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**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.

Plaintiff,

vs.

FRANCISCO AGUILAR, in his official capacity  
as NEVADA SECRETARY OF STATE,  
DEMOCRATIC NATIONAL COMMITTEE,  
NEVADA STATE DEMOCRATIC PARTY

Defendant.

Case No.: 240000153-1B  
Dept. No.: I

**COMPLAINT FOR DECLARATORY  
AND INJUNCTIVE RELIEF**

**Arbitration Exemption:**

Declaratory and Injunctive Relief

Plaintiffs ZENAIDA DAGUSEN, an individual and the REPUBLICAN NATIONAL COMMITTEE, the NEVADA REPUBLICAN PARTY, and DONALD J. TRUMP FOR PRESIDENT 2024, INC. bring this action for declaratory and injunctive relief against Francisco Aguilar in his official capacity as the Nevada Secretary of State. Plaintiffs allege and complain as follows:

**INTRODUCTION**

1. United States Citizenship is a basic requirement to vote in federal, state, and local elections in Nevada. Some jurisdictions in this country, including Washington, D.C., permit noncitizens to vote in their elections. **NEVADA DOES NOT ALLOW NONCITIZENS TO VOTE.**

2. In Nevada, only U.S. citizens should be able to register to vote in Nevada elections. And Nevada law requires that the Secretary of State, as the chief election official for Nevada, regularly maintain the voter rolls to remove ineligible voters.

3. But, Francisco Aguilar, the current Secretary of State, is failing in his list-maintenance and investigatory duties to ensure that only U.S. citizens are registered and voting in Nevada elections.

4. Past and recent evidence shows that noncitizen registration is worsening, but due to administrative failures it is impossible to know the full extent of the problem. When other States have examined their rolls, they discover a large number of noncitizens who are registered to vote. For example, last month, Texas removed approximately 6,500 noncitizens from its voter rolls. Virginia also recently removed more than 6,300 noncitizens from its voter rolls.

5. Meanwhile, illegal immigration at the Southwest border is “out of control.” *Florida v. Mayorkas*, 672 F. Supp. 3d 1206, 1209 (N.D. Fla. 2023). Encounters at the Southwest border have risen from roughly 1.7 million to nearly 2.5 million annually over the last three years, with over 1.8 million encounters to date in 2024. *Southwest Land Border Encounters*, U.S. Customs & Border Protection, Dep’t of Homeland Sec.<sup>1</sup> Many illegal aliens “proceed to interior States” like Nevada. *See Explanation of the Decision to Terminate the Migrant Protection Protocols*, Dep’t of Homeland Sec. 26 (Oct. 29, 2021).<sup>2</sup>

6. The number of lawfully present aliens has also grown. Since 2000, the United States has admitted approximately one million permanent resident aliens each year.<sup>3</sup> And although the immigrants are legally present, they cannot legally vote in Nevada elections. *See Nev. Const. art. II, §1.*

<sup>1</sup> [www.cbp.gov/newsroom/stats/southwest-land-border-encounters](http://www.cbp.gov/newsroom/stats/southwest-land-border-encounters)

<sup>2</sup> [www.dhs.gov/sites/default/files/2022-01/21\\_1029\\_mpp-termination-justification-memo-508.pdf](http://www.dhs.gov/sites/default/files/2022-01/21_1029_mpp-termination-justification-memo-508.pdf).

<sup>3</sup> [www.migrationpolicy.org/programs/data-hub/charts/pinwheel-number-of-us-legal-permanent-residents](http://www.migrationpolicy.org/programs/data-hub/charts/pinwheel-number-of-us-legal-permanent-residents)

10. In the midst of rising immigration and failing safeguards, the Secretary of State's failure to perform his duties is a particularly egregious violation of the Plaintiffs' members' right to vote. To protect their members' right to vote, Plaintiffs seek appropriate declaratory and injunctive relief requiring the Secretary maintain the statewide list of registered voters in accordance with the Nevada Constitution and state law.

11. This court has jurisdiction under Article 6, § 6 of the Nevada Constitution and NRS 41.031 and to grant declaratory and injunctive relief pursuant to NRS 30.030, 30.040, and 33.010. Venue is proper in the First Judicial District Court under NRS 13.020 and 13.040 as this action is against a public officer for acting in his official capacity.

12. The Individual Plaintiff, ZENAIDA DAGUSEN, is a resident of and a registered voter in Clark County, Nevada. Ms. Dagusen is registered as a Republican. She regularly votes in general elections in Nevada in support of Republican candidates. She intends to vote for Republican candidates on the ballot in the 2024 general election.

13. Plaintiff REPUBLICAN NATIONAL COMMITTEE (“RNC”), is the national committee of the Republican Party, as defined by 52 U.S.C. §30101(14), with its principal place of business at 310 First Street S.E., Washington, DC 20003.

14. The RNC organizes and operates the Republican National Convention, which nominates a candidate for President and Vice President of the United States.

15. The RNC represents over 30 million registered Republicans in all 50 states, the District of Columbia, and the U.S. territories. It is comprised of 168 voting members representing state Republican Party organizations, including three voting members who are registered voters in Nevada.

