
CLERK OF THE COURT

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DISTRICT COURT

CLARK COUNTY, NEVADA

REPUBLICAN NATIONAL COMMITTEE,

Case No.: A-22-858609-W

Petitioner,

Dept. No.: XVI

v.

(HEARING REQUESTED)

MOTION TO LIFT STAY;

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

**AND APPLICATION FOR WRIT OF
MANDAMUS OR INJUNCTION
DIRECTING THE CLARK COUNTY
REGISTRAR TO COMPLY WITH
NRS 293B.360(2) ON ORDER
SHORTENING TIME**

Respondents.

I. INTRODUCTION

Petitioner Republican National Committee ("RNC") filed this litigation after Respondents refused to provide public records revealing the political affiliation of certain poll workers and election board members that, by statute, Clark County hired to operate the 2022 general election. The very next day after the RNC filed suit, Respondents provided a sliver of the information that was requested months earlier. Then, to resolve the litigation, the parties entered a stipulation where Respondents "agree[d] to provide the RNC with the scheduled roster for all early voting and general election polling locations in Clark County, including manual signature verification and counting board teams." Respondents consented to providing rosters with the political party affiliation, job title and task assignment for all workers and board members. The parties also stipulated that "any disputes or disagreements between the parties related to the issues raised in the Petition . . . and/or disclosure of the information and documents pursuant to this Stipulation and Order may be

1 resolved by the Court on motion practice following good faith meet and confer efforts by the
2 parties."

3 Through the information provided pursuant to the parties' Stipulation, the RNC finally
4 discovered the reasons for the Registrar's seemingly inexplicable refusal to reveal the political party
5 affiliation of poll workers and election board members hired to run Clark County's election. It is
6 now clear that Clark County has disproportionately excluded Republicans and hired an
7 overwhelming number of Democrats and Nonpartisans despite the clear and unambiguous
8 statutory obligation that the members of all special election boards "**must represent all political**
9 **parties as equally as possible.**" NRS 293B.360(2) (emphasis added).

10 Clark County's signature verification board unquestionably violates NRS 293B.360(2)'s
11 mandate for partisan parity on special election boards – not to mention basic notions of fundamental
12 fairness. Clark County stacked its signature verification board **with 23 Democrats, 33 Nonpartisans**
13 **and a mere 8 Republicans.** The signature verification board plays a central role in universal mail-in
14 ballot elections in Clark County. It is the crucial entity that checks and compares signatures on
15 mail-in ballot envelopes that are rejected by an electronic verification machine. If a signature cannot
16 be confirmed using electronic means, the signature verification board members render the important
17 decision about whether a mail-in ballot's signature matches the signature of the voter or whether
18 the mail-in ballot must go through the mandatory "cure" process.

19 The Registrar's lopsided staffing of the signature verification board is not remotely "as
20 equal[] as possible" under any reasonable interpretation of NRS 293B.360(2). In this State's most
21 populous county, it is simply not credible for the Registrar to suggest that he could only find
22 eight Republicans qualified to serve on this board, particularly in light of the Registrar's similarly
23 skewed hiring of Republicans at polling locations around Clark County.

24 The RNC repeatedly met and conferred with the Registrar after learning this troubling
25 information and offered a number of solutions to avoid this Application. The Registrar refused the
26 RNC's good faith suggestions to transfer other already-hired Republicans to the signature
27 verification board or to hire additional Republicans to provide proportional representation. The
28 RNC provided names of willing volunteers to serve on the board; still, the Registrar would not

1 relent. The Registrar's refusal to comply with NRS 293B.360(2) threatens irreparable harm to the
2 RNC, the political candidates, and Nevada's voters.

3 With early voting in process, this Court's emergency intervention is warranted to correct the
4 Registrar's ongoing violation of law. To be clear, the RNC does not seek to stop any voting or
5 mail-in ballot processing. Nor does it seek to undo any completed processing. The RNC only seeks
6 immediate corrective action and compliance with NRS 293B.360(2) going forward.

7 Therefore, this Court should lift its previously entered stay and issue a writ of mandamus or
8 injunction directing Respondents to comply with NRS 293B.360(2) by convening a signature
9 verification board that represents all political parties "as equally as possible."

10 DATED this 27th day of October, 2022.

11 PISANELLI BICE PLLC

12
13 By: /s/ Jordan T. Smith
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17 *Attorneys for Petitioner*
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**DECLARATION OF JORDAN T. SMITH, ESQ. IN SUPPORT OF
APPLICATION AND REQUEST FOR ORDER SHORTENING TIME**

I, Jordan T. Smith, Esq., declare as follows:

1. I am a partner at the law firm of Pisanelli Bice PLLC and counsel for the Republican National Committee ("RNC") in the above-entitled action. I am over the age of eighteen and competent to testify about the matters stated herein.

2. I submit this declaration in support of the foregoing Motion to Lift Stay and Application for Writ of Mandamus and Injunction Directing the Clark County Registrar to Comply with NRS 293B.360(2) on an Order Shortening Time (the "Application").

3. On September 20, 2022, the RNC filed its underlying Petition for Writ of Mandamus and Application Compelling Disclosure of Public Records Pursuant to NRS 239.011 ("the Petition"). The Petition sought, among other things, an order and writ of mandamus directing Respondents to disclose the party affiliation of Clark County's poll workers and other election board members. (*See generally* Pet. Sept. 20, 2022, on file.)

4. The next day, on September 21, 2022, Respondents at last provided a bipartisan breakdown of poll workers that worked the 2022 primary election. (Ex. 1.)

5. Respondents filed their Opposition to the Petition on September 27, 2022 and the Court set an expedited hearing on the Petition for October 3, 2022 under NRS 239.011(2). (Resps.' Opp'n Sept. 27, 2022, on file.)

6. In the meantime, the parties reached an agreement to resolve their dispute over production of information, and this Court entered a Stipulation and Order reflecting that compromise on October 5, 2022. (Stip. & Or., Oct. 5, 2022, on file.).

7. In the Stipulation, Respondents, among other things, "agree[d] to provide the RNC with the scheduled roster for all early voting and general election polling locations in Clark County, including manual signature verification and counting board teams. The roster will include the political party affiliation and job title/task assignment for all poll workers at each polling location." (*Id.* ¶ 6.)

1 8. The parties expressly stipulated that "[a]ny disputes or disagreements between the
2 parties related to the issues raised in the Petition, this Stipulation, and/or disclosure of the
3 information and documents pursuant to this Stipulation and Order may be resolved by the Court on
4 motion practice following good faith meet and confer efforts by the parties." (*Id.* ¶ 8.) The parties
5 stayed proceedings until December 23, 2022 and agreed to dismiss the action if there was no
6 pending disputes. (*Id.* ¶ 9.)

