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SUSAN MERRIWETHER

BY V. Alegria DEPUTY

MARC E. ELIAS, ESQ. (D.C. Bar No. 442007)
(Pro hac vice forthcoming)

JACKI L. ANDERSON, ESQ. (Ill. Bar No. 6312556)
(Pro hac vice forthcoming)

PERKINS COIE LLP

700 13th St., N.W., Ste. 600

Washington, D.C. 20005

Telephone: (202) 434-1609

melias@perkinscoie.com

jackianderson@perkinscoie.com

AMY ROSE, ESQ. (Nev. Bar No. 12081)

HOLLY WELBORN, ESQ. (Nev. Bar No. 13986)

AMERICAN CIVIL LIBERTIES UNION OF NEVADA

601 South Rancho Dr., Suite B-11

Las Vegas, NV 89106

Telephone: (702) 366-1536

rose@aclunv.org

wellborn@aclunv.org

Attorneys for Plaintiffs

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

MICHAEL HALEY, an individual;
THERESA NAVARRO, an individual; TU
CASA LATINA, a Nevada non-profit
organization;

Plaintiffs,

vs.

PREVENT SANCTUARY CITIES, a
registered Nevada political action committee;
JEREMY HUGHES, in his capacity as
President of PREVENT SANCTUARY
CITIES; and BARBARA CEGAVSKE, in her
official capacity as Secretary of State of
Nevada;

Defendants.

Case No.:

1706002391B

Dept. No.

I

**PLAINTIFFS' MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF THEIR COMPLAINT FOR
DECLARATORY AND INJUNCTIVE RELIEF CHALLENGING THE PREVENT
SANCTUARY CITIES INITIATIVE PETITION**

1 COME NOW, Plaintiffs, Michael Haley, Theresa Navarro, individuals registered to vote
2 in Nevada, and Tu Casa Latina, a non-profit organization operating in Nevada (collectively,
3 “Plaintiffs”), by and through their attorneys of record, Amy Rose and Holly Welborn of the
4 American Civil Liberties Union of Nevada, and Marc E. Elias and Jacki Anderson, of the law
5 firm of Perkins Coie LLP, and hereby submit their Memorandum of Points and Authorities in
6 Support of their Complaint for Declaratory and Injunctive Relief Pursuant to NRS 295.061
7 Challenging the Prevent Sanctuary Cities Initiative as follows:
8

9 INTRODUCTION

10 The “Prevent Sanctuary Cities Initiative” petition (the “Petition”) is legally deficient.
11 Sponsored by the Prevent Sanctuary Cities PAC and Jeremy Hughes, the Petition attempts to
12 amend the Nevada Constitution to prohibit the legislature, counties, and cities from enacting
13 laws, ordinances, or otherwise adopting, enforcing, or endorsing a policy that “prohibit[s],
14 limit[s] or discourage[s] cooperation with the enforcement of the immigration laws of the United
15 States.” *See* Petition, Ex. 1 to Compl. The Petition violates Nevada law because: (1) it embraces
16 more than a single subject; (2) its description of effect is misleading and fails to inform voters of
17 any actual effects, including the serious financial and public safety consequences of the Petition;
18 and (3) it does not set forth legislative policy. Thus, the Petition should be declared legally
19 deficient, and Defendants should not be permitted to proceed with the Petition.
20

21 THE PETITION

22 On October 30, 2017, Defendant Prevent Sanctuary Cities PAC (the “PAC”), a political
23 action committee, organized for the purpose of advocating for the Petition, filed the “Prevent
24 Sanctuary Cities Initiative” petition with the Defendant Secretary of State. *See* Petition, Ex.1 to
25 Compl.
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1 The Petition proposes to amend Article 15 of the Nevada Constitution, adding a new
2 section that would prohibit the legislature, counties, and cities of the State from enacting a law or
3 ordinance or “otherwise adopt[ing], enforce[ing] or endor[s]ing a policy which prohibits, limits
4 or discourages cooperation with the enforcement of the immigration laws of the United States.”

