No. 24A__________

In the Supreme Court of the United States

Nevada Green Party, a Nevada Political Party Committee,

Applicant,

v.

Francisco V. Aguilar, in his Official Capacity as Nevada Secretary of State, and Nevada State Democratic Party,

Respondents.

Nevada Green Party's Emergency Application to Vacate Orders of the Supreme Court of Nevada and District Court of Nevada

To the Honorable Elena Kagan, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Ninth Circuit, including Nevada

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September 13, 2024

QUESTIONS PRESENTED

As the Supreme Court of Nevada noted, "It is undisputed that minor political parties have a constitutional right to seek ballot access for their candidates." *Norman v. Reed,* 502 U.S. 279, 288 (1992). In this case, Applicant, the Nevada Green Party (NGP), submitted to the Nevada secretary of state (SOS) a proposed petition to be placed onto the 2024 general election presidential ballot in Nevada. The SOS's office responded by telling the NGP that its proposed form was not compliant with the governing rules. The SOS's office instead sent a different form and said, "Please use the documents attached to begin collecting signatures." The NGP did so, collected far more than the required number of signatures, and was certified by the SOS to have its candidate appear on the 2024 ballot. At no point did the SOS indicate that there was any problem with the petitions or the sufficiency of the signatures.

On the last possible day for such challenges, the Nevada State Democratic Party (NDP) sued to have the NGP excluded from the ballot. In an amended complaint, the NDP challenged the petition signatures, contending (accurately, as it turns out) that the form the Nevada Secretary of State had told NDP to use was the wrong form, namely, the one used for initiatives and referenda, not for minor party ballot access. Both categories of elections *require* a petition signer to be a registered voter, but only the form for minor party access *explicitly states* that requirement on the petition form. The NGP raised a host of state law arguments in defense and added that denying it ballot access would violate NGP's federal due process and equal protection rights. The state district court rejected NDP's challenge on state law

grounds and so did not reach the federal issues. A divided Supreme Court of Nevada reversed and ordered NGP excluded from the ballot. The Nevada Supreme Court conceded that the SOS had instructed the NGP to use the wrong form but described that as merely an "unfortunate mistake" that did not rise to the level of a federal constitutional violation. The Nevada Supreme Court ordered that the SOS be enjoined from placing NGP's candidates on the general election ballot.

The Questions Presented are, under the circumstances described above,

1. Did the exclusion of the Nevada Green Party from the 2024 presidential ballot, for using a form that the state itself instructed the NGP to use, violate due process?

2. Did the exclusion of the NGP from the 2024 presidential ballot, for failure to include a statement that the state does not require on initiative and referenda petitions, deny equal protection to NGP where the state has no rational, much less substantial or compelling, interest for imposing that differential requirement?

PARTIES TO THE PROCEEDINGS

Applicant in this Court and Defendant-Respondent below is the Nevada Green Party, a Nevada Political Party Committee.

Respondent in this Court and Defendant-Respondent below is Francisco V. Aguilar, Nevada Secretary of State.

Respondent in this Court and Plaintiff-Appellant below is the Nevada State Democratic Party, a Nevada Political Party Committee.

Corporate Disclosure Statement

Applicant, the Nevada Green Party, has no parent corporation and issues no stock.

Dated: September 13, 2024.

PROCEEDINGS AND DECISIONS BELOW

First Judicial District Court of Nevada Carson City:

> *Nevada State Democratic Party v. Nevada Green Party; Francisco Aguilar,* No. 24 OC 00107 1B, Original Decision (Aug. 12, 2024)
>
> *Nevada State Democratic Party v. Nevada Green Party; Francisco Aguilar,* No. 24 OC 00107 1B, Decision on Remand (Sept. 6, 2024)

Nevada Supreme Court:

> *Nevada State Democratic Party v. Nevada Green Party; Francisco Aguilar*, No. 89186 (Sept. 6, 2024)

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Application

To the Honorable Elena Kagan, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Ninth Circuit, including Nevada

In accordance with Supreme Court Rule 22, Applicant (Defendant-Appellee below), the Green Party of Nevada, respectfully requests vacatur of the Nevada Supreme Court's ruling and remittitur directing the enjoining of Applicant's candidates from appearing on the 2024 general election ballot, as well as the state district court's order implementing that mandate, pending the filing and disposition of the Green Party's forthcoming petition for a writ of certiorari (or alternatively this Court's construal of this Application as a petition for writ of certiorari) and any further proceedings in this Court.

