

No. _____

IN THE SUPREME COURT OF THE STATE OF NEVADA

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Elizabeth A. Brown
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FRANCISCO V. AGUILAR, in his official capacity as NEVADA SECRETARY
OF STATE,

Petitioner,

vs.

WASHOE COUNTY BOARD OF COUNTY COMMISSIONERS, CLARA
ANDRIOLA, in her official Capacity as WASHOE COUNTY COMMISSIONER,
MICHAEL CLARK, in his official Capacity as WASHOE COUNTY
COMMISSIONER, and JEANNE HERMAN, in her official Capacity as
WASHOE COUNTY COMMISSIONER,

Respondents.

PETITION FOR WRIT OF MANDAMUS

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ROUTING STATEMENT

This case is presumptively retained by the Supreme Court under NRAP 17(a)(2) because it involves a ballot or election issue. *See* NRAP 17(a)(2). It is therefore appropriate for this Court to resolve this case. Petitioner requests relief by no later than **August 22, 2024**. Petitioner acknowledges that, because relief is not requested within 14 days, this Petition technically is not an emergency petition subject to NRAP 21(a)(6). However, the legal and broader policy impacts of Respondents' decision not to canvass election results are severe, and there is no reason to delay a decision by this Court, given the ministerial nature of Respondents' election duties at issue. *See* NRS 293.387; NAC 293.365. These factors, alone, warrant swift resolution by this Court.

INTRODUCTION

Yesterday, on July 9, 2024, in an unprecedented 3-2 vote, the Washoe County Board of Commissioners (the “Board”) unlawfully refused to canvass the results of two recounts in the June 2024 Primary Election (the “Primary Election”).¹ Critically, the Board’s decision is unlawful, and besieges core tenets of fair elections in our State. Nevada law makes canvassing election results – including recount results – by a certain date a *mandatory* legal duty for the Board, which it has absolutely no discretion to refuse or otherwise fail to perform. *See* NRS 293.387; NAC 293.365.

The Board appears to have departed from its mandatory duty based on vague, unsubstantiated allegations that Washoe County’s own election and recount processes were not trustworthy. These false allegations ignore clear statutory procedures that have long governed recounts and continue to ensure consistency, accuracy, and finality in Nevada’s elections. The Board’s refusal to canvass threatens to harm the impacted candidates, the County’s voters, and public trust in

¹ *See* Tabitha Mueller, Washoe County commissioners vote not to certify primary election recounts, The Nevada Independent (Jul. 9, 2024, 5:08pm), <https://thenevadaindependent.com/article/washoe-county-commissioners-vote-not-to-certify-primary-election-recounts>; Washoe County, Nev., Board of County Commissioners Special Meeting, YouTube (July 9, 2024), <https://www.youtube.com/watch?v=ardUI-NfHiU&t=15864s>.

The three commissioners who voted not to certify the recount results—Clara Andriola, Mike Clark, and Jeanne Herman—are also named in their official capacity as Respondents in this Petition.

our State's elections and the dedicated workers and volunteers who make them possible.

Today, July 10, 2024, is the last day for the Board to canvass the recount results as required under NAC 293.365 and NRS 293.387. But the Board has failed and refused to do its duty. Petitioner Francisco V. Aguilar, in his official capacity as Nevada's Secretary of State and "Chief Officer of Elections," NRS 293.124, has a significant interest in ensuring that the Board performs its mandatory election duties in compliance with Nevada law by timely canvassing the Primary Election recount results. The Board's continued refusal to certify the recount results erodes public confidence in elections daily and threatens to thwart the Secretary's ability to faithfully execute and enforce election laws in this State.

Accordingly, the Court should issue a writ of mandamus and order Respondents to canvass the County's Primary Election recount results as soon as possible, but not later than August 22, 2024, the date by which the canvass of the primary must be complete to permit an election contest to go forward and the contents of general election ballots to be finalized in accordance with Nevada law.

ISSUE PRESENTED

Does the Washoe County Board of Commissioners' failure to canvass and certify the results of two recounts in Washoe County's 2024 Primary Election by the deadline of Wednesday, July 10, 2024, violate its mandatory duty prescribed by NRS 293.387 and NAC 293.365?

STATEMENT OF FACTS

On Tuesday, June 11, 2024, Washoe County (the "County") held the Primary Election in accordance with NRS 293.175.² After the County's Registrar of Voters counted the Primary Election results, the Board met on June 21, 2024. The Board considered an agenda item regarding a "Declaration of Canvass of Vote and Order for [the] 2024 Primary Election held on June 11, 2024,"³ and ultimately certified the canvass of the Primary Election results.⁴

On June 25, 2024, three unsuccessful candidates—Mark A. Lawson (a candidate for the Washoe County Board of Commissioners, in District 4), Paul D. White (a candidate for Washoe County School Board Trustee, in District G), and Lillith Baran (a candidate for Reno City Council, in Ward 1)—each filed written

² See NRS 293.175(1) ("The primary election must be held on the second Tuesday in June of each even-numbered year.").

³ See Ex. A (Agenda for the June 21, 2024 meeting of the Washoe County Board of Commissioners).

⁴ See Decl. of Mark Wlaschin at ¶ 4.

requests to have their races recounted in accordance with NRS 293.403.⁵

Over the next two days, on June 26 and 27, 2024, all three candidates also commenced litigation, filing complaints in the Second Judicial District Court against the Washoe County Registrar of Voters and various other elected officials, seeking preliminary injunctions to require the recounts to be conducted by hand. The three unsuccessful candidates also filed applications for temporary restraining orders attempting to prevent the Washoe County Registrar from completing a recount of the votes using machines.⁶

The recounts of all three races commenced on Sunday, June 30, 2024, consistent with NRS 293.405's obligation to commence a given recount within five days after a candidate's demand for a recount. Although Ms. Baran ultimately withdrew her request for a recount on June 30 in accordance with NAC 293.371, the County completed the recounts of the White and Lawson races on Tuesday, July 2, 2024.⁷

⁵ See *id.* at ¶ 5.

⁶ See *White v. Burgess et al.*, Case No. CV24-01442 (Second Jud. Dist. Ct. filed June 27, 2024); *Lawson v. Burgess et al.*, Case No. CV24-01438 (Second Jud. Dist. Ct., filed June 26, 2024); *Baran v. Burgess et al.*, Case No. CV24-01437 (Second Jud. Dist. Ct., filed June 26, 2024).

⁷ See Decl. of Mark Wlaschin at ¶ 11; Mark Robison, Primary recount: Washoe County results show almost no change for Mark Lawson, Paul White, The Reno Gazette Journal (July 3, 2024, 7:42am), <https://www.rgj.com/story/news/politics/elections/2024/07/03/washoe-primary-recount-for-white-lawson-show-almost-no-change/74290651007/>.

NAC 293.365 mandates the Board to canvass the results of any recount within five working days after the recount’s completion.⁸ Under NAC 293.365, the Board’s deadline is today, July 10—five working days after July 2.

On July 3, the Second Judicial District Court held oral argument on Mr. White’s motion for preliminary injunction, and then on July 9 denied Mr. White’s request for a preliminary injunction.⁹ Also on July 9, the Board held a public meeting in which it agendized a “Declaration of canvass of recount vote for Mr. Lawson and Mr. White.”¹⁰ At the July 9 meeting, the Board declined to canvass the results of these two recounts.¹¹ The Board voted 3-2 against canvassing the Primary Election recount results, with Respondent Commissioners Andriola, Clark, and Hermann voting against the canvass.¹²

⁸ NAC 293.365(1) (“The results of a recount of any election demanded pursuant to NRS 293.403 must be canvassed within 5 working days after the completion of the recount.”), (3) (“If the recount concerns a candidate or ballot question that was voted on in one county, the board of county commissioners shall conduct the canvass in the manner prescribed in subsections 2 and 3 of NRS 293.387”).

⁹ Order Den. Mot. for Prelim. Inj. on Order Shortening Time, *White v. Burgess et al.*, Case No. CV24-01442 (Second Jud. Dist. Ct., July 9, 2024).

¹⁰ See Ex. B (Agenda for the July 9, 2024, meeting of the Washoe County Board of Commissioners).

¹¹ See Decl. of Mark Wlaschin at ¶ 13; Washoe County, Nev., Board of County Commissioners Special Meeting, YouTube (July 9, 2024), <https://www.youtube.com/watch?v=ardUI-NfHiU&t=15864s>.

¹² See Decl. of Mark Wlaschin at ¶ 14; Washoe County, Nev., Board of County Commissioners Special Meeting, YouTube (July 9, 2024), <https://www.youtube.com/watch?v=ardUI-NfHiU&t=15864s>.

The failure to canvass the recount results violates NAC 293.365 and the Board's statutory obligation to canvass election results under NRS 293.387. The Board's decision not to canvass implicates the November 2024 general election because it impacts which candidates appear on the general election ballot. The last possible date for election officials to make changes to the general election ballots is September 6, 2024.¹³ NRS 293.413(1) affords all candidates whose races were subject to a recall 5 days to file an election contest. Subsection 2 further requires that courts give election contests priority and that they schedule them not less than 5 and not more than 10 days after the filing of a statement of contest. To protect the rights of the candidates to the races to contest the election, the canvass of the recounts at issue here must occur a minimum of 15 days prior to the September 6, 2024 deadline. Thus, the latest canvass of the recounts here can occur without impacting the rights of candidates and assuming a district court is prepared to rule on any election contest from the bench, is not later than August 22, 2024.

