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*Attorneys for NAACP Tri-State Conference of Idaho-Nevada-Utah*

**IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

**IN AND FOR CARSON CITY**

22 ZENAIDA DAGUSEN, an individual;  
23 REPUBLICAN NATIONAL COMMITTEE;  
24 NEVADA REPUBLICAN PARTY; and  
25 DONALD J. TRUMP FOR PRESIDENT 2024,  
26 INC.

CASE NO.: 24-OC-001531B

DEPT. NO.: 1

Plaintiffs,

vs.

27 FRANCISCO AGUILAR, in his official  
28 capacity as Nevada Secretary of State;

1 DEMOCRATIC NATIONAL COMMITTEE;  
2 and NEVADA STATE DEMOCRATIC  
3 PARTY

Defendants.

4 **MOTION TO INTERVENE AS DEFENDANT BY NAACP TRI-STATE**  
5 **CONFERENCE OF IDAHO-NEVADA-UTAH**

6 NAACP Tri-State Conference of Idaho-Nevada-Utah ("Tri-State NAACP"), by and  
7 through its attorneys Woodburn and Wedge, Mayer Brown LLP, and Free Speech For People,  
8 moves pursuant to Rule 24(a)(2) of the Nevada Rules of Civil Procedure to intervene as of right  
9 as Defendant in this matter, or in the alternative, moves for permissive intervention pursuant to  
10 NRCP 24(b)(1).

11 This Motion is based on the Memorandum of Points and Authorities below, the attached  
12 declaration, all papers and pleadings on file, and any oral argument this Court sees fit to allow  
13 at the hearing on this matter.

14 DATED this 31 of October, 2024.

15 By:



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21 **MEMORANDUM OF POINTS AND AUTHORITIES**

22 **INTRODUCTION AND BACKGROUND**

23 On the eve of the 2024 General Election, Plaintiffs—the Republican National  
24 Committee, the Nevada Republican Party, Donald J. Trump for President 2024, Inc., and Zenaida  
25 Dagusen—ask this Court to reshape Nevada’s voter registration system so as to deny the right  
26 to vote to thousands of American citizens.

27 Plaintiffs base the lawsuit largely on a Nevada Department of Motor Vehicles file  
28 obtained nearly four years ago through separate litigation, which purportedly identifies  
individuals who presented immigration documents to obtain a driver’s license or identification  
card. Compl. ¶ 58. They claim that by comparing ~~that~~ file to a statewide voter registration list,

1 they determined that thousands of noncitizens are registered to vote, and in fact have voted in  
2 previous elections. *Id.* ¶ 60.

3 But Plaintiffs' conclusion is wrong. At best, the DMV data reflects an individual's  
4 citizenship status at the time they obtained their driver's license or identification card. Such data  
5 would not automatically be updated for any of the thousands of Nevadans who each year become  
6 naturalized citizens and obtain the right to vote.<sup>1</sup> Thus many or even most of the individuals who  
7 Plaintiffs claim should not be allowed to vote are in fact naturalized citizens with the  
8 constitutionally guaranteed right to do so.

9 Making matters worse, Plaintiffs want the Nevada Secretary of State to adopt Plaintiffs'  
10 flawed approach to purge from the voting rolls individuals whose citizenship cannot be verified  
11 through the same type of DMV information and several other broad and mostly unspecified  
12 categories of information held by state and federal agencies.<sup>2</sup> *Id.* at Prayer.

13 The results of the Court granting Plaintiffs' requested relief would be dire and entirely  
14 predictable: A large number of naturalized citizens would be purged from the rolls and denied  
15 their right to vote. Such purge would also create an atmosphere of chaos and confusion even for  
16 those naturalized citizens who remained on the rolls. Indeed, any naturalized citizen who was  
17 aware of any state or federal record that might reflect an outdated citizenship status, or otherwise  
18 suspected one might exist, would have reason to believe that they too may be denied the right to  
19 vote, and potentially be deterred from even trying to do so.

20 Tri-State NAACP seeks to intervene to protect the right of its members and constituents  
21 to vote, as well as its own organizational interests. Its membership and constituency consist of  
22 predominately Black, Latino, and other individuals in underrepresented groups, including  
23 individuals from low socio-economic backgrounds and naturalized citizens. Declaration of  
24 Lonnie Feemster ("Feemster Decl.") (**Exhibit 1**, attached hereto) ¶¶ 11–12. The organization

25 <sup>1</sup> For example, more than 10,000 Nevadans became naturalized citizens in 2022 alone. See Office of Homeland  
26 Security Statistics, *Profiles on Naturalized Citizens: 2022 State* (Feb. 12, 2024),  
<https://www.dhs.gov/ohss/topics/immigration/naturalizations/profiles/2022/state>.

27 <sup>2</sup> More specifically, Plaintiffs ask that the Secretary of State be required to use "information regarding citizenship  
28 status" or "non-citizenship" held by the Department of Homeland Security (including the SAVE system), Nevada  
courts related to jury-duty eligibility, the DMV "and other state agencies." Compl. at Prayer.

1 has nearly 650 members throughout Nevada, including members who are naturalized citizens.  
2 *Id.* ¶¶ 9, 11–12. Protecting and promoting the voting rights of its members and constituents,  
3 regardless of political affiliation, is central to its core mission. *Id.* ¶¶ 6, 7.

4 The existing defendants do not adequately represent Tri-State NAACP’s interests. The  
5 Secretary of State’s interest is in the fair and efficient administration of the electoral process in  
6 accordance with state and federal law. Likewise, the DNC and Nevada State Democratic Party  
7 represent the specific interests of Democratic voters and candidates. Tri-State NAACP, by  
8 contrast, seeks to protect its own fundamental rights, and the right of its members and  
9 constituents on a nonpartisan basis to have their voices heard in the General Election.

10 Because Tri-State NAACP has brought this motion in a timely manner, without potential  
11 for delaying this action or otherwise prejudicing another party, it satisfies each requirement for  
12 intervention as a matter of right under Nevada Rule of Civil Procedure 24(a)(2), and the Court  
13 should grant its motion to intervene. Alternatively, the motion should be granted on a permissive  
14 basis under NRCP 24(b)(1).<sup>3</sup>

## 15 ARGUMENT

### 16 **I. Tri-State NAACP is Entitled to Intervene as a Matter of Right.**

17 Tri-State NAACP meets all of the requirements for intervention as a matter of right under  
18 NRCP 24(a)(2), which permits intervention when a proposed intervenor (1) has a sufficient  
19 interest in the litigation’s subject matter, (2) could suffer an impairment of its ability to protect  
20 that interest if it does not intervene, (3) does not have its interest adequately represented by  
21 existing parties, and (4) makes a timely application to intervene. *See Am. Home Assurance Co.*  
22 *v. Eighth Jud. Dist. Ct. ex. rel. Cnty. of Clark*, 122 Nev. 1229, 1238, 147 P.3d 1120, 1126 (2006).

23 Such requirements are construed “broadly in favor of proposed intervenors . . . because  
24 a liberal policy in favor of intervention serves both efficient resolution of issues and broadened  
25 access to the courts.” *Wilderness Soc’y v. U.S. Forest Serv.*, 630 F.3d 1173, 1179 (9th Cir. 2011)

26 <sup>3</sup> If Tri-State NAACP’s motion is granted, it reserves the right to join any motion to dismiss by any other party  
27 and to separately move to dismiss the complaint under NRCP 12(b). Because NRCP 24(c) requires putative  
28 intervenors to attach a proposed pleading to their motion, however, Tri-State NAACP has attached a proposed  
answer hereto as **Exhibit 2**.