Applicant seeks vacatur because exceptional circumstances warrant the exercise of the Court's discretionary powers, and adequate relief cannot be obtained in any other form or from any other court.

Relief is not available in the lower courts. The state district court is bound by the state supreme court. Meanwhile, relief is not available in the Supreme Court of Nevada. That court released its Opinion and Remittitur on the very same day, namely, September 6, 2024, and in that order directed the district court to enter an injunction (which that court did the very same day). Recall of that remittitur is not an option. "This court has long recognized 'the rule that a remittitur will be recalled when, but only when, inadvertence, mistake of fact, or an incomplete knowledge of the circumstances of the case on the part of the court or its officers, whether induced

by fraud or otherwise, has resulted in an unjust decision.'" *Fulbrook v. Allstate Ins. Co.*, 131 Nev. 276, 278, 350 P.3d 88, 89-90 (2015) (quoting *Wood v. State*, 60 Nev. 139, 141, 104 P.2d 187, 188 (1940)). Counsel confirmed with the Nevada Supreme Court clerk's office that the case is considered "closed."

Applicant needs emergency relief because, according to the Nevada Secretary of State, September 6, 2024 – the date of the decisions Applicant seeks to vacate -- was also the last possible day (*but see infra* text at note 2) to make changes to the general election ballot.[1] *See* App. 29a ("Because of the expediency with which the parties need relief due to the impending deadline for changes to election ballots, we direct the clerk of this court to issue the remittitur immediately so that the district court may expeditiously comply with our mandate. *See* NRAP 41(b) (permitting the court to shorten the time for remittitur to issue)"). That same day, the state trial court declared Applicant's petition for ballot access "invalid." App. 36a. These actions prevent any other legal relief by Applicant save this Application. *Cf. Anderson v. Griswold*, 2023 CO 63, ¶ 1, 543 P.3d 283, 296 (Supreme Court of Colorado) (in recognition of the obvious weight of the interests at stake in a different ballot access case, stayed its own order "subject to any further appellate proceedings," allowing for this Court's review).

Taken together, the Supreme Court of Nevada's Order of Reversal and Remand issued on September 6, 2024, the same day remittitur, and the same day execution

[1] Emergency Motion [NSDP] for Stay (8/19/24) (Dkt. 24-29501), at 2 (Respondent Francisco V. Aguilar explained to the district court that the last day to make any changes to the Nevada general election ballot is September 6, 2024).

by the First Judicial District Court of Nevada, Carson City, granting the Plaintiff-Respondent Nevada Democratic Party's "challenge to the Green Party's ballot access," and declaring invalid "the Green Party's Ballot-Access Petition," App. 36a, irreparably and in ongoing fashion threaten the Nevada Green Party's due process and equal protection rights. Respondent Secretary Aguilar was a party to that proceeding and should reasonably expect the Applicant to seek relief from this Court. By correspondence dated September 11, 2024, Applicant's counsel advised Respondent Secretary Aguilar that Applicant would seek relief from this Court and asked for the schedule of the ballot printing.

The lower court's action preventing Applicant ballot access was extraordinary, denying Applicant both due process and equal protection under the federal Constitution. Given the timing of the lower court's actions, emergency relief in this Court is the only relief available that prevents an ongoing and irreparable harm to Applicant's exercise of one of Americans' most sacred rights. Applicant's candidates are wrongfully ripped from the ballot and Nevadans who would vote for them in this election are robbed of the opportunity to do so. Further, the lower court's rulings and the timing thereof dilute the votes of Americans in other States who would vote for Applicant's candidate and reintroduces the "patchwork" this Court has unanimously rejected. *See Trump v. Anderson*, 601 U.S. 100, 116 (2024); *id.* at 118-19 (Sotomayor, Kagan, and Jackson, JJ., concurring in part and dissenting in part).

The state district court had originally ruled in Applicant's favor, so vacatur of the state supreme court's reversal would restore, at least temporarily, the favorable

district court order. Granting the vacatur Applicant seeks here will thus pause the exclusion of the Green Party from ballots until this matter may be heard by this Court. Pursuant to Nevada election procedure, the first category of ballots (absentee/UOCAVA ballots) are to be available no later than September 21, 2024, and normal ballots are not mailed until October 16, 2024, with early voting to commence on October 19, 2024.[2] There is still time to right the wrong. Indeed, this Court has required the reprinting of ballots as late as October 25th of an election year. *See* William E. Schmidt, *Court Orders Cooks County to Allow Third Party Slate*, NEW YORK TIMES, A1 (October 26, 1990); *see also Norman v. Reed*, 502 U.S. 279, 287 (1992).