¹³ See Decl. of Mark Wlaschin at ¶ 15.

ARGUMENT

I. Mandamus Standard

A writ of mandamus may issue to compel an official to perform a legally required act.¹⁴ The writ may issue “in all cases where there is not a plain, speedy, and adequate remedy in the ordinary course of law.”¹⁵ A writ of mandamus is an extraordinary remedy that is within this Court’s sound discretion to consider and issue.¹⁶

Even if a plain, speedy, and adequate legal remedy is available, the Court may still choose to consider an original writ petition when it “raises an issue that presents

¹⁴ Nev. Const. art. 6, § 4 (conferring jurisdiction upon this Court to consider and issue writs of mandamus); NRS 34.160 (“The writ may be issued by the Supreme Court, the Court of Appeals, a district court or a judge of the district court, to compel the performance of an act which the law especially enjoins as a duty resulting from an office, trust or station; or to compel the admission of a party to the use and enjoyment of a right or office to which the party is entitled and from which the party is unlawfully precluded by such inferior tribunal, corporation, board or person. . . .”); *see also Sw. Gas Corp. v. Pub. Serv. Comm’n of Nev.*, 92 Nev. 48, 54, 546 P.2d 219, 222 (1976) (“Performance of a duty, enjoined upon an officer by law, without leaving him any discretion in its performance, may be compelled by mandamus, if there be no other adequate remedy.” (quoting *Teeter v. Dist. Ct.*, 64 Nev. 256, 263, 180 P.2d 590, 594 (1947))).

¹⁵ NRS 34.170.

¹⁶ *See We the People Nev. v. Miller*, 124 Nev. 874, 880, 192 P.3d 1166, 1170 (2008) (per curiam) (exercising discretion to consider, and ultimately grant, petition for writ of mandamus raising election-related “issues of significant magnitude”); *accord Am. C.L. Union v. Cnty. of Nye (ACLU)*, Case No. 85507, 2022 WL 14285458, at *2 (Nev. Oct. 21, 2022) (unpublished order) (granting in part emergency, original petition for writ of mandamus against county commissioners on election issues).

an ‘urgency and necessity of sufficient magnitude’” potentially impacting a general election,¹⁷ or “when principles of judicial economy and public policy weigh in favor of considering the petition.”¹⁸ Either way, “[e]ach case must be individually examined, and where circumstances reveal urgency or strong necessity, extraordinary relief may be granted.”¹⁹

II. This Court Should Grant a Writ of Mandamus Compelling Respondents to Canvass the Primary Election Recount Results.

a. The Secretary of State has Standing to Seek a Writ of Mandamus.

“To establish standing in a mandamus proceeding, the petitioner must demonstrate a ‘beneficial interest’ in obtaining writ relief.”²⁰ As Nevada’s Chief Elections Officer, the Secretary of State (the “Secretary” or “Secretary Aguilar”) has a clear duty to “uphold Nevada’s Constitution, execute and enforce Nevada’s

¹⁷ See *We the People Nev.*, 124 Nev. at 880, 192 P.3d at 1170 (quoting *Jeep Corp. v. Second Jud. Dist. Ct.*, 98 Nev. 440, 443, 652 P.2d 1183, 1185 (1982)); see also *LaPorta v. Broadbent*, 91 Nev. 27, 29, 530 P.2d 1404, 1405-06 (Nev. 1975) (exercising discretion to consider and grant original writ petition involving an election question “because the public interest requires an early determination of the issue”).

¹⁸ *Lorton v. Jones*, 130 Nev. 51, 54-55, 322 P.3d 1051, 1053 (2014) (citing *Salaiscooper v. Eighth Jud. Dist. Ct.*, 117 Nev. 892, 901-02, 34 P.3d 509, 515-16 (2001)); *Walker v. Eighth Jud. Dist. Ct.*, 120 Nev. 815, 819, 101 P.3d 787, 790 (2004.)

¹⁹ *Jeep Corp. v. Second Jud. Dist. Ct.*, 98 Nev. 440, 443, 652 P.2d 1183, 1186 (1982) (citing *Shelton v. Dist. Ct.*, 64 Nev. 487, 185 P.2d 320 (1947)).

²⁰ *Heller v. Legis. of State of Nev.*, 120 Nev. 456, 460-61, 93 P.3d 746, 749 (2004) (per curiam) (quoting NRS 34.170) (internal footnote omitted).

election statutes, and administer Nevada’s election process.”²¹ Relevant here, NRS 293.247 requires the Secretary to adopt regulations governing the conduct of primary elections in all Nevada cities and counties, which includes “[t]he disposition of election returns” and “[t]he procedures to be used for canvasses, ties, recounts and contests[.]”²² More specifically, the Secretary duly regulates the recount canvassing process through NAC 293.365. These duties to regulate elections, including recounts, confers upon the Secretary a “beneficial interest” (*i.e.*, standing) in this effort to compel the Board to canvass and certify the recount results at issue.²³ Accordingly, since Secretary Aguilar is “beneficially interested”²⁴ in having Respondents comply with NRS 293.387 and NAC 293.365’s canvass requirements, he has standing to seek a writ of mandamus compelling them to perform their mandatory duty to canvass.

b. Respondents have a Mandatory Legal Duty to Canvass the Recount Results.

A writ of mandamus is appropriate here because the Board has a non-discretionary duty to canvass and certify the recount results under Nevada law, yet

²¹ *Miller v. Burk*, 124 Nev. 579, 588, 188 P.3d 1112, 1118 (2008) (citing Nev. Const., art. 15, § 2; NRS 293.124; *Heller*, 120 Nev. at 461, 93 P.3d at 750).

²² NRS 293.247(1), (3)(c)-(d).

²³ *Heller*, 120 Nev. at 461, 93 P.3d at 750 (“A public officer’s capacity to sue is incident to the duties of the office.”) (internal citation omitted); *see also id.* (noting that the Nevada Legislature appears to have intended that the Secretary “have standing to seek enforcement of the state’s election laws”).

²⁴ NRS 34.170.

has failed to do so by its deadline of July 10, 2024.

i. Legal Framework Governing Canvass of Recount Results

After the County properly conducts a recount—a process prescribed by NRS 293.403 through 293.405, inclusive—the results of that recount “must be canvassed within 5 working days after the completion of the recount.”²⁵ “If the recount concerns a candidate or ballot question that was voted on in one county, the board of county commissioners shall conduct the canvass in the manner prescribed in subsections 2 and 3 of NRS 293.387.”²⁶

NRS 293.387 mandates that “[a]s soon as the returns from all the precincts and districts in any county have been received,” each board of county commissioners “shall meet and canvass the returns” of an election and follow a prescribed process in doing so.²⁷ Specifically, NRS 293.387 requires county commissioners to meet and canvass election returns, including recount results under NAC 293.365. Under

²⁵ NAC 293.365(1); *see also Kassebaum v. Dep’t of Corr.*, 139 Nev. Adv. Op. 34, 535 P.3d 651, 656 (2023) (recognizing that, “when administrative regulations are mandated by the Legislature and adopted in accordance with statutory procedures, . . . they have the force and effect of law”) (cleaned up and citations omitted).

²⁶ NAC 293.365(3).

²⁷ NRS 293.387(1), (2) (emphasis added); *see also State of Nev. Emps. Ass’n, Inc. v. Daines*, 108 Nev. 15, 19, 824 P.2d 276, 278 (1992) (“[I]n statutes, ‘may’ is permissive and ‘shall’ is mandatory unless the statute demands a different construction to carry out the clear intent of the legislature.”); *High Noon at Arlington Ranch Homeowners Ass’n v. Eighth Jud. Dist. Ct.*, 133 Nev. 500, 506, 402 P.3d 639, 645 (2017) (“When a statute is facially clear, we will give effect to the statute’s plain meaning.”).

NRS 293.387, commissioners normally must complete their canvass no later than “the 10th day following the election.”²⁸

However, the recounts requested by Mr. Lawson and Mr. White triggered additional canvassing obligations for Respondents under NAC 293.365. Because the recounts were completed on July 2, the Board must therefore complete the canvass of the recount results no later than five working days later, on Wednesday, July 10, 2024.²⁹ After canvassing the recount results, the Board “*shall* cause the county clerk to certify the [results]” and “transmit them to the Secretary of State” by the recount canvass deadline.³⁰

If, as Respondents have done here, a county fails to carry out the statutorily prescribed canvass, grave consequences loom. For example, the candidates requesting the recount are deprived of their statutory ability to have the results of the recount adopted pursuant to NRS 293.403. Additionally, the County’s voters are left without the final results of the Primary Election, to which they are entitled under Nevada law.³¹ With these interests at stake, the Nevada Legislature has made clear

²⁸ NRS 293.387(1); *see also* NRS 293.393 (duty to canvass votes for general elections or any other elections involving votes cast for federal and statewide offices).

²⁹ *See* Decl. of Mark Wlaschin at ¶ 11; *see also* NAC 293.365(1).

³⁰ NRS 293.387(3) (emphasis added); NAC 293.365 (1), (3).

³¹ Nevada’s election statutes (and corresponding regulations) do not explicitly contemplate the potential consequences of a county’s failure to timely complete its canvass. *See generally* NRS Chapter 293; NAC Chapter 293; Secretary of State,

that our State’s election laws “must be liberally construed,” such that “the real will of the electors is not defeated by any informality or by failure substantially to comply with [Title 24] with respect to the giving of any notice or the conducting of an election or *certifying the results thereof*.”³²

ii. The Canvass is a Purely Ministerial act Subject to Mandamus.

