

Adam Hosmer-Henner, Partner
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Reply to: Reno

December 17, 2019

Kevin Benson
Benson Law Nevada
123 W. Nye Lane #487
Carson City, NV 89706

Re: Case No.: 19 OC 00209 1B

Dear Kevin,

As you know, our firm represents Fair Maps Nevada PAC (“Fair Maps”), a Defendant in the lawsuit you filed on behalf of Rev. Leonard Jackson, Case No. 19 OC 00209 1B. Fair Maps has reviewed your client’s Complaint and Opening Brief and has now filed its Answer and Answering Brief in advance of the December 23, 2019 hearing, courtesy copies of which are enclosed.

While Fair Maps does not agree with Plaintiff’s assertion that the description of effect included with petition #C-02-2019 (“Petition”) is misleading, Fair Maps is interested in amicably resolving this litigation to ensure that the proposed amendment contained in the Petition can be debated on its merits in the political arena, where that debate belongs. Toward that end and without conceding that the description of effect requires amendment, Fair Maps drafted five alternative descriptions of effect designed to address the concerns raised by your client, which are attached as Exhibit 2 to the Answering Brief and enclosed herewith. If upon review your client agrees that one of these alternatives is satisfactory, Fair Maps proposes that the parties stipulate to the alternative description of effect and dismiss the instant litigation.

We look forward to your response prior to the December 23, 2019 hearing and please do not hesitate to contact us with any questions you may have.

Sincerely,



Adam Hosmer-Henner, Esq.

mcdonaldcarano.com

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100 West Liberty Street, Tenth Floor ■ Reno, Nevada 89501 ■ 775.788.2000

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Encl: Answer, Answering Brief and Exhibits

cc: Greg Zunino, Esq.
State of Nevada, Office of the Attorney General
100 N. Carson Street
Carson City, NV 89701

Barbara Cegasvke, Nevada Secretary of State
202 N. Carson Street
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Fair Maps Nevada PAC*

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

* * *

REV. LEONARD JACKSON,

Plaintiff,

vs.

FAIR MAPS NEVADA PAC, and
BARBARA CEGAVSKE, in her official
capacity as Nevada Secretary of State,

Defendants.

Case No. 19 OC 00209 1B

Dept. No. I

ANSWER TO COMPLAINT FOR DECLARATORY RELIEF

Defendant FAIR MAPS NEVADA PAC, a registered Nevada political action committee ("Fair Maps"), by and through its attorneys Adam Hosmer-Henner, Esq. and Lucas Foletta Esq., of MCDONALD CARANO LLP, hereby responds to the Complaint for Declaratory Relief ("Complaint") of Plaintiff as follows:

INTRODUCTION

1. The allegations of Paragraph 1 set forth legal conclusions to which no response is necessary, but should any answer be required, Fair Maps denies the allegations of this Paragraph.

2. Fair Maps is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2 and on this basis denies the allegations of this Paragraph.

3. Fair Maps denies the allegations contained in Paragraph 3.

4. Fair Maps is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 4 and on that basis denies the allegations of this Paragraph.

GENERAL ALLEGATIONS

5. Fair Maps denies the allegations contained in Paragraph 5, except admits that the constitutional initiative petition designated as #C-02-2019 ("Petition") and related Notice of Intent to Circulate Statewide Initiative or Referendum Petition ("Notice of Intent") was filed on November 4, 2019.

6. Fair Maps denies the allegations contained in Paragraph 6, except admits that the Petition states as follows:

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

Section 1: Article 4, Section 5 of the Nevada Constitution is hereby amended to read as follows:

Section 5. Number of Senators and members of Assembly; apportionment.

Senators and members of the Assembly shall be duly qualified electors in the respective counties and districts which they represent, and the number of Senators shall not be less than one-third nor more than one-half of that of the members of the Assembly.

It shall be the mandatory duty of the Legislature at its first session after the taking of the decennial census of the United States in the year 1950, and after each subsequent decennial census, to fix by law the number of Senators and Assemblymen, and apportion them among the several counties of the State, or among legislative districts which may be established by law, according to the number of inhabitants in them, respectively.

Section 2: Article 4 of the Nevada Constitution is hereby amended by adding thereto new sections to be designated as Sections 5A, 5B and 5C, to read as follows:

Section 5A. Apportionment; Creation of Independent Redistricting Commission.

1. There is created within the legislative branch of state government the Independent Redistricting Commission. It shall be the duty of the Commission in the year 2023, and after each subsequent decennial census of the United States, to apportion the number of Senators and Assemblymen among legislative districts established by the Commission and to apportion the number of representatives in the United States House of Representatives among districts established by the Commission.

2. The Commission shall be composed of seven members who are registered and eligible to vote in Nevada, and who satisfy the qualification standards in subsection 3. The Senate Majority Leader, Senate Minority Leader, Speaker of the Assembly, and Assembly Minority Leader shall each appoint one Commissioner. The four Commissioners appointed in this manner shall appoint three additional Commissioners, each of whom, for at least four years immediately preceding their appointment, has not been registered or affiliated with the largest political party or the

second largest political party, according to voter registration data published by the Secretary of State as of the earliest day in January of the redistricting year, and none of whom, if registered or affiliated with a political party, is affiliated or registered with the same political party as another Commissioner.

3. Within four years preceding appointment and during their term, no Commissioner may be a registered lobbyist; a candidate for a federal, state, or partisan local office; an elected official to a federal, state, or partisan local office; an officer or member of the governing body of a national, state, or local political party; a paid consultant or employee of a federal, state, or partisan local elected official or candidate, or of a political action committee, or of a committee sponsored by a political party, or of a committee that seeks to influence elections to federal, state, or partisan local offices; an employee of the Legislature; an employee of the State of Nevada, except for employees in the judicial branch, the armed forces, or a state institution of higher education; or related within the third degree of consanguinity or affinity to any individual disqualified under this subsection.

4. The term of office of each Commissioner shall expire once the Commission has completed its obligations for a census cycle but not before any judicial review of the redistricting plan is complete and shall expire no later than the release of the following decennial census of the United States.

5. All meetings of the Commission shall be open to the public. The Commission shall ensure that the public has opportunities to view, present testimony, and participate in hearings before the Commission. All Commission materials shall be public records.

6. The Commission shall adopt rules to govern its administration and operation.

7. The powers granted to the Commission are legislative functions not subject to the control or approval of the Legislature and are exclusively reserved to the Commission.

Section 5B. Criteria for Determination of Districts; Approval of Final Plans.

1. In adopting a redistricting plan, the Independent Redistricting Commission shall use the following criteria, in the order listed, to draw districts: Ensure that districts comply with the United States Constitution and applicable federal law; Ensure that districts have an approximately equal number of inhabitants; Ensure that districts are geographically contiguous; Ensure that districts are not drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or elect representatives of their choice, whether by themselves or voting in concert with other persons; Ensure that districts, when considered on a statewide basis, do not unduly advantage or disadvantage a political party; Ensure that districts reflect, to the extent possible, county, city, and township boundaries; Minimize, to the extent practicable, the division of communities of interest, meaning an area with recognized similarities of interests, including but not limited to racial, ethnic, economic, social, cultural, geographic, or historic identities, but not including common relationships with political parties or political candidates; Ensure that districts are reasonably compact; and to the extent practicable, after complying with the requirements above, consider the number of politically competitive districts, measured by creating a reasonable potential for the party affiliation of the district's representative to change at least once between federal decennial censuses.

