

Case No.: 242W00025-13

Dept. No.: II

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Counsel for Petitioner

**IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY**

MARGARET M. OSBORNE, individually,

Petitioner,

v.

SCOTT HOEN, in his official capacity as
the Carson City Clerk, and JASON
WOODBURY, in his official capacity as
the Carson City District Attorney,

Respondents.

**PETITION FOR WRIT OF MANDAMUS
PURSUANT TO NRS 293.547 AND NRS
293.530 FOR RESPONDENTS TO NOTIFY
THE REGISTRANTS OF THE
CHALLENGE AND FOLLOW THE
REQUIREMENTS OF NRS 293.547 and NRS
293.530.**

Exempt from Arbitration

- **Action for Declaratory Relief**
- **Action Presents a Significant Issue of Public Policy**
- **Action Seeks Injunctive or Extraordinary Relief**

Petitioner Margaret M. Osborne ("Ms. Osborne"), Individually, submit this Petition for Writ of Mandamus to compel the Carson City Clerk Scott Hoen ("Hoen") and the Carson City District Attorney Jason Woodbury ("Woodbury")(Collectively "Respondents") to perform their duties as required by NRS 293.547 and NRS 293.530 by requiring the Clerk to attach the challenges to the challenged voter, notify the registrant of the challenge and take the necessary actions as required under NRS 293.530 and for the Carson City District Attorney to investigate the challenge within

1 14 days and, if appropriate, cause proceedings to be instituted and prosecuted in a court of
2 competent jurisdiction without delay.

3 **PARTIES**

4 Petitioner Margaret M. Osborne is registered to vote in the same precinct as the nine (9) people
5 that have been challenged because they no longer live in the residence listed on their registration.
6

7 Respondent HOEN is responsible for maintaining accepting challenges filed pursuant to NRS
8 293.547 and (1) attach a copy of the challenge to the challenged registration in the roster, (2) within
9 5 days sending a notice to the challenged voter in the manner set forth in NRS 293.530, and (3)
10 immediately notify the district attorney.

11 Respondent Jason Woodbury is the District Attorney of Carson City. Pursuant to NRS 293.547,
12 Woodbury is required, upon receipt of the challenge, to investigate the challenge within 14 days
13 and, if appropriate, cause proceedings to be instituted and prosecuted in a court of competent
14 jurisdiction without delay.
15

16 Respondents HOEN and WOODBURY are named in their official capacity only.

17 **NATURE OF THE CASE**

18 On October 9, 2024, nine (9) challenges to registered voters were provided to HOEN under
19 NRS 293.547. *See* Exhibit 1.¹ Petitioner filed these nine challenges against the following
20 individuals: Suzanne T. Baker, Nancy A. Gibson, Deena D. Hocker, Jacob J. Kunter, Daniel M.
21 Martins, Elizabeth J. Martins, Madison L. Newcombe, Michael C. Schwieger, and Paige Yochum,
22 *See* Exhibits 2-10. Hoen, as required by NRS 293.547(5)(c), “[i]mmediately notified the district
23 attorney” and it appears that Hoen provided a copy of the challenge with the notice. *See* Exhibit
24 11².
25
26

27
28 ¹ Delivery of the Challenges was at 8:04 a.m. on October 9, 2024.

² Notice to the district attorney occurred at 9:08 a.m. on October 9, 2024.

1 While Hoen provided notice immediately to the district attorney's office, pursuant to NRS
2 293.547(5)(c), Hoen failed to mail the notice in the manner set forth in NRS 293.530 to the person
3 whose right to vote had been challenged pursuant to this section informing the person of the
4 challenge. See NRS 293.547(5)(b). Moreover, upon information and belief, Hoen has also failed
5 to attach a copy of the challenge to the challenged registration in the roster. See NRS 293.547(5)(a).
6

7 Instead, upon receiving the challenges, the District Attorney's office abdicated his
8 responsibility of investigating the challenge, and instead, sought to obtain guidance from Secretary
9 of State Aguilar.³ Secretary Aguilar did not provide "guidance," but instead, Senior Deputy
10 Attorney General, Laena St-Jules, provided her own view, ("in my view") of the challenges.
11 Moreover, the Secretary of State is not authorized to provide "guidance" but is instead, only
12 authorized to provide interpretations of the statutes when the Secretary of State has properly
13 promulgated regulations. See *Nevada State Democratic Party v. Nevada Republican Party*, 256
14 P.3d 1 (2011). Neither Hoen, nor the District Attorney provided any response to Petitioners, save
15 and except that "Carson City acknowledges receipt of the voter challenges attached to your email."
16 See Exhibit 1.
17

18 Only on October 16, 2024, did the District Attorney provide a response claiming that,
19

20 after consultation with the Nevada Secretary of State's Office, it has
21 been determined that your challenges do not meet the requirements
22 of NRS 293.547 and the National Voter Registration Act of 1993
(NVRA). Accordingly, the Clerk-Recorder cannot act on the
23 challenges.

24 See Exhibit 1. The Clerk and District Attorney rejected the challenges based upon improper
25 guidance from a Senior Deputy Attorney General who provided her own view, and not the
26 interpretation of the Secretary of State, nor the opinion of the Attorney General.

27 NRS 293.247 provides that,
28

The Secretary of State shall adopt regulations, not inconsistent with
the election laws of this State, for the conduct of primary, presidential

³ Guidance was requested immediately at 9:14 a.m. on October 9, 2024.

1 preference, primary, general, special and district elections in all cities
2 and counties. Permanent regulations of the Secretary of State that
3 regulate the conduct of a primary, general, special or district election
4 and are effective on or before the last business day of February
immediately preceding a primary, general, special or district election
govern the conduct of that election.

5 *See* NRS 293.247(1).

6 In carrying out his duties, the secretary of state is authorized to “provide interpretations ...
7 for the effective administration of the statutes and regulations governing the conduct of primary,
8 general, special and district election in this state. “ *See* NRS 293.247(4). In this case, however,
9 the Secretary of State did not provide an interpretation⁴, but instead, a staff attorney at the
10 Attorney General’s office provided her personal thoughts on the matter. *See* Exhibit 11 (“In my
11 view”).

12 The Secretary of State oversees the administration of elections, manages state records, and
13 handles various administrative functions. The Attorney General, on the other hand, serves as the
14 chief legal office of the state. This office is responsible for providing legal advice to state
15 agencies and district attorneys, but should only do so through Attorney General Opinions, pursuant
16 to NRS 228.150. NRS 228.150 provides that, when requested, the Attorney General shall give his
17 or her opinion, in writing, upon any question of law, to the Governor, the Secretary of State, ... to
18 any district attorney ... upon any question of law relating to their respective offices, ...” *See* NRS
19 228.150(1). The personal opinions of a staff attorney for the Attorney General’s office are not an
20 Attorney General Opinion, nor are secretive directive’s disguised as “guidance.”

