



## **PARTIES**

1. Plaintiff Nevada Green Party is a political party headquartered in the State of Nevada.
2. Plaintiff Dr. Jill Stein is a resident of Massachusetts, a supporter of the Green Party, and the nominee of the Green Party for President of the United States.
3. Plaintiff Julia Hammett is a resident of Nevada, a supporter of the Nevada Green Party, the state co-chair of the Nevada Green Party.
4. Defendant Barbara K. Cegavske is the Secretary of State of Nevada (hereinafter, the “Secretary of State”), and is sued in her official capacity. The Secretary of State oversees the State’s electoral processes including but not limited to managing the submission process of petitions for presidential candidates’ nomination papers and reviewing the papers filed by political parties.

## **JURISDICTION AND VENUE**

5. This is a civil action seeking declaratory, injunctive, and other legal and equitable relief, and the court has jurisdiction of the subject matter of this action pursuant to 28 U.S.C. §§ 1331, 1343(a), 1367, and 2201. The federal law causes of action are based on 42 U.S.C. § 1983.
6. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b)(2), on the ground that a substantial part of the events or omissions giving rise to the claims herein occurred in the District of Nevada.

## **GENERAL ALLEGATIONS**

7. The Nevada Green Party (hereinafter, the “Party”) requests that this Court order the Nevada Secretary of State to extend the deadline for accepting petitions of minor political parties to place the names of its candidates for partisan office on the general election ballot, and, to accept the Party’s additional signatures for its petition to place its presidential candidate and vice presidential candidate on the general election ballot for the Nevada general election, past the current deadline set forth in Nevada Revised Statute (“NRS”) 293.1715, as the current deadline set at 159 days prior to the

general election is unconstitutionally burdensome under the First and Fourteenth Amendments of the United States Constitution.

8. NRS 293.1715(1)(c) requires that minor political parties file these petitions with the Secretary of State “[n]ot later than the third Friday in June preceding the general election[.]” However, NRS 293.172(1)(c) requires that these petitions be submitted to the county clerks for each county for verification of the signatures included therein, “not later than 10 working days before the last day to file the petition.” The effect of these two NRS sections is to require the Party, as well as all other minor political parties, to gather all required signatures and submit them to county clerks no later than 10 working days before the third Friday in June preceding the general election. That date fell on June 3, 2016 of this year—an unnecessary 159 days before the general election.

9. Due to Nevada’s time constraints imposed by the unconstitutionally burdensome petition deadline, the Party was unable to organize and obtain volunteers to collect enough verified signatures earlier and/or soon enough, and thus began collecting signatures for the petition on May 21, 2016—not even two weeks before the Party was required to submit its petition to the county clerks on June 3, 2016.

10. The Party was required to submit 5,431 valid signatures by June 3, 2016 to submit its petition; however, due to the unreasonable time constraints enforced by the Secretary of State, it was unable to do so, as some of its submitted signatures were invalidated during the verification process, thus putting the valid signatures under the required number of 5,431.

11. The Nevada Green Party continued to collect additional signatures after receiving notification on or about June 22, 2016, that it did not have enough valid signatures for its petition.

12. On August 1, 2016, the Nevada Green Party attempted to submit over 1000 signatures in support of its ballot-access petition to Defendant’s office to satisfy the signature requirement of the petition; however, Defendant’s office refused to accept those additional signatures because the June 3, 2016 deadline had passed, and stated that there could be no late filings.

13. As a result, the Party has been prevented from exercising its constitutional right to place the names of its candidates for partisan office on the ballot for the general election taking place on November 8, 2016.

14. Due to Nevada's unconstitutionally early petition deadline preventing the Nevada Green Party from being placed on the Nevada general election ballot, Plaintiff Nevada Green Party will not be able to exercise its constitutional right place its candidates on the Nevada general election ballot, Plaintiff Dr. Jill Stein will not be placed on the Nevada general election ballot as the Party's presidential candidate, and Plaintiff Julia Hammett will be unable to cast her vote for the Party's candidate at the general election.

15. Therefore, an extension of the June 3, 2016 petition deadline is necessary to compel the Secretary of State to accept the Party's nominating petitions.