Respondents’ duty to canvass the Primary Election recount results is mandatory and thus purely ministerial. This is clear from the relevant statutory and regulatory text: the Board “shall” canvass the recount results “as soon as the returns” are received.³³ And as this Court has long recognized, county commissioners “shall jointly and individually perform [their] duties as may be prescribed by law”; they simply cannot exercise powers beyond such limits.³⁴

2024 Election Procedures Manual (May 13, 2024), <https://www.nvsos.gov/sos/home/showpublisheddocument/10552/638072259445070000>.

³² NRS 293.127 (emphasis added); *see also Clark Cnty. v. S. Nev. Health Dist.*, 128 Nev. 651, 656, 289 P.3d 212, 215 (2012) (“If the Legislature’s intention is apparent from the face of the statute, there is no room for construction, and this court will give the statute its plain meaning.”).

³³ NRS 293.387(1); NAC 293.365(3); *see also Daines*, 108 Nev. at 19, 824 P.2d at 278; *High Noon*, 133 Nev. at 506, 402 P.3d at 645; *Kassebaum v. Dep’t of Corr.*, 139 Nev. Adv. Op. 34, 535 P.3d 651, 656 (2023) (recognizing that, “when administrative regulations are mandated by the Legislature and adopted in accordance with statutory procedures, . . . they have the force and effect of law”) (cleaned up and citations omitted).

³⁴ Nev. Const. art. 4, § 26; *see State v. Shaughnessy*, 47 Nev. 129, 217 P. 581, 584 (1923) (“County commissioners are administrative agencies of the state. They are required by the organic law to perform such duties as may be prescribed by law.”)

The ministerial nature of the Board’s duty is confirmed by the fact that the statute and regulation contemplate only a single type of review of the returns by the Board: to correct “clerical errors.”³⁵ Such clerical corrections are, themselves, ministerial. They entail no exercise of discretion. And there are no circumstances in the statute or regulation under which the Board may simply decline to canvass.

As in *Las Vegas Taxpayer Accountability Committee v. City Council of City of Las Vegas*, 125 Nev. 165, 175, 208 P.3d 429, 436 (2009), the Board cannot ignore a mandatory duty based on purported substantive concerns; the proper forum for resolution of those concerns is the courts. Indeed, the concerns that appear to have animated the Board here are the subject of litigation — and, in that litigation, they have been preliminarily rejected.³⁶ Nevada law does not allow the Board to take this judicial function into its own hands or execute this end-run around Nevada’s judicial process.³⁷ Accordingly, the Board has no legal basis to skirt its mandatory duty to

(citing Nev. Const. art. 4, § 26)); *State v. Gallagher*, 22 Nev. 80, 35 P. 485, 486 (1894) (recognizing that county commissioners “ha[ve] no right or authority to adopt any other mode than that provided for and pointed out by the statute,” and that “[t]he statute is its guide, and a strict adherence to it[] is essential”).

³⁵ NRS 293.387(2); NAC 293.365(3).

³⁶ Order Den. Mot. for Prelim. Inj. on Order Shortening Time, *White v. Burgess et al.*, Case No. CV24-01442, 5 (Second Jud. Dist. Ct., filed July 9, 2024) (Plaintiff “fails to show that he enjoys a likelihood of success on the merits of his Complaint.”).

³⁷ See *Lewis v. Marshall Cnty. Comm’rs*, 16 Kan. 102, 105 (1876) (Kansas Supreme Court issuing a writ of mandamus against canvassing board and holding that, because the board has a “ministerial” duty and cannot “overestimate its

complete the canvass, and therefore should be compelled to perform a canvass of the recount results.³⁸

c. The Court Should Grant a Writ of Mandamus to Protect the Compelling Interests of Washoe County Voters.

Beyond statutory text and longstanding precedent, compelling Respondents to complete the canvass advances salient public policy that buttresses Nevada’s election laws. With respect to county commissioners’ performance of their election duties – an urgent and necessary issue “of significant magnitude”³⁹ – this Court recently recognized that “[v]oters have a compelling interest in the way elections are run,” as well as “a constitutional right ‘[t]o have complaints about elections and election contests resolved fairly, accurately and efficiently as provided by law.’”⁴⁰

powers,” “[q]uestions of illegal voting, and fraudulent practices, are to be passed upon by another tribunal”).

³⁸ Since at least the 1870s, various state courts have similarly compelled canvassing boards to perform their ministerial canvassing duties. *See, e.g.*, Minute Order, *Ariz. All. of Ret. Ams. v. Crosby*, Case Nos. CV202200552, CV202200553 (Consolidated), at 2-3 (Ariz. Super. Ct., Dec. 1, 2022) (ordering the Cochise County Board of Supervisors to meet and canvass the county election); Writ of Mandamus, *Toulouse Oliver v. Otero Cnty. Comm’n*, Case No. S-1-SC-39426, 2 (N.M. June 15, 2022) (ordering Otero County Commission to meet and approve the canvass of the returns and declare the results); *Lehman v. Pettingell*, 39 Colo. 258, 263 (1907) (holding of canvassing boards that “[t]he board can be compelled by mandamus to reconvene to make a canvass of the returns . . . whenever it appears by proper petition that they have failed to do so.”); *Lewis*, 16 Kan. at 105.

³⁹ *See We the People Nev.*, 124 Nev. at 880, 192 P.3d at 1170 (internal citation and quotation marks omitted).

⁴⁰ *ACLU*, 2022 WL 14285458, at *2 (quoting Nev. Const. art. 2, § 1A(11); citing *State of N.M. ex rel. League of Women Voters v. Herrera*, 145 N.M. 563, 566, 203 P.3d 94, 97 (2009)) (internal footnote omitted).

Granting a writ of mandamus in this action is the only way to realize the constitutional rights of Washoe County voters.

Here, Washoe County voters are beneficially interested in this petition because, as Nevada citizens, without a canvass of the recount results, they are left without the final results of the election. The stakes could not be higher. If permitted to refuse to canvass results, a Board action like the one at issue might even raise questions as to the winner of the races at issue, and uncertainty regarding whom to place on the general election ballot—or, in the general election, the content of a certificate of election or ascertainment. As noted above, such a Board action also threatens profound disruption to Nevada’s judicial process for settling election disputes. By failing to complete the canvass and, in turn, certify the results of the two requested Primary Election recounts, Respondents have failed to carry out their non-discretionary, mandatory legal duties in violation of NRS 293.387 and NAC 293.365. Amidst Respondents’ flagrant statutory and constitutional violations, this Court is well-positioned to compel their “performance of an act which the law especially enjoins as a duty resulting from an office, trust or station[.]”⁴¹

This Court should therefore order Respondents to immediately canvass and certify the results of the two requested recounts of the County’s Primary Election results as required by NRS 293.387, NAC 293.365, and Article 2, Section 1A of the

⁴¹ NRS 34.160.

Nevada Constitution, and by no later than August 22, 2024 – the latest a canvass of the recounts here can occur without impacting the rights of candidates and finalization of the contents of general election ballots under Nevada law.

CONCLUSION

For these reasons, the Secretary of State requests that this Court GRANT his
Petition for a Writ of Mandamus.

RESPECTFULLY SUBMITTED this 10th Day of July 2024.

AARON D. FORD
Attorney General

By: /s/ Laena St-Jules
LAENA ST-JULES
Senior Deputy Attorney General
DEVIN A. OLIVER
Deputy Attorney General
GREGORY D. OTT
Chief Deputy Attorney General

DECLARATION OF MARK WLASCHIN IN SUPPORT

I, MARK WLASCHIN, declare as follows:

1. I currently serve as the Deputy Secretary of State for Elections for the Nevada Secretary of State and Petitioner, Francisco V. Aguilar.
2. I am over the age of twenty-one (21) and competent to testify to the facts in this Declaration.
3. The Board of County Commissioners for Washoe County met on June 21, 2024, to consider a canvass of the results of the Washoe County Primary Election held on June 11, 2024. A true and correct copy of the agenda for the meeting is attached as Exhibit A.
4. At its June 21, 2024 meeting, the Board of County Commissioners for Washoe County voted to certify the canvass of the June 11, 2024 Washoe County Primary Election.
5. On June 25, 2024, the Office of the Secretary of State learned that recounts had been requested by Mark A. Lawson, Lillith Baran, and Paul D. White.
6. Mark A. Lawson was a candidate for Washoe County Commission in District 4.
7. Lillith Baran was a candidate for Ward 1 of the Reno City Council.
8. Paul D. White was a candidate for School Board Trustee in District G.
9. On June 30, 2024, Washoe County commenced its recount of the races of

Mark A. Lawson, Lilith Baran, and Paul D. White.

10. On June 30, 2024, Lilith Baran withdrew her request for a recount.

11. On July 2, 2024, Washoe County completed its recount in the races of Paul D. White and Mark A. Lawson.

12. The Board of County Commissioners for Washoe County met on July 9, 2024, to consider a canvass of the results of the recount of Washoe County Primary Election races of Mark A. Lawson and Paul D. White. A true and correct copy of the agenda for the meeting is attached as Exhibit B.

13. At its July 9, 2024 meeting, the Board of County Commissioners for Washoe County voted against certifying the canvass of results of the recounts of the Washoe County Primary Election races of Mark A. Lawson and Paul D. White, by a margin of 3-2.