21 While the Secretary of State appears to have revised the form required for a challenger to
22 challenge a voter under NRS 293.547 in August of 2023 (See Exhibit 2-10), the Secretary of
23 State has failed to promulgate regulations regarding the procedure that a Clerk and/or the district
24 attorney must follow upon receiving a challenge pursuant to NRS 293.547, and thus, the Court
25 must look at the language of the statute to determine what must occur. The Court must not give
26 any deference to the Secretary of State or the Attorney General’s email “guidance” because it is

27 ⁴ The email in response to the District Attorneys’ Office regarding “guidance” did not meet the requirements of an
28 interpretation and was not prepared by the Secretary of State, nor was it distributed to the county clerks. *See* NRS
293.247.

1 invalid and a futile act. *See Nevad State Democratic Party v. Nevada Republican Party*, 256 P.3d
2 1 (2011), *see also Kelly v. Murphy*, 377 P.2d 177 (1963).

3 NRS 293.547 provides, in relevant part,

4 (5) The county clerk shall:

5 (a) Attach a copy of the challenge to the challenged registration in
6 the roster.

7 (b) Within 5 days after a challenge is filed, mail a notice in the
8 manner set forth in NRS 293.530 to the person whose right to vote
9 has been challenged pursuant to this section informing the person of
10 the challenge... A copy of the challenge and information describing
11 how to reregister properly must accompany the notice.

12 (c) Immediately notify the district attorney. A copy of the challenge
13 must accompany the notice.

14 *See* NRS 293.547(5). Additionally, NAC 293.416 provides that,

15 A written challenge authorized by NRS 293.547 must:

16 (a) Be on a form prescribed by the Secretary of State;

17 (b) Be filed with the county clerk after the 30th day but not later than
18 the 25th day before the day of the election; and

19 (c) Contain, in addition to any other required information:

20 (1) The address and, if readily available, the telephone number of
21 the person whose right to vote is challenged;

22 (2) The number of the precinct in which the person whose right to
23 vote is challenged is registered to vote;

24 (3) The name, address and telephone number of the person filing the
25 challenge;

26 (4) The precinct in which the person filing the challenge is registered
27 to vote;

28 (5) The date of the challenge;

(6) A statement of the facts upon which each ground for the
challenge is based;

(7) A statement that the challenge is based on personal knowledge
of the facts upon which each ground for the challenge is based; and

(8) Any documentation or evidence supporting the facts upon which
each ground for the challenge is based.

The challenges filed against the nine (9) registrants were made using the Secretary of

1 State's form. *See* Exhibits 2-10. The District Attorney, after receiving "guidance" from the
2 Attorney General's office, concluded that the "challenges submitted rely not on personal
3 knowledge of the challenger, but instead on statements of unnamed third-party individuals with
4 no established or purported knowledge of the voter being challenged." *See* Exhibit 11.

5 ***Ms. Osborne filled out the form provided by the Secretary of State and provided all of***
6 ***the relevant information required by the form.*** The information provided shows that these nine
7 (9) individuals do not reside at the residence for which the address is listed in the roster. Indeed,
8 Ms. Osborne has "personal knowledge" as she has the "experience or observation of the facts" by
9 visiting the location claimed to be the voter's residence, knocking on the door, and experiencing
10 and observing that Elizabeth Martins, is not there, and that Elizabeth Martins no longer lives at
11 the address. Indeed, Ms. Osborne provides the address of the challenged voter. More
12 importantly, she checked the box stating that this person "does not reside at the residence for
13 which the address is listed in the roster" when the form asks, "The challenge is based upon the
14 ground(s) that the person challenged." *See* Exhibits 2-10. Thereafter, Ms. Osborne thereafter
15 stated the facts upon which each ground for the challenge is based, and she signed the form, that
16 states, "The forgoing challenge is based on the personal knowledge of the facts upon which each
17 ground for the challenge is based."

18 Even assuming that Ms. Osborne's challenges were insufficient, the Court should and
19 must conclude that Ms. Osborne substantially complied with the statute. NRS 293.127 provides
20 that "[t]his title must be liberally construed to the end that:... (c) the real will of the electors is not
21 defeated by any informality or by failure substantially to comply with he provisions of this title
22 with respect to the giving of any notice or the conducting of an election or certifying the results
23 thereof." *See* NRS 293.127(1)(c). "Courts have defined substantial compliance as compliance
24 with essential matters necessary to ensure that a every reasonable objective of the statute is met."
25 *See Williams v. Clark County Dist. Attorney*, 118 Nev. 472, 50 P.3d 536 (2002). The Nevada
26 Supreme Court has required only substantial compliance with statutory requirements. *See Cirac*
27 *v. Lander County*, 95 Nev. 723, 731, 602 P.2d 1012, 1017 (1979); *Cleland v. District Court*, 92
28 Nev. 454, 456, 552 P.2d 488, 490 (1976). In *Cirac v. Lander County*, the Supreme Court applied

1 a rule of substantial compliance and stated that the “rule of substantial compliance best furthers
2 the purpose of insuring that only registered voters are engaged in the qualifying procedures.” Id.

3 In this case, Ms. Osborne has substantially complied with the statute, as she has provided
4 the supporting facts that allow HOEN to provide a notice under NRS 293.530.

5 Additionally, the district attorney’s office was provided with the challenges on October 9,
6 2024, and has failed to investigate, as required by law, into the challenged voter residence. There
7 is certainly enough evidence for the district attorney to start an investigation and decide whether
8 the nine individuals do not reside at the location they claim in their registration. Indeed, the
9 district attorney could have simply started its investigation by going to the address listed on the
10 challenged voter’s registration and determining if the person lives at the residence. Moreover,
11 there are several other methods in which the district attorney could have utilized in its
12 investigation to determine if the residence attached to the registration is where the challenged
13 voter resides. *See e.g.* NRS 293.530 (“use any reliable and reasonable means available”); *see also*
14 NRS 293.5303 (“changes of addresses of its postal patrons for use by the county clerk to correct
15 the portions of the statewide voter registration list relevant to the county clerk.”)⁵

16 If Woodbury needs additional information for to conduct his investigation, besides going
17 to the challenged voter’s addresses listed on the registration, Woodbury should also contact the
18 challenged voters at the following address:⁶

19 Suzanne T. Baker
20 314 Rockhill Dr.
21 San Antonio, Texas 78209

Nancy A. Gibson
2355 Columbia Way
Carson City, NV 89706

Deena D. Hocker
2450 Highway M
Clinton, MO 64735

22 Jacob J. Kunter
23 712 Hot Springs Road,
24 Apt. 202
25 Carson City, NV 89760

Daniel M. Martins
34 Ansell St.
Alexandria, VA 22305

Elizabeth J. Martins
34 Ansell St.
Alexandria, VA 22305

26 ⁵ Upon information and believe, the Carson City Clerk has entered into an agreement with either the USPS or another
27 person (entity) authorized to obtain the date complied. *See* NRS 293.5307, and thus, the clerk “shall” review the data
28 and “shall” mail a notice to each such registered voter under NRS 293.530.

