



CASE NO: A-22-851189-C
Department 11

1 **COMP**
2 Adam R. Fulton, Esq.
3 Nevada Bar No. 11572
4 E-mail: afulton@jfnvlaw.com
5 Logan G. Willson, Esq.
6 Nevada Bar No. 14967
7 E-mail: logan@jfnvlaw.com
8 **JENNINGS & FULTON, LTD.**
2580 Sorrel Street
Las Vegas, Nevada 89146
Telephone: (702) 979-3565
Facsimile: (702) 362-2060
Attorneys for Plaintiffs

DISTRICT COURT
CLARK COUNTY, NEVADA

10 SCOTT GOLDMAN, an individual;
11 ALENA SHEEHAN, an individual;
12 GREGG SEYMOUR, an individual;
13 KIMBERLY FERGUS, an individual;
14 PATTY JANE (PJ) BELANGER, an
individual; EMILEANNE ENCE, an
15 individual; MARIE ARNOLD, an
individual; PAM NORMAN, an
individual; CRISTINA VON
16 LINDENBERG, an individual;
17 GREGORY RANGLES, an individual;
18 ALAN RYAN VINCENT, an individual;
19 CYRUS HOJJATY, an individual;
20 BRIDGET HOLDAR, an individual;
21 HEATHER FLORIAN, an individual;
22 TIMOTHY WAGNER, an individual;
23 DESIREE DESTEFANO, an individual;
24 MARTIN WALDMAN, an individual;
25 VEM MILLER, an individual;
26 DANIELLE KEAR, an individual;
DOUGLAS RANGLES, an individual;
SUSAN PROFFITT, an individual;
KRISTENE HONZIK, an individual;
JENNIFER ROWE, an individual;
PAMELA BENNETTS, an individual;
ROBERT MOORHEAD, JR., an
individual; MARIA THERESA F. DIAZ,
an individual;

Plaintiffs,

CASE NO.:

DEPT. NO.:

**COMPLAINT FOR DECLARATORY
& INJUNCTIVE RELIEF**

**[EXEMPT FROM ARBITRATION:
DECLARATORY RELIEF SOUGHT]**

JENNINGS & FULTON, LTD.
2580 SORREL STREET
LAS VEGAS, NEVADA 89146
TELEPHONE 702 979 3565 ♦ FAX 702 362 2060

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v.

BARBARA CEGAVSKE, in her official capacity as Nevada Secretary of State; JOSEPH P. GLORIA, in his official capacity as Registrar of Voters for Clark County, Nevada; DOES I-X, inclusive; and ROE CORPORATIONS I-X, inclusive,

Defendants.

Plaintiffs, by and through their attorneys of record, ADAM R. FULTON, ESQ. and LOGAN WILLSON, ESQ. of the law firm of JENNINGS & FULTON, LTD., hereby files this Complaint against Defendants BARBARA CEGAVSKE, JOSEPH P. GLORIA, DOES I through X, and ROE ENTITIES I through X, collectively (“Defendants”), and allege and petition this Court as follows:

PARTIES, JURISDICTION & VENUE

1. Plaintiffs are registered voters in Clark County, Nevada and/or seek to participate in meaningful voter observation in Clark County, Nevada.
2. Defendant Barbara Cegavske (“Cegavske”) is the current Secretary of State for the State of Nevada.
3. Defendant Joseph P. Gloria (“Gloria”) is the current Registrar of Voters for Clark County, Nevada.
4. Plaintiffs are unaware of the true names and capacities whether individuals, corporations, associates, or otherwise of Defendants DOES I through X and ROE ENTITIES I through X, inclusive, and therefore sues these Defendants by such fictitious names. Plaintiffs are informed and believe and thereupon allege that the Defendants, and each of them, are in some manner responsible and liable for the acts and/or omissions alleged in this Complaint. Plaintiff will seek leave of this Court to amend this Complaint

1 to allege the true names and capacities of the DOES and ROE ENTITIES Defendants
2 when the true names of the DOES and ROE ENTITIES Defendants are ascertained.

3 **GENERAL ALLEGATIONS**

4 5. Plaintiffs incorporate the allegations in the preceding paragraphs as though
5 fully set forth herein.

6 6. On November 3, 2020, one of the most hotly contested (if not THE most
7 hotly contested) presidential elections in U.S. history occurred (the “2020 Election”).