7 9. However, there is now a dispute of the highest importance that requires this Court's
8 immediate intervention. On October 9, 2022, Clark County provided the partisan breakdown of
9 poll workers for early voting and Election Day. (Ex. 2.) The Registrar "anticipate[d] having the
10 manual signature verification and counting board rosters by mid-week." (*Id.*)

11 10. The disparity of partisan poll workers at certain locations is significant. The early
12 voting roster is a stark illustration:

- 13 • Boulevard Mall
 - 14 ○ Democrats 29
 - 15 ○ Republicans 3
 - 16 ○ Nonpartisans 8
 - 17 ○ Students 2
- 18 • Deer Springs Town Center
 - 19 ○ Democrats 28
 - 20 ○ Republicans 3
 - 21 ○ Nonpartisans 3
- 22 • East Las Vegas Library
 - 23 ○ Democrats 19
 - 24 ○ Republicans 3
 - 25 ○ Nonpartisans 6
 - 26 ○ Students 5
- 27 • Las Vegas Athletic Club – North Decatur
 - 28 ○ Democrats 24
 - Republicans 11
 - Nonpartisans 6
- Las Vegas City Clerk
 - Democrats 7
 - Republicans 2
 - Nonpartisans 3

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- Nellis Crossing Shopping Center
 - Democrats 24
 - Republicans 8
 - Nonpartisans 8
 - Students 1
- Lowes Craig Road
 - Democrats 21
 - Republicans 8
 - Nonpartisans 8
- Town Square Las Vegas
 - Democrats 20
 - Republicans 7
 - Nonpartisans 7
- Mobile Team 5
 - Democrats 23
 - Republicans 10
 - Nonpartisans 5
 - Students 1
- Mobile Team 6
 - Democrats 18
 - Republicans 8
 - Nonpartisans 9
- Mobile Team 12
 - Democrats 26
 - Republicans 3
 - Nonpartisans 3
- Mobile Team 14
 - Democrats 15
 - Republicans 6
 - Nonpartisan 6
 - Students 1
- Mobile Team 15
 - Democrats 17
 - Republicans 7
 - Nonpartisans 7
 - Students 1

- Poll Worker Extras Blue
 - Democrats 8
 - Republicans 1
 - Nonpartisans 1
- Poll Worker Extras Green
 - Democrats 19
 - Republicans 7
 - Nonpartisans 8
- Poll Worker Extras Pink
 - Democrats 17
 - Republicans 6
 - Nonpartisans 1

(Ex. 3.)

11. Because these partisan polling location numbers are troubling, I sent a letter to the Registrar requesting an immediate meet and confer to discuss solutions without litigation. (Ex. 4.) My letter highlighted that the Registrar had not yet provided the partisan roster for the signature verification board pursuant to the Stipulation in this case. (*Id.*)

12. On October 10, 2022, the Registrar provided the partisan proportions of the counting board, but not the signature verification board. (Ex. 5.) The Registrar stated he "anticipate[d] having the manual signature verification room roster by the end of the week." (*Id.*)

13. The day after my letter, the Registrar finally provided "a tentative breakdown of party affiliation for the manual signature verification room." (Ex. 6.)

14. Clark County's partisan composition of its signature verification board is as follows:

- Democrats 23
- Republicans 8
- Nonpartisans 33

(*Id.*)

15. On its face, the partisan allocation of signature board members disproportionately excludes Republicans in violation of NRS 293B.360(2), which mandates "[t]he county clerk shall make any appointments from among competent persons who are registered voters in this State.

1 *The members of each board must represent all political parties as equally as*
2 *possible.*" (Emphasis added.)

3 16. The signature verification board plays a pivotal role in universal mail-in voting
4 elections. In Nevada, "each active registered voter in the county" receives a mail-in ballot. *See*
5 NRS 293.269911. Generally, mail-in ballots are collected from a few sources: United States mail,
6 drop boxes, and overseas mail (typically from military personnel).

7 17. Once received, the ballots are processed twice through an electronic device which
8 compares and verifies the voters' signatures. In Clark County, this is known as an "Agilis machine."
9 On the first pass, the Agilis machine checks ballots for irregularities (*e.g.* weight/thickness) and
10 then takes a picture of the voter's signature on the envelope. The Agilis machine next sorts those
11 ballots with potential irregularities from the ballots ready for a second pass. (*See* Ex. 7
12 (correspondence between the RNC and Registrar regarding signature verification process.)

13 18. On the second pass, the Agilis machine compares the first-pass picture of the voter's
14 signature to other signatures on file to see if they match. The comparison signature usually comes
15 from Department of Motor Vehicles (DMV) records. If the Agilis machine finds that the signatures
16 sufficiently match based on its settings, there is no manual review of the signatures and the ballots
17 are transferred to the counting board. (*See id.*)

18 19. Frequently, due to the poor quality of the DMV images, the Agilis machine rejects
19 a high percentage of signatures.

20 20. When the Agilis machine does not find a sufficient match, two members from the
21 signature verification board conduct a manual review of the mail ballot signatures to check if they
22 match or if "there is a reasonable question of fact as to whether the signature used for the mail ballot
23 matches the signature of the voter." *See* NRS 293.269927(3). There is a "reasonable question of
24 fact" about whether the signatures match "if the signature used for the mail ballot differs in multiple,
25 significant and obvious respects from the signatures of the voter available in the records of the
26 clerk" except for discrepancies about middle initials or middle names, certain punctuation, use of
27 common nicknames, or use of one last name instead of two. NRS 293.269927(4).

1 21. If the signature verification board members determine that there is a "reasonable
2 question of fact" about the mail ballot signature, but the voter otherwise appears entitled to cast a
3 mail ballot, the clerk "*shall* contact the voter and advise the voter of the procedures to provide a
4 signature or a confirmation that the signature used for the mail ballot belongs to the voter as
5 applicable." NRS 293.269927(6) (emphasis added).

6 22. This process is referred to as the "cure" process. Before the mail ballot may be
7 counted, "the voter must provide a signature or confirmation, as applicable, not later than 5 p.m. on
8 the sixth day following the election." (*Id.*) Nevada law requires the Registrar to contact the voter
9 and proceed through the cure and confirmation process whenever *two* employees determine there
10 is a reasonable question of fact about whether the signature on the mail ballot matches the signature
11 of the voter. Therefore, the signature verification board plays an integral role in Nevada's mail ballot
12 process.

13 23. Because the Registrar's allocation of "all political parties" on the signature
14 verification board is nowhere close to "as equally as possible," I conducted two meet and confer
15 conferences with the Registrar's counsel on (Thursday) October 18, 2022, after I received the party
16 affiliation roster for the signature verification board. (*See* Ex. 8.)

17 24. On our call, I pointed out that NRS 293B.360(2) mandates "[t]he county clerk shall
18 make any appointments from among competent persons who are registered voters in this State. The
19 members of each board must represent all political parties as equally as possible." (*Id.*)

20 25. Through counsel, the Registrar stated that he thought another more specific statute
21 may apply instead of NRS 293B.360(2), but has not identified one. (*Id.*) I explained that other
22 statutes from NRS Chapter 293 are inapplicable. NRS Chapter 293B – not NRS Chapter 293 –
23 governs when a county utilizes "Mechanical Voting Systems or Devices," like Clark County does.
24 In fact, the statutes do not specifically provide for a "signature verification board," so the only
25 authority to create such a signature verification entity must be found in NRS 293B.360, which
26 allows the creation of "[a] mail ballot inspection board" and "[s]uch additional boards or
27 appoint[ment] [of] such officers as the county clerk deems necessary for expeditious processing of
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1 ballots." The members of these boards "must represent all political parties as equally as possible."
2 NRS 293B.360(2) (emphasis added).

3 26. It appears that the Registrar did not actively try to comply with NRS 293B.360(2).
4 Instead, the Registrar outsourced his statutory obligation. On our calls, the Registrar stated that he
5 utilized three staffing agencies and only hired individuals provided by those entities without taking
6 any other independent steps to find and hire an equal number of Republicans (or any other party).
7 (Ex. 8.) The Registrar did not actively recruit individuals. The Registrar simply took what the
8 staffing agency gave him and did nothing more. Yet, it goes without saying that the Registrar cannot
9 outsource or delegate his statutory duty to appoint a signature verification board that represents all
10 political parties "as equally as possible."

11 27. There is also no indication that the third-party staffing agencies did anything – or
12 even knew about – the Registrar's obligation under NRS 239B.360(2). (*Id.*) And, after seeing the
13 current breakdown, the Registrar has apparently done nothing to correct it.

14 28. Neither the Registrar nor the staffing agencies tried to create a signature verification
15 board with even party representation or "as equal[] as possible."