⁶ An investigation of the Carson City residence would promote the ability of these individuals being able to vote in
their specific precinct and receiving a mail ballot that will not be forwarded, even though there is a local Carson City
residence.

1 Madison L. Newcombe
2 2250 S. Edmonds Dr.
3 Carson City, NV 89701

Michael C. Schwieger
1464 Rand Ave #103
Carson City, Nevada 89706

Paige Yochum
11326 Snow Bay Dr.
Houston Tx 77067

4 Moreover, the Nevada Legislature has provided a statutory mechanism for the withdrawal
5 of challenges pursuant to NRS 293.547, which necessitates that the only way to withdraw a
6 challenge, or not process a challenge is for the removal under NRS 293.548. Ms. Osborne has not
7 sought to remove the challenges and thus, the challenges must be processed accordingly.
8 Additionally, since Ms. Osborne signed the challenge form under penalty of perjury that the
9 information provided in this document is true and correct, it is unlikely that the challenged voter
10 resides at the location on their registration, and thus, she has substantially complied with the
11 requirements of the statutes and an investigation must be undertaken and the individuals removed
12 from the voter rolls.

13 JURISDICTION AND VENUE

14 This Court has jurisdiction to issue writs of mandamus pursuant to Article 6, Section 6 of the
15 Nevada Constitution and NRS 34.160. "A writ of mandamus is available to compel the performance
16 of an act that the law requires as a duty resulting from an office, trust, or station or to control an
17 arbitrary or capricious exercise of discretion." *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*,
18 124 Nev. 193, 197, 179 P.3d 556, 558 (2008).

19 NRS 30.040(1) provides that "[a]ny person ... whose rights, status or other legal relations are
20 affected by a statute, municipal ordinance, contract or franchise, may have determined any question
21 of construction or validity arising under the instrument, statute, ordinance, contract or franchise and
22 obtain a declaration of rights, status or other legal relations thereunder.

23 This Court is the proper venue as it is where the Respondents are located.
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1 **COUNT I**

2 **Writ of Mandamus for Violation of the NRS 293. 547 and NRS 293.530**

3 Petitioners realleges all paragraphs set forth above as fully stated herein.

4 On October 9, 2024, Ms. Osborne filed nine (9) challenges to the registered voters pursuant to
5 NRS 293.547.

6 Petitioner sought compliance with NRS 293.547, but Respondents have refused to act under
7 NRS 293.547 and/or NRS 293.530.

8
9 Petitioner and the Public will continue to be injured by Respondents HOEN and WOODBURY
10 failure to act unless and until they are required to fulfill their duties under Nevada law. The purpose
11 of these statutes is to ensure that only registered voters, who continue to reside at the residence listed
12 on their registration, are allowed to vote.

13 Petitioner seeks a writ of mandamus requiring Respondent HOEN to attach the challenge to the
14 registration of the registered voter, and to notify each challenged voter that they have been
15 challenged.
16

17 Petitioner seeks a writ of mandamus requiring Respondent Woodbury to investigate the
18 challenge within 14 days of October 9, 2024, and if appropriate, cause proceedings to be instituted
19 and prosecuted in a competent jurisdiction without delay.

20 Petitioner seeks a declaratory judgment that Respondents are not in compliance with NRS
21 293.530 and 293.547.
22

23 Petitioner seeks an award of attorneys' fees and costs.

24 **COUNT II**
25 **DECLARATORY RELIEF**

26 Petitioner realleges all of the paragraphs above as if fully stated herein.

27 NRS 30.040(1) provides that "[a]ny person ... whose rights, status or other legal relations are
28 affected by a statute, municipal ordinance, contract or franchise, may have determined any question

1 of construction or validity arising under the instrument, statute, ordinance, contract or franchise and
2 obtain a declaration of rights, status or other legal relations thereunder.

3 After filing the challenges submitted by Ms. Osborne, on the form provided by the Secretary of
4 State, pursuant to NRS 293.547, the Clerk must provide notice to the registrant pursuant to NRS
5 293.530 and attach a copy of the challenge to the challenged registration in the roster.
6

7 After receiving a copy of the filed challenge form from the clerk, Woodbury is required to
8 investigate the challenge within 14 days and, if appropriate, cause proceedings to be instituted and
9 prosecuted in a court of competent jurisdiction without delay.

10 Despite these statutory requirements, Respondents have failed to properly process and
11 investigate the valid challenges under NRS 293.547 and refuse to do so.

12
13 Petitioner is entitled to a declaratory judgment that upon the filing of the challenge under NRS
14 293.547, Nevada law requires the county clerk to “(a) attach a copy of the challenge to the
15 challenged registration in the foster and (b) within 5 days after a challenge is filed, mail a notice in
16 the manner set forth in NRS 293.530 to the person whose right to vote has been challenged pursuant
17 to this section informing the person of the challenge, and (c) immediately notify the district
18 attorney. The Clerk has failed to satisfy the requirements of NRS 293.530, except it has notified
19 the district attorney.
20

21 Petitioner is entitled to a declaratory judgment that upon the filing of the challenge under NRS
22 293, 547, Woodbury is required to investigate the challenge within 14 days and, if appropriate,
23 cause proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.

24 Petitioner has the right to recover its attorneys’ fees and costs for bringing this action.

25 **PRAYER FOR RELIEF**

26 WHEREFORE, Petitioner prays for relief as follows:
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EXHIBIT INDEX

Exhibit No.	Description	Pages
1.	Emails showing delivery of the challenges and actions from the Clerk/District Attorney	3
2.	Challenge to Suzanne T. Baker	1
3.	Challenge to Nancy A. Gibson	1
4.	Challenge to Jacob J. Kunter	1
5.	Challenge to Daniel M. Martins	1
6	Challenge to Elizabeht J. Martins	1
7	Challenge to Maidson L. Newcombe	1
8	Challenge to Michael C. Schwieger	1
9	Challenge to Paige Yochum	1
10	Challenge to Deena D. Hocker	1
11	Emails to district attorney by staff at the attorney general's office	3
12	Declaration of Margaret M Osborne in Support of the Petition for Writ of Mandamus and Declaratory Relief	4

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EXHIBIT 1

RETRIEVED FROM DEMOCRACYDOCKET.COM

EXHIBIT 1

David O'Mara, Esq.