8 7. For months following the 2020 Election, numerous cases were filed across
9 the U.S. alleging election misconduct, fraud, and impropriety across the board.

10 8. For weeks after the 2020 Election, numerous states conducted recounts in
11 an effort to determine whether the purported election results naming Joseph Biden as
12 president were accurate.

13 9. Throughout the initial voting process and the ensuing recounts and audits,
14 numerous allegations of improper ballot counts arose. Part of those allegations centered
15 on the fact that many jurisdictions failed to provide the general public “meaningful
16 observation” of the ballot counting process, and Clark County was no exception.

17 10. Election observers are a critical facet of the election process and watch over
18 the voting/election process and report on inconsistencies and election violations.

19 11. Following the 2020 Election, numerous individuals attempting to observe
20 the process were prevented from doing so in any meaningful way. By way of example,
21 the following scenarios occurred in Clark County:

- 22 a. Observers were placed in locations where the view of the ballot
23 processing was obscured;
24 b. In almost all instances, the observers were placed too far away from
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the ballot processing to be able to discern what was actually taking place;

- c. Aspects of the ballot processing took place in closed rooms and locations where observers were not allowed access;
- d. Boxes of ballots were moved between various locations without the observers having any opportunity to review the ballots or understand what stage in the counting process the ballots were in;
- e. In the minimal times where observers were theoretically in close enough proximity to observe, they were not afforded ample time to actually observe the process in any meaningful way;
- f. There was in an insufficient number of ambassadors that were required to accompany observers to enable more than a few individuals to meaningfully observe the ballot processing;
- g. Observers were told information that conflicted with what they were seeing during the ballot processing; and
- h. While observers could see that there were mechanical and/or program issues and errors with various pieces of technology in the ballot processing, they were unable to view any screens or understand the actual nature of the issues and errors, which rendered the observation meaningless.

12. There is no question that members of the general public are statutorily entitled to observe the ballot-counting activities pursuant to N.R.S. §§293B.330, 335, and

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///

1 353:

2 **NRS 293B.330 Duties of election board upon and after**
3 **closing of polls; public may observe handling of ballots.**

4 4. The county clerk shall allow members of the general public to
5 observe the handling of the ballots pursuant to subsection 1 if those
6 members do not interfere with the handling of the ballots.

7 **NRS 293B.335 Delivery of ballots and election materials to**
8 **receiving center or counting place; disposition of other**
9 **materials; members of general public allowed to observe**
10 **delivery.**

11 3. Any member of the general public may observe the delivery of
12 a sealed container to a receiving center or to the central counting
13 place if he or she does not interfere with the delivery of the sealed
14 container.

15 **NRS 293B.353 Clerk to allow members of general public to**
16 **observe counting of ballots at central counting place; members**
17 **of general public allowed to photograph or otherwise record**
18 **counting of ballots; request for photograph or recording of**
19 **counting of ballots.**

20 1. The county or city clerk shall allow members of the general
21 public to observe the counting of the ballots at the central counting
22 place if those members do not interfere with the counting of the
23 ballots.

24 13. Following the widespread unrest and questions surrounding the results of
25 the 2020 Election, the Nevada Legislature enacted the Nevada Voters' Bill of Rights that
26 was codified under NRS §293.2546. NRS §293.2546(10) states that each voter has the
27 right *"to have a uniform, statewide standard for counting and recounting all votes*
28 *accurately.*" (Emphasis added.)

14. NRS § 293B.354 outlines the requirements for allowing the general public
to observe the ballot counting process:

NRS 293B.354 Clerk to submit plans to Secretary of State for
accommodation of members of general public who observe
delivery, counting, handling and processing of ballots.

1. The county clerk shall, not later than April 15 of each year
in which a general election is held, submit to the Secretary of State
for approval a written plan for the accommodation of members of
the general public who observe the delivery, counting, handling and

1 processing of ballots at a polling place, receiving center or central
2 counting place.

3 ...

4 3. Each plan must include:

5 (a) The location of the central counting place and of each
6 polling place and receiving center;

7 (b) A procedure for the establishment of areas within each
8 polling place and receiving center and the central counting place
9 from which members of the general public may observe the
10 activities set forth in subsections 1 and 2;

11 (c) The requirements concerning the conduct of the members of
12 the general public who observe the activities set forth in subsections
13 1 and 2; and

14 (d) Any other provisions relating to the accommodation of
15 members of the general public who observe the activities set forth
16 in subsections 1 and 2 which the county or city clerk considers
17 appropriate.

