

ORIGINAL

REC'D & FILED

2025 JAN 29 PM 1:01

WILLIAM SCOTT HOEN
CLERK

BY h DEPUTY

1 DANIEL BRAVO, ESQ. (SBN 13078)
BRADLEY S. SCHRAGER, ESQ. (SBN 10217)
2 **BRAVO SCHRAGER LLP**
6675 South Tenaya Way, Suite 200
3 Las Vegas, Nevada 89113
Tele.: (702) 996-1724
4 Email: daniel@bravoschrager.com
Email: bradley@bravoschrager.com

5 *Attorneys for Plaintiff*

6 **IN THE FIRST JUDICIAL DISTRICT COURT**
7 **OF THE STATE OF NEVADA IN AND FOR CARSON CITY**
8

9 SUE BURTCH, an individual,

10 Plaintiff,

11 vs.

12 FRANCISCO V. AGUILAR, in his official
capacity as NEVADA SECRETARY OF
13 STATE,

14 Defendant,

15 and

16 PROTECT GIRLS' SPORTS PAC, a Political
Action Committee; JAMES CAVILIA, an
17 individual; BEN KIECKHEFER, an
individual; CHRISSIE HASTIE, an individual,
18

19 Real Parties in Interest.

Case No.: 260000022-B

Dept. No.: #

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF
CHALLENGING INITIATIVE
PETITION C-07-2026**

Arbitration Exemption: Declaratory and
Injunctive Relief

BRAVO SCHRAGER LLP

20
21 Plaintiff Sue Burtch, an individual registered to vote in Nevada, files this Complaint for
22 Declaratory and Injunctive Relief, pursuant to NRS 295.061, 30.010, and 30.030, against
23 Defendant Francisco V. Aguilar, in his official capacity as the Nevada Secretary of State, and Real
24 Parties in Interest, Protect Girls' Sports PAC, James Cavilia, Ben Kieckhefer, and Chrissie Hastie.
25 Plaintiff alleges and complains as follows:
26
27
28

1 JURISDICTION AND VENUE

2 1. This Court has jurisdiction to hear Plaintiff's claims pursuant to NRS 295.061 and
3 to grant declaratory and injunctive relief pursuant to NRS 33.010, 30.030, and 30.040.

4 2. Furthermore, this Court has jurisdiction to hear Plaintiff's second through fourth
5 claims, as these are appropriate pre-election challenges to filed initiative petitions, pursuant to
6 *Herbst Gaming, Inc. v Heller*, 122 Nev. 877, 141 P.3d 1224 (2006).

7 3. Venue is proper under NRS 13.020 and 13.040, as this action is against a public
8 officer for acting in his official capacity, and under NRS 295.061(1), which provides that petitions
9 may be challenged "by filing a complaint in the First Judicial District Court."

10 PARTIES

11 4. Plaintiff Sue Burtch is a resident of and a registered Nevada voter, residing in Clark
12 County, Nevada.

13 5. Defendant Francisco V. Aguilar is the Nevada Secretary of State (the "Secretary")
14 and is sued in his official capacity. The Secretary is responsible for qualifying initiatives for
15 submission to the electorate and disqualifying initiatives that are determined to be invalid. *See*
16 NRS 295.015, 295.045, 295.055, 295.061.

17 6. Real Party in Interest Protect Girls' Sports PAC represents itself to be a Political
18 Action Committee ("PAC") Advocating Passage under NRS 294A.0055, and is the official
19 committee for political action serving as the support conduit for the Initiative Petition designated
20 as C-07-2026 (the "Petition").

21 7. Real Party in Interest James Cavilia is the individual that filed the Petition with the
22 Secretary. James Cavilia serves as Protect Girls' Sports PAC's Registered Agent.

23 8. Real Party in Interest Ben Kieckhefer is an individual that is listed on the Notice of
24 Intent to Circulate Statewide Initiative or Referendum Petition associated with the Petition as a
25 person authorized to withdraw or amend the Petition.