In the alternative, the Applicant respectfully urges the Court to treat this application as a petition for writ of certiorari, grant certiorari forthwith and without further briefing, and issue the requested vacatur pending resolution of the case on the merits before more ballots are printed or any ballots mailed to Nevada's voters.

JURISDICTION

The Supreme Court of Nevada had jurisdiction under Nev. Const. Art. 6, § 4(1) and Nev. R. App. P. 17(a)(2). This Court possesses jurisdiction under Article III, Section 2, Clause 2 of the United States Constitution and 28 U.S.C. § 1257(a), and it possesses authority to grant the Applicant's sought relief pursuant to the All Writs Act, 28 U.S.C. § 1651(a). Additionally, this document is filed under S. Ct. Rule 22 (Applications to Individual Justices).

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[2] A full calendar can be found here: https://www.nvsos.gov/sos/home/showpublisheddocument/12495/638581885604400000.

STATUTORY AND CONSTITUTIONAL PROVISIONS

The Fourteenth Amendment to the United States Constitution provides, "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." U.S. Const. amend. XIV, § I.

Nevada law provides that a minor party's petition for ballot access must "[i]nclude the affidavit of the person who circulated the document verifying that the signers are registered voters in this State according to his or her best information and belief and that the signatures are genuine and were signed in his or her presence." NRS § 293.172(1)(b). Nevada law also governs county clerks' role in the ballot process. NRS § 293.1277(1) (describing the role of county clerks in determining the number of registered voters). The Nevada law governing petitions for initiatives or referenda includes no such required statement. NAC § 295.020(2)(b).

STATEMENT OF THE CASE

The facts are undisputed. *See* Nev. S. Ct. Op. at App. 21a ("there are no relevant factual disputes"). The Nevada Green Party (NGP or Green Party) is a certified minor political party. App 3a. "To obtain ballot access for the 2024 general election, the Green Party was required to obtain 10,095 valid signatures." *Id.* Prior to circulating its signature-gathering petition, "the Green Party filed its petition for ballot access for the 2024 general election with the Secretary of State's Office via email on July 10, 2023." *Id.* This petition "contained the correct circulator affidavit for minor parties seeking ballot access." *Id.* So far, so good. The Secretary of State's

(SOS) office responded the same day by email, noted a small technical error in NGP's petition (it "did not contain a space at the top of the document of the petition district," *id.* at 3a–4a), and attached to its email a different form, stating in the email, "Please use the documents attached to begin collecting signatures." *Id.* at 4a. NGP obeyed, circulated the petition the SOS's office told it to use, and gathered far more than the required number of signatures. *Id.* The SOS noted that the number of raw signatures were sufficient and, after verification by the clerks and registrars of the county which requires the signers to be registered voters, found there to be more than enough *valid* signatures. *Id.* at 4a–5a; NRS § 293.1277(1). The SOS therefore "declared that the Green Party qualified for ballot access for the 2024 general election." *Id.* at 5a.

The Nevada State Democratic Party (NDP), however, did not want there to be Green Party candidates on the 2024 general election ballot. So it sued, challenging NGP's access to the ballot.

Nevada law provides a deadline for such ballot access challenges, which in this case was June 10, 2024. *Id.* at 1a. The NDP filed its challenge on June 10, 2024. *Id.* On July 1, 2024, the NDP filed a First Amended Complaint which, for the first time, added a claim that the "wrong circulator affidavit was used, and therefore all of the Green Party's signatures are invalid." *Id.* at 2a.

It turns out that the NDP was correct about the wrong form being used. The SOS has slightly different circulator affidavits for, on the one hand, minor party ballot access and, on the other, initiatives and referenda. *Id.* at 4a (quoting the two versions). While much of the two forms overlap, the difference pertinent here is that

the minor party access form includes a sworn statement that "I believe each person who signed was at the time of signing a register voter in the county of his or her residence," while the form for initiatives and referenda contains no such statement. *Id.* However, to be valid, a signature on both the ballot access and initiatives/referenda form must be of a registered voter, and in both cases, the verification process looks precisely to whether the voter is registered, regardless of any statement from the petition proponents. *Id.* at 14a–15a.