(cleaned up) (*quoting United States v. City of L.A.*, 288 F.3d 391, 397-98 (9th Cir. 2002)).<sup>4</sup> Courts regularly grant motions to intervene under Rule 24(a) when organizations seek to defend against a challenge that threatens the right to vote. *See, e.g., Paher v. Cegavske*, No. 3:20-CV-00243-MMD, 2020 WL 2042365, at \*2–3 (D. Nev. Apr. 28, 2020) (granting motion to intervene brought by groups seeking to protect the right to vote in case involving challenge to Nevada’s vote-by-mail plan); *Issa v. Newsom*, 2:20-cv-01055-MCE-CKD, 2020 WL 3074351, at \*2–4 (E.D. Cal. June 10, 2020) (same in California).

**A. The Disposition of This Case Will Impede the Ability of Tri-State NAACP to Protect Its Interests.**

Tri-State NAACP has significant protectable interests that may be impaired by Plaintiffs’ claims. A “‘significantly protectable interest’ . . . [is] one that is protected under the law and bears a relationship to the plaintiff’s claims.” *Am. Home Assurance Co.*, 122 Nev. at 1239, 147 P.3d at 1127 (quoting *S. Cal. Edison Co. v. Lynch*, 307 F.3d 794, 803 (9th Cir. 2002)). “Once an applicant has established a significantly protectable interest in an action, courts regularly find that disposition of the case may, as a practical matter, impair an applicant’s ability to protect that interest.” *Venetian Casino Resort, LLC v. Enwave Las Vegas, LLC*, No. 19-cv-1197-JCM, 2020 WL 1539691, at \*3 (D. Nev. Jan. 7, 2020) (citing *California ex. rel. Lockyer v. United States*, 450 F.3d 436, 442 (9th Cir. 2006)). Indeed, “[n]o specific legal or equitable interest need be established” for courts to grant intervention. *Greene v. United States*, 996 F.2d 973, 976 (9th Cir. 1993); *see also Sw. Ctr. for Biological Diversity v. Berg*, 268 F.3d 810, 822 (9th Cir. 2001) (inquiry turns on whether “an absentee would be substantially affected in a practical sense” (citation omitted)).

Tri-State NAACP has at least two significant, protectable interests at stake in this lawsuit. First, it has a significant interest in advancing the fundamental constitutional right of its members and constituents to vote, free from unlawful interference and intimidation. Plaintiffs threaten this

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<sup>4</sup> Nevada courts have stated that “[f]ederal cases interpreting [Rule 24] ‘are strong persuasive authority.’” *Exec. Mgmt., Ltd. v. Ticor Title Ins. Co.*, 118 Nev. 46, 53, 38 P.3d 872, 876 (2002) (quoting *Las Vegas Novelty, Inc. v. Fernandez*, 106 Nev. 113, 119, 787 P.2d 772, 776 (1990); *see also Lawler v. Ginocchio*, 94 Nev. 623, 626, 584 P.2d 667, 668 (1978) (acknowledging that Nevada and Federal versions of Rule 24 are “equivalent”).

1 interest by asking the Court to require the Secretary of State to purge from the state voter rolls  
2 individuals whose citizenship cannot be verified based on what in many cases could be outdated  
3 information, including from the DMV. This could result in thousands of American citizens and  
4 many of Tri-State NAACP's members and constituents being denied their right to vote, with  
5 naturalized citizens likely bearing the brunt of such denial. Moreover, even if certain naturalized  
6 citizens are not purged from the voting rolls, this action still may deter them from voting if they  
7 have reason to believe that information held by state or federal agencies could reflect an outdated  
8 citizenship status.

9 Second, Tri-State NAACP's organizational interests will be impaired if Plaintiffs obtain  
10 their requested relief. In pursuit of its core mission, Tri-State NAACP engages in voter  
11 registration, voter education, and get-out-the-vote and ballot-cure activities to ensure that eligible  
12 Nevada voters, particularly voters in traditionally disenfranchised communities, can exercise  
13 their right to vote. Feemster Decl. ¶¶ 7, 13, 20–21. The organization has limited staff and  
14 volunteer resources to devote to other activities, including to troubleshoot any issues that may  
15 arise if its members and constituents are purged from the voter rolls and to expand its voter  
16 education to address any confusion otherwise created by Plaintiffs' requested relief. *Id.* ¶ 20.  
17 These tasks would be challenging and resource-intensive, especially in Tri-State NAACP's  
18 marginalized constituencies that have less time and resources to address these issues themselves.  
19 *Id.* ¶ 21.

20 In addition, Plaintiffs broadly ask that the Secretary of State be required to use  
21 "information regarding citizenship status" or "non-citizenship" held by the Department of  
22 Homeland Security (including the SAVE system), Nevada courts related to jury-duty eligibility,  
23 the DMV "and other state agencies." Compl. at Prayer. The vagueness of their request prevents  
24 Tri-State NAACP from fully anticipating and addressing the many issues that may arise from  
25 such information-sharing. Tri-State NAACP therefore would not only need to divert its limited  
26 resources, but may have to do so at the last minute before the 2024 General Election when all its  
27 available resources will be needed for many of its crucial voting-related activities. *Id.* ¶ 20.

Both these interests “are routinely found to constitute significant protectable interests” that favor intervention as of right. *Issa*, 2020 WL 3074351, at \*3; *see Paher*, 2020 WL 2042365, at \*4 (political groups and voters had protectable interest in promoting the franchise, the election of party candidates, and voting by mail); *Jud. Watch, Inc. v. Ill. State Bd. of Elections*, No. 24-cv-1867-SLE, 2024 WL 3454706, at \*4 (N.D. Ill. July 18, 2024) (union had protectable interest in protecting the rights of members and use of its own resources to protect them from removal from the rolls); *Bellitto v. Snipes*, No. 16-cv-61474, 2016 WL 5118568, at \*2 (S.D. Fla. Sept. 21, 2016) (granting union’s motion to intervene in NVRA case because it “asserts that its interest and the interests of its members would be threatened by the court-ordered ‘voter list maintenance’ sought by Plaintiffs”).

**B. Defendants Do Not Adequately Represent Tri-State NAACP’s Interests.**

Tri-State NAACP’s interests are not adequately represented by Defendants. A prospective intervenor seeking intervention as a matter of right under Rule 24(a) bears the burden of showing that there is inadequate representation of that interest by existing parties. *W. Watersheds Project v. Haaland*, 22 F.4th 828, 840 (9th Cir. 2022). But that burden “is ‘minimal’ and satisfied if [the proposed intervenors] can demonstrate that representation of their interests ‘may be’ inadequate.” *Id.* at 840 (citation omitted)); *see also Berger v. N.C. State Conf. of the NAACP*, 597 U.S. 179, 181 (2022) (this prong of the Rule’s test “presents proposed intervenors with only a minimal challenge . . .”).

The Secretary of State, DNC, and Nevada State Democratic Party each have interests that diverge from those of Tri-State NAACP, even though they are on the side of the lawsuit Tri-State NAACP seeks to join. As discussed above, Tri-State NAACP has interests in preserving its resources to allow it to fulfill its core mission, and in protecting the right to vote of its members and constituents (including naturalized citizens) regardless of their partisan affiliations and free from unlawful interference and intimidation.

By contrast, the Secretary of State’s primary interest is in the fair and efficient administration of the electoral process in accordance with state and federal law. *See Pub. Int. Legal Found., Inc. v. Winfrey*, 463 F. Supp. 3d 795, 799 (E.D. Mich. 2020) (holding that the

1 “interests of election officials in voting roll maintenance are sufficiently distinct ... to warrant  
2 intervention by those who could be impacted by the results of the maintenance process”);  
3 *Bellitto*, 2016 WL 5118568, at \*2 (same); *Republican Nat’l Comm. v. Aguilar*, No. 2:24-CV-  
4 00518-CDS-MDC, 2024 WL 3409860, at \*3 (D. Nev. July 12, 2024) (in voting roll-maintenance  
5 action, holding that proposed intervenors with the mission “to ensure that voters are retained on  
6 or restored to the rolls” “provide the counterbalance to plaintiffs’ singular purpose that  
7 defendants’ [including the Nevada Secretary of State’s] mission does not allow”). The DNC and  
8 Nevada State Democratic Party have a partisan interest in protecting the rights of *Democratic*  
9 voters and candidates.