16. The RNC works to elect Republican candidates to state and federal office. In November 2024, its candidates will appear on the ballot in Nevada for election to the Presidency, U.S. Senate, and U.S. House of Representatives.

17. The RNC has vital interests in protecting the ability of Republican voters to cast, and Republican candidates to receive, effective votes in Nevada elections and elsewhere. The RNC brings this suit to vindicate its own rights in this regard, and in a representational capacity to vindicate the rights of its members, affiliated voters, and candidates. The RNC has already and intends to continue to invest resources in Nevada seeking voter support for Republican candidates in the Nevada general election. Because of the prevalence of noncitizens on Nevada’s voter rolls, the RNC must divert resources from its core electoral activities towards efforts to clean up Nevada’s voter rolls, including efforts to prevent noncitizen voting, in order to maintain competitiveness in Nevada elections.

18. Plaintiff NEVADA REPUBLICAN PARTY (“NVGOP”) is a political party in Nevada with its principal place of business at 2810 West Charleston Blvd. #69, Las Vegas, NV 89102. The Nevada Republican Central Committee is the NVGOP’s governing body. The NVGOP and the Central Committee exercise their federal and state constitutional rights of speech, assembly, petition, and association to “provide the statutory leadership of the Nevada Republican Party as directed in the Nevada Revised statutes,” to “recruit, develop, and elect representative government at the national, state, and local levels,” and to “promote sound, honest, and

1 representative government at the national, state and local levels.” Nev. Republican Cent. Comm.  
2 Bylaws, art. II, §§1.A-1.C.

3 19. The NVGOP represents over 550,000 registered Republican voters in Nevada. The  
4 NVGOP has already and intends to continue to invest resources in Nevada seeking voter support  
5 for Republican candidates in the Nevada general election.

6 20. The NVGOP has the same interests in this case as the RNC and seeks to vindicate  
7 those interests in the same ways.

8 21. Plaintiff Trump Campaign is the principal committee for President Donald J.  
9 Trump’s campaign for President with its headquarters in West Palm Beach, FL. Donald J. Trump  
10 is a candidate for President on the ballot for the 2024 Nevada general election (by and through  
11 presidential and vice-presidential electors) and is a Republican affiliated with the RNC and  
12 NVGOP. The Trump Campaign has the same interests in this case as the RNC and NVGOP and  
13 seeks to vindicate those interests in the same ways. The Trump Campaign intends to invest  
14 resources seeking voter support in the Nevada general election.

15 22. Defendant Francisco Aguilar is the Secretary of State of Nevada. He is “the Chief  
16 Officer of Elections” for Nevada and “is responsible for the execution and enforcement of the  
17 provisions of title 24 of NRS and all other provisions of state and federal law relating to elections  
18 in” Nevada. NRS 293.124. He is sued in his official capacity.

19 23. Defendants Democratic National Committee and Nevada State Democratic Party  
20 are political parties representing and protecting the interests of its members and in interests of  
21 Democrat candidates both nationally and in Nevada. It has been held that when one major political  
22 party seeks relief which has the potential to harm or effect the interests of another major political  
23 party then such other major political party is a necessary and indispensable party to such action  
24 and must be included as a party to such action as the “[f]ailure to join an indispensable party is  
25 fatal to a judgement.” *See RNC v Aguilar*, First Judicial District Court Case No. 24 OC 00101 1B  
26 (2024) (citing *Schwob v Hemsath*, 98 Nev 293, 294, 646 P.2d 1212, 1212 (1982)).

27 **FACTUAL BACKGROUND**  
28

## I. Voter registration in Nevada

24. Under Nevada law, only United States citizens are eligible to vote in Nevada elections.

25. Article II, Section 1 of the Nevada Constitution provides that “citizens of the United States” are “entitled to vote” in Nevada, so long as they meet the other eligibility requirements.

26. Article II, Section 1A of the Nevada Constitution provides that “[e]ach voter who is a qualified elector under this Constitution and is registered to vote in accordance with Section 6 of this Article and the laws enacted by the Legislature pursuant thereto has the right ... [t]o receive and cast a ballot.”

27. And under state law, “[e]very citizen of the United States, 18 years of age or over, who has continuously resided in this State and in the county 30 days and in the precinct 10 days next preceding the day of the next succeeding [election] and who has registered in the manner provided in this chapter, is entitled to vote at that election.” NRS 293.485(1).

28. “The Secretary of State shall establish and maintain a centralized, top-down database that collects and stores information related to the preregistration of persons and the registration of electors from all the counties in this State.” NRS 293.675(1). The list must “[c]ontain the name and registration information of every legally registered voter in this State.” *Id.* §293.675(3)(d).

29. When county clerks “prepare registers, rosters and lists used at polling places,” that “information” must be “identical to the information contained in the official list of registered voters” maintained by the Secretary. NAC 293.472.

30. The statewide voter-registration list “must ... [s]erve as the official list of registered voters for the conduct of all elections in this State,” NRS 293.675(3)(c), which includes being “used to determine voter eligibility and the validity of any provisional ballot cast ... in the election.” NAC 293.472.