From: Benjamin Johnson <BJohnson@carson.org>
Sent: Wednesday, October 16, 2024 5:01 PM
To: chuck citizenoutreach.com; David O'Mara, Esq.
Cc: Elections
Subject: RE: NRS 293.547 Challenges
Attachments: RE: NRS 293.547 Challenges

Good afternoon,

I have attached the correspondence from the Attorney General's Office regarding the challenges submitted. There was no written interpretation from the SOS.

Ben Johnson

From: chuck citizenoutreach.com <chuck@citizenoutreach.com>
Sent: Wednesday, October 16, 2024 1:45 PM
To: Benjamin Johnson <BJohnson@carson.org>; david@omaralaw.net
Cc: Elections <elections@carson.org>
Subject: RE: NRS 293.547 Challenges

This message originated outside of Carson City's email system. Use caution if this message contains attachments, links, or requests for information.

Thank you, Mr. Johnson.

Would you please provide the written interpretation provided by the SOS?

From: Benjamin Johnson <BJohnson@carson.org>
Sent: Wednesday, October 16, 2024 9:21 AM
To: chuck citizenoutreach.com <chuck@citizenoutreach.com>; david@omaralaw.net
Cc: Elections <elections@carson.org>
Subject: RE: NRS 293.547 Challenges

Good morning,

The Carson City Clerk-Recorder's Office has reviewed the voter challenges that you submitted and after consultation with the Nevada Secretary of State's Office it has been determined that your challenges do not meet the requirements of NRS 293.547 and the National Voter Registration Act of 1993 (NVRA). Accordingly, the Clerk-Recorder cannot act on the challenges.

Under the NVRA, eligible voters can only be removed from the voter rolls under narrow circumstances. See 52 U.S.C. § 20507(a)(3)-(4). It appears the challenges submitted purport to be based on ineligibility due to a change in residence. However, the information submitted in the challenges is not sufficient to permit action at this time. NRS 293.547 and NAC 293.416(3) require a challenge to be made on the personal knowledge of the challenger, meaning "firsthand knowledge through experience or observation of the facts upon each ground that the challenge is based."

The challenges submitted rely not on personal knowledge of the challenger, but instead on statements of unnamed third-party individuals with no established or purported knowledge of the voter being challenged. Therefore, the challenges will not be processed.

Ben Johnson

Benjamin R. Johnson
Senior Deputy District Attorney
Carson City District Attorney's Office
885 E. Musser Street, Suite 2030
Carson City, NV 89701
(775) 887-2070
Fax: 887-2129
bjohnson@carson.org



This message, together with any attachment(s), is intended only for the addressee(s) and may contain information that is privileged and confidential. If the reader of the message is not the intended recipient or an authorized representative of the intended recipient, I did not intend to waive and do not waive any privilege or the confidentiality of the message and any attachment(s), and you are hereby notified that any dissemination of this communication is strictly prohibited. If you receive this communication in error, please notify me immediately by e-mail and delete the message and any attachment(s) from your computer and network. Thank you.

From: Benjamin Johnson
Sent: Wednesday, October 9, 2024 10:12 AM
To: chuck citizenoutreach.com <chuck@citizenoutreach.com>; david@omaralaw.net
Cc: Elections <elections@carson.org>
Subject: RE: NRS 293.547 Challenges

Good morning,

Carson City acknowledges receipt of the voter challenges attached to your email.

Thank you,

Ben Johnson

Benjamin R. Johnson
Senior Deputy District Attorney

Carson City District Attorney's Office
885 E. Musser Street, Suite 2030
Carson City, NV 89701
(775) 887-2070
Fax: 887-2129
bjohnson@carson.org



This message, together with any attachment(s), is intended only for the addressee(s) and may contain information that is privileged and confidential. If the reader of the message is not the intended recipient or an authorized representative of the intended recipient, I did not intend to waive and do not waive any privilege or the confidentiality of the message and any attachment(s), and you are hereby notified that any dissemination of this communication is strictly prohibited. If you receive this communication in error, please notify me immediately by e-mail and delete the message and any attachment(s) from your computer and network. Thank you.

From: Dan Burdish <dan@citizenoutreach.com>
Sent: Wednesday, October 9, 2024 8:04 AM
To: Elections <elections@carson.org>
Cc: chuck citizenoutreach.com <chuck@citizenoutreach.com>; David O'Mara, Esq. <david@omaralaw.net>
Subject: NRS 293.547 Challenges

This message originated outside of Carson City's email system. Use caution if this message contains attachments, links, or requests for information.

Please find nine NRS 293.547 Challenges attached. We have also included a spreadsheet of the challenges showing the details of their registration as of September 12, 2024. Please acknowledge receipt of this data.

Dan Burdish
Chief Operating Officer



CITIZEN OUTREACH FOUNDATION

Putting the Public Back in Public Policy

5841 E. Charleston Blvd., Ste. 230-253
Mt. Reagan, NV 89142
(702) 942-3291 | www.citizenoutreach.com

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EXHIBIT 2

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EXHIBIT 2

State of Nevada

Secretary of State
Francisco V. Aguilar



Affirmation of Challenger

NRS 293.303, NRS 293.547, and NAC
293.416

I, Margaret M. Osborne, am a registered voter in Precinct # 309
(Challenger's Printed Name)

Verified:

of Carson City County and I reside at the following address:

676 Kay Court
(Street #, Street Name, Apt/Unit/Suite (if any))

Carson City, NV 89701
(City, State, and Zip Code)

(775) 220-6338
(Telephone Number)

I hereby challenge: Suzanne T Baker, a registered voter of
(Challenged Voter's Printed Name)

Precinct # 309 of Carson City County and resides at the following address:

186 Parkhill Dr
(Street #, Street Name, Apt/Unit/Suite (if any))

Carson City, NV 89701
(City, State, and Zip Code)

N/A
(Telephone Number)

The challenge is based upon the ground(s) that the person challenged:

- ☐ Does not belong to the political party designated upon the roster.
- ☐ Designated on their application to register to vote a political party to which they do not belong.
- ☒ Does not reside at the residence for which the address is listed in the roster.
- ☐ Voted before at the same election.
- ☐ Is not the person entitled to vote as claimed.

Statement of the facts upon which each ground for the challenge is based. Additional pages may be attached for this statement of facts. Additional documentation or evidence supporting these facts may also be attached.

Person who answered the door said Suzanne T Baker no longer lives at this address

The foregoing challenge is based on personal knowledge of the facts upon which each ground for the challenge is based. Nevada Administrative Code (NAC) 293.416(3) defines personal knowledge as "firsthand knowledge through experience or observation of the facts upon each ground that the challenge is based."

By signing my name below, I swear or affirm under penalty of perjury that the information provided in this document is true and correct.

