parent’s or legal guardian’s last place
4 of residence in Nevada before leaving the United States.

5 2. The Nevada Constitution sets voter qualifications. Among other requirements, it
6 limits the franchise to persons who have “actually, as opposed to constructively, resided in the
7 state six months, and in the district or county thirty days next preceding any election.” Nev. Const.
8 art. 2, § 1. The Constitution is expressly clear that constructive residency cannot satisfy Nevada’s
9 voter eligibility requirements.

10 3. Notwithstanding these clearly defined, constitutional contours, the Nevada
11 Secretary of State, as acknowledged by his own public guidance, continues to enforce NRS
12 293D.210(4) and facilitate voter registration thereunder. NRS 293D.210(4) is a statutory provision
13 that directly usurps the Nevada Constitution by allowing for the registration of and voting by
14 individuals who have *never* resided in the State of Nevada (and instead receive an imputed form
15 of “residency” through a parent). This practice violates the Nevada Constitution.

16 4. The Nevada Secretary of State administers and enforces this aforementioned voter
17 registration scheme. In doing so, the Secretary authorizes the registration of applicants who have
18 never resided in the State as Nevada voters, and issues them absentee ballots for elections in
19 Nevada. That practice violates the Nevada Constitution.

20 5. Nevada may extend registration and absentee voting procedures to qualified
21 Nevada voters abroad, including military and overseas citizens who previously resided in Nevada
22 and remain Nevada domiciliaries for voting purposes. But Nevada may not create *bona fide*
23 Nevada voters out of individuals who have never resided in Nevada, solely by reference to a
24 parent’s historical voting eligibility. Residency is not inherited and cannot be established by proxy.
25 An individual who has never personally made Nevada his or her home necessarily has not “actually
26 ... resided in the state” for any period of time, within the meaning of Article 2, Section 1.

1 national platform and election strategies. The RNC supports Republican candidates for public
2 office at the federal and state levels across the country, including those on the ballot in Nevada’s
3 elections. The RNC is responsible for supporting Republican candidates and party organizations
4 nationwide, including in Nevada, and for allocating substantial funds and resources to federal and
5 state elections conducted in Nevada. The RNC’s central mission includes electing Republican
6 candidates for President of the United States, United States Senate, United States House of
7 Representatives, state offices, and other offices. The RNC’s strategic and resource-allocation
8 decisions depend on lawful, constitutional rules governing voter eligibility and ballot issuance.
9 The RNC devotes substantial resources to identifying, registering, and contacting lawful voters;
10 maintaining accurate lists of lawful voters; getting out the vote; and ensuring the integrity of
11 election administration and election results. Rules or statutory provisions that allow
12 constitutionally ineligible individuals to cast ballots undermine the integrity of the electoral
13 process and the political legitimacy of the RNC’s winning candidates, causing reputational harm
14 that is “particularly concrete for those whose very jobs depend on the support of the people.” *Bost*
15 *v. Illinois State Bd. of Elections*, 607 U.S. 71, 146 S. Ct. 513, 520 (2026). The RNC, therefore, has
16 a personal stake in the outcome of this controversy.

17 10. Plaintiff NEVADA REPUBLICAN PARTY (“NVGOP”) is a state political party
18 in Nevada with its principal place of business at 2810 West Charleston Blvd. #69, Las Vegas, NV
19 89102. The Nevada Republican Central Committee is the NVGOP’s governing body. The NVGOP
20 and the Central Committee exercise their federal and state constitutional rights of speech,
21 assembly, petition, and association to provide statutory leadership of the Nevada Republican Party
22 as directed in the Nevada Revised Statutes, to recruit, develop, and elect representative government
23 at the national, state, and local levels, and to promote sound, honest, and representative government
24 at the national, state, and local levels. *See Nev. Republican Cent. Comm. Bylaws*, art. II, §§1.A-
25 1.C. The NVGOP represents over 570,000 registered Republican voters in Nevada. The NVGOP
26 has already invested, and intends to continue to invest, significant resources in Nevada seeking
27 voter support for Republican candidates in the Nevada general election. The NVGOP spends
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1 tremendous time and effort advocating for its members throughout all levels of state government,
2 working to ensure they are heard both at the ballot box and beyond. Ensuring election integrity
3 and security is germane to the NVGOP's organizational mission. The NVGOP also has
4 associational standing because its members have standing in their own right to challenge
5 Defendants' actions here, as these members' votes are diluted as a result of ineligible voters
6 participating in elections. The NVGOP has the same interests in this case as the RNC and seeks to
7 vindicate those interests in the same ways.