31. An “elector” for purposes of the voter registration list “means a person who is eligible to vote under the provisions of Section 1 of Article 2 of the Constitution of the State of Nevada.” NRS 293.055.

32. The Secretary thus has a duty to ensure that the statewide voter registration list includes only U.S. citizens.

33. The Secretary also has a duty to “regularly maintain[]” the voter-registration list “to ensure the integrity of the registration process and the election process.” NRS 293.675(3)(i).

34. As “the Chief Officer of Elections for this State ... the Secretary of State is responsible for the execution and enforcement of the provisions of title 24 of NRS and all other provisions of state and federal law relating to elections in this State.” NRS 293.124(1).

35. The statewide voter-registration list is publicly available at <https://www.nvsos.gov/sos/elections/voters/nevvoter-statewide-list>.

36. In addition to ensuring that only U.S. citizens are registering to vote, the Secretary has a duty to ensure that any noncitizens currently registered are removed from the voter rolls.

37. “On each business day,” the Secretary must “check the contents of the statewide voter registration list by ... [d]etermining whether any person is included as a registered voter in the statewide voter registration list more than once,” and “comparing the driver’s license number, identification card number or last four digits of the social security number of [each] voter set forth in the statewide voter registration list.” NAC 293.462.

38. “On each business day,” the Secretary must also “compare the statewide voter registration list to the vital statistics records maintained by the State Registrar of Vital Statistics.” NAC 293.464.

39. State law requires the Secretary to “adopt such regulations as are necessary to carry out the provisions” of Nevada’s election laws, which include the Secretary’s list-maintenance duties regarding citizenship. NRS 293.124(2). But the Secretary has not adopted any rules or regulations that provide for verification of a voter’s citizenship, or systematic removal of noncitizens from the voter rolls.

## II. Nevada’s Voter Registration Process

40. Nevada offers many ways to register to vote.

41. Nevadans can register to vote “by appearing before the county clerk, a field registrar or a voter registration agency, completing the application to preregister or register to vote,

1 giving true and satisfactory answers to all questions relevant to his or her identity and right to  
2 preregister or register to vote, and providing proof of residence and identity.” NRS 293.517(1)(a).  
3 Nevadans can submit their applications by mail, online, or in person to their county clerk. *Id.*  
4 §293.517(1).

5 42. Nevadans are also registered automatically at the Department of Motor Vehicles  
6 (DMV) when they apply “for the issuance or renewal of or change of address for a driver’s license  
7 or identification card issued by the Department.” NRS 293.5742(1) (repeal effective January 1,  
8 2025, *see* 2021 Nev. Laws ch. 555, §35). Each person is automatically registered “[u]nless the  
9 person affirmatively declines in writing to apply to register to vote or have his or her voter  
10 registration information updated.” *Id.*

11 43. To register a potential voter, the DMV collects an affirmation signed under penalty  
12 of perjury that the person is eligible to vote, an electronic facsimile of the signature, other personal  
13 information that is required for the person to register to vote, including their name, address,  
14 birthdate, driver’s license number or social security number, and partisan affiliation. NRS  
15 293.5742(1).

16 44. If the registrant does not have the required identification, “the person must sign an  
17 affidavit stating that he or she does not have a current and valid driver’s license or identification  
18 card issued by the Department or a social security number.” NRS 293.5742(2). Then, “[u]pon  
19 receipt of the affidavit, the county clerk shall issue an identification number to the person which  
20 must be the same number as the unique identifier assigned to the person for the purpose of the  
21 statewide voter registration list.” *Id.*

22 45. “If the county clerk determines that the application is complete and that the  
23 applicant is eligible to vote ..., the county clerk shall ensure that the name of the applicant appears  
24 on the statewide voter registration list and the appropriate roster, and the person must be provided  
25 all sample ballots and any other voter information provided to registered voters.” NRS 293.5752(2)  
26 (amendment effective January 1, 2025, *see* 2021 Nev. Laws, ch. 554, §26).

27 46. The clerk then “transmit[s]” the required information “to the database created by  
28 the Secretary of State” for the registration of voters, and “the appropriate county clerk shall collate

1 the information into an individual electronic document in the database, which shall be deemed an  
2 application to register to vote. NRS 293.5752(1)(c).

3 47. To apply for a standard driver's license or ID card, an applicant must complete and  
4 submit an application, provide proof of identity, proof of name changes (if any), proof of a social  
5 security number (if one has been issued), and proof of a Nevada residential address. *See* NRS  
6 483.290; *Proof of Identity and Residency*, Nev. Dep't of Motor Vehicles,  
7 <https://dmv.nv.gov/dlresidency.htm>;

8 48. Proof of identity can be shown by a current Real ID driver's license, United States  
9 Passport, U.S. state-issued birth certificate, and similar documents. If the applicant uses  
10 immigration documents as proof of identity (such as a certificate of citizenship or permanent  
11 resident card), the driver's license or ID card will be marked "LIMITED TERM." A limited-term  
12 license "is valid only during the time the applicant is authorized to stay in the United States, or if  
13 there is no definite end to the time the applicant is authorized to stay, the driver's license is valid  
14 for 1 year beginning on the date of issuance." NRS 483.290(7)(b).