Margaret M. Osborne
(Challenger's Signature)

10/6/2024
(Date)

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EXHIBIT 3

RETRIEVED FROM DEMOCRACYDOCKET.COM

EXHIBIT 3

State of Nevada

Secretary of State
Francisco V. Aguilar



Affirmation of Challenger

NRS 293.303, NRS 293.547, and NAC
293.416

I, Margaret M. Osborne, am a registered voter in Precinct # 309
(Challenger's Printed Name)

Verified:

of Carson City County and I reside at the following address:

676 Kay Court
(Street #, Street Name, Apt/Unit/Suite (if any))

Carson City, NV 89701
(City, State, and Zip Code)

(775) 220-6338
(Telephone Number)

I hereby challenge: Nancy Gibson, a registered voter of
(Challenged Voter's Printed Name)

Precinct # 309 of Carson City County and resides at the following address:

4802 Heron Rd
(Street #, Street Name, Apt/Unit/Suite (if any))

Carson City, NV 89701
(City, State, and Zip Code)

N/A
(Telephone Number)

The challenge is based upon the ground(s) that the person challenged:

- ☐ Does not belong to the political party designated upon the roster.
- ☐ Designated on their application to register to vote a political party to which they do not belong.
- ☒ Does not reside at the residence for which the address is listed in the roster.
- ☐ Voted before at the same election.
- ☐ Is not the person entitled to vote as claimed.

Statement of the facts upon which each ground for the challenge is based. Additional pages may be attached for this statement of facts. Additional documentation or evidence supporting these facts may also be attached.

Person who answered the door said Nancy Gibson no longer lives at this address

The foregoing challenge is based on personal knowledge of the facts upon which each ground for the challenge is based. Nevada Administrative Code (NAC) 293.416(3) defines personal knowledge as "firsthand knowledge through experience or observation of the facts upon each ground that the challenge is based."

By signing my name below, I swear or affirm under penalty of perjury that the information provided in this document is true and correct.

Margaret M. Osborne
(Challenger's Signature)

10/6/2024
(Date)

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EXHIBIT 4

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EXHIBIT 4

State of Nevada

Secretary of State
Francisco V. Aguilar



Affirmation of Challenger

NRS 293.303, NRS 293.547, and NAC
293.416

I, Margaret M. Osborne, am a registered voter in Precinct # 309
(Challenger's Printed Name)

Verified:

of Carson City County and I reside at the following address:

676 Kay Court

(Street #, Street Name, Apt/Unit/Suite (if any))

Carson City, NV 89701

(City, State, and Zip Code)

(775) 220-6338

(Telephone Number)

I hereby challenge: Jacob Kunter, a registered voter of
(Challenged Voter's Printed Name)

Precinct # 309

Verified:

of Carson City County and resides at the following address:

4901 Aquifer Way

(Street #, Street Name, Apt/Unit/Suite (if any))

Carson City, NV 89701

(City, State, and Zip Code)

N/A

(Telephone Number)

The challenge is based upon the ground(s) that the person challenged:

- ☐ Does not belong to the political party designated upon the roster.
- ☐ Designated on their application to register to vote a political party to which they do not belong.
- ☒ Does not reside at the residence for which the address is listed in the roster.
- ☐ Voted before at the same election.
- ☐ Is not the person entitled to vote as claimed.

Statement of the facts upon which each ground for the challenge is based. Additional pages may be attached for this statement of facts. Additional documentation or evidence supporting these facts may also be attached.

Person who answered the door said Jacob Kunter no longer lives at this address

The foregoing challenge is based on personal knowledge of the facts upon which each ground for the challenge is based. Nevada Administrative Code (NAC) 293.416(3) defines personal knowledge as "firsthand knowledge through experience or observation of the facts upon each ground that the challenge is based."

By signing my name below, I swear or affirm under penalty of perjury that the information provided in this document is true and correct.

Margaret M. Osborne
(Challenger's Signature)

10/6/2024

(Date)

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EXHIBIT 5

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EXHIBIT 5

State of Nevada

Secretary of State
Francisco V. Aguilar



Affirmation of Challenger

NRS 293.303, NRS 293.547, and NAC
293.416

I, Margaret M. Osborne, am a registered voter in Precinct # 309
(Challenger's Printed Name)

Verified:

of Carson City County and I reside at the following address:

676 Kay Court

(Street #, Street Name, Apt/Unit/Suite (if any))

Carson City, NV 89701

(City, State, and Zip Code)

(775) 220-6338

(Telephone Number)

I hereby challenge: Daniel M. Martins, a registered voter of
(Challenged Voter's Printed Name)

Verified:

Precinct # 309 of Carson City County and resides at the following address:

451 Parkhill

(Street #, Street Name, Apt/Unit/Suite (if any))

Carson City, NV 89701

(City, State, and Zip Code)

N/A

(Telephone Number)

The challenge is based upon the ground(s) that the person challenged:

- ☐ Does not belong to the political party designated upon the roster.
- ☐ Designated on their application to register to vote a political party to which they do not belong.
- ☒ Does not reside at the residence for which the address is listed in the roster.
- ☐ Voted before at the same election.
- ☐ Is not the person entitled to vote as claimed.

Statement of the facts upon which each ground for the challenge is based. Additional pages may be attached for this statement of facts. Additional documentation or evidence supporting these facts may also be attached.

Person who answered the door said Daniel M. Martins no longer lived at this address

The foregoing challenge is based on personal knowledge of the facts upon which each ground for the challenge is based. Nevada Administrative Code (NAC) 293.416(3) defines personal knowledge as "firsthand knowledge through experience or observation of the facts upon each ground that the challenge is based."

By signing my name below, I swear or affirm under penalty of perjury that the information provided in this document is true and correct.

Margaret M. Osborne
(Challenger's Signature)

10/7/2024

(Date)

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EXHIBIT 6

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EXHIBIT 6

State of Nevada

Secretary of State
Francisco V. Aguilar



Affirmation of Challenger

NRS 293.303, NRS 293.547, and NAC
293.416

I, Margaret M. Osborne, am a registered voter in Precinct # 309
(Challenger's Printed Name)

Verified:

of Carson City County and I reside at the following address:

676 Kay Court
(Street #, Street Name, Apt/Unit/Suite (if any))

Carson City, NV 89701
(City, State, and Zip Code)

(775) 220-6338
(Telephone Number)

I hereby challenge: Elizabeth J. Martins, a registered voter of
(Challenged Voter's Printed Name)

Verified:

Precinct # 309 of Carson City County and resides at the following address:

451 Parkhill
(Street #, Street Name, Apt/Unit/Suite (if any))

Carson City, NV 89701
(City, State, and Zip Code)

N/A
(Telephone Number)

The challenge is based upon the ground(s) that the person challenged:

- ☐ Does not belong to the political party designated upon the roster.
- ☐ Designated on their application to register to vote a political party to which they do not belong.
- ☒ Does not reside at the residence for which the address is listed in the roster.
- ☐ Voted before at the same election.
- ☐ Is not the person entitled to vote as claimed.