5 *Id.* The full language of the Petition states:
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7 **Section 1:** Article 15 of the Nevada Constitution is hereby amended by
8 adding a new section to read as follows:

9 1. The Legislature shall not enact a law or otherwise adopt, enforce or
10 endorse a policy which prohibits, limits or discourages cooperation with the
11 enforcement of the immigration laws of the United States.

12 2. A board of county commissioners shall not enact an ordinance or
13 otherwise adopt, enforce or endorse a policy which prohibits, limits or
14 discourages cooperation with the enforcement of the immigration laws of
15 the United States.

16 3. The governing body of a city shall not enact an ordinance or
17 otherwise adopt, enforce or endorse a policy which prohibits, limits or
18 discourages cooperation with the enforcement of the immigration laws of
19 the United States.

20 The description of effect simply recycles the petition language, providing:
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22 If enacted, this measure will add a new section to the Nevada Constitution
23 that will prohibit the legislature, a county or a city from enacting a law or
24 ordinance, or otherwise adopting, enforcing or endorsing a policy which
25 prohibits, limits or discourages cooperation with the enforcement of the
26 immigration laws of the United States. To become effective this measure
27 must be approved by a majority of voters in two general elections.

28 (“Description of Effect”). *Id.*

LEGAL STANDARD

29 Nevada law allows challenges to an initiative petition when, as here, it embraces more
30 than one subject and when the description of effect is deficient. Specifically, NRS 295.061 states:
31 “whether an initiative or referendum embraces but one subject and matters necessarily connected
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1 therewith and pertaining thereto, and the description of the effect of an initiative or referendum
2 required pursuant to NRS 295.009, may be challenged by filing a complaint in the First Judicial
3 District Court not later than 15 days, Saturdays, Sundays and holidays excluded, after a copy of
4 the petition is placed on file with the Secretary of State pursuant to NRS 295.015.” Here,
5 Plaintiffs bring their timely legal challenge under this statute.
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7 ARGUMENT

8 The Petition is legally deficient because: (1) it embraces more than a single subject; (2) the
9 description of effect is misleading and fails to inform voters of the consequences of the Petition;
10 and (3) it does not propose legislative policy.

11 **I. The Petition is Legally Deficient Because It Violates the Single Subject Rule**

12 The Petition violates Nevada law because it embraces more than a single subject. NRS
13 295.009(1)(a) requires that an initiative petition “[e]mbrace but *one subject* and matters
14 necessarily connected therewith and pertaining thereto.” (Emphasis added). This single subject
15 requirement is met “if the parts of the proposed initiative or referendum are functionally related
16 and germane to each other in a way that provides sufficient notice of the general subject of, and of
17 the interests likely to be affected by, the proposed initiative or referendum.” NRS 295.009(2). In
18 examining whether the initiative’s parts are “functionally related” and “germane” to each other
19 and the purpose of the initiative petition, courts examine an initiative’s textual language,
20 including title, petition language, description of effect, and the proponents’ arguments, *Las Vegas*
21 *Taxpayer Accountability Comm. v. City Council*, 125 Nev. 165, 179 (2009) (internal citation
22 omitted), and invalidate the initiative if multiple subjects are present. *See, e.g., Nevadans for the*
23 *Protection of Property Rights v. Heller*, 122 Nev. 894, 908 (2006) (holding that the single subject
24 requirement was not met when “not all of the initiative’s provisions [we]re ‘functionally related’
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1 and ‘germane’” to its purpose of “eminent domain,” as two of the sections addressed “property
2 rights” more generally).

3 The Nevada Supreme Court has held that the single subject requirement is violated when
4 an initiative is “excessively general.” *Las Vegas Taxpayer Accountability Comm.*, 125 Nev. at 181
5 (internal citations omitted). The purpose of the single subject rule is to “promot[e] informed
6 decisions and [to] prevent[] the enactment of unpopular provisions by attaching them to more
7 attractive proposals or concealing them in lengthy, complex initiatives (*i.e.*, logrolling).” *Id.* at
8 176-77 (internal citations omitted).

