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

19 DANIEL CORONA, DARIN MAINS, BRIAN
MELENDEZ, TERESA MELENDEZ,
20 NEVADA STATE DEMOCRATIC PARTY,
DNC SERVICES

21 CORPORATION/DEMOCRATIC
NATIONAL COMMITTEE, DCCC, and
22 PRIORITIES USA,

23 Plaintiffs,

24 vs.

25 BARBARA CEGAVSKE, in her official
capacity as Nevada Secretary of State, JOSEPH
26 P. GLORIA, in his official capacity as Registrar
of Voters for Clark County, Nevada, DEANNA
27 SPIKULA, in her official capacity as Registrar
of Voters for Washoe County, Nevada,
28 KRISTINE JAKEMAN, in her official capacity

Case No.:

Dept. No.:

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF UNDER
NEVADA REVISED STATUTES
§ 33.010 AND NEVADA REVISED
STATUTES § 33.030**

1 as the Elko County Clerk, and AARON FORD,
2 in his official capacity as the Attorney General
of the State of Nevada,

3 Defendants,
4
5

6 Plaintiffs Daniel Corona, Darin Mains, Brian Melendez, Teresa Melendez, Nevada State
7 Democratic Party, DNC Services Corporation/Democratic National Committee, DCCC, and
8 Priorities USA file this Complaint for declaratory and injunctive relief against Defendants Barbara
9 Cegavske, in her official capacity as the Nevada Secretary of State; Joseph P. Gloria, in his official
10 capacity as the Clark County Registrar of Voters; Deanna Spikula, in her official capacity as the
11 Washoe County Registrar of Voters; Kristine Jakeman, in her official capacity as the Elko County
12 Clerk; and Aaron Ford, in his official capacity as the Nevada Attorney General. This Complaint is
13 based on the facts and allegations below and the exhibits attached hereto. Plaintiffs allege as
14 follows:

15 INTRODUCTION

16 1. Plaintiffs bring this case to ensure that all eligible Nevada voters have a fair
17 opportunity to exercise their right to the franchise in the coming June 9, 2020 primary (the “June
18 Primary”), as required by Nevada state law and the Nevada and U.S. Constitutions. In response to
19 the present public health crisis caused by a novel coronavirus, Defendants have announced their
20 intention to operate the June Primary as an all-mail election. To do this, Defendants intend to mail
21 ballots only to a subset of registered voters—specifically, those classified as having an “active
22 status.” They also plan to eliminate the vast majority of polling locations, leaving only one polling
23 location in each county, no matter the county’s geographical size or population. But, as the recent
24 events in Wisconsin proved, some not insignificant number of voters will appear at the polls to
25 vote in-person, whether out of necessity or preference.

26 2. Plaintiffs do not object to Defendants’ expansion of vote by mail; indeed, the
27 current public health crisis necessitates that states allow voters to cast ballots without leaving their
28 homes. But expansion of vote by mail does not eliminate the need for in-person voting altogether.

1 In order to ensure access to the franchise consistent with constitutional principles, Defendants
2 must also provide adequate opportunities for in-person voting. Nor can Defendants' decision to
3 mail ballots only to a subset of registered voters be countenanced under Nevada or federal law.

4 3. The shift to an all-mail election, moreover, will exacerbate the disenfranchising
5 impact of two other Nevada election laws: the Voter Assistance Ban and the Ballot Rejection
6 Rules.

7 4. The Voter Assistance Ban, codified at Nevada Revised Statutes § 293.330 and
8 § 295.353, hamstring the ability of organizations like Plaintiffs Nevada State Democratic Party,
9 DNC Services Corporation/Democratic National Committee, DCCC, and Priorities USA to assist
10 voters in making the transition to vote by mail. It makes it a felony for an individual to assist a
11 voter with returning a mail ballot—i.e., a ballot issued through the mailing precinct or absent
12 ballot system that is voted, signed, and sealed by the voter—unless the individual is related to the
13 voter. Nev. Rev. Stats. §§ 293.330, 295.353. Even in ordinary times, the Ban would be
14 constitutionally problematic, but under the current circumstances—where a global pandemic has
15 both necessitated significant expansion of vote by mail and severely burdened an already
16 compromised U.S. Postal Service—it cannot possibly survive judicial scrutiny. If left in place, the
17 Voter Assistance Ban will effectively disenfranchise countless Nevada voters, including voters
18 with limited mobility and voters who live in communities where accessing the mail system is
19 difficult. These voters will be forced to put themselves and others at risk to personally ensure that
20 their ballot reaches elections officials in time to be counted.

21 5. The Ballot Rejection Rules, codified at Nevada Revised Statutes § 293.325 and
22 § 293.333(1)(b)–(c), also significantly raise the risk that large swaths of lawful, eligible voters will
23 be disenfranchised. Specifically, the Ballot Rejection Rules allow election officials to discard
24 ballots cast by qualified voters where either (1) the voter forgets to sign the return envelope, or
25 (2) elections officials, untrained in the already dubious art of signature matching, determine that
26 the signature on the envelope does not sufficiently match the signature of the voter that the
27 jurisdiction has on file. As thousands more Nevadans vote by mail than ever before, the Ballot
28 Rejection Rules will cause extensive disenfranchisement of large numbers of eligible voters—in

1 particular voters with disabilities, elderly voters, voters with lower literacy rates, voters for whom
2 English is their second language, and new and non-habitual voters who are not as familiar with the
3 voting process, many of whom will be voting by mail in Nevada for the very first time.

4 6. Simply put, Plaintiffs agree that expanding vote by mail is necessary to protect the
5 right to vote during the coronavirus pandemic, but it must be paired with meaningful opportunities
6 to vote safely in person and include various safeguards to prevent disenfranchisement of voters.
7 Plaintiffs seek to ensure that Defendants' laudable effort to broaden access to vote by mail in the
8 wake of the current public health crisis is carried out consistent with the requirements of the
9 Nevada and U.S. Constitutions as well as the State's fundamental principle that "[a]ll electors . . .
10 have an opportunity to participate in elections." Nev. Rev. Stat. § 293.127(1)(a) (emphasis added).

11 **JURISDICTION AND VENUE**

12 7. This Court has jurisdiction to hear Plaintiffs' claims pursuant to Article 6, Section 6
13 of the Nevada Constitution.

14 8. This Court has jurisdiction over Defendants pursuant to Nevada Revised Statutes §
15 14.065 because Defendants are all public officers of the State of Nevada and have sufficient
16 minimum contacts with the State of Nevada to render the exercise of jurisdiction by Nevada courts
17 permissible under traditional notions of fair play and substantial justice.

18 9. This Court has jurisdiction to grant declaratory and injunctive relief pursuant to
19 Nevada Revised Statutes § 30.030 and § 33.010, respectively. This Court also has jurisdiction to
20 address Plaintiffs' claims regarding violations of the U.S. Constitution pursuant to 42 U.S.C.
21 § 1983 and § 1988.

22 10. Venue in this district is proper pursuant to Nevada Revised Statutes § 13.020(2)
23 and § 13.040, as the suit is against public officers for acts done in their official capacities and by
24 virtue of their offices, and some part of the asserted claims arose in Carson City. Defendants
25 Cegavske and Ford are public officers whose offices are required to be kept in Carson City, and
26 the claims arose from coordinated action taken between Secretary Cegavske and Defendants
27 Gloria, Spikula, and Jakeman.

1 **PARTIES**

2 11. Plaintiff Daniel Corona is a duly registered Nevada voter and resident of Elko
3 County. Mr. Corona currently serves as the mayor of West Wendover, Nevada. He has voted in
4 person in every election since 2009, using both early and election day voting, and would prefer to
5 vote in person for the June Primary. Normally, Mr. Corona is able to vote at the West Wendover
6 City Hall. For the June Primary, Elko County will have a single polling place—the Elko County
7 Library during early voting and the Elko County Clerk’s Office on election day—that will only be
8 open for ballot deliveries, replacement ballot requests, and same-day registration. To reach either
9 location in the City of Elko, Mr. Corona will have to drive almost two hours and more than 100
10 miles. And because he is already registered, it is unclear if he will be able to vote in person at all
11 because information currently available from Elko County states that in-person voting will be
12 available for same day registrants only. Mr. Corona receives his mail in a PO box that he shares
13 with other members of his family, including some who do not share his household.

14 12. Plaintiff Darin Mains is a duly registered Nevada voter currently enrolled as a
15 student at UNLV. Although he previously resided in an on-campus residence hall, he has had to
16 relocate to Henderson due to the novel coronavirus outbreak. Because the address on his voter
17 registration card is his on-campus UNLV housing, he cannot easily obtain mail or a ballot sent to
18 that address.

19 13. Plaintiffs Brian and Teresa Melendez are duly registered Nevada voters. They are
20 members of the Reno-Sparks Indian Colony and serve as co-chairs of the Nevada Statewide
21 Native American Caucus. While they currently live on the Reno-Sparks Indian Reservation, they
22 have plans to move to the city of Sparks in the coming month, just as the Washoe County
23 Registrar of Voters will be mailing ballots for the June primary. If their ballots do not arrive at
24 their home before they move, their most likely recourse will be driving 30 minutes to Reno to the
25 only in-person voting location in Washoe County.

26 14. Plaintiff Nevada State Democratic Party is the official state party committee for the
27 Democratic Party for the State of Nevada, and it sues on its own behalf and on behalf of the
28 candidates, voters, and elected officials with whom it associates. The Party’s mission is to elect

1 Democratic candidates to office across Nevada, up and down the ticket. It represents a diverse
2 group of Democrats, including elected officials, candidates for elected office, state committee
3 members, advisory caucuses, affiliate groups, grassroots activists, and voters. The challenged laws
4 and policies threaten to deprive individual members of the right to vote and to have their votes
5 counted, threaten the electoral prospects of the Party's candidates, whose supporters will face
6 greater obstacles casting a vote and having their votes counted, and make it more difficult for the
7 Party and its members to associate to effectively further their shared political purposes. The Party
8 and its individual members intend to engage in voter assistance programs. These programs would,
9 but do not currently include returning mail ballots for those electors unable to participate without
10 such assistance, because the Party fears that state and local authorities would prosecute its
11 members pursuant to the Voter Assistance Ban.

12 15. Plaintiff DNC Services Corporation/Democratic National Committee ("DNC") is
13 the national committee of the Democratic Party, as defined by 52 U.S.C. § 30101(14), and its
14 mission is to elect local, state, and national candidates of the Democratic Party to public office
15 throughout the United States, including Nevada. The DNC works to accomplish its mission by,
16 among other things, making expenditures for, and contributions to, Democratic candidates (at all
17 levels) and assisting state parties throughout the country, including in Nevada. The laws and
18 policies at issue in this case directly harm the DNC by frustrating its mission of, and efforts in,
19 electing Democratic candidates in Nevada, whose supporters will face greater obstacles casting a
20 vote and having their votes counted.