Statement of the facts upon which each ground for the challenge is based. Additional pages may be attached for this statement of facts. Additional documentation or evidence supporting these facts may also be attached.

Person who answered the door said Elizabeth J. Martins no longer lived at this address

The foregoing challenge is based on personal knowledge of the facts upon which each ground for the challenge is based. Nevada Administrative Code (NAC) 293.416(3) defines personal knowledge as "firsthand knowledge through experience or observation of the facts upon each ground that the challenge is based."

By signing my name below, I swear or affirm under penalty of perjury that the information provided in this document is true and correct.

Margaret M. Osborne
(Challenger's Signature)

10/7/2024
(Date)

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EXHIBIT 7

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EXHIBIT 7

State of Nevada

Secretary of State
Francisco V. Aguilar



Affirmation of Challenger

NRS 293.303, NRS 293.547, and NAC
293.416

I, Margaret M. Osborne, am a registered voter in Precinct # 309
(Challenger's Printed Name)

Verified:

of Carson City County and I reside at the following address:

676 Kay Court
(Street #, Street Name, Apt/Unit/Suite (if any))

Carson City, NV 89701
(City, State, and Zip Code)

(775) 220-6338
(Telephone Number)

I hereby challenge: Madison L Newcombe, a registered voter of
(Challenged Voter's Printed Name)

Verified:

Precinct # 309 of Carson City County and resides at the following address:

501 S Deer Run Road
(Street #, Street Name, Apt/Unit/Suite (if any))

Carson City, NV 89701
(City, State, and Zip Code)

N/A
(Telephone Number)

The challenge is based upon the ground(s) that the person challenged:

- ☐ Does not belong to the political party designated upon the roster.
- ☐ Designated on their application to register to vote a political party to which they do not belong.
- ☒ Does not reside at the residence for which the address is listed in the roster.
- ☐ Voted before at the same election.
- ☐ Is not the person entitled to vote as claimed.

Statement of the facts upon which each ground for the challenge is based. Additional pages may be attached for this statement of facts. Additional documentation or evidence supporting these facts may also be attached.

Person who answered the door said Madison L Newcombe no longer lived at this address

The foregoing challenge is based on personal knowledge of the facts upon which each ground for the challenge is based. Nevada Administrative Code (NAC) 293.416(3) defines personal knowledge as "firsthand knowledge through experience or observation of the facts upon each ground that the challenge is based."

By signing my name below, I swear or affirm under penalty of perjury that the information provided in this document is true and correct.

Margaret M. Osborne
(Challenger's Signature)

10/6/2024
(Date)

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EXHIBIT 8

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EXHIBIT 8

State of Nevada

Secretary of State
Francisco V. Aguilar



Affirmation of Challenger

NRS 293.303, NRS 293.547, and NAC
293.416

I, Margaret M. Osborne, am a registered voter in Precinct # 309
(Challenger's Printed Name)

Verified:

of Carson City County and I reside at the following address:

676 Kay Court

(Street #, Street Name, Apt/Unit/Suite (if any))

Carson City, NV 89701

(City, State, and Zip Code)

(775) 220-6338

(Telephone Number)

I hereby challenge: Michael Schwieger, a registered voter of
(Challenged Voter's Printed Name)

Precinct # 309

Verified:

of Carson City County and resides at the following address:

209 Riparian Way

(Street #, Street Name, Apt/Unit/Suite (if any))

Carson City, NV 89701

(City, State, and Zip Code)

N/A

(Telephone Number)

The challenge is based upon the ground(s) that the person challenged:

- ☐ Does not belong to the political party designated upon the roster.
- ☐ Designated on their application to register to vote a political party to which they do not belong.
- ☒ Does not reside at the residence for which the address is listed in the roster.
- ☐ Voted before at the same election.
- ☐ Is not the person entitled to vote as claimed.

Statement of the facts upon which each ground for the challenge is based. Additional pages may be attached for this statement of facts. Additional documentation or evidence supporting these facts may also be attached.

Person who answered the door said Michael Schwieger no longer lives at this address

The foregoing challenge is based on personal knowledge of the facts upon which each ground for the challenge is based. Nevada Administrative Code (NAC) 293.416(3) defines personal knowledge as "firsthand knowledge through experience or observation of the facts upon each ground that the challenge is based."

By signing my name below, I swear or affirm under penalty of perjury that the information provided in this document is true and correct.

Margaret M. Osborne
(Challenger's Signature)

10/6/2024
(Date)

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EXHIBIT 9

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EXHIBIT 9

State of Nevada

Secretary of State
Francisco V. Aguilar



Affirmation of Challenger

NRS 293.303, NRS 293.547, and NAC
293.416

I, Margaret M. Osborne, am a registered voter in Precinct # 309
(Challenger's Printed Name)

Verified:

of Carson City County and I reside at the following address:

676 Kay Court
(Street #, Street Name, Apt/Unit/Suite (if any))

Carson City, NV 89701
(City, State, and Zip Code)

(775) 220-6338
(Telephone Number)

I hereby challenge: Paige Yochum, a registered voter of
(Challenged Voter's Printed Name)

Precinct # 309 of Carson City County and resides at the following address:

4859 Aquifer Way
(Street #, Street Name, Apt/Unit/Suite (if any))

Carson City, NV 89701
(City, State, and Zip Code)

N/A
(Telephone Number)

The challenge is based upon the ground(s) that the person challenged:

- ☐ Does not belong to the political party designated upon the roster.
- ☐ Designated on their application to register to vote a political party to which they do not belong.
- ☒ Does not reside at the residence for which the address is listed in the roster.
- ☐ Voted before at the same election.
- ☐ Is not the person entitled to vote as claimed.

Statement of the facts upon which each ground for the challenge is based. Additional pages may be attached for this statement of facts. Additional documentation or evidence supporting these facts may also be attached.

Person who answered the door said Paige Yochum no longer lives at this address

The foregoing challenge is based on personal knowledge of the facts upon which each ground for the challenge is based. Nevada Administrative Code (NAC) 293.416(3) defines personal knowledge as "firsthand knowledge through experience or observation of the facts upon each ground that the challenge is based."

By signing my name below, I swear or affirm under penalty of perjury that the information provided in this document is true and correct.