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14. Vice Chair Jeanne Herman, Commissioner Clara Andriola, and Commissioner Michael Clark voted against certification.

15. To finalize ballots for the 2024 General Election, the results of all races must be known and certain not later than September 6, 2024.

Executed this 10th Day of July 2024 in Carson City, Nevada.



MARK WLASCHIN
Deputy Secretary of State for
Elections, Nevada Secretary of State

CERTIFICATE OF COMPLIANCE

1. I hereby certify that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type-style requirements of NRAP 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word 10 in 14-point Times New Roman font.

2. I further certify that this brief complies with the page- or type-volume limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is proportionately spaced, has a typeface of 14 points or more, and contains 5,690 words.

3. Finally, I hereby certify that I have read this appellate brief, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, in particular, Rule 28(e)(1), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to sanctions in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

///

RESPECTFULLY SUBMITTED this 10th Day of July 2024.

AARON D. FORD
Attorney General

By: /s/ Laena St-Jules
LAENA ST-JULES
Senior Deputy Attorney General
DEVIN A. OLIVER
Deputy Attorney General
GREGORY D. OTT
Chief Deputy Attorney General

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing in accordance with this Court's electronic filing system and consistent with NEFCR 9 on July 10, 2024.

Participants in the case who are registered with this Court's electronic filing system will receive notice that the document has been filed and is available on the court's electronic filing system.

I further certify that any of the participants in the case that are not registered as electronic users will be mailed the foregoing document by First-Class Mail, postage prepaid, and sent the foregoing document by electronic mail.

Christopher J. Hicks
Washoe County District
Attorney Nevada Bar No. 7747
Michael Large
Deputy District Attorney
Washoe County District Attorney
One S. Sierra St., Fourth Floor
Reno, Nevada 89501
mlarge@da.washoecounty.gov

/s/ S. Messina
An employee of the
Office of the Attorney General

No. _____

IN THE SUPREME COURT OF THE STATE OF NEVADA

FRANCISCO V. AGUILAR, in his official capacity as NEVADA SECRETARY
OF STATE,

Petitioner,

v.

WASHOE COUNTY BOARD OF COUNTY COMMISSIONERS; CLARA
ANDRIOLA, in her official Capacity as WASHOE COUNTY COMMISSIONER;
MICHAEL CLARK, in his official Capacity as WASHOE COUNTY
COMMISSIONER; and JEANNE HERMAN, in her official Capacity as
WASHOE COUNTY COMMISSIONER,

Respondents.

PETITIONER'S APPENDIX

AARON D. FORD

Attorney General

LAENA ST-JULES

Senior Deputy Attorney General (Bar No. 15156)

DEVIN A. OLIVER (Bar No. 16773C)

Deputy Attorney General

GREGORY D. OTT (Bar No. 10950)

Chief Deputy Attorney General

Office of the Nevada Attorney General

100 North Carson Street

Carson City, NV 89701-4717

(775) 684-1100

Attorneys for Petitioner Secretary of State

PETITIONER’S APPENDIX

DATE	DOCUMENT DESCRIPTION	VOLUME	PAGE NOS.
06/21/2024	Agenda for the June 21, 2024 meeting of the Washoe County Board of Commissioners	I	0001-0006
7/9/2024	Agenda for the July 9, 2024 meeting of the Washoe County Board of Commissioners	I	0007-0012
7/9/2024	Signed Order Denying Motion for Preliminary Injunction on Order Shortening Time, White v. Burgess et al., Case No. CV24-01442 (Nev. Dist. Ct., July 9, 2024).	I	0013-0024

Dated this 10th day of July 2024.

AARON D. FORD
Attorney General

By: /s/ Laena St-Jules
Laena St-Jules
Senior Deputy Attorney General
Devin A. Oliver
Deputy Attorney General
Gregory D. Ott
Chief Deputy Attorney General
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100 North Carson Street
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lstjules@ag.nv.gov
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Attorneys for Petitioner Secretary of State

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Christopher J. Hicks
Washoe County District Attorney
Nevada Bar No. 7747
Michael Large
Deputy District Attorney
Washoe County District Attorney
One S. Sierra St., Fourth Floor
Reno, Nevada 89501
mlarge@da.washoecounty.gov

/s/ Susan L. Messina
An employee of the Office of the Attorney General

Public Comment. Public comment is welcomed during public comment periods and is limited to 3 minutes per person per public comment period. Unused time may not be allocated to other speakers. A speaker's viewpoint will not be restricted; however, reasonable restrictions may be imposed upon the time, place, and manner of speech. Irrelevant statements, unduly repetitious statements, and personal attacks that would objectively antagonize or incite others are examples of speech that may be reasonably limited. All comments are to be directed to the Commission as a whole.

During the general public comment periods at the beginning and end of the meeting, speakers may address any matter either on or off the agenda. Items voted on in the Consent section or in a separate block or blocks shall have a single public comment period per block, and public comment will only be heard about the specific items being considered by the Commission in the block. For the remainder of the agenda, during items designated "for possible action" that are considered individually, public comment will only be heard about the specific item being considered by the Commission. Members of the public that wish to share documents or make a brief presentation within their public comment period must provide ten (10) printed copies of each document. Please note that USB drives or any other digital media will not be accepted due to the risk of introducing viruses or malicious code, which could potentially compromise the County's systems.

Members of the public may also submit comments by mail (1001 E. Ninth St., Reno, NV 89512), by eComment at <https://washoe-nv.granicusideas.com/#>. The County will make reasonable efforts to include all such comments received by 4:00 pm one working day prior to the meeting in the record. Mail and eComment will not be read by the Clerk.

Although not required by the Open Meeting Law, in order to accommodate persons residing in populated areas substantially outside the vicinity of the commission chambers, additional public comment may be given by remote technology system on agenda items concerning Districts 1, 5, or "All Commission Districts" (as specified in the subject line of the respective agenda items as "Virtual Public Comment Eligible") from the following locations: Incline Village Library: 845 Alder Ave, Incline Village, NV 89451 and/or Gerlach Community Center: 510 Cottonwood St, Gerlach, NV 89412.

Forum Restrictions and Orderly Conduct of Business. The Board of County Commissioners carries out the business of Washoe County and its residents during its meetings. The presiding officer may order a person be removed if the person's conduct or statements disrupt the order or safety of the meeting. Warnings about disruptive conduct or comments may or may not be given prior to removal.

Responses to Public Comments. The Board of County Commissioners may only deliberate or take action on matters that have been properly labeled "for possible action" and listed on a properly noticed Agenda. While the Open Meeting law allows discussion of public comments by members of the Commission, responses to matters not listed on the agenda could become deliberation without notice to the public. To avoid this situation and to ensure the public has proper notice of all matters, members may choose not to respond to public comments, except to correct factual inaccuracies, ask for staff to provide information, or ask that the matter be listed on a future agenda for consideration.

Pursuant to NRS 241.020, the Agenda for the Board of County Commissioners has been posted at the following locations: Washoe County Administration Building (1001 E. 9th Street, Bldg. A), Washoe County Courthouse-Second Judicial District Court (75 Court Street), Reno City Hall - Clerk's Office (1 E. 1st Street); Sparks Justice Court (1675 East Prater Way); www.washoecounty.gov/bcc/board_committees/ and <https://notice.nv.gov>.

Although no longer required under NRS 241.020, the agenda has been physically posted at the following locations: Washoe County Courthouse-Second Judicial District Court (75 Court Street), Reno City Hall - Clerk's Office (1 E. 1st Street), Sparks Justice Court (1675 East Prater Way).

Support documentation for the items on the agenda, provided to the Washoe County Board of Commissioners, is available to members of the public at the County Manager's Office (1001 E. 9th Street, Bldg. A, 2nd Floor, Reno, Nevada) Washoe 311 (washoe311@washoecounty.gov), (775) 328-2000 and on Washoe County's website www.washoecounty.gov/bcc/.

We begin by acknowledging that we gather today on the ancestral homelands of the Wašičiw (Washoe), Numu (Northern Paiute), Newe (Western Shoshone), Nuwu (Southern Paiute), and Pipa Aha (Mojave), the original caretakers of the land that we now call Nevada. Washoe County, formally named after the Washoe people in 1861, continues to be a gathering place and home for Indigenous Peoples, and we recognize their rich history and deep connections to these lands. May we honor their past, present, and future stewardship by remembering that the health of the land and its people are inextricably linked.

10:00 a.m.

1. Salute to the flag.
2. Roll call.
3. Public Comment. Comment heard under this item will be limited to three minutes per person and may pertain to matters both on and off the Commission agenda. The Commission will also hear public comment during individual action items, with comment limited to three minutes per person. Comments are to be made to the Commission as a whole. Virtual Public Comment Eligible when facilities are available.

(Note: Items listed after Public Comment will be heard on or after 11:00am. In no case will they be heard sooner than the stated time.)

4. Commissioners'/County Manager's announcements, reports and updates to include boards and commissions updates, requests for information or topics for future agendas. (No discussion among Commissioners will take place on this item.)

