

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. INTRODUCTION

3 Plaintiffs fundamentally fail to grapple the Secretary’s arguments in his Motion.
4 The Secretary does not dispute Plaintiffs’ argument that it is within the Secretary’s duties
5 to establish and maintain a centralized database which contains the information related to
6 the preregistration of persons and the registration of electors throughout the State.
7 However, despite urging to this Court that the injunctive relief requested by the Plaintiff
8 remains within statutorily permissible grounds, Plaintiffs’ position ignores the broader
9 statutory framework of NRS Chapter 293. In so doing, Plaintiffs have not addressed or
10 considered other statutes or regulations that further limit not only the Secretary of State
11 in his voter-roll maintenance, but also limit those seeking to challenge the Secretary of
12 State in enacting a new regulation. The Complaint, therefore, should be dismissed.

13 II. ARGUMENT

14 A. **By Ordering Plaintiffs to File an Amended Complaint, the Court**
15 **Invited the Secretary to Restate and Preserve His Prior Arguments.**

16 Where a complaint is amended in a material way, the amended complaint
17 supersedes the original complaint as the operative pleading. *See Randon v. Ballow*, 100
18 Nev. 142, 143, 676 P.2d 807, 808 (1984) (reasoning that because a complaint was amended
19 in a material manner, the time to file a demand for change of venue was properly filed
20 based on the time calculated from the amended complaint).

21 In this proceeding, the Court ordered Plaintiffs to file and serve the Secretary with
22 an amended complaint. Order Granting in Part and Denying in Part Motions to Dismiss
23 (“Ord.”), at 11 ¶ 21–22. Plaintiffs then served the Secretary with its amended complaint
24 after removing the two dismissed counts and making other material changes to the relief
25 sought by requesting this Court to grant “[i]njunctive relief requiring the Secretary of State
26 to implement, conduct and maintain systematic and routine list maintenance” pursuant to
27 NRS 293.675 *et seq.* First Amended Complaint (“FAC”), at 21 ¶ 4–7.

28 ...

1 **B. Looking at Chapter 293 as a Whole, Plaintiffs’ Requested Relief**
2 **Encroaches on the Separation of Powers.**

3 Notably, Plaintiffs emphasize their reliance on NRS 293.675 *et seq.*, arguing that the
4 requested relief “does not seek to go beyond the permissible bounds of statute.” Opposition
5 to Secretary of State’s Motion to Dismiss (“Opp.”), at 7 ¶ 12–17. As Plaintiffs acknowledge,
6 it is well established that statutes should be read and interpreted as a whole. *See Tough*
7 *Turtle Turf, LLC v. Scott*, 139 Nev. 459, 462, 537 P.3d 883, 886 (2023) citing *S. Nev.*
8 *Homebuilders Ass’n v. Clark County*, 121 Nev. 446, 449, 117 P.3d 171, 172 (2005) (“[W]e
9 ‘interpret provisions within a common statutory scheme harmoniously with one another in
10 accordance with the general purpose of the statutes.’”). But Plaintiffs fail to see that, in
11 requesting this Court to consider the permissible bounds of Chapter 293 as a whole,
12 Plaintiffs have only bolstered the Secretary’s argument that requesting such relief
13 encroaches on the Secretary of State’s and the Nevada Legislature’s constitutional
14 authority by implicating matters that are textually committed to the political branches of
15 the Government. Plaintiffs have refused to consider the true permissible bounds of
16 interpretation within NRS Chapter 293 by failing to consider those statutes that the
17 Secretary mentioned in his Motion to Dismiss.

18 For instance, Plaintiffs emphasize the importance of NRS 293.675 in that it is the
19 statute that requires the Secretary of State to “establish and maintain a centralized, top-
20 down database that collects and stores information related to the preregistration of persons
21 and the registration of electors from all the counties in this State.” NRS 293.675(1). The
22 Secretary does not disagree with the obligation created by this statute—indeed, the
23 Secretary is required to maintain such a list, and does so in his role. What the Secretary
24 contends here is rather that, when read as a whole, Chapter 293 contains other regulations
25 and avenues that govern those challenging the Secretary in this role. *See* NRS 293.303 and
26 NRS 293.535 (indicating statutorily prescribed methods by which Plaintiffs can seek the
27 relief requested through challenges to voter eligibility).

28 Additionally, NRS 293.124(2) establishes that “[t]he Secretary of State shall adopt
such regulations as are necessary to carry out the provisions of this section.” Though

1 Plaintiffs do mention this statute in the FAC, they fail to contend with the Secretary’s
2 argument about how such regulations come to exist. Instead of being judicially compelled
3 as Plaintiffs would like to have happen in this instance, the Secretary enacts regulations
4 pursuant to his delegation of authority, which includes duties expressly established by the
5 Legislature, as well as his own discretionary powers to administer those duties so long as
6 such discretion is not otherwise limited by law.

7 Indeed, as the Secretary has already presented in its Motion to Dismiss, the Nevada
8 Constitution textually indicates the duties of the Secretary of State as “keep[ing] a true
9 record of the Official Acts of the Legislative and Executive Departments of the
10 Government,” as well as “perform[ing] such other duties as may be prescribed by law.” Nev.
11 Const. Art. 5, Sec. 20, and Sec. 22. The phrase “as prescribed by law” textually refers to
12 laws enacted by the Nevada Legislature, thereby ensuring that the Legislature, as the
13 lawmaking body of the State, is responsible for enacting laws that fulfill constitutional
14 requirements. Accordingly, Plaintiffs’ reliance on NRS 293.675—specifically their
15 emphasis on their request that such statute and chapter be read as a whole—only goes to
16 strengthen the Secretary’s position that this Court cannot provide the relief requested as
17 it is beyond the scope of judicial authority. Notably, this Court has already recognized and
18 determined that such relief is beyond the scope of what can be granted. Ord. at 9.

19 **C. Plaintiffs Fail to Allege any Specific “Mandatory Obligations” the**
20 **Secretary has Failed to Meet.**

21 Plaintiffs accuse the Secretary of not complying with certain “mandatory obligations”
22 as required by NRS 293.675. FAC, at 12 ¶3–5. But Plaintiffs do not explicitly demonstrate
23 exactly how the Secretary has failed to meet this statutory mandate. Additionally,
24 Plaintiffs also fail to consider the plain language of the text of NRS 293.675 and what it
25 specifically mandates. While Plaintiffs would have this Court believe that this statute
26 requires the Secretary to incorporate specific regulations to maintain the voter-registration
27 database, Plaintiffs are wholly incorrect in this assertion.

28 ...

AFFIRMATION
(Pursuant to NRS 239B.030)

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

Respectfully submitted this 12th day of November 2025,

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CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on November 12, 2025, I filed the foregoing document **Secretary of State’s Reply in Support of Motion to Dismiss**. A prepaid postage copy of this document has been placed in the U.S. mail to the following:

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