1 and promote informed decisions.” *Nevadans for Nev. v. Beers*, 122 Nev. 930, 939, 142 P.3d 339,
2 345 (2006) (per curiam) (quoting *Campbell v. Buckley*, 203 F.3d 738, 746 (10th Cir. 2000)).

3 15. “[A] description of effect must identify what the law proposes and how it intends
4 to achieve that proposal.” *Educ. Initiative PAC v. Comm. to Protect Nev. Jobs*, 129 Nev. 35, 42,
5 293 P. 3d 874, 879 (2013). In doing so, it “must be straightforward, succinct, and
6 nonargumentative, and it must not be deceptive or misleading.” *Id.*, 29 Nev. at 42, 293 P.3d at 879
7 (cleaned up) (quoting *Las Vegas Taxpayer Accountability Comm. v. City Council*, 125 Nev. 165,
8 183, 208 P.3d 429, 441 (2009)). A description must also sufficiently “explain the[] ramifications
9 of the proposed amendment” to allow voters to make an informed decision. *Nev. Judges Ass’n v.*
10 *Lau*, 112 Nev. 51, 59, 910 P.2d 898, 903 (1996).

11 16. A petition’s description may not “leave ... material questions unanswered,” or
12 leave “potential signatories with more questions about the Initiative’s effect than it answers.” *Uber*
13 *Sexual Assault Survivors for Legal Accountability v. Uber Technologies, Inc.*, 562 P.3d 519 (Nev.
14 2025) (unpublished disposition).

15 17. While a description of effect does not need to explain *every* possible effect, it must
16 at a minimum accurately describe the main consequences of the initiative. *See, e.g., Las Vegas*
17 *Taxpayer Accountability Comm.*, 125 Nev. at 184, 208 P.3d at 441 (finding description of effect
18 materially misleading where it “materially fails to accurately identify the consequences of the
19 referendum’s passage”). This includes “the need for or nature of the revenue source” to fund a
20 proposed initiative. *Educ. Freedom PAC v. Reid*, 138 Nev. 513, 521, 512 P.3d 296, 304 (2022).

21 18. Here, Proponents have failed to provide prospective Petition signatories with an
22 appropriate and lawful description of effect. The description provided by Proponents:

23 a. Fails to properly inform signatories that the Petition is fashioned to carve
24 out a drastic exception to the Nevada Equal Rights Amendment, enacted by the voters in 2022;

25 b. Fails to describe the scope of the public policy problem it seeks to address,
26 so that voters may objectively weigh the pros and cons of affixing their signatures;

1 c. Fails to describe current law, or the Petition's interaction and effect upon
2 currently-existing law or regulation, including NAC 385B.384; NAC 385B.386; NRS 385B.060;
3 NRS 385B.210; federal Title IX; and any or all pertinent agreements with, or regulations or other
4 authorities propounded by the National Collegiate Athletic Association or the National Junior
5 College Athletic Association;

6 d. Fails to describe the statutory and/or regulatory actions by multiple
7 governing bodies and political subdivisions the Petition will require to implement its terms;

8 e. Does not adequately define the Petition's key terms, including "gender
9 identity," "gender expression," in any respect, much less in a sufficient manner to inform
10 signatories of the coverage and import of the Petition's purported prohibitions, and does not
11 delineate what is or is not a "sport" or "athletic competition," leaving signatories to guess at the
12 coverage of the Petition's terms; and,

13 f. Does not attempt to describe any *effects* of the Petition at all, but merely
14 functions to repeat the terms of the Petition itself, thereby shirking the very purpose of the
15 requirement to provide a Description of effect, pursuant to binding Nevada law.

16 **SECOND CAUSE OF ACTION**

17 **Violation of Nev. Const. Art. 19, Sec. 2: Impermissible Administrative Details**

18 19. The foregoing paragraphs of this Complaint are realleged and fully incorporated as
19 if set forth in full herein.