18 15. Nevada's primary election will be taking place on Tuesday, June 14, 2022
19 (the "Primary Election").

20 16. Nevada's General Election will be taking place on Tuesday, November 8,
21 2022 (the "General Election").

22 17. Despite a staggering number of complaints regarding the lack of
23 meaningful observation of the 2020 Election, neither the State of Nevada nor Clark
24 County have redressed the concerns and issues raised, leaving the same concerns and
25 issues destined to repeat at the fast-approaching Primary and General Elections.

26 18. Simply being "in the same room" as the ballot processing operations does
27 not equate to "meaningful observation" as required by law.

28 19. On March 21, 2022, Plaintiffs sent a letter to Defendant Gloria in an effort
to address their concerns with regard to their statutory right to meaningfully observe the
upcoming elections. *See* Exhibit 1.

20. In the March 21, 2022 letter, Plaintiffs outlined a number of reasonable

1 accommodations that would enable observers to meaningfully observe the ballot
2 processing without interfering with the process. *Id.*

3 21. To date, no response has been received, and the Defendants have yet to
4 disclose the parameters under which interested individuals will be able to observe the
5 ballot processing to ensure that meaningful observation is allowed.

6 22. Given the fast-approaching Primary Election, coupled with the lack of
7 response or efforts to address the previous issues preventing meaningful observation,
8 Plaintiffs are forced to bring this matter to protect their rights and to ensure the integrity
9 of the upcoming elections.
10

11 **FIRST CLAIM FOR RELIEF**

12 **(Declaratory Relief)**

13 23. The allegations contained in the preceding paragraphs of this Complaint are
14 incorporated herein by this reference.

15 24. A dispute has arisen, and actual controversy now exists between Plaintiffs
16 and Defendants, including DOES 1-10 and ROE Entities 1-10, and each of them, as to
17 their rights and liabilities with respect to Plaintiffs' rights protected under Nevada law.
18 Based on the lack of response or actions to address these issues to date, Defendants
19 dispute Plaintiffs' claims. Therefore, an actual controversy exists relative to the legal
20 duties and rights of the respective parties, which Plaintiffs request the Court to resolve.
21

22 25. The Defendants actions and/or inactions have created an actual justiciable
23 controversy ripe for judicial determination between Plaintiffs and the Defendants with
24 respect to the construction, interpretation, and implementation of NRS §§ 293.2546,
25 293B.330, .335, .353, and 354.
26

27 26. All of the rights and obligations of the parties arise out of one series of
28 events or happenings, all of which can be settled and determined in a judgment in this

1 one action. Plaintiffs allege that an actual controversy exists between the parties under
2 the circumstances alleged. A declaration of rights, responsibilities and obligations of the
3 parties is essential to determine their respective obligations in connection with Plaintiffs'
4 rights to meaningfully observe the election and ballot counting process. Plaintiffs have no
5 true and speedy remedy at law of any kind.

7 27. Further, Plaintiffs are entitled to an award of reasonable attorney fees and
8 costs for having to obtain counsel in this matter to protect their rights and prosecute this
9 matter.

10 **SECOND CLAIM FOR RELIEF**

11 **(Injunctive Relief)**

12 28. The allegations contained in the preceding paragraphs of this Complaint are
13 incorporated herein by this reference.

14 29. The Defendants' prior actions with respect to purportedly allowing
15 individuals such as Plaintiffs to "observe" the 2020 Election process directly conflict with
16 the Nevada legislatures intent in enacting NRS §§ 293.2546, 293B.330, .335, .353, and
17 354. At this juncture, there is no reason to believe that the Defendants will operate any
18 differently for the upcoming Primary and General Elections with respect to observers
19 such as Plaintiffs.

21 30. The refusal to allow Plaintiffs to meaningfully observe the election process
22 in accordance with Nevada law constitutes irreparable harm to Plaintiffs with no adequate
23 remedy at law.

24 31. Plaintiffs have a reasonable probability of success on the merits of their
25 underlying claims.

27 32. Public interest favors Plaintiffs because absent injunctive relief, the
28 inconsistent and unlawful practices that prevent individuals such as Plaintiffs from

1 meaningfully observing the election will negatively impact the integrity of the election
2 process and ultimately result in the harm of the general public.

