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CASE NO: A-22-860996-W  
Department 8

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**EIGHTH JUDICIAL DISTRICT COURT  
IN AND FOR CLARK COUNTY, STATE OF NEVADA**

CORTEZ MASTO FOR SENATE and DSCC,

Plaintiff-Petitioners,

v.

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

Defendants-Respondents.

Case No.:

Dept. No.:

**COMPLAINT FOR DECLARATORY  
AND INJUNCTIVE RELIEF AND  
PETITION FOR WRIT OF  
MANDAMUS**

**Special Treatment Requested  
Election-Related Action**

**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

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**BACKGROUND**

Plaintiffs-Petitioners Cortez Masto for Senate and DSCC (hereinafter “Plaintiffs”), by and through undersigned counsel, bring this Complaint for Injunctive Relief, including a Temporary Restraining Order, to prevent irreparable harm to the right to vote as guaranteed by Article II, Sections 1 and 1A of the Nevada Constitution, and for a Writ of Mandamus against Defendants- Respondents (“Defendants”) to compel their compliance with NRS 293.273 and extend voting hours today at specific polling places where voters were unable to vote during standard polling hours due to election administration issues that were beyond the voters’ control. Plaintiffs allege as follows:

**BACKGROUND**

1. During November 8, 2022, multiple polling locations in Clark County experienced delays and long lines due to polling location running out of printer paper in the ballot printers.
2. On information and belief, the following polling locations ran out of printer paper:
  - Boulevard Mall: 9 out of 25 printers inoperative, with a one-hour wait time
  - Deer Springs Town Center: 12 out of 25 printers inoperative, with a one-hour wait time
  - Nellis: 3 out of 25 printers inoperative, more than a one-hour wait time
  - Aliente: 5 printers inoperative, with a 30-minute wait time
  - Keller: 2 out of 16 printers inoperative, with a 50-minute wait time
  - Silverado Ranch Plaza: 6 out of 30 printers inoperative, with a 45-minute wait time
  - Walnut Community Center: 2 out of 10 printers inoperative, with a 25-minute wait time
  - Whitney Recreation Center: 4 out of 14 printers inoperative
3. On information and belief, when ballot printers run out of paper, the entire unit must be replaced. In some instances, obtaining a replacement has taken up to two hours. During that time, the voting machines associated with the inoperative ballot printers cannot be used.
4. On information and belief, some polling locations in Clark County that experienced

1 delays are now operating with a full set of voting machines and printers, while others are still  
2 waiting for replacements to arrive.

3 5. Nevada law, however, requires that polling places remain open for 12 hours on  
4 election day, pursuant to NRS 293.273, which states ““the polls *must* be open at 7 a.m. and close  
5 at 7 p.m.” (emphasis added).

6 6. Nevada law also contemplates that polling place hours can be extended by a court  
7 order. *See* NRS 293.464 (“if a court of competent jurisdiction orders a county to extend the deadline  
8 for voting beyond the statutory deadline in a particular election”).

9 7. The relief requested by Plaintiffs is consistent with relief granted by state courts  
10 across the country under similar circumstances and election code provisions. Two Virginia courts  
11 extended voting hours today for technical issues.<sup>1</sup> A Connecticut court ordered two polling places  
12 to remain open for an additional 30 minutes after voting officials failed to have voting lists ready  
13 at 6am for voters when the precincts opened.<sup>2</sup> A New Hampshire court ordered extension of polling  
14 hours in a county for an additional hour after a shooting in the area unexpectedly closed polls for  
15 an hour.<sup>3</sup> A Maryland Court extended hours at Montgomery County polling places for an hour due  
16 to a glitch that left computerized machines in the county inoperable in the morning.<sup>4</sup> Another  
17 Maryland judge extended voting hours by 90 minutes due to an ice storm.<sup>5</sup> And these are just a few  
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19 <sup>1</sup> November 8, 2022 Order, In the Circuit Court of Nottoway, Virginia, Case No.  
20 CM22000048-00; November 8, 2022 Order, In the Circuit Court of Suffolk County, Virginia.