20 20. Outside of the initiative power, statutes and constitutional amendments are
21 proposed by the Legislature, a non-administrative body. In Nevada, as in most states, we have an
22 administrative code, which governs administrative issues and is created not by the Legislature but
23 by entities with rule-making authority, which fill in administrative details pertaining to the policy
24 articulated in legislation. The people's initiative power is "coequal, coextensive, and concurrent"
25 with that of the Legislature; thus, the people have power that is legislative in nature. That the
26 people have only legislative power, by definition.

1 election intervention by the courts is warranted. *Herbst Gaming, Inc.*, 122 Nev. at 890 n.38, 141
2 P.3d at 1233 n.38 (quoting *Rogers*, 117 Nev. at 173, 18 P.3d at 1036).

3 32. An initiative makes an “appropriation” or “expenditure,” within meaning of state
4 constitutional provision prohibiting any initiative that makes an appropriation or otherwise
5 requires the expenditure of money unless such statute or statutory amendment also imposes a
6 sufficient tax or otherwise constitutionally provides for raising the necessary revenue.

7 33. The fact that “[an] initiative leaves it up to the Legislature to determine how to fund
8 the proposed change does not exclude the initiative from the funding mandate.” *Educ. Freedom*
9 *PAC*, 138 Nev. at 521, 512 P.3d at 304.

10 34. Here, the Petition clearly sets up a change of the organic, fundamental law of
11 Nevada that will necessarily require enforcement mechanisms and a regulatory apparatus to
12 enforce its terms. There will be no other way to ensure compliance with the provisions of the
13 Petition absent such an enforcement apparatus that will purport to monitor, measure, and enforce
14 the sex-based requirements of the Petition, on a state, county, municipal, and intercollegiate
15 governance levels. As such, absent the inclusion of a concomitant funding source, the Petition runs
16 afoul of article 19, section 6’s prohibition on unfunded mandates.

17 **PRAYER FOR RELIEF**

18 **WHEREFORE**, Plaintiff asks this Court to enter an order:

19 1. Declaring that the Petition’s description of effect does not comply with NRS
20 295.009(1)(b) because it is deceptive, misleading, and fails to explain the ramifications of the
21 proposed amendment to allow voters to make an informed decision, and is therefore invalid;

22 2. Declaring that the Petition is an impermissible use of the initiative process by virtue
23 of its dictating of non-legislative, administrative matters, and is therefore invalid;

24 3. Declaring that the Petition does not comply with Article 19, Section 6 of the Nevada
25 Constitution because it impermissibly creates an unfunded mandate, and is therefore invalid;

1 4. Declaring that the Petition impermissibly invades the province and prerogatives of
2 the legislative and executive branches, in violation of Article 3, Section 1 of the Nevada
3 Constitution;

4 5. Enjoining and prohibiting the Secretary from placing the Petition on the 2026
5 general election ballot, or from taking further action upon it;

6 6. Enjoining and prohibiting Protect Girls' Sports PAC and its agents from soliciting
7 signatures on the Petition;

8 7. Awarding Plaintiff her reasonable costs and attorneys' fees; and

9 8. Granting such other relief as the Court deems appropriate.

10
11 ///

12 ///

13 ///

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28

1 **AFFIRMATION**

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

4 DATED this 27th day of January, 2026.

5 **BRAVO SCHRAGER LLP**

6
7 By: 

8 DANIEL BRAVO, ESQ. (SBN 13078)
9 BRADLEY S. SCHRAGER, ESQ. (SBN 10217)
10 6675 South Tenaya Way, Suite 200
11 Las Vegas, Nevada 89113
12 Tele.: (702) 996-1724
13 Email: daniel@bravoschrager.com
14 Email: bradley@bravoschrager.com

15 *Attorneys for Plaintiff*

INDEX OF EXHIBITS

Exhibit No.	Document Title	No. of Pages
1	Notice of Intent to Circulate Statewide Initiative or Referendum Petition	7

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 1

EXHIBIT 1

State of Nevada
Secretary of State
Francisco V. Aguilar



Notice of Intent
Statewide Initiative or
Referendum Petition

NRS 295.009 and 295.015

Pursuant to NRS 295.015, before a petition for initiative or referendum may be presented to registered voters for signatures, the person who intends to circulate the petition must provide the following information:

NAME OF PERSON FILING THE PETITION

James Cavilia

NAME(S) OF PERSON(S) AUTHORIZED TO WITHDRAW OR AMEND THE PETITION (provide up to three)

1. Ben Kieckhefer

2.