8 11. Plaintiff James Carl Marchant, Jr. is a citizen of the United States, at least 18 years
9 old, a resident of the State of Nevada, a resident of the precinct in which he is registered to vote,
10 and a qualified voter under Article 2, Section 1 of the Nevada Constitution. Mr. Marchant is also
11 the Republican nominee for Nevada Secretary of State in the 2026 general election. Mr. Marchant
12 regularly votes in Nevada and federal elections and intends to vote in future elections in the State.
13 Mr. Marchant brings this action to protect his right to participate in Nevada elections in which only
14 constitutionally qualified Nevada voters are included and to prevent dilution of his lawful vote by
15 ballots cast by persons who are not and have never been residents of Nevada and, thus, are not
16 qualified to vote in Nevada.

17 12. Defendant Francisco Aguilar is the Secretary of State of Nevada (the "Secretary").
18 He is the "Chief Officer of Elections" for Nevada and "is responsible for the execution and
19 enforcement of the provisions of title 24 of NRS and all other provisions of state and federal law
20 relating to elections in" Nevada. NRS 293.124. The Secretary oversees voter registration and
21 absentee voting in the State and is responsible for coordinating with county election officials to
22 establish appropriate systems through which covered voters may apply for and receive voter
23 registration materials and ballots. The Secretary is sued in his official capacity only.

24 13. Defendants Democratic National Committee and Nevada State Democratic Party
25 are political parties representing and protecting the interests of their members and Democratic
26 candidates both nationally and in Nevada. It has been previously held in the First Judicial District
27 Court that when one major political party seeks relief which has the potential to harm or affect the
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1 interests of another major political party, then such other major political party is a necessary and
2 indispensable party to such action and must be included as a party because “[f]ailure to join an
3 indispensable party is fatal to a judgment.” *See RNC v. Aguilar*, First Judicial District Court, Case
4 No. 24 OC 00101 1B (2024) (citing *Schwob v. Hemsath*, 98 Nev. 293, 294, 646 P.2d 1212, 1212
5 (1982)). As a result, Plaintiffs name the Democratic National Committee and Nevada State
6 Democratic Party as indispensable nominal parties hereto.¹

7 **STATEMENT OF ALLEGED FACTS**

8 ***The Nevada Secretary of State’s Registration of “Never-Residents”***

9 ***Violates the Nevada Constitution***

10 14. The Nevada Constitution provides that “[e]very person of the age of eighteen years
11 or over ... who has actually, as opposed to constructively, resided in the state six months, and in
12 the district or county thirty days next preceding any election” is entitled to vote. Nev. Const. art.
13 2, § 1 (emphasis added). The Constitution’s use of “actually, as opposed to constructively” makes
14 clear that a voter must have personally established residence in Nevada—imputed or inherited
15 residency is expressly insufficient.

16 15. The Nevada Constitution thus creates an unambiguous residency requirement,
17 holding that only those who have “actually” “resided in the state” are eligible to vote. The
18 Legislature has no authority to dispense with this constitutional prerequisite, and constructive
19 residency cannot satisfy it.

20 16. Notwithstanding this express constitutional command, Nevada statute, specifically
21 NRS 293D.210(4), purports to extend voter qualifications to certain individuals who have never
22 resided in Nevada and who rely on “constructive residency” through a parent or legal guardian.

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¹ However, to be clear, Plaintiffs in no way concede that the Democratic National Committee and Nevada
25 State Democratic Party are actually “indispensable” parties, and make no concessions relative to their
26 interests, or lack thereof, in this case. Plaintiffs merely name them as “indispensable” parties in an
27 abundance of caution in light of this Court’s prior ruling, a ruling which apart from being potentially the
28 first of its kind, Plaintiffs have previously challenged on appeal to the Nevada Supreme Court. *See August*
23, 2024 Appellants’ Opening Brief, RNC v. Aguilar, Nevada Supreme Court Case No. 89149, at pgs. 12-
15.

1 statement on the FPCA, which states “I am a U.S. citizen living outside the country,
2 I have never lived in the United States”; and (3) list their U.S. addresses as the
3 address of the last place of residence in Nevada of their parents or legal guardians⁶;

- 4 • By approving use of the Federal Write-In Absentee Ballot (“FWAB”) to register
5 overseas voters who (1) have never resided in Nevada; (2) self-identify as U.S.
6 citizens who have never lived in the United States by checking the applicable
7 statement on the FWAB; and (3) list their U.S. addresses as the address of the last
8 place of residence in Nevada of their parents or legal guardians⁷; and
9 • By publishing official guidance on the Secretary’s website that expressly
10 contemplates and facilitates the registration of never-resident voters.⁸

11 22. Indeed, the Secretary’s current, published guidance relative to overseas voting
12 expressly contemplates the registration of never-resident voters. *See* Exhibit A hereto⁹ (stating that
13 eligibility extends to “children born overseas, even if they have never lived in the United States,
14 as long as they are not registered in any other state”). This guidance confirms that the Secretary is
15 facilitating ongoing violations of the Nevada Constitution by permitting unqualified non-residents
16 to register and vote in Nevada elections.