16 29. During my discussions with the Registrar's counsel, I suggested a number of
17 potential solutions to avoid litigation and the associated controversy. I noted that, based on the
18 information provided, Clark County hired approximately 426 Republicans (to 689 Democrats) and
19 inquired if some of those Republicans could be transferred to the signature verification board.
20 (Ex. 8.) The RNC is aware of at least 250 Republicans who applied to work as poll workers and are
21 willing to fill these positions. (*Id.*)

22 30. The Registrar refused this option. He stated that there was insufficient time to train
23 more Republicans for the signature verification board. (*Id.*) However, based on the information
24 provided in response to other public records requests, the County's signature verification "training"
25 appears to be a mere few hours long. There is ample time to train more Republicans to join the
26 signature verification board to fulfill the Registrar's statutory obligation before the votes are all
27 counted and all of the mail ballots are processed.

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1 31. I also inquired whether the reserve election board members could be added to the
2 signature verification board. (*Id.*) NRS 293.225(3) states "[r]eserve election board officers must be
3 appointed by the county or city clerk, if practicable, to fill any vacancy which occurs on the day of
4 the election and the reserve officers must be compensated if they serve at the polls." Additionally,
5 NRS 293.225(4) states "[i]f a vacancy occurs in any election board on the day of the election and
6 no reserves are available, the election board may appoint, at the polling place, any registered voter
7 who is willing to serve and satisfies the election board that he or she possesses the qualifications
8 required to perform the services required." Thus, the Registrar could use the Republican reserve
9 board members or appoint other registered Republicans who are willing to serve on the signature
10 verification board.

11 32. As a last option, the Registrar could reduce the number of Democrats and
12 Nonpartisans to match the number of Republicans

13 33. On October 24, 2022, I sent a letter to the Registrar memorializing the RNC's many
14 efforts to fix the Registrar's statutory violation without litigation. (*See* Ex. 8.)

15 34. On October 25, 2022, I received a voice message from the Registrar's counsel
16 refusing the reserve election board member solution.

17 35. The parties have reached an impasse that requires the Court's immediate resolution
18 as contemplated in the parties' October 5, 2022 Stipulation in this action. This controversy was
19 discovered directly as a result of the information and documents produced under this Court's
20 supervision and its Order on the Stipulation.¹

22 ¹ Although it is not necessary, the RNC is willing to amend or supplement its Petition to
23 address the issue presented here if the Court deems it necessary. Substantive claims can be joined
24 with a NPRA or FOIA action. NRS 239.011(4) provides that "[t]he rights and remedies recognized
25 by this section [NPRA] are in addition to any other rights or remedies that may exist in law or in
26 equity." *See also Powell v. Internal Revenue Serv.*, 263 F. Supp. 3d 5, 7 (D.D.C. 2017) (allowing
27 FOIA amendment and/or supplement to non-FOIA action because "dealing with the controversy as
28 one is far preferable to requiring Powell to open yet another case."); *Eison v. Kallstrom*,
75 F. Supp. 2d 113, 115 (S.D.N.Y. 1999) (permitting FOIA amendment to "pattern and practice"
injunctive relief claim). Thus, there is no need for a separate lawsuit which the RNC would seek to
consolidate with this matter in any event. Given the exigent circumstances and ongoing early voting
and mail ballot processing, judicial economy and the public interest strongly favor a resolution as
soon as possible in this case. The RNC brought this Application as expeditiously as possible once
it was clear the Registrar would not relent. Respondents will not suffer undue delay or prejudice.

37. With the election (and unlawful activity) ongoing, there is no other plain, speedy, or adequate remedy in the ordinary course of law. ***The deadline for the Registrar to receive mail ballots is November 12, 2022 and the deadline to cure any signature problems identified by the lopsided signature verification board is November 14, 2022.*** If this matter is heard in the ordinary course, the Court will be unable to hear this Application before Election Day and the end of the signature verification of mail-in ballots. Thus, the irreparable harm the RNC is seeking to avoid will be irreversibly inflicted.

38. The RNC does not seek to stop any voting or mail ballot processing. Nor does it seek to undo any completed processing. The RNC only seeks immediate corrective action and compliance with NRS 293B.360(2) going forward.

39. To provide opposing counsel with sufficient time to respond given the exigent
circumstances, a copy of this Application will be provided to the Registrar's counsel at the same
time that it is submitted for this order shortening time.

40. Therefore, good cause exists to set this matter for hearing on shortened time pursuant to EDCR 2.26. This request is made in good faith and not for any improper purpose.

20 I declare under penalty of perjury under the law of the State of Nevada that the foregoing is
21 true and correct based upon my knowledge, information, and belief.

22 DATED this 27th day of October, 2022.

/s/ Jordan T. Smith

JORDAN T. SMITH, ESQ.

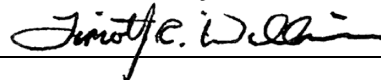
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ORDER SHORTENING TIME

It appearing to the satisfaction of the Court, and good cause appearing therefor:

IT IS HEREBY ORDERED, pursuant to EDCR 2.26 and based on the Declaration of Jordan T. Smith, Esq., that the **MOTION TO LIFT STAY AND APPLICATION FOR WRIT OF MANDAMUS OR INJUNCTION DIRECTING THE CLARK COUNTY REGISTRAR TO COMPLY WITH NRS 293B.360(2) ON ORDER SHORTENING TIME** shall be heard on shortened time on the 2nd day of November 2022, at the hour of 9:05 o'clock a.m. in Department XVI of the Eighth Judicial District Court.

Dated this 27th day of October, 2022



JM

EFA 6E0 74D3 C380
Timothy C. Williams
District Court Judge

Respectfully submitted:

PISANELLI BICE PLLC

By: /s/ Jordan T. Smith

Jordan T. Smith, Esq., #12097
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Attorney for Petitioner

1 **II. ARGUMENT**

2 **A. Standard for Writ of Mandamus and Injunction.**

3 A writ of mandamus may issue "to compel the performance of an act which the law
4 especially enjoins as a duty resulting from an office, trust or station." NRS 34.160. "This writ shall
5 be issued in all cases where there is not a plain, speedy and adequate remedy in the ordinary course
6 of law. It shall be issued upon affidavit, on the application of the party beneficially interested."
7 NRS 34.170. Mandamus is an appropriate remedy to compel a government official to fulfill
8 statutory obligations. *See Stockmeier v. Green*, 130 Nev. 1003, 1012, 340 P.3d 583, 589 (2014)
9 ("We therefore conclude that Stockmeier has demonstrated that a writ of mandamus was warranted
10 to compel [the chief medical officer] to carry out the duties articulated by that statute"); *Clark Cnty.*
11 *v. S. Nevada Health Dist.*, 128 Nev. 651, 661, 289 P.3d 212, 218 (2012) ("we conclude that a writ
12 of mandamus represents the proper vehicle for compelling Clark County to comply with its duty to
13 fully fund SNHD in compliance with NRS 439.365."). The action being compelled must be one
14 required by law. *Mineral Cnty. v. State, Dep't of Conservation & Nat. Res.*, 117 Nev. 235, 242-43,
15 20 P.3d 800, 805 (2001). "[W]here circumstances reveal urgency or strong necessity, this court may
16 grant [the] extraordinary relief [of a writ of mandamus]." *Id.* at 243, 20 P.3d at 805.

17 Similarly, the Court may issue an injunction when a movant has shown: "(1) a likelihood of
18 success on the merits; and (2) a reasonable probability that the non-moving party's conduct, if
19 allowed to continue, will cause irreparable harm for which compensatory damage is an inadequate
20 remedy." *Univ. & Cmty. Coll. Sys. of Nevada v. Nevadans for Sound Gov't*, 120 Nev. 712, 721,
21 100 P.3d 179, 187 (2004). In considering preliminary injunctions, "courts also weigh the potential
22 hardships to the relative parties and others, and the public interest." *Id.*; *see also* NRCP 65.