2. Not later than July 1, 2023, and thereafter not later than 180 days from the release of the decennial census of the United States, the Commission shall approve a redistricting plan for the Nevada State Senate, the Nevada State Assembly, and Nevada's Congressional Districts, after providing public notice of each proposed final plan and allowing sufficient time for public review and comment. A final plan may be approved by the Commission only upon at least five affirmative votes, including at least one Commissioner registered with the largest political party, one Commissioner registered with the second largest political party, and one Commissioner not registered or affiliated with the largest or second largest political party, according to voter

1 *registration data published by the Secretary of State as of the earliest day in January*
2 *of the redistricting year.*

3 ***Section 5C. Severability.***

4 *Should any part of this Amendment be declared invalid, or the application thereof to*
5 *any person, thing, or circumstance be held invalid, such invalidity shall not affect the*
6 *remaining provisions or application of this Amendment which can be given effect*
7 *without the invalid provision or application, and to this end the provisions of this*
8 *Amendment are declared to be severable. This Section shall be construed broadly to*
9 *preserve and effectuate the purpose of this Amendment.*

10 7. Fair Maps denies the allegations contained in Paragraph 7, except admits that the
11 text of the Petition is as stated in Paragraph 6 of this Answer.

12 8. Fair Maps denies the allegations contained in Paragraph 8, except admits that the
13 text of the Petition is as stated in Paragraph 6 of this Answer.

14 9. Fair Maps denies the allegations contained in Paragraph 9, except admits that the
15 text of the Petition is as stated in Paragraph 6 of this Answer.

16 10. Fair Maps denies the allegations contained in Paragraph 10, except admits that
17 the text of the Petition is as stated in Paragraph 6 of this Answer.

18 11. Fair Maps denies the allegations contained in Paragraph 11, except admits that
19 the text of the Petition is as stated in Paragraph 6 of this Answer.

20 12. Fair Maps denies the allegations contained in Paragraph 12, except admits that
21 the text of the Petition is as stated in Paragraph 6 of this Answer.

22 13. Fair Maps denies the allegations contained in Paragraph 13, except admits that
23 the text of the Petition is as stated in Paragraph 6 of this Answer.

24 14. Fair Maps denies the allegations contained in Paragraph 14, except admits that
25 the text of the Description of Effect states:

26 This measure will amend the Nevada Constitution to establish an Independent
27 Redistricting Commission to oversee the mapping of fair and competitive electoral
28 districts for the Nevada Senate, Nevada Assembly, and U.S. House of Representatives.

The Commission will consist of seven Nevada voters, four who will be appointed
by the leadership of the Nevada Legislature, and three who are unaffiliated with the two
largest political parties who will be appointed by the other four commissioners.
Commissioners may not be partisan candidates, lobbyists, or certain relatives of such
individuals. All meetings of the Commission shall be open to the public who shall have
opportunities to participate in hearings before the Commission.

The Commission will ensure, to the extent possible, that the electoral districts comply with the United States Constitution, have an approximately equal number of inhabitants, are geographically compact and contiguous, provide equal opportunities for racial and language minorities to participate in the political process, respect areas with recognized similarities of interests, including racial, ethnic, economic, social, cultural, geographic, or historic identities, do not unduly advantage or disadvantage a political party, and are politically competitive.

This amendment will require redistricting by the Commission beginning in 2023 and thereafter following each federal census.

FIRST CAUSE OF ACTION

(Misleading Description of Effect: “Independent”)

15. Fair Maps denies the allegations contained in Paragraph 15.
16. Fair Maps denies the allegations contained in Paragraph 16.
17. Fair Maps denies the allegations contained in Paragraph 17.
18. Fair Maps denies the allegations contained in Paragraph 18.
19. Fair Maps denies the allegations contained in Paragraph 19.
20. Fair Maps denies the allegations contained in Paragraph 20.
21. Fair Maps denies the allegations contained in Paragraph 21.
22. Fair Maps denies the allegations contained in Paragraph 22.

SECOND CAUSE OF ACTION

(Misleading Description of Effect: “Fair and competitive maps”)

23. Fair Maps denies the allegations contained in Paragraph 23.
24. Fair Maps denies the allegations contained in Paragraph 24.
25. Fair Maps denies the allegations contained in Paragraph 25.
26. Fair Maps denies the allegations contained in Paragraph 26.
27. Fair Maps denies the allegations contained in Paragraph 27.
28. Fair Maps denies the allegations contained in Paragraph 28.

THIRD CAUSE OF ACTION

(Misleading Description of Effect: “Practical and Fiscal Impacts”)

29. Fair Maps denies the allegations contained in Paragraph 29.
30. Fair Maps denies the allegations contained in Paragraph 30.

1 31. Fair Maps denies the allegations contained in Paragraph 31.

2 **AFFIRMATIVE DEFENSES**

3 As separate and affirmative defenses to the Complaint and to each cause of action, claim
4 and allegation contained therein, Fair Maps alleges as follows:

5 1. Neither the Complaint nor any cause of action therein states a claim for which
6 relief may be granted.

7 2. That the allegations in the Complaint are barred by any applicable equitable
8 doctrine.

9 3. That all possible affirmative defenses may not have been alleged herein insofar as
10 sufficient facts were unavailable upon the filing of the Answer. Therefore, Fair Maps reserves
11 the right to amend this Answer to allege additional affirmative defenses if subsequent
12 investigation warrants.

13 **PRAYER FOR RELIEF**

14 WHEREFORE, Fair Maps prays as follows:

15 1. That Plaintiff take nothing by way of the Complaint and that the same be
16 dismissed with prejudice;

17 2. That the Petition is valid and complies with Nevada law;

18 3. In the alternative that the Petition, with a revised or amended description of
19 effect, is valid and complies with Nevada law;

20 4. That judgment be entered in favor of Fair Maps;

21 5. For an award of attorney's fees and costs incurred in the defense of this action;
22 and

23 6. For such other and further relief as the Court deems just and proper under all the
24 circumstances of this mater.

25 //

26 //

27 //

28 //


AFFIRMATION

The undersigned does hereby affirm that pursuant to NRS 239B.030, the preceding document does not contain the social security number of any person.

Dated: December 13, 2019

McDONALD CARANO

By:


Adam Hosmer-Henner, Esq. (NSBN 12779)
Lucas Foletta, Esq. (NSBN 12154)
McDONALD CARANO
100 West Liberty Street, 10th Floor
Reno, NV 89501

Attorneys for Defendant Fair Maps Nevada PAC

CERTIFICATE OF SERVICE

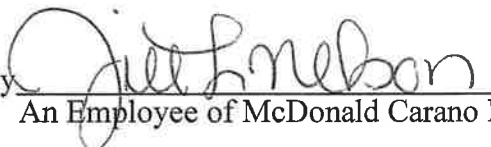
I hereby certify that I am an employee of McDONALD CARANO LLP and that on December 13, 2019, I served the within **ANSWER TO COMPLAINT FOR DECLARATORY RELIEF** on the parties in said case by placing a true copy thereof in the United States Post Office mail at 100 West Liberty Street, Tenth Floor, Reno, NV 89501 addressed as follows:

Kevin Benson, Esq.
Benson Law, LLC
123 Nye Lane, Suite #487
Carson City, NV 89706

I am familiar with the firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. The envelope addressed to the parties were sealed and placed for collection by the firm's messengers and will be deposited today with the United States Postal Service in the ordinary course of business.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 13, 2019 at Reno, Nevada.