10 **A. The Petition Violates the Single Subject Rule Because It Uses Excessively**
11 **Broad and General Language**

12 The Petition violates the single subject rule because it consists of excessively broad and
13 general language, encompassing a wide-range of topics, leaving voters unable to discern the
14 effects of the Petition. *See Las Vegas Taxpayer Accountability Comm.*, 125 Nev. at 179.

15 First, the Petition’s phrase “cooperation with the enforcement of the immigration laws of
16 the United States” is extremely broad and vague. Petition, Ex. 1 to Compl. A similar phrase,
17 “enforcement action” that “hinders the enforcement of Federal law,” has been held to be
18 “expansive, standardless language [that] creates huge potential for arbitrary and discriminatory
19 enforcement.” *See, e.g., Cnty. of Santa Clara v. Trump*, 250 F. Supp. 3d 497, 535 (N.D. Cal.
20 2017). The same is true here.

22 Second, the phrase “immigration law” is made up of a multitude of subjects. *See, e.g.*,
23 Policy Manual, USCIS [https://www.uscis.gov/policymanual/HTML/PolicyManual-Volume1-](https://www.uscis.gov/policymanual/HTML/PolicyManual-Volume1-PartA-Chapter1.html)
24 [PartA-Chapter1.html](https://www.uscis.gov/policymanual/HTML/PolicyManual-Volume1-PartA-Chapter1.html) (last visited Nov. 21, 2017) (addressing the variety of topics encompassing
25 “immigration law” in twelve volumes). “Immigration law,” for example, can mean asylum
26 claims, student-visa applications, work-authorizations, refugee applications, non-immigrant
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1 travel-visas, family sponsored visas, adjustment of status applications for victims of crime,
2 naturalization, and even renunciations of citizenship. The Petition language is thus overly broad
3 because it combines all of these subjects into one exceedingly general term.

4 Third, the undefined term “cooperate” in the Petition is inherently broad and can
5 encompass a wide-range of actions. *See In re Aninao*, No. 11-80407-G3-7, 2012 Bankr. LEXIS
6 3483, *6 (Bankr. S.D. Tex. July 27, 2012) (The term “cooperation is broad.”); *City of El Cenizo v.*
7 *State*, No. SA-17-CV-404-OLG, 2017 U.S. Dist. LEXIS 140309, at *48 (W.D. Tex. Aug. 30,
8 2017) (recognizing “ambiguity” in what constitutes “cooperation”) (citation omitted). For
9 example, “cooperation” in the Petition could mean sharing resources with the federal government,
10 proactively turning over relevant data, putting local priorities on-hold to aid “immigration
11 enforcement,” providing office space to Immigration and Customs Enforcement Agents in social
12 welfare offices, or some other meaning. Thus, the term “cooperate” is “excessively general.” *Las*
13 *Vegas Taxpayer Accountability Comm.*, 125 Nev. at 181.

14 Fourth, the word “endorse,” without additional context or explanation, has been found to
15 be vague and general. *See, e.g., City of El Cenizo v. Texas*, No. SA-17-CV-404-OLG, 2017 U.S.
16 Dist. LEXIS 140309, at *71 (W.D. Tex. Aug. 30, 2017) (“[W]hat it means to ‘endorse’ a policy
17 and what type of conduct could constitute an endorsement remains vague, ambiguous, and open
18 to very different interpretations.”). Here, the same is true of “endorse” in the Petition.

19 Accordingly, the Court should find that the Petition is legally invalid because it addresses
20 more than one subject by attempting to “circumvent the single-subject rule by phrasing the
21 proposed law’s purpose or object in terms of excessive generality,” which is not allowed under
22 Nevada law. *Las Vegas Taxpayer Accountability Comm.*, 125 Nev. at 181.

1 **B. The Petition Violates the Single Subject Rule Because It Embraces**
2 **Multiple Subjects**

3 The Petition also violates the single subject requirement because it embraces more than
4 one subject and deprives the public of sufficient notice of the subject of, and interests affected by,
5 the proposed initiative. *See, e.g., Nevadans for the Protection of Property Rights*, 122 Nev. at 908.