23 **B. The Registrar is Refusing to Comply with a Clear Statutory Duty and The RNC**
24 **has a Likelihood of Success on the Merits.**

25 NRS 293B.360(2) is found in the "Processing of Ballots" section of the statutory chapter
26 governing "Mechanical Voting Systems and Devices." It confers authority on the Registrar to
27 create a signature verification board and imposes a straightforward, unambiguous statutory duty on
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1 the Registrar if he chooses to do so. The board must represent "all political parties as equally as
2 possible." It states in relevant part:

3 1. To facilitate the processing and computation of votes cast at any election
4 conducted under a mechanical voting system, the county clerk shall create a
5 computer program and processing accuracy board, and may create:

6 (a) A central ballot inspection board;

7 (b) *A mail ballot inspection board;*

8 (c) A ballot duplicating board;

9 (d) A ballot processing and packaging board; and

10 (e) *Such additional boards or appoint such officers as the county clerk*
11 *deems necessary for the expeditious processing of ballots.*

12 2. Except as otherwise provided in subsection 3, the county clerk may
13 determine the number of members to constitute any board. The county clerk shall
14 make any appointments from among competent persons who are registered voters
15 in this State. *The members of each board must represent all political parties as*
16 *equally as possible.* The same person may be appointed to more than one board but
17 must meet the particular qualifications for each board to which he or she is
18 appointed.

19 3. If the county clerk creates a ballot duplicating board, the county clerk
20 shall appoint to the board at least two members. The members of the ballot
21 duplicating board must not all be of the same political party.

22 4. All persons appointed pursuant to this section serve at the pleasure of the
23 county clerk.

24 Here, NRS 293B.360 applies because Clark County conducts mail voting elections under a
25 mechanical voting system. The Registrar has either exercised his authority under subsection 1(b)
26 or 1(e) to create a signature verification board. Subsection 1(b) allows the Registrar to create a "mail
27 ballot inspection board" and subsection 1(e) authorizes the Registrar to create "additional boards or
28 [to] appoint such officers [he] deems necessary for the expeditious processing of ballots." The

signature verification board functions like "a mail ballot inspection board" or is an ancillary board used to carry out the mail ballot process. Indeed, if the Registrar has not invoked subsections 1(b) or 1(e), then he has no other express statutory authority to create such a separate signature verification board at all.

Because the Registrar must be relying on one of the two subsections, Section 2 imposes an unequivocal, mandatory obligation on the Registrar to appoint members to the signature verification board that "*must represent all political parties as equally as possible*." The word "must" connotes a compulsory duty that is neither discretionary nor delegable. Notably, this directive stands in stark contrast to the Registrar's duties under Section 3. Unlike Section 2, Section 3 simply states that members of a "ballot duplicating board" "must not all be of the same political party." Thus, Section 2 demands more than minimal partisan diversity on the signature verification board. Section 2 indisputably mandates political party equality.

The Registrar woefully failed – and refuses – to comply with his statutory duties under NRS 293B.360(2). He created a signature verification board with a partisan makeup that tilts sharply against Republicans. As currently constituted, the signature verification board is dominated by 23 Democrats, 33 nonpartisans, and employs just 8 Republicans. Even if the Registrar is granted some leeway and the statute does not require exact parity, the Registrar's chosen political party affiliation allocation in this case is unequal under any reasonable definition. The variation between the parties is too great to be tolerated.

The Registrar has not described what affirmative steps he took – if any – to comply with his mandatory obligation to achieve equality. On the contrary, the Registrar took no independent action at all. He stated that he punted his statutory obligation to third-party staffing agencies to find workers for the signature verification board without any regard for their political affiliations. (See Ex. 8.) The Registrar did nothing to confirm an even distribution of all political parties among the workers presented by the staffing agencies for the signature verification board. There is no evidence or representation that the staffing agency even knew that it should have been hiring a representative

1 sample of all political parties. The Registrar cannot avoid his legal duties by shifting responsibilities
2 to outside entities, particularly outsiders who do not know about the statutory obligation in the first
3 place. The Registrar is not in compliance with NRS 293B.360(2) because he made no attempt to do
4 so.

5 The Registrar obstinately rejected reasonable solutions to fix his statutory violation which
6 would have avoided litigation and its associated controversy. He declined to transfer already-hired
7 Republicans, would not hire more Republicans, rejected using reserve board Republicans, and
8 would not agree to simply decrease the other party representatives to match. Because
9 NRS 293B.360(2) imposes a clear legal statutory obligation on the Registrar and he is refusing to
10 follow it, a writ of mandamus is necessary to force his compliance with a duty resulting from his
11 office as Clark County Registrar. Alternatively, the RNC has shown a likelihood that an injunction
12 is warranted to order compliance. *See Shores v. Glob. Experience Specialists, Inc.*, 134 Nev. 503,
13 507, 422 P.3d 1238, 1242 (2018) (party moving for an injunction "need not establish certain victory
14 on the merits" and need only "make a prima facie showing through substantial evidence").

15 **C. The RNC Has No Other legal Remedy and Both It and the Public will Suffer**
16 **Irreparable Harm.**

17 Without a writ of mandamus or injunction, the RNC has no other "plain, speedy and
18 adequate remedy in the ordinary course of law." NRS 34.170. The voters, the candidates, and the
19 RNC will suffer irreparable injury if the signature verification board is not equally constituted as
20 the law requires. *See Excellence Cmty. Mgmt. v. Gilmore*, 131 Nev. 347, 353, 351 P.3d 720, 723-24
21 (2015) (quoting *Dixon v. Thatcher*, 103 Nev. 414, 415, 742 P.2d 1029, 1029 (1987) ("Irreparable
22 harm is an injury 'for which compensatory damage is an inadequate remedy.'").

23 Lack of equal partisan representation may lead to either improper approval of mail ballot
24 signatures, erroneous rejection of mail ballot signatures, or both. Equally as bad, an uneven
25 signature verification board allows the appearance of unfairness to creep into the electoral process
26 and cast doubt on the public's perception of an evenhanded election. On the other hand, a signature
27 verification board evenly representing all political parties has appropriate checks and balances to
28 ensure that all rules are being followed and all standards are being applied evenly to all political

1 parties. Proportional partisan representation protects the fairness – and appearance of impartiality
2 – of the signature verification process. That is why the Legislature imposed this statutory duty in
3 the first place.

4 The Registrar's ongoing violation of NRS 293B.360(2) cannot easily be remedied (if at all)
5 once each ballot passes through the deficient signature verification process or after the election.
6 Monetary damages cannot fix the injury to the RNC or Nevada's voters. Nor can compensatory
7 damages fully remove the cloud the Registrar placed over the process by failing to follow the law.

8 "[S]tate electoral law violations . . . implicate the public interest." *Sw. Voter Registration*
9 *Educ. Project v. Shelley*, 344 F.3d 914, 919 (9th Cir. 2003). "The right of the people to elect
10 representatives of their own choosing to public office" is a "public interest . . . of the highest order."
11 *Davies v. Grossmont Union High Sch. Dist.*, 930 F.2d 1390, 1397 (9th Cir. 1991).

12 Issuing a writ of mandamus or injunction is in the public interest. All elections should be
13 held in compliance with the law. And, the RNC, the candidates, and the voters have an interest in
14 free, open, and fair elections. By contrast, Respondents have no interest or valid justification for
15 their violation of Nevada's election laws. There are easy and expense-free solutions available to the
16 Registrar to bring the signature verification board in compliance with NRS 293B.360(2). There are
17 ample Republicans already hired or willing to be hired for these positions. Or, the Registrar could
18 reduce the number of other political representatives to match the Republican numbers. Respondents
19 will suffer no hardship from these alternatives or from a writ of mandamus or injunction compelling
20 them to fulfil their lawful obligations to hold an election in conformity with legal requirements.
21 However, the RNC and the voting public will suffer significant and irreparable harm without an
22 emergency writ or injunctive relief from this Court.

