

CODE: 1130  
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ATTORNEYS FOR WASHOE COUNTY  
REGISTRAR OF VOTERS

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

\* \* \*

FREDERICK H. KRAUS; PUBLIC  
INTEREST LEGAL FOUNDATION,

Case No.: CV24-01051

Petitioners,

Dept. No.: 4

vs.

CARRIE-ANN BURGESS, in her capacity as  
Washoe County Interim Registrar of Voters,

Respondent.

and

FRANCISCO V. AGUILAR, in his capacity  
as Secretary of State,

Intervenor-Respondent.

**WASHOE COUNTY REGISTRAR OF VOTERS' ANSWER TO PETITION FOR WRIT**  
**OF MANDAMUS**

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1 Cari-Ann Burgess<sup>1</sup>, Washoe County Interim Registrar of Voters sued in her official  
2 capacity only (“ROV”), by and through counsel, submits the following Answer to Petitioner’s  
3 Petition for Writ of Mandamus (“Petition”):

4 **Nature of the Case**

5 1. Admit that Paragraph 1 accurately quotes excerpts of NRS 293.675. The  
6 remainder of Paragraph 1 contains legal contentions, conclusions and opinions to which no  
7 response is required. To the extent a response is required, deny.

8 2. Admit that Paragraph 2 accurately quotes NRS 293.530(1)(a).

9 3. Paragraph 3 contains legal contentions, conclusions and opinions to which no  
10 response is required. To the extent a response is required, deny.

11 **Parties**

12 4. The ROV lacks knowledge and information sufficient to form a belief as to the truth  
13 of the allegations in Paragraph 4 and therefore denies.

14 5. Admit that Public Interest Legal Foundation, Inc. is incorporated and based  
15 in Virginia. The ROV lacks knowledge and information sufficient to form a belief as to the truth  
16 of the remaining allegations in Paragraph 5 and therefore denies.

17 6. The ROV lacks knowledge and information sufficient to form a belief as to the truth  
18 of the allegations in Paragraph 6 and therefore denies.

19 7. The ROV lacks knowledge and information sufficient to form a belief as to the truth  
20 of the allegations in Paragraph 7 and therefore denies.

21 8. Admit that Respondent Burgess was appointed Washoe County Interim Registrar of  
22 Voters effective March 15, 2024, but deny she is presently performing the duties of the Washoe  
23 County Registrar of Voters. Admit Paragraph 8 accurately quotes excerpts of NRS 244.164(2)  
24 and NRS 293.503(3).

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26 <sup>1</sup> Cari-Ann Burgess is on leave from her position as Washoe County Interim Registrar of Voters. Because she is  
sued in her official capacity only, Washoe County’s answer is verified by Andrew McDonald, Deputy Registrar of  
Voters, who is fulfilling the duties of the Registrar of Voters in the absence of the Interim Registrar.

1           9. Paragraph 9 contains legal contentions, conclusions and opinions to which no  
2 response is required. To the extent a response is required, deny.

3           10. Admit.

4                                   **Jurisdiction and Venue**

5           11. Paragraph 11 contains legal contentions, conclusions and opinions to which no  
6 response is required. To the extent a response is required, deny.

7           12. Admit.

8                                   **General Factual Allegations**

9           13. Admit Paragraph 13 accurately quotes an excerpt of NRS 293.675.

10          14. Admit Paragraph 14 accurately quotes an excerpt of NRS 293.530. The remaining  
11 allegations in Paragraph 14 contain legal contentions, conclusions and opinions to which no  
12 response is required. To the extent a response is required, deny.

13          15. Admit Paragraph 15 accurately quotes an excerpt of NRS 293.486.

14          16. Admit Paragraph 16 accurately quotes the excerpted portion of NRS 293.507(4).

15          17. Admit.

16          18. Admit that Paragraph 18 accurately quotes an excerpt of NRS 293.505(12)(b). The  
17 remaining allegations in Paragraph 18 contain legal contentions, conclusions and opinions to  
18 which no response is required. To the extent a response is required, deny.

19          19. Exhibit A to the Petition speaks for itself. Admit only that a copy of the document  
20 marked Exhibit A was received by the ROV's office.

21          20. Exhibit A to the Petition speaks for itself. Paragraph 20 contains legal contentions,  
22 conclusions and opinions to which no response is required. The ROV lacks knowledge and  
23 information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 20  
24 and therefore denies.

25          21. Exhibit B of the Petition speaks for itself. Admit that Paragraph 21 accurately quotes  
26 an excerpt of the emails marked Exhibit B to the Petition.

22. Exhibit B speaks for itself. Admit that Paragraph 22 accurately quotes an excerpt of the emails marked Exhibit B to the Petition.

23. Exhibit B speaks for itself. Admit that Paragraph 23 accurately quotes an excerpt of the emails marked Exhibit B to the Petition.

24. Exhibit B speaks for itself. Admit that Paragraph 24 accurately quotes an excerpt of the emails marked Exhibit B to the Petition.

25. Exhibit B speaks for itself. Admit that Paragraph 25 accurately quotes an excerpt of the emails marked Exhibit B to the Petition.