15 49. Noncitizens are not required to provide proof of a Social Security number to obtain  
16 a license or ID card. Those who have applied for, but not received, a Social Security number may  
17 attest to that fact on the driver license application.

18 50. Alternatively, applicants can apply for a driver authorization card, which looks  
19 similar to a driver's license but is marked "NOT VALID FOR IDENTIFICATION."

20 51. Proof of identity sufficient for a driver authorization card permits a broader range  
21 of documents than what is permitted for a driver's license. Documents such as a foreign passport  
22 or foreign birth certificate, for example, are accepted as proof of identity for a driver authorization  
23 card.

24 52. The same DMV application is used to apply for a driver's license, ID card, and  
25 driver authorization card. The application requires the applicant to check a box indicating whether  
26 he is a U.S. citizen.

53. The DMV registers only applicants “for a driver's license or identification card” as voters. NAC 293.408. That is, applicants who obtain a driver authorization card are not automatically registered to vote.

54. If an applicant uses foreign documents as proof of identity, the DMV “will not submit the applicant's information into the automatic voter registration system.” NAC 293.409(1)(b); *see id.* §293.408 (listing documents indicating that the applicant “is not an elector who meets the qualifications to vote in this State”).

55. DMV regulations otherwise prohibit DMV employees from making “an individualized determination of the eligibility of any applicant for the issuance or renewal of or a change of address for a driver's license or identification card to apply to register to vote using the automatic voter registration system.” NAC 293.409(3).

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

56. In April 2017, the Secretary disclosed that the DMV had discovered more than 100 people statewide who had presented evidence of non-citizenship to the DMV and nonetheless completed a voter registration application while at the DMV. *See Secretary Cegavske Releases Details Regarding Ongoing Elections Investigation*, Nev. Sec’y of State (Apr. 19, 2017).<sup>4</sup> The Secretary confirmed that 21 of those individuals had voted.

57. In the April 2017 press release, the Secretary admitted that although “Nevada participates in various interstate data-sharing programs regarding elections information,” those programs “are not designed to identify potential ineligible voters due to non-citizenship.”

58. In December 2020, it was discovered during litigation that there were thousands of noncitizens on the voter rolls, many of whom cast a ballot in the 2020 general election. The litigants obtained a December 2020 DMV file of individuals who presented an immigration document while obtaining a drivers’ license or identification card during the previous five years. The litigants then compared it to the statewide registration list.

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<sup>4</sup> [www.nvsos.gov/sos/Home/Components/News/News/2229/309?selcat=1&arch=1&npage=8](http://www.nvsos.gov/sos/Home/Components/News/News/2229/309?selcat=1&arch=1&npage=8).

59. The DMV noncitizen file contained 110,164 records and revealed 6,360 positive matches to the statewide registration list. Nearly all those matches (6,136) were active registrations. The matches required an exact match on street number, street name, street pre- or post-direction, and five-digit zip code, as well as varying match levels of name and unit number, lending a high degree of confidence in the matches.

60. Further, the data showed that 3,987 individuals listed in the DMV noncitizen file cast a ballot in the 2020 general election.

61. When including the registration dates, at least 604 registered voters had a registration date prior to the driver license issue date, which suggests that those individuals were not citizens at the time of voter registration.

62. In March 2021, the NVGOP submitted reports of election integrity violations to Secretary Cegavske for investigation, including reports regarding the individuals in the DMV noncitizen file who were registered to vote and cast ballots in the 2020 general election.

63. On April 21, 2021, Secretary Cegavske responded to these reports. She acknowledged that the data indicated thousands of individuals on the DMV noncitizen list were active registered voters and cast a ballot in the 2020 general election. She nevertheless dismissed these reports based upon speculation that some unknown number of individuals may have been naturalized between the date of their DMV transaction and the 2020 general election.

64. She also declined to evaluate these individuals' current immigration status using federal databases because no database existed for the purpose of evaluating "bulk data." But the Systematic Alien Verification for Entitlement (SAVE) Program is just such a program. SAVE allows government officials to check the immigration status on an individual basis. The Secretary offered no reason why it would have been impossible to check the immigration statuses of the 6,360 registrants listed on the DMV noncitizen file using the SAVE database.

65. Moreover, the Secretary incorrectly asserted that the U.S. Supreme Court and lower courts had ruled that it is unlawful for election officials to require documentary proof of citizenship as a condition of voter registration. That is incorrect. The Supreme Court has held only that election officials may not require documentary proof of citizenship when a person submits the federal

1 registration form promulgated by the Election Assistance Commission. *See Arizona v. Inter Tribal*  
2 *Council of Ariz., Inc.*, 570 U.S. 1, 20 (2013). Documentary proof of citizenship may otherwise be  
3 required by election officials as a condition of voter registration.

4 66. The problem of noncitizen voting has continued since the 2020 general election. To  
5 start, evidence from the 2017-2023 Cooperative Election Study indicates that the noncitizen-  
6 registration problem is widespread.<sup>5</sup> The Cooperative Election Study is a large-scale national  
7 online survey conducted before and after United States presidential and midterm elections.  
8 Specifically, evidence for all years that had a two-question citizenship-status survey shows that a  
9 significant number of noncitizens are on Nevada' voter rolls.