6 The title of the Petition—the “Prevent Sanctuary Cities Initiative”— clearly indicates the
7 subject of so-called “sanctuary cities.” But this topic in and of itself contains multiple subjects, as
8 the term “sanctuary city” itself has no established legal definition and is thus defined differently
9 by each individual’s understanding. One common understanding of this term (which, as
10 explained further below, is factually incorrect) is that a “sanctuary city” is a haven for criminals
11 where federal immigration law is not enforced. *See, e.g., Brian McCrone, Sessions Talks Tough*
12 *on Gangs, Sanctuary Cities in Philly*, NBC News (July 2017),
13 [https://www.nbcnewyork.com/news/politics/Attorney-General-Jeff-Sessions-Speaking-in-](https://www.nbcnewyork.com/news/politics/Attorney-General-Jeff-Sessions-Speaking-in-Philadelphia-About-Sanctuary-Cities-435690233.html)
14 [Philadelphia-About-Sanctuary-Cities-435690233.html](https://www.nbcnewyork.com/news/politics/Attorney-General-Jeff-Sessions-Speaking-in-Philadelphia-About-Sanctuary-Cities-435690233.html) (quoting Attorney General Jefferson
15 Sessions describing the “sanctuary city” of Philadelphia as “providing sanctuaries for criminals”).
16 Petition proponents seem to share this understanding and have publicly stated that the Petition’s
17 purpose is to “remove dangerous criminal aliens from our community.” *See Roberson Leads*
18 *Charge for Amendment Banning Sanctuary Cities*, LAS VEGAS REVIEW JOURNAL (May 2017),
19 [https://www.reviewjournal.com/news/2017-legislature/roberson-leads-charge-for-amendment-](https://www.reviewjournal.com/news/2017-legislature/roberson-leads-charge-for-amendment-banning-sanctuary-cities/)
20 [banning-sanctuary-cities/](https://www.reviewjournal.com/news/2017-legislature/roberson-leads-charge-for-amendment-banning-sanctuary-cities/).

21 For others, “the word ‘sanctuary’ suggests a place of safety, protection and shelter.”
22 Michael Kagan, *Opinion, The truth about sanctuary cities*, NEVADA INDEPENDENT, (June 29,
23 2017), <https://thenevadaindependent.com/article/sanctuary-campaigns-a-political-liability>; *see*
24 *also* Todd Shepherd, *Term ‘Sanctuary City’ is Misleading to Illegal Immigrants*, Wash. Examiner
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1 (Apr. 2, 2017), [http://www.washingtonexaminer.com/term-sanctuary-city-is-misleading-to-](http://www.washingtonexaminer.com/term-sanctuary-city-is-misleading-to-illegal-immigrants/article/2619119)
2 [illegal-immigrants/article/2619119](http://www.washingtonexaminer.com/term-sanctuary-city-is-misleading-to-illegal-immigrants/article/2619119) (“Many illegal immigrants may have a serious
3 misunderstanding of the word ‘sanctuary’ when it comes to the controversial issue of so-called
4 sanctuary cities.”).

5
6 Ultimately, though, a “sanctuary city” is neither a haven for criminals or a safe city
7 because federal immigration law is required to be enforced:

8 [M]unicipalities and states cannot engage in civil disobedience. A mayor can
9 voice opposition to federal immigration policy. But a city cannot offer anyone
10 actual shelter from federal immigration enforcement. To declare their territory to
11 be a “sanctuary” sounds like active resistance, implying that they will somehow
obstruct federal officers, or that they can grant some kind of immunity from
federal law. Of course, they can’t. And they don’t.

