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CASE NO: A-22-858609-W  
Department 4

*Attorneys for Petitioner*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

REPUBLICAN NATIONAL COMMITTEE,

Case No.:

Petitioner,

Dept. No.:

v.

**(HEARING REQUESTED)**

CLARK COUNTY; CLARK COUNTY  
ELECTION DEPARTMENT; and JOE P.  
GLORIA, in his official capacity as the  
Clark County Registrar of Voters,

**PETITION FOR WRIT OF MANDAMUS  
AND APPLICATION COMPELLING  
DISCLOSURE OF PUBLIC RECORDS  
PURSUANT TO NRS 239.011**

**EXPEDITED MATTER UNDER  
NRS 239.011(2)**

Respondents.

**Exempt from Arbitration**

- Action Presenting a Significant Issue of Public Policy
- Action Seeking Equitable or Extraordinary Relief
- Action Presents Unusual Circumstances that Constitute Good Cause for Removal from Arbitration Program
- Action for Declaratory Relief

Petitioner the Republican National Committee hereby submits this Application and Petition for a Writ of Mandamus to compel disclosure of public records pursuant to NRS 239.011 against Respondents Clark County, Clark County Election Department, and Joe P. Gloria in his official capacity as Clark County Registrar of Voters (together "Respondents") as follows:

**NATURE OF THE CASE**

1. Nevada election law requires that "registered voters appointed as election board officers for any polling place" – commonly referred to as poll workers – "must not all be of the

1 same political party." NRS 293.217(1). To verify Respondents' compliance with this provision,  
2 Petitioner served an NRS Chapter 239 Nevada Public Records Act ("NPRA") request seeking  
3 information about the partisan breakdown and political affiliation of Clark County's poll workers.  
4 Like other government employees, poll workers are paid with taxpayer funds. Poll workers are also  
5 public facing at election sites around Clark County during early voting and on Election Day. Thus,  
6 information about poll workers is not confidential and the requested information is presumptively  
7 open to public inspection under the NPRA.

8 2. Even though it had no obligation to do so, Petitioner offered to treat this information  
9 as "attorneys' eyes only" to alleviate any privacy concerns that may legitimately exist. Although  
10 Petitioner repeatedly offered to reach a mutually acceptable accommodation for this information,  
11 Respondents completely refused to produce *any* documents to allow Petitioner – and the public  
12 generally – to confirm that Clark County is hiring poll workers that are representative of Nevada's  
13 political parties as NRS 293.217 mandates.

14 3. The purpose of the NPRA is "to foster democratic principles by providing members  
15 of the public with prompt access to inspect, copy or receive a copy of public books and records to  
16 the extent permitted by law." NRS 239.001. The need to promote transparency and democratic  
17 principles is especially acute in the election context.

18 4. Respondents' denial of Petitioner's public records request frustrates the public's  
19 interests in open government and in ensuring a fair, transparent, and controversy-free election.

20 5. Accordingly, the Court should grant Petitioner's Application and issue a writ of  
21 mandamus ordering Respondents to immediately produce public records containing verifiable  
22 information about poll workers' party identification/affiliation.

### 23 THE PARTIES

24 6. Petitioner the Republican National Committee ("RNC") is the official national  
25 political committee for the Republican Party. The RNC manages the party's business at the national  
26 level, including development and promotion of the Party's national platform and fundraising and  
27 election strategies; supports Republican candidates for public office at all levels across the country  
28 including those on the ballot in Nevada; and assists state parties throughout the country, including

1 the Nevada Republican Party, to educate, mobilize, assist, and turn out voters. The RNC made  
2 significant contributions and expenditures in support of Republican candidates up and down the  
3 ballot and in mobilizing and educating voters in Nevada in past election cycles, and is doing so  
4 again in 2022. It brings this Application and Petition on behalf of itself, its voters, its candidates,  
5 and the elected officials with whom it associates.

6 7. Respondent Clark County is a political subdivision of the State of Nevada and  
7 subject to the NPRA. *See* NRS 239.005(2); NRS 239.005(5)(b).

8 8. Respondent Clark County Election Department is an agency, division, or department  
9 of Clark County and subject to the NPRA. *See* NRS 239.005(2); NRS 239.005(5)(b).

10 9. Respondent Joe P. Gloria ("Gloria") is a resident of Clark County, Nevada and is the  
11 Clark County Registrar of Voters. Gloria is the head of the Clark County Election Department and  
12 is subject to the NPRA. *See* NRS 239.005(2); NRS 239.005(5)(a).

### 13 JURISDICTION AND VENUE

14 10. A writ of mandamus is the appropriate means for pursuing the disclosure of public  
15 records pursuant to NRS 239.011. *City of Sparks v. Reno Newspapers, Inc.*, 133 Nev. 398, 399,  
16 399 P.3d 352, 355 (2017) (collecting cases).

17 11. This Court has jurisdiction to issue writs of mandamus under Article 6, Section 6 of  
18 the Nevada Constitution and NRS 34.160.

19 12. This Court has jurisdiction and venue pursuant to NRS 239.011(1) because  
20 Clark County, Nevada is the county where all requested records are located.

### 21 STANDING

22 13. Petitioner has standing to pursue this expedited application and writ of mandamus  
23 because the public records it requested from Respondents, through counsel, have been denied and  
24 willfully withheld. *See* NRS 239.011; NRS 239.340.

### 25 GENERAL ALLEGATIONS AND STATEMENT OF FACTS

#### 26 **A. Political Parties are Entitled to Fair Representation Among Poll Workers.**

27 14. The county clerk or registrar of each county is responsible for appointing election  
28 board officers for the various polling places in the county. NRS 293.217(1).

1           15. Poll workers are a type of election board officer. They are hired, trained, and paid  
2 for by Clark County with public funds. Poll workers perform various important functions at polling  
3 locations during early voting and on Election Day. Poll workers are also staffed at ballot processing  
4 facilities.

5           16. Because of the central role that they play in elections, NRS 293.217(1) requires that  
6 "[t]he registered voters appointed as [poll workers] for any polling place must not all be of the same  
7 political party."

8           17. NRS 293.217 mandates that political parties receive proportional representation  
9 among poll workers. The statute is a mechanism to ensure election processes are followed fairly. A  
10 balanced poll-worker work force decreases the chances of real or perceived improprieties and  
11 increases confidence in the electoral system.