By 
An Employee of McDonald Carano LLP

4837-7475-6526, v. 1

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*Attorneys for Defendant
Fair Maps Nevada PAC*

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

* * *

REV. LEONARD JACKSON,

Plaintiff,

vs.

FAIR MAPS NEVADA PAC, and
BARBARA CEGAVSKE, in her official
capacity as Nevada Secretary of State,

Defendants.

Case No. 19 OC 00209 1B

Dept. No. I

**DEFENDANT FAIR MAPS NEVADA PAC's ANSWERING BRIEF
IN RESPONSE TO PLAINTIFF'S OPENING BRIEF IN SUPPORT OF COMPLAINT
FOR DECLARATORY AND INJUNCTIVE RELIEF**

Defendant FAIR MAPS NEVADA PAC, a registered Nevada political action committee ("Fair Maps"), by and through its attorneys Adam Hosmer-Henner, Esq. and Lucas Foletta, Esq. of MCDONALD CARANO LLP, hereby submits its Answering Brief in Response to Plaintiff Rev. Leonard Jackson's ("Plaintiff") Opening Brief in Support of Complaint for Declaratory Relief and Injunctive Relief ("Opening Brief" or "Op. Br."). This Answering Brief is supported by the following Memorandum of Points and Authorities, the pleadings and papers on file with the Court, and any oral argument entertained by the Court at a hearing in this matter.

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1 **I. INTRODUCTION**

2 The only consistency within Plaintiff's lawsuit is that it is an attempt to defend one anti-
3 democratic tactic, political and racial gerrymandering, through the use of another anti-
4 democratic tactic, meritless pre-election litigation to keep ballot initiatives away from the voters.
5 *See, e.g., Rucho v. Common Cause*, 139 S. Ct. 2484, 2525 (2019) (Kagan, J., dissenting)
6 (describing gerrymandering as "anti-democratic in the most profound sense"). Plaintiff directly
7 seeks to prevent Fair Maps' Initiative Petition #C-02-2019 ("Petition"), Exhibit 1, from
8 "appear[ing] on the general election ballot for 2020." Op. Br. 1. Yet throughout the Opening
9 Brief, Plaintiff struggles to articulate a basis for its opposition to the Petition and instead seems
10 to argue that the Petition does not go far enough. Op. Br. 6 (arguing that the proposed
11 amendment does not completely remove "political influence over individual commissioners and
12 the Commission itself"); Op. Br. 9-10 (arguing that the proposed amendment "requires neither
13 fairness nor competitiveness" but only makes it a factor to be considered "to the extent
14 practicable"). As Plaintiff's arguments reflect policy differences rather than legal objections,
15 Plaintiff's remedy is to propose an alternative initiative to the public, not to litigate against Fair
16 Maps' Petition.

17 The description of effect, limited to two-hundred words, must be considered holistically
18 and not hyper-technically. Fair Maps's Petition seeks to transfer responsibility for redistricting
19 from the Nevada Legislature to a newly established commission. Ex. 1. Plaintiff introduces
20 policy arguments about the description of effect that should be reserved for the political process
21 or ballot arguments rather than the courtroom. The description of effect, however, accurately and
22 succinctly describes the proposed amendment to voters and need not address Plaintiff's policy
23 objections. If Plaintiff disagrees with this policy, he may decline to sign the Petition or campaign
24 against it, but policy disagreements do not render the description of effect legally invalid.

25 Most importantly, while Plaintiff asks the Court to prohibit the Petition from appearing
26 on the ballot, this is relief that the Court cannot grant. As the sole challenge in this litigation is
27 based on the Petition's description of effect, the sole relief that the Court can grant is to amend
28 the description of effect based on its factual findings. Fair Maps has proactively provided five

1 alternative descriptions of effect attached to this Answering Brief. Exhibit 2. Should the Court
2 accept any of Plaintiff's arguments, it can select an alternative description from Exhibit 2; Fair
3 Maps can provide additional alternatives consistent with the Court's factual findings in this
4 matter; or the Court can further amend the description of effect. Under no circumstance can the
5 Petition, which Plaintiff does not challenge, be barred from the ballot in violation of Nevadans'
6 right to propose amendments to the Nevada Constitution.

7 **II. FACTUAL AND PROCEDURAL BACKGROUND**

8 Fair Maps filed the Petition on November 4, 2019 to amend the Nevada Constitution by
9 adding a new section, Section 5A, to the Nevada Constitution. Ex. 1. The Petition includes the
10 following description of effect:

11 This measure will amend the Nevada Constitution to establish an
12 Independent Redistricting Commission to oversee the mapping of fair and
13 competitive electoral districts for the Nevada Senate, Nevada Assembly, and U.S.
14 House of Representatives.

15 The Commission will consist of seven Nevada voters, four who will be
16 appointed by the leadership of the Nevada Legislature, and three who are
17 unaffiliated with the two largest political parties who will be appointed by the
18 other four commissioners. Commissioners may not be partisan candidates,
19 lobbyists, or certain relatives of such individuals. All meetings of the Commission
20 shall be open to the public who shall have opportunities to participate in hearings
21 before the Commission.

22 The Commission will ensure, to the extent possible, that the electoral
23 districts comply with the United States Constitution, have an approximately equal
24 number of inhabitants, are geographically compact and contiguous, provide equal
25 opportunities for racial and language minorities to participate in the political
26 process, respect areas with recognized similarities of interests, including racial,
27 ethnic, economic, social, cultural, geographic, or historic identities, do not unduly
28 advantage or disadvantage a political party, and are politically competitive.

This amendment will require redistricting by the Commission beginning in
2023 and thereafter following each federal census.

Ex. 1.

Plaintiff filed a Complaint and the Opening Brief on November 26, 2019, which was the
last possible day (resulting in maximum delay) to file such a Complaint pursuant to NRS
295.065(1). The Complaint is limited to a challenge of the Petition's description of effect.

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III. LEGAL STANDARD

Article 19, Section 2 of the Nevada Constitution enshrines the people's right to amend the Nevada Constitution by initiative petition. Specifically, it states that "the people reserve to themselves the power to propose, by initiative petition, . . . amendments to this Constitution." Nev. Const. art. 19, § 2(1). The Nevada Constitution further provides that the Legislature "may provide by law for procedures to *facilitate* the operation thereof." *Id.* art. 19, § 5 (emphasis added). In interpreting such laws, the courts "must make every effort to sustain and preserve the people's constitutional right to amend their constitution through the initiative process." *Nevadans for the Prot. of Prop. Rights, Inc. v. Heller*, 122 Nev. 894, 912, 141 P.3d 1235, 1247 (2006).