12 Kagan, *Opinion, The truth about sanctuary cities; see, e.g., City of Phila.*, 2017 U.S. Dist. LEXIS
13 188954, at *61-*62 (describing “Sanctuary Cities” term as a “misnomer,” as “Philadelphia is not
14 a sanctuary for anyone involved in criminal conduct, nor is it a sanctuary as to any law
15 enforcement investigation, prosecution, or imprisonment after having been found guilty of a
16 crime”); Alex Kotowitz, *The Limits of Sanctuary Cities*, NEW YORKER (Nov. 2016),
17 <https://www.newyorker.com/news/news-desk/the-limits-of-sanctuary-cities> (describing the term
18 “sanctuary cities as “misleading,” because when people “hear the word ‘sanctuary,’ [] they think
19 it’s about harboring people” or a “public act of subversion”). As a result of the fact that the term
20 “sanctuary city” has multiple meanings, it necessarily encompasses more than one subject and
21 thus invalidates the Petition.
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23 For all of these reasons the Court should find that the Petition’s overly broad language and
24 incorporation of more than one subject violate Nevada’s single subject rule.
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1 **II. The Petition is Legally Deficient Because the Description of Effect Fails to**
2 **Explain the Petition’s Impact**

3 The Petition is additionally deficient because its Description of Effect fails to explain the
4 Petition’s impact. An initiative petition must include, “in not more than 200 words, a description
5 of the effect of the initiative or referendum if the initiative or referendum is approved by the
6 voters.” NRS 295.009(1)(b). “[A] description of effect must be straightforward, succinct, and
7 nonargumentative, and it must not be deceptive or misleading.” *Educ. Initiative PAC v. Comm. to*
8 *Protect Nevada Jobs*, 293 P.3d 874, 879 (Nev. 2013) (internal quotation marks and citation
9 omitted). It must present enough information for a potential signer to make an informed decision
10 about whether to support the initiative; the failure to meet this requirement renders an initiative
11 invalid. *See Stumpf v. Lau*, 108 Nev. 826, 832 (1992) (rejecting initiative petition because of
12 “fatal omission that effectively prevents the signers from knowing what they are signing”),
13 *overruled in part on other grounds by* 141 P.3d 1224 (2006); *Nev. Judges Ass’n v. Lau*, 112 Nev.
14 51, 59 (1996) (rejecting initiative explanation for “failure to explain [certain] ramifications of the
15 proposed amendment,” which “renders the initiative and its explanation potentially misleading”).
16 The description of effect is intended to be used “as a tool to help prevent voter confusion and
17 promote informed decisions,” and thus its purpose is undermined if it is misleading to voters. *Las*
18 *Vegas Taxpayer Accountability Comm.*, 125 Nev. at 183 (quoting *Nevadans for Nev. v. Beers*, 122
19 Nev. 930, 939-40 (2006) (characterizing the description of effect as critical to “the people’s right
20 to meaningfully engage in the initiative process”).
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23 **A. The Description of Effect is Legally Deficient Because It Simply Recycles Petition**
24 **Language**

25 Here, the Description of Effect is legally deficient because it does not even attempt to
26 provide information to potential signers of the Petition’s impact—instead, it simply restates the
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1 language of the proposed amendments. *See* Ex.1 to Compl. Because the Description of Effect
2 wholly fails to explain the Petition’s impact, it “effectively prevents the signers from knowing
3 what they are signing.” *Stumpf*, 108 Nev. at 832. If the Petition were found to be valid, the
4 description of effect requirement and NRS 295.009(1)(b) would be rendered meaningless. Thus,
5 the Description of Effect should be found legally impermissible for this reason alone.
6

7 **B. The Description of Effect is Legally Deficient Because It Ignores the Many**
8 **Potential Impacts of the Petition**

9 The Description of Effect is legally deficient because it fails to explain any impact that the
10 Petition would have in the 200 words allotted for the description of effect. While acknowledging
11 that the description of effect does not need to explain every “hypothetical effect[]” of an initiative,
12 it still must provide information to the potential signer. *Educ. Init. v. Comm. to Protect Nev. Jobs*,
13 129 Nev. Adv. Op. 5, 293 P.3d 874, 879 (2013). The Petition fails to provide even bare minimum
14 effect information, which would be easy to fix. Multiple important effects of the Petition that the
15 Description of Effect completely ignores are set forth below.
16