21 <sup>2</sup> Secretary of State of Connecticut, Press Release: Voting at Two Hartford Polling Precincts  
22 Extended Until 8:30 PM (November 4, 2014), <https://portal.ct.gov/-/media/SOTS/RELEASES/2014/11414MerrillVotingExtendedby30MinutesattwoHartfordPrecinctspdf.pdf>.

23 <sup>3</sup> Press Release, N.H. Att’y Gen., Town of Pittsburg Polling Places to Stay Open to 8:00  
24 PM (Nov. 4, 2010), <https://web.archive.org/web/20141225072620/http://www.doj.nh.gov/media-center/press-releases/2010/20101102-pittsburg-polling.htm>.

25 <sup>4</sup> Debbi Wilgoren, “Montgomery to Extend Voteing Hours After Election Glitches,”  
26 Washington Post (September 12, 2006), <https://www.washingtonpost.com/archive/business/technology/2006/09/12/montgomery-to-extend-voting-hours-after-election-glitches/5a0a55c0-7a52-4212-a9c3-44610150443b/>.

27 <sup>5</sup> Eric M. Weiss & Joshua Zumbrun, Icy Rain Ties Up Traffic, Causes Dangerous Ride to  
28 the Polls, Wash. Post (Feb. 12, 2008), <http://www.washingtonpost.com/wp-dyn/content/story/2008/02/12/ST2008021202302.html>.

1 examples; extension of polling hours is a common remedy in the context of voting issues on election  
2 day.<sup>6</sup> Such extensions of voting hours to ensure that voters have the full time to vote as allowed by  
3 law and thus the constitutional right to vote.

4 8. In order to ensure that Nevadans in Clark County have the opportunity to cast their  
5 ballot for the full 12 hours guaranteed by law, Plaintiffs seeks declaratory and injunctive relief and  
6 a writ of mandamus tailored to these specific polling places where there were issues that prevented  
7 voters from accessing the polls as the statute requires. Specifically, Plaintiff asks the Court to ensure  
8 the integrity of the democratic process and prevent serious and irreparable injury to the Castro  
9 campaign and the DSCC and the fundamental rights of its constituents by declaring that Clark  
10 County polling places must remain open for additional time consistent with NRS 293.273 to  
11 account for technical issues at polling places today and ordering Defendants to keep Clark County  
12 precincts open until 9pm.

#### 13 JURISDICTION AND VENUE

14 9. This Court has jurisdiction to grant declaratory and injunctive relief pursuant  
15 to NRS § 30.030 and § 33.010, respectively.

16 10. The Court has jurisdiction to hear the Petition for Writ of Mandamus under  
17 NRS § 34.160.

18 11. Venue is proper in this court because a substantial part of the events or  
19 omissions giving rise to this dispute occurred in this judicial district.

#### 20 PARTIES

21 12. Plaintiff-Petitioner DSCC is a political committee with a mission to elect  
22 Democratic senatorial candidates nationwide and to help its constituents successfully vote. Those  
23 efforts are hindered by the delayed opening of polling places in Clark County, which is a county  
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26 <sup>6</sup> See, e.g., Christine Hauser & John Holusha, Problems Lead 8 States to Extend Some  
27 Voting Hours, N.Y. Times (Nov. 7, 2006),  
28 [http://www.nytimes.com/2006/11/08/world/americas/08iht-  
web.1108day.3441243.html?pagewanted=all](http://www.nytimes.com/2006/11/08/world/americas/08iht-web.1108day.3441243.html?pagewanted=all); Amended Order, *Obama for Am. v. Cuyahoga Cty.  
Bd. of Elections*, No. 1:08-CV-00562 (N.D. Ohio Mar. 4, 2008) (extending polling hours in certain  
precincts in Ohio in 2008 based upon ballot shortages and weather).

1 that leans Democratic.