NRS 295.009(1)(b) provides that a petition must "[s]et forth, in not more than 200 words, a description of the effect of the initiative . . . if the initiative . . . is approved by the voters." NRS 295.009(1)(b). The Nevada Supreme Court has noted that "[a] description of effect serves a limited purpose to facilitate the initiative process," and that a description of effect should be reviewed with an eye toward that limited purpose. *Educ. Initiative PAC v. Comm. to Protect Nev. Jobs*, 129 Nev. 35, 37, 293 P.3d 874, 876 (2013). Thus, while a description of effect need not "delineate every effect that an initiative will have," it must be "a straightforward, succinct, and nonargumentative statement of what the initiative will accomplish and how it will achieve those goals." *Id.* at 38, 293 P.3d at 876. A description of effect cannot "be deceptive or misleading." *Id.* at 42, 293 P.3d at 879.

In reviewing a description of effect, "it is inappropriate to parse the meanings of the words and phrases used in a description of effect" as closely as a reviewing court would a statutory text. *Id.* at 48, 293 P.3d at 883. Such an approach "comes at too high a price in that it carries the risk of depriving the people of Nevada of their constitutional right to propose laws by initiative." *Id.* Thus, a reviewing court "must take a holistic approach" to the required analysis. *Id.* "The opponent of a ballot initiative bears the burden of showing that the initiative's description of effect fails to satisfy this standard." *Id.* at 42, 293 P.3d at 879.

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1 **IV. ARGUMENT**

2 “The [gerrymandering] practices challenged in these cases imperil our system of
3 government. Part of the Court’s role in that system is to defend its foundations. None is more
4 important than free and fair elections.” *Rucho*, 139 S. Ct. at 2525 (Kagan, J., dissenting). In
5 response to the majority decision in *Rucho* where the U.S. Supreme Court held that partisan
6 gerrymandering claims were nonjusticiable political questions, political initiatives have been
7 launched across the country to protect voting rights. *See* League of Women Voters of the US,
8 *Redistricting*, LWV (last visited Dec. 17, 2019), <https://www.lwv.org/voting-rights/redistricting>,
9 (“We promote transparent and accountable redistricting processes and to end hyper-partisan
10 practices that don't benefit constituents. We believe responsibility for fair redistricting should be
11 vested in an independent special commission, with membership that reflects the diversity of the
12 unit of government. The League works in states across the country to pass ballot initiatives to
13 institute independent redistricting commissions.”). The Petition is part of this nationwide effort
14 and seeks to amend the Nevada Constitution to transfer responsibility for redistricting from the
15 Nevada Legislature to a newly established independent commission.

16 Plaintiff concedes that the current redistricting process is politicized insofar as it is
17 conducted by the Legislature. Despite this concession, Plaintiff seems to argue that Fair Maps
18 should have gone farther—created more independence and fairness in redistricting—in order to
19 support the language in the description of effect. Instead of proposing an alternative description
20 of effect to correspond more closely to his interpretation of the Petition or proposing a separate
21 initiative, Plaintiff requests that the Court preclude the Petition from reaching the ballot. This
22 clearly reveals Plaintiff’s interest is not in the accuracy of the description of effect, but rather in
23 preserving the status quo.

24 Plaintiff’s central argument is that the proposed redistricting commission is not
25 sufficiently insulated from political pressure to prevent partisan gerrymandering because four of
26 the seven members of the commission will be appointed by members of the Legislature. He
27 contends that as a result, the districts it generates will not be fair and competitive, and therefore
28

1 the description of effect's characterization of the commission as independent and the districts it
2 will be asked to generate as fair and competitive is improper. Op. Br. 8-10.

3 **A. Describing the Redistricting Commission as Independent is Neither**
4 **Deceptive nor Misleading.**

5 Plaintiff asserts that the redistricting commission described in the Petition is not
6 independent because a majority of its members will be appointed by legislative leadership and
7 because the Legislature will determine whether and to what extent to fund the commission. Op.
8 Br. 4-9. Plaintiff asserts that the Petition would allow the Legislature "to exercise substantial, if
9 not total, control over the Commission by determining whom to appoint and how or whether to
10 fund the Commission." *Id.* at 9. Plaintiff then contends that because the commission does not
11 meet his definition of independent, the description of effect's reference to the creation of an
12 "independent redistricting commission" is misleading and deceptive because the commission
13 will not be immune from the political influence of the Legislature. *Id.* at 8-9.

14 The Nevada Supreme Court has held that in reviewing a description of effect, the court
15 "must take a holistic approach to determine whether the description is a straightforward,
16 succinct, and nonargumentative summary of an initiative's purpose and how that purpose is
17 achieved." *Educ. Initiative PAC*, 129 Nev. at 48, 293 P.3d at 883. This is the opposite of
18 Plaintiff's textual approach that turns on differing definitions of the word independent. Plaintiff
19 asks the Court to do exactly what the Nevada Supreme Court has said it cannot do—parse the
20 meanings of words or phrases in the Petition. *See id.*

21 The description of effect states clearly the purpose of the Petition: to amend the Nevada
22 Constitution to establish an independent redistricting commission to oversee the mapping of fair
23 and competitive electoral districts in Nevada. Ex. 1. It states with equal clarity how that purpose
24 will be achieved: (1) by ensuring that the commission is composed of a bipartisan group of
25 Nevada voters; (2) by requiring transparency in the mapping process; and (3) by providing
26 specific criteria for the commission to employ in drawing electoral districts. *Id.*

27 Contrary to Plaintiff's assertions, the characterization of the redistricting commission as
28 independent is not only accurate but entirely consistent with the purpose of the Petition. In the

1 context of the Petition, independence connotes the fact that the decisions of the commission will
2 not be subject to substantive control, oversight, or review of the Legislature. Toward this end,
3 the Petition explicitly removes the mapping responsibility from the Legislature, stating that
4 “[t]he powers granted to the Commission are legislative functions not subject to *the control or*
5 *approval of the Legislature and are exclusively reserved to the Commission.*” Ex. 1 (emphasis
6 added). Thus, the Legislature has no authority to review, modify or amend those decisions,
7 rendering the acts of the commission independent of the Legislature’s control. That the
8 Legislature will appoint four of the seven members of the commission and have some control
9 over its funding level does not change this fact.

10 Plaintiff’s citation to *Las Vegas Taxpayer Accountability Committee v. City Council of*
11 *Las Vegas*, 125 Nev. 165, 208 P.3d 429 (2009), is unpersuasive. While Plaintiff correctly points
12 out that in that case the Nevada Supreme Court found the description of effect at issue to be
13 misleading and deceptive, it did so because “the description of effect materially fails to
14 accurately identify the consequences of the referendum’s passage.” *Id.* at 184, 208 P.3d at 441.
15 The material failure identified by the court was that the petition at issue would have affected all
16 redevelopment plans, not just new redevelopment plans as stated by the description of effect. *Id.*
17 In this case, the characterization of the commission as independent cannot reasonably be
18 construed to be a material failure to identify a consequence of the passage of the Petition.
19 Independent is merely an adjective used to describe the nature of the commission. Plaintiff may
20 disagree with the characterization, but the characterization in no way supports the conclusion
21 that an effect of the Petition is not included.

22 Even if Plaintiff could persuade the Court that the term independent was misleading, the
23 description of effect can be amended to incorporate this finding by modifying or excising the
24 term.