12           **B. The RNC Sends an NPRA Request for Information About Poll Workers But is**  
13           **Unlawfully Denied.**

14           18. As part of its obligation to its voters, candidates, and office-holders, the RNC has  
15 made many efforts to obtain information about – and make improvements in – Clark County's  
16 election processes.

17           19. In July 2022, the RNC's counsel met in person with Gloria and his counsel to debrief  
18 about the June primary election and to discuss issues related to the upcoming 2022 general election.  
19 Among the issues discussed was the partisan percentage of poll workers in light of NRS 293.217's  
20 requirements. Despite the statutory requirements, Gloria declined to provide this information,  
21 expressing privacy concerns about releasing anything that would allow the RNC or the public to  
22 verify that Clark County's poll workers will be representative of the political parties.

23           20. Notwithstanding his initial concerns, Gloria and his counsel invited the RNC to send  
24 a formal public records request for their consideration.

25           21. On August 5, 2022, the RNC, through its counsel, sent an NPRA request to  
26 Respondents asking for a number of public records. (Ex. 1.) Request 21 asked Respondents to  
27 "[p]roduce the full name, title/position, and political party affiliation/registration of all poll workers  
28 employed in the 2022 primary election and those hired for the 2022 election." ("NPRA Request").

1 Even though there is no legal requirement to do so, the RNC offered to treat information responsive  
2 to the NPRA Request as "attorneys' eyes only" to address the privacy concerns Gloria raised at the  
3 July meeting.

4 22. In full, the NPRA Request states:

5 Produce the full name, title/position, and political party affiliation/registration  
6 of all poll workers employed in the 2022 primary election and those hired for the  
7 2022 general election. As we previously agreed at our July 26, 2022 meeting, the  
8 identity of all government workers is public information. However, given the  
9 privacy concerns you expressed, we will agree to keep the information produced in  
10 response to this Request No. 21 as "attorneys' eyes only" and will agree not to  
11 disseminate it beyond counsel in an effort to expedite obtaining this information.

12 23. The requested documents constitute public records within the meaning of  
13 NRS Chapter 239.

14 24. The RNC did not request – and does not seek – any other personal identifying  
15 information other than the poll workers' names and party affiliation. Any other information may be  
16 redacted.

17 25. Respondents generically responded to all of the RNC's requests via email on  
18 August 11, 2022, stating that "it [was] anticipated [that] some of the records will be available by  
19 September 1, 2022, but based on the numerous request[s] it is anticipated that some requests may  
20 take longer." (Ex. 2.). Respondents did not assert any objection or concerns about confidentiality  
21 or privacy in this response.

22 26. If Respondents contended that the NPRA Request implicated confidential  
23 information, NRS 239.0107(1)(d) required them to respond in writing by the fifth day after the  
24 request providing notice of that fact *and* "[a] citation to the specific statute or other legal authority  
25 that makes the public book or record, or a part thereof, confidential." However, Respondents made  
26 no such objection in their August 11, 2022 response.

27 27. On August 17, 2022, Respondents began producing documents on a rolling basis for  
28 other categories of the RNC's requests but not for the subject NPRA Request. Respondents  
indicated that "the County will be releasing documents as they become available." (Ex. 3.)

28. Two weeks later, on August 31, 2022, Respondents emailed RNC's counsel stating, "As previously indicated, the election department will not be providing a list of the people that worked or will work the primary and general 2022 elections due to election security." (Ex. 4.)

29. This was Respondents' first formal denial of the subject NPRA Request about poll worker information.

30. That same day, the RNC, again through counsel, asked Respondents to provide the legal authority for Respondents' blanket denial of the requested information. (Ex. 5.) The RNC also reiterated its prior offer to keep the information "attorneys' eyes only" even though there is no legal obligation to do so.

31. Once again, Respondents' answer did not cite to any explicit statutory authority for its claim of confidentiality. Instead, Respondents pointed to the Nevada Supreme Court's decision in *Las Vegas Metropolitan Police Department v. Las Vegas Review-Journal*, 136 Nev. 733, 478 P.3d 383 (2020) ("*LVMPD*") and asserted privacy interests and the supposed risk of harassment as reasons for Gloria's nondisclosure. (Ex. 5.)

32. In a final effort to compromise, the RNC sent a letter to Respondents on September 2, 2022 distinguishing *LVMPD* and detailing the many reasons the requested information about poll workers is not confidential and must be disclosed. The RNC asked Respondents to reconsider their position and to provide a response by September 8, 2022. (Ex. 6.)

33. To date, Respondents have not reconsidered their obstinate denial of the RNC's NPRA Request. Therefore, the RNC has no other option but to petition this Court for relief.

### **LEGAL STANDARD AND AUTHORITY**

34. "Nevada's public records law shines a light on government conduct. It permits Nevadans insight into whether the officials they elected are holding true to their promises." *Nevada Independent v. Whitley*, 138 Nev. Adv. Op. 15, 506 P.3d 1037, 1039 (2022). "[T]he purpose of the NPRA is to further the democratic ideal of an accountable government by ensuring that public records are broadly accessible,' which 'promote[s] government transparency and accountability.'" *Dep't of Emp., Training & Rehab., Emp. Sec. Div. v. Sierra Nat'l Corp.*,

1 136 Nev. 98, 100, 460 P.3d 18, 21 (2020) (quoting *Reno Newspapers, Inc. v. Gibbons*,  
2 127 Nev. 873, 877-78, 266 P.3d 623, 626 (2011)).

3 35. With some narrow exceptions, NRS 239.010 generally provides that all public books  
4 and records must be open at all times for inspection by any person. The provisions of the NPRA  
5 "must be construed liberally to carry out this important purpose." NRS 239.001(2). Courts  
6 "presume that the requested public records must be disclosed unless the governmental entity  
7 demonstrates that either (1) the records are confidential by law or (2) the balance of interests  
8 weighs against disclosure." *Dep't of Emp., Training & Rehab., Emp. Sec. Div.*, 136 Nev. at 100,  
9 460 P.3d at 21.

10 36. However, "[a]ny exemption, exception or balancing of interests which limits or  
11 restricts access to public books and records by members of the public must be construed narrowly."  
12 NRS 239.001(3). The government entity resisting disclosure "has the burden of proving by a  
13 preponderance of the evidence that the public book or record, or a part thereof, is confidential."  
14 NRS 239.0113.