17 23. Upon information and belief, these ongoing registration practices place the RNC,
18 NVGOP, and their candidates at a competitive disadvantage compared to their Democratic
19 counterparts because never-resident voters overwhelmingly favor Democratic candidates.¹⁰ The

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21 ⁶ *See, e.g.,* NRS 293D.230(1), (3)(a); NRS 293D.300(1).

22 ⁷ *See, e.g.,* NRS 293D.200(4); NRS 293D.230(2); NRS 293D.300(6); NRS 293D.410(1).

23 ⁸ *See* Exhibit A hereto.

24 ⁹ *See Uniformed and Overseas Citizens*, NEVADA SECRETARY OF STATE,
<https://www.nvsos.gov/elections/voters/uniformed-overseas-citizens> (last accessed June 21, 2026).

25 ¹⁰ *See, e.g., Democrats Abroad: Making an Impact in Global Democracy*, DEMOCRATS ABROAD,
26 https://www.democratsabroad.org/our_impact (last accessed June 23, 2026) (“The great news is that
27 Americans abroad vote blue in overwhelming numbers. From 2020 to April of 2024, 77.65% voters using
the voting tool votefromabroad.org registered as left leaning. 17.2% registered as having no party
28 preference. Only 2.5% registered as Republican.”).

1 unlawful registration and voting by never-resident voters thus causes ongoing competitive injury
2 to Plaintiffs.

3 24. Absent relief from this Court, the Secretary will continue to implement and enforce
4 NRS 293D.210(4) and will continue to process and facilitate registration and voting by persons
5 who are not constitutionally qualified electors under Article 2, Section 1 of the Nevada
6 Constitution, thereby causing and perpetuating the injuries alleged herein.

7 *The Nevada Secretary of State's Registration of "Never-Residents"*

8 *Is Not Required by Federal Law*

9 25. In 1986, Congress enacted the federal Uniformed and Overseas Citizens Absentee
10 Voting Act ("UOCAVA"), 52 U.S.C. § 20301 *et seq.*, which prescribes registration and voting
11 procedures in federal elections for military and other uniformed personnel absent from their place
12 of residence and certain American civilians residing overseas who were once domiciled in the state
13 before leaving the United States. UOCAVA provides a mechanism by which these voters may
14 register and vote in federal elections in the state where they currently or previously resided. While
15 UOCAVA secures the voting rights of these discrete categories of United States citizens, it otherwise
16 left intact the States' prerogative to prescribe substantive prerequisites for voting in both federal
17 and state elections.

19 26. 52 U.S.C. § 20302(a)(1) requires each state to "permit absent uniformed services
20 voters and overseas voters to use absentee registration procedures and to vote by absentee ballot
21 in general, special, primary, and runoff elections for Federal office[.]"

23 27. 52 U.S.C. § 20302(a)(2) requires each state to "accept and process, with respect to
24 any election for Federal office, any **otherwise valid** voter registration application and absentee ballot
25 application from an absent uniformed services voter or overseas voter." (Emphasis added).

26 28. An "absent uniformed services voter" means: "(A) a member of a uniformed
27 service on active duty who, by reason of such active duty, is absent from the place of residence
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1 where the member is otherwise qualified to vote; (B) a member of the merchant marine who, by
2 reason of service in the merchant marine, is absent from the place of residence where the member
3 is otherwise qualified to vote; and (C) a spouse or dependent of a member referred to in
4 subparagraph (A) or (B) who, by reason of the active duty or service of the member, is absent from
5 the place of residence where the spouse or dependent is otherwise qualified to vote[.]” 52 U.S.C.
6 § 20310(1).
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8 29. An “overseas voter” means: “(A) an absent uniformed services voter who, by
9 reason of active duty or service is absent from the United States on the date of the election
10 involved; (B) a person who resides outside the United States and is qualified to vote in the last
11 place in which the person was domiciled before leaving the United States; or (C) a person who
12 resides outside the United States and (but for such residence) would be qualified to vote in the last
13 place in which the person was domiciled before leaving the United States.” *Id.* § 20310(5).
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15 30. In other words, UOCAVA entitles an “absent uniformed services voter” or an
16 “overseas voter” to register and obtain a ballot if—and only if—that individual (notwithstanding
17 their current absence from the State) otherwise is “qualified to vote” under the laws of the State in
18 which they reside or were previously domiciled. Therefore, UOCAVA requires states to facilitate
19 absentee voting for certain uniformed service members and overseas voters who are otherwise
20 eligible under state law. It does not, however, require a state to alter or waive its generally
21 applicable eligibility qualifications to enfranchise persons who have never resided in the state and
22 do not satisfy the residency requirement for voting under the state constitution.