25 **B. The Petition Promotes Fair and Competitive Electoral Districts.**

26 Plaintiff opposes the Petition and argues that it will not result in fair and competitive
27 electoral districts. Op. Br. 9. Plaintiff’s argument is not tied to the test that this Court must
28 employ in evaluating the description of effect. As the Nevada Supreme Court has held, the

1 description of effect “need not be the best possible statement of a proposed measure’s intent,”
2 *Herbst Gaming, Inc. v. Heller*, 122 Nev. 877, 889, 141 P.3d 1224, 1232 (2006), but “must be a
3 straightforward, succinct, and nonargumentative statement of what the initiative will accomplish
4 and how it will achieve those goals,” *Educ. Initiative PAC*, 129 Nev. at 38, 293 P.3d at 876. In
5 this case, the description informs the reader about the purpose of the Petition as the
6 establishment of an independent redistricting commission to oversee the adoption of fair and
7 competitive electoral maps. Ex. 1. And, it further specifies how the commission will do that. *Id.*
8 While Plaintiff is entitled to his opinion about whether the process contemplated will, in fact,
9 result in fair and competitive maps, the ultimate result is not relevant to whether the description
10 of effect accurately states the Petition’s purpose and how it intends to achieve it. Plaintiff does
11 not call into question the accuracy of the description of effect as a summary of the purpose of the
12 Petition, but instead registers disagreement with the likelihood that the structure of the Petition
13 will bring that purpose to fruition. That is not the legal test as it is a decision for the voters.

14 Plaintiff’s attempt to support his argument by claiming that the Petition invites or allows
15 various types of unfairness—in particular, partisan bias—is unavailing. Op. Br. 10. Plaintiff’s
16 argument turns on his assertion that various types of unfairness *could* affect the commission’s
17 processes such that the electoral maps it draws do not meet his definition of fair and competitive.
18 Here, again, Plaintiff’s argument fails because it is a critique of the Petition and not the
19 description of effect.

20 Even if Plaintiff could persuade the Court that the description of effect is invalid as
21 related to the definitions of fair and competitive, the description of effect can be amended to
22 incorporate the Court’s findings.

23 **C. Any Financial Impact of the Petition Is Hypothetical, Arguable, and Not a**
24 **Significant Aspect of the Petition.**

25 Plaintiff cannot do any more than guess as to whether the Petition will increase or
26 decrease the costs of redistricting in Nevada. The Nevada Constitution currently imposes a
27 “mandatory duty” upon the Nevada Legislature “at its first session after the taking of the
28 decennial census” to apportion the “number of Senators and Assemblymen . . . among legislative

1 districts which may be established by law, according to the number of inhabitants in them.” Nev.
2 Const. art. 4, § 5. Plaintiff does not provide the Court with any facts that could be determined
3 with certainty as to how the administrative costs of redistricting would be affected by the
4 Petition. Thus, these arguments should be reserved for the committees preparing the “pros and
5 cons for the ballot.” *Educ. Initiative PAC*, 129 Nev. at 45, 293 P.3d at 881.

6 A description of effect “does not necessarily need to explain every effect, or hypothetical
7 effects, but it does need to accurately set forth the main consequences of the referendum's
8 passage.” *No Solar Tax PAC v. Citizens for Solar & Energy Fairness*, No. 70146, 2016 WL
9 4182739, at *2 (Nev. Aug. 4, 2016). Plaintiff challenges the description of effect as failing to
10 inform voters of certain costs allegedly associated with the commission. Op. Br. 10. Plaintiff
11 claims redistricting is expensive but that the Petition fails to identify and describe these costs,
12 and he further claims the process contemplated by the Petition will result in additional litigation
13 costs. *Id.* at 10-11. He also claims that the Petition fails to note that the commission “will ‘undo’
14 whatever maps are drawn by the Legislature in 2021,” which will result in additional costs. *Id.*
15 Because these are all hypothetical effects based on Plaintiff’s unfounded speculation, they need
16 not be included in the description of effect.

17 Plaintiff’s argument regarding costs is based solely on his unsupported assertion that
18 certain hypothetical effects should be referenced in the description of effect. Op. Br. 12 (listing a
19 practical consequence as “potentially doubling the cost of redistricting for the 2020 census”).
20 First, there is no certainty that the proposed amendment would increase the costs of redistricting
21 and it is equally or more probable that the costs of redistricting would be reduced. The Petition
22 establishes a single redistricting process for each census cycle, while the Legislature can
23 currently re-draw the lines as many times as the Legislature deems appropriate. Moreover, the
24 cost of legislative redistricting can be very high for taxpayers, especially if the Legislature is
25 required to work in a special session. Second, there is no requirement that the Commission
26 “undo” any maps drawn by the Legislature in 2021. Op. Br. 11. The Commission has the option
27 to adopt the same maps drawn by the Legislature if the maps comply with the proposed
28 amendment. What the Legislature and Commission may choose to do in the future is not an

1 effect that can be definitively conveyed to voters. Finally, Plaintiff's assertion that there will be
2 more litigation because of the standard imposed by the Petition is pure speculation. Legislative
3 redistricting regularly draws legal challenges both in Nevada and nationally.

4 The administrative costs of redistricting are not part of the primary purpose of the
5 Petition, nor do they represent a significant effect of the Petition. In *Coalition for Nevada's*
6 *Future v. RIP Commerce Tax, Inc., PAC*, the Nevada Supreme Court found that the referendum
7 would "unbalance the state budget," No. 69501, 2016 WL 2842925, at *4 (Nev. May 11, 2016),
8 and in *Prevent Sanctuary Cities v. Haley*, the Nevada Supreme Court found that the initiative
9 would "limit the power of local governments to address matters of local concern by impinging
10 on their ability . . . to implement and carry out city programs and functions for the effective
11 operation of local governments, such as policies regarding public health and safety." No. 74966,
12 2018 WL 2272955, at *4 (Nev. May 16, 2018) (quotation marks omitted). The hypothetical and
13 arguable administrative costs of the Petition are not of the same scope, import, or certainty as the
14 above cases.

15 Even if Plaintiff could persuade the Court that the description of effect is invalid as
16 related to the costs of redistricting, the description of effect can be amended to incorporate the
17 Court's findings.

18 **D. The Court Can Amend the Description of Effect to Address Plaintiff's**
19 **Concerns.**

20 The proponent of an initiative is afforded the opportunity to amend a description of
21 effect to resolve any inadequacies identified by the Court. NRS 295.061(3). While the
22 description of effect contained within the Petition is legally sufficient and holistically sound, in
23 order to reach an amicable resolution and expedite the proceedings, Fair Maps has proactively
24 drafted five alternative descriptions of effect for the Court's consideration. Ex. 2. Should the
25 Court determine that the Petition's description of effect requires amendment, Fair Maps requests
26 that the Court consider one of the alternative descriptions of effect or further revise the
27 description of effect in accordance with the Court's findings.
28

1 In no event is Plaintiff entitled to the requested relief of prohibiting the Petition from
2 appearing on the ballot. Such a result would deny the people's right to propose amendments to
3 their principal governing document.

4 **V. CONCLUSION**

5 For all of the above reasons, the Court should deny Plaintiff's attempt to keep the
6 Petition off the ballot.


7 Dated this 17th day of December, 2019.

8 **AFFIRMATION**

9 The undersigned does hereby affirm that pursuant to NRS 239B.030, the preceding
10 document does not contain the social security number of any person.