In response to NDP's challenge, NGP raised a host of state-law arguments and contended that to exclude it from the ballot would violate federal due process and equal protection guarantees. The district court rejected NDP's challenge on state law grounds and thus did not reach the federal arguments.

NDP appealed, and the Supreme Court of Nevada reversed. After rejecting NGP's state-law arguments, the state supreme court held that there was no federal constitutional violation. The court immediately ordered the removal of NGP from the general election ballot. A two-Justice dissent disagreed on both state law and federal constitution grounds. As the dissent observed, excluding NGP from the ballot "is working a tremendous injustice" and "egregious . . . at the expense of the Green Party's constitutional rights." App 34a.

This Application followed.

Reasons For Granting The Application

I. Applicant Green Party of Nevada will be Imminently and Irreparably Harmed.

As described above, the state of Nevada either is now preparing or is about to prepare ballots for the 2024 general election. *See supra* text accompanying notes 1-2. The Supreme Court of Nevada has ordered the exclusion of the Green Party candidates from those ballots. Thousands of Nevada voters who signed the petitions at issue are disenfranchised by the Nevada Supreme Court's ruling. *American Party of Texas v. White*, 415 U.S. 767, 785-86 (1974) (recognizing that signing a nomination petition is equivalent to voting in a primary). Moreover, absentee ballots begin to be sent out on September 21. Absent immediate relief from this Court, Applicant Green Party will suffer irreparable injury.

II. Applicant Green Party of Nevada Makes a Strong Showing That It Is Likely to Succeed on The Merits.

A. The Lower Court's Order Violates the Green Party of Nevada's Due Process Rights.

This Court has recognized that ballot access laws "place burdens on two different, although overlapping, kinds of rights—the right of individuals to associate for the advancement of political beliefs, and the right of qualified voters, regardless of their political persuasion, to cast their votes effectively. Both of these rights, of course, rank among our most precious freedoms." *Williams v. Rhodes*, 393 U.S. 23, 30 (1968). Indeed,

> The right to form a party for the advancement of political goals means little if a party can be kept off the election ballot and thus denied an equal opportunity to win votes. So also, the right to vote is heavily

> burdened if that vote may be cast only for one of two parties at a time when other parties are clamoring for a place on the ballot.

Id. Here, to impose such harsh consequences as exclusion from an election ballot because the petitioner did what government officials told petitioner to do violates the Due Process Clause.

The Fourteenth Amendment provides that no state shall "deprive any person of life, liberty, or property, without due process of law." U.S. Const. amend. XIV, § I. In *Cox v. Louisiana*, 379 U.S. 559 (1965), this Court squarely held that the "Due Process Clause does not permit" government to impose penalties on someone for doing what government officials said that person could do. *Id.* at 571. In *Cox*, "[t]he record here clearly shows that the officials present gave permission" for demonstrators to stand in a certain place, *id.* at 570, yet the state criminally charged them for that same conduct. *See also id.* at 571 ("they were affirmatively told that they could hold the demonstration on the sidewalk of the far side of the street"). Under such circumstances, this Court held, to convict the demonstrators would be a violation of due process:

> under all the circumstances of this case, after the public officials acted as they did, to sustain appellant's later conviction for demonstrating where they told him he could "would be to sanction an indefensible sort of entrapment by the State – convicting a citizen for exercising a privilege which the State had clearly told him was available to him."

Id.

In *Raley v. Ohio*, 360 U.S. 423 (1959), this Court overturned, on due process grounds, the convictions of defendants of contempt for refusing to answer questions

from a state commission. The Court emphasized that a state official, "as the voice of the State," and one "who clearly appeared to be the agent of the State in a position to give such assurances," assured the defendants while they were being questioned that they possessed a right to exercise a privilege not to answer questions. *Id.* at 437-38. The defendants nevertheless were later convicted for the refusals. This Court held that the convictions were unsupportable under the Due Process Clause. In language applicable to the present case, the Court stated:

> Here there were more than commands simply vague or even contradictory. There was active misleading. . . . The State Supreme Court dismissed the statements of the Commission as legally erroneous, but the fact remains that at the inquiry they were the voice of the State most presently speaking to the appellants. We cannot hold that the Due Process Clause permits convictions to be obtained under such circumstances.