23 31. Federal law may partially preempt the Nevada Constitution’s residency
24 requirement for overseas voters to whom UOCAVA provides the right to vote. But UOCAVA
25 does not completely preempt the Nevada Constitution’s requirement that a voter reside in Nevada.
26 Instead, UOCAVA simply provides that a person may continue to vote in Nevada if they
27 previously resided in Nevada and are otherwise permitted to vote. In both form and function,
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1 UOCAVA only extends voter eligibility; it does not create a new class of voters who may vote in
2 Nevada even though they have never resided here.

3 32. Consequently, UOCAVA does not preempt the Nevada Constitution’s requirement
4 that an elector must have actually resided in Nevada in order to register to vote and cast a ballot.
5 NRS 293D.210(4) conflicts with Article 2, Section 1 of the Nevada Constitution to the extent it is
6 implemented to exempt certain voters from the residency requirement for individuals voting in
7 Nevada elections, and neither UOCAVA nor any other federal law preempts Article 2, Section 1’s
8 residency requirement as it applies to voters who never resided in the State.

9 **CLAIM FOR RELIEF**

10 **Count One: Declaratory Judgment and Permanent Injunction – Violation of Article 2,
11 Section 1 of the Nevada Constitution**

12 33. Plaintiffs incorporate by reference the allegations contained in the foregoing
13 paragraphs as if fully set forth herein.

14 34. The Nevada Constitution requires that each voter be a resident of the State of
15 Nevada in order to vote in elections. Specifically, the Constitution requires that a voter has
16 “actually, as opposed to constructively, resided in the state six months, and in the district or county
17 thirty days next preceding any election.” Nev. Const. art. 2, § 1.

18 35. A person who has never resided in Nevada is not—and cannot be made—a resident
19 of Nevada by legislative fiat. A parent’s former domicile or voting eligibility cannot serve as a
20 substitute for an individual’s actual residence. The Nevada Constitution’s express prohibition on
21 “constructive” residency forecloses any such substitution.

22 36. NRS 293D.210(4) purports to authorize registration and voting by certain never-
23 resident individuals who are eligible “except for the residency requirement,” thereby negating a
24 core constitutional requirement that the Legislature has no power to abrogate.

25 37. NRS 293D.220 compounds the constitutional violation by assigning such never-
26 resident individuals a Nevada voting residence based on the parent/guardian’s last place of
27 residence, and not that of the individual.

1 38. To the extent these provisions authorize registration and voting in Nevada by
2 individuals who are not residents of the State, they conflict with and are void under the Nevada
3 Constitution. Moreover, to the extent the Secretary administers voter registration and military and
4 overseas absentee voting pursuant to this scheme, the Nevada Constitution prohibits those
5 practices.

6 39. Notwithstanding this constitutional violation, the Secretary continues to allow for
7 the registration of, and upon information and belief, does actually register, never-resident
8 individuals. *See* Exhibit A hereto (Secretary’s published guidance stating that eligibility extends
9 to “children born overseas, even if they have never lived in the United States”).

10 40. Including constitutionally ineligible individuals on the voter rolls, which enables
11 them to obtain and cast ballots in Nevada elections, unlawfully dilutes the voting power of Plaintiff
12 Marchant and other qualified electors who satisfy the Nevada Constitution’s residency
13 requirement; harms the fundamental integrity of elections in which the RNC and NVGOP
14 participate through and on behalf of their nominees and members; undermines the political
15 legitimacy of winning candidates and their party organizations; and requires the RNC and NVGOP
16 to divert staff time and limited resources toward monitoring absentee voting programs, voter
17 education, ballot-curing operations, litigation, and administrative burden that would not be
18 required absent the unlawful scheme.

19 41. Plaintiffs, therefore, are entitled to a declaration of law under NRS 30.040 and
20 otherwise that the Secretary may not register never-resident applicants nor count ballots cast by
21 never-resident registrants in Nevada elections, because such individuals are not qualified voters
22 under Article 2, Section 1 of the Nevada Constitution.

23 42. Furthermore, Plaintiffs lack an adequate remedy at law. Once an unlawful ballot is
24 issued and counted, the injury to constitutional voting rights, the integrity of Nevada’s elections,
25 and competitive political interests cannot be fully redressed through monetary damages.

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