11
12 MCDONALD CARANO LLP

13
14 By:


15 Adam Hosmer-Henner, Esq. (NSBN 12779)
16 Lucas Foletta, Esq. (NSBN 12154)
17 MCDONALD CARANO
18 100 West Liberty Street, 10th Floor
19 Reno, NV 89501

20 *Attorneys for Defendant Fair Maps PAC*
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28

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of McDONALD CARANO LLP and that on December 17, 2019, I served the foregoing on the parties in said case by placing a true copy thereof in the United States Post Office mail at 100 West Liberty Street, Tenth Floor, Reno, NV 89501 addressed as follows:

Kevin Benson, Esq.
Benson Law, LLC
123 Nye Lane, Suite #487
Carson City, NV 89706

Greg Zunino, Esq.
State of Nevada, Office of the Attorney General
100 N. Carson Street
Carson City, NV 89701

Barbara Cegasvke, Nevada Secretary of State
202 N. Carson Street
Carson City, NV 89701

I am familiar with the firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. The envelope addressed to the parties were sealed and placed for collection by the firm's messengers and will be deposited today with the United States Postal Service in the ordinary course of business.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 12, 2019 at Reno, Nevada.

By 
An Employee of McDonald Carano LLP

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INDEX OF EXHIBITS

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2	Proposed Alternative Descriptions	5

Exhibit 1

Exhibit 1

State of Nevada - Initiative Petition – Constitutional Amendment

C-02-2019

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EXPLANATION: Matter in ***bolded italics*** is new language to be added to the Nevada Constitution by this Amendment. Matter in strikethrough is existing language in the Nevada Constitution to be deleted by this Amendment.

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

Section 1: Article 4, Section 5 of the Nevada Constitution is hereby amended to read as follows:

Section 5. Number of Senators and members of Assembly; ~~apportionment~~. Senators and members of the Assembly shall be duly qualified electors in the respective counties and districts which they represent, and the number of Senators shall not be less than one-third nor more than one-half of that of the members of the Assembly.

It shall be the mandatory duty of the Legislature at its first session after the taking of the decennial census of the United States in the year 1950, and after each subsequent decennial census, to fix by law the number of Senators and Assemblymen, ~~and apportion them among the several counties of the State, or among legislative districts which may be established by law, according to the number of inhabitants in them, respectively.~~

Section 2: Article 4 of the Nevada Constitution is hereby amended by adding thereto new sections to be designated as Sections 5A, 5B and 5C, to read as follows:

Section 5A. Apportionment; Creation of Independent Redistricting Commission.

- 1. There is created within the legislative branch of state government the Independent Redistricting Commission. It shall be the duty of the Commission in the year 2023, and after each subsequent decennial census of the United States, to apportion the number of Senators and Assemblymen among legislative districts established by the Commission and to apportion the number of representatives in the United States House of Representatives among districts established by the Commission.*
- 2. The Commission shall be composed of seven members who are registered and eligible to vote in Nevada, and who satisfy the qualification standards in subsection 3. The Senate Majority Leader, Senate Minority Leader, Speaker of the Assembly, and Assembly Minority Leader shall each appoint one Commissioner. The four Commissioners appointed in this manner shall appoint three additional Commissioners, each of whom, for at least four years immediately preceding their appointment, has not been registered or affiliated with the largest political party or the second largest political party, according to voter registration data published by the Secretary of State as of the earliest day in January of the redistricting year, and none of whom, if registered or affiliated with a political party, is affiliated or registered with the same political party as another Commissioner.*
- 3. Within four years preceding appointment and during their term, no Commissioner may be a registered lobbyist; a candidate for a federal, state, or partisan local office; an elected official to a federal, state, or partisan local office; an officer or member of the governing body of a national, state, or local political party; a paid consultant or employee of a federal, state, or partisan local elected official or candidate, or of a political action committee, or of a committee sponsored by a political party, or of a committee that seeks to influence elections to federal, state, or partisan local offices; an employee of the Legislature; an employee of the State of Nevada, except for employees in the judicial branch, the armed forces, or a state institution of higher education; or related within the third degree of consanguinity or affinity to any individual disqualified under this subsection.*
- 4. The term of office of each Commissioner shall expire once the Commission has completed its obligations for a census cycle but not before any judicial review of the redistricting plan is complete and shall expire no later than the release of the following decennial census of the United States.*

5. All meetings of the Commission shall be open to the public. The Commission shall ensure that the public has opportunities to view, present testimony, and participate in hearings before the Commission. All Commission materials shall be public records.
6. The Commission shall adopt rules to govern its administration and operation.
7. The powers granted to the Commission are legislative functions not subject to the control or approval of the Legislature and are exclusively reserved to the Commission.

Section 5B. Criteria for Determination of Districts; Approval of Final Plans.

1. In adopting a redistricting plan, the Independent Redistricting Commission shall use the following criteria, in the order listed, to draw districts: Ensure that districts comply with the United States Constitution and applicable federal law; Ensure that districts have an approximately equal number of inhabitants; Ensure that districts are geographically contiguous; Ensure that districts are not drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or elect representatives of their choice, whether by themselves or voting in concert with other persons; Ensure that districts, when considered on a statewide basis, do not unduly advantage or disadvantage a political party; Ensure that districts reflect, to the extent possible, county, city, and township boundaries; Minimize, to the extent practicable, the division of communities of interest, meaning an area with recognized similarities of interests, including but not limited to racial, ethnic, economic, social, cultural, geographic, or historic identities, but not including common relationships with political parties or political candidates; Ensure that districts are reasonably compact; and to the extent practicable, after complying with the requirements above, consider the number of politically competitive districts, measured by creating a reasonable potential for the party affiliation of the district's representative to change at least once between federal decennial censuses.
2. Not later than July 1, 2023, and thereafter not later than 180 days from the release of the decennial census of the United States, the Commission shall approve a redistricting plan for the Nevada State Senate, the Nevada State Assembly, and Nevada's Congressional Districts, after providing public notice of each proposed final plan and allowing sufficient time for public review and comment. A final plan may be approved by the Commission only upon at least five affirmative votes, including at least one Commissioner registered with the largest political party, one Commissioner registered with the second largest political party, and one Commissioner not registered or affiliated with the largest or second largest political party, according to voter registration data published by the Secretary of State as of the earliest day in January of the redistricting year.

Section 5C. Severability.

Should any part of this Amendment be declared invalid, or the application thereof to any person, thing, or circumstance be held invalid, such invalidity shall not affect the remaining provisions or application of this Amendment which can be given effect without the invalid provision or application, and to this end the provisions of this Amendment are declared to be severable. This Section shall be construed broadly to preserve and effectuate the purpose of this Amendment.

[The remainder of this page is blank.]

DESCRIPTION OF EFFECT

This measure will amend the Nevada Constitution to establish an Independent Redistricting Commission to oversee the mapping of fair and competitive electoral districts for the Nevada Senate, Nevada Assembly, and U.S. House of Representatives.