15 37. Here, the RNC served an NPRA request asking for "the full name, title/position, and  
16 political party affiliation/registration of all poll workers employed in the 2022 primary election and  
17 those hired for the 2022 election." (Ex. 1.) The requested public records are presumptively public  
18 and available for production and inspection. The RNC's request is in the spirit of cultivating  
19 democratic principles and government accountability. *See* NRS 239.001(1); *Nevada Independent*,  
20 138 Nev. Adv. Op. 15, 506 P.3d at 1039.

21 38. Nonetheless, Respondents have willfully refused to provide any documents  
22 responsive to the RNC's NPRA Request without identifying any express statutory provision  
23 deeming information about election poll workers confidential and exempt from disclosure. Rather,  
24 Respondents rely on the balancing test set forth in *Las Vegas Metropolitan Police Department v.*  
25 *Las Vegas Review-Journal*, 136 Nev. 733, 478 P.3d 383 (2020). (Ex. 5).

26 39. *LVMPD* is plainly distinguishable, and Respondents' position conflicts with other  
27 express statutes in NRS Chapter 239 as well as other Nevada Supreme Court authority.  
28

1           40. In *LVMPD*, the Las Vegas Review-Journal submitted an NPRA request for certain  
2 information related to Las Vegas Metropolitan Police Department's ("Metro") sex-trafficking cases,  
3 including the officers' names, badge numbers, and unit assignments. 136 Nev. at 734, 478 P.3d  
4 at 385. Metro partially responded with the officers' names and badge numbers, but refused to  
5 disclose the officers' unit assignments due to concerns that it might reveal the identities of  
6 undercover officers and jeopardize officer safety. *Id.* at 734, 478 P.3d at 385-86.

7           41. The Review-Journal filed a petition for writ of mandamus and the district court  
8 partially granted it. *Id.* at 734-35, 478 P.3d 383, 385-86 (2020). The district court applied a  
9 balancing test and explained that Metro's evidence was too speculative to rebut the presumption of  
10 access and the records did not implicate any cognizable privacy concerns "***because Metro's officers***  
11 ***are public employees who necessarily interact with the public and the community.***" *Id.* at 735,  
12 478 P.3d at 386 (emphasis added).

13           42. Metro appealed, and the Nevada Supreme Court applied the two-part *CCSD*  
14 balancing test for personal privacy claims. Under this test, "the government must establish that  
15 disclosure would intrude on a personal privacy interest that is nontrivial or that rises above the  
16 de minimis level." *Id.* at 737, 478 P.3d at 387. If the government's burden is met, "the burden shifts  
17 to the requesting party to show that disclosure is likely to advance a significant public interest." *Id.*

18           43. While concluding that government employees, like police officers, have nontrivial  
19 privacy interests in avoiding harassment, the Nevada Supreme Court observed that "***Metro ha[d]***  
20 ***already released not only its officers' names, but also their badge numbers.*** Metro is only  
21 objecting to disclosure of its officers' unit assignments." *Id.* at 740, 478 P.3d at 389  
22 (emphasis added). The Court treated unit assignments differently from merely releasing names  
23 because "[t]hat information is not released on a regular basis and could lead to invasions of privacy  
24 ***even if the disclosure of names alone would not.***" *Id.* at 100, 460 P.3d at 21 (emphasis added). The  
25 Court remanded for consideration of the second "public interest prong." *Id.*

26           44. Unlike *LVMPD*, Respondents are even refusing to release the names and party  
27 affiliations of the publicly-hired and publicly-paid poll workers to confirm compliance with  
28 NRS 293.217. Merely disclosing the poll workers' names and party affiliations – without (for



example) the individuals' addresses, phone numbers, or other contact information – does not implicate anything more than nontrivial privacy interests and does not create any realistic risk of harassment or other stigmatization. After all, the names (and sometimes salaries) of government workers are public information and often listed online. And, the poll workers and their names will be visible to the public throughout the voting process at polling locations.

45. Poll workers are not hidden, and Respondents have not traditionally shielded the poll workers from public view. Indeed, NRS 293.269931(1) requires that "[t]he counting procedure must be public" and NAC 293.245(6) provides the public with a right of "meaningful observation" at polling places. Respondents' proffered anxieties about the prospect of harassment do not rise above the speculative level. *See Clark Cnty. Sch. Dist. v. Las Vegas Rev.-J.*, 134 Nev. 700, 706, 429 P.3d 313, 319 (2018) ("A government entity cannot meet its burden for preventing disclosure by voicing non-particularized hypothetical concerns.") (quotations omitted). The NPRA Request is aimed solely at ensuring that Respondents are complying with their statutory obligations under election law to have a partisan balance among poll workers.

46. Moreover, Respondents' legitimate concerns, if any, are mitigated by the RNC's continued offers to treat this information as "attorneys' eyes only."

47. The NPRA itself designates names and identifying information confidential and protected from disclosures in only two limited circumstances. NRS 239.0105 states that "records contain[ing] the *name*, address, telephone number or *other identifying information of a natural person*" "are confidential and not public books or records within the meaning of NRS 239.010 *if*" the information is contained within the records "for the purposes of: (1) [r]egistering with or applying to the local governmental entity for the use of any recreational facility or portion thereof that the local governmental entity offers for use through the acceptance of reservations; or (2) [o]n his or her own behalf or on behalf of a minor child, registering or enrolling with or applying to the local governmental entity for participation in an instructional or recreational activity or event conducted, operated or sponsored by the local governmental entity." (Emphases added.)

48. Neither of these limitations on the disclosure of "names" and "other identifying information" apply here, and their express statutory inclusion in NRS Chapter 239 prohibits the

1 judicial creation of new confidentiality exemptions for the names of natural persons that do not fall  
2 within NRS 239.0105. *See Galloway v. Truesdell*, 83 Nev. 13, 26, 422 P.2d 237, 246 (1967) ("The  
3 maxim 'expressio Unius Est Exclusio Alterius', the expression of one thing is the exclusion of  
4 another, has been repeatedly confirmed in this State.").