3.

NAME OF THE POLITICAL ACTION COMMITTEE (PAC) ADVOCATING FOR THE PASSAGE OF THE INITIATIVE OR REFERENDUM (if none, leave blank)

Protect Girls' Sports PAC

Please note, if you are creating a Political Action Committee for the purpose of advocating for the passage of the initiative or referendum, you must complete a separate PAC registration form.

Additionally, a copy of the initiative or referendum, including the description of effect, must be filed with the Secretary of State's office at the time you submit this form.

X


Signature of Petition Filer

1/8/2026
Date

EL500
NRS 295.009 and 295.015
Revised '3/02'

RECEIVED

JAN 08 2026

Secretary of State

Explanation - Matter in *italics* is new; matter between brackets [~~omitted material~~] is material to be omitted.

The People of the State of Nevada do enact as follows:

Article 1 Section 24 of the Nevada Constitution is hereby amended to read as follows:

Sec. 1. Equality of Rights:

1. *Except as otherwise set forth subsection 2, equality of rights under the law shall not be denied or abridged by this State or any of its political subdivisions on account of race, color, creed, sex, sexual orientation, gender identity or expression, age, disability, ancestry or national origin.*

2. *The State and its political subdivisions shall designate athletic participation in all athletic competitions, including team sports, as one of the following based on biological sex at birth: (a) for males, men, or boys; (b) for females, women, or girls; or (c) coeducational or mixed-sex. This subsection applies to all recipients of State funds who operate, sponsor, or facilitate athletic programs or activities. An athletic team or sport designated for biological females, women, or girls shall not be open to biological males. A female may participate in a sport or on a team designated for males if no corresponding team for females is available.*

3. *As used in subsection 2 of this Act:*

(a) *“Sex”, “biological male”, “biological female”, or “biological sex” refers to an individual’s biological status as either male or female based on the individual’s birth certificate issued at the time of birth. For the purposes of this Section, “sex” is not synonymous with gender identity or gender expression; and*

(b) *“Female”, “woman”, and “girl” refer to an individual of the human female sex. The term “sex” is not a synonym for and does not include the concept of “gender identity.”*

4. *If any part of this Act be declared invalid, or the application thereof to any person, thing, or circumstance is held invalid, then such validity shall not affect the remaining provisions or application of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable. This subsection shall be construed broadly to preserve and effectuate the declared purpose of this Act.*

5. *This Act shall become effective upon passage and approval by the voters and upon completion of the canvass of votes by the Supreme Court.*

RECEIVED

JAN 08 2026

Secretary of State

DESCRIPTION OF EFFECT

If enacted, this measure would require that eligibility for sports or athletic competitions is based upon the biological sex of the athlete as recorded at birth rather than gender identity or gender expression. The proposal would amend the Nevada Constitution to require the State and its political subdivisions, including public schools and colleges and the entities that govern them, as well as other state and local athletic programs that receive public funds, to categorize each sport or competition as male, female, or coeducational mixed sex and to adopt any necessary rules to implement this measure.

The proposed amendment would require that: 1) a biological male athlete may not participate in a sport or competition designated for biological females, 2) a biological female athlete may participate in a sport or competition designated for biological males only if no comparable female sport or competition is offered, and 3) biological male athletes may only compete in a sport or competition designated for biological males or that has been designated as coeducational or mixed-sex. However, both male and female athletes may participate in athletic competitions designated coeducational or mixed sex.