5. Declaration of Canvass of Vote and Order for 2024 Primary Election held on June 11, 2024, as required by NRS 293.387. "Canvass" means a review of the election results by the Board of County Commissioners, by which any errors within the election results are officially noted and the official election results are declared. The canvass shall separately note any clerical errors discovered and take account of the changes resulting from the errors discovered, and the results declared must represent the true vote cast. As soon as the Board declares the results, the Registrar of Voters shall certify the abstract of the results, which must contain the number of votes cast for each candidate and enter it in the record of the Board. The Board shall order the Registrar of Voters to transmit a copy of the certified abstract, as well as a mechanized report of the abstract in accordance with regulations adopted by the Secretary of State, to the Secretary of State within the time required by NRS 293.387. Voters. (All Commission Districts.) FOR POSSIBLE ACTION

Attachments: [Staff Report - Canvass Primary Election](#)

6. Public Comment. Comment heard under this item will be limited to three minutes per person and may pertain to matters both on and off the Commission agenda. The Commission will also hear public comment during individual action items, with comment limited to three minutes per person. Comments are to be made to the Commission as a whole.
7. Commissioners'/County Manager's announcements, reports and updates to include boards and commissions updates, requests for information or topics for future agendas. (No discussion among Commissioners will take place on this item.)

Adjournment

Board of County Commissioners Meeting - June 21, 2024

Various boards/commissions the Washoe County Commissioners may be a member of or liaison to:

Chair Hill

Community Homelessness Advisory Board
Downtown Reno Business Improvement District (alternate)
Nevada Tahoe Conservation District Board of Supervisors
Regional Transportation Commission
Reno-Sparks Convention & Visitors Authority
Tahoe Prosperity Center Board of Directors
Tahoe Regional Planning Agency Governing Board
Tahoe Transportation District Board of Directors
Tahoe Transportation Commission
Truckee Meadows Water Authority Board
Truckee North Tahoe Transportation Management Association Board
Truckee River Flood Management Authority
Washoe County Internal Audit Committee (alternate)
Washoe County Investment Committee
Washoe County Legislative Liaison
Washoe County Stadium Authority (alternate)
Western Regional Water Commission (WRWC) – TMWA Appointed

Vice-Chair Herman

Nevada Association of Counties Board of Directors (NACO)
Nevadaworks
Regional Transportation Commission (alternate)
State Land Use Planning Advisory Council (SLUPAC)
Truckee Meadows Regional Planning Agency Governing Board
Truckee Meadows Water Authority Board (alternate)
Truckee River Flood Management Authority (alternate)
Vya Conservation District (Diane Stobiecki—alternate)
Washoe County Debt Management Commission
Washoe County Internal Audit Committee
Washoe County Legislative Liaison
Washoe County School District Capital Funding Protection Committee
Washoe County School District Oversight Panel
Washoe County Stadium Authority (alternate)
Washoe Storey Conservation District
Western Nevada Development District (WNDD) (alternate)

Board of County Commissioners Meeting - June 21, 2024

Commissioner Clark

Community Homelessness Advisory Board
EDAWN (Economic Development Authority of Western Nevada) (alternate)
Nevada Association of Counties Board of Directors (NACO) (alternate)
Regional Transportation Commission (alternate)
Truckee Meadows Regional Planning Agency Governing Board
Truckee Meadows Water Authority Board (alternate)
Truckee River Flood Management Authority (alternate)
Washoe County Criminal Justice Advisory Committee
Washoe County Senior Services Advisory Board Liaison
Washoe County Stadium Authority (alternate)
Washoe Storey Conservation District (alternate)
Western Nevada Development District (WNDD)

Commissioner Garcia

Washoe County Animal Services Advisory Board
Community Homelessness Advisory Board (alternate)
District Board of Health
Downtown Reno Business Improvement District
EDAWN (Economic Development Authority of Western Nevada)
Nevada Tahoe Conservation District Board of Supervisors (alternate)
Regional Transportation Commission
Tahoe Regional Planning Agency Governing Board (alternate)
Tahoe Transportation District Board of Directors (alternate)
Tahoe Transportation Commission (alternate)
Truckee Meadows Water Authority Board (alternate)
Truckee River Flood Management Authority (alternate)
Washoe County Open Space and Regional Parks Commission (liaison)
Washoe County Stadium Authority
Western Regional Water Commission (WRWC) – TMWA Appointed

Commissioner Andriola

Nevada Association of Counties Board of Directors (NACO)
Regional Transportation Commission (alternate)
Truckee Meadows Regional Planning Agency Governing Board
Truckee Meadows Water Authority Board
Truckee River Flood Management Authority
Washoe County Investment Committee
Washoe County Senior Services Advisory Board Liaison (alternate)
Washoe County School District Capital Funding Protection Committee
Washoe County School District Oversight Panel
Washoe County Stadium Authority
Western Regional Water Commission

COUNTY COMMISSIONERS
Chair, Alexis Hill, District 1
Vice-Chair, Jeanne Herman, District 5
Michael Clark, District 2
Mariluz Garcia, District 3
Clara Andriola, District 4



****NOTICE OF SPECIAL MEETING & AGENDA****

COUNTY MANAGER
Eric P. Brown

WASHOE COUNTY BOARD OF COUNTY COMMISSIONERS
1001 E. 9th Street, Reno, Nevada 89512

CHIEF DEPUTY DISTRICT ATTORNEY
Mary Kandaras

July 9, 2024
10:00 a.m.

COUNTY CLERK
Janis Galassini

NOTE: Items on this agenda may be taken out of order, combined with other items, removed from the agenda, or moved to the agenda of another later meeting. The Consent section is a single agenda item and is considered as a block and will not be read aloud. Items on this agenda may also be moved to or from the consent section. Items not voted on in the Consent section may also be voted on in a separate block or blocks. Items designated for a specified time will not be heard prior to the stated time but may be heard later. There will be only one period of public comment on any block vote. Any public comment made during that period may pertain to any of the items being voted on in the block, but there will not be separate public comment periods for each item within the block.

Location. This meeting will be held at the physical location designated on this agenda, but one or more of the County Commissioners and/or County staff may attend and participate by a remote technology system. Members of the public wishing to attend the meeting may do so at the designated physical location or may otherwise participate as stated in the Public Comment section. The Chair or their designee will make reasonable efforts to ensure that members of the public body and members of the public present at the physical location can hear or observe each member attending by remote technology system, and each member of the public body in attendance can participate in the meeting.

Accessibility. Washoe County, in compliance with the Americans with Disabilities Act, wishes to make all of its public meetings accessible to the public. Persons who require special accommodations or assistance in attending this meeting may contact the Office of the County Manager at least two working days before the meeting, if possible, by dialing 311 from any phone or (775) 328-2003.

Public Transportation. Public transportation is available to this meeting site. For eligible RTC ACCESS reservations call (775) 348-5438 or visit: <https://www.rtcwashoe.com/public-transportation/>.

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10:00 a.m.

1. Salute to the flag.
2. Roll call.
3. Public Comment. Comment heard under this item will be limited to three minutes per person and may pertain to matters both on and off the Commission agenda. The Commission will also hear public comment during individual action items, with comment limited to three minutes per person. Comments are to be made to the Commission as a whole. Virtual Public Comment Eligible when facilities are available.
4. Commissioners'/County Manager's announcements, reports and updates to include boards and commissions updates, requests for information or topics for future agendas. (No discussion among Commissioners will take place on this item.)

5. Declaration of canvass of recount vote for the recount of the County Commission, District 4 Republican race (demanded by candidate Mark A. Lawson), and the recount of the School Board Trustee, District G At-Large race (demanded by candidate Paul D. White). Pursuant to NRS 293.387 and NAC 293.365, the Board is required to canvass the results of the recount, by which any errors within the election results are officially noted and the official results are declared. If approved, the Board shall order the Registrar of Voters to certify the abstract of the results and transmit a copy of the certified abstract to the Secretary of State. Voters. (All Commission Districts.) FOR POSSIBLE ACTION

Attachments: [ElectionSummaryReportRPT - Unofficial -](#)

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Adjournment

Board of County Commissioners Meeting - July 9, 2024

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Chair Hill

Community Homelessness Advisory Board
Downtown Reno Business Improvement District (alternate)
Nevada Tahoe Conservation District Board of Supervisors
Regional Transportation Commission
Reno-Sparks Convention & Visitors Authority
Tahoe Prosperity Center Board of Directors
Tahoe Regional Planning Agency Governing Board
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Truckee River Flood Management Authority
Washoe County Internal Audit Committee (alternate)
Washoe County Investment Committee
Washoe County Legislative Liaison
Washoe County Stadium Authority (alternate)
Western Regional Water Commission (WRWC) – TMWA Appointed

Vice-Chair Herman

Nevada Association of Counties Board of Directors (NACO)
Nevadaworks
Regional Transportation Commission (alternate)
State Land Use Planning Advisory Council (SLUPAC)
Truckee Meadows Regional Planning Agency Governing Board
Truckee Meadows Water Authority Board (alternate)
Truckee River Flood Management Authority (alternate)
Vya Conservation District (Diane Stobiecki—alternate)
Washoe County Debt Management Commission
Washoe County Internal Audit Committee
Washoe County Legislative Liaison
Washoe County School District Capital Funding Protection Committee
Washoe County School District Oversight Panel
Washoe County Stadium Authority (alternate)
Washoe Storey Conservation District
Western Nevada Development District (WNDD) (alternate)

Board of County Commissioners Meeting - July 9, 2024

Commissioner Clark

Community Homelessness Advisory Board
EDAWN (Economic Development Authority of Western Nevada) (alternate)
Nevada Association of Counties Board of Directors (NACO) (alternate)
Regional Transportation Commission (alternate)
Truckee Meadows Regional Planning Agency Governing Board
Truckee Meadows Water Authority Board (alternate)
Truckee River Flood Management Authority (alternate)
Washoe County Criminal Justice Advisory Committee
Washoe County Senior Services Advisory Board Liaison
Washoe County Stadium Authority (alternate)
Washoe Storey Conservation District (alternate)
Western Nevada Development District (WNDD)