The Commission will consist of seven Nevada voters, four who will be appointed by the leadership of the Nevada Legislature, and three who are unaffiliated with the two largest political parties who will be appointed by the other four commissioners. Commissioners may not be partisan candidates, lobbyists, or certain relatives of such individuals. All meetings of the Commission shall be open to the public who shall have opportunities to participate in hearings before the Commission.

The Commission will ensure, to the extent possible, that the electoral districts comply with the United States Constitution, have an approximately equal number of inhabitants, are geographically compact and contiguous, provide equal opportunities for racial and language minorities to participate in the political process, respect areas with recognized similarities of interests, including racial, ethnic, economic, social, cultural, geographic, or historic identities, do not unduly advantage or disadvantage a political party, and are politically competitive.

This amendment will require redistricting by the Commission beginning in 2023 and thereafter following each federal census.

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

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The Commission will ensure, to the extent possible, that the electoral districts comply with the United States Constitution, have an approximately equal number of inhabitants, are geographically compact and contiguous, provide equal opportunities for racial and language minorities to participate in the political process, respect areas with recognized similarities of interests, including racial, ethnic, economic, social, cultural, geographic, or historic identities, do not unduly advantage or disadvantage a political party, and are politically competitive.

This amendment will require redistricting by the Commission beginning in 2023 and thereafter following each federal census.

County of _____
Petition District _____

(Only registered voters of this county may sign below)

(Only registered voters of this petition district may sign below)

This Space For
Office Use Only

6	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE	DATE / /	CITY	
7	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE	DATE / /	CITY	

Place Affidavit on last page of document.

THE FOLLOWING AFFIDAVIT MUST BE COMPLETED AND SIGNED:

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

**NOTICE OF INTENT TO CIRCULATE
STATEWIDE INITIATIVE OR
REFERENDUM PETITION**

FILED NV SOS
2019 NOV 4 PM 4:14

State of Nevada



Secretary of State Barbara K. Cegavske

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

Sondra Cosgrove

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

1.

Sondra Cosgrove

2.

3.

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

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

Date

Exhibit 2

Exhibit 2

Exhibit 2 – Proposed Alternative Descriptions of Effect

Alternative 1

A. Redline Version

This measure will amend the Nevada Constitution to establish ~~an Independent Redistricting Commission~~ a citizen redistricting commission to oversee the mapping of ~~fair and competitive~~ electoral districts for the Nevada Senate, ~~Nevada~~ Assembly, and U.S. House of Representatives.

The Commission will ~~have~~ consist of seven ~~Nevada voters~~ members, four ~~who will be~~ appointed by the leadership of the Nevada Legislature, and three who are unaffiliated with the two largest political parties who will be appointed by the other four commissioners. Commissioners may not be partisan candidates, lobbyists, or certain relatives of such individuals. All meetings of the Commission shall be open to the public ~~who shall have opportunities to participate in hearings before the Commission.~~

The Commission will ensure, to the extent possible, that the ~~electoral~~ districts comply with the ~~United States~~ U.S. Constitution, have an approximately equal number of inhabitants, are geographically compact and contiguous, provide equal opportunities for racial and language minorities to participate in the political process, respect areas with recognized similarities of interests, including racial, ethnic, economic, social, cultural, geographic, or historic identities, do not unduly advantage or disadvantage a political party, and are politically competitive.

This amendment will require redistricting by the Commission beginning in 2023 and ~~thereafter~~ following each federal census and –may, but is not certain to, result in the expenditure of state funds that would not have otherwise been spent.

B. Clean Version

This measure will amend the Nevada Constitution to establish a citizen redistricting commission to oversee the mapping of electoral districts for the Nevada Senate, Assembly, and U.S. House of Representatives.

The Commission will have seven members, four appointed by the leadership of the Nevada Legislature, and three who are unaffiliated with the two largest political parties who will be appointed by the other four commissioners. Commissioners may not be partisan candidates, lobbyists, or certain relatives of such individuals. All meetings of the Commission shall be open to the public. The Commission will ensure, to the extent possible, that the districts comply with the U.S. Constitution, have an approximately equal number of inhabitants, are geographically compact and contiguous, provide equal opportunities for racial and language minorities to participate in the political process, respect areas with recognized similarities of interests, including racial, ethnic, economic, social, cultural, geographic, or historic identities, do not unduly advantage or disadvantage a political party, and are politically competitive.

This amendment will require redistricting by the Commission beginning in 2023 and following each federal census and may, but is not certain to, result in the expenditure of state funds that would not have otherwise been spent.

Alternative 2

A. Redline Version

This measure will amend the Nevada Constitution to establish ~~an Independent Redistricting Commission~~ a redistricting commission to oversee the mapping of ~~fair and competitive~~ electoral districts for the Nevada Senate, ~~Nevada~~ Assembly, and U.S. House of Representatives.

The Commission will ~~consist of~~ have seven ~~members~~ Nevada voters, four who will be appointed by the leadership of the ~~Nevada~~ Legislature, and three who are unaffiliated with the two largest political parties who will be appointed by the other four commissioners. Commissioners may not be partisan candidates, lobbyists, or certain relatives of such individuals. ~~All m~~ Meetings of the Commission shall be open to the public ~~who shall have opportunities to participate in hearings before the Commission.~~

The Commission will ensure, to the extent possible, that the ~~electoral~~ districts comply with the ~~United States~~ U.S. Constitution, have an approximately equal number of inhabitants, are geographically compact and contiguous, provide equal opportunities for racial and language minorities to participate in the political process, respect areas with recognized similarities of interests, including racial, ethnic, economic, social, cultural, geographic, or historic identities, do not unduly advantage or disadvantage a political party, and are politically competitive.

This amendment will require redistricting ~~by the Commission~~ beginning in 2023 and ~~thereafter following~~ after each federal census and may, but is not certain to, increase the cost of redistricting in the short term.

B. Clean Version

This measure will amend the Nevada Constitution to establish a redistricting commission to oversee the mapping of electoral districts for the Nevada Senate, Assembly, and U.S. House of Representatives.

The Commission will have seven members, four who will be appointed by the leadership of the Legislature, and three who are unaffiliated with the two largest political parties who will be appointed by the other four commissioners. Commissioners may not be partisan candidates, lobbyists, or certain relatives of such individuals. Meetings of the Commission shall be open to the public who shall have opportunities to participate in hearings.

The Commission will ensure, to the extent possible, that the districts comply with the U.S. Constitution, have an approximately equal number of inhabitants, are geographically compact and contiguous, provide equal opportunities for racial and language minorities to participate in the political process, respect areas with recognized similarities of interests, including racial, ethnic, economic, social, cultural, geographic, or historic identities, do not unduly advantage or disadvantage a political party, and are politically competitive.

This amendment will require redistricting beginning in 2023 and after each federal census and may, but is not certain to, increase the cost of redistricting in the short term.

Alternative 3

A. Redline Version

This measure will amend the Nevada Constitution to establish ~~an Independent Redistricting Commission~~ a citizen redistricting commission to oversee the mapping of ~~fair and competitive~~ electoral districts for the Nevada Senate, ~~Nevada~~ Assembly, and U.S. House of Representatives.

