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5 *Attorneys for Plaintiffs*
6 *Fair Maps Nevada PAC, Sondra Cosgrove,*
7 *Douglas Goodman, and Robert MacDonald*

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 FAIR MAPS NEVADA, a Nevada political
action committee, SONDRA COSGROVE,
11 DOUGLAS GOODMAN, and ROBERT
MACDONALD,

Case No.: 3:20-cv-00271-MMD-WGC

CONSENT DECREE

12
13 Plaintiffs,

14 v.

15 BARBARA CEGAVSKE, in her official
capacity as Nevada Secretary of State,
16 JOSEPH P. GLORIA, in his official capacity
as Clark County Registrar of Voters, DEANNE
17 SPIKULA, in her official capacity as Washoe
County Registrar of Voters, KRISTINA
18 JAKEMAN, in her official capacity as Elko
County Clerk, SADIE SULLIVAN, in her
19 official capacity as Lander County Clerk,
LACEY DONALDSON, in her official
20 capacity as Pershing County Clerk-Treasurer,
VANESSA STEVENS, in her official capacity
21 as Storey County Clerk-Treasurer, NICHOLE
BALDWIN, in her official capacity as White
22 Pine County Clerk, SANDRA MERLINO, in
her official capacity as Nye County Clerk,
23 TAMMI RAE SPERO, in her official capacity
as Humboldt County Clerk, KATHY LEWIS,
24 in her official capacity as Douglas County
Clerk-Treasurer, LINDA ROTHERY, in her
25 official capacity as Churchill County Clerk-
Treasurer, LACINDA ELGAN, in her official
26 capacity as Esmeralda County Clerk-Treasurer,
LISA C. LLOYD, in her official capacity as
27 Lincoln County Clerk, LISA HOEHNE, in her
official capacity as Eureka County Clerk,
28 CHRISTOPHER NEPPER, in his official

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1 capacity as Mineral County Clerk-Treasurer,
2 NIKKI BRYAN, in her official capacity as
3 Lyon County Clerk-Treasurer, and AUBREY
4 ROWLATT, in her official capacity as Carson
5 City Clerk-Recorder,
6
7 Defendants.

8 **CONSENT DECREE**

9 **Whereas**, this action was initiated by Plaintiffs Fair Maps Nevada, a Nevada political
10 action committee, Sondra Cosgrove, Douglas Goodman, and Robert Macdonald on May 6, 2020;

11 **Whereas**, Plaintiffs sued to enjoin Defendants Nevada’s Secretary of State, Barbara
12 Cegavske, and the election officials of each of Nevada’s seventeen counties, from, among other
13 things, applying NRS 295.056(3) to require the submission of Nevada Initiative Petition C-02-
14 2019 (the “Initiative”) for verification no later than June 24, 2020, (ECF 1, Complaint at Prayer
15 for Relief, Paragraph C);

16 **Whereas**, Plaintiffs contended that to do so would result in an impermissible burden on
17 their rights under the First and Fourteenth Amendments, (*id.* at Paragraphs 76 through 83);

18 **Whereas**, on May 20, 2020, the Court granted in part and denied in part Plaintiffs’ Motion
19 for Preliminary Injunction (ECF 2), concluding that “NRS § 295.056(3) is unconstitutional as
20 applied to Plaintiffs under the unique factual circumstances of this case.” (ECF 44, Order at 32-
21 33);

22 **Whereas**, Article 19, Sec. 2(4) of the Nevada Constitution provides that an initiative
23 petition to amend the Nevada Constitution such as the Initiative must be filed not less than 90 days
24 before any general election where the petition might be presented to the voters, and in 2020 the
25 90-day deadline falls on August 5, 2020; and

26 **Whereas**, pursuant to the Court’s instruction to Plaintiffs and Defendants to work together
27 to identify a reasonable accommodation to preserve Plaintiffs’ constitutional rights, Plaintiffs and
28 Defendants have since agreed that an expeditious resolution of this matter, pursuant to the terms
of this Consent Decree, is in the public interest;

Now therefore, Plaintiffs and Defendants hereby agree, and the Court orders, as follows:

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1 1. Defendants, their officers, agents, and employees are enjoined from disqualifying the
2 Initiative for inclusion on the November 2020 ballot for Plaintiffs’ failure to submit the Initiative
3 for verification no later than June 24, 2020.

4 2. Notwithstanding the June 24, 2020 verification submission deadline established in the
5 law, the Initiative may be submitted up to 9:30 a.m. on Monday, August 3, 2020.

6 3. Any deadlines or governmental actions that flow from NRS 295.056(3) or related
7 statutes, regulations or rules shall flow from Monday, August 3, 2020 instead of June 24, 2020.

8 4. Defendants agree that under this consent decree they will have adequate time to perform
9 all of their legal duties with respect to the Initiative, including the verification of signatures and
10 the printing of ballots, regardless of whether the November 2020 general election is held as a
11 traditional election or held as a primarily all-mail election as was the June 2020 primary election.

12 5. If the Initiative is submitted in accordance with applicable Nevada law, subject to the
13 terms of this consent decree, no later than 9:30 a.m. on Monday, August 3, 2020, Defendants shall
14 undertake the signature verification process as required by law. If the Initiative is verified and
15 therefore deemed sufficient for inclusion on the November 2020 ballot and the Initiative satisfies
16 all other requirements of Nevada law for inclusion on the November 2020 ballot, it shall be so
17 included on the ballot.

18 6. Effective as of the date of the Court’s order below, Plaintiffs’ Complaint (ECF 1) shall
19 be dismissed without prejudice, with each party to bear its own costs and fees.

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FOR DEFENDANTS:

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GENERAL'S OFFICE

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WASHOE COUNTY DISTRICT
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14 Nepper, Nikki Bryan, and Lacey Donaldson*

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23 *Counsel for Aubrey Rowlett*

24 **SO ORDERED, ADJUDGED, AND DECREED**

25 Signed this 9th day of June, 2020



26 _____
27 Miranda Du, Chief Judge United States
28 District Court for the District of Nevada

29 Case No.: 3:20-cv-00271-MMD-WGC
30 CONSENT DECREE

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