Commissioner Garcia

Washoe County Animal Services Advisory Board
Community Homelessness Advisory Board (alternate)
District Board of Health
Downtown Reno Business Improvement District
EDAWN (Economic Development Authority of Western Nevada)
Nevada Tahoe Conservation District Board of Supervisors (alternate)
Regional Transportation Commission
Tahoe Regional Planning Agency Governing Board (alternate)
Tahoe Transportation District Board of Directors (alternate)
Tahoe Transportation Commission (alternate)
Truckee Meadows Water Authority Board (alternate)
Truckee River Flood Management Authority (alternate)
Washoe County Open Space and Regional Parks Commission (liaison)
Washoe County Stadium Authority
Western Regional Water Commission (WRWC) – TMWA Appointed

Commissioner Andriola

Nevada Association of Counties Board of Directors (NACO)
Regional Transportation Commission (alternate)
Truckee Meadows Regional Planning Agency Governing Board
Truckee Meadows Water Authority Board
Truckee River Flood Management Authority
Washoe County Investment Committee
Washoe County Senior Services Advisory Board Liaison (alternate)
Washoe County School District Capital Funding Protection Committee
Washoe County School District Oversight Panel
Washoe County Stadium Authority
Western Regional Water Commission

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**IN THE SECOND JUDICIAL DISTRICT COURT OF
THE STATE OF NEVADA IN AND FOR THE
COUNTY OF WASHOE**

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PAUL WHITE,

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Plaintiff,

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vs.

Case No.: CV24-01442

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CARI ANN BURGESS, individually and in her
official capacity as Registrar of Voters;
WASHOE COUNTY REGISTRAR OF
VOTERS, a government agency; ERIC
BROWN, individually and in his official
capacity as Washoe County Manager; ALEXIS
HILL, individually and in her official capacity as
Chairwoman of the Washoe County Board of
Commissioners; WASHOE COUNTY, a
political subdivision of the state of Nevada;
FRANCISCO AGUILAR, individually and in
his official capacity as Secretary of State;
NEVADA SECRETARY OF STATE, a political
subdivision of the state of Nevada; NEVADA
ATTORNEY GENERAL; a political subdivision
of the state of Nevada; AARON FORD,
individually and in his capacity as Nevada
Attorney General; DOES I through X; and ROE
BUSINESS ENTITIES I through X, inclusive,

Dept. No.: 1

24

Defendants

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**ORDER DENYING MOTION FOR PRELIMINARY INJUNCTION ON ORDER
SHORTENING TIME**

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Currently before the Court is Plaintiff Paul White's ("Plaintiff" or "Mr. White") Ex Parte

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Motion for Preliminary Injunction on Order Shortening Time ("PI Motion") filed on June 27, 2024.

1 On July 1, 2024, Defendants filed *Defendants’ Opposition to Ex Parte Motion for Preliminary*
2 *Injunction on Order Shortening Time* (“Opposition”).¹ On July 2, 2024, Plaintiff filed *Plaintiff’s*
3 *Reply in Support of Ex Parte Motion for Preliminary Injunction on Order Shortening Time* (“Reply”).
4 A hearing was held on July 3, 2024, at which oral arguments were presented by the parties.

5 **I. BACKGROUND**

6 In seeking injunctive relief from this Court, Plaintiff sets forth the following facts and
7 allegations:

- 8 1. Plaintiff Paul White is a resident of Washoe County, Nevada, who ran in the primary
9 election held on June 11, 2024, as a candidate for Washoe County School Board
10 Trustee, District G. PI Mot. at 6:4-6.
- 11 2. Mr. White was a nonpartisan candidate—running as one of seven candidates for
12 Washoe County School District, District G. *See* Compl. ¶¶ 1, 16.
- 13 3. District G encompasses Western Reno and Western Washoe County. Plaintiff seeks a
14 recount of the ballots cast in the election. The results of the election were certified on
15 Friday, June 21, 2024. PI Mot. at 6:6-8.
- 16 4. According to these certified results, Plaintiff received 4,554 votes in total, accounting
17 for 11.75% of the votes cast. *Id.* at 6:8-11; *see also* PI Mot. Exh. 2.
- 18 5. Pursuant to these results, Mr. White was defeated by Perry Rosenstein, who received
19 13,424 votes (34.64%). He also received fewer votes than Diane Nicolet (6,871 votes)
20 and Alicia Woo (5,810 votes). PI Mot. Ex. 2 at 7.

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25 ¹ The Court refers to the following, collectively, as “Defendants” for purposes of the PI Motion: (1) Francisco Aguilar, in
26 his official capacity as Secretary of State; (2) Nevada Secretary of State, a political subdivision of the State of Nevada;
27 (3) Nevada Attorney General, a political subdivision of the State of Nevada; (4) Aaron Ford, individually and in his
28 capacity as Nevada Attorney General; (5) Cari-Ann Burgess, individually and in her official capacity as Registrar of
Voters; (6) Washoe County Registrar of Voters, a government agency; (7) Eric Brown, individually and in his official
capacity as Washoe County Manager; (8) Alexis Hill, individually and in her official capacity as Chairwoman of the
Washoe County Board of Commissioners; and (9) Washoe County, a political subdivision of the state of Nevada.

- 1 6. Based on the closeness of these election results, Mr. White demands that the Washoe
2 County Registrar (“Registrar”) conduct a recount, pursuant to NRS 293.403. *Id.* at
3 6:12-13.²
- 4 7. Plaintiff alleges there is reason to believe the Registrar did not comply with Nevada
5 Revised Statutes (“NRS”) and/or Nevada Administrative Code (“NAC”) provisions
6 related to ballot collection and storage. *Id.* at 6:13-15.
- 7 8. After Plaintiff made his demand for a recount, he was informed by Cari-Ann Burgess
8 that she will not conduct a hand recount and, instead, will employ technology to
9 conduct the recount pursuant to Nevada law. *Id.* at 6:15-17.
- 10 9. The nature of the injunctive relief sought is to compel Defendants to comply with NRS
11 293.391 and all other applicable Nevada law. *Id.* at 6:17-18.
- 12 10. Specifically, Plaintiff asks this Court to compel the Registrar to conduct a recount
13 entirely by hand—abstaining from any use of technology or mechanical form of
14 tabulation in the recount effort. *Id.* at 6:18-20.

15 **II. LEGAL AUTHORITY**

16 **A. Preliminary Injunction**

17 The Nevada Constitution gives district courts the power and authority to issue injunctions,
18 which are equitable in nature. Nev. Const. Art. 6, Sec. 6. The issuance of mandatory and restrictive
19 injunctions is a well-settled remedy in Nevada. *See City of Reno v. Metley*, 79 Nev. 49, 61, 378 P.2d
20 256, 262 (1963); *see also Memory Gardens of Las Vegas, Inc. v. Pet Ponderosa Memorial Gardens,*
21 *Inc.*, 88 Nev. 1, 492 P.2d 1123 (1972); *Harmon v. Tanner Motor Tours of Nevada, Ltd.*, 79 Nev. 4,
22 377 P.2d 622 (1963).

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26 ² At the July 3, 2024 hearing, Deputy District Attorney, Elizabeth Hickman on behalf of Defendants Cari-Ann Burgess,
27 Washoe County Registrar of Voters, Eric Brown, Alexis Hill, and Washoe County (see *Notice of Appearance and*
28 *Representation by Counsel*) stated that the recount for Washoe County School District At-Large District G seat had been
 completed and that “there was no change in the ranking of the candidate. Mr. White ... remained the fourth-place
 candidate. The recount showed that he actually had one less vote than previously determined after the June 11th election.”
 Hearing Transcript (“Hr’g. Tr.”) at 55:13-19.

1 NRCP 65 and NRS 33.010³ provide the Court with legal authority to issue a preliminary
2 injunction. Nevada courts place the burden upon the plaintiff to show a likelihood of success on the
3 merits; and a reasonable probability that the non-moving party's conduct, if allowed to continue, will
4 cause irreparable harm for which compensatory damage is an inadequate remedy. *S.O.C., Inc. v.*
5 *Mirage Casino-Hotel*, 117 Nev. 403, 408, 23 P.3d 243, 246 (2001). Further, courts consider if
6 potential hardships to the relative parties and others weigh in the movant's favor; and whether the
7 public interest favors granting the injunction. *Univ. & Cmty. Coll. Sys. of Nev. v. Nevadans for Sound*
8 *Gov't*, 120 Nev. 712, 721, 100 P.3d 179, 187 (2004).

9 Courts have considerable discretion in "fashioning suitable relief and defining the terms of an
10 injunction." *Lamb-Weston, Inc. v. McCain Good, Ltd.*, 941 F.2d 970, 974 (9th Cir. 1991).⁴ Injunctive
11 relief must be tailored to remedy the specific harm alleged by the moving party. *Id.*; *see also Califano*
12 *v. Yamasaki*, 442 U.S. 682, 702 (1979) ("injunctive relief should be no more burdensome to the
13 defendant than necessary to provide complete relief to the plaintiffs").