21 16. Plaintiff DCCC is the national congressional committee of the Democratic Party as
22 defined by 52 U.S.C. § 30101(14). Its mission is to elect Democrats to Congress, including to
23 Nevada's four congressional seats. The DCCC works to accomplish its mission by, among other
24 things, making expenditures for, and contributions to, Democratic candidates for U.S. Congress
25 and assisting state parties throughout the country, including in Nevada. In 2018, the DCCC made
26 contributions and expenditures in the tens of millions of dollars nationwide to persuade and
27 mobilize voters to support Democratic congressional candidates, including in Nevada. The same
28 will be true in the coming elections in 2020. These efforts would include returning mail ballots at

1 the request of voters if permitted under Nevada law. The laws and policies at issue in this case
2 directly harm the DCCC by frustrating its mission of electing Democratic candidates and turning
3 out Democratic voters who will face greater obstacles casting a vote and having their votes
4 counted. The DCCC has a particular interest in the June Primary because there is a contested
5 primary in the Nevada Second Congressional District which will determine the candidate who will
6 represent the DCCC on the ballot in November.

7 17. Plaintiff Priorities USA is a 501(c)(4) nonprofit, voter-centric progressive advocacy
8 and service organization. Priorities USA's mission is to build a permanent infrastructure to engage
9 Americans by persuading and mobilizing citizens around issues and elections that affect their
10 lives. In furtherance of this purpose, Priorities USA expends time, money, and resources to help
11 educate, mobilize, and turn out voters across the country, including in the upcoming state and
12 federal elections in Nevada. The laws and policies at issue in this case frustrate its mission of
13 turning out more voters and will require Priorities USA to divert resources from other states to
14 Nevada in order to overcome these obstacles.

15 18. Defendant Barbara Cegavske ("Secretary Cegavske" or the "Secretary") is the
16 Nevada Secretary of State and is named as a Defendant in her official capacity. Secretary
17 Cegavske is the Chief Officer of Elections for the State of Nevada. *See* Nev. Rev. Stat. § 293.124.
18 Her responsibilities include, but are not limited to, execution and enforcement of all provisions of
19 state and federal law relating to elections, and adoption of such regulations as necessary to carry
20 out the provisions of the state's election code, including the manner, number, and form of ballots
21 to be printed for the state, and the distribution of ballots to precincts and districts. *Id.* § 293.247.
22 She also oversees a statewide complaint system that allows members of the public to report
23 potential violations of the Voter Assistance Ban and other election laws. Nev. Sec'y of State's
24 Office, *Report Potential Election Law Violation in Nevada*,
25 [https://www.nvsos.gov/sos/elections/election-information/resources/report-potential-election-law-](https://www.nvsos.gov/sos/elections/election-information/resources/report-potential-election-law-violation)
26 [violation](https://www.nvsos.gov/sos/elections/election-information/resources/report-potential-election-law-violation) (last visited Apr. 15, 2020).

27 19. Defendant Joseph Gloria is the Clark County Registrar of Voters and is named as a
28 Defendant in his official capacity. He is responsible for implementing Nevada's election laws

1 within Clark County, and his responsibilities include, but are not limited to, establishing all-mail
2 precincts in Clark County, establishing polling places, overseeing the election board, mailing
3 ballots to registered voters, and implementing the Ballot Rejection Rules. *See, e.g.*, Nev. Rev. Stat.
4 § 293.213; *id.* § 293.218; *id.* § 293.325; *id.* § 293.343; *id.* § 293.345; *id.* § 293.2733; *id.*
5 293.3564.¹

6 20. Defendant Deanna Spikula is the Washoe County Registrar of Voters and is named
7 as a Defendant in her official capacity. She is responsible for implementing Nevada's election
8 laws, and her responsibilities include, but are not limited to establishing all-mail precincts in
9 Washoe County, establishing polling places, overseeing the election board, mailing ballots to
10 registered voters, and implementing the Ballot Rejection Rules. *See, e.g.*, Nev. Rev. Stat. §
11 293.213; *id.* § 293.218; *id.* § 293.325; *id.* § 293.343; *id.* § 293.345; *id.* § 293.2733; *id.* §
12 293.3564.²

13 21. Defendant Kristine Jakeman is the Clerk of Elko County and is named as a
14 Defendant in her official capacity. She is responsible for implementing Nevada's election laws,
15 and her responsibilities include, but are not limited to establishing all-mail precincts in Elko
16 County, establishing polling places, overseeing the election board, mailing ballots to registered
17 voters, and implementing the Ballot Rejection Rules. *See, e.g.*, Nev. Rev. Stat. § 293.213; *id.* §
18 293.218; *id.* § 293.325; *id.* § 293.343; *id.* § 293.345; *id.* § 293.2733; *id.* 293.3564.

19 22. Defendant Aaron Ford serves as the Nevada Attorney General and is named as a
20 Defendant in his official capacity. As Nevada's chief law enforcement officer, Attorney General
21 Ford is responsible for enforcing the Voter Assistance Ban, including by prosecuting individuals
22
23

24 ¹ Pursuant to Clark County Ordinance § 2.20.040, "[t]he registrar of voters appointed pursuant to
25 the provisions of this chapter shall assume all of the powers and duties heretofore vested in, and
26 imposed upon, the county clerk of Clark County, with respect to elections, except the duties
prescribed by NRS § 293.393, relating to the preparation and delivery of certificates of election."

27 ² Pursuant to Washoe County Ordinance § 5.451, "[t]he registrar of voters shall assume all of the
28 powers and duties vested in and imposed upon the county clerk with respect to elections, except
the duties prescribed by NRS § 293.393, relating to the preparation and delivery of certificates of
election."

1 and organizations under Nevada Revised Statutes § 293.330 and § 293.353 for returning the
2 ballots of voters other than their immediate family members. Nev. Rev. Stat. § 228.120.

3 FACTUAL ALLEGATIONS

4 I. Defendants announce an all-mail election in response to the ongoing public health 5 crisis.

6 23. The novel coronavirus has caused widespread disruption to lives and routines
7 across the globe, including a particularly striking impact on elections in the United States. States
8 and localities must protect voters' opportunities to cast ballots given the realities of social
9 distancing and other precautions needed to stem the spread of the virus. This includes, but is not
10 limited to, expanding access to vote by mail.

11 24. On March 24, Secretary Cegavske announced plans to "conduct an all-mail election
12 for the June 9, 2020 primary election." Press Release, Nev. Sec'y of State, *Secretary Cegavske*
13 *Announces Plan to Conduct the June 9, 2020 Primary Election by All Mail* (Mar. 24, 2010),
14 <https://www.nvsos.gov/sos/Home/Components/News/News/2823/23>. The announcement goes on
15 to state that "at least one in-person polling location will be available in each county for" the
16 primary, indicating that all in-person polling locations—typically available throughout each
17 county—will be closed during the two-week early voting period and on election day. Citing the
18 limited availability of in-person polling locations for the primary, Secretary Cegavske encouraged
19 Nevadans "to register to vote now and not rely on the same-day registration process." *Id.*

20 25. In the same March 24 press release, Secretary Cegavske provided that "[a]ll active
21 registered voters in Nevada will be mailed an absentee ballot for the primary election. No action or
22 steps . . . will be required by individual voters in order to receive a ballot in the mail." *Id.*
23 (emphasis added).

24 26. On April 13, 2020, Clark County released information on its plans to implement an
25 all-mail election in June. According to information posted on the registrar's website, Clark County
26 voters will receive a mail-in ballot on or before May 18, 2020. Voters may then return these
27 ballots either by mailing them through the U.S. Postal Service or by dropping them off in person at
28 drop-off locations located around the county. Clark County voters who intend to vote in person

1 (either on election day or during the two-week early voting period preceding election day) will be
2 limited to a single voting center located in North Las Vegas. *See Clark Cty. Election Dep't, June*
3 *9, 2020, Primary Election Notice of All-Mail Ballot Election* (Apr. 15, 2020),
4 <http://www.clarkcountynv.gov/election/Documents/2020/Mailer-Notice-20P-EXPANDED.pdf>
5 [attached hereto as Exhibit 1].

6 27. In a notice created on April 10, 2020 and posted some time thereafter, Washoe
7 County detailed its plan to implement an all-mail primary election. According to information
8 posted on the registrar's website, Washoe County voters will receive a mail-in ballot. Voters may
9 return these ballots either by mailing them through the U.S. Postal Service or by dropping them at
10 the Registrar's Office in Reno, Nevada. The Registrar's Office will also serve as the only location
11 for Washoe County voters to vote in person during early voting and on election day. Washoe Cty.
12 Registrar of Voters, *Notice of Vote-By-Mail Election of Official Sample Ballot*,
13 <https://www.washoecounty.us/voters/vote-by-mail/Vote-by-Mail-Notice.pdf> (last visited Apr. 15,
14 2020) [attached hereto as Exhibit 2].

15 28. The Elko County clerk's office has similarly released its plans for an all-mail
16 primary. It has stated that it will mail ballots to "[a]ll active registered voters" only "during the
17 first part of May 2020." Elko Cty. Clerk's Office, *Notice of Primary Election* (Apr. 15, 2020),
18 [http://www.elkocountynv.net/departments/clerk/2020/2020%20NOTICE%20OF%20PRIMARY%](http://www.elkocountynv.net/departments/clerk/2020/2020%20NOTICE%20OF%20PRIMARY%20ELECTION%20NRS%20293.203,NRS%20293.187.pdf)
19 [20ELECTION%20NRS%20293.203,NRS%20293.187.pdf](http://www.elkocountynv.net/departments/clerk/2020/2020%20NOTICE%20OF%20PRIMARY%20ELECTION%20NRS%20293.203,NRS%20293.187.pdf) [attached hereto as Exhibit 3]. Voters
20 may return their ballots by mail or by dropping them off in person. *See Elko Cty. Clerk's Office,*
21 *Voter and Sample Ballot Information*,
22 <http://www.elkocountynv.net/departments/clerk/elections.php> (follow "Primary Voter & Sample
23 Ballot Information" hyperlink) (last visited Apr. 15, 2020) [attached hereto as Exhibit 4]. While
24 Elko County initially planned on seven geographically diverse polling locations, *see Elko Cty.*
25 *Clerk's Office, Election Calendar* (last updated Nov. 22, 2019),
26 <http://www.elkocountynv.net/departments/clerk/2020/2020%20ELECTION%20DATES.pdf>, it
27 now intends to maintain only a single polling location—the Elko County Library during early
28 voting and the Elko County Clerk's Office on election day—which the Clerk's Office has

1 indicated will be open for “mail-in ballot deliveries, replacement ballot requests or same-day
2 registration ONLY.”