5 49. When the Legislature wants to shield the identities of certain individuals from  
6 disclosure under the NPRA, it does so explicitly. For instance, in *City of Sparks v.*  
7 *Reno Newspapers, Inc.*, 133 Nev. 398, 399, 399 P.3d 352, 354 (2017), the Reno Gazette-Journal  
8 filed a petition for mandamus demanding the unredacted disclosure of the identities of individuals  
9 holding business licenses for medical marijuana establishments. The Nevada Supreme Court found  
10 that the information was exempt from disclosure because a specific statute provided the "power to  
11 withhold identifying information of certain persons" and the information requested had "been  
12 expressly and unequivocally deemed confidential [and] thus, exempt from disclosure." *Id.* at 398,  
13 405, 399 P.3d at 358.

14 50. The Legislature has not specifically designated poll worker names and party  
15 affiliation as confidential and beyond public inspection. *Cf.* NRS 293.906-NRS 293.914.

16 51. Respondents failed to identify any nontrivial interest in nondisclosure, particularly  
17 in an area of paramount public interest like election operations. Therefore, Respondents have not  
18 rebutted the presumption that the RNC's requested documents are open to public inspection or  
19 shown that interests in non-disclosure clearly outweigh the public's right of access. *LVMPD*,  
20 136 Nev. at 735, 478 P.3d at 386.

21 52. Even if Respondents could show a nontrivial interest to withhold the requested  
22 information – and they cannot – disclosing RNC's requested information will significantly advance  
23 public interests. *See id.* at 737, 478 P.3d at 387. NRS 293.217(1) provides that "[t]he registered  
24 voters appointed as election board officers for any polling place must not all be of the same political  
25 party." (Emphasis added.) This provision ensures that poll workers are representative of the  
26 political parties to decrease real or perceived favoritism by the government and to minimize the  
27 chances of any improprieties.

53. Party representation among poll workers is a vital component of a fair and transparent election. The public cannot know whether Respondents are complying with their statutory obligation without disclosure of the requested information and, as a result, cannot be certain that no irregularities will occur. Thus, a significant public interest is implicated, and the information must be produced.

**FIRST CLAIM FOR RELIEF**

**(Writ of Mandamus/Application for Order Compelling Disclosure under NRS 293.011)**

54. Petitioner repeats and realleges the allegations set forth above as though fully set forth herein.

55. On August 5, 2022, Petitioner submitted to Respondents an NPRA public records request asking them to "[p]roduce the full name, title/position, and political party affiliation/registration of all poll workers employed in the 2022 primary election and those hired for the 2022 election."

56. The documents requested are public records and available to Respondents to disclose to Petitioner, if Respondents desired. Under NRS Chapter 239, Respondents have a duty resulting from their office, trust or station to produce them for inspection and copying. *See* NRS 34.160.

57. On August 31, 2022, Respondents denied Petitioner's NPRA Request without citing any statute or other legal authority that makes the requested records confidential or exempt.

58. Respondents have rejected Petitioner's many attempts at compromise to obtain the information.

59. There is no statutory or common law exemption prohibiting disclosure of the names and party affiliation of poll workers who play an important role in our voting process. Respondents failed to establish that disclosure would intrude on a personal privacy interest that is nontrivial or rises above the de minimis level.

60. Petitioner's request advances significant public interests to make certain that Respondents are conducting elections openly and fairly in accordance with the law. *See* Nev. Const. art. II, § 1A(2) (a voter has a right "[t]o have questions concerning voting procedures

1 answered and to have an explanation of the procedures for voting posted in a conspicuous place at  
2 the polling place.").

3 61. Without a writ of mandamus compelling Respondents to allow Petitioner to inspect  
4 and copy the records, Petitioner has no plain, speedy and adequate remedy in the ordinary course  
5 of law. *See* NRS 34.170.

6 62. Therefore, Petitioner respectfully requests that this Court issue a writ of mandamus  
7 compelling Respondents to fully answer Petitioner's NPRA Request and provide the full name,  
8 title/position, and political party affiliation/registration of all poll workers employed in the  
9 2022 primary election and those hired for the 2022 general election.

10 63. Respondents have willfully failed to comply with the provisions of  
11 NRS Chapter 239 concerning Petitioner's request to inspect, copy or receive a copy of a public book  
12 or record. Consequently, the Court must impose a civil penalty on Respondents. *See* NRS 239.340.

13 64. As a result of Respondents' refusal to comply with NRS Chapter 239, Petitioner has  
14 been forced to retain an attorney to vindicate its rights, and Petitioner is entitled to recover its costs  
15 and reasonable attorneys' fees for bringing this proceeding. *See* NRS 239.011(2).

16 **PRAYER FOR RELIEF**

17 WHEREFORE, Petitioner prays for relief as follows:

18 1. For the Court to give this matter priority over other civil matters to which priority is  
19 not given by other statutes and decide this matter expeditiously as required by NRS 239.011(2);

20 2. For a writ of mandamus compelling Respondents to produce the public records for  
21 inspection and copying as set forth herein;

22 3. For an order granting this Application and directing Respondents to allow Petitioner  
23 to inspect and copy the public records as set forth herein;

24 4. For any necessary injunctive or declaratory remedies related to Petitioner's relief;

25 5. For the civil penalties authorized by NRS 239.340;

26

27

28

6. For an award of reasonable costs and attorneys' fees as provided by law; and
7. Any additional relief this Court deems just, proper, and equitable.

DATED this 20th day of September, 2022.

PISANELLI BICE PLLC

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**DECLARATION OF SWATI SINGH SUPPORT OF PETITION FOR WRIT OF  
MANDAMUS AND APPLICATION COMPELLING DISCLOSURE OF PUBLIC  
RECORDS PURSUANT TO NRS 239.011**

I, Swati Singh, hereby declare and states as follows:

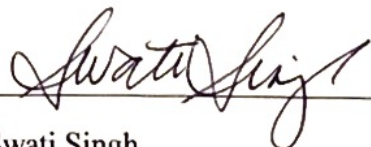
1. I am over 18 years of age and am competent to testify as to the matters set forth in this Declaration based upon my own personal knowledge. I believe them to be true and would so testify if called upon to do so.

2. I am a Regional Political Director of Petitioner Republican National Committee, the party beneficially interested in this Application and Petition for Writ of Mandamus. *See* NRS 34.170 (stating a writ of mandamus "shall be issued upon affidavit, on application of the party beneficially interested.)

3. I verify that I have read the foregoing Petition for Writ of Mandamus and Application Compelling Disclosure of Public Records Pursuant to NRS 239.011, and that the same is true to my own knowledge, except for those matters stated on information and belief, and as those matters, I believe them to be true.