14 III. DISCUSSION

15 Whether Mr. White is entitled to a recount under Nevada law is uncontroversial. "A candidate
16 defeated at any election may demand and receive a recount of the vote for the office for which he or
17 she is a candidate to determine the number of votes received for the candidate and the number of
18 votes received for the person who won the election" NRS 293.403(1). What is controversial,
19 however, is whether the recount should take place by hand and what processes should govern the
20 recount. In restating the relief that remains ripe for this Court's review, Mr. White asks that: (1) the

21
22 ³ NRS 33.010. An injunction may be granted in the following cases:

23 1. When it shall appear by the complaint that the plaintiff is entitled to the relief demanded,
24 and such relief or any part thereof consists in restraining the commission or continuance of the
25 act complained of, either for a limited period or perpetually.

26 2. When it shall appear by the complaint or affidavit that the commission or continuance of
27 some act, during the litigation, would produce great or irreparable injury to the plaintiff.

28 3. When it shall appear, during the litigation, that the defendant is doing or threatens, or is
about to do, or is procuring or suffering to be done, some act in violation of the plaintiff's
rights respecting the subject of the action, and tending to render the judgment ineffectual.

⁴ Federal decisions interpreting the "Federal Rules of Civil Procedure are strong persuasive authority, because the Nevada
Rules of Civil Procedure are based in large part upon their federal counterparts." *Executive Mgmt., Ltd. v. Ticor Title Ins.*
Co., 118 Nev. 46, 53, 38 P.3d 872, 876 (2002) (quotations omitted); *see also Nelson v. Heer*, 121 Nev. 832, 834, 122 P.3d
1252, 1253 (2005).

1 recount be conducted entirely by hand; (2) the recount include a physical inspection of physical paper
2 receipts produced by Voter-Verified Paper Trails (or “VVPATs”); (3) the recount be conducted in
3 White’s and his authorized observers’ presence; and (4) Defendants maintain all ballots in stored
4 vaults. *Id.* at ¶ 27.

5 Upon review of these requests for declaratory relief, this Court finds Mr. White falls short of
6 the burden before him; importantly, he fails to show that he enjoys a likelihood of success on the
7 merits of his Complaint. This Court finds Mr. White’s failure to make this showing provides an
8 independent basis to deny injunctive relief at this stage of the litigation.

9 ***A. The Complaint is procedurally deficient under the Nevada Rules of Civil Procedure***

10 On a procedural basis, this Court observes Mr. White is unlikely to succeed on the merits of
11 his Complaint as he has failed to join necessary parties to this action. Those parties are the winners
12 of the election for which he seeks a recount: Perry Rosenstein and Diane Nicolet.

13 Pursuant to NRCP 19(a)(1)(b)(i), joinder of a party is required where one party “claims an
14 interest relating to the subject of the action and is so situated that disposing of the action in the
15 person’s absence may . . . as a practical matter impair or impede the person’s ability to protect the
16 interest.” If not properly joined consistent with NRCP 19, dismissal is appropriate for failure to join
17 a party under NRCP 12(b)(6); *Univ. of Nev. v. Tarkanian*, 95 Nev. 389, 396, 594 P.2d 1159, 1163
18 (1979) (“If the interest of the absent parties may be affected or bound by the decree, they must be
19 brought before the court, or it will not proceed to a decree.”); *see also Schwob v. Hemsath*, 98 Nev.
20 293, 294, 646 P.2d 1212, 1212 (1982) (“Failure to join an indispensable party is fatal to a judgment .
21 . . .”).

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1 Here, as the winners of the election implicated in this lawsuit who now have the right to
2 proceed to the general election, Mr. Rosenstein and Ms. Nicolet have a significant interest in an
3 election challenge that may alter the results. As the results may change under any recount, the
4 disposition of the lawsuit may render them ineligible to appear on the general election ballot. Both
5 Mr. Rosenstein and Ms. Nicolet, therefore, enjoy a legally protectable interest in this action. The
6 Defendants assert their intention to file a motion to dismiss on this procedural basis. Therefore, this
7 Court finds Mr. White’s request for declaratory relief does not have a likelihood of success on the
8 merits as he has failed to join Mr. Rosenstein and Ms. Nicolet, necessary parties to this case.

9 ***B. Nevada’s election laws do not support a likelihood of Mr. White’s success on the merits***

10 Mr. White’s first two requests for declaratory relief (1) to conduct a full hand recount and (2)
11 to inspect the physical paper receipts produced by the VVPATs, do not have a likelihood of success
12 on the merits. Upon review of Nevada election law, nothing suggests to this Court that Mr. White is
13 entitled to either.

14 In Nevada, all active registered voters who do not opt out receive a “mail ballot” between 45
15 and 14 days before an election. *See* NRS 293.269911(1), 293.269911(3)(b), 293.269911(5)(a); NRS
16 293D.320(1). A Nevada voter may cast their vote in one of two ways: by submitting their mail ballot
17 before election day or, alternatively, voting in person. When voting by mail ballot, the completed
18 ballot must be: (1) delivered to a county clerk before the election,⁵; (2) placed in a mail ballot drop-
19 box; (3) or mailed. NRS 293.269921(1). In Washoe County, voted mail ballots are tabulated by a
20 mechanical voting system where a voter casts their vote “by marking a paper ballot which is
21 subsequently counted on an electronic tabulator, counting device, or computer.” NRS 293B.033(2);
22 *see also* Opp. Exh. 1. at ¶ 3.

23 Nevada voters may, alternatively, vote in-person (either early or on election day). *See* NRS
24 293.3072, 293.356. Washoe County voters cast their votes in-person on mechanical recording devices
25 (hereafter “voting machines”)—described by statute as a “a system of voting whereby a voter may
26 cast a vote . . . on a device which mechanically or electronically compiles a total of the number of

27 _____
28 ⁵ Elections in Washoe County are administered by its Registrar of Voters. Registrars of voters are included in the
definition, and are thus “synonymous with,” “county clerks” as this Court finds NRS Chapter 293. *See* NRS 293.040,
293.044; *see also* NRS 244.164. Thus, any reference to county clerks below includes registrar of voters.

1 votes cast for each candidate and for or against each measure voted on.” NRS 293B.033(1). Votes
2 cast on these voting machines are recorded on electronic data storage devices and printed on paper
3 by VVPATs connected to the voting machines. *Id.* at ¶ 4. The vote that is tabulated and included in
4 results is the record stored on the electronic storage device; both the voting machines and electronic
5 storage devices must be tested for logic and accuracy—ensuring proper functionality. *See* NRS
6 293B.150, 293B.155, 293B.165.

7 Upon a proper request for an election recount, NRS 293.404(3) provides: “The recount must
8 include a count and inspection of all ballots, including rejected ballots, and must determine whether
9 all ballots are marked as required by law. All ballots must be recounted in the *same manner in which*
10 *the ballots were originally tabulated.*” (emphasis added). Further, determining whether a mail-in
11 ballot prepared by a third party is valid, the government must physically inspect ballots to ascertain
12 whether “the mail ballot has been marked and signed on behalf of the voter.” NRS 293.269919(3). In
13 order for a mail ballot to be counted for any election, the mail ballot must, “before the time set for
14 closing of the polls, [be] delivered by hand to the county clerk, or any ballot drop box” or “[m]ailed
15 to the county clerk and (1) [p]ostmarked on or before the day of the election; and [r]eceived by the
16 clerk not later than 5 p.m. on the fourth day following the election”. NRS 293.269921(1)(a) and (b).
17 In preparation for counting ballots, the government must also clearly indicate “[e]xcess ballots not
18 counted” and the county clerk is required to keep the ballots which were rejected for any cause. NRS
19 293.363(2)(b).

20 Here, Plaintiff argues the language of NRS 293.404(3), “requires that the recount include a
21 physical ‘by hand’ inspection of each ballot” and insists that “Nevada law requires a hand recount of
22 the vote and does not allow a re-count using the same machines that were originally used to count the
23 votes.” PI Mot. at 12:5-8. However, nothing in NRS 293.404(3) requires a hand count if the votes
24 were originally counted electronically. “All ballots must be recounted in the same manner in which
25 the ballots were originally tabulated.” NRS 293.404(3). As Mr. White was told upon his request for

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1 recount, all ballots will be counted and inspected, including all rejected ballots, in accordance with
2 the law. Nothing about the Registrar’s recount appears contrary to what is statutorily required in
3 Nevada. Prior to the filing of the PI Motion, Washoe County Deputy District Attorney, Elizabeth
4 Hickman, was explicit in her rejection of Plaintiff’s interpretation of NRS 293.404:

5 Nothing in Nevada law supports your contention that a recount must, or even
6 may, be done as a handcount. Similarly, there is nothing in Nevada law that
7 supports your demand that your clients be permitted to take a photograph of
8 every ballot during the recount process.

9 The Washoe County Interim Registrar of Voters received the demands for
10 recount from Mr. Lawson and Mr. White yesterday, June 25, 2024. She is
11 preparing the estimate of costs, which will be provided today. The recount will
12 be commenced within 5 days after the demand and will be completed within 5
13 days after it is begun. It will be conducted in compliance with all applicable
14 Nevada laws, including but not limited to NRS 293.404(3), which requires that
15 “[a]ll ballots must be recounted in the same manner in which the ballots were
16 originally tabulated.” This will include the use of the mechanical voting
17 system, including the “electronic tabulator,” and the mechanical recording
18 devices. This is mandatory as the Registrar will conduct the recount in the same
19 manner in which the ballots were originally tabulated. *See* NRS 293B.032;
20 NRS 293B.033. In accordance with NRS 293.404(2), each candidate for the
21 office affected by the recount may be present, including your clients, either in
22 person or through an authorized representative.