17 First, the Description of Effect should have provided information about the Petition’s
18 impact on public safety. It is well-documented that when state and local governments are forced
19 to aid in immigration enforcement, as this Petition requires, public safety is harmed and
20 community trust declines. *See* Letter from Maryland Attorney General to the Secretary of the
21 Department of Homeland Security *et al.*, March 2, 2017 at 1 (describing the impact of
22 “undermin[ing] public safety” by “discourage[ing] immigrants from seeking help or reporting
23 criminal activity”); *see also* Joe Schoenmann, *UNLV Law Prof. Says Anti-Sanctuary Push is Bad*
24 *Idea*, KNPR (Nov. 2, 2017), [https://knpr.org/knpr/2017-11/unlv-law-prof-says-anti-sanctuary-](https://knpr.org/knpr/2017-11/unlv-law-prof-says-anti-sanctuary-push-bad-idea)
25 [push-bad-idea](https://knpr.org/knpr/2017-11/unlv-law-prof-says-anti-sanctuary-push-bad-idea) (describing the Petition as “more likely to increase criminal activity in Nevada if
26 passed”). If adopted, the Petition would discourage immigrants from reporting a crime, serving as
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1 a witnesses, or otherwise assisting law enforcement for fear of local police, who would be viewed
2 as an extension of the immigration system. As one police chief put it: “[c]ooperation is not
3 forthcoming from persons who see their police as immigration agents,” because “[w]hen
4 immigrants come to view their local police and sheriffs with distrust because they fear
5 deportation, it creates conditions that encourage criminals to prey upon victims and witnesses
6 alike.” *Oversight of the Administration’s Misdirected Immigration Enforcement Policies:
7 Examining the Impact of Public Safety and Honoring the Victims: Hearing Before the S. Comm.
8 on the Judiciary*, at 2 (July 21, 2015) (statement of Tom Manger, Chief, Montgomery Cty., Md.,
9 Police Dep’t & President, Major Cities Chiefs.) (emphasis added),
10 <https://www.judiciary.senate.gov/imo/media/doc/07-21-15%20Manger%20Testimony.pdf>; *see*
11 *also* 2017 Advocate and Legal Service Survey Regarding Immigrant Survivors,
12 [http://www.tahirih.org/wp-content/uploads/2017/05/2017-Advocate-and-Legal-Service-Survey-](http://www.tahirih.org/wp-content/uploads/2017/05/2017-Advocate-and-Legal-Service-Survey-Key-Findings.pdf)
13 [Key-Findings.pdf](http://www.tahirih.org/wp-content/uploads/2017/05/2017-Advocate-and-Legal-Service-Survey-Key-Findings.pdf) (last visited Nov. 21, 2017) (78% of the respondents of a survey reported that
14 survivors expressed concerns about contacting police for fear they would get deported, and 43%
15 of the agencies responded that the survivors they worked with have “dropped civil or criminal
16 cases because they were fearful to continue with their cases”).

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19 Immigrant fear is already leading to fewer reported crimes, and the Petition’s passage
20 would only make the problem worse in Nevada, especially for Plaintiff Tu Casa Latina’s clients,
21 who are victims of domestic abuse. A recent study found that 70% of undocumented immigrants
22 and 44% of all Latinos are less likely to contact law enforcement authorities if they are victims of
23 a crime for fear that the police will ask them or people they know about their immigration status.
24 *See* Nik Theodore, *Insecure Communities: Latino Perceptions of Police Involvement in*
25 *Immigration Enforcement* 5-6 (May 2013).