The Commission will ~~consist of~~ have seven ~~Nevada voters~~ members, four who will be appointed by a bipartisan group of Nevada legislators ~~the leadership of the Nevada Legislature~~, and three who ~~will be~~ are ~~unaffiliated with the two largest political parties who will be appointed~~ appointed by the other four commissioners. ~~The legislator appointed commissioners are prohibited from appointing commissioners that are affiliated with the two largest political parties.~~ Commissioners may not be partisan candidates, lobbyists, or certain relatives of such individuals. ~~All meetings of the Commission shall be open to the public who shall have opportunities to participate in hearings before the Commission.~~

The mapping of electoral districts by the commission will ensure to the extent practicable against the influence of partisan politics in the creation of electoral districts. The Commission will be legally bound to

~~The Commission will~~ ensure, to the extent possible and among other things, that the electoral districts comply with the United States Constitution, ~~have an approximately equal number of inhabitants, are geographically compact and contiguous,~~ provide equal opportunities for racial and language minorities to participate in the political process, respect areas with recognized similarities of interests, including racial, ethnic, economic, social, cultural, geographic, or historic identities, ~~do not unduly advantage or disadvantage a political party,~~ and are politically competitive.

This amendment will require redistricting ~~by the Commission~~ beginning in 2023 and ~~thereafter following each federal census~~ may, but is not certain to, require the expenditure of additional state funds on redistricting.

B. Clean Version

This measure will amend the Nevada Constitution to establish a citizen redistricting commission to oversee the mapping of electoral districts for the Nevada Senate, Assembly, and U.S. House of Representatives.

The Commission will have seven members, four who will be appointed by a bipartisan group of Nevada legislators and three who will be appointed by the other four commissioners. The legislator appointed commissioners are prohibited from appointing commissioners that are affiliated with the two largest political parties. Commissioners may not be partisan candidates, lobbyists, or certain relatives of such individuals.

The mapping of electoral districts by the commission will ensure to the extent practicable against the influence of partisan politics in the creation of electoral districts. The Commission will be legally bound to ensure, to the extent possible and among other things, that the electoral districts comply with the United States Constitution, provide equal opportunities for racial and language minorities to participate in the political process, respect areas with recognized similarities of interests, including racial, ethnic, economic, social, cultural, geographic, or historic identities, and are politically competitive.

This amendment will require redistricting beginning in 2023 and may, but is not certain to, require the expenditure of additional state funds on redistricting.

Alternative 4

A. Redline Version

This measure will amend the Nevada Constitution to establish ~~an Independent Redistricting Commission~~ a commission that will to oversee the mapping of fair and competitive draw the electoral districts for the Nevada Senate, Nevada Assembly, and U.S. House of Representatives.

The Commission will consist of seven Nevada voters, four who ~~will be~~ appointed by the leadership of the Nevada Legislature, and three who are unaffiliated with the two largest political parties who will be appointed by ~~the other four commissioners~~ those four. Commissioners may not be ~~elected officials, candidates, lobbyists, or certain relatives of such individuals~~ partisan candidates, lobbyists, or certain relatives of such individuals. The Commission will require funding by the legislature to perform its duties. All meetings of the Commission meetings shall will be open to the public, ~~who and the public will shall~~ have opportunities to participate in ~~hearings before the Commission~~ hearings.

The Commission will ensure, to the extent possible, that the electoral districts comply with the United States Constitution, have an approximately equal number of inhabitants, are geographically compact and contiguous, provide equal opportunities for racial and language minorities to participate in the political process, respect areas with recognized similarities of interests, ~~(including racial, ethnic, economic, social, cultural, geographic, or historic identities), including racial, ethnic, economic, social, cultural, geographic, or historic identities,~~ do not unduly advantage or disadvantage a political party, and are politically competitive.

This amendment will require the redrawing of districts in 2023 and after each federal census. ~~redistricting by the Commission beginning in 2023 and thereafter following each federal census.~~

B. Clean Version

This measure will amend the Nevada Constitution to establish a commission that will draw the electoral districts for the Nevada Senate, Nevada Assembly, and U.S. House of Representatives.

The Commission will consist of seven Nevada voters, four who are appointed by the leadership of the Nevada Legislature, and three who are unaffiliated with the two largest political parties who will be appointed by those four. Commissioners may not be elected officials, candidates, lobbyists, or certain relatives of such individuals. The Commission will require funding by the legislature to perform its duties. Commission meetings will be open to the public, and the public will have opportunities to participate in Commission hearings.

The Commission will ensure, to the extent possible, that the electoral districts comply with the United States Constitution, have an approximately equal number of inhabitants, are geographically compact and contiguous, provide equal opportunities for racial and language minorities to participate in the political process, respect areas with recognized similarities of interests, (including racial, ethnic, economic, social, cultural, geographic, or historic identities), do not unduly advantage or disadvantage a political party, and are politically competitive.

This amendment will require the redrawing of districts in 2023 and after each federal census.

Alternative 5

A. Redline Version

This measure will amend the Nevada Constitution to establish an ~~Independent Redistricting Commission~~ a commission to oversee the mapping of fair and competitive ~~draw the~~ electoral districts for the Nevada Senate, Nevada Assembly, and U.S. House of Representatives.

The Commission will consist of seven Nevada voters, four who ~~will be~~ appointed by the leadership of the Nevada Legislature, and three who are unaffiliated with the two largest political parties who will be appointed by ~~the other four commissioners~~ those four. Commissioners may not be ~~elected officials, candidates, lobbyists, or certain relatives of such individuals~~ partisan candidates, lobbyists, or certain relatives of such individuals. The Commission will require funding by the legislature to perform its duties. All meetings of the Commission meetings shall will be open to the public ~~who shall have opportunities to~~ who may participate in hearings ~~before the Commission~~ hearings.

The Commission will ensure, to the extent possible, that the electoral districts comply with the ~~United States~~ U.S. Constitution, have an approximately equal number of inhabitants, are geographically compact and contiguous, provide equal opportunities for racial and language minorities to participate in the political process, respect areas with recognized similarities of interests, (including racial, ethnic, economic, social, cultural, geographic, or historic identities), ~~including racial, ethnic, economic, social, cultural, geographic, or historic identities~~, do not unduly advantage or disadvantage a political party, and are politically competitive.

This amendment ~~will require~~ requires the redrawing of districts in 2023 and after each federal census. ~~redistricting by the Commission beginning in 2023 and thereafter following each federal census, and may require expending additional state funds on redistricting.~~

B. Clean Version

This measure will amend the Nevada Constitution to establish a commission to draw the electoral districts for the Nevada Senate, Nevada Assembly, and U.S. House of Representatives.

The Commission will consist of seven Nevada voters, four who are appointed by the leadership of the Nevada Legislature, and three who are unaffiliated with the two largest political parties who will be appointed by those four. Commissioners may not be elected officials, candidates, lobbyists, or certain relatives of such individuals. The Commission will require funding by the legislature to perform its duties. Commission meetings will be open to the public who may participate in Commission hearings.

The Commission will ensure, to the extent possible, that the electoral districts comply with the U.S. Constitution, have an approximately equal number of inhabitants, are geographically compact and contiguous, provide equal opportunities for racial and language minorities to participate in the political process, respect areas with recognized similarities of interests, (including racial, ethnic, economic, social, cultural, geographic, or historic identities), do not unduly advantage or disadvantage a political party, and are politically competitive.

This amendment requires the redrawing of districts in 2023 and after each federal census and may require expending additional state funds on redistricting.