23 *See* PI Mot. Exh. 1.

24 Consistent with her statements, Ms. Hickman indicated at the July 3, 2024 hearing that the
25 Registrar has conducted a recount in accordance with NRS 293.404(3) and other applicable Nevada
26 law—recounting each ballot in *the same manner* in which the ballots were originally *tabulated*.⁶
27 However, in further challenge to the recount, Mr. White claims that “tabulate” means “to organize
28 information into a table” and does not mean “count”. *Id.* This Court disagrees with the Plaintiff’s
29 interpretation, opting for the plain meaning of the word as it was intended under NRS 293.404(3).
30 That is, the ordinary meaning “to count, record, or list systematically” in the context of an election.
31 *Tabulate*, Merriam Webster; *see also Lofthouse v. State*, 136 Nev. 378, 380, 467 P.3d 609, 611 (2020)

32 ⁶ Importantly and contrary to the assertions in the PI Motion, at the July 3, 2024 hearing, counsel for Mr. White conceded
33 that NRS 293.404 does not require a hand count. Instead, he stated that his client was seeking a hand recount “because
34 we think that it would enure [sic] to the public benefit because it would lend integrity to what has been a somewhat
35 complicated situation. That’s why we’re asking for it but, again, I’m not saying that the statute requires a hand recount.”
36 Hr’g, Tr. at 54:3-9. Mr. White presented no authority that “lend[ing] integrity” to the process is a valid and allowable
37 reason for a hand recount.

1 (“We give those words their plain and ordinary meanings unless the context requires a technical
2 meaning or a different meaning is apparent from the context”). The Nevada Supreme Court has
3 referred to “hand-count tabulation” and “hand counting with parallel electronic tabulation.” *American*
4 *Civil Liberties Union of Nevada v. County of Nye*, Case No. 85507, 519 P.3d 36, 2022 WL 14285458,
5 at *2 (Nev. Oct. 21, 2022) (unpublished disposition). Similarly, the Ninth Circuit Court of Appeals
6 has referred to tabulation for the counting of ballots. *See Lake v. Fontes*, 83 F.4th 1199, 1201–02 (9th
7 Cir. 2023)

8 Further, the intent of the Nevada Legislature is clear with respect to NRS 293.404(3),
9 providing:

10 [T]hat the recount must be conducted in the same manner as the original count.
11 If it were a hand count of paper ballots as the original manner of counting, then
12 you would do it in the same way. If it were a mechanical count in the original
13 manner, then you would do it that way. Essentially, it is that all ballots must be
recounted in the same manner that they were originally counted.

14 ...
15 The recount is conducted in the same manner as the original count or
tabulation.

16 *See* Assembly Minutes at 14-15, 79th Session (April 13, 2017); *see also* *Great Basin Water Network*
17 *v. State Engineer*, 126 Nev. 187, 196, 234 P.3d 912, 918 (2010) (“When a statute is ambiguous, this
18 court determines the Legislature’s intent by evaluating the legislative history and construing the
19 statute in a manner that conforms to reason and public policy.”). This Court views its interpretation
20 consistent with and supported by the foregoing.

21 Moreover, beyond NRS 293.404(3), Nevada regulations provide that a county clerk may
22 conduct a hand count only after consulting with the board of county commissioners. *See* Adopted
23 Regulation R200-22 § 2(1). To engage in a hand recount, the request to the county clerk would have
24 had to have submitted, “not later than 90 days before” the election, “a plan for conducting the hand
25 count.” Adopted Regulation R106-23 § 15(3)(1). Neither of these requirements were met in this case,
26 a point the Plaintiff did not adequately address at the July 3, 2024, hearing on this matter. *See* Opp.
27 Ex. 1 at ¶ 8.

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1 Finally, Mr. White claims that NRS 293.404(3) implicates VVPAT receipts. PI Mot. at 12.
2 However, nothing suggested in the filings or at oral argument persuades this Court that Mr. White is
3 entitled to physical inspection of VVPAT receipts at any point in time. Specifically, NRS 293.404(3)
4 only addresses the process to recount *ballots*, not VVPAT receipts. Those VVPAT receipts can only
5 be inspected in the event of an *election contest*, which this is not, “and then only by the judge, body,
6 or board before whom the election is being contested” or pursuant to a court order. *See* NRS
7 293.391(5); *see also* NRS 293.407 (providing for a candidate to contest any candidate’s election
8 except for candidates for Congress). There is no legal or statutory basis, therefore, allowing Mr. White
9 to inspect VVPAT receipts for purposes of a recount as he has requested.⁷

10 ***C. The injunctive relief sought by Mr. White is partially moot***

11 The Court finds Mr. White’s third request for declaratory relief—asking for the recount to be
12 conducted in the presence of authorized observers—is moot. Under Nevada law, candidates for the
13 office affected by the recount may be present in person or by an authorized representative. *See* NRS
14 293.404(2). Mr. White has already been offered the opportunity to observe the recount conducted by
15 the Washoe County Registrar. *See* PI Mot. Exh. 5 at 2 (“Each of your clients, or their representative,
16 may be present to observe the recount. The observation room will be opened at 7 a.m. on Sunday,
17 June 30, 2024, and the recount will then commence.”). This Court finds no allegation in the Complaint
18 or PI Motion to the contrary. Thus, the third request is moot at this juncture.

19 Next, Mr. White’s fourth request—that all ballots be maintained in stored vaults—is equally
20 moot. NRS 293.391(1) requires that “voted ballots, rejected ballots, spoiled ballots, . . . records printed
21 on paper of voted ballots collected pursuant to NRS 293B.400 . . . and stubs of the ballots use,
22 enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be
23 deposited in the vaults of the county clerks.” Upon proper recount procedure in Nevada, “[t]he county
24 or city clerk shall unseal and give to the recount board all ballots to be counted.” Here, the Registrar
25 has complied with these requirements. *See* Opp. Exh. 1 at ¶ 10. Similarly, there is no allegation in the
26

27 ⁷ At the July 3, 2024 hearing, Deputy Attorney General, Laena St-Jules, explained that inspection of the VVPAT receipts
28 would be illegal. “As we set out – and plaintiff does not respond to it and thereby concedes it – NRS 293.391(5) clearly
mandates that VVPAT receipts can only be inspected in the case of contested elections. This is a recount, not a contest.”
Hr’g. Tr. at 28:3-12.

1 Complaint or PI Motion contrary to the Registrar’s assertion. Thus, the fourth request is moot at this
2 juncture.

3 In light of the foregoing, nothing provided in the pleadings or at the hearing suggests Mr.
4 White enjoys a likelihood of success on the merits in this matter. Rather, for the multiple reasons set
5 forth above, Mr. White’s Complaint is at risk of dismissal on either procedural or statutory grounds.

6 Based upon the foregoing and good cause appearing,

7 IT IS HEREBY ORDERED that Plaintiff Paul White’s Ex Parte *Motion for Preliminary*
8 *Injunction on Order Shortening Time* is DENIED.

9 IT IS SO ORDERED.

10 DATED this 9th day of July, 2024.



KATHLEEN M. DRAKULICH
DISTRICT JUDGE

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1 **CERTIFICATE OF SERVICE**

2 CASE NO. CV24-01442

3 I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the
4 STATE OF NEVADA, COUNTY OF WASHOE; that on the 9th day of July, 2024, I electronically
5 filed the **ORDER DENYING MOTION FOR PRELIMINARY INJUNCTION ON ORDER**
6 **SHORTENING TIME** with the Clerk of the Court by using the ECF system.

7 I further certify that I transmitted a true and correct copy of the foregoing document by the
8 method(s) noted below:

9 **Electronically filed with the Clerk of the Court by using the ECF system which will send a notice**
10 **of electronic filing to the following:**

11 MICHAEL LARGE, ESQ. for WASHOE COUNTY, ALEXIS HILL, CHAIRPERSON
12 FOR WASHOE CO. BD OF COMMISSIONERS, WASHOE COUNTY REGISTRAR
13 OF VOTERS, CARI-ANN BURGESS, AS WASHOE CO. INTERIM REGISTRAR
14 OF VOTERS, ERIC BROWN, AS WASHOE COUNTY MANAGER

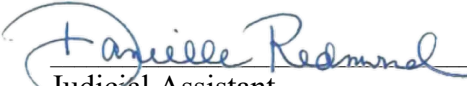
14 MARK HUTCHINGS, ESQ. for PAUL WHITE

15 LAENA ST-JULES, ESQ. for AARON FORD, ATTORNEY GENERAL FOR STATE
16 OF NEVADA, FRANCISCO AGUILAR, AS SECRETARY OF STATE FOR NEVADA,
17 ATTORNEY GENERAL FOR STATE OF NEVADA, SECRETARY OF STATE FOR
18 STATE OF NEVADA

18 ELIZABETH HICKMAN, ESQ. for WASHOE COUNTY, ALEXIS HILL,
19 CHAIRPERSON FOR WASHOE CO. BD OF COMMISSIONERS, WASHOE
20 COUNTY REGISTRAR OF VOTERS, CARI-ANN BURGESS, AS WASHOE CO.
21 INTERIM REGISTRAR OF VOTERS, ERIC BROWN, AS WASHOE COUNTY
22 MANAGER

21 **Deposited to the Second Judicial District Court mailing system in a sealed envelope for postage**
22 **and mailing by Washoe County using the United States Postal Service in Reno, Nevada:**

23 **[NONE]**

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27 Judicial Assistant
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