1 The Description of Effect also ignores the significant financial burden of forced
2 “cooperation.” Local jurisdictions can incur millions of dollars in added expenses in enforcing
3 federal immigration law, and the federal government does not reimburse such costs. *See* Maryland
4 Office of Attorney General, Guidance Memorandum: Local Enforcement of Federal Immigration
5 Law, May 2017 at 6 (citation omitted) (describing the “expense” incurred by local government in
6 assisting the federal government with enforcing immigration law); Edward F. Ramos, *Fiscal*
7 *Impact Analysis of Miami-Dade’s Policy on “Immigration Detainers”* (2014),
8 [https://immigrantjustice.org/sites/immigrantjustice.org/files/Miami%20Dade%20Detainers--](https://immigrantjustice.org/sites/immigrantjustice.org/files/Miami%20Dade%20Detainers--Fiscal%20Impact%20Analysis%20with%20Exhibits.pdf)
9 [Fiscal%20Impact%20Analysis%20with%20Exhibits.pdf](https://immigrantjustice.org/sites/immigrantjustice.org/files/Miami%20Dade%20Detainers--Fiscal%20Impact%20Analysis%20with%20Exhibits.pdf) (describing expenses of immigration
10 enforcement, as “the annual fiscal impact of honoring immigration detainers in Miami-Dade
11 County is estimated to be approximately \$12.5 million”); *The Cost of Responding to Immigration*
12 *Detainers in California*, JUSTICE STRATEGIES (Aug. 23, 2012),
13 [http://www.justicestrategies.org/publications/2012/cost-responding-immigration-detainers-](http://www.justicestrategies.org/publications/2012/cost-responding-immigration-detainers-california)
14 [california](http://www.justicestrategies.org/publications/2012/cost-responding-immigration-detainers-california) (indicating that the ICE detainer program cost the county over \$26 million per year).

17 The financial costs of blindly “cooperat[ing] with the enforcement of immigration law”
18 are amplified when factoring in potential liability of state and local governments for violating an
19 individual’s constitutional rights at the behest of the federal government. *See* Maryland Office of
20 Attorney General, Guidance Memorandum: Local Enforcement of Federal Immigration Law, May
21 2017 at 1 (describing that local law enforcement will “face potential liability exposure if they seek
22 to enforce federal immigration laws”) (citation omitted). Local Nevada law enforcement has
23 recognized these increased liability concerns. For example, after law enforcement personnel in
24 another state were held liable for violating constitutional rights, the Clark County Sherriff, Doug
25 Gillespie, concluded that “until th[at] area of law if further clarified by the courts . . . the Las
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1 Vegas Metropolitan Police Department w[ould] no longer honor immigration detainer requests”
2 unless certain conditions were met. Las Vegas Metropolitan Police Department, *The LVMPD Will*
3 *No Longer Detain Persons on Federal Immigration Holds* (July 2014)
4 https://www.ilrc.org/sites/default/files/resources/las_vegas_pd.pdf; *see also Miranda-Olivares v.*
5 *Clackamas Cty.*, No. 3:12-cv-02317, 2014 U.S. Dist. LEXIS 50340 (D. Or. Apr. 11, 2014). If the
6 Petition became law, the Clark County Sheriff would not have the ability to protect the County
7 from such liability.
8

9 The Description of Effect is also devoid of any mention of the significant impact on public
10 health and welfare if state and local officials were required to “cooperate with immigration
11 enforcement.” After President Trump’s executive order mandating local governments to
12 cooperate with immigration enforcement, organizations that worked with both documented and
13 undocumented immigrants saw eligible families “declining to enroll or even unenrolling from
14 programs, including SNAP, Medicaid, the Children’s Health Insurance Program, free school
15 lunches, and the Women, Infants, and Children program.” Annie Lowrey, *Trump’s Anti-*
16 *Immigrant Policies Are Scaring Eligible Families Away From the Safety Net*, THE ATLANTIC,
17 Mar. 24, 2017, [https://www.theatlantic.com/business/archive/2017/03/trump-safety-net-latino-](https://www.theatlantic.com/business/archive/2017/03/trump-safety-net-latino-families/520779/)
18 [families/520779/](https://www.theatlantic.com/business/archive/2017/03/trump-safety-net-latino-families/520779/). The passage of the Petition would likely have a similar effect in Nevada.
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21 The Description of Effect also does not inform voters that the Petition would cause a de-
22 emphasis of local government and law enforcement’s priorities, as time spent engaging in federal
23 immigration enforcement detracts from the performance of core duties. For law enforcement, this
24 means less time spent responding to emergencies, patrolling neighborhoods to prevent crime,
25 facilitating certain functions of the court system, and numerous other duties, in favor of enforcing
26 federal immigration law by expending resources on individuals who pose no threat to public
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1 safety. See Transactional Records Access Clearinghouse (TRAC), *Who Are the Targets of ICE*
2 *Detainers?*(Feb. 20, 2013), <http://trac.syr.edu/immigration/reports/310/>. (“In more than two out of
3 three of the detainers issued by ICE, the record shows that the individual who had been identified
4 had no criminal record —either at the time the detainer was issued or subsequently.”).