1 **III. CONCLUSION**

2 For these reasons, the RNC respectfully requests that the Court grant its Motion to Lift the
3 Stay and grant its Application for a writ of mandamus or injunction ordering the Registrar to comply
4 with NRS 293B.360(2) by convening a signature verification board "represent[ing] all political
5 parties as equally as possible."

6 DATED this 27th day of October, 2022.

7 PISANELLI BICE PLLC

8
9 By: /s/ Jordan T. Smith
Jordan T. Smith, Esq., #12097
400 South 7th Street, Suite 300
10 Las Vegas, Nevada 89101

11 *Attorneys for Petitioner*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of Pisanelli Bice PLLC, and that on this 27th day of October, 2022, I caused to be e-filed/e-served through the Court's CM/ECF website and/or emailed true and correct copies of the above and foregoing **MOTION TO LIFT STAY AND APPLICATION FOR WRIT OF MANDAMUS OR INJUNCTION DIRECTING CLARK COUNTY REGISTRAR TO COMPLY WITH NRS 293B.360(2) ON ORDER SHORTENING TIME** to the following:

Lisa Logsdon, Esq.
Clark County District Attorney
500 S. Grand Central Parkway, Suite 5075
Las Vegas, NV 89106

Joseph Gloria, Esq.
Registrar of Voters, Clark County
965 Trade Drive, Suite A
North Las Vegas, NV 89030

/s/ Kimberly Peets
An employee of Pisanelli Bice PLLC

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EXHIBIT 1

From: [Lisa Logsdon](#)
To: [Harry L. Arnold](#)
Cc: [Brian R. Hardy](#); [Jordan T. Smith](#)
Subject: RE: Response to Public Records Request [IWOV-iManage.FID1167203]
Date: Wednesday, September 21, 2022 8:58:05 AM
Attachments: [EDIMS LOGS 22P.xlsx](#)
[2022-08-10 - Correspondence to Lisa Logsdon.PDF](#)

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

In response to you August 10, 2022 request for records, attached is a summary are the various hotline calls the election department received during the 2022 primary election. Also, below is the bipartisan breakdown of poll workers that worked the 2022 primary election:

Republican: 603
Democrat: 880
Non-Partisan: 295

I believe that this completes your records request. If you have any questions, please let me know.

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

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From: Harry L. Arnold <harnold@MACLAW.com>
Sent: Friday, September 2, 2022 2:10 PM
To: Lisa Logsdon <Lisa.Logsdon@clarkcountyda.com>
Cc: Brian R. Hardy <bhardy@maclaw.com>; JTS@pisanellibice.com
Subject: RE: Response to Public Records Request [IWOV-iManage.FID1167203]

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Lisa:

Thank you for the update. Among the outstanding requests, request number 1 (the partisan breakdown of county election workers/poll workers that participate in a bipartisan capacity) is most important to us, and paramount to our efforts to verify adequate representation in the electoral process. We would respectfully ask that this request be prioritized on an expedited basis over the other requests.

Harry

From: Lisa Logsdon <Lisa.Logsdon@clarkcountyda.com>
Sent: Wednesday, August 31, 2022 9:49 AM
To: Harry L. Arnold <harnold@MACLAW.com>; Brian R. Hardy <bhardy@maclaw.com>
Subject: RE: Response to Public Records Request

Harry and Brian,

I wanted to let you know that I have uploaded most of the documents requested by Jordan Smith, which include the Secretary of State Signature Verification Video that you requested. The County does not have any records responsive to your request number 5, but attached is the email that Mr. Gloria sent to certificate board members confirming their appointment. The election department is still gathering and/or researching the existence request number 1 and 3, but attached are the raw numbers of employees that worked 2020 Primary and 2020 General election.

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

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From: Harry L. Arnold <harnold@MACLAW.com>
Sent: Wednesday, August 17, 2022 10:11 AM
To: Lisa Logsdon <Lisa.Logsdon@clarkcountyda.com>; Brian R. Hardy <bhardy@maclaw.com>
Subject: Re: Response to Public Records Request

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Lisa:

Thank you for sending these documents along, and for providing a timeline of when the County will respond to the other requests. We appreciate your diligence and responsiveness to this matter.

Harry

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From: Lisa Logsdon <Lisa.Logsdon@clarkcountyda.com>

Sent: Wednesday, August 17, 2022 9:28 AM

To: Harry L. Arnold <harnold@MACLAW.com>; Brian R. Hardy <bhardy@maclaw.com>

Subject: [External] RE: Response to Public Records Request

Hello Mr. Arnold and Mr. Hardy,

The Election Department is in receipt of your public records request. The Election Department will gather the responsive documents. It is anticipated to provide the documents by September 1, 2022. As the Department gathers the documents and counsel reviews the documents I will be providing them as they are available.

In response to request #4, attached is signature verification report required pursuant to NRS 293.269937. For security purposes, the voter's signatures have been redacted along with the employees names.

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

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From: Harry L. Arnold <harnold@MACLAW.com>

Sent: Wednesday, August 10, 2022 2:40 PM

To: Lisa Logsdon <Lisa.Logsdon@clarkcountyda.com>

Cc: Afeni Banks <Afeni.Banks@clarkcountyda.com>; Jordan T. Smith <JTS@pisanellibice.com>; Brian R. Hardy <bhardy@maclaw.com>

Subject: Following up On July 26, 2022 Meeting [IWOV-iManage.FID1167203]

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Good afternoon Ms. Logsdon:

Following up on our July 26, 2022 meeting, please find attached correspondence, the same of which will be put in the mail.

Should you have any questions or concerns, please do not hesitate to reach out.

Harry



Harry L. Arnold, Esq.

10001 Park Run Drive

Las Vegas, NV 89145

t | 702.207.6090

f | 702.382.5816

maclaw.com



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EXHIBIT 4



October 17, 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@clarkcountynyda.com

Dear Ms. Logsdon:

We analyzed the early voting roster of bipartisan poll workers that the Clark County Registrar provided last week pursuant to the Stipulation and Order entered on October 5, 2022 in *Republican National Committee v. Clark County*, Case No. A-22-858609-W currently stayed in the Eighth Judicial District Court.

We have significant concerns that many early voting locations and mobile or “extra” teams are woefully lopsided toward one political party and do not comply with Clark County’s obligation to appoint poll workers at each location and each board that equitably reflect all political parties. For instance:

- Boulevard Mall
 - Democrats 29
 - Republicans 3
 - Nonpartisans 8
 - Students 2
- Deer Springs Town Center
 - Democrats 28
 - Republicans 3
 - Nonpartisans 3
- East Las Vegas Library
 - Democrats 19
 - Republicans 3
 - Nonpartisans 6
 - Students 5

- Las Vegas Athletic Club – North Decatur
 - Democrats 24
 - Republicans 11
 - Nonpartisans 6
- Las Vegas City Clerk
 - Democrats 7
 - Republicans 2
 - Nonpartisans 3
- Nellis Crossing Shopping Center
 - Democrats 24
 - Republicans 8
 - Nonpartisans 8
 - Students 1
- Lowes Craig Road
 - Democrats 21
 - Republicans 8
 - Nonpartisans 8
- Town Square Las Vegas
 - Democrats 20
 - Republicans 7
 - Nonpartisans 7
- Mobile Team 5
 - Democrats 23
 - Republicans 10
 - Nonpartisans 5
 - Students 1
- Mobile Team 6
 - Democrats 18
 - Republicans 8
 - Nonpartisans 9
- Mobile Team 12
 - Democrats 26
 - Republicans 3
 - Nonpartisans 3

- Mobile Team 14
 - Democrats 15
 - Republicans 6
 - Nonpartisan 6
 - Students 1
- Mobile Team 15
 - Democrats 17
 - Republicans 7
 - Nonpartisans 7
 - Students 1
- Poll Worker Extras Blue
 - Democrats 8
 - Republicans 1
 - Nonpartisans 1
- Poll Worker Extras Green
 - Democrats 19
 - Republicans 7
 - Nonpartisans 8
- Poll Worker Extras Pink
 - Democrats 17
 - Republicans 6
 - Nonpartisans 1

There are other highly questionable ratios but these are the most striking examples. By my count, Clark County has hired 689 Democrats as poll workers for early voting while only hiring 426 Republicans and 213 Nonpartisans.