10 67. For these years, respondents were first asked "Are you a United States citizen?"  
11 with response categories of yes and no. They were then asked a follow-up question: "Which of  
12 these statements best describes you?" with categories as follows:

- 13 a. I am an immigrant to the USA and a naturalized citizen
- 14 b. I am an immigrant to the USA but not a citizen
- 15 c. I was born in the USA but at least one of my parents is an immigrant
- 16 d. My parents and I were born in the USA but at least one of my grandparents was an  
17 immigrant
- 18 e. My parents, grandparents and I were all born in the USA

19 68. All respondents analyzed responded to both questions that they were not U.S.  
20 citizens, which significantly reduces the possibility that some respondents might have accidentally  
21 misreported their citizenship status.

22 69. Next, respondents were asked "Are you registered to vote?" with response options  
23 "yes," "no," and "I don't know."

24 70. Overall, a total of 5,005 individuals who identified themselves (twice) as  
25 noncitizens responded to the voter-registration status question from 2017 through 2023.  
26 Approximately 10 percent of those respondents indicated that they were registered to vote.

27  
28 <sup>5</sup> <https://cces.gov.harvard.edu/explore>

71. In Nevada, 64 noncitizens responded to the survey during these years, and approximately 17 percent indicated that they were registered to vote.

72. Comparing noncitizen responses in 2018 and 2022 to the voter files confirms that a substantial number of noncitizens are registered to vote.

73. Overall, 2,074 noncitizens were included in the survey datasets for 2018 and 2022. Among those noncitizens, 7.38 percent had a voter-file match indicating that they were registered to vote.

74. Nevada's numbers are higher than the national average, showing that nearly 12 percent of noncitizen respondents included in the survey datasets for 2018 and 2022 had a voter-file match indicating that they were registered to vote.

75. Comparing the survey responses minimizes the risk of error. Nationwide, 2.46 percent of noncitizens both indicated in the survey that they were registered to vote and had a voter-file match. Again, Nevada's numbers were higher than the national average, showing that nearly 4 percent of noncitizen respondents both said they were registered to vote *and* had a voter-file match.

76. The survey omits vote validation for certain years. Because those omissions appear to be targeted specifically at noncitizens who had evidence of voter registration or voting, the estimates for those years likely undercounts the number of noncitizens on the voter rolls.

77. The quality of the survey data suggests that the numbers are representative of the State as a whole. Under the U.S. Census Bureau's noncitizen population estimates, a conservative 4 percent registration rate among noncitizens amounts to approximately 11,730 noncitizens registered to vote in Nevada in 2018; 11,587 noncitizens registered in 2020; and 11,220 noncitizens registered in 2022.

78. In Nevada, lists of potential jurors are compiled from a number of approved sources including the "list of persons who are registered to vote in the county or city." NRS 6.045(3)(a).

79. In response to a public records request in July 2024, the Second District Judicial Court confirmed that from January 1, 2023, to July 15, 2024, the Second District Judicial Court summoned 12,086 prospective jurors. Of those prospective jurors, 979 claimed disqualification

1 from jury service because they were not U.S. citizens, representing just over 8 percent of the  
2 prospective jury pool.

3 80. Similarly, in response to a public records request in July 2024, the Eighth Judicial  
4 District Judicial Court it confirmed that from January 1, 2023 to July 15, 2024 jurors had claimed  
5 disqualification from jury service and provided one sample responsive jury questionnaire (without  
6 identifying information) which evidenced at least one perspective juror has affirmed under penalty  
7 of perjury they could not serve on a jury because they were not a U.S. citizen. Upon information  
8 and belief, this is not the only person who responded that they could not serve on a jury in Clark  
9 County because they were not a U.S. citizen.

10 81. Similar failures in other States have led to large numbers of noncitizens being  
11 removed from those States' voter rolls.

12 82. This August, Texas removed approximately 6,500 noncitizens from its voter rolls.  
13 About 1,930 of those noncitizens had voted in a Texas election.

14 83. This May, Ohio discovered 136 voter registrations assigned to Ohio residents who  
15 twice confirmed their non-citizenship status to the BMV. The Ohio Secretary of State ordered the  
16 removal of 80 of those noncitizens after they failed to respond to requests to confirm their  
17 citizenship. And in August, the Secretary directed county boards to remove an additional 499  
18 noncitizen registrations from Ohio's voter rolls.

19 84. In 2022, Georgia conducted a citizenship audit that revealed 1,634 noncitizens who  
20 had attempted to register to vote.

21 85. Since 2014, Virginia has reportedly removed more than 11,000 registrants from the  
22 voter roll as "declared non-citizen[s]," typically in transactions with the state's department of  
23 motor vehicles. Over 6,300 were removed from January 2022 to July 2024 alone.

24 86. This year, Boston disclosed 70 cancellations for non-citizenship, showing an  
25 average time on the voter rolls of 2 years.

26 87. Pennsylvania removed 2,500 noncitizens from the rolls after discovering a decades-  
27 old error in their DMV registration system in 2017. Another 8,700 registrants were suspected  
28 noncitizens.