10         Given this divergence of interests, it is not clear that any of the Defendants would  
11 “undoubtedly make all of prospective intervenor’s arguments,” let alone whether they are  
12 “capable and willing to make such arguments.” *Citizens for Balanced Use v. Mont. Wilderness*  
13 *Ass’n*, 647 F.3d 893, 898 (9th Cir. 2011). In such circumstances, courts have consistently allowed  
14 voting rights organizations to intervene as of right.

15             **C.       The Motion to Intervene Is Timely.**

16         Tri-State NAACP’s motion is timely. Since Plaintiffs filed their complaint on September  
17 11, 2024, the Democratic National Committee and Nevada State Democratic Party moved to  
18 dismiss the complaint on October 3, 2024, and the Secretary of State has yet to respond to the  
19 complaint. Plaintiffs opposed the motion to dismiss on October 25, 2024. No other substantive  
20 proceedings have taken place or even have been scheduled. And Tri-State NAACP agrees to  
21 abide by any schedule set by the Court. Tri-State NAACP’s intervention, therefore, would not  
22 delay the action and there is no risk of prejudice to the existing parties. *See In re Guardianship*  
23 *of A.M.*, No. 59116, 2013 WL 3278878, at \*3 (Nev. May 24, 2013) (timeliness determination  
24 weighs prejudice to existing parties resulting from delay against prejudice resulting from the  
25 application being denied); *Lawler*, 94 Nev. at 626, 584 P.2d at 669 (“[t]he most important  
26 question to be resolved in the determination of the timeliness of an application for intervention  
27 is not the length of the delay by the intervenor but the extent of prejudice to the rights of existing  
28 parties resulting from the delay”); *see also Kalbers v. U.S. Dep’t of Justice*, 22 F.4th 816, 825



1 (9th Cir. 2021) (interval of “just a few weeks” “weigh[ed] in favor of timeliness”); *Issa*, 2020  
2 WL 3074351, at \*4 (motion was timely where “no substantive proceeding[] ha[d] occurred”);  
3 *Nev. v. United States*, No. 18-cv-569, 2019 WL 718825, at \*3 (D. Nev. Jan. 14, 2019) (granting  
4 motion to intervene filed several weeks after action commenced); *W. Expl. LLC v. Dep’t of*  
5 *Interior*, No. 15-cv-00491, 2016 WL 355122, at \*3 (D. Nev. Jan. 28, 2016) (granting motion to  
6 intervene filed nearly two months after action commenced).

7 Tri-State NAACP has significant, protectable interests at stake that will not be adequately  
8 represented by any other party to this action. It has moved to intervene in a timely manner,  
9 without threat of delaying the action or otherwise prejudicing any other party. Tri-State NAACP,  
10 therefore, is entitled to intervention as a matter of right.

## 11 **II. In the Alternative, the Court Should Grant Permissive Intervention.**

12 Rule 24(b) grants courts broad discretion to permit intervention where an applicant’s  
13 defense and the main action have a question of law or fact in common and intervention will not  
14 unduly delay or prejudice the adjudication of the rights of the original parties. *See Hairr v. First*  
15 *Jud. Dist. Ct.*, 132 Nev. 180, 186, 368 P.3d 1198,1202–03 (2016); *see also* NRCP 24(b)(1)  
16 (allowing a party to permissively intervene if it “has a . . . defense that shares with the main  
17 action a common question of law or fact”); *id.* 24(b)(3) (a court “must consider whether the  
18 intervention will unduly delay or prejudice the adjudication of the original parties’ rights”).

19 Tri-State NAACP’s defenses—that Plaintiffs’ requested relief is unconstitutional,  
20 invalid, and violates the rights of voters—present clear questions of law and fact in common  
21 with the pending action. And because Tri-State NAACP and its members and constituents stand  
22 to be harmed by the relief Plaintiffs seek, it will aid the Court in developing a full record of the  
23 relevant considerations—including the effect of this litigation on those voters whose rights it  
24 threatens. Those realities should be at the forefront of the Court’s consideration as to whether to  
25 grant Plaintiffs’ requested relief. Moreover, intervention will not result in any undue delay or  
26 prejudice because Tri-State NAACP has a strong interest in swift resolution to this action to  
27 ensure that its members’ and constituents’ voting rights, and its own organizational interests, are  
28 protected ahead of the 2024 General Election.

1 **CERTIFICATION**

2 Pursuant to FJDCR 3.7, counsel for Tri-State NAACP conferred with counsel for  
3 Plaintiffs on October 30, 2024 via telephone call, but the parties were unable to resolve the issues  
4 pertaining to this motion. The parties did not exchange witnesses or documents. Tri-State  
5 NAACP counsel also conferred with counsel for the Democratic National Committee; and  
6 Nevada State Democratic Party. The Democratic National Committee; and Nevada State  
7 Democratic Party indicated they do not object to the motion to intervene.

8 **CONCLUSION**

9 For these reasons, Tri-State NAACP respectfully requests that the Court grant its motion  
10 to intervene as a matter of right under Nevada Rule of Civil Procedure 24(a), or in the alternative,  
11 permit it to intervene under Nevada Rule of Civil Procedure 24(b).

12 **WHEREFORE**, Tri-State NAACP respectfully requests that the Court grant its Motion  
13 to Intervene as a matter of right, or in the alternative with permission of the Court, and an  
14 expedited consideration of this Motion.

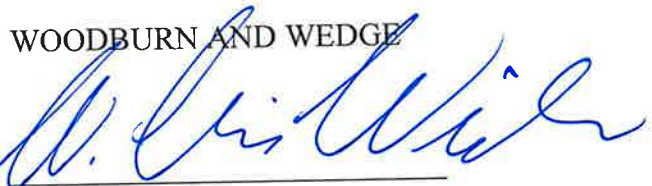
15 **Affirmation Pursuant to NRS 239B.030**

16 The undersigned does hereby affirm that the preceding document does not contain the  
17 social security number of any person.

18 DATED this 31 day of October, 2024.

19 WOODBURN AND WEDGE

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21 By:



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**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of Woodburn and Wedge, and that on the below date, I caused a true and correct copy of the ***Motion to Intervene As Defendant By NAACP Tri-State Conference Of Idaho-Nevada-Utah*** to be served via U.S. Mail, postage prepaid to the following:

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National Committee and Nevada State  
Democratic Party*

DATED this 31 day of October, 2024.



Mele Puletau

An employee of Woodburn and Wedge

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**INDEX OF EXHIBITS**

<b><u>Exhibit No.</u></b>	<b><u>Description</u></b>	<b><u>No. of Pages</u></b>
1	Declaration of Lonnie Feemster, President of the Tri-State Conference of Idaho-Nevada-Utah in support of Motion to Intervene as Defendant	6
2	Proposed Answer to Complaint by Intervenor-Defendant NAACP Tri-State Conference of Idaho-Nevada-Utah	19

## EXHIBIT 1

## EXHIBIT 1

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*Attorneys for NAACP Tri-State Conference of Idaho-Nevada-Utah*

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

ZENAIDA DAGUSEN, an individual;  
REPUBLICAN NATIONAL  
COMMITTEE; NEVADA REPUBLICAN  
PARTY; and DONALD J. TRUMP FOR  
PRESIDENT 2024, INC.

Plaintiffs,

v.