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3 13. Plaintiff-Petitioner Catherine Cortez Masto for Senate is a political campaign.  
4 Further, voters who would likely vote for Masto are likely to be disadvantaged.

5 14. Defendant Joe P. Gloria, sued in his official capacity only, is the Clark County  
6 Registrar of Voters. Registrar Gloria is responsible for controlling the election process and polling  
7 place hours.

8 15. Defendants Clark County and the Clark County Election Department, along with  
9 the Registrar, are responsible for controlling the election process and polling place hours.

## 10 CAUSE OF ACTION

### 11 COUNT I

#### 12 (Violation of NV Const. Art. 2, §1)

13 16. Plaintiff incorporates by reference each of the allegations contained in the foregoing  
14 paragraphs of this Complaint as though set forth fully herein.

15 17. NV Const. Art. 2, § 1 ensures that “all citizens of the United States” who meet the  
16 requirements of Nevada’s Constitution “shall be entitled to vote for all officers that now or hereafter  
17 may be elected by the people.”

18 18. Voting is a fundamental right, as recognized by this state’s courts. *See, e.g., Clark*  
19 *County v. City of Las Vegas*, 92 Nev. 323, 342 (Nev. 1976).

20 19. Plaintiffs have no adequate remedy at law.

21 20. Absent an order from this Court ordering polls stay open, Plaintiff-Petitioners will  
22 suffer irreparable harm.

23 21. The public has a significant interest in rectifying, preventing, and stopping the harm  
24 created by inoperative ballot printers and resulting delays at polling places.

### 25 COUNT II

#### 26 (Violation of NV Const. Art. 2, §1A)

27 22. Plaintiff incorporates by reference each of the allegations contained in the foregoing  
28 paragraphs of this Complaint as though set forth fully herein.

1 23. NV Const. Art. 2, § 1A provides that “[e]ach voter who is a qualified elector under  
2 [the Nevada] Constitution and is registered to vote . . . has the right” to vote “on election day if the  
3 voter is waiting in line at a polling place at which, by law, the voter is entitled to vote at the time  
4 that the polls close and the voter has not already cast a vote in that election.”

5 24. Plaintiffs have no adequate remedy at law.

6 25. Absent an order from this Court ordering polls stay open, Plaintiffs will suffer  
7 irreparable harm.

8 26. The public has a significant interest in rectifying, preventing, and stopping the harm  
9 created by inoperative ballot printers and resulting delays at polling places.

10 **PETITION FOR WRIT OF MANDAMUS**

11 In addition, Plaintiff, by and through the undersigned counsel, and pursuant to NRS  
12 293.273, hereby petitions this Court for the issuance of a writ of mandamus directed to the  
13 Defendants, and in support thereof states:

- 14 1. Plaintiffs incorporates by reference each of the allegations contained in the foregoing  
15 paragraphs of this Complaint as though set forth fully herein.
- 16 2. Plaintiffs have a clear right to the relief it seeks.
- 17 3. Nevada law mandates: “at all elections held under provisions” of its election code, “the  
18 polls must be open at 7 a.m. and close at 7 p.m.” NRS 293.273.
- 19 4. Defendants have a clear legal duty to have polls open and allow voting during the time  
20 periods enumerated by statute.
- 21 5. As detailed above, because voters were unable to vote at the precinct between the hours of  
22 7am and 7pm, Defendants have failed to perform their duties under the relevant election  
23 codes.
- 24 6. Plaintiff has no other adequate remedy at law.

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**PRAYER FOR RELIEF**

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WHEREFORE, Plaintiffs respectfully request that this Court grant a temporary injunction and a writ of mandamus ordering: (1) Defendants to, in compliance with their statutory duties and the Nevada Constitution keep polling places open for an additional 2 hours; and (2) that votes of all voters who are in line by 9 PM be permitted to vote provisionally and have their votes counted pursuant to NRS 293.464.

Dated: November 8, 2022

Respectfully submitted,

*/s/ Bradley Schragar*

Bradley Schragar, Esq.

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