1           88.     These States just scratch the surface. One large-scale study published in 2014, for  
2     example, concluded that as many as “one quarter of non-citizens” in the U.S. “were likely  
3     registered to vote.” Jesse T. Richman, Gulshan A. Chattha & David C. Earnest, *Do Non-Citizens*  
4     *Vote in U.S. Elections?*, 36 Electoral Studies 149 (2014).

5           89.     Other publicly available information shows that noncitizen registration is a national  
6     problem driven by administrative failures and insufficient safeguards. *See* Hans von Spakovsky &  
7     J. Christian Adams, *Despite Liberals’ Hysterical Denials, Aliens Are Registering and Voting*,  
8     Daily Signal (June 6, 2024).<sup>6</sup>

9           90.     Despite suffering the same problems as these States, the Secretary is failing to  
10    investigate the problem or remove noncitizens from the voter rolls.

11           **IV. The Secretary’s violations disproportionately dilutes the Individual**  
12           **Plaintiff’s vote as a Republican voter as well as those of all eligible**  
13           **Nevada Republican voters.**

14           91.     By permitting noncitizens to register to vote and failing to remove noncitizens from  
15    the voter rolls, the Secretary’s violations dilute the legal votes of eligible Nevada voters who are  
16    U.S. citizens.

17           92.     Evidence shows that the Secretary’s violations are highly correlated with dilution  
18    of eligible votes.

19           93.     The Heritage Foundation has assessed state processes for verifying citizenship,  
20    rating States on a 0 to 4 scale.<sup>7</sup> The assessment considers whether a State uses the SAVE Program,  
21    as well as state and federal jury information to verify citizenship. A score of 4 indicates that a State  
22    uses both the SAVE program and jury information to verify citizenship, while a score of 0 indicates  
23    that a State uses neither. The vast majority of States worked with Heritage to confirm the accuracy  
24    of the policies, and the chief election official or responsible board of elections in each State was  
25    given the opportunity to correct any errors in the final summary.

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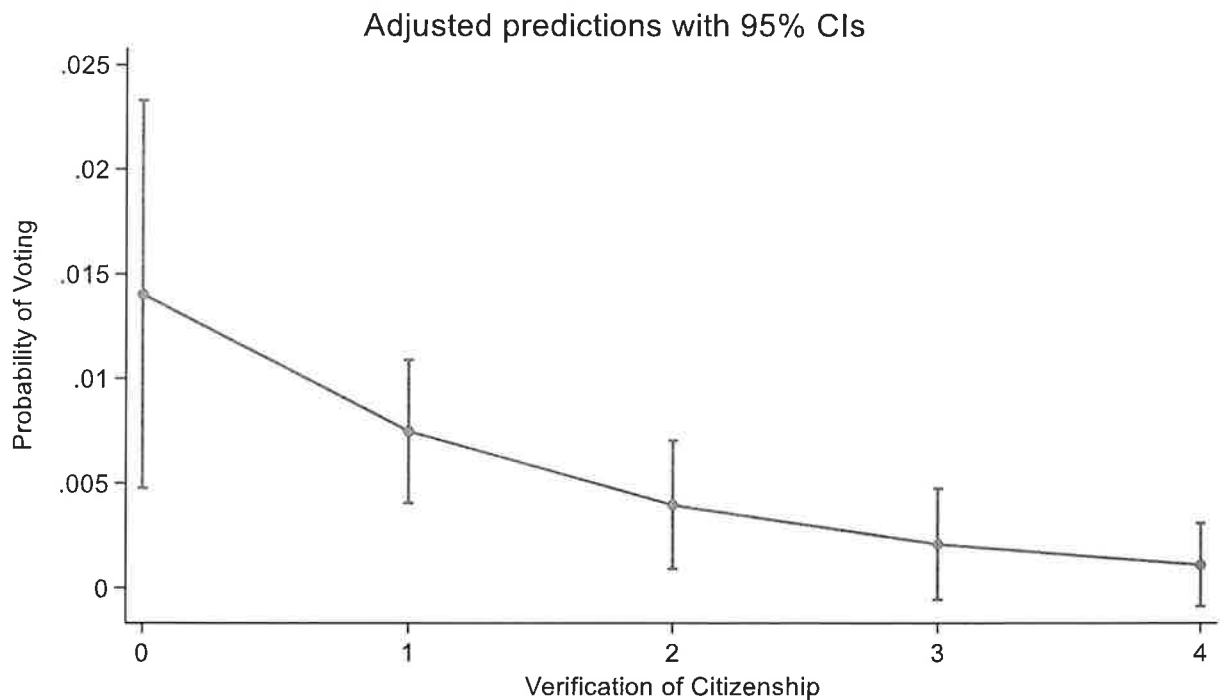
  
27           <sup>6</sup> [www.dailysignal.com/2024/06/06/despite-liberals-hysterical-denial-aliens-are-registering-and-voting](http://www.dailysignal.com/2024/06/06/despite-liberals-hysterical-denial-aliens-are-registering-and-voting)

28           <sup>7</sup> [www.heritage.org/electionscorecard/pages/methodology.html](http://www.heritage.org/electionscorecard/pages/methodology.html)

94. Comparing the Heritage election-security assessment with the Cooperative Election Study cumulative data file shows that States with less robust citizenship-verification measures are far more likely to show high rates of noncitizen voter turnout.