3 **II. The planned all-mail election will leave too many Nevadans without a meaningful**
4 **ability to cast a ballot.**

5 **A. Defendants plan to exclude qualified voters with “inactive” status from their**
6 **all-mail election.**

7 29. Defendants have announced that they intend to convert nearly every precinct in
8 Nevada to mailing precincts. Mailing precincts are precincts that vote predominantly by mail, and
9 voters have access only to a polling location within their county and not within their precinct. *See*
10 *Nev. Rev. Stat. §§ 293.343–293.355.*

11 30. Nevada’s election laws contemplate that typically only smaller precincts with few
12 registered and active voters will be deemed mailing precincts. *See id.* § 293.213(1), (3). The
13 county clerk is, however, permitted to otherwise establish mailing precincts with the prior
14 approval of the Secretary. *Id.* § 293.213(4). On information and belief, the county clerks and the
15 Secretary have engaged in this process, designating all precincts in the state as mailing precincts
16 for the June Primary.

17 31. Once a mailing precinct is designated, the county clerk is required by statute to
18 mail a ballot to every registered voter in the precinct. *See id.* § 293.345 (“Before 5 p.m. on the last
19 business day preceding the first day of the period for early voting for any primary election or
20 general election, the county clerk shall cause to be mailed to each registered voter in each mailing
21 precinct and in each absent ballot mailing precinct an official mailing ballot . . .” (emphasis
22 added)).

23 32. Importantly, the statute governing all-mail precincts requires that ballots be sent to
24 “each registered voter”; it makes no distinction between active and inactive registered voters with
25 respect to whom ballots are sent. *See id.*

26 33. Despite this clear statutory command, and despite the Secretary’s public
27 representations that voters need not request absent ballots, Defendants do not intend to mail a
28 ballot to each registered voter.

1 34. Instead, Defendants intend to mail ballots only to registered voters with “active”
2 status and not to those with “inactive” status. *See* Press Release, *supra* (“All active registered
3 voters in Nevada will be mailed an absentee ballot for the primary election.” (emphasis added)).

4 35. Inactive voters are registered voters who were mailed a postcard by the county
5 clerk and did not return that postcard within 30 days. Nev. Rev. Stat. § 293.530(c), (g). Inactive
6 voters do not lose their registered voter status unless and until they fail to vote in two consecutive
7 general elections following the failure to return the postcard. *See id.* § 293.530(c)(4); *cf. State v.*
8 *Salge*, 1 Nev. 455, 458 (1865) (“All persons who were qualified voters under the Constitution
9 would certainly continue to be so until they became disqualified by a failure to comply with the
10 requirements of the registry law.”). Consistent with Nevada law, the Secretary’s own regulations
11 emphasize that “[a] person whose registration is classified as ‘active,’ ‘active pending’ or
12 ‘inactive’ is eligible to vote.” Nev. Admin. Code § 293.454(3)(a).

13 36. History shows that registered voters designated as having “inactive” status in
14 Nevada do in fact vote in Nevada elections, even after being classified as inactive. For example,
15 over the course of the 2016 and 2018 general elections, over 50,000 “inactive” voters voted.

16 37. Defendants’ plan to exclude registered voters with “inactive” status is patently
17 inconsistent with the statutory mandate that they mail a mailing ballot to “each registered voter.”

18 **B. Defendants plan to allocate only a single polling place for each county**
19 **regardless of population or geographic size.**

20 38. Consistent with their plan to execute an all-mail election, Defendants have
21 announced that they intend to dramatically limit in-person voting to one polling location per
22 county for both early voting and the day of the June Primary.

23 39. Clark County is home to 1,408,482 voting-age Nevadans and 1,120,984 registered
24 voters as of April 12, 2020, including Plaintiff Mains. During the 2016 primary, nearly 90 percent
25 of Clark County voters voted in person either early or on election day.

26 40. More rural Nevada counties also have a strong tradition of in-person voting. For
27 example, in Elko County, where Plaintiff Daniel Corona resides, 84 percent of the County’s
28 20,990 registered voters voted in person on or before election day in the 2016 primary.

1 41. Statewide, during the 2016 and 2018 general elections respectively, 93 percent and
2 91 percent of Nevada voters voted in person, either during the early voting period or on election
3 day.

4 42. While voting by mail can and should be the primary vehicle for voting in the June
5 Primary, a system with only vote by mail—and extremely limited in-person voting options—will
6 constitute a dramatic departure from how elections have been conducted in Nevada as recently as
7 the February caucuses.

8 43. For the June Primary, Defendants intend to have only a single polling location open
9 in North Las Vegas for Clark County’s million-plus registered voters during early voting and on
10 election day. *See* Exhibit 1.

11 44. As the recent Wisconsin primary election demonstrated, despite the novel
12 coronavirus, many Nevadans will continue to try to vote in-person—many out of necessity.

13 45. Some Nevadans are ineligible to vote by mail, including all “same day registrants,”
14 which for the June Primary means anyone who registers to vote between May 22 and June 9.
15 These voters will have to choose between voting in person at a single, overcrowded polling
16 location or foregoing their constitutional right altogether.

17 46. Some Nevadans who are eligible to vote by mail will not receive their mail ballots
18 through no fault of their own, particularly as the U.S. Postal Service continues to experience
19 difficulties, delays, and budget shortfalls during the pandemic. As the postal system attempts to
20 deliver an unprecedented number of Nevada ballots—both from county elections officials to
21 voters, and then back again—the system will be under increasing pressure, causing delays and,
22 ultimately, some number of ballots that are not received by voters in time.

23 47. The novel coronavirus outbreak has also exacerbated factors that will make it
24 difficult for some mailed ballots to reach their intended recipients. Rates of unemployment have
25 skyrocketed during the pandemic, including in Nevada. Combined with Nevada’s traditionally
26 high rate of migration, this rising unemployment has led and will lead to increased transience and
27 dislocation. As Nevadans are either forced or decide to move from their homes, whether within
28 Nevada or temporarily out of state, it will be harder for them to receive ballots mailed to their

1 addresses on file. This is especially true of younger voters with less permanent residences, and
2 students like Plaintiff Mains who have been forced to leave their on-campus housing.

3 48. Among Nevada's significant Native and rural populations, many voters do not have
4 home mailboxes and do not receive personal mail delivery services. Instead, they must travel to
5 post offices miles away from where they live to pick up and drop off mail, which is especially
6 difficult for those without access to cars or without valid drivers' licenses. Many of these voters
7 are unable to visit post offices with regularity. It is particularly difficult for rural voters to pick up
8 ballots at a post office a few weeks before an election and then drop them off shortly thereafter to
9 meet the appropriate deadlines. Voting in person, if available and accessible, will mean just one
10 trip outside their homes during the pandemic as opposed to two or more trips to vote by mail.

11 49. Voters in dense urban communities face similar impediments to voting by mail.
12 These voters may live in apartment buildings or other multifamily housing units where post boxes
13 are not in good repair or are not properly labeled, increasing that chance that mail, including
14 ballots, will be improperly returned to sender instead of delivered.

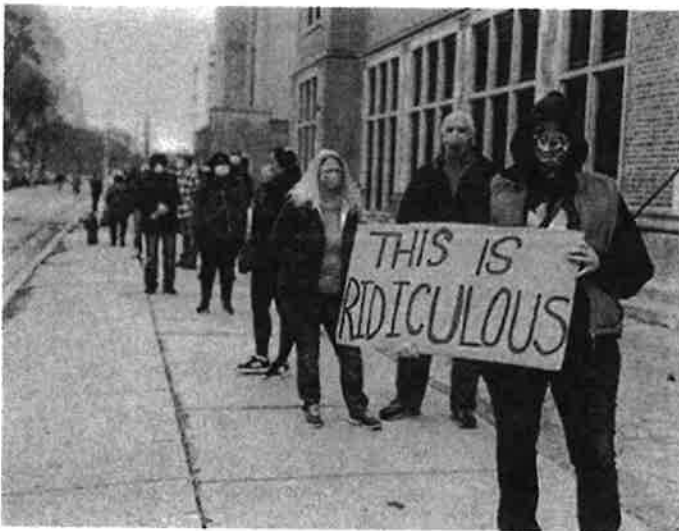
15 50. Expansion of vote by mail, therefore, while a necessary and important step toward
16 protecting and ensuring access to the franchise in the wake of the current public health crisis, will
17 not eliminate overnight the need for sufficient access to in-person voting locations. Even before
18 the novel coronavirus outbreak, several states transitioned to primarily or all vote-by-mail
19 systems; those transitions occurred over a period of several years, with gradual implementation of
20 mail ballots alongside in-person and early voting opportunities. Counties in Washington state, for
21 instance, incrementally shifted to all-mail ballots between 1994 and 2011, with comprehensive
22 access to in-person and early voting during that time.

23 51. Nevada need look no further than the recent primary election in Wisconsin to learn
24 that people will continue to vote in person despite a call to switch to vote by mail—and for proof
25 that dramatically reducing in-person voting locations is the wrong course of action.

26 52. In Wisconsin, election officials took similar steps to respond to the novel
27 coronavirus, including eliminating in-person voting locations in favor of vote by mail. As a result,
28 hundreds of thousands of Wisconsin voters were disenfranchised. According to the clerk for the

1 City of Madison, turnout in the April 7 primary—including both mail and in-person ballots—was
2 just 50.3 percent of registered voters, compared with 66 percent during the 2016 primary election.
3 See Madison WI Clerk (@MadisonWIClerk), Twitter (Apr. 8, 2020, 5:26 AM),
4 <http://twitter.com/MadisonWIClerk/status/1247818110524162049>. Voters who could not or would
5 not vote by mail crowded into the few polling places that were open. Those voters were required
6 to wait in long lines with hundreds of other voters.