FRANCISCO AGUILAR, in his official  
capacity as Nevada Secretary of State;

CASE NO.: 24-OC-001531B

DEPT. NO.: 1

1 DEMOCRATIC NATIONAL  
2 COMMITTEE; and NEVADA STATE  
3 DEMOCRATIC PARTY,  
4 Defendants.

4 **DECLARATION OF LONNIE FEEMSTER, PRESIDENT OF THE TRI-STATE**  
5 **IDAHO, NEVADA, AND UTAH CONFERENCE OF THE NAACP IN SUPPORT OF**  
6 **MOTION TO INTERVENE AS DEFENDANT**

6 I, Lonnie Feemster, swear under penalty of perjury under the law of the State of Nevada  
7 that the following information is true to the best of my knowledge and declare as follows:

8 1. I am over the age of 18 years, have personal knowledge of the matters stated  
9 herein, am competent to make this declaration, and would testify to the same if called as a witness  
10 in Court.

11 2. I was born and raised in Reno, Nevada and am currently a resident of Sparks,  
12 Nevada.

13 3. I am the President of the Tri-State Idaho, Nevada, and Utah Conference of the  
14 National Association for the Advancement of Colored People ("Tri-State NAACP"). I have  
15 served as President of Tri-State NAACP since August 2024. I am authorized to speak for Tri-  
16 State NAACP in this matter.

17 4. Tri-State NAACP is a state chapter of the National NAACP. The National  
18 NAACP is a 501(c)(4) registered nonpartisan, nonprofit community organization dedicated to  
19 eliminating racial hatred and racial discrimination through education, advocacy, and litigation.

20 5. Tri-State NAACP was founded in 1909. Tri-State NAACP is a non-partisan,  
21 interracial, nonprofit membership organization with a mission to eliminate racial discrimination  
22 through democratic processes and ensure the equal political, educational, social, and economic  
23 rights of all persons, in particular the rights of Americans who are racial and ethnic minorities or  
24 come from low economic backgrounds. Protecting and promoting the voting rights of Black  
25 voters, other voters of color, and underserved communities is essential to this mission.

26 6. Tri-State NAACP is one of the largest, most significant organizations promoting  
27 and protecting the civil rights of African Americans and other racial and ethnic minorities in  
28



1 Nevada, as well as Americans of low socio-economic backgrounds and naturalized citizens,  
2 regardless of partisan affiliation.

3 7. In pursuit of its core mission, Tri-State NAACP engages in voter registration,  
4 voter education, and get-out-the-vote activities, expending considerable resources towards  
5 ensuring that eligible voters in Nevada, particularly voters in traditionally disenfranchised  
6 communities, can exercise their right to vote, free from unlawful interference and intimidation.

7 8. As President of Tri-State NAACP, my office is located in Sparks, Nevada.  
8 Tri-State NAACP has two branches and two chapters throughout the State.

9 9. At this time, Tri-State NAACP has nearly 650 members in Nevada.

10 10. Tri-State NAACP's members, including those who are registered voters, are in at  
11 least five counties in Nevada.

12 11. Tri-State NAACP's membership is comprised of predominately Black, Latino,  
13 and individuals in other underrepresented groups. The membership also includes individuals  
14 from low socio-economic backgrounds and naturalized U.S. citizens. Many of Tri-State  
15 NAACP's members are registered voters throughout the state.

16 12. A number of Tri-State NAACP's members in Nevada are naturalized U.S.  
17 citizens, including members from Argentina, Belize, Brazil, Colombia, Haiti, Mexico, and  
18 Nigeria.

19 13. Ahead of the November 2024 General Election, Tri-State NAACP has been  
20 holding get-out-the-vote events, registering prospective voters, advising its members and  
21 broader constituents to check their voter registration, and planning its Souls-to-the-Polls  
22 programs.

23 14. Tri-State NAACP has helped hundreds of individuals to register to vote in 2024.  
24 These individuals are those who previously did not know how to access their right to vote, or  
25 those who became eligible to vote as naturalized U.S. citizens.

26 15. Many Tri-State NAACP members plan to vote in the upcoming General Election.  
27  
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1           16.       I am aware about the lawsuit filed just 55 days before the General Election by the  
2 Republican National Committee (“RNC”), Nevada Republican Party, and Donald J. Trump For  
3 President 2024, Inc. (“Trump Campaign”). I am alarmed by the relief sought by these parties,  
4 because they seek to prevent registered voters whom they suspect to be noncitizens from voting,  
5 based on combing through data, in some instances outdated, maintained by the federal  
6 government, Nevada courts, and state agencies, like the Department of Motor Vehicles. In  
7 addition, the parties do not specify entirely the data to be used in these checks.

8           17.       We are so close to the General Election—less than one week away, in fact. The  
9 relief sought in this case is impractical to implement before the election. In fact, I believe that  
10 the relief, if granted, will be disastrous for our members who plan to vote in in the General  
11 Election.

12           18.       Tri-State NAACP’s members will be harmed because registered voters, including  
13 those who have previously voted and those who plan to vote for the first time, will be intimidated  
14 before casting their vote because they may be concerned whether they will be impacted by the  
15 Plaintiffs’ requested relief right before the General Election. Furthermore, it also suggests that  
16 there is widespread illegal voting in Nevada, even though I am not aware of any evidence to  
17 support that. Unsubstantiated claims of widespread noncitizen voting activity harm the  
18 immigrant communities that we work with, and it impacts Tri-State NAACP’s mission to  
19 eliminate racial discrimination.

20           19.       The relief sought also directly frustrates Tri-State NAACP’s mission. Tri-State  
21 NAACP works hard to register prospective voters, to educate them of their right to vote free  
22 from unlawful interference and intimidation, and is now planning to mobilize these voters to the  
23 polls. These last-minute challenges have the potential to disenfranchise Tri-State NAACP’s  
24 members and constituents. It will undo much of the hard work that Tri-State NAACP has done.

25           20.       Tri-State NAACP has limited staff and volunteer resources to troubleshoot any  
26 issues that arise if members find out that they will be prevented from voting because of inaccurate  
27 databases. Tri-State NAACP also has limited insight into whether their members will be purged

1 by the relief sought because the RNC, Nevada Republican Party, and Trump Campaign have  
2 failed to identify the more than 6,000 voters they seek to prevent from voting and do not specify  
3 entirely which data will be used to identify potential noncitizen voters. Our staff time so far has  
4 been dedicated to registering, educating, and activating voters for the upcoming General  
5 Election. And after the General Election, we plan to spend the bulk of our time helping voters  
6 who cast provisional ballots to cure those ballots. But with this looming litigation, we must divert  
7 our limited resources towards new issues that will arise from the permanent injunction sought in  
8 this case.

9       21.       These tasks will be challenging and resource-intensive, especially in our  
10 marginalized constituencies. Those vulnerable voters have less time and resources to fight  
11 against any uncertainty and confusion that will be caused by this change in voter roll. To that  
12 end, Tri-State NAACP's resources will be stretched thin. We spend a lot of our limited time,  
13 resources, and staff helping voters who cast provisional ballots at the polls cure those ballots in  
14 the days after the General Election. And we will not be able to do so at the same degree if we  
15 have to deal with the consequences of this litigation.

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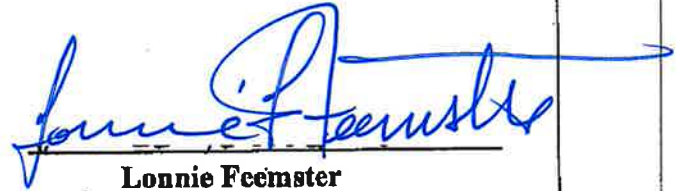
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1        22.        Tri-State NAACP's work relating to other initiatives in the criminal justice and  
2 economic justice spaces would also suffer if we were forced to spend considerable resources  
3 responding to last minute mass voter challenges.