26. Exhibit B speaks for itself. The ROV lacks information and knowledge sufficient to form a belief as to the truth of the remaining allegations in Paragraph 26 and therefore denies.

27. Exhibit B speaks for itself. Admit that Paragraph 27 accurately quotes an excerpt of the emails marked Exhibit B to the Petition.

28. Paragraph 28 contains legal contentions, conclusions and opinions to which no response is required. To the extent a response is required, deny.

29. Deny.

30. Deny.

**Count I**

31. The ROV repeats and realleges and by reference incorporates the answers set forth in Paragraphs 1 through 30 as if fully set forth herein.

32. Deny.

33. Deny.

34. Deny.

35. Admit the Petitioners seek a declaratory judgment but deny that Petitioners are entitled to any relief.

36. Admit the Petitioners seek a writ of mandamus but deny that Petitioners are entitled to any relief.

1 **General Denial**

2 The ROV denies every allegation in the Petition that is not expressly admitted herein.

3 **Affirmative Defenses**

4 The ROV asserts affirmative defenses without assuming the burden of proving any fact,  
5 issue or element of a cause of action where such burden properly belongs to Petitioners.  
6 Additionally, nothing stated here is intended or shall be construed as an admission that any issue  
7 or subject matter is relevant to the allegations in the Petition. The ROV reserves the right to  
8 amend or supplement her affirmative defenses as additional facts concerning defenses become  
9 known.

10 The ROV asserts the following affirmative defenses:

- 11 1. Petitioners fail to state a claim on which relief can be granted.  
12 2. Petitioners lack standing to pursue their claims.  
13 3. Petitioners' claims are preempted or otherwise barred by the National Voter  
14 Registration Act of 1993.  
15 4. Petitioners fail to plead facts showing a clear legal right to mandamus relief.  
16 5. Petitioners are not entitled to a writ of mandamus because they have an alternate,  
17 adequate legal remedy available to them.  
18 6. Petitioners' claims are barred by the doctrine of laches.

19 **Prayer for Relief**

20 WHEREFORE, the ROV respectfully requests that the Court:

- 21 1. Deny that petitioners are entitled to any relief;  
22 2. Dismiss the Petition in its entirety, with prejudice; and  
23 3. Grant such other relief as the court may deem just and proper.

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1 **Affirmation**

2 Pursuant to NRS 239B.030 and 603A.040 the undersigned does hereby affirm that the  
3 preceding document does not contain the social security number of any person.

4 Dated: October 24, 2024.

5 CHRISTOPHER J. HICKS  
6 District Attorney

7 By /s/ Elizabeth Hickman  
8 ELIZABETH HICKMAN  
9 Deputy District Attorney  
One South Sierra Street  
Reno, NV 89501  
(775) 337-5700

10 ATTORNEYS FOR WASHOE COUNTY  
11 REGISTRAR OF VOTERS

12 **Verification**

13 I, Andrew McDonald, declare under penalty of perjury that the following statements are  
14 true and correct:

15 I am employed as the Washoe County Deputy Registrar of Voters. As Deputy, I am  
16 fulfilling the duties of the Registrar of Voters in the absence of the Registrar, who is currently on  
17 leave. I have read the Petition for Writ of Mandamus filed by Frederick Kraus and the Public  
18 Interest Legal Foundation and I have likewise reviewed the foregoing Answer. The Answer is  
19 true and correct, to the best of my knowledge.

20 Executed on October \_\_\_\_, 2024.

21   
22 Andrew McDonald, Deputy ROV  
23  
24  
25  
26

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5, I certify that I am an employee of the Office of the District Attorney  
3 of Washoe County, over the age of 21 years and not a party to nor interested in the within action.

4 I certify that on this date, I deposited for mailing in the county mail system for deposit in the  
5 U.S. Mails, with postage fully prepaid, a true and correct copy of the foregoing document in an  
6 envelope addressed to the following:

7 ROBERT GOLAN-VILELLA, ESQ.  
8 ELIAS LAW GROUP, LLP  
9 250 MASSACHUSETTS AVE NW, STE. 400  
10 WASHINGTON, DC 20001

11 KAYLAN HUGHES LYTTLE-PHILLIPS, ESQ.  
12 PUBLIC INTEREST LEGAL FOUNDATION  
13 107 S. WEST STREET, STE. 700  
14 ALEXANDRIA, VA 22314

15 RICHARD A. MEDINA, ESQ.  
16 ELIAS LAW GROUP, LLP  
17 250 MASSACHUSETTS AVE NW, STE. 400  
18 WASHINGTON, DC 20001

19 I certify that on this date, the foregoing was electronically filed with the Second Judicial  
20 District Court by using the ECF System. Electronic service of the foregoing document shall be  
21 made in accordance with the Master Service List as follows:

22 DEVIN OLIVER, ESQUIRE

23 LAENA ST-JULES, ESQUIRE

24 DAVID O'MARA, ESQUIRE

25 BRADLEY SCHRAGER, ESQUIRE

26 Dated this 28th day of October, 2024.

\_\_\_\_\_/s/ N. Stapledon

N. Stapledon