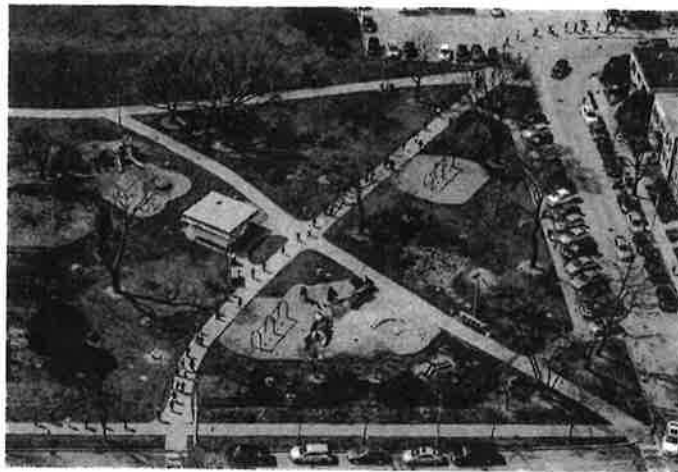
7 53. For example, in Milwaukee, a city with nearly 950,000 residents and 516,086
8 registered voters, election officials closed all but five in-person voting locations. While many
9 Milwaukeeans took advantage of vote by mail, not all could or did. The result was long lines and
10 long waits:



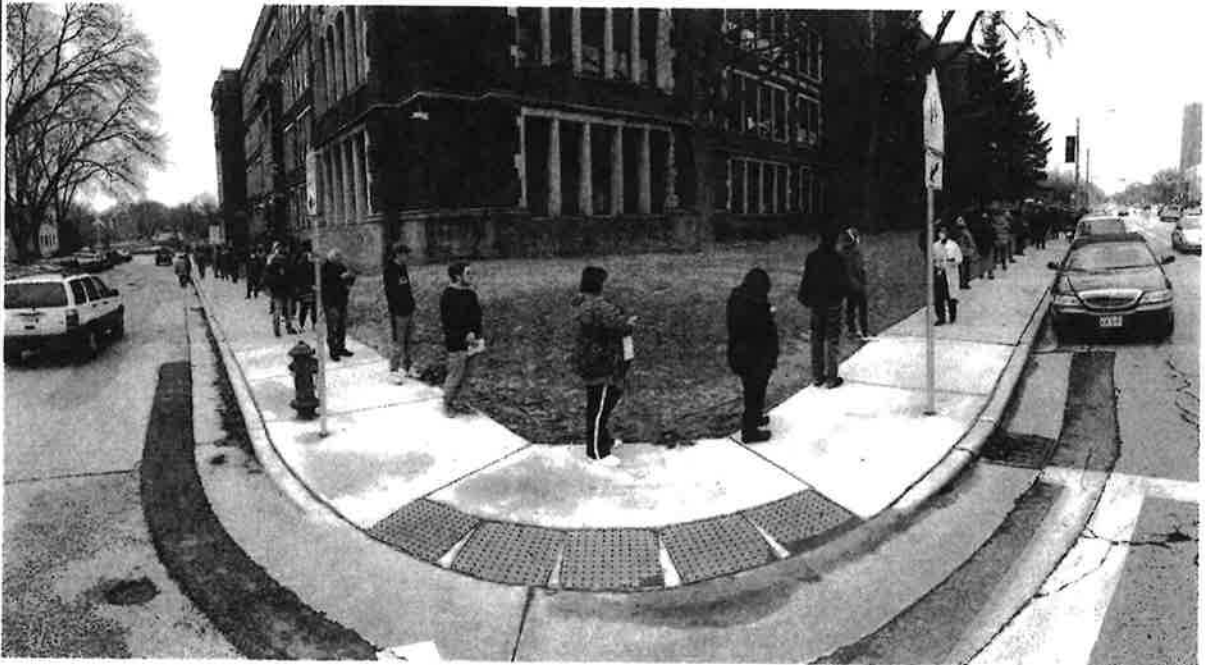
Source: David D. Haynes, Haynes: Wisconsin's Election May Have Been 'Ridiculous' but Those Who Braved Coronavirus to Vote Were Anything but, Milwaukee J. Sentinel (Apr. 8, 2020, 4:26 PM), <http://www.jsonline.com/story/news/solutions/2020/04/08/wisconsin-election-ridiculous-voters-who-braved-coronavirus-lines-inspiring-vote-primary/2966298001>.



Source: Coronavirus Wisconsin: Scenes from Election Day, April 7, Milwaukee J. Sentinel (Apr. 9, 2020, 12:15 PM), <http://www.jsonline.com/picture-gallery/news/2020/04/07/coronavirus-wisconsin-scenes-election-day-april-7/2962085001/>.



Source: Astead W. Herndon & Alexander Burns, Voting in Wisconsin During a Pandemic: Lines, Masks and Plenty of Fear, N.Y. Times (Apr. 7, 2020), <https://www.nytimes.com/2020/04/07/us/politics/wisconsin-election-coronavirus.html>.



Source: Coronavirus Wisconsin: Scenes from Election Day, April 7, Milwaukee J. Sentinel (Apr. 9, 2020, 12:15 PM), <http://www.jsonline.com/picture-gallery/news/2020/04/07/coronavirus-wisconsin-scenes-election-day-april-7/2962085001/>.

54. In Green Bay, where the city of approximately 100,000 people went from 31 polling locations to two, voters waited in line for nearly three hours. See Nick Corasaniti (@NYTnickc), Twitter (Apr. 7, 2020, 3:50 PM), <http://twitter.com/NYTnickc/status/1247657989273792514>.

1 55. Reducing in-person voting locations to just one location per county moves Nevada
2 in the wrong direction and guarantees a repeat of Wisconsin's mistakes. It will force many
3 Nevadans to crowd into a single polling location, waiting in line for hours, risking their health and
4 the health of their families in order to exercise their right to vote. Crowding at polling places will
5 also put poll workers at greater risk by greatly increasing the number of persons with whom they
6 must interact.

7 56. Vote by mail will be the best option for most voters given the current
8 circumstances. But as the experience in Wisconsin has demonstrated, expansion of the vote by
9 mail system cannot and will not eliminate the necessity for in-person voting locations.
10 Defendants' decision to dramatically reduce the number of available in-person voting centers to
11 one per county—regardless of county population, demographics, or geographic size—will force
12 many Nevada voters to choose between casting a ballot and safeguarding their health.

13 **III. The planned all-mail election will exacerbate existing problems with Nevada's**
14 **election laws.**

15 57. In the 2016 primary, 89.5 percent of Nevadans voted in-person. The all-mail
16 primary will require a dramatic change in the way Nevadans vote in a short period of time. This
17 transition, and the newfound heavy reliance on vote by mail, will exacerbate existing problems
18 within Nevada's election laws that already work to disenfranchise Nevadans: the Voter Assistance
19 Ban and the Ballot Rejection Rules.

20 **A. The Voter Assistance Ban**

21 58. Absent ballots and mailing ballots (collectively "mail ballots") must be returned by
22 mail or hand delivery to the county clerk. *See Nev. Rev. Stat. § 293.317* (absent ballots); *id.*
23 *§ 293.353* (mailing ballots); *see also id. § 293.330* (additional procedures for absent ballots)
24 (collectively, the "Voter Assistance Ban").

25 59. A voter who needs assistance returning a mail ballot has extremely limited options.
26 The Voter Assistance Ban makes it a felony—punishable by a prison term of up to four years and
27 a fine of \$5,000, *see id. § 193.130(2)(e)*—for any person other than a voter's family member to
28 assist a voter by returning her ballot.

1 60. This ban presents undue hardships for a variety of Nevada voters. To give one
2 example, seniors in assisted living facilities might require assistance returning their ballots. But as
3 the coronavirus outbreak continues to impact such facilities, it will become more difficult for
4 family members to visit and assist with collecting and delivering mail ballots. And because the
5 Voter Assistance Ban only allows family members to provide assistance, any elderly voters
6 without access to family support will be effectively disenfranchised.

7 61. The Voter Assistance Ban also prevents groups and individuals—including
8 Plaintiffs the Nevada State Democratic Party, DNC, DCCC, and Priorities USA—from
9 encouraging and helping voters to participate in the political process. The assistance that these
10 groups provide is especially needed during the June Primary given that many voters (1) will be
11 making the transition to vote by mail for the first time, (2) are sheltering in their homes in direct
12 response to government orders, (3) live in communities without manageable access to the mail
13 system, and/or (4) have limited mobility. Any of these voters who cannot rely on a family
14 member's assistance will be severely disadvantaged if organizations are prohibited from collecting
15 and delivering ballots.

16 62. Moreover, by delivering mail ballots to drop-off and in-person voting centers, these
17 organizations also serve to reduce the burden on the already-strained U.S. Postal Service.

18 **B. The Ballot Rejection Rules**

19 63. Thousands of Nevadans who have voted and mailed their mail ballots still risk
20 having their ballots rejected by election officials under Nevada's Ballot Rejection Rules.

21 64. When voting a mail ballot, the voter is required to place the ballot in a return
22 envelope and sign the back of the envelope. Nev. Rev. Stat. § 293.330(1); *id.* § 293.353(1). This
23 signature requirement engenders three opportunities for election officials to reject mail ballots cast
24 by registered voters who are entitled to vote.

25 65. First, the return envelope is inspected to ensure that it was signed by the voter. If a
26 mail ballot is not signed at all, the county clerk is required to "contact the [] voter and advise the
27 voter of the procedures to provide a signature. . . . For the [mail] ballot to be counted, the [] voter
28 must provide a signature within the period for the counting of absent ballots." Nev. Rev. Stat.

1 § 293.325(3). Each county is required to prescribe procedures to “contact the voter,” “allow the
2 voter to provide a signature,” and ensure the ballot is delivered to the appropriate election board.
3 *Id.*

4 66. Second, the signature provided on the envelope is reviewed by election officials in
5 each county clerk’s office. When a mail ballot is received by a county clerk, the clerk is required
6 to check the signature on the return envelope against “all signatures of the voter available in the
7 records of the county clerk.” *Id.* § 293.325(1)(a). “If at least two employees in the office of the
8 county clerk believe there is a reasonable question of fact as to whether the signature on the [mail]
9 ballot matches the signature of the voter, the county clerk shall contact the voter and ask the voter
10 to confirm whether the signature on the [mail] ballot belongs to the voter.” *Id.* § 293.325(1)(b).
11 “[I]f the county clerk determines” through the process just described “that the [mail] voter is
12 entitled to cast a ballot” the ballot is conveyed to the appropriate election board to be counted. *Id.*
13 § 293.325(2).

14 67. Third, every mail ballot is reviewed again by the election board, this time to
15 determine if the signature on the return envelope specifically matches the signature on the voter’s
16 registration card. *Id.* § 293.333(1)(b) (“The signature on the back of the return envelope or on the
17 approved electronic transmission must be compared with that on the application to register to
18 vote.”). “If the board determines that the [mail] voter is entitled to cast a ballot, . . . the ballot
19 [must be] deposited in the regular ballot box.” *Id.* § 293.333(1)(c). The rejected ballots are then
20 transported back to the county clerk with “the cause of rejection . . . noted and the envelope . . .
21 signed by a majority of the election board officers.” *Id.* § 293.335.

22 68. In short, every mail ballot is reviewed twice by election officials to determine if the
23 signature on the return envelope matches the voter’s signatures in the voter registration files. Each
24 of these reviews creates an opportunity for a properly cast ballot to be rejected.