4        I, Lonnie Feemster, declare under penalty of perjury under the law of the State of Nevada  
5 that the foregoing is true and correct.

6  
7  
8 Executed on October 21 2024

  
Lonnie Feemster

## EXHIBIT 2

## EXHIBIT 2

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2 Jose A. Tafoya [NSB No. 16011]  
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*Attorneys for NAACP Tri-State Conference of Idaho-Nevada-Utah*

**IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

**IN AND FOR CARSON CITY**

ZENAIDA DAGUSEN, an individual;  
REPUBLICAN NATIONAL COMMITTEE;  
NEVADA REPUBLICAN PARTY; and  
DONALD J. TRUMP FOR PRESIDENT  
2024, INC.

CASE NO.: 24-OC-001531B

DEPT. NO.: 1

Plaintiffs,

vs.

FRANCISCO AGUILAR, in his official  
capacity as Nevada Secretary of State;

1 DEMOCRATIC NATIONAL  
2 COMMITTEE; and NEVADA STATE  
3 DEMOCRATIC PARTY,

Defendants.

4  
5 **ANSWER TO COMPLAINT BY INTERVENOR-DEFENDANT NAACP**  
6 **TRI-STATE CONFERENCE OF IDAHO-NEVADA-UTAH**

Intervenor-Defendant NAACP Tri-State Conference of Idaho-Nevada-Utah ("Tri-State NAACP"), by and through their attorneys, submit the following Proposed Answer to Plaintiffs' Complaint for Declaratory and Injunctive Relief ("Complaint"). Tri-State NAACP responds to the allegations in the Complaint as follows:

10 **INTRODUCTION**

11 1. The allegations in Paragraph 1 state legal conclusions to which no response is  
12 required. To the extent any response is required, Tri-State NAACP admits that United States  
13 citizenship is a requirement to vote in federal, state, and local elections in Nevada. Tri-State  
14 NAACP lacks knowledge or information sufficient to form a belief as to the truth of the  
15 remaining allegations in Paragraph 1 and therefore denies them.

16 2. The allegations in Paragraph 2 state legal conclusions to which no response is  
17 required. To the extent any response is required, Tri-State NAACP admits that United States  
18 citizenship is a requirement to vote in federal, state, and local elections in Nevada. Tri-State  
19 NAACP lacks knowledge or information sufficient to form a belief as to the truth of the  
20 remaining allegations in Paragraph 2 and therefore denies them.

21 3. The allegations in Paragraph 3 state legal conclusions to which no response is  
22 required. To the extent any response is required, Tri-State NAACP admits that United States  
23 citizenship is a requirement to vote in federal, state, and local elections in Nevada. Upon  
24 information and belief, Tri-State NAACP denies that noncitizens are "registered and voting in  
25 Nevada elections." Tri-State NAACP lacks knowledge or information sufficient to form a belief  
26 as to the truth of the remaining allegations in Paragraph 3 and therefore denies them.

27 4. The allegations in Paragraph 4 state legal conclusions to which no response is  
28 required. To the extent any response is required, upon information and belief, Tri-State NAACP

1 denies that “[p]ast and recent evidence shows that noncitizen registration is worsening.” Tri-  
2 State NAACP lacks knowledge or information sufficient to form a belief as to the truth of the  
3 remaining allegations in Paragraph 4 and therefore denies them.

4 5. The allegations in Paragraph 5 state legal conclusions to which no response is  
5 required. Tri-State NAACP lacks knowledge or information sufficient to form a belief as to the  
6 truth of the remaining allegations in Paragraph 5 and therefore denies them.

7 6. The allegations in Paragraph 6 state legal conclusions to which no response is  
8 required. To the extent any response is required, Tri-State NAACP admits that “legally present,”  
9 noncitizen “immigrants . . . cannot legally vote in Nevada elections.” Tri-State NAACP also  
10 admits that Section 1 of Article 2 of the Constitution of the State of Nevada exists and that the  
11 Complaint purports to characterize such source. Tri-State NAACP lacks knowledge or  
12 information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 6  
13 and therefore denies them.

14 7. Tri-State NAACP lacks knowledge or information sufficient to form a belief as  
15 to the truth of the allegations in Paragraph 7 regarding Individual Plaintiff’s residency and voter  
16 registration status, and therefore denies them. The remaining allegations in Paragraph 7 state  
17 legal conclusions to which no response is required.

18 8. Tri-State NAACP lacks knowledge or information sufficient to form a belief as  
19 to the truth of the allegations in Paragraph 8 regarding the composition of the Republican Party  
20 Plaintiffs’ membership and therefore denies them. The remaining allegations in Paragraph 8 state  
21 legal conclusions to which no response is required.

22 9. Tri-State NAACP lacks knowledge or information sufficient to form a belief as  
23 to the truth of the allegations in Paragraph 9 and therefore denies them.

24 10. The allegations in Paragraph 10 state legal conclusions to which no response is  
25 required. To the extent any response is required, Tri-State NAACP lacks knowledge or  
26 information sufficient to form a belief as to the truth of the remaining allegations in Paragraph  
27 10 and therefore denies them.



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1 information sufficient to form a belief as to the truth of the allegations in Paragraph 20 and  
2 therefore denies them.

3 21. The allegations in Paragraph 21 states a legal conclusion to which no response is  
4 required. To the extent any response is required, Tri-State NAACP admits that “Donald J. Trump  
5 is a candidate for President on the ballot for the 2024 Nevada general election.” Tri-State  
6 NAACP lacks knowledge or information sufficient to form a belief as to the truth of the  
7 remaining allegations in Paragraph 21 and therefore denies them.

8 22. The allegations in Paragraph 22 state legal conclusions to which no response is  
9 required. To the extent any response is required, Tri-State NAACP admits Francisco Aguilar is  
10 the Secretary of State of Nevada and is being sued in his official capacity. Tri-State NAACP also  
11 admits that the NRS 293.124 exists and that the Complaint purports to characterize such source.  
12 Tri-State NAACP lacks knowledge or information sufficient to form a belief as to the truth of  
13 the remaining allegations in Paragraph 22 and therefore denies them.

14 23. The allegations in Paragraph 23 state legal conclusions to which no response is  
15 required. To the extent any response is required, Tri-State NAACP admits that the “Democratic  
16 National Committee and Nevada State Democratic Party are political parties.” Tri-State NAACP  
17 also admits that the cases cited in Paragraph 23 exist and that the Complaint purports to  
18 characterize such sources. Tri-State NAACP lacks knowledge or information sufficient to form  
19 a belief as to the truth of the remaining allegations in Paragraph 23 and therefore denies them.

## 20 **FACTUAL BACKGROUND**

### 21 **I. Voter registration in Nevada**

22 24. The allegations in Paragraph 24 state legal conclusions to which no response is  
23 required. To the extent any response is required, Tri-State NAACP admits the allegations in  
24 Paragraph 24.

25 25. The allegations in Paragraph 25 state legal conclusions to which no response is  
26 required. To the extent any response is required, Tri-State NAACP admits the allegations in  
27 Paragraph 25.

1           26.     The allegations in Paragraph 26 state legal conclusions to which no response is  
2 required. To the extent any response is required, Tri-State NAACP admits the allegations in  
3 Paragraph 26.

4           27.     The allegations in Paragraph 27 state legal conclusions to which no response is  
5 required. To the extent any response is required, Tri-State NAACP denies the allegations in  
6 Paragraph 27 because the quoted text is a selective, inaccurate, and incomplete recitation of NRS  
7 293.485(1).