4. Pursuant to NRS 53.045, I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

5. This declaration is executed on 19th day of September, 2022 in Clark County, Nevada.

  
Swati Singh

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# EXHIBIT 1



# PISANELLI BICE

August 5, 2022

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Dear Ms. Logsdon and Mr. Gloria:

Under the Nevada Public Records Act § 239 et seq., I am formally requesting an opportunity to inspect or obtain copies of the following:

1. All "procedures for the processing and counting of mail ballots" including, but not limited to, those referenced in NRS 293.269925(1).
2. All policies, procedures, regulations, or guidance related to the electronic and/or manual signature review of mail ballots including, but not limited to, those referenced in NRS 293.269927.
3. All data, lists, reports, and/or tracking of the number of mail ballot signatures that were found not to match after being checked by electronic means or by an electronic device including, but not limited to, those referenced in NRS 293.269927(2).
4. All data, lists, reports, and/or tracking of mail ballot signatures that were found to match or not match after the manual signature review process including, but not limited to, those referenced in NRS 293.269927(2) through (4).
5. All data, lists, reports, and/or tracking of mail ballot signatures that were found to match by a supervisor(s) or other individual(s) during the manual signature review process after "at least two employees in the office of the clerk believed there [was] a reasonable question of fact as to whether the



signature used for the mail ballot matches the signature of the voter" including, but not limited to, those referenced in NRS 293.269927(2) through (4).

6. All data, lists, reports, and/or tracking of mail ballot signatures that were not put into the signature cure process (NRS 293.269927(6)) after "at least two employees in the office of the clerk believed there [was] a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter" including, but not limited to, those referenced in NRS 293.269927(2) through (8).
7. All data, testing, reports, and/or tracking leading to the Agilis machines having a setting of 40 or other chosen setting.
8. All "procedures for a voter who failed to affix his or her signature or failed to affix it in the manner required by law for the mail ballot, or for whom there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter" including, but not limited to, those referenced in NRS 293.269927(7) and/or (9).
9. All policies, procedures, regulations, guidance, and/or standard questions or inquiries related to NRS 293.269927(8).
10. All policies, procedures, regulations, or guidance related to the audit and/or testing of accuracy of electronic devices used to verify signatures on mail ballots including, but not limited to, those referenced in NRS 293.269937.
11. All data, drafts, communications, daily audits, and final reports related to the audit and/or testing of accuracy of electronic devices used to verify signatures on mail ballots including, but not limited to, those referenced in NRS 293.269937.
12. All "procedure[s], approved by the Secretary of State, to verify that the voter has not already voted in [the] county in the current election" as stated in NRS 293.277(3). The response should include a copy of the referenced Secretary of State approval.
13. All training materials including, but not limited to, PowerPoint presentations, videos, manuals, handouts, testing, or homework materials related to the electronic and/or manual signature review of mail ballots as referenced in NRS 293.269927. This request includes materials in your possession, custody, or control regardless of whether they were originally generated or created by Clark County or received from third parties like the Nevada Secretary of State.

14. All documents, training materials, and/or communications related to the annual training on forensic signature verification as referenced in NRS 293.877.
15. The plan and/or notification to the Secretary of State related to the security of ballots as referenced in NAC 293B.040(2).
16. All certifications, reports, audits, audit trials, and data related to the software, firmware, and operating systems referenced in NAC 293B.110.
17. All communications and documents exchanged with the Voting System Certification and Laboratory Accreditation Program of the Election Assistance Commission.
18. All post-election audit verification reports and data including, but not limited to, those referenced in NAC 293B.120.
19. All documents and communications exchanged with the manufacturer, distributor, and/or vendor of any device utilized to check the signature used for a mail ballot by electronic means including, but not limited to, those referenced in NRS 293.269927.
20. All non-privileged communications between or among Clark County employees, Clark County Commissioners, contractors, agents, other state employees (*e.g.* Secretary of State's Office) and/or third parties including (but not limited to) the federal government, regarding or relating to the electronic and/or manual signature review process for mail ballots.
21. Produce the full name, title/position, and political party affiliation/registration of all poll workers employed in the 2022 primary election and those hired for the 2022 general election. As we previously agreed at our July 26, 2022 meeting, the identity of all government workers is public information. However, given the privacy concerns you expressed, we will agree to keep the information produced in response to this Request No. 21 as "attorneys' eyes only" and will agree not to disseminate it beyond counsel in an effort to expedite obtaining this information.
22. The names and political party identification of each employee, supervisor, contractor, or agent involved in the electronic and/or manual signature review of mail ballots including, but not limited to, those referenced in NRS 293.269927. As we previously agreed at our July 26, 2022 meeting, the identity of all government workers is public information. However, given the privacy concerns you expressed, we will agree to keep the information produced in response to this Request No. 22 as "attorneys' eyes only" and will agree not to disseminate it beyond counsel in an effort to expedite obtaining this information

August 5, 2022

Page 4

23. The names and political party identification of each election board officer appointed to manually review signatures including, but not limited to, those referenced in NRS 293.269937(2). As we previously agreed at our July 26, 2022 meeting, the identity of all government workers is public information. However, given the privacy concerns you expressed, we will agree to keep the information produced in response to this Request No. 23 as "attorneys' eyes only" and will agree not to disseminate it beyond counsel in an effort to expedite obtaining this information.

The relevant time period for these requests is January 1, 2019, to the present.

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$100.00. However, I would also like to request a waiver of all fees because the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of election integrity and processes for future elections. This information is not being sought for commercial purposes.

If production of the requested records will take longer than five (5) business days as specified in NRS 239.0107, please let me know when I will receive copies or the ability to inspect the requested records. However, as I am sure you understand, time is of the essence with the fast-approaching election.

If you deny any or all of these requests, please provide a log citing each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available under the law. Additionally, please notify me if any of the requested material has been lost or destroyed.

Sincerely,

*/s/ Jordan T. Smith*

Jordan T. Smith

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# **EXHIBIT 2**

**From:** [Lisa Logsdon](#)  
**To:** [Jordan T. Smith](#)  
**Subject:** Public Record Response  
**Date:** Thursday, August 11, 2022 2:54:40 PM  
**Attachments:** [Response 8-5-22 Mail Ballot Verification Letter.pdf](#)

---

CAUTION: This message is from an EXTERNAL SENDER.  
Mr. Smith,

The attached letter is in response to your letter dated August 5, 2022 regarding the manual signature verification of mail ballots. After review, please let me know if you have any questions.