**COUNT ONE:**

**The Secretary of State's Decision Violates the First and Fourteenth Amendment**

**Rights to Free Speech, Free Association, and Voting Rights of the Party**

*(By Plaintiffs Nevada Green Party, Dr. Jill Stein, and Julia Hammett against Defendant*

*Barbara K. Cegavske in her official capacity as Secretary of State of Nevada)*

16. Plaintiffs incorporate the allegations set forth in the preceding paragraphs of this complaint as though fully set forth herein.

17. The Secretary of State acting under color of state law, deprived and severely burdens the political speech and political association rights of the Party and its members in direct violation of the First and Fourteenth Amendments to the United States Constitution, for which Plaintiffs are entitled to a civil remedy under 42 U.S.C. § 1983.

18. Burdens on ballot access diminish the statewide and national viability of the organization whose ballot presence is denied, thereby diminishing the value of votes cast by the harmed parties.

19. The Secretary of State, acting under color of state law, has deprived Plaintiffs of their rights, privileges and immunities secured to them under the First and Fourteenth Amendments to the United States Constitution and § 1983 of title 42 of the United States Code to participate in the democratic process free from unreasonable impediments, undue restraints on core political speech, and arbitrary ballot access burdens such as unreasonable petition deadlines, through which the party members engage one another and through which the party engages in the public at large.

20. Plaintiffs have no adequate remedy at law for such deprivation of their rights, privileges and immunities.

21. Plaintiffs have and will incur attorneys' fees, and are entitled to recover them pursuant to 42 U.S.C. § 1988.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully request this Court:

A. To grant an order requiring the Secretary of State to take all actions necessary to accept the Party's petition to place its candidates on the general election ballot for all counties in the state of Nevada for November 8, 2016, past the current June 17, 2016 deadline

B. Alternatively, to grant injunctive relief enjoining and restraining the Secretary of State, her servants, agents, employees, and all other persons in active concert and participation with her from enforcing an unconstitutional petition deadline set 159 days before the general election, in conformity with the Free Speech, Free expression, and Free Association clauses of the First Amendment of the United States Constitution, each enforced against such state action through the Fourteenth Amendment of the United States Constitution;

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C. To award Plaintiffs costs and disbursements associated with the filing and maintenance of this action, including an award of reasonable attorneys' fees pursuant to 42 U.S.C. § 1988; and

D. To award such other equitable and further relief as the Court deems just and proper.

DATED: August 16, 2016

Respectfully submitted,

/s/ Tony Nasser

Tony Nasser, Esq.

Attorney for Plaintiffs

/s/ Mace Yampolsky

Mace Yampolsky, Esq.

Local Counsel for Plaintiffs

JS 44 (Rev. 11/15)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Nevada Green Party, Dr. Jill Stein, Julia Hammett

(b) County of Residence of First Listed Plaintiff Clark

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Tony Nasser, Barnes Law  
601 S Figueroa, St., Ste. 4050  
Los Angeles, CA 90017

**DEFENDANTS**

Barbara K. Cegavske, in her official capacity as Secretary of State of Nevada

County of Residence of First Listed Defendant Carson City

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Lori M. Story, Senior Deputy Attorney General  
100 N. Carson Street  
Carson City, NV 89701

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input checked="" type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. § 1983.

Brief description of cause:

The Secretary's decision to reject the Plaintiffs' late submitted petition signatures violates their constitutional rights.

**VII. REQUESTED IN COMPLAINT:**
☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.
**DEMAND \$**

CHECK YES only if demanded in complaint:

**JURY DEMAND:**☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE  
08/16/2016SIGNATURE OF ATTORNEY OF RECORD  
/s/ Tony Nasser**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

## District of Nevada

Civil Action No.

Signature of Clerk or Deputy Clerk



AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:



The undersigned counsel of record for Plaintiffs Nevada Green Party, Dr. Jill Stein, and Julia Hammett hereby certify that there are no known interested parties other than those participating in the case.

DATED: August 16, 2016

Respectfully submitted,

/s/ Tony Nasser

Tony Nasser, Esq.  
Attorney for Plaintiffs

/s/ Mace Yampolsky

Mace Yampolsky, Esq.  
Local Counsel for Plaintiffs