360 U.S. at 438-39 (citation and footnote omitted).

Here, the SOS did not just "give permission" to NGP to use the petition form in question, it affirmatively directed NGP to do so: "Please use the documents attached to begin collecting signatures." App. 85a. That makes the due process violation here much worse. And while *Cox* involved a criminal conviction, due process would not allow, under similar circumstances, the imposition of civil penalties. Here, exclusion from a ballot is tantamount to an electoral death penalty for candidates and thus triggers the same due process concerns.

As the Nevada Supreme Court conceded, it is undisputed that minor political parties have a constitutional right to seek ballot access for their candidates. App. 26a (citing *Norman v. Reed*, 502 U.S. 279, 288 (1992)). The lower court "acknowledge[d]

that a Secretary of State employee emailed a sample petition to the Green Party, including the incorrect circulator affidavit, which the Green Party then used." *Id*. Adding insult to injury and highlighting the gravity of the SOS's action and reasonableness of the NGP's reliance, "the petition the Green Party originally submitted to the Secretary *had the correct circulator affidavit*." *Id*. (emphasis added). So, while the NGP's initial petition contained a "different error," when the Secretary of State's office responded with information correcting that error, it sent with its correction what proved to be the wrong affidavit – which the NGP used as instructed by the Secretary of State's office. *Id.*

The dissent below added an important and more complete description of what really happened. To be clear,

> [t]he Green Party was not merely provided an incorrect form, rather, they were affirmatively told by the Secretary of State's office that the correct form the Green Party originally provided in their petition was outdated and they were affirmatively directed by the Secretary of State's office to use the specific form provided by that office in moving forward with their petition.

App. 33a. "The Green Party then utilized the documents sent by the Secretary of State's employee, as directed, and circulated a petition with a circulator affidavit that does not include the language provided in NAC 293.182." App. 34a. The context of the SOS official's instructions to NGP conveyed the force of law: Do it this way to be in compliance and obtain your desired result (which happens to be the exercise of a constitutionally protected right). This violated the right to due process of law.

B. The Lower Court's Order Violates the Green Party of Nevada's Equal Protection Rights.

Abrogating NGP's access to the ballot for noncompliance with an ultimately meaningless formal requirement, where the state does not impose that same requirement under materially indistinguishable circumstances, violated the Equal Protection Clause.

The Fourteenth Amendment provides that no state shall "deny to any person within its jurisdiction the equal protection of the laws." U.S. Const. amend. XIV, § I. "In determining whether [a State's] signature requirements for new parties and independent candidates . . . violate the Equal Protection Clause, we must examine the character of the classification in question, the importance of the individual interests at stake, and the state interests asserted in support of the classification." *Illinois State Board of Elections v. Socialist Workers Party*, 440 U.S. 173, 183 (1979) (citing *Memorial Hospital v. Maricopa County*, 415 U.S. 250, 253-54 (1974); *Dunn v. Blumstein*, 405 U.S. 330, 335 (1972); *Kramer v. Union School Dist.*, 395 U.S. 621, 626 (1969); *Williams v. Rhodes*, 393 U.S. 23, 30 (1968)). The lower court failed to undertake this critical approach.

The Equal Protection flaw here is that state law, as authoritatively construed by the state supreme court, discriminatorily conditions the exercise of federal constitutional rights upon an arbitrary requirement (here, concerning a statement in an affidavit) the state does not impose in materially indistinguishable circumstances (petitions for initiatives and referenda) and which distinction rests on no rational, much less legitimate or compelling, interest.

Petitions to place a minor party candidate on the ballot must include an express certification that each person signing the petition is a registered voter of the county. Petitions to place an initiative or referendum on the ballot require no such statement, or even a statement that the voter is eligible to vote at all. In the present case, the Supreme Court of Nevada ruled that this difference sufficed to invalidate all of NGP's signatures and thus excluded the NGP from the general election ballot, even though the county checks for voter registration status in both cases.

Classifications that burden a fundamental constitutional right trigger strict scrutiny. *Clark v. Jeter*, 486 U.S. 456, 461 (1988) ("Classifications affecting fundamental rights . . . are given the most exacting scrutiny") (citations omitted). But even if the classification at issue here were subjected to intermediate or even rational basis review, it would fail constitutional muster.