With respect to your two public records request dated August 5, 2022 and August 9, 2022, it is anticipated the some of the records will be available by September 1, 2022, but based on the numerous request it is anticipated that some requests may take longer. The Department is busy preparing for the upcoming general election, but staff will be working diligently on gathering the requested information. We anticipate releasing the information as we have it available and we will provide updates as they are available.

Thank you.

Lisa Logsdon  
County Counsel  
Clark County District Attorney – Civil Division  
Telephone: (702) 455-4761  
Email: [Lisa.Logsdon@ClarkCountyDA.com](mailto:Lisa.Logsdon@ClarkCountyDA.com)

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**CLARK COUNTY**  
**OFFICE OF THE DISTRICT ATTORNEY**

*Civil Division*

**STEVEN B. WOLFSON**

District Attorney

---

500 S. Grand Central Pkwy, Suite 5075 • Las Vegas, NV 89155 • 702-455-4761 • Fax: 702-382-5178 • TTY and/or other relay services: 711

---

CHRISTOPHER LALLI  
*Assistant District Attorney*

ROBERT DASKAS  
*Assistant District Attorney*

BRIGID J. DUFFY  
*Director DA Juvenile*

KAREN S. CLIFFE  
*Director DA Family Support*

LISA LOGSDON  
*County Counsel*

August 11, 2022

Jordan Smith, Esq.  
Pisanelli Bice  
400 S. 7<sup>th</sup> Street, Suite 300  
Las Vegas, Nevada 89101

Re: Mail Ballot Signature Verification Letter Dated August 5, 2022

Dear Mr. Smith:

After receipt of your letter, Mr. Gloria reviewed the manual mail ballot signature verification process with election staff and was informed that his explanation during the July 26, 2022, meeting, was incorrect. Due to the increase in the number of mail ballots received during the 2022 primary election and the increase demands on staffing the supervisor review was eliminated from the manual signature verification process before a mail ballot is sent to the cure process. This process was followed during the 2022 primary election and will also be followed in the upcoming 2022 general election.

The fact that the County process no longer provides for a supervisor review of a determination that two employees believe there is a reasonable question of fact with respect to a voter's signature does not imply that the County agrees with your interpretation of NRS 293.269927(3). But, the County did want to confirm that for the 2022 primary and the upcoming 2022 general elections that the County did not use and will not use the procedure that Mr. Gloria described during on July 26, 2022 meeting.

If you have any questions, please contact me at 702-455-4761 or  
[Lisa.Logsdon@ClarkCountyDA.com](mailto:Lisa.Logsdon@ClarkCountyDA.com).

Sincerely,

STEVEN B. WOLFSON  
DISTRICT ATTORNEY

BY: /s/Lisa Logsdon  
LISA LOGSDON  
County Counsel  
[Lisa.Logsdon@ClarkCountyDA.com](mailto:Lisa.Logsdon@ClarkCountyDA.com)

cc: Joe Gloria, Clark County Registrar of Voters

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# EXHIBIT 3

**From:** [Lisa Logsdon](#)  
**To:** [Jordan T. Smith](#)  
**Subject:** RE: Public Record Response - Request #11  
**Date:** Wednesday, August 17, 2022 9:33:47 AM  
**Attachments:** [2022-06-07\\_Redacted.pdf](#)  
[2022-06-08\\_Redacted.pdf](#)  
[2022-06-09\\_Redacted.pdf](#)  
[2022-06-10\\_Redacted.pdf](#)  
[2022-06-11\\_Redacted.pdf](#)  
[2022-06-13\\_Redacted.pdf](#)  
[2022-06-14\\_Redacted.pdf](#)  
[2022-06-15\\_Redacted.pdf](#)  
[2022-06-16\\_Redacted.pdf](#)  
[2022-05-31\\_Redacted.pdf](#)  
[2022-06-01\\_Redacted.pdf](#)  
[2022-06-02\\_Redacted.pdf](#)  
[2022-06-03\\_Redacted.pdf](#)  
[2022-06-04\\_Redacted.pdf](#)  
[2022-06-06\\_Redacted.pdf](#)

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CAUTION: This message is from an EXTERNAL SENDER.  
Mr. Smith,

Pursuant to your request #11, attached are the signature verification reports required by NRS 293.269937. For security purposes, the voter's signatures have been redacted along with the employees name. As previously, stated the County will be releasing documents as they become available.

Please let me know if you have any questions.

Lisa Logsdon  
County Counsel  
Clark County District Attorney – Civil Division  
Telephone: (702) 455-4761  
Email: [Lisa.Logsdon@ClarkCountyDA.com](mailto:Lisa.Logsdon@ClarkCountyDA.com)

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---

**From:** Lisa Logsdon  
**Sent:** Thursday, August 11, 2022 2:54 PM  
**To:** [jts@pisanellibice.com](mailto:jts@pisanellibice.com)  
**Subject:** Public Record Response

Mr. Smith,

The attached letter is in response to your letter dated August 5, 2022 regarding the manual signature verification of mail ballots. After review, please let me know if you have any questions.

With respect to your two public records request dated August 5, 2022 and August 9, 2022, it is anticipated the some of the records will be available by September 1, 2022, but based on the numerous request it is anticipated that some requests any take longer. The Department is busy



preparing for the upcoming general election, but staff will be working diligently on gathering the requested information. We anticipate releasing the information as we have it available and we will provide updates as they are available.

Thank you.

Lisa Logsdon

County Counsel

Clark County District Attorney – Civil Division

Telephone: (702) 455-4761

Email: [Lisa.Logsdon@ClarkCountyDA.com](mailto:Lisa.Logsdon@ClarkCountyDA.com)

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# EXHIBIT 4

**From:** [Lisa Logsdon](#)  
**To:** [Jordan T. Smith](#)  
**Cc:** [Kimberly Peets](#)  
**Subject:** RE: Signature Verification Process  
**Date:** Wednesday, August 31, 2022 9:33:49 AM  
**Attachments:** [CC Response 8-25-22.pdf](#)

---

**CAUTION:** This message is from an EXTERNAL SENDER.

Jordan,

Attached, please find a response to your letter received on August 25, 2022. Also, I have uploaded most of the documents that are responsive to your request on August 5, 2022 to the ftp site that your firm provided. The election department is still gathering and/or researching the existence of some of the requested documents. As previously indicated, the election department will not be providing a list of the people that worked or will work the primary and general 2022 elections due to election security.