County of _____ (**Only** registered voters of this county may sign below)
 Petition District: _____ (**Only** registered voters of this petition district may sign below)

1	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY		This Space For Office Use Only
	YOUR SIGNATURE	DATE / /	CITY COUNTY	
2	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE	DATE / /	CITY COUNTY	
3	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE	DATE / /	CITY COUNTY	
4	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE	DATE / /	CITY COUNTY	
5	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE	DATE / /	CITY COUNTY	

DESCRIPTION OF EFFECT

If enacted, this measure would require that eligibility for sports or athletic competitions is based upon the biological sex of the athlete as recorded at birth rather than gender identity or gender expression. The proposal would amend the Nevada Constitution to require the State and its political subdivisions, including public schools and colleges and the entities that govern them, as well as other state and local athletic programs that receive public funds, to categorize each sport or competition as male, female, or coeducational/mixed sex and to adopt any necessary rules to implement this measure.

The proposed amendment would require that: 1) a biological male athlete may not participate in a sport or competition designated for biological females, 2) a biological female athlete may participate in a sport or competition designated for biological males only if no comparable female sport or competition is offered, and 3) biological male athletes may only compete in a sport or competition designated for biological males or that has been designated as coeducational or mixed-sex. However, both male and female athletes may participate in athletic competitions designated coeducational or mixed sex. .

County of _____ **(Only registered voters of this county may sign below)**
 Petition District: _____ **(Only registered voters of this petition district may sign below)**

This Space
For Office
Use Only

1	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE _____ DATE _____ / /	CITY _____ COUNTY _____	
2	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE _____ DATE _____ / /	CITY _____ COUNTY _____	
3	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE _____ DATE _____ / /	CITY _____ COUNTY _____	
4	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE _____ DATE _____ / /	CITY _____ COUNTY _____	
5	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE _____ DATE _____ / /	CITY _____ COUNTY _____	

DESCRIPTION OF EFFECT

If enacted, this measure would require that eligibility for sports or athletic competitions is based upon the biological sex of the athlete as recorded at birth rather than gender identity or gender expression. The proposal would amend the Nevada Constitution to require the State and its political subdivisions, including public schools and colleges and the entities that govern them, as well as other state and local athletic programs that receive public funds, to categorize each sport or competition as male, female, or coeducational/mixed sex and to adopt any necessary rules to implement this measure.

The proposed amendment would require that: 1) a biological male athlete may not participate in a sport or competition designated for biological females, 2) a biological female athlete may participate in a sport or competition designated for biological males only if no comparable female sport or competition is offered, and 3) biological male athletes may only compete in a sport or competition designated for biological males or that has been designated as coeducational or mixed-sex. However, both male and female athletes may participate in athletic competitions designated coeducational or mixed sex.

County of _____ (**Only** registered voters of this county may sign below)
 Petition District: _____ (**Only** registered voters of this petition district may sign below)

1	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY		This Space For Office Use Only
	YOUR SIGNATURE	DATE / /	CITY COUNTY	
2	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE	DATE / /	CITY COUNTY	
3	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE	DATE / /	CITY COUNTY	
4	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE	DATE / /	CITY COUNTY	
5	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE	DATE / /	CITY COUNTY	

AFFIDAVIT OF CIRCULATOR

(TO BE SIGNED BY CIRCULATOR)

STATE OF NEVADA)
)
COUNTY OF _____)

I, _____, (print name), being first duly sworn under penalty of perjury, depose and say: (1) that I reside at _____ (print street, city and state); (2) that I am 18 years of age or older; (3) that I personally circulated this document; (4) that all signatures were affixed in my presence; (5) that the number of signatures affixed thereon is _____; and (6) that each person who signed had an opportunity before signing to read the full text of the act or resolution on which the initiative or referendum is demanded.

Signature of Circulator

Subscribed and sworn to or affirmed before me this _____ day of _____, _____, by _____.

Notary Public or person authorized to administer oath