8           28.     The allegations in Paragraph 28 state legal conclusions to which no response is  
9 required. To the extent any response is required, Tri-State NAACP denies the allegations in  
10 Paragraph 28 because the quoted text is a selective, inaccurate, and incomplete recitation of NRS  
11 293.675(1) and §293.675(3)(d).

12          29.     The allegations in Paragraph 29 state legal conclusions to which no response is  
13 required. To the extent any response is required, Tri-State NAACP denies the allegations in  
14 Paragraph 29 because the quoted text is a selective, inaccurate, and incomplete recitation of NAC  
15 293.472.

16          30.     The allegations in Paragraph 30 state legal conclusions to which no response is  
17 required. To the extent any response is required, Tri-State NAACP admits that NRS  
18 293.675(3)(c) and NAC 293.472 exist and that the Complaint purports to characterize such  
19 source.

20          31.     The allegations in Paragraph 31 state legal conclusions to which no response is  
21 required. To the extent any response is required, Tri-State NAACP admits that Paragraph 31  
22 accurately quotes the excerpted portion of NRS 293.055.

23          32.     The allegations in Paragraph 32 state legal conclusions to which no response is  
24 required. To the extent any response is required, Tri-State NAACP lacks knowledge or  
25 information sufficient to form a belief as to the truth of the allegations in Paragraph 32 and  
26 therefore denies them.

27          33.     The allegations in Paragraph 33 state legal conclusions to which no response is  
28 required. To the extent any response is required, Tri-State NAACP denies the allegations in

1 Paragraph 33 because the quoted text is a selective, inaccurate, and incomplete recitation of NRS  
2 293.675(3)(i).

3 34. The allegations in Paragraph 34 state legal conclusions to which no response is  
4 required. To the extent any response is required, Tri-State NAACP admits that Paragraph 34  
5 accurately quotes the excerpted portion of NRS 293.124(1).

6 35. Tri-State NAACP admits that the quoted website exists and that the Complaint  
7 purports to characterize such source. Tri-State NAACP lacks knowledge or information  
8 sufficient to form a belief as to the truth of the remaining allegations in Paragraph 35 and  
9 therefore denies them.

10 36. The allegations in Paragraph 36 state legal conclusions to which no response is  
11 required. To the extent any response is required, Tri-State NAACP lacks knowledge or  
12 information sufficient to form a belief as to the truth of the allegations in Paragraph 36 and  
13 therefore denies them.

14 37. The allegations in Paragraph 37 state legal conclusions to which no response is  
15 required. To the extent any response is required, Tri-State NAACP denies the allegations in  
16 Paragraph 37 because the quoted text is a selective, inaccurate, and incomplete recitation of NRS  
17 293.485(1).

18 38. The allegations in Paragraph 38 state legal conclusions to which no response is  
19 required. To the extent any response is required, Tri-State NAACP denies the allegations in  
20 Paragraph 38 because the quoted text is a selective, inaccurate, and incomplete recitation of NAC  
21 293.464.

22 39. The allegations in Paragraph 39 state legal conclusions to which no response is  
23 required. To the extent any response is required, Tri-State NAACP denies the allegations in the  
24 first sentence of Paragraph 39 because the quoted text is a selective, inaccurate, and incomplete  
25 recitation of NRS 293.124(2). Tri-State NAACP lacks knowledge or information sufficient to  
26 form a belief as to the truth of the remaining allegations in the second sentence of Paragraph 39  
27 and therefore denies them.

1 **II. Nevada's Voter Registration Process**

2 40. Tri-State NAACP admits the allegations in Paragraph 40.

3 41. The allegations in Paragraph 41 state legal conclusions to which no response is  
4 required. To the extent any response is required, Tri-State NAACP admits that NRS  
5 293.517(1)(a) and NRS 293.517(1) exist and that the Complaint purports to characterize such  
6 sources.

7 42. The allegations in Paragraph 42 state legal conclusions to which no response is  
8 required. To the extent any response is required, Tri-State NAACP admits that NRS 293.5742(1)  
9 exists and that the Complaint purports to characterize such source.

10 43. The allegations in Paragraph 43 state legal conclusions to which no response is  
11 required. To the extent any response is required, Tri-State NAACP admits that NRS 93.5742(1)  
12 exists and that the Complaint purports to characterize such source.

13 44. The allegations in Paragraph 44 state legal conclusions to which no response is  
14 required. To the extent any response is required, Tri-State NAACP admits that NRS 293.5742(2)  
15 exists and that the Complaint purports to characterize such source.

16 45. The allegations in Paragraph 45 state legal conclusions to which no response is  
17 required. To the extent any response is required, Tri-State NAACP admits that Paragraph 45  
18 accurately quotes the excerpted portion of NRS 293.5752(2).

19 46. The allegations in Paragraph 46 state legal conclusions to which no response is  
20 required. To the extent any response is required, Tri-State NAACP admits that NRS  
21 293.5752(1)(c) exists and that the Complaint purports to characterize such source.

22 47. The allegations in Paragraph 47 state legal conclusions to which no response is  
23 required. To the extent any response is required, Tri-State NAACP admits that NRS 483.290  
24 exists and that the Complaint purports to characterize such source.

25 48. The allegations in Paragraph 48 state legal conclusions to which no response is  
26 required. To the extent any response is required, Tri-State NAACP admits NRS 483.290(7)(b)  
27 exists and that the Complaint purports to characterize such source.

1           49.     Tri-State NAACP lacks knowledge or information sufficient to form a belief as  
2 to the truth of the allegations in Paragraph 49 and therefore denies them.

3           50.     Tri-State NAACP lacks knowledge or information sufficient to form a belief as  
4 to the truth of the allegations in Paragraph 50 and therefore denies them.

5           51.     Tri-State NAACP lacks knowledge or information sufficient to form a belief as  
6 to the truth of the allegations in Paragraph 51 and therefore denies them.

7           52.     Tri-State NAACP lacks knowledge or information sufficient to form a belief as  
8 to the truth of the allegations in Paragraph 52 and therefore denies them.

9           53.     The allegations in Paragraph 53 state legal conclusions to which no response is  
10 required. To the extent any response is required, Tri-State NAACP admits NAC 293.408 exists  
11 and that the Complaint purports to characterize such source.

12           54.     The allegations in Paragraph 54 state legal conclusions to which no response is  
13 required. To the extent any response is required, Tri-State NAACP admits NAC §§ 293.409(I)(b)  
14 and 293.408 exist and that the Complaint purports to characterize such sources.

15           55.     The allegations in Paragraph 55 state legal conclusions to which no response is  
16 required. To the extent any response is required, Tri-State NAACP admits NAC § 293.409(3)  
17 exists and that the Complaint purports to characterize such source.

18 **III.    The Secretary is failing to ensure that noncitizens are not registered to vote.**

19           56.     Tri-State NAACP admits that the press release cited in Paragraph 56 exists and  
20 that the Complaint purports to characterize such source. Tri-State NAACP lacks knowledge or  
21 information sufficient to form a belief as to the truth of the remaining allegations in Paragraph  
22 56 and therefore denies them.

23           57.     Tri-State NAACP admits that the press release quoted in Paragraph 57 exists and  
24 that the Complaint purports to characterize such source. Tri-State NAACP lacks knowledge or  
25 information sufficient to form a belief as to the truth of the remaining allegations in Paragraph  
26 57 and therefore denies them.

27           58.     Tri-State NAACP lacks knowledge or information sufficient to form a belief as  
28 to the truth of the allegations in Paragraph 58 and therefore denies them.

1           59.     Tri-State NAACP lacks knowledge or information sufficient to form a belief as  
2 to the truth of the allegations in Paragraph 59 and therefore denies them.

3           60.     Tri-State NAACP lacks knowledge or information sufficient to form a belief as  
4 to the truth of the allegations in Paragraph 60 and therefore denies them.