NRS 293.217 demands that “[t]he registered voters appointed as election board officers for any polling place must not all be of the same political party.” Similarly, for other boards, NRS 293B.360 mandates “[t]he county clerk shall make any appointments from among competent persons who are registered voters in this State. ***The members of each board must represent all political parties as equally as possible.***” (emphasis added).

There is no reasonable debate that Clark County’s disproportionate allocation of poll workers fails to comply with these statutory mandates. And, even if there was a good faith debate, these skewed assignments do not comport with any notion of fundamental fairness.

Lisa Logsdon, Esq.

October 17, 2022

Page 4

The Republican National Committee is entitled to an explanation about how these proportions were determined and the reasons (if any) why a more equitable allocation of partisan poll workers was not – or could not be – achieved.

Moreover, the Republican National Committee is aware of at least 250 Republicans who have applied to work as poll workers but have been denied. These individuals remain ready and willing to staff polling locations or boards as needed. I am able to provide their names and contact information on request. Clark County should immediately hire these (or other) individuals and reallocate the roster of poll workers in a more equitable manner.

We are still reviewing the information provided about the general election and other boards and reserve all rights. Additionally, we are still waiting for the signature verification team roster per the stipulation and order.

With voting and Election Day fast approaching, please contact me immediately to arrange a telephonic or in-person conference to remedy these issues.

Sincerely,

/s/ Jordan T. Smith

Jordan T. Smith

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EXHIBIT 5

From: [Lisa Logsdon](#)
To: [Jordan T. Smith](#)
Subject: RE: August 9, 2022 Public Records Request Follow Up
Date: Monday, October 10, 2022 6:03:05 PM
Attachments: [Tentative 22 General CB members by party.xlsx](#)
[22P Late Mail Ballot List.PDF](#)
[22P Undeliverable.xlsx](#)
[2022 08 05 - J. Smith Letter to County Registrar re Pubic Records Request.pdf](#)

CAUTION: This message is from an EXTERNAL SENDER.

Jordan,

Attached are the following requested records:

1. Tentative Counting Board by party representation – per the stipulation. I anticipate having the manual signature verification room roster by the end of the week.
2. 2022 Primary Late Mail Ballot List. This data shows the list of mail ballots that Clark County received after the date for counting mail ballots for 2022 primary election. These ballots were not counted as they were received after the statutory date.
3. 2022 Undeliverable spreadsheet is a list of all voters who's mail ballots were returned as undeliverable and the status of the voter as either active or inactive.
4. You had also requested a full list of voters removed from active status since June 14, 2022. The election department has this information and more on its website. If you go the Clark County Election Department, Reports, Data, Map (tab) and then Inactivated Voter Data, you will be able to extract that data into a spreadsheet.

To complete your request from August 5, 2022, which is attached, the County has the following responses:

Q1, Q2, Q8, Q10, Q11, Q13, Q14, Q15, Q16, Q18, Q21, Q22, Q23 - all responsive documents have been provided except the department is still finalizing the manual signature verification room roster report.

Q5, Q6, Q7, Q9, Q12, Q17, Q19, Q20, the Election Department does not have any records responsive to the request.

Q3 and Q4 – this information is currently unavailable in a deliverable format, but it is my understanding that the Election department is working with IT staff to generate such information. Due to the limited staff and preparing for the upcoming general election, I would anticipate (assuming IT can create such a report) that 2022 general election data would be available 30-45 days after the election.

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

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From: Jordan T. Smith <JTS@pisanellibice.com>
Sent: Friday, October 7, 2022 10:49 AM
To: Lisa Logsdon <Lisa.Logsdon@clarkcountyda.com>
Subject: August 9, 2022 Public Records Request Follow Up

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Lisa,

I'm following up about the attached public records request sent on behalf of my clients on August 9, 2022 asking for (among other things) "the full voter list of mail-in ballots from the 2022 primary election that were returned as undeliverable or unable to be delivered as addressed [and] the full list of voters removed from active status on the voter rolls since June 14, 2022."

Although other counties have promptly provided this information, to date, I have not received any responsive documents from Clark County and the Registrar's response has been unreasonably delayed. *See* NRS 239.011(1).

Please let me know if I have somehow overlooked the Registrar's response. Otherwise, please provide the Registrar's response or let me know immediately if the Registrar intends to object.

Thank you,

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

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EXHIBIT 6

From: [Lisa Logsdon](#)
To: [Jordan T. Smith](#)
Subject: FW: Correspondence re Poll Worker Allocation
Date: Tuesday, October 18, 2022 2:39:01 PM
Attachments: [1017 - JTS Ltr. to Logsdon Re Poll Worker Allocation.pdf](#)

CAUTION: This message is from an EXTERNAL SENDER.
Hi Jordan,

I have received your attached letter. I am available to talk tomorrow morning from 9:30 until 1:30, if you are available during that time.

Also, the following is a tentative breakdown of party affiliation for the manual signature verification room:

DEM 23
REP 8
NP 33

Thank you.

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

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From: Shannon M. Dinkel <sd@pisanellibice.com>
Sent: Monday, October 17, 2022 4:00 PM
To: Lisa Logsdon <Lisa.Logsdon@clarkcountyda.com>
Cc: Jordan T. Smith <JTS@pisanellibice.com>
Subject: Correspondence re Poll Worker Allocation

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Ms. Logsdon,

Attached please find correspondence from Mr. Smith. If you have any questions, please contact our office at (702) 214-2100.

Sincerely,

Shannon Dinkel
Assistant to Todd L. Bice and

Brianna Smith
Pisanelli Bice, LLC
400 South 7th Street, Suite 300
Las Vegas, NV 89101
Phone: 702-214-2100
Direct: 702-214-2106
FAX: 702-214-2101
E-Mail: sd@pisanellibice.com



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EXHIBIT 7



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

August 5, 2022

Lisa Logsdon, Esq.
Clark County District Attorney
500 S. Grand Central Parkway, Suite 5075
Las Vegas, Nevada 89106
Lisa.Logsdon@clarkcountynvda.com

Dear Ms. Logsdon:

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

Thank you for meeting with me, Mr. Gloria, and my colleagues on July 26, 2022 to discuss a number of election matters related to the June 2022 primary and upcoming general elections. I appreciate Mr. Gloria's openness and his detailed description of how the mail ballot signature verification process works on the ground in Clark County. It is within this same spirit of openness and cooperation that I write to preemptively remedy a violation of Nevada law and to avoid future litigation or controversy.

During our meeting, Mr. Gloria explained that ballots are collected from three sources: United States mail, drop boxes, and overseas mail (typically from military personnel). Once received, the ballots are processed twice through the Agilis machine. Mr. Gloria confirmed that the Agilis machine was placed on a setting of 40 for the June 2022 primary and will be placed on this same setting for the general election.

On the first pass, the Agilis machine checks ballots for irregularities (*e.g.* weight/thickness) and then takes a picture of the voter's signature on the envelope. The Agilis machine next sorts those ballots with potential irregularities from the ballots ready for a second pass.

On the second pass, the Agilis machine compares the first-pass picture of the voter's signature to other signatures on file to see if they match. The comparison signature usually comes from DMV records.