25 69. Under this signature matching regime, Nevadans who attempt to vote by mail can
26 be denied the franchise outright based solely on an election official’s determination, during any
27 one of the several stages of signature review, that a voter’s signature on the ballot envelope does
28

1 not sufficiently resemble a signature that she provided to election officials at some point in the
2 past.

3 70. However, experts in handwriting have long observed that an individual's signature
4 varies substantially for many well-documented and entirely innocuous reasons, including, for
5 example, age, illness, injury, medication, eyesight, pen type, ink, writing surface or position, paper
6 quality, or psychological factors.

7 71. For this reason, even experts with years of experience evaluating handwriting and
8 signatures often struggle to make accurate matches—particularly in a case where they only have
9 one or two samples, or where the sample or samples they are matching against are not
10 contemporaneous or made under extremely similar circumstances to the signature that they are
11 attempting to verify.

12 72. In conducting signature matching, lay persons are more likely to flag a genuine
13 signature as a mismatch.

14 73. Nevada law does not require election officials—neither clerks nor the election
15 board—to undergo any training whatsoever in signature or handwriting analysis that would allow
16 them to distinguish accurately between normal variations in authentic signatures and forgeries.

17 74. The statutory standards for signature matching, or lack thereof, only exacerbate this
18 problem. The statute sets too low a bar for a properly cast ballot to be rejected, and offers only a
19 vague standard, inviting unequal and arbitrary application. In the first signature match review, two
20 county officials must only agree that there is merely a “reasonable question of fact.” *Id.*
21 § 293.325(1)(b). For the second signature match review, no standard at all is articulated for when a
22 ballot will be rejected. *See id.* § 293.330(1)(b)–(c).

23 75. Despite the high rate of error inherent in signature matching, Nevada law provides
24 an inadequate mechanism by which voters whose ballots are discarded because of a technical error
25 or wrongfully discarded for alleged signature mismatches may challenge that determination or
26 cure their rejected ballots.

27 76. If a voter forgets to sign the return envelope, the county clerk is required to contact
28 the voter to cure the signature. *Id.* § 293.325(c). Similarly, if the county clerk's office flags a

1 potential signature mismatch at the first stage of review, the statute requires the county clerk to
2 contact the voter to confirm the signature. *Id.* § 293.325(1)(a).

3 77. On information and belief, election officials intend to contact voters by mail within
4 48 hours if their signature is missing and allow them to cure a missing signature with an e-
5 signature or by filling out a form. Election officials also intend to contact voters by mail if the
6 county clerk's office flags a signature mismatch.

7 78. The statute requires the cure process to be complete in seven days. *Id.*
8 §§ 293.325(c), 293.335(2). After that point, ballots rejected based on a lack of signature or a
9 determination of mismatched signature may not be cured, regardless of the reason for the failure to
10 cure within seven days, meaning the voter's ballot will not be counted.

11 79. Assuming perfect mail service uninterrupted by the novel coronavirus, first-class
12 mail takes up to three days to be delivered.

13 80. Seven days is an insufficient period of time to provide voters a meaningful
14 opportunity to cure signature issues. Because voters may mail their ballots on or before election
15 day, and election officials intend to execute the cure process by mail within 48 hours of receiving
16 a ballot, many voters will not even receive a notice that they are required to cure an issue with
17 their ballot until after the seven days has lapsed. At best, voters will have a day or two after the
18 notice is delivered to collect it from their mail boxes and respond to it.

19 **C. Alternative Protections for Vote by Mail.**

20 81. The Voter Assistance Ban and the Ballot Rejection Rules are overbroad restrictions
21 that are not fairly calculated to serve a legitimate government interest.

22 82. Nevada law can and does address more directly the activity that these laws are
23 aimed at preventing.

24 83. For example, it is a felony under Nevada law "fraudulently to request an absent
25 ballot in the name of another person." Nev. Rev. Stat. § 293.313(4).

26 84. It is also a felony to vote or attempt to vote in the name of another person. Nev.
27 Rev. Stat. § 293.3775.

85. It is a felony to threaten, intimidate, coerce, or exercise undue influence on any voter. Nev. Rev. Stat. § 293.710(a)–(c).

86. And it is a felony to impede or prevent a voter from voting. Nev. Rev. Stat. § 293.710.

87. All of these laws are closely policed by both a citizen's petition process and a specially appointed Election Integrity Task Force, a joint project of the Secretary of State's Office, the Attorney General's Office, the United States Attorney's Office, and the Federal Bureau of Investigation. *See Report Potential Election Law Violation in Nevada*, Nev. Sec'y of State, <http://www.nvsos.gov/sos/elections/election-information/resources/report-potential-election-law-violation> (last visited April 14, 2020).

88. Neither the Voter Assistance Ban nor the Ballot Rejection Rules are necessary to preserve the integrity of the June Primary or any other Nevada election.

CLAIMS FOR RELIEF

ELIMINATION OF IN-PERSON VOTING LOCATIONS: CLAIMS 1 & 2

FIRST CLAIM FOR RELIEF

Nev. Const. art. 2, § 1; Nev. Rev. Stat. §§ 33.010; 33.030
The Elimination of In-Person Voting Locations Violates Article 2, Section 1 of the Nevada Constitution

89. Plaintiffs reallege and incorporate by reference all prior paragraphs of this Complaint and the paragraphs below as though fully set forth herein.

90. Defendants have proposed eliminating virtually every polling location in the state save for one in-person voting location per county.

91. The proposed elimination of in-person voting locations violates Article 2, Section 1 of the Nevada Constitution.

92. Article 2, Section 1 provides broad protection to the right of every qualified voter to vote. *See* Nev. Const. art. 2, § 1 (“All [qualified voters] shall be entitled to vote for all officers that now or hereafter may be elected by the people, and upon all questions submitted to the electors at such election.”); *cf. State ex rel. McMillan v. Sadler*, 25 Nev. 131, 170, 58 P. 284, 288

1 (1899) (“The right to vote for all officers, from governor to and including all assemblymen and
2 state senators [in Article 2, Section 1] could not be given in stronger or broader language.”).

3 93. As the Nevada Supreme Court has explained, “[t]he right of voting, and, of course,
4 of having the vote counted, is one of most transcendent importance—the highest under our form
5 of government.” *Buckner v. Lynip*, 22 Nev. 426, 438, 41 P. 762, 764 (1895).

6 94. Restrictions on the right to vote or the right to have one’s vote counted must be
7 strictly scrutinized and cannot stand if they result in any qualified voters’ disenfranchisement. *See*
8 *id.* (“That one entitled to vote shall not be deprived of his privilege by action of the authorities is a
9 fundamental principle.” (quoting Thomas M. Cooley, *A Treatise on the Constitutional Limitations*
10 *Which Rest Upon the Legislative Power of the States of the American Union* 680 (2d ed. 1871));
11 *Davies v. McKeeby*, 5 Nev. 369, 371 (1870) (“The form of the law by which an individual is
12 deprived of a constitutional right is immaterial. The test of its constitutionality is, whether it
13 operates to deprive any person of a right guaranteed or given to him by the Constitution. If it does,
14 it is a nullity—whatever may be its form.”); *accord Simmons v. McDaniel*, 680 P.2d 977, 980
15 (N.M. 1984) (“[W]e are [] committed to examine ‘most carefully, and rather unsympathetically’
16 any challenge to a voter’s right to participate in an election, and will not deny that right ‘absent
17 bad faith, fraud or reasonable opportunity for fraud.’” (quoting *Valdez v. Herrera*, 145 P.2d 864,
18 869 (N.M. 1944))); *see generally* Joshua A. Douglas, *The Right to Vote Under State Constitutions*,
19 67 Vand. L. Rev. 89, 110–29 (2014) (explaining that states with an enumerated right to vote
20 should and do apply closer scrutiny than cases under the federal constitution which lacks an
21 enumerated right to vote).

22 95. The broad and undifferentiated elimination of in-person voting locations will
23 disenfranchise Nevadans. Citizens who have limited access to mailing systems in general and to
24 their normal residences due to coronavirus in particular will not be able to take advantage of the
25 all-mail system. Moreover, certain populations of voters who will choose to vote in person,
26 including those who need to vote in person to take advantage of Nevada’s new same-day
27 registration, will be crowded into a single polling location per county. The long lines that are sure
28

1 to result, as evidenced by the Wisconsin experience, will lead some voters who attempt to vote in
2 person to turn away before voting.

3 96. Additionally, by allocating in-person voting locations on a county and not on a
4 population basis, the policy violates the principle that election laws “be reasonable, uniform, and
5 impartial.” *State v. Findley*, 20 Nev. 198, 202, 19 P. 241, 243 (1888); *see also State ex rel. Boyle*
6 *v. State Bd. of Exam’rs*, 21 Nev. 67, 71, 24 P. 614, 616 (1890) (“The constitution has committed
7 the subject of the registration of electors to the legislature. The object of these laws, as before
8 stated, is to determine the qualifications of the voters. Laws of this description must be reasonable,
9 uniform, and impartial.”).

10 97. The concentration of registered voters varies significantly across counties (numbers
11 as of March 2020):

County	Registered Voters
Carson City	37,033
Churchill County	15,546
Clark County	1,326,277
Douglas County	41,047
Elko County	28,524
Esmeralda County	569
Eureka County	1,089
Humboldt County	9,817
Lander County	3,164
Lincoln County	2,982
Lyon County	40,211
Mineral County	2,949
Nye County	34,033
Pershing County	2,940
Storey County	3,486
Washoe County	314,362
White Pine County	5,442

26 98. A voter who lives in Clark County, the most populous county in the state, must
27 share a single in-person voting location with 1,326,276 other registered voters, whereas a voter
28 who live in Esmeralda County will share a polling location with only 568 other registered voters.

99. Additionally, the counties vary significantly in terms of geographic size. For instance, a voter who lives in Carson City need travel at most less than 20 miles to vote in person, whereas a voter who lives in Laughlin (Clark County) will need to travel over 100 miles to vote in person. It is not reasonable to require in-person voters to travel such great distances and pack into a single voting location.

100. Given these great disparities, county lines are not a reasonable or impartial basis from which to allocate polling locations.

101. Absent relief from this Court, the elimination of in-person voting locations will disenfranchise many voters in the upcoming election, in violation of Article 2, Section 1 of the Nevada Constitution.

SECOND CLAIM FOR RELIEF

Nev. Const. art. 1, §§ 8, 9, art. 4, § 21; U.S. Const. amends. 1, 14; Nev. Rev. Stat. §§ 33.010, 33.030; 42 U.S.C. § 1983

The Elimination of In-Person Voting Locations Unduly Burdens the Fundamental Right to Vote Guaranteed by Article 1, Sections 8 and 9 of the Nevada Constitution and the First and Fourteenth Amendments to the U.S. Constitution

102. Plaintiffs reallege and incorporate by reference all prior paragraphs of this Complaint and the paragraphs below as though fully set forth herein.