5           61.     Tri-State NAACP lacks knowledge or information sufficient to form a belief as  
6 to the truth of the allegations in Paragraph 61 and therefore denies them.

7           62.     Tri-State NAACP lacks knowledge or information sufficient to form a belief as  
8 to the truth of the allegations in Paragraph 62 and therefore denies them.

9           63.     Tri-State NAACP lacks knowledge or information sufficient to form a belief as  
10 to the truth of the allegations in Paragraph 63 and therefore denies them.

11          64.     Tri-State NAACP lacks knowledge or information sufficient to form a belief as  
12 to the truth of the allegations in Paragraph 64 and therefore denies them.

13          65.     The allegations in Paragraph 65 state legal conclusions to which no response is  
14 required. To the extent any response is required, Tri-State NAACP admits that the case cited in  
15 Paragraph 65 exists and that the Complaint purports to characterize such source. Tri-State  
16 NAACP lacks knowledge or information sufficient to form a belief as to the truth of the  
17 remaining allegations in Paragraph 65 and therefore denies them.

18          66.     Tri-State NAACP lacks knowledge or information sufficient to form a belief as  
19 to the truth of the allegations in Paragraph 66 and therefore denies them.

20          67.     Tri-State NAACP lacks knowledge or information sufficient to form a belief as  
21 to the truth of the allegations in Paragraph 67 and therefore denies them.

22          68.     Tri-State NAACP lacks knowledge or information sufficient to form a belief as  
23 to the truth of the allegations in Paragraph 68 and therefore denies them.

24          69.     Tri-State NAACP lacks knowledge or information sufficient to form a belief as  
25 to the truth of the allegations in Paragraph 69 and therefore denies them.

26          70.     Tri-State NAACP lacks knowledge or information sufficient to form a belief as  
27 to the truth of the allegations in Paragraph 70 and therefore denies them.

1           71.     Tri-State NAACP lacks knowledge or information sufficient to form a belief as  
2 to the truth of the allegations in Paragraph 71 and therefore denies them.

3           72.     Tri-State NAACP lacks knowledge or information sufficient to form a belief as  
4 to the truth of the allegations in Paragraph 72 and therefore denies them.

5           73.     Tri-State NAACP lacks knowledge or information sufficient to form a belief as  
6 to the truth of the allegations in Paragraph 73 and therefore denies them.

7           74.     Tri-State NAACP lacks knowledge or information sufficient to form a belief as  
8 to the truth of the allegations in Paragraph 74 and therefore denies them.

9           75.     Tri-State NAACP lacks knowledge or information sufficient to form a belief as  
10 to the truth of the allegations in Paragraph 75 and therefore denies them.

11          76.     Tri-State NAACP lacks knowledge or information sufficient to form a belief as  
12 to the truth of the allegations in Paragraph 76 and therefore denies them.

13          77.     Tri-State NAACP lacks knowledge or information sufficient to form a belief as  
14 to the truth of the allegations in Paragraph 77 and therefore denies them.

15          78.     The allegations in Paragraph 78 state legal conclusions to which no response is  
16 required. To the extent any response is required, Tri-State NAACP admits that Paragraph 78  
17 accurately quotes the excerpted portion of NRS 6.045(3)(a).

18          79.     Tri-State NAACP lacks knowledge or information sufficient to form a belief as  
19 to the truth of the allegations in Paragraph 79 and therefore denies them.

20          80.     Tri-State NAACP lacks knowledge or information sufficient to form a belief as  
21 to the truth of the allegations in Paragraph 80 and therefore denies them.

22          81.     The allegations in Paragraph 81 state legal conclusions to which no response is  
23 required. To the extent a response is required, Tri-State NAACP lacks knowledge or information  
24 sufficient to form a belief as to the truth of the allegations in Paragraph 81 and therefore denies  
25 them.

26          82.     The allegations in Paragraph 82 state legal conclusions to which no response is  
27 required. To the extent a response is required, Tri-State NAACP lacks knowledge or information



1 sufficient to form a belief as to the truth of the allegations in Paragraph 82 and therefore denies  
2 them.

3 83. The allegations in Paragraph 83 state legal conclusions to which no response is  
4 required. To the extent a response is required, Tri-State NAACP lacks knowledge or information  
5 sufficient to form a belief as to the truth of the allegations in Paragraph 83 and therefore denies  
6 them.

7 84. The allegations in Paragraph 84 state legal conclusions to which no response is  
8 required. To the extent a response is required, Tri-State NAACP lacks knowledge or information  
9 sufficient to form a belief as to the truth of the allegations in Paragraph 84 and therefore denies  
10 them.

11 85. The allegations in Paragraph 85 state legal conclusions to which no response is  
12 required. To the extent a response is required, Tri-State NAACP lacks knowledge or information  
13 sufficient to form a belief as to the truth of the allegations in Paragraph 85 and therefore denies  
14 them.

15 86. The allegations in Paragraph 86 state legal conclusions to which no response is  
16 required. To the extent a response is required, Tri-State NAACP lacks knowledge or information  
17 sufficient to form a belief as to the truth of the allegations in Paragraph 86 and therefore denies  
18 them.

19 87. The allegations in Paragraph 87 state legal conclusions to which no response is  
20 required. To the extent a response is required, Tri-State NAACP lacks knowledge or information  
21 sufficient to form a belief as to the truth of the allegations in Paragraph 87 and therefore denies  
22 them.

23 88. Tri-State NAACP lacks knowledge or information sufficient to form a belief as  
24 to the truth of the allegations in Paragraph 88 and therefore denies them.

25 89. Tri-State NAACP lacks knowledge or information sufficient to form a belief as  
26 to the truth of the remaining allegations in Paragraph 89 and therefore denies them.

27 90. Tri-State NAACP denies the allegations in Paragraph 90.

1 **IV. The Secretary's violations disproportionately dilutes the Individual Plaintiffs vote**  
2 **as a Republican voter as well as those of all eligible Nevada Republican voters.**

3 91. The allegations in Paragraph 91 state legal conclusions to which no response is  
4 required. To the extent any response is required, Tri-State NAACP denies the allegations in  
5 Paragraph 91.

6 92. The allegations in Paragraph 92 state legal conclusions to which no response is  
7 required. To the extent any response is required, Tri-State NAACP denies the allegations in  
8 Paragraph 92.

9 93. Tri-State NAACP lacks knowledge or information sufficient to form a belief as  
10 to the truth of the allegations in Paragraph 93 and therefore denies them.

11 94. Tri-State NAACP lacks knowledge or information sufficient to form a belief as  
12 to the truth of the allegations in Paragraph 94 and therefore denies them.

13 95. Tri-State NAACP lacks knowledge or information sufficient to form a belief as  
14 to the truth of the allegations in Paragraph 95 and therefore denies them.

15 96. Tri-State NAACP lacks knowledge or information sufficient to form a belief as  
16 to the truth of the allegations in Paragraph 96 and therefore denies them.

17 97. The allegations in Paragraph 97 state legal conclusions to which no response is  
18 required. To the extent any response is required, Tri-State NAACP denies the allegations in  
19 Paragraph 97.

20 98. Tri-State NAACP lacks knowledge or information sufficient to form a belief as  
21 to the truth of the allegations in Paragraph 98 and therefore denies them.

22 99. Tri-State NAACP lacks knowledge or information sufficient to form a belief as  
23 to the truth of the allegations in Paragraph 99 and therefore denies them.

24 100. The allegations in Paragraph 100 state legal conclusions to which no response is  
25 required. To the extent any response is required, Tri-State NAACP denies the allegations in  
26 Paragraph 100.