If the Agilis machine finds that the signatures sufficiently match based on its settings, there is no manual review of the signatures and the ballots are transferred to the counting board. When the Agilis machine does not find a sufficient match, two employees conduct a manual review of the mail ballot signatures to check if they match or if "there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter." *See* NRS 293.269927(3).

Mr. Gloria relayed that Clark County trains the manual reviewers using a PowerPoint presentation and other material designed by the Nevada Secretary of State. Mr. Gloria stated he believed that these materials are publicly available but, to date, I have been unable to locate them. Clark County employees reviewing signatures do not receive any other education, and Mr. Gloria was uncertain if other counties use the same material or if the training is uniform statewide.

In any event, according to Mr. Gloria's description, if the manual reviewers do not unanimously agree that the signatures match – or if they disagree about whether "there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter" – a supervisor is called or other reviewers are consulted. Mr. Gloria stated that a supervisor will review the signatures when the manual reviewers are split 1-to-1 (one reviewer finding no reasonable question of fact and the other finding a reasonable question of fact). Mr. Gloria also stated that a supervisor will review the signatures even when both manual reviewers agree that the signatures do not match, *i.e.*, they agree there *is* a reasonable question of fact about whether the signatures match.

Mr. Gloria clarified his position that a supervisor can overrule the decision of both manual reviewers even if both reviewers concur that there is a reasonable question of fact about whether the signatures match. Mr. Gloria also indicated that he may personally get involved in the final decision about whether the signature on a mail ballot sufficiently matches the voter's signature on file.

As described at the July 26, 2022 meeting, Clark County's mail ballot signature verification process violates NRS Chapter 293. NRS 293.269927(3)(b) clearly provides that "*If at least two employees in the office of the clerk believe there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter, the clerk shall contact the voter and ask the voter to confirm whether the signature used for the mail ballot belongs to the voter.*" (Emphases added.)

There is a "reasonable question of fact" about whether the signatures match "if the signature used for the mail ballot differs in multiple, significant and obvious respects from the signatures of the voter available in the records of the clerk" except for discrepancies about middle initials or middle names, certain punctuation, use of common nicknames, or use of one last name instead of two. NRS 293.269927(4).

When there is a reasonable question of fact about whether the signatures match but the voter otherwise appears entitled to cast a mail ballot, the clerk "*shall* contact the voter and advise the voter of the procedures to provide a signature or a confirmation that the signature used for the mail ballot belongs to the voter as applicable." NRS 293.269927(6) (emphasis added). Before the mail ballot may be counted, "the voter must provide a signature or confirmation, as applicable, not later than 5 p.m. on the sixth day following the election." (*Id.*)

Therefore, Nevada law requires the county clerk or registrar to contact the voter and proceed through the cure and confirmation process whenever *two* employees determine there is a reasonable question of fact about whether the signature on the mail ballot matches the signature of the voter. Neither the registrar nor any other county employee has the authority to avoid the cure or confirmation process after two employees have found a reasonable question about the signatures. Similarly, questioned ballot signatures cannot be passed around or reviewed multiple times until finding enough employees willing to say there is no reasonable question of fact. Once two employees have found a reasonable question of fact, they cannot be overruled and the signatures must be cured or confirmed. Any internal veto or multiple rounds of review violates the statutory scheme.

Understandably, implementing the signature cure or confirmation process places a burden on the registrar, especially when there is a large number of mail ballots to process on a tight deadline. The registrar must quickly contact each and every voter for whom two manual reviewers find there is a reasonable question of fact about the signatures. NRS 293.269927(6). The registrar must contact the voter through mail, telephone, or electronic means. NRS 293.269927(9). The registrar must identify the voter by asking about personal data or receiving proof of identification. NRS 293.269927(8).

Under the strain of a busy election, there is an incentive to minimize the number of mail ballots that the registrar must address in the cure or confirmation process. But, failure to follow the statutory process increases the likelihood of diluting validly-cast votes. Deviating from the Legislature's proscribed signature verification process in NRS Chapter 293 may cause Clark County, at best, to count mail ballots with questionable signatures or, at worst, to count mail ballots that are not signed by the actual voter. That's why NRS Chapter 293 prohibits counting any mail ballot after two employees have found that there is a reasonable question of fact about whether the signature on the mail ballot matches the signature of the voter *unless* the registrar contacts the voter to cure or confirm the signature before six days after election day. Under NRS 293.269927, the cure or confirmation process is mandatory once just two employees find a reasonable question of fact about the signatures. As Mr. Gloria described at our meeting, Clark County's mail ballot signature review process impermissibly conflicts with Nevada law.

If I have misunderstood Mr. Gloria's description of the mail ballot signature review process from our meeting, please contact me immediately. Otherwise, please immediately confirm, in writing, that Mr. Gloria will conform Clark County's mail ballot signature verification practice to the statutory process set forth in NRS Chapter 293 and require all mail ballots to go through the cure or conformation process when two employees determine there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter. This change may require Clark County to adopt necessary revisions to regulations, guidance, and/or training.

August 5, 2022

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If you or Mr. Gloria disagree that changes to Clark County's mail ballot signature verification process are necessary, or if you do not promptly respond, my clients intend to pursue available legal options.

Your prompt attention is appreciated with the general election fast approaching. To the extent necessary, please consider this a request under NRS Chapter 239 and respond within five business days.

Sincerely,

/s/ Jordan T. Smith

Jordan T. Smith

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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. 7th 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.

Sincerely,

STEVEN B. WOLFSON
DISTRICT ATTORNEY

BY: /s/Lisa Logsdon
LISA LOGSDON
County Counsel
Lisa.Logsdon@ClarkCountyDA.com

cc: Joe Gloria, Clark County Registrar of Voters

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EXHIBIT 8



PISANELLI BICE

October 25, 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

Dear Ms. Logsdon:

I write to follow up our discussions last week about the partisan composition of Clark County's signature verification board disclosed on Tuesday, October 18, 2022, at 2:39 p.m. pursuant to the Stipulation and Order entered on October 5, 2022 in *Republican National Committee v. Clark County*, Case No. A-22-858609-W, currently stayed in the Eighth Judicial District Court.

Following our stipulation, the Clark County Registrar released on (Sunday) October 9, 2022, tentative rosters of the early voting and general election day poll workers. Your email stated, "I anticipate having the manual signature verification and counting board rosters by midweek."

The Registrar provided the tentative roster of the counting board on (Monday) October 10, 2022. You "anticipate[d] having the manual signature verification room roster by the end of the week."

Although it would have been more efficient and expeditious to address all partisan allocation issues at once, I wrote to you on (Monday) October 17, 2022 expressing significant concerns about the lopsided distribution of partisan poll workers at certain polling locations. In my October 17 letter, a copy of which is attached hereto, I asked for an immediate meeting to discuss these issues. At the time of my letter, the Registrar had still not yet provided the partisan breakdown of the signature verification board members.

The next day, October 18, 2022, the Registrar finally provided "a tentative breakdown of party affiliation for the manual signature verification room:"

- DEM 23
- REP 8
- NP 33

We held two telephone conferences on (Thursday) October 18, 2022, after I received the partisan roster for the signature verification board. While the polling locations remain problematic, the focus of our conversations was the signature verification board given the

troubling disparity between the number of Republicans and Democrats on this crucial board. As you know, it is the signature verification board that reviews voters' signatures that are rejected by the Agilis voting machine.

On our call, I pointed out that NRS 293B.360(2) mandates "[t]he county clerk shall make any appointments from among competent persons who are registered voters in this State. ***The members of each board must represent all political parties as equally as possible.***" (Emphasis added.)

You stated that you thought another more specific statute may apply instead of NRS 293B.360, but you have not yet identified one. The other statutes you referenced on our second call from NRS Chapter 293 are inapplicable. NRS Chapter 293B governs when a county utilizes "Mechanical Voting Systems or Devices." In fact, the statutes do not specifically provide for a "signature verification board," so the only authority to create such a signature verification entity must be found in NRS 293B.360(e), which allows the creation of "[s]uch additional boards or appoint[ment] [of] such officers as the county clerk deems necessary for expeditious processing of ballots." The members of these additional boards "must represent *all political parties as equally as possible.*" NRS 293B.360(2) (emphasis added).