Margaret M. Osborne
(Challenger's Signature)

10/6/2024
(Date)

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EXHIBIT 10

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EXHIBIT 10

State of Nevada

Secretary of State
Francisco V. Aguilar



Affirmation of Challenger

NRS 293.303, NRS 293.547, and NAC
293.416

I, Margaret M. Osborne, am a registered voter in Precinct # 309
(Challenger's Printed Name)

Verified:

of Carson City County and I reside at the following address:

676 Kay Court
(Street #, Street Name, Apt/Unit/Suite (if any))

Carson City, Nevada 89701
(City, State, and Zip Code)

(775) 220-6338
(Telephone Number)

I hereby challenge: Deena Hocker, a registered voter of
(Challenged Voter's Printed Name)

Verified:

Precinct # 309 of Carson City County and resides at the following address:

1204 Camballeria Dr
(Street #, Street Name, Apt/Unit/Suite (if any))

Carson City, Nevada 89701
(City, State, and Zip Code)

(801) 856-6039
(Telephone Number)

The challenge is based upon the ground(s) that the person challenged:

- ☐ Does not belong to the political party designated upon the roster.
- ☐ Designated on their application to register to vote a political party to which they do not belong.
- ☒ Does not reside at the residence for which the address is listed in the roster.
- ☐ Voted before at the same election.
- ☐ Is not the person entitled to vote as claimed.

Statement of the facts upon which each ground for the challenge is based. Additional pages may be attached for this statement of facts. Additional documentation or evidence supporting these facts may also be attached.

Person who answered the door said Deena Hocker does not live at this address

The foregoing challenge is based on personal knowledge of the facts upon which each ground for the challenge is based. Nevada Administrative Code (NAC) 293.416(3) defines personal knowledge as "firsthand knowledge through experience or observation of the facts upon each ground that the challenge is based."

By signing my name below, I swear or affirm under penalty of perjury that the information provided in this document is true and correct.

Margaret M. Osborne
(Challenger's Signature)

10/06/2024
(Date)

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EXHIBIT 11

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EXHIBIT 11

David O'Mara, Esq.

From: Laena St Jules <LStJules@ag.nv.gov>
Sent: Thursday, October 10, 2024 2:22 PM
To: Benjamin Johnson; Scott Hoen
Cc: Mark Wlaschin
Subject: RE: NRS 293.547 Challenges

Follow Up Flag: Follow up
Flag Status: Flagged

This message originated outside of Carson City's email system. Use caution if this message contains attachments, links, or requests for information.

Hi Ben,

In my view, these seem pretty far removed from the personal knowledge requirement, and I'm very happy to discuss why if helpful. I'm not sure how you want to handle it, but I took a pass at drafting something in case you agree with my assessment.

Your challenges do not meet the requirements of NRS 293.547 and the National Voter Registration Act of 1993 (NVRA) and therefore, the Clerk-Recorder cannot act on the challenges.

Under the NVRA, eligible voters can only be removed from the voter rolls under narrow circumstances. See 52 U.S.C. § 20507(3)-(4). It appears the challenges submitted purport to be based on ineligibility due to a change in residence. However, the information submitted in the challenges is not sufficient to permit action at this time.

NRS 293.547 and NAC 293.416(3) require a challenge to be made on the personal knowledge of the challenger, meaning "firsthand knowledge through experience or observation of the facts upon each ground that the challenge is based." The challenges submitted rely not on personal knowledge of the challenger, but instead on statements of unnamed third-party individuals with no established or purported knowledge of the voter being challenged.

Thanks,

Laena

Laena St-Jules
Senior Deputy Attorney General
Cell (preferred): (408) 832-5149
Office: (775) 684-1265

****CONFIDENTIALITY NOTICE****

The preceding e-mail message (including attachments) contains information that may be confidential, be protected by the attorney-client or other applicable privileges, or constitute non-public information. It is intended to be conveyed only to the designated recipient(s). If you are not the intended recipient of this message, please notify the sender by replying to this message and then delete it from your system. Use, dissemination, distribution or reproduction of this message by unintended recipients is not authorized and may be unlawful.

From: Benjamin Johnson <BJohnson@carson.org>

Sent: Wednesday, October 9, 2024 9:14 AM

To: Mark Wlaschin <mwlaschin@sos.nv.gov>; Laena St Jules <LStJules@ag.nv.gov>; Scott Hoen <shoen@carson.org>

Subject: FW: NRS 293.547 Challenges

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

FYI – Citizen Outreach has started sending new challenges.

I'm not sure if other counties are receiving these, but wanted to ask if the SOS has guidance on what to do with them?

Ben

Benjamin R. Johnson
Senior Deputy District Attorney
Carson City District Attorney's Office
885 E. Musser Street, Suite 2030
Carson City, NV 89701
(775) 887-2070
Fax: 887-2129
bjohnson@carson.org



This message, together with any attachment(s), is intended only for the addressee(s) and may contain information that is privileged and confidential. If the reader of the message is not the intended recipient or an authorized representative of the intended recipient, I did not intend to waive and do not waive any privilege or the confidentiality of the message and any attachment(s), and you are hereby notified that any dissemination of this communication is strictly prohibited. If you receive this communication in error, please notify me immediately by e-mail and delete the message and any attachment(s) from your computer and network. Thank you.

From: Elections <elections@carson.org>
Sent: Wednesday, October 9, 2024 9:08 AM
To: Benjamin Johnson <BJohnson@carson.org>
Subject: FW: NRS 293.547 Challenges

I did not respond to this

Make it one of your BEST Days!

Scott Hoen
Carson City Clerk Recorder
885 E Musser Street, Suite 1028
Carson City, NV 89701

SHoen@Carson.org
Direct: (775) 283-7333
Recorder: (775) 887-2260
Clerk - Elections: (775) 887-2270
Public Record Requests: (775) 887-2217

Homeowners -- Sign up for FREE to be alerted if anything is recorded against your property or name.
[Recording Activity Notification Registration](#)

From: Dan Burdish <dan@citizenoutreach.com>
Sent: Wednesday, October 9, 2024 8:04 AM
To: Elections <elections@carson.org>
Cc: chuck citizenoutreach.com <chuck@citizenoutreach.com>; David O'Mara, Esq. <david@omaralaw.net>
Subject: NRS 293.547 Challenges

This message originated outside of Carson City's email system. Use caution if this message contains attachments, links, or requests for information.

Please find nine NRS 293.547 Challenges attached. We have also included a spreadsheet of the challenges showing the details of their registration as of September 12, 2024. Please acknowledge receipt of this data.

Dan Burdish
Chief Operating Officer



CITIZEN OUTREACH FOUNDATION

Putting the Public Back in Public Policy

5841 E. Charleston Blvd., Ste. 230-253
Mt. Reagan, NV 89142
(702) 942-3291 | www.citizenoutreach.com

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EXHIBIT 12

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EXHIBIT 12

1 THE O'MARA LAW FIRM, P.C.
David C. O'Mara, Esq.,
2 NV Bar 08599
311 E. Liberty Street
3 Reno, Nevada 89501
775.323.1321
4 david@omaralaw.net

5 *Counsel for Petitioners*

6
7
8 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
9 **IN AND FOR CARSON CITY**

10 MARGARET M. OSBORNE, individually

Case No.:

Dept. No.:

11
12 *Petitioners,*

13 v.