**Lisa Logsdon**  
County Counsel  
Clark County District Attorney – Civil Division  
Telephone: (702) 455-4761  
Email: [Lisa.Logsdon@ClarkCountyDA.com](mailto:Lisa.Logsdon@ClarkCountyDA.com)

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---

**From:** Kimberly Peets <[kap@pisanellibice.com](mailto:kap@pisanellibice.com)>  
**Sent:** Thursday, August 25, 2022 4:02 PM  
**To:** Lisa Logsdon <[Lisa.Logsdon@clarkcountyda.com](mailto:Lisa.Logsdon@clarkcountyda.com)>  
**Cc:** Jordan T. Smith <[JTS@pisanellibice.com](mailto:JTS@pisanellibice.com)>  
**Subject:** Signature Verification Process

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Please see attached correspondence from Jordan T. Smith, Esq.

Thank you,

Kimberly A. Peets  
Legal Assistant to Jordan T. Smith, Esq.  
PISANELLI BICE PLLC  
400 South 7th Street, Suite 300  
Las Vegas, Nevada 89101  
tel 702.214.2113  
fax 702.214.2101



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# EXHIBIT 5

**From:** [Lisa Logsdon](#)  
**To:** [Jordan T. Smith](#)  
**Cc:** [Kimberly Peets](#)  
**Subject:** RE: Signature Verification Process  
**Date:** Thursday, September 1, 2022 2:19:45 PM

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Jordan,

The Nevada Supreme Court provides that that the avoidance of harassment is a cognizable privacy interest.” *Las Vegas Metro. Police Dep't v. Las Vegas Rev.-J.*, 136 Nev. 733, 738, 478 P.3d 383, 388. The Nevada Supreme Court held that “government should not be forced to wait for a serious harm from an unwarranted intrusion of personal privacy to occur in order to justify nondisclosure.” *Id.* Courts have consistently shielded information about the location and identities of government employees when disclosure could subject those employees to harassment.” If the County were to disclose the information requested, there would be a substantial risk to poll workers and poll worker applicants who are likely to face harassment and invasion of privacy. In accordance with *Las Vegas Metro. Police Dep't v. Las Vegas Review Journal*, if the government establishes that the disclosure would intrude on a personal privacy interest, the burden shifts to the requesting party to show that disclosure is likely to advance a significant public interest.

Thank you.

Lisa Logsdon  
County Counsel  
Clark County District Attorney – Civil Division  
Telephone: (702) 455-4761  
Email: [Lisa.Logsdon@ClarkCountyDA.com](mailto:Lisa.Logsdon@ClarkCountyDA.com)

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**From:** Jordan T. Smith <JTS@pisanellibice.com>  
**Sent:** Thursday, September 1, 2022 10:24 AM  
**To:** Lisa Logsdon <Lisa.Logsdon@clarkcountyyda.com>  
**Cc:** Kimberly Peets <kap@pisanellibice.com>  
**Subject:** RE: Signature Verification Process

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Lisa,

I’m still evaluating your letter and the documents uploaded to the FTP site.

In the meantime, can you point me to the specific statutory exemption that the County is invoking to withhold the names of the people who will work the primary and general election. I’m obviously

sensitive to security and privacy concerns, which is why I offered to keep those names attorneys-eyes only even though I don't believe I have an obligation to do so.

However, NRS 239.0107(d)(2) requires the County to provide "[a] citation to the specific statute or other legal authority that makes the public book or record, or a part thereof, confidential." I have yet to see the specific statute or legal authority. Please provide that as soon as possible.

Thanks,

Jordan T. Smith  
Partner  
Pisanelli Bice PLLC  
400 South 7th Street, Suite 300  
Las Vegas, Nevada 89101  
tel 702.214.2100  
fax 702.214.2101

---

**From:** Lisa Logsdon <[Lisa.Logsdon@clarkcounttyda.com](mailto:Lisa.Logsdon@clarkcounttyda.com)>  
**Sent:** Wednesday, August 31, 2022 9:33 AM  
**To:** Jordan T. Smith <[JTS@pisanellibice.com](mailto:JTS@pisanellibice.com)>  
**Cc:** Kimberly Peets <[kap@pisanellibice.com](mailto:kap@pisanellibice.com)>  
**Subject:** RE: Signature Verification Process

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Jordan,

Attached, please find a response to your letter received on August 25, 2022. Also, I have uploaded most of the documents that are responsive to your request on August 5, 2022 to the ftp site that your firm provided. The election department is still gathering and/or researching the existence of some of the requested documents. As previously indicated, the election department will not be providing a list of the people that worked or will work the primary and general 2022 elections due to election security.

Lisa Logsdon  
County Counsel  
Clark County District Attorney – Civil Division  
Telephone: (702) 455-4761  
Email: [Lisa.Logsdon@ClarkCountyDA.com](mailto:Lisa.Logsdon@ClarkCountyDA.com)

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---

**From:** Kimberly Peets <[kap@pisanellibice.com](mailto:kap@pisanellibice.com)>  
**Sent:** Thursday, August 25, 2022 4:02 PM  
**To:** Lisa Logsdon <[Lisa.Logsdon@clarkcounttyda.com](mailto:Lisa.Logsdon@clarkcounttyda.com)>  
**Cc:** Jordan T. Smith <[JTS@pisanellibice.com](mailto:JTS@pisanellibice.com)>

**Subject:** Signature Verification Process

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Please see attached correspondence from Jordan T. Smith, Esq.

Thank you,

Kimberly A. Peets  
Legal Assistant to Jordan T. Smith, Esq.  
PISANELLI BICE PLLC  
400 South 7th Street, Suite 300  
Las Vegas, Nevada 89101  
tel 702.214.2113  
fax 702.214.2101



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# EXHIBIT 6





# PISANELLI BICE

September 2, 2022

JORDAN T. SMITH  
ATTORNEY AT LAW  
JTS@PISANELLIBICE.COM

Lisa Logsdon, Esq.  
Clark County District Attorney  
500 S. Grand Central Parkway, Suite 5075  
Las Vegas, Nevada 89106  
[Lisa.Logsdon@clarkcountynvda.com](mailto:Lisa.Logsdon@clarkcountynvda.com)

Dear Ms. Logsdon:

As you know, I represent the Republican National Committee, National Republican Senatorial Committee, and National Republican Congressional Committee.