As the district court recognized, only the signatures of registered voters are valid – *both* for minor party access petitions and for those related to initiatives or referenda. App. 14a–15a. And government officials check to confirm voter registration in *both* instances. *Id.* There is thus no basis at all to impose different certification requirements on the petitioner. Indeed, the statement required for minor ballot access – but not initiative and referenda – is "only a statement of belief. Given that the counties verify whether the signer is a registered voter of that county, the circulator's statement as to their *belief* about the very same fact does not appear to serve any 'essential" purpose," *id.* at 14a, nor indeed any purpose at all.

As argued above, here it would be a violation of due process to expel the Green Party from the ballot just because it followed the state's own directions as to which petition form to use. That the supposedly decisive difference between the right form and the wrong form is a statement that furthers no compelling, substantial, or even rational interest of the state in distinguishing, for petition gathering purposes, between ballot access and initiative petitions, adds a blatant Equal Protection violation to the injustice perpetrated here. No one could doubt that the nature of the harm the Green Party alleges is irreparable in nature. The irreparable harm justifies the granting of Applicant's requested relief.

C. The Balance of Interests in Ballot Printing Favors the Applicant.

State election officials have the daunting task of preparing our ballots with care to run orderly elections. Minor parties and Independent candidates for president and vice-president in particular must not only navigate fifty separate state codes (and D.C.) but also an increasingly expensive and outdated petitioning process, frequently extended by rounds of hearings and litigation triggered by political opponents on ministerial matters.

Ballot access jurisprudence balances the interests of the state with the severity of these burdens and the constitutional consequences not only to candidates and parties seeking ballot access, but to their voters and would-be voters. Here, where a state minor party complied with what the SOS's office told them to do, the weight of interests presented must favor the Applicant who has the requisite number of signatures verified to appear on the 2024 general election ballot. Nevada's interests

in ballot printing and mailing over a series of dates is capable of accommodating a correction. The violation of constitutional rights outweighs ministerial matters when substantial compliance has occurred with the election code.

III. In the Alternative, in Addition to Vacating the Decisions Below, this Court Could Construe this Application as a Petition for Writ of Certiorari, Grant it, and Proceed to the Merits.

In the alternative, this Court could construe this application as a petition for a writ of certiorari and grant it. The matter before this Court is "of such imperative public importance as to justify deviation from normal appellate practice and to require immediate determination in this Court." S. Ct. R. 11; *see also Bush v. Gore*, 531 U.S. 1046 (2000) (treating application for stay as certiorari petition and granting same). Speedy resolution will serve the interests of all involved, mitigating wasted ballot printing and precious time as the election-related deadlines approach.

Moreover, the resolution of the legal issues involved in this case has national impact and reintroduces the "patchwork" already rejected by this Court. *Trump v. Anderson*, 601 U.S. at 116 (2024); *id.* at 118-19 (Sotomayor, Kagan, and Jackson, JJ., concurring in part and dissenting in part). *See also Anderson v. Celebrezze*, 460 U.S. 780, 794-95 (1983) ("Furthermore, in the context of a Presidential election, state-imposed restrictions implicate a uniquely important national interest. For the President and the Vice President of the United States are the only elected officials who represent all the voters in the Nation. Moreover, the impact of the votes cast in each State is affected by the votes cast for the various candidates in other States. Thus in a Presidential election a State's enforcement of more stringent ballot access

requirements, including filing deadlines, has an impact beyond its own borders. Similarly, the State has a less important interest in regulating Presidential elections than statewide or local elections, because the outcome of the former will be largely determined by voters beyond the State's boundaries.").

Finally, the cost of petitioning and surviving ballot access challenges has placed an extreme burden on minor and independent parties. Political opponents bring challenges over minutiae, including a single missing staple, which can result in more expensive and time-consuming litigation, in an effort to deprive the rights of voters to vote for the candidates of their choice. This presents an opportunity for this Court to correct an injustice and revisit the correct balancing of interests and rights.

CONCLUSION

For the foregoing reasons, Applicant respectfully asks that this Court vacate the lower court rulings of September 6, 2024, excluding the Green Party from Nevada's November 5, 2024, general election ballot, pending the filing and disposition of its forthcoming petition for a writ of certiorari (or alternatively this Court's construal of this Application as a petition for writ of certiorari) and any further proceedings in this Court.

September 13, 2024

Respectfully Submitted,

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