**DECLARATION OF DANIEL BURDISH IN
SUPPORT OF THE PETITION FOR WRIT
OF MANDAMUS AND DECLARATOR
RELIEF.**

14 SCOTT HOEN, in his official capacity as
the Carson City Clerk, and JASON
15 WOODBURY in his capacity as the
Carson City District Attorney,

16
17 *Respondent.*

18 I, Margaret M. Osborne, do hereby declare under penalty of perjury, under the laws of the
19 State of Nevada, that the following statements are true and correct:

20 I am over the age of eighteen and competent to testify of my own knowledge to the
21 following.

22 1. Petitioner Margaret M. Osborne is registered to vote in the same precinct as the
23 nine (9) people who have a right to vote has been challenged.

24 2. Respondents HOEN the Carson City Clerk and is responsible for maintaining and
25 accepting challenges filed pursuant to NRS 293.547.

26 3. Contrary to the requirements of NRS 293.547, Declarant is informed and believes
27 that HOEN has failed to (1) attach a copy of the challenge to the challenged registration in the
28

1 roster, (2) within 5 days sending a notice to the challenged voter in the manner set forth in NRS
2 293.530. The declarant is aware that HOEN has notified the district attorney.

3 4. WOODBURY is the District Attorney of Carson City. Pursuant to NRS 293.547,
4 Woodbury is required, upon receipt of the challenge, to investigate the challenge within 14 days
5 and, if appropriate, cause proceedings to be instituted and prosecuted in a court of competent
6 jurisdiction without delay.

7 5. On October 9, 2024, nine (9) challenges to registered voters were provided to
8 HOEN under NRS 293.547.

9 6. Exhibit 1 is true and correct copy of the email delivering the nine (9) challenges to
10 HOEN.

11 7. Declarant filed these nine challenges against the following individuals: Suzanne T.
12 Baker, Nancy A. Gibson, Deena D. Hocker, Jacob J. Kunter, Daniel M. Martins, Elizabeth J.
13 Martins, Madison L. Newcombe, Michael C. Schwieger, and Paige Yochum.

14 8. Exhibits 2-10 are true and correct copies of the challenges I filed using the Secretary
15 of State Form.

16 9. Declarant believes that Hoen provided notice immediately to the district attorney's
17 office, pursuant to NRS 293.547(5)(c).

18 10. Only on October 16, 2024, the District Attorney provided a response claiming that,
19
20 after consultation with the Nevada Secretary of State's Office, it has been
21 determined that your challenges do not meet the requirements of NRS 293.547 and
the National Voter Registration Act of 1993 (NVRA). Accordingly, the Clerk-
Recorder cannot act on the challenges.

22 11. Exhibit 11 is a true and correct copy of the email correspondence between the
23 district attorney and attorney general's office.

24 12. NRS 293.547 provides, in relevant part,

25 (5) The county clerk shall:

26 (a) Attach a copy of the challenge to the challenged registration in the foster.

27 (b) Within 5 days after a challenge is filed, mail a notice in the manner set forth in
28 NRS 293.530 to the person whose right to vote has been challenged pursuant to this

1 section informing the person of the challenge... A copy of the challenge and
2 information describing how to reregister properly must accompany the notice.

3 (c) Immediately notify the district attorney. A copy of the challenge must
4 accompany the notice.

5 13. Additionally, NAC 293.416 provides that,

6 A written challenge authorized by NRS 293.547 must:

7 (a) Be on a form prescribed by the Secretary of State;

8 (b) Be filed with the county clerk after the 30th day but not later than the 25th day
9 before the day of the election; and

10 (c) Contain, in addition to any other required information:

11 (1) The address and, if readily available, the telephone number of the person whose
12 right to vote is challenged;

13 (2) The number of the precinct in which the person whose right to vote is
14 challenged is registered to vote;

15 (3) The name, address and telephone number of the person filing the challenge;

16 (4) The precinct in which the person filing the challenge is registered to vote;

17 (5) The date of the challenge;

18 (6) A statement of the facts upon which each ground for the challenge is based;

19 (7) A statement that the challenge is based on personal knowledge of the facts upon
20 which each ground for the challenge is based; and

21 (8) Any documentation or evidence supporting the facts upon which each ground
22 for the challenge is based.

23 14. The challenges filed against the nine (9) registrants were made using the Secretary
24 of State's form. Declarant filled out the form provided by the Secretary of State, and provided all
25 of the relevant information required by the form.

26 15. The information provided by Declarant shows that these nine (9) individuals do not
27 reside at the residence for which the address is listed in the roster.

28 16. Declarant has "personal knowledge" as Declarant has the "experience or
observation of the facts" by visiting the location claimed to be the voter's residence, knocking on
the door, and experiencing and observing that the nine (9) challenged individuals, are not living
there, and that they are no longer lives at the address.

1 17. Declarant provides the address of the challenged voter, who include the following
2 people: Suzanne T. Baker, Nancy A. Gibson, Deena D. Hocker, Jacob J. Kunter, Daniel M.
3 Martins, Elizabeth J. Martins, Madison L. Newcombe, Michael C. Schwieger, and Paige Yochum.

4 18. Declarant checked the box stating that this person “does not reside at the residence
5 for which the address is listed in the roster” when the form asked, “The challenge is based upon
6 the ground(s) that the person challenged.”

7 19. Declarant stated the facts upon which each ground for the challenge is based, and
8 Declarant signed the form, that states, “The forgoing challenge is based on the personal knowledge
9 of the facts upon which each ground for the challenge is based.”

10 20. Declarant sought compliance with NRS 293.547, but Respondents have refused to
11 act under NRS 293.547 and/or NRS 293.530.

12 21. Declarant seeks a writ of mandamus requiring Respondent HOEN to attach the
13 challenge to the registration of the registered voter, and to notify each challenged voter that they
14 have been challenged.

15 22. Declarant seeks a writ of mandamus requiring Respondent Woodbury to investigate
16 the challenge within 14 days of October 9, 2024, and if appropriate, cause proceedings to be
17 instituted and prosecuted in a competent jurisdiction without delay.

18 23. Declarant seeks a declaratory judgment that Respondents are not in compliance
19 with NRS 293.530 and 293.547.

20 24. Declarant seeks an award for attorneys’ fees and costs.

21 25. Based on Declarant’s personal knowledge, Declarant hereby states that the facts
22 stated in the foregoing motion are true and correct.

23 Further Declarant sayeth naught.

24 Dated:

Margaret Osborne
Margaret Osborne (Oct 21, 2024 13:37 PDT)

MARGARET M. OSBORNE






Dec. of Osborne (547 challenges) (final)

Final Audit Report

2024-10-21

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