95. That is, States that verify citizenship with the SAVE Program and jury information show a lower rate of respondents in the Cooperative Election Study who reported that they voted and had a voter file match indicating that they voted. Verification of citizenship thus has a statistically significant effect on the probability that individuals who indicated they are noncitizens voted (cast a validated vote and said they voted).

96. Graphing the estimated probability that a noncitizen will vote in States with varying levels of restrictions (with 95 percent confidence intervals) shows that the probability of voting is highest in States with zero restrictions (probability 1.4 percent), but drops to 0.1 percent for States with a rating of four.



97. Vote dilution by noncitizen voting favors Democratic candidates and harms Republican candidates. Similarly, vote dilution by noncitizen voting disproportionately dilutes the vote of the Individual Plaintiff as well as all Republican voters.

102. The Secretary's failure to ensure that only U.S. citizens are on the voter-registration lists harms the Plaintiffs by providing potentially dispositive electoral advantages to their opponents.

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

103. Plaintiffs incorporate all their prior allegations.

104. Article IV, Section 21 of the Nevada Constitution requires that “where a general law can be made applicable, all laws shall be general and of uniform operation throughout the State.”

105. Article IV, Section 21 enshrines an equal-protection principle in the Nevada Constitution that “is the same as the federal standard.” *State Farm Fire & Cas. Co. v. All Elec., Inc.*, 99 Nev. 222, 224, (1983).

106. Equal protection requires that States protect the right of citizens “to have [their] vote counted at full value without dilution or discount.” *Reynolds v. Sims*, 377 U.S. 533, 555 (1964) (quoting *South v. Peters*, 339 U.S. 276, 279 (1950) (Douglas, J., dissenting). “[T]he right of suffrage can be denied by a debasement or dilution of the weight of a citizen’s vote just as effectively as by wholly prohibiting the free exercise of the franchise.” *Id.*

107. “Every voter in a federal ... election, whether he votes for a candidate with little chance of winning or for one with little chance of losing, has a right under the Constitution to have his vote fairly counted, without its being distorted by fraudulently cast votes.” *Anderson v. United States*, 417 U.S. 211, 227 (1974); *see also Baker v. Carr*, 369 U.S. 186, 208 (1962).

108. Fraudulent votes “debase[]” and “dilute” the weight of each validly cast vote. *Anderson*, 417 U.S. at 227. When it comes to “dilut[ing] the influence of honest votes in an election,” whether the dilution is “in greater or less degree is immaterial”—it is a violation of equal protection. *Id.* at 226.

109. The Secretary is violating his statutory duties to ensure that only citizens are registered to vote. By not verifying the citizenship of those on the voter rolls, the Secretary is diluting the votes of the Individual Plaintiff and the Republican Party Plaintiffs’ members. The Secretary’s violations thus violate the rights of Plaintiffs’ members to participate in Nevada elections on an equal, undiluted basis.

110. The Secretary violating his statutory duties to ensure that only citizens are registered to vote has required and will continue to require the Republican Party Plaintiffs' and the Trump Campaign to divert resources to counteracting the problem created by the Secretary when such resources should have been otherwise allocated to promoting candidates, campaigns and otherwise fairly competing in the general election on an equal basis with all other candidates or political parties.

111. Plaintiffs have no adequate remedy at law and will continue to suffer serious and irreparable harm to their right to equal protection of the laws under the Nevada Constitution unless the Secretary is ordered to implement and conduct systematic and routine list maintenance that verifies that registered Nevada voters are U.S. citizens.

## **COUNT II**

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

112. Plaintiffs incorporate all their prior allegations.

113. Article I, Section 8 of the Nevada Constitution guarantees the right to "due process of law." The due-process rights protected by the Nevada Constitution are at least as strong as those protected by the federal constitution. *See Southport Lane Equity II, LLC v. Downey*, 177 F. Supp. 3d 1286, 1290 (D. Nev. 2016) ("[T]he Nevada Supreme Court reads the state clause as coextensive with the federal clause...." (citing *Wyman v. State*, 125 Nev. 592, 217 P.3d 572, 578 (2009))).

114. A "violation of the due process clause may be indicated" when "the election process itself reaches the point of patent and fundamental unfairness." *Curry v. Baker*, 802 F.2d 1302, 1315 (11th Cir. 1986); *see also Anderson*, 417 U.S. at 227.

115. The Secretary's lack of any systematic or routine list maintenance to verify the citizenship of registered voters undermines the fundamental fairness of Nevada's elections by failing to ensure that the right to vote of the Individual Plaintiff and the Republican Party Plaintiffs' members is protected from any disproportionate debasement or dilution by ineligible voters.

116. The Secretary's lack of any systematic or routine list maintenance to verify the citizenship of registered voters undermines the fundamental fairness of Nevada's elections and has required and will continue to require the Republican Party Plaintiffs' and the Trump Campaign to divert resources to counteracting the problem created by the Secretary when such resources should have been otherwise allocated to promoting candidates, campaigns and otherwise fairly competing in the general election on an equal basis with all other candidates or political parties.