No one can reasonably claim that a division of 23 and 33 to 8 is remotely close to political representation that is "as equally as possible" on the signature verification board. It is a clear violation of NRS 293B.360(2). It is deeply concerning that the Registrar could think that this party composition complies with the statute or the basic notions of fundamental fairness. The lack of partisan parity is all the more worrisome because it comes against the backdrop of the skewed number of partisan poll workers that I previously identified in my prior correspondence enclosed herewith.

Indeed, it does not appear that the Registrar has done anything to try to equalize the signature verification board as the statute requires. On our calls, you explained that the Registrar utilized three staffing agencies and only hired individuals provided by those entities without taking any other independent steps to find and hire an equal number of Republicans. It goes without saying that the Registrar cannot outsource or delegate his statutory duty to appoint a signature verification board that represents all political parties "as equally as possible."

It does not appear that the third-party staffing agencies did anything – or even knew about – the Registrar's obligation under NRS 293B.360. And, after seeing the current breakdown, the Registrar has apparently done nothing to correct it. It is simply not believable that the Registrar (or his de facto designees) could not find more than eight qualified Republicans to serve on the signature verification board in this State's most populous county.

During our discussions, I suggested a number of potential solutions to avoid litigation and the associated controversy. I noted that, based on the information provided, Clark County had hired approximately 426 Republicans (to 689 Democrats) and inquired if some of those Republicans could be transferred to the signature verification board. As stated in my prior

correspondence, the Republican National Committee is aware of at least 250 Republicans who have applied to work as poll workers and are willing to fill these positions.

You stated that there was insufficient time to train more Republicans for the signature verification board. However, based on the information provided in response to other public records requests, the County's signature verification "training" appears to be a mere few hours long. There is ample time to train more Republicans to join the signature verification board to fulfill the Registrar's statutory obligation before the votes are all counted.

I also inquired whether the reserve election board members could be added to the signature verification board. NRS 293.225(3) states "[r]eserve election board officers *must* be appointed by the county or city clerk, if practicable, to fill any vacancy which occurs on the day of the election and the reserve officers must be compensated if they serve at the polls." Additionally, NRS 293.225(4) states "[i]f a vacancy occurs in any election board on the day of the election and no reserves are available, the election board may appoint, at the polling place, any registered voter who is willing to serve and satisfies the election board that he or she possesses the qualifications required to perform the services required." Thus, the Registrar should utilize the Republican reserve board members or appoint other registered Republicans who are willing to serve on the signature verification board.

You stated that you would inquire whether reserve election board members could be transferred to smooth out the partisan composition of the signature verification board. On October 25, 2022, I received your voice message refusing this option.

You should interpret my clients' many efforts to resolve these issues cooperatively as a sign of good faith. My clients desire an election without controversy but, unfortunately, the Registrar's stubbornness may lead to the opposite outcome.

Please let me know immediately if the Registrar remains unwilling to take these easy and available steps to reassure voters that the Registrar is conducting a free, fair, and open election in compliance with Nevada law.

Sincerely,

/s/ Jordan T. Smith

Jordan T. Smith

Enclosure



October 17, 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

Dear Ms. Logsdon:

We analyzed the early voting roster of bipartisan poll workers that the Clark County Registrar provided last week pursuant to the Stipulation and Order entered on October 5, 2022 in *Republican National Committee v. Clark County*, Case No. A-22-858609-W currently stayed in the Eighth Judicial District Court.

We have significant concerns that many early voting locations and mobile or “extra” teams are woefully lopsided toward one political party and do not comply with Clark County’s obligation to appoint poll workers at each location and each board that equitably reflect all political parties. For instance:

- Boulevard Mall
 - Democrats 29
 - Republicans 3
 - Nonpartisans 8
 - Students 2
- Deer Springs Town Center
 - Democrats 28
 - Republicans 3
 - Nonpartisans 3
- East Las Vegas Library
 - Democrats 19
 - Republicans 3
 - Nonpartisans 6
 - Students 5

- Las Vegas Athletic Club – North Decatur
 - Democrats 24
 - Republicans 11
 - Nonpartisans 6
- Las Vegas City Clerk
 - Democrats 7
 - Republicans 2
 - Nonpartisans 3
- Nellis Crossing Shopping Center
 - Democrats 24
 - Republicans 8
 - Nonpartisans 8
 - Students 1
- Lowes Craig Road
 - Democrats 21
 - Republicans 8
 - Nonpartisans 8
- Town Square Las Vegas
 - Democrats 20
 - Republicans 7
 - Nonpartisans 7
- Mobile Team 5
 - Democrats 23
 - Republicans 10
 - Nonpartisans 5
 - Students 1
- Mobile Team 6
 - Democrats 18
 - Republicans 8
 - Nonpartisans 9
- Mobile Team 12
 - Democrats 26
 - Republicans 3
 - Nonpartisans 3

- Mobile Team 14
 - Democrats 15
 - Republicans 6
 - Nonpartisan 6
 - Students 1
- Mobile Team 15
 - Democrats 17
 - Republicans 7
 - Nonpartisans 7
 - Students 1
- Poll Worker Extras Blue
 - Democrats 8
 - Republicans 1
 - Nonpartisans 1
- Poll Worker Extras Green
 - Democrats 19
 - Republicans 7
 - Nonpartisans 8
- Poll Worker Extras Pink
 - Democrats 17
 - Republicans 6
 - Nonpartisans 1

There are other highly questionable ratios but these are the most striking examples. By my count, Clark County has hired 689 Democrats as poll workers for early voting while only hiring 426 Republicans and 213 Nonpartisans.

NRS 293.217 demands that “[t]he registered voters appointed as election board officers for any polling place must not all be of the same political party.” Similarly, for other boards, NRS 293B.360 mandates “[t]he county clerk shall make any appointments from among competent persons who are registered voters in this State. ***The members of each board must represent all political parties as equally as possible.***” (emphasis added).

There is no reasonable debate that Clark County’s disproportionate allocation of poll workers fails to comply with these statutory mandates. And, even if there was a good faith debate, these skewed assignments do not comport with any notion of fundamental fairness.

Lisa Logsdon, Esq.

October 17, 2022

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The Republican National Committee is entitled to an explanation about how these proportions were determined and the reasons (if any) why a more equitable allocation of partisan poll workers was not – or could not be – achieved.

Moreover, the Republican National Committee is aware of at least 250 Republicans who have applied to work as poll workers but have been denied. These individuals remain ready and willing to staff polling locations or boards as needed. I am able to provide their names and contact information on request. Clark County should immediately hire these (or other) individuals and reallocate the roster of poll workers in a more equitable manner.

We are still reviewing the information provided about the general election and other boards and reserve all rights. Additionally, we are still waiting for the signature verification team roster per the stipulation and order.

With voting and Election Day fast approaching, please contact me immediately to arrange a telephonic or in-person conference to remedy these issues.

Sincerely,

/s/ Jordan T. Smith

Jordan T. Smith

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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Republican National Committee,
Plaintiff(s)

CASE NO: A-22-858609-W

7 vs.

DEPT. NO. Department 16

8
9 Clark County, Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Order Shortening Time was served via the court's electronic eFile
system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 10/27/2022

15 Bradley Schrager

bschrager@wrslawyers.com

16 Dannielle Fresquez

dfresquez@wrslawyers.com

17 Daniel Bravo

dbravo@wrslawyers.com

18 Ashley Ellison

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19 Kimberly Peets

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20 Jordan Smith

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21 Lisa Logsdon

lisa.logsdon@clarkcountyda.com

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