5 **III. The Petition Is Legally Deficient Because It Does Not Involve Policy**

6 The Petition is additionally legally deficient because it does not involve legislative
7 policy—instead, it involves mere execution of already existing federal immigration law. Under
8 Nevada law, an initiative must involve legislative policy and not be executive or administrative in
9 character. See, e.g., *Nevadans for Prop. Rights*, 122 Nev. at 898 (striking petition sections that
10 violate the requirement to “only propose policy”); *Forman v. Eagle Thrifty Drugs and Markets,*
11 *Inc.*, 89 Nev. 533 (1973), *vacated on other grounds by Garvin v. Ninth Judicial Dist. Court ex rel.*
12 *Cnty. of Douglas*, 118 Nev. 749 (2002). Legislative policy has been defined as “originating or
13 enacting a permanent law or laying down a rule of conduct or course of policy for the guidance of
14 the citizens or their officers.” See, e.g., *Forman*, 89 Nev. at 537. In contrast, an initiative is
15 administrative or executive in character if it “simply put[s] into execution previously-declared
16 policies, or previously-enacted laws.” See *id.*

17 Here, the Petition is executive in character because it only executes “previously-enacted”
18 federal immigration laws, so it is invalid under Nevada law. In the Petition’s own words, it seeks
19 to bar the legislature, counties, and cities of the State from “prohibit[ing], limit[ing] or
20 discourage[ing] cooperation with the *enforcement* of the immigration laws of the United States.”
21 Ex. 1 to Compl. (emphasis added). Thus, the Petition does not legislate policy under Nevada law
22 and, as such, should be invalidated.
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1 **CONCLUSION**

2 For the reasons set forth above, the Petition is legally deficient. Therefore, the Court
3 should grant Plaintiffs' requested relief, striking the Petition and issuing an injunction prohibiting
4 Defendants from collecting signatures.
5

6 Dated: November 21, 2017

Submitted by,

8 By: 

9 Holly Welborn, Esq.

10 Amy Rose, Esq.

**AMERICAN CIVIL LIBERTIES UNION
OF NEVADA**

601 South Ranchero Dr., Suite B-11

Las Vegas, NV 89106

Telephone: (702) 366-1536

rose@aclunv.org

14 Marc E. Elias, Esq.

15 Jacki L. Anderson, Esq.

PERKINS COIE LLP

700 13th St., N.W., Ste. 600

Washington, D.C. 20005

Telephone: (202) 434-1609

melias@perkinscoie.com

jackianderson@perkinscoie.com

CERTIFICATE OF SERVICE

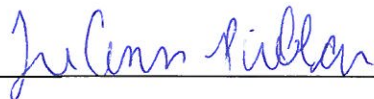
I hereby certify that I caused to be served the Plaintiffs' Memorandum Of Points And
Authorities In Support Of Their Complaint For Declaratory And Injunctive Relief Challenging
The Prevent Sanctuary Cities Initiative Petition on the 21st day of November 2017, via the U.S.
Postal Service, postage pre-paid to all of the parties listed below:

Barbara Cegavske
Secretary of State
101 N. Carson St. Ste. 3
Carson City, NV 89701

Attorney General for the State of Nevada
100 N. Carson St.
Carson City, NV 89701

Jeremy Hughes, President of Prevent Sanctuary Cities
P.O. Box 371553
Las Vegas, NV 89137

Jeremy Hughes, President of Prevent Sanctuary Cities
9525 Hillwood Dr. Ste 140
Las Vegas, NV 89134



An employee of the American Civil Liberties Union