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6 *Attorneys for Plaintiff*

7 **FIRST JUDICIAL DISTRICT COURT OF NEVADA**

8 **CARSON CITY**

9 NEVADA STATE DEMOCRATIC PARTY, a
10 Nevada Political Party Committee,

11 Plaintiff,

12 v.

13 NEVADA GREEN PARTY, a Nevada
Political Party Committee; and FRANCISCO
14 V. AGUILAR, in his official capacity as
Nevada Secretary of State,

15 Defendants.

Case No.: 240C 00107 13
16 Dept. No.: II

17 **COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF
18 CONCERNING NEVADA GREEN
PARTY'S BALLOT-ACCESS
19 QUALIFICATIONS**

20 **(Priority Matter Under NRS 293.174)**

21 **Arbitration Exemption: Declaratory and
Injunctive Relief**

22 Plaintiff Nevada State Democratic Party brings this complaint for declaratory and injunctive
23 relief against Defendants Nevada Green Party and Francisco V. Aguilar, in his official capacity as
24 the Nevada Secretary of State, pursuant to NRS 293.171, NRS 30.030 and NRS 33.010. Plaintiff
25 alleges as follows:

26 **JURISDICTION AND VENUE**

27 1. This Court has jurisdiction pursuant to NRS 293.174 as this is a challenge to a minor
28 political party's qualifications to place a candidate on the general election ballot. Furthermore, the
Court has jurisdiction to grant declaratory and injunctive relief under NRS 30.030 and NRS 33.010.

2. Venue is proper under NRS 293.174, which specifies that this challenge shall be
filed in the First Judicial District Court.

THE PARTIES

1 State's Office directed the county clerks and registrars to complete the verification of the petition
2 signatures no later than 11:59 p.m. on June 4, 2024. (*Id.*)

3 10. To confirm that the Green Party's petition complied with Nevada law, in light of the
4 statutory deadline to file suit no later than June 10, 2024, under NRS 293.174, the undersigned
5 counsel served a public records request with the Secretary of State's Office seeking the petition
6 signatures on May 22, 2024. (Ex. 4). The Secretary of State's office provided some of the petition
7 signatures submitted by the various counties, but it did not provide all the signed petitions for all
8 Nevada counties, included in the omitted counties were Clark and Washoe. No explanation has
9 been provided as to why these public records have not been made available.

10 11. In light of the approaching June 10, 2024 deadline for challenges, the undersigned
11 also submitted public records requests seeking the Green Party petitions from Clark County and
12 Washoe County on May 29, 2024. (Ex. 5; Ex. 6). But despite the passage of the statutory deadline
13 for providing a response to these public records requests, neither the Secretary of State,
14 Clark County nor Washoe County have provided copies of signature petitions submitted by the
15 Green Party.

16 12. The few signatures that have been provided as of the deadline demonstrate that the
17 Green Party will not qualify for ballot access as a minor political party under Nevada law. For
18 instance, the signatures provided by Nye County demonstrate a lack of legal compliance and are
19 insufficient. Indeed, for Nye County the Green Party submitted only 68 total signatures, with 48 of
20 those signatures purportedly being acquired on just one day, October 28, 2023, months before the
21 Green Party had even filed its Notice with the Secretary of State or had adopted its current Bylaws.
22 (Ex. 7). On top of that, a number of the affidavits of circulators were altered, changing the county.

23 13. Similarly, for the signatures submitted to Esmerelda County (only three), the
24 affidavits of circulators were altered. (Ex. 8).

25 14. Glaringly, the sole signature submitted to Eureka County is on a petition titled
26 "County of Humboldt" and was signed by a resident of Reno, which is in Washoe County. (Ex. 9).
27 The circulator's affidavit was similarly altered. (*Id.*)

28

1 15. Based upon the information that the Secretary of State and the counties have
2 provided as of the challenge deadline, it appears that a majority of these signatures were collected
3 in 2023, well before the Green Party filed its certificate of continued existence with the Secretary
4 of State's office and that the signatures were therefore collected before the Green Party provided
5 the Secretary of State's Office with a copy of the petition prior to its circulation as NRS 293.1715(4)
6 mandates.

7 16. Despite not having received all the signed petitions the Green Party submitted to the
8 Secretary of State and the counties, upon information and belief, the Green Party did not and could
9 not submit sufficient verified signatures from the petition districts to qualify as a minor political
10 party with ballot access under Nevada law.

11 17. Plaintiff reserves the right to amend its complaint pending receipt of additional
12 signatures submitted by the Green Party.

13 **FIRST CAUSE OF ACTION**

14 **(NRS 293.1715/NRS 293.172)**

15 18. Plaintiff incorporates the allegations in Paragraph 1 through 17 as though fully set
16 herein.

17 19. NRS 293.1715(2) allows a minor political party to qualify to place its candidates on
18 the general election ballot by filing a petition with the Secretary of State that "is signed by a number
19 of registered voters equal to at least 1 percent of the total number of votes cast at the last preceding
20 general election for the offices of Representative in Congress which must be apportioned equally
21 among the petition districts."

22 20. These signatures must be verified by the county clerk or registrar of the county in
23 which the signer is a registered voter.

24 21. Upon information and belief, the Green Party did not submit sufficient verified
25 signatures from each petition district. For example, the Green Party submitted 48 signatures from
26 Nye County, collected from various cities, months before it submitted the statutorily required notice
27 of continued existence with the Secretary of State's office and before it submitted the petition prior
28 to circulation with the Secretary of State's Office. And several of the affidavits have been altered.

1 22. Similarly, the petition signature submitted to Eureka County was on a petition for
2 Humboldt County and signed by a resident of Reno, which is in Washoe County.

3 23. Accordingly, the Green Party's petition did not satisfy NRS 293.1715 or
4 NRS 293.172 and is invalid, and the Secretary of State should be enjoined from taking any further
5 action upon it.

6 **PRAYER FOR RELIEF**

7 WHEREFORE, Plaintiff prays for relief as follows:

8 1. A declaration that the Green Party's petition did not include sufficient verified
9 signatures from each petition district, as required by NRS 293.172 and NRS 293.1715, and that the
10 Green Party's petition to qualify as a minor party with ballot access is invalid;

11 2. An injunction prohibiting the Secretary of State from taking further action on the
12 Petition to Qualify;

13 3. An injunction prohibiting the Secretary of State from placing the Green Party's
14 candidates on the general election ballot;

15 4. Such further and additional relief that this Court deems appropriate.

16 **AFFIRMATION**

17 The undersigned does hereby affirm that this document does not contain personal
18 information as defined in NRS 239B.030 and NRS 603A.040 and acknowledges that the affirmation
19 will be provided in any additional documents only if the document does contain personal
20 information.

21 DATED this 10th day of June, 2024.

22 PISANELLI BICE PLLC

23 By: 

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