103. The First and Fourteenth Amendments to the U.S. Constitution and Article 1, Section 9 of the Nevada Constitution provide a coextensive guarantee of the right of every Nevadan to speech and political expression free from government interference. *See Univ. & Cmty. Coll. Sys. of Nev. v. Nevadans for Sound Gov't*, 120 Nev. 712, 722, 100 P.3d 179, 187 (2004).

104. The Fourteenth Amendment to the U.S. Constitution and Article 1, Section 8 and Article 4, Section 21 of the Nevada Constitution guarantee the right to due process of law and to equal protection of the laws. In interpreting the Due Process and Equal Protection Clauses of the Nevada Constitution, Nevada courts “look to federal precedent for guidance.” *Hernandez v. Bennett-Haron*, 128 Nev. 580, 587, 287 P.3d 305, 310 (2012); *see also Armijo v. State*, 111 Nev. 1303, 1304, 904 P.2d 1028, 1029 (1995) (per curiam).

105. These constitutional provisions, collectively, prohibit election officials from erecting undue burdens on the fundamental right to vote.

1 106. Federal and Nevada State courts evaluating challenges to laws that regulate the
2 election process apply the framework derived from the U.S. Supreme Court cases *Anderson v.*
3 *Celebrezze*, 460 U.S. 780, 103 S. Ct. 1564 (1983), and *Burdick v. Takushi*, 504 U.S. 428, 112 S.
4 Ct. 2059 (1992). See *Strickland v. Waymire*, 126 Nev. 230, 242, 235 P.3d 605, 613 (2010); *Nev.*
5 *Judges Ass’n v. Lau*, 112 Nev. 51, 54, 910 P.2d 898, 900 (1996).

6 107. Under *Anderson-Burdick*, a reviewing court considers “(1) the nature of the
7 asserted injury to the protected rights; (2) the interests put forward by the state as justification for
8 that injury; and (3) the necessity for imposing the burden on the petitioners’ rights rather than
9 some less restrictive alternative.” *Lau*, 112 Nev. at 54–55, 910 P.2d at 900.

10 108. Establishing only one in-person polling location per county unduly burdens
11 Nevadans’ right to vote by forcing those unable to complete their ballots by mail to travel long
12 distances, wait in long lines, and crowd alongside many others in order to cast a ballot.

13 109. Because Defendants have chosen to allocate polling locations by county lines, the
14 burden of eliminating in-person voting locations will fall particularly hard on the residents of
15 Clark and Washoe Counties. Clark County residents, for example, will be required to pack into a
16 single polling location, while attempting to maintain social distancing, during June, when the
17 average high temperature in Las Vegas is 98 degrees. Many Nevadans who are unwilling or
18 unable to risk exposure to the novel coronavirus will have to forego access to the franchise. Many
19 others who are willing to risk exposure to the novel coronavirus will be turned away by the long
20 waits.

21 110. Defendants’ decision to allocate polling locations by county lines—political
22 boundaries detached from physical geography or population concentration—is arbitrary and treats
23 similarly situated Nevadans, voters who opt to or must vote in person, differently based on where
24 they live. Such disparity violates the Equal Protection Clause of the Nevada Constitution and First
25 and Fourteenth Amendments. See *Obama for Am. v. Husted*, 697 F.3d 423, 437 (6th Cir. 2012)
26 (affirming grant of preliminary injunction under Equal Protection Clause because Ohio’s early
27 voting rules burdened some voters and not others). As the Wisconsin experience demonstrates,
28 voters in population centers will experience crowded conditions while voters in rural areas will not

1 have to wait in long lines to vote. Voters in large counties will also be forced to travel long
2 distances while voters in smaller counties will have access to polling locations closer to home.

3 111. While the threat of the novel coronavirus requires expanded vote by mail
4 opportunities, limiting in-person voting to just one location per county will only exacerbate the
5 downsides of in-person voting, as it will force many Nevadans to crowd into a single polling
6 location, waiting in line for hours, risking their health and the health of their families in order to
7 exercise their right to vote. And crowding at polling places will also put poll workers at greater
8 risk by greatly increasing the number of persons with whom they must interact.

9 112. Election officials concerned about staffing polling locations can use the nearly
10 eight weeks to the primary to recruit additional poll workers, train state and county employees to
11 work the polls, and procure personal protective equipment.

12 113. Absent relief from this Court, the elimination of in-person voting locations will
13 impose undue burdens on the right to vote and the right to equal protection of the laws, in
14 violation of the Nevada and U.S. Constitutions.

15 THE EXCLUSION OF INACTIVE VOTERS FROM MAILING OF BALLOTS: CLAIMS 3 – 5

16 **THIRD CLAIM FOR RELIEF**

17 **Nev. Rev. Stat. §§ 293.213, 33.010, 33.030**

18 **The Exclusion of Inactive Voters Violates the Laws Governing Mailing Precincts**

19 114. Plaintiffs reallege and incorporate by reference all prior paragraphs of this
20 Complaint and the paragraphs below as though fully set forth herein.

21 115. Defendants' announced plan to mail ballots to only a subset of registered voters,
22 those with "active status," and not to registered voters with "inactive status" violates the laws
23 governing mailing precincts.

24 116. Defendants' authority to set mailing precincts comes from Nevada Revised Statutes
25 § 293.213(4).

26 117. Having exercised their statutory authority to create mailing precincts, Defendants
27 are required to abide by the procedures outlined in the statute. Specifically, Defendants are
28 required to mail ballots to every registered voter. See Nev. Rev. Stat. § 293.345(1) ("Before 5 p.m.

1 on the last business day preceding the first day of the period for early voting for any primary
2 election or general election, the county clerk shall cause to be mailed to each registered voter in
3 each mailing precinct and in each absent ballot mailing precinct an official mailing ballot, and
4 accompanying supplies, as specified in NRS § 293.350.”).

5 118. Inactive voters maintain registered voter status unless and until they fail to vote in
6 two subsequent elections, as outlined in Nevada Revised Statute § 293.530(c), and are purged
7 from the voter rolls. *Cf. Salge*, 1 Nev. at 458 (“All persons who were qualified voters under the
8 Constitution would certainly continue to be so until they became disqualified by a failure to
9 comply with the requirements of the registry law.”).

10 119. Defendants do not have the authority to single out inactive voters and exclude them
11 from the all-mail election.

12 120. Absent relief from this Court, the exclusion of inactive voters from the all-mail
13 election will disenfranchise many of those voters in the upcoming election, in violation of Nevada
14 Revised Statute § 293.345.

15 **FOURTH CLAIM FOR RELIEF**

16 **Nev. Const. art. 2, § 1; Nev. Rev. Stat. §§ 33.010, 33.030** 17 **The Exclusion of Inactive Voters Violates Article 2, Section 1 of the Nevada Constitution**

18 121. Plaintiffs reallege and incorporate by reference all prior paragraphs of this
19 Complaint and the paragraphs below as though fully set forth herein.

20 122. Defendants’ announced plan to mail ballots only to registered voters with “active”
21 status, and to exclude registered voters with “inactive” status, violates the Nevada Constitution’s
22 right to vote. *See* Nev. Const. art. 2, § 1 (“All [qualified voters] shall be entitled to vote for all
23 officers that have now or hereafter may be elected by the people, and upon all questions submitted
24 to the electors at such election.”).

25 123. The Nevada Constitution requires that election laws be “reasonable, uniform, and
26 impartial.” *Findley*, 20 Nev. at 202, 19 P. at 243; *see also State ex rel. Boyle*, 21 Nev. at 71, 24 P.
27 at 616. Defendants’ announced plan to mail ballots to only registered voters with “active” status is
28 not. It excludes a subset of voters without any justification. A registered voter who is “inactive” is

1 still permitted to vote and is still considered a registered voter. The Nevada Constitution does not
2 tolerate this differing treatment of similarly situated qualified electors.

3 124. Absent relief from this Court, the exclusion of inactive voters from the all-mail
4 election will disenfranchise many of those voters in the upcoming election, in violation of Article
5 2, Section 1 of the Nevada Constitution.

6 **FIFTH CLAIM FOR RELIEF**

7 **Nev. Const. art. 1, §§ 8, 9, art. 4, § 21; U.S. Const. amends. 1, 14; Nev. Rev. Stat. §§ 33.010,**
8 **33.030; 42 U.S.C. § 1983**

9 **The Exclusion of Inactive Voters Unduly Burdens the Fundamental Right to Vote**
10 **Guaranteed by Article 1, Section 9 and Article 4, Section 21 of the Nevada Constitution and**
11 **the First and Fourteenth Amendments to the U.S. Constitution**

12 125. Plaintiffs reallege and incorporate by reference all prior paragraphs of this
13 Complaint and the paragraphs below as though fully set forth herein.

14 126. Defendants' decision to exclude registered voters who have an "inactive" status
15 from the all-mail election will effectively disenfranchise voters because they failed to return a
16 single postcard to the county clerk's office within the last four years.

17 127. The Equal Protection Clauses of the Nevada and U.S. Constitutions do not allow
18 election officials to erect or maintain significant voting barriers for only some groups of voters.
19 *See Obama for Am.*, 697 F.3d at 437.

20 128. Defendants can articulate no justification for the exclusion of "inactive" voters
21 from the all-mail election, and any purported justification is outweighed by the burdens imposed
22 on the fundamental rights to vote and to equal protection of the laws.

23 129. Absent relief from this Court, the exclusion of inactive voters from the all-mail
24 election will impose undue burdens on the right to vote and the right to equal protection of the
25 laws, in violation of the Nevada and U.S. Constitutions.
26
27
28

1 POST-MARK DATE: CLAIM 6

2 **SIXTH CLAIM FOR RELIEF**

3 **Nev. Rev. Stat. §§ 293.317, 33.010, 33.030**
4 **Nevada Administrative Code § 293.217(1) Violates Nevada Revised Statute § 293.317**

5 130. Plaintiffs reallege and incorporate by reference all prior paragraphs of this
6 Complaint and the paragraphs below as though fully set forth herein.

7 131. In 2019, the Nevada Legislature amended the ballot return laws to allow a ballot
8 that is postmarked by election day to be counted. *See* Nev. Rev. Stat. § 293.317(1)(b).

9 132. Nevada Administrative Code § 293.317 continues to reflect the old rules that an
10 absent ballot be received by election day to be counted. *See* Nev. Admin. Code § 293.317(1) (“To
11 be counted, an absent ballot must be received by the office of the county clerk by 7 p.m. on the
12 day of the election.”).