117. Plaintiffs have no adequate remedy at law and will continue to suffer serious and irreparable harm to their right to equal protection of the laws under the Nevada Constitution unless the Secretary is ordered to implement and conduct systematic and routine list maintenance that verifies that registered Nevada voters are U.S. citizens.

### **COUNT III**

#### **Right to Vote Under the Nevada Constitution (Nev. Const. art. II, §1)**

118. Plaintiffs incorporate all their prior allegations.

119. Article II, Section 1 of the Nevada Constitution guarantees the right to vote to "citizens of the United States" who meet the eligibility requirements in the Nevada Constitution.

120. "Obviously included within the right to [vote], secured by the Constitution, is the right of qualified voters within a state to cast their ballots and have them counted." *United States v. Classic*, 313 U.S. 299, 315 (1941). "[T]he right to have the vote counted" means counted "at full value without dilution or discount." *Reynolds*, 377 U.S. at 555 n.29 (quoting *South*, 339 U.S. at 279 (Douglas, J., dissenting)).

121. The Secretary's lack of any systematic or routine list maintenance to verify the citizenship of registered voters deprives the Individual Plaintiff and the Republican Party Plaintiffs' members disproportionately of their fundamental right to vote.

122. Plaintiffs have no adequate remedy at law and will continue to suffer serious and irreparable harm to their right to equal protection of the laws under the Nevada Constitution unless

1 the Secretary is ordered to implement and conduct systematic and routine list maintenance that  
2 verifies that registered Nevada voters are U.S. citizens.

### 3 COUNT IV

#### 4 **Declaratory Judgment** 5 **(NRS 30.040)**

6 123. Plaintiffs incorporate all their prior allegations.

7 124. NRS 30.040(1) provides that "[a]ny person ... whose rights, status or other legal  
8 relations are affected by a statute, municipal ordinance, contract or franchise, may have determined  
9 any question of construction or validity arising under the instrument, statute, ordinance, contract  
10 or franchise and obtain a declaration of rights, status or other legal relations thereunder."

11 125. State law requires the Secretary to "regularly maintain[]" the voter-registration list  
12 "to ensure the integrity of the registration process and the election process." NRS 293.675(3)(i).

13 126. State law requires the Secretary to "adopt such regulations as are necessary to carry  
14 out the provisions" of Nevada's election laws, which include the Secretary's list-maintenance  
15 duties with regard to citizenship. NRS 293.124(2).

16 127. Despite these statutory requirements, the Secretary has failed to ensure that  
17 noncitizens are not being registered to vote and has failed to conduct any systematic or routine  
18 removal of noncitizens from the voter rolls.

19 128. Plaintiffs are entitled to a declaratory judgment that NRS 293.675(2)(i) requires the  
20 Secretary of State to conduct routine list maintenance to ensure only citizens of the United States  
21 are registered to vote.

### 22 PRAYER FOR RELIEF

23 Plaintiffs ask this Court to enter judgment in their favor and provide the following relief:

24 a. A permanent injunction requiring the Secretary of State to implement and conduct  
25 systematic and routine list maintenance that appropriately verifies that registered voters  
26 are U.S. citizens, including but not limited to:

27 i. Using all lawful means to acquire or access information regarding citizenship  
28 status in the possession of the United States Department of Homeland Security

- 1 or one of its components, including information in the Systematic Alien  
2 Verification for Entitlements program;
- 3 ii. Using information acquired or accessed regarding citizenship status in the  
4 possession of the United States Department of Homeland Security or one of its  
5 components to confirm eligibility of those individuals registering or currently  
6 registered on Nevada's statewide voter registration list;
- 7 iii. Acquiring information regarding individuals' non-eligibility for jury duty  
8 because of citizenship status, and using such information to confirm eligibility  
9 of those individuals registering or currently registered on Nevada's statewide  
10 voter registration list;
- 11 iv. Acquiring information regarding individuals' non-citizenship held by the  
12 Department of Motor Vehicles and other state agencies (including working with  
13 the judicial system to obtain information on individuals who have claimed  
14 ineligibility to serve on a jury based upon not being a U.S. Citizen), and using  
15 such information to confirm eligibility of those individuals registering or  
16 currently registered on Nevada's statewide voter registration;
- 17 b. A preliminary injunction requiring the Secretary of State to implement and conduct  
18 systematic list maintenance that appropriately verifies that registered voters are U.S.  
19 citizens before the November 2024 general election.
- 20 c. A declaratory judgment that NRS 293.675(2)(i) requires the Secretary of State to  
21 conduct routine list maintenance to ensure only citizens of the United States are  
22 registered to vote;
- 23 d. Plaintiffs' reasonable costs and expenses, including attorneys' fees; and
- 24 e. All other relief that the Court deems just and proper.
- 25  
26  
27  
28


AFFIRMATION

(Under NRS 239B.030)

The undersigned does hereby affirm that the preceding document filed in the above referenced matter does not contain the social security number of any person.

Dated this 11th day of September, 2024.

MARQUIS AURBACH

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