27 101. The allegations in Paragraph 101 state legal conclusions to which no response is  
28 required. To the extent any response is required, upon information and belief, Tri-State NAACP

1 denies that the Secretary has “failed to ensure that only U.S citizens are on the voter registration  
2 lists.” Tri-State NAACP lacks knowledge or information sufficient to form a belief as to the truth  
3 of the remaining allegations in Paragraph 101 and therefore denies them.

4 102. Tri-State NAACP denies the allegations in Paragraph 102.

5 **COUNT I**

6 **Equal Protection Under the Nevada Constitution (Nev. Const. art. IV, §21)**

7 103. In response to Paragraph 103, Tri-State NAACP repeats, realleges, and  
8 incorporates its responses to each and every paragraph above.

9 104. The allegations in Paragraph 104 state legal conclusions to which no response is  
10 required. To the extent any response is required, Tri-State NAACP admits that Article IV,  
11 Section 21 of the Nevada Constitution exists and that the Complaint purports to characterize  
12 such source.

13 105. The allegations in Paragraph 105 state legal conclusions to which no response is  
14 required. To the extent any response is required, Tri-State NAACP admits that Article IV,  
15 Section 21 of the Nevada Constitution and the case cited in Paragraph 105 exist and that the  
16 Complaint purports to characterize such sources.

17 106. The allegations in Paragraph 106 state legal conclusions to which no response is  
18 required. To the extent any response is required, Tri-State NAACP admits that the cases cited in  
19 Paragraph 106 exist and that the Complaint purports to characterize such sources.

20 107. The allegations in Paragraph 107 states legal conclusions to which no response is  
21 required. To the extent any response is required, Tri-State NAACP admits that the cases cited in  
22 Paragraph 107 exist and that the Complaint purports to characterize such source.

23 108. The allegations in Paragraph 108 state legal conclusions to which no response is  
24 required. To the extent any response is required, Tri-State NAACP admits that the case cited in  
25 Paragraph 108 exists and that the Complaint purports to characterize such source.

26 109. The allegations in Paragraph 109 state legal conclusions to which no response is  
27 required. To the extent any response is required, Tri-State NAACP denies the allegations in  
28 Paragraph 109.

1 110. The allegations in Paragraph 110 state legal conclusions to which no response is  
2 required. To the extent any response is required, Tri-State NAACP denies the allegations in  
3 Paragraph 110.

4 111. The allegations in Paragraph 111 state legal conclusions to which no response is  
5 required. To the extent any response is required, Tri-State NAACP denies the allegations in  
6 Paragraph 111.

7 **COUNT II**

8 **Right to Due Process Under the Nevada Constitution (Nev. Const. art. I, §8)**

9 112. In response to Paragraph 112, Tri-State NAACP repeats, realleges, and  
10 incorporates its responses to each and every paragraph above.

11 113. The allegations in Paragraph 113 state legal conclusions to which no response is  
12 required. To the extent any response is required, Tri-State NAACP admits that Article I, Section  
13 8 of the Nevada Constitution and the cases cited in Paragraph 113 exist and that the Complaint  
14 purports to characterize such sources.

15 114. The allegations in paragraph 114 state legal conclusions to which no response is  
16 required. To the extent any response is required, Tri-State NAACP admits that the case cited in  
17 Paragraph 114 exists and that the Complaint purports to characterize such source.

18 115. The allegations in Paragraph 115 state legal conclusions to which no response is  
19 required. To the extent any response is required, Tri-State NAACP denies the allegations in  
20 Paragraph 115.

21 116. The allegations in Paragraph 116 state legal conclusions to which no response is  
22 required. To the extent any response is required, Tri-State NAACP denies the allegations in  
23 Paragraph 116.

24 117. The allegations in Paragraph 117 state legal conclusions to which no response is  
25 required. To the extent any response is required, Tri-State NAACP denies the allegations in  
26 Paragraph 117.

1 **COUNT III**

2 **Right to Vote Under the Nevada Constitution**

3 **(Nev. Const. art. II, §1)**

4 118. In response to Paragraph 118, Tri-State NAACP repeats, realleges, and  
5 incorporates its responses to each and every paragraph above.

6 119. The allegations in Paragraph 119 state legal conclusions to which no response is  
7 required. To the extent any response is required, Tri-State NAACP admits that Article II, Section  
8 1 of the Nevada Constitution exists and that the Complaint purports to characterize such source.

9 120. The allegations in Paragraph 120 state legal conclusions to which no response is  
10 required. To the extent any response is required, Tri-State NAACP admits that the cases cited in  
11 Paragraph 120 exist and that the Complaint purports to characterize such sources.

12 121. The allegations in Paragraph 121 state legal conclusions to which no response is  
13 required. To the extent any response is required, Tri-State NAACP denies the allegations in  
14 Paragraph 121.

15 122. The allegations in Paragraph 122 state legal conclusions to which no response is  
16 required. To the extent any response is required, Tri-State NAACP denies the allegations in  
17 Paragraph 122.

18 **COUNT IV**

19 **Declaratory Judgment (NRS 30.040)**

20 123. In response to Paragraph 123, Tri-State NAACP repeats, realleges, and  
21 incorporates its responses to each and every paragraph above.

22 124. The allegations in Paragraph 124 state legal conclusions to which no response is  
23 required. To the extent any response is required, Tri-State NAACP admits that Paragraph 124  
24 accurately quotes the excerpted portion of NRS 30.040(1).

25 125. The allegations in Paragraph 125 state legal conclusions to which no response is  
26 required. To the extent any response is required, Tri-State NAACP denies the allegations in  
27 Paragraph 125 because the quoted text is a selective, inaccurate, and incomplete recitation of  
28 NRS 293.675(3)(i).

126. The allegations in Paragraph 126 state legal conclusions to which no response is required. To the extent any response is required, Tri-State NAACP denies the allegations in Paragraph 126 because the quoted text is a selective, inaccurate, and incomplete recitation of NRS 293.124(2).

127. The allegations in Paragraph 127 state legal conclusions to which no response is required. To the extent any response is required, Tri-State NAACP denies the allegations in Paragraph 127.

128. The allegations in Paragraph 128 state legal conclusions to which no response is required. To the extent any response is required, Tri-State NAACP denies the allegations in Paragraph 128.

## GENERAL DENIAL

Tri-State NAACP denies every allegation in the Petition that is not expressly admitted herein.

## AFFIRMATIVE DEFENSES

Tri-State NAACP sets forth affirmative defenses without assuming the burden of proving any fact, issue, or element of a cause of action where such burden properly belongs to Petitioners. Moreover, nothing stated here is intended or shall be construed as an admission that any particular issue or subject matter is relevant to the allegations in the Petition. Tri-State NAACP reserves the right to amend or supplement its affirmative defenses as additional facts concerning defenses become known.

Tri-State NAACP asserts the following affirmative defenses:

1. Plaintiffs fail to state a claim upon which relief can be granted.
2. Plaintiffs lack standing to pursue their claims.
3. There is no ripe controversy between the parties.
4. Plaintiffs' claims are barred because the relief sought violates the National Voter Registration Act.
5. Plaintiffs' claims are barred by the doctrine of laches.
6. Plaintiffs' claims are barred by the *Purcell* principle.

7. Plaintiffs' requested relief will result in unconstitutionally depriving U.S. citizens who are eligible voters of their right to vote.

## PRAYER FOR RELIEF

**WHEREFORE**, Tri-State NAACP respectfully prays that the Court grant and award Tri-State NAACP the following relief against Plaintiffs:

- A. Deny that Plaintiffs are entitled to any relief;
- B. Dismiss the Complaint in its entirety, with prejudice; and
- C. Grant such other relief as the Court deems just and proper.

## AFFIRMATION

Pursuant to NRS 239B.030 and 603A.040, the undersigned does hereby affirm that this document does not contain the personal information of any person.

DATED this \_\_\_\_\_ day of October, 2024

WOODBURN AND WEDGE

By:

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