13 133. Because Nevada Administrative Code § 293.317(1) conflicts with the statute it is
14 intended to implement, it is invalid. *See Roberts v. State*, 104 Nev. 33, 37, 752 P.2d 221, 223
15 (1988) (“Administrative regulations cannot contradict or conflict with the statute they are intended
16 to implement.”).

17 134. Absent relief from this Court, Nevada Administrative Code § 293.217(1) threatens
18 to disenfranchise many voters in the upcoming election, in violation of Nevada Revised Statute §
19 293.317.

20 VOTER ASSISTANCE BAN: CLAIMS 7–11

21 **SEVENTH CLAIM FOR RELIEF**

22 **Nev. Rev. Stat. §§ 293.2546, 33.010, 33.030**
23 **The Voter Assistance Ban Violates the Nevada Voters’ Bill of Rights**

24 135. Plaintiffs reallege and incorporate by reference all prior paragraphs of this
25 Complaint and the paragraphs below as though fully set forth herein.

26 136. In 2019, the Nevada Legislature passed the Voters’ Bill of Rights guaranteeing to
27 every qualified voter 11 enumerated rights. *See* Nev. Rev. Code § 293.2546. The Nevada
28

1 Legislature has also voted to enshrine those rights in the Nevada Constitution, subject to approval
2 by the people.

3 137. Among those rights is the right “[t]o request assistance in voting, if necessary.” *Id.*
4 § 293.2546(6).

5 138. Because the Voters’ Bill of Rights was passed more recently than the Voter
6 Assistance Ban, the Voters’ Bill of Rights controls. *See Laird v. State of Nev. Pub. Emps. Ret. Bd.*,
7 98 Nev. 42, 45, 639 P.2d 1171, 1173 (1982) (“[W]hen statutes are in conflict, the one more recent
8 in time controls over the provisions of an earlier enactment.”).

9 139. The Voter Assistance Ban is irreconcilably in conflict with the right to request
10 assistance in the absent and mailing voting contexts. This is true always but particularly so in the
11 current public health crisis, where more voters than ever will be voting by mail.

12 140. The Voter Assistance Ban effectively prevents Nevadans who require assistance to
13 return their mail ballots but do not reside with family members from requesting assistance in
14 voting.

15 141. Absent relief from this Court, the Voter Assistance Ban will deprive many more
16 voters of the right to request assistance in voting by mail, in violation of the Voters’ Bill of Rights.

17 EIGHTH CLAIM FOR RELIEF

18 Nev. Const. art. 2, § 1; Nev. Rev. Stat. §§ 33.010, 33.030 19 The Voter Assistance Ban Violates the Right to Vote Guaranteed by Article 2, Section 1 of 20 the Nevada Constitution

21 142. Plaintiffs reallege and incorporate by reference all prior paragraphs of this
22 Complaint and the paragraphs below as though fully set forth herein.

23 143. As described above, the Nevada Constitution specifically enumerates a right to vote
24 for its citizens. Nev. Const. art. 2 § 1. Laws which “impede the exercise of the right to vote”
25 offend this constitutional provision. *State ex rel. Boyle*, 21 Nev. at 71, 24 P. at 616.

26 144. The Voter Assistance Ban will effectively disenfranchise any voters who require
27 assistance returning their mail ballots but lack access to family members who can provide it. This
28 includes elderly voters, such as those in assisted living facilities, who are isolated from family

1 members due to health concerns and therefore cannot receive assistance in returning their mail
2 ballots.

3 145. Allowing assisted hand delivery for vote by mail will ease strain on the postal
4 system, ensure that ballots are timely delivered, and assist voters who are voting by mail for the
5 first time transition to the new form of voting.

6 146. Absent relief from this Court, the Voter Assistance Ban will impede the exercise of
7 the franchise for many more voters in the all-mail election, in violation of Article 2, Section 1 of
8 the Nevada Constitution.

9 **NINTH CLAIM FOR RELIEF**

10 **Nev. Const. art. 1, §§ 8, 9; U.S. Const. amends. 1, 14; Nev. Rev. Stat. §§ 33.010, 33.030; 42**
11 **U.S.C. § 1983**

12 **The Voter Assistance Ban Unduly Burdens the Fundamental Right to Vote Guaranteed by**
13 **Article 1, Sections 8 and 9 of the Nevada Constitution and the First and Fourteenth**
14 **Amendments to the U.S. Constitution**

15 147. Plaintiffs reallege and incorporate by reference all prior paragraphs of this
16 Complaint and the paragraphs below as though fully set forth herein.

17 148. The Voter Assistance Ban imposes a severe burden on the right to vote because it
18 will effectively disenfranchise voters who require assistance completing their absent ballots but
19 lack access to family members who can provide it.

20 149. The State's interest in enforcing the Voter Assistance Ban cannot justify
21 disenfranchising voters who require assistance but lack family members to provide it. And other
22 Nevada laws already criminalize any exercise of undue influence or voting fraud that might be
23 captured by the Voter Assistance Ban.

24 150. Absent relief from this Court, the Voter Assistance Ban will impose undue burdens
25 on the right to vote and the right to equal protection of the laws, in violation of the Nevada and
26 U.S. Constitutions.
27
28

1 TENTH CLAIM FOR RELIEF

2 Nev. Const. art. 1, § 9; U.S. Const. amends. 1, 14; Nev. Rev. Stat. §§ 33.010, 33.030; 42 U.S.C.
3 § 1983

4 **The Voter Assistance Ban Violates the Right to Free Speech Guaranteed by Article 1,
Section 9 of the Nevada Constitution and the First and Fourteenth Amendments to the U.S.
Constitution**

5 151. Plaintiffs reallege and incorporate by reference all prior paragraphs of this
6 Complaint and the paragraphs below as though fully set forth herein.

7 152. Article 1, Section 9 of the Nevada Constitution states that “[e]very citizen may
8 freely speak, write and publish his sentiments on all subjects being responsible for the abuse of
9 that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press.”
10 Its protections are coextensive with the First Amendment to the U.S. Constitution. *See Univ. &*
11 *Cnty. Coll. Sys. of Nev.*, 120 Nev. at 722, 100 P.3d at 187.

12 153. The Voter Assistance Ban violates the free speech guarantees of the Nevada and
13 U.S. Constitutions.

14 154. The Voter Assistance Ban prohibits core political expression. Efforts to encourage
15 and aid Nevada voters in voting by mail are “the type of interactive communication concerning
16 political change that is appropriately described as ‘core political speech.’” *Meyer v. Grant*, 486
17 U.S. 414, 421–22, 108 S. Ct. 1886, 1892 (1988); *see also Buckley v. Am. Constitutional Law*
18 *Found., Inc.*, 525 U.S. 182, 199, 119 S. Ct. 636, 646 (1999) (striking down restrictions on petition
19 circulation because “[t]hat endeavor . . . ‘of necessity involves both the expression of a desire for
20 political change and a discussion of the merits of the proposed change’” (quoting *Meyer*, 486 U.S.
21 at 421, 108 S. Ct. at 1891)); *NAACP v. Button*, 371 U.S. 415, 437, 83 S. Ct. 328, 340 (1963)
22 (“‘Free trade in ideas’ means free trade in the opportunity to persuade to action.” (quoting *Thomas*
23 *v. Collins*, 323 U.S. 516, 537, 65 S. Ct. 315, 326 (1945))); *League of Women Voters of Fla. v.*
24 *Browning*, 863 F. Supp. 2d 1155, 1158–59, 1167 (N.D. Fla. 2012) (enjoining voter registration
25 restrictions because “encouraging others to register to vote . . . is core First Amendment activity”
26 and “[t]ogether speech and voting are constitutional rights of special significance”); *Project Vote*
27 *v. Blackwell*, 455 F. Supp. 2d 694, 700 (N.D. Ohio 2006) (“[P]articipation in voter registration
28 implicates a number of both expressive and associational rights which are protected by the First

1 Amendment. These rights belong to—and may be invoked by—not just the voters seeking to
2 register, but by third parties who encourage participation in the political process through
3 increasing voter registration rolls.”).

4 155. The Voter Assistance Ban is subject to strict or exacting scrutiny because it
5 prohibits some Nevadans, groups and individuals who are not related to a voter, from engaging in
6 core political expression. Strict scrutiny applies to a ban on such activity where (1) the law
7 regulates expressive conduct based on the identity of the speaker, and (2) the law bans and not just
8 regulates political expression. *See Citizens United v. FEC*, 558 U.S. 310, 340–41, 366–67, 130 S.
9 Ct. 876, 899, 914 (2010). Strict scrutiny requires that a law be narrowly tailored to serve a
10 compelling government interest. *Id.* Otherwise, laws that regulate political expression are subject
11 to exacting scrutiny, which requires a substantial relationship between the law and a sufficiently
12 important government interest. *See id.* at 366; *League of Women Voters v. Hargett*, 400 F. Supp.
13 3d 706, 719–33 (M.D. Tenn. 2019) (applying exacting scrutiny to voter registration restrictions).

14 156. The Voter Assistance Ban cannot survive strict or exacting scrutiny, or any level of
15 scrutiny for that matter, because it is not fairly calculated to prevent the evils it is aimed to
16 address. Other Nevada laws already criminalize any exercise of undue influence or voting fraud
17 that might be captured by the Voter Assistance Ban.

18 157. Absent relief from this Court, the Voter Assistance Ban will prevent Plaintiffs from
19 engaging in constitutionally protected conduct in anticipation of the June Primary, in violation of
20 Article 1, Section 9 of the Nevada Constitution and the First and Fourteenth Amendments to the
21 U.S. Constitution.

22 ELEVENTH CLAIM FOR RELIEF

23 Nev. Const. art. 1, § 10

24 The Voter Assistance Ban Violates Article 1, Section 10 of the Nevada Constitution

25 158. Plaintiffs reallege and incorporate by reference all prior paragraphs of this
26 Complaint and the paragraphs below as though fully set forth herein.

1 159. Article 1, Section 10 of the Nevada Constitution states that “[t]he people shall have
2 the right freely to assemble together to consult for the common good, to instruct their
3 representatives and to petition the Legislature for redress of Grievances.”

4 160. The Voter Assistance Ban violates Article 1, Section 10 on its face because it
5 prohibits group action to affect political change.

6 161. Absent relief from this Court, the Voter Assistance Ban will prevent Plaintiffs from
7 engaging in constitutionally protected conduct in anticipation of the June Primary, in violation
8 of Article 1, Section 10 of the Nevada Constitution.