3 33. Due to the immediate and ongoing damages that Plaintiffs will sustaining
4 by virtue of the Defendants' actions and/or inactions, immediate injunctive relief is
5 necessary and appropriate.
6

7 34. Therefore, Plaintiffs are entitled to preliminary injunctive relief, requiring
8 the Defendants to issue a plan for the accommodation of Plaintiffs and other interested
9 members of the general public to observe the election process and ballot counting in
10 accordance with the Nevada Constitution and NRS §§ 293.2546, 293B.330, .335, .353,
11 and 354.
12

13 PRAYER FOR RELIEF

14 WHEREFORE, Plaintiffs pray for judgment as follows:

15 1. For a declaration of rights and obligations as between Plaintiffs and
16 Defendants;

17 2. For preliminary injunctive relief requiring the Defendants to grant Plaintiffs
18 the opportunity to meaningfully observe all upcoming elections;

19 3. For preliminary injunctive relief requiring the Defendants to issue a plan
20 for the accommodation of Plaintiffs to meaningfully observe upcoming elections in
21 specific detail, including the following provisions:
22

23 i. Observers must be able to personally view that every step of the
24 election is handled with transparency, integrity, and is done
lawfully;

25 ii. Observers must be allowed to physically inspect each ballot to
26 ensure each ballot is legally counted and processed by the
27 Registrar of Voters' ("ROV") personnel. Observers be permitted
28 within a two (2) foot radius of any ballot counting system or
machine. For example, the signature(s) must match on the envelop,
the ballot must be filled out properly, the correct form of ballot
must be completed, each ballot must be counted and tallied

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- properly and reported properly. Observers must be able to do this at the ROV headquarters, and any remote or central counting location through the entire election process;
- iii. Two (2) Observers to be present at each drop box location from each political party to ensure there are no unauthorized dumping of ballots or illegal ballots processed;
 - iv. Two (2) Observers from each political party to be present at the EMS machine or any machine in where electronic votes are being tabulated or uploaded;
 - v. There must be paper records showing the data and content on each thumb drive and the upload to any tabulating machine must match what is documented to ensure accuracy;
 - vi. If any of the Two (2) Observers from each political party address any issue and cannot resolve the issue, he or she may ask the ROV staff to stop processing. The Observer must then address his/her challenge to the manager, supervisor, or lead;
 - vii. If for any reason, if an Observer from either political party is forced to be removed, they must be immediately replaced with another Observer from their respective political party to ensure each party is properly represented;
 - viii. All Observers must pass background checks, be a resident of the Clark County, Nevada, and be registered to vote in Clark County, Nevada;
 - ix. Each political party must submit a list of their Observers for each location and alternates regarding the same within seven (7) days before the 2022 Primary Election;
 - x. Any independent political party shall be entitled to the aforementioned;
 - xi. Each party, is defined as the chair of the respected parties central committee (ex: Clark County Republican Central Committee would be responsible for the Republican observers);
 - xii. The ROV personnel will issue a badge to Observers, which they must wear while observing. Observers must return their badges each day before leaving the ROV;
 - xiii. The ROV will accommodate requests for observation and requests to enter and leave subject to the availability of ROV personnel;
 - xiv. All drop box locations, all counting areas, EMS areas, and all board rooms used for the 2022 Primary Election must be video-taped using video surveillance at all times. The video-surveillance must be of high quality and stored in a manner mutually agreed upon the ROV and both political parties;
 - xv. Provide the layout(s) of the ballot counting facility(ies) that depicts where the observers will be allowed to observe from; and

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xvi. Ensure that residents of Clark County be given preference to observe over non-residents of the County or even the State.

4. For entry of an order compelling Defendants to pay Plaintiffs' costs and attorneys' fees; and

5. For such other and further relief as the Court may deem just and proper.

Dated: April 14th, 2022.

JENNINGS & FULTON, LTD.

By: /s/ Adam R. Fulton

Adam R. Fulton, Esq.
Nevada Bar No. 11572
afulton@jfnvlaw.com
Logan G. Willson, Esq.
Nevada Bar No. 14967
logan@jfnvlaw.com
2580 Sorrel Street
Las Vegas, Nevada 89146
Telephone: (702) 979-3565
Facsimile: (702) 362-2060
Attorneys for Plaintiffs

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