At the July 26, 2022 meeting with you and Mr. Gloria, I informally requested the names and party affiliation of the poll workers hired for the 2022 general election to confirm Clark County's compliance with NRS 293.217(1)'s mandate that "[t]he registered voters appointed as election board officers for any polling place must not all be of the same political party." I explained why this information is important to conducting a lawful and controversy-free general election. Although you and Mr. Gloria expressed privacy concerns about disclosing the information, you stated that I should send a formal public records request for your consideration.

Accordingly, on behalf of my clients, I sent a NRS Chapter 239 Public Records Act request on August 5, 2022 to the Clark County Registrar of Voters asking for (among other things) "the full name, title/position, and political party affiliation/registration of all poll workers employed in the 2022 primary election and those hired for the 2022 election." ("the PRA Request"). Even though there is no legal requirement to do so, I offered to treat this information as "attorneys' eyes only" to address the privacy concerns that you and Mr. Gloria raised at our meeting.

You responded to all the requests via email on August 11, 2022 stating that "it [was] anticipated [that] some of the records will be available by September 1, 2022, but based on the numerous request[s] it is anticipated that some requests may take longer."

On August 17, 2022, the Registrar (through you) began producing documents on a rolling basis for other categories of requests but not the subject PRA Request. You indicated that "the County will be releasing documents as they become available." My office also arranged an FTP site to facilitate the Registrar's production of documents.

Two weeks later, on August 31, 2022, you responded via email stating, “As previously indicated, the election department will not be providing a list of the people that worked or will work the primary and general 2022 elections due to election security.”

This was the first formal denial of the PRA Request from you or the Registrar.

The same day, I asked you to provide the legal authority for the Registrar’s flat refusal to provide the requested information. NRS 239.0107(d)(2) requires the Registrar to provide “[a] citation to the specific statute or other legal authority that makes the public book or record, or a part thereof, confidential.” I also reiterated my offer to keep the information “attorneys’ eyes only” even though there is no legal obligation to do so.

You answered by pointing to the Nevada Supreme Court’s decision in *Las Vegas Metropolitan Police Department v. Las Vegas Review-Journal*, 136 Nev. 733, 478 P.3d 383 (2020) and asserted the poll workers’ privacy interests and the supposed risk of harassment as reasons for the Registrar’s nondisclosure. You identified no statutory basis for confidentiality or privilege.

However, merely disclosing the poll workers’ names and party affiliation – without (for example) the individuals’ addresses, phone numbers, or other contact information – does not implicate anything more than non-trivial privacy interests and does not create any realistic risk of harassment. Therefore, the Registrar has not rebutted the presumption that the records are open to public inspection or shown that interests in non-disclosure *clearly* outweigh the public’s right of access. *See id.* at 735, 478 P.3d at 386 (stating “government-generated records are presumptively open,” “government must prove that its interest in nondisclosure clearly outweighs the public’s interest in access,” and explaining “this court adopted a different burden-shifting test for nontrivial privacy claims asserted in response to public records requests, in which any such privacy interest is weighed against the requester’s demonstration of a significant public interest in disclosure.”).

Moreover, the Registrar’s legitimate concerns, if any, are mitigated by my continued offers to treat this information as “attorneys’ eyes only.” Afterall, the names (and sometimes salaries) of government workers are public information and often listed online.

For instance, NRS 239.0105 states that “records containing the name, address, telephone number or other identifying information of a natural person” are confidential only if the information is contained within the records of a “local governmental entity for the purposes of: (1) [r]egistering with or applying to the local governmental entity for the use of any recreational facility or portion thereof that the local governmental entity offers for use through the acceptance of reservations; or (2)[o]n his or her own behalf or on behalf of a minor child, registering or enrolling with or applying to the local governmental entity for

participation in an instructional or recreational activity or event conducted, operated or sponsored by the local governmental entity.”<sup>1</sup>

Neither of these exceptions apply here and their express statutory inclusion in NRS Chapter 239 prohibits the judicial creation of new confidentiality exemptions for the names of natural persons. *See Galloway v. Truesdell*, 83 Nev. 13, 26, 422 P.2d 237, 246 (1967) (“The maxim ‘expressio Unius Est Exclusio Alterius’, the expression of one thing is the exclusion of another, has been repeatedly confirmed in this State.”).

Even in *Las Vegas Metropolitan Police Department*, the government agency provided the officers’ names and badge numbers and only objected to providing their unit assignments. *Id.* at 740, 478 P.3d at 389 (“Metro has *already* released not only its officers’ names, but also their badge numbers. Metro is only objecting to disclosure of its officers’ unit assignments. That information is not released on a regular basis and could lead to invasions of privacy *even if the disclosure of names alone would not.*”) (emphasis added). Consequently, there is no good faith basis for the Registrar to withhold the documents.

Disclosure will also advance significant public interests. *See id.* at 737, 478 P.3d at 387. NRS 293.217(1) provides that “[t]he registered voters appointed as election board officers for any polling place *must not all be of the same political party.*” (emphasis added). This provision ensures that poll workers are representative of the political parties to decrease real or perceived favoritism by County staff and to minimize the chances of any improprieties. Party representation among poll workers is a vital component of a fair election. The public cannot know whether the Registrar is complying with his statutory obligation without disclosure of this information and, as a result, cannot be certain that no irregularities will occur. Thus, the public’s interest is implicated and the information must be produced.

The Registrar’s blanket refusal to provide this information is unreasonable, willful, and in bad faith.

---

<sup>1</sup> Even these records must be disclosed pursuant to “[a]n affidavit of an attorney setting forth that the disclosure of such records is relevant to an investigation in anticipation of litigation.” NRS 239.0105(2)(b).

Lisa Logsdon, Esq.  
September 2, 2022  
Page 4

If the Registrar does not reconsider his position by Thursday, September 8, 2022, my clients intend to apply to the district court for relief and seek civil penalties under NRS 239.340 as well as attorneys' fees and costs under NRS 239.011(2).

Sincerely,

*/s/ Jordan T. Smith*

Jordan T. Smith

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