9 BALLOT REJECTION RULES: CLAIMS 12 & 13

10 **TWELFTH CLAIM FOR RELIEF**

11 **Nev. Const. art. 1, § 2; Nev. Rev. Stat. §§ 33.010, 33.030**

12 **The Ballot Rejection Rules Violate the Right to Vote Guaranteed by Article 2, Section 1 of
13 the Nevada Constitution**

14 162. Plaintiffs reallege and incorporate by reference all prior paragraphs of this
15 Complaint and the paragraphs below as though fully set forth herein.

16 163. The Ballot Rejection Rules violate the right to vote guaranteed by Article 2,
17 Section 1 of the Nevada Constitution.

18 164. The Ballot Rejection Rules have and will result in the disenfranchisement of
19 qualified voters who have cast a ballot because of either (1) a technical error that could, with an
20 adequate cure period, be corrected or (2) the untrained judgment of election officials.

21 165. For voters adversely affected by the Ballot Rejection Rules the consequence is
22 outright disenfranchisement. Because voters who are entitled to vote will have their votes rejected,
23 the Ballot Rejection Rules violate the Nevada Constitution. *See Buckner*, 22 Nev. at 438, 41 P. at
24 764 (“That one entitled to vote shall not be deprived of his privilege by action of the authorities is
25 a fundamental principle.”); *Davies*, 5 Nev. at 371 (“The form of the law by which an individual is
26 deprived of a constitutional right is immaterial. The test of its constitutionality is, whether it
27 operates to deprive any person of a right guaranteed or given to him by the Constitution.”).

28 166. Because untrained laypersons will apply a vague, overinclusive standard in the first
signature match review, and no standard at all in the second, voters’ ballots will be arbitrarily

1 rejected even where they were properly cast. Thus, the Ballot Rejection Rules violate the principle
2 that election laws be “reasonable, uniform, and impartial.” *Findley*, 20 Nev. at 202, 19 P. at 243;
3 *see also State ex rel. Boyle*, 21 Nev. at 71, 24 P. at 616.

4 167. Absent relief from this Court, the Ballot Rejection Rules will disenfranchise many
5 more voters in the upcoming election, in violation of Article 2, Section 1 of the Nevada
6 Constitution.

7 **THIRTEENTH CLAIM FOR RELIEF**

8 Nev. Const. art. 1, §§ 8–9; U.S. Const. amends. 1, 14; Nev. Rev. Stat. §§ 33.010, 33.030; 42
9 U.S.C. § 1983

10 **The Ballot Rejection Rules Unduly Burdens the Fundamental Right to Vote Guaranteed by
Article 1, Sections 8 and 9 of the Nevada Constitution and the First and Fourteenth
Amendments to the U.S. Constitution**

11 168. Plaintiffs reallege and incorporates by reference all prior paragraphs of this
12 Complaint and the paragraphs below as though fully set forth herein.

13 169. A court considering a challenge to a state election law must carefully balance the
14 character and magnitude of injury to the First and Fourteenth Amendment rights that a plaintiff
15 seeks to vindicate against the justifications put forward by the state for the burdens imposed by the
16 rule. *See Burdick*, 504 U.S. at 434, 112 S. Ct. at 2063; *Anderson*, 460 U.S. at 789, 103 S. Ct. at
17 1570.

18 170. Here, the Ballot Rejection Rules impose a severe burden—outright
19 disenfranchisement—on the right to vote.

20 171. A growing number of courts across the country have recognized that such arbitrary
21 rejection of absentee ballots—based on subjective signature comparisons by untrained individuals,
22 and with inadequate notice and opportunity to contest or cure such a determination—imposes an
23 undue burden on the right to vote, subjects similarly-situated voters to diverging standards, and
24 erroneously deprives voters of their due process rights, in violation of the First and Fourteenth
25 Amendments to the United States Constitution. *See, e.g., Democratic Exec. Comm. of Fla. v. Lee*,
26 915 F.3d 1312, 1319–1320 (11th Cir. 2019) (holding Florida’s failure to “enact[] uniform
27 standards for matching signatures” and the lack of “qualifications or training for those who engage
28 in the job” of signature matching seriously burdened the right to vote); *Saucedo v. Gardner*, 335 F.

1 Supp. 3d 202, 222 (D.N.H. 2018) (holding New Hampshire’s signature matching law violated the
2 Due Process Clause because it “vest[ed] moderators with sole, unreviewable discretion to reject
3 ballots due to a signature mismatch,” did not impose “training and functional standards on
4 handwriting analysis,” and did not provide an opportunity to cure); *Martin v. Kemp*, 341 F. Supp.
5 3d 1326, 1339–40 (N.D. Ga. 2018) (holding that Georgia’s signature matching law, which gave an
6 untrained election official “unchecked discretion” to determine if two signatures match and
7 imposed an illusory cure process, violated the Due Process Clause); *Fla. Democratic Party v.*
8 *Detzner*, No. 4:16-cv-607, 2016 WL 6090943, at *8 (N.D. Fla. Oct. 16, 2016) (holding Florida
9 signature matching law that provided no opportunity to cure signature mismatch determinations
10 imposed “an unconstitutional obstacle to the right to vote”); *LULAC v. Pate*, Case No.
11 CVCV056403 (Iowa Dist. Ct Sept. 30, 2019) (holding Iowa’s signature matching law for absentee
12 ballots, which required untrained officials to compare signatures without adequate standards,
13 violated the Iowa Constitution).

14 172. The Ballot Rejection Rules are not sufficiently tailored to serve any legitimate
15 government interest. And other Nevada Laws already protect the integrity of Nevada elections.

16 173. Absent relief from this Court, the Ballot Rejection Rules will disenfranchise many
17 more voters in the upcoming election, in violation of Article 1, Sections 8 and 9 of the Nevada
18 Constitution and the First and Fourteenth Amendments to the U.S. Constitution.

19 PRAYER FOR RELIEF

20 WHEREFORE, Plaintiffs respectfully request that this Court:

21 A. declare under the authority granted to this Court by Nevada Revised Statutes
22 § 33.030, that the challenged elimination of in-person voting locations, exclusion of inactive
23 voters from the all-mail election, Voter Assistance Ban, and Ballot Rejection Rules are
24 unconstitutional under the Nevada and U.S. Constitutions;

25 B. declare, under the authority granted to this Court by Nevada Revised Statutes
26 § 33.030, that the exclusion of inactive voters from the all-mail election violates Nevada Revised
27 Statute § 293.213;

28 C. declare, under the authority granted to this Court by Nevada Revised Statutes

1 § 33.030, that the Voter Assistance Ban violates Nevada Revised Statute § 293.2546;

2 D. declare, under the authority granted to this Court by Nevada Revised Statutes
3 § 33.030, that Nevada Administrative Code § 293.217(1) violates Nevada Revised Statute §
4 293.317;

5 E. grant a preliminarily and permanent injunction, under the authority granted the
6 Court by Nevada Revised Statute § 33.010, requiring Defendants, their respective agents, officers,
7 employees, and successors, and all persons acting in concert with each or any of them, to mail
8 ballots to all registered voters, including voters with inactive status;

9 F. grant a preliminarily and permanent injunction, under the authority granted the
10 Court by Nevada Revised Statute § 33.010, requiring Defendants, their respective agents, officers,
11 employees, and successors, and all persons acting in concert with each or any of them, to increase
12 the number of polling locations to reflect the population and geographic size of each county;

13 G. preliminarily and permanently enjoin, under the authority granted the Court by
14 Nev. Rev. Stat. § 33.010, Defendants, their respective agents, officers, employees, and successors,
15 and all persons acting in concert with each or any of them, from implementing, enforcing, or
16 giving any effect to the Voter Assistance Ban and Ballot Rejection Rules;

17 H. award Plaintiffs their costs, disbursements, and reasonable attorneys' fees incurred
18 in bringing this action; and

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1 I. Grant such other or further relief as the Court deems just and proper.
2

3 Dated: April 16, 2020
4

By:  (SBN 10828)

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27 **Pro hac vice applications forthcoming*
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INDEX OF EXHIBITS

- Exhibit 1 – June 9, 2020 Primary Election Notice of All Mail Ballot Election
- Exhibit 2 – June 9, 2020 Primary Election Notice of Vote-By-Mail Election and Official Sample Ballot
- Exhibit 3 – Notice of Primary Election
- Exhibit 4 – Elko County Nevada Voter and Sample Ballot information

Exhibit 1



JUNE 9, 2020, PRIMARY ELECTION NOTICE OF ALL-MAIL BALLOT ELECTION

Clark County Election Department, 965 Trade Dr., North Las Vegas, NV 89030

OVERVIEW

To help keep you, your family, and our community safer by limiting interactions that could spread the coronavirus, the June 9, 2020, Primary Election is being conducted entirely by mail ballot. On or before May 18, 2020, Clark County registered voters will receive a mail ballot packet from the Clark County Election Department which will include:

- A ballot and instructions for voting a mail ballot;
- A pre-addressed, postage-paid envelope that must be used for returning voted mail ballots; and
- A list of mail ballot drop-off sites for voters to drop off their own voted mail ballot in-person, if they are unable to put their ballot in the mail.

Registered Voters who do not receive their packet by May 18, 2020, should contact us at (702) 455-VOTE (8683). We ***STRONGLY ENCOURAGE VOTERS TO MAIL THEIR BALLOT*** rather than drop it off in-person. Please read this entire notice for important details.

CONTACT INFORMATION WILL HELP US ASSIST VOTERS

We strongly encourage all voters who do not have their current e-mail or phone number listed in their registration records to contact us as soon as possible and no later than **MAY 12, 2020**, to provide that information. This is important because if a mail ballot has no signature on the envelope, or if the signature does not match the one the Election Department has on file, we will need to contact the voter as soon as possible to resolve this issue. To check if your phone number or e-mail is in your voter registration records or to add it if it is not:

- Log-in on the Secretary of State's website at www.registertovotenv.gov; or
- Send an e-mail to elinfo@ClarkCountyNV.gov; or
- Call us at (702) 455-VOTE (8683).

Please note that NRS 293.558 requires the Clark County Election Department to keep your e-mail address **CONFIDENTIAL**. Meaning, it may not be given to third parties.

CLOSE OF STANDARD REGISTRATION

The deadlines to register to vote or update existing voter registration by mail or online in time for the June 9, 2020, Primary Election and still receive a regular mail ballot are below. After those dates pass, voters who wish to register to vote or make changes to their existing voter registration will have to do so through the same-day registration or same-day updates process, either online or in-person. Those voters may only vote a paper provisional mail ballot in-person on the spot at the Clark County Election Department and will need to show current, valid identification, and, if needed, proof of residency. See "Same Day Registration and Same-Day Updates of Existing Registration" starting on page 5 for more information. We strongly urge voters to register to vote or to make any necessary updates as soon as possible so they may avoid having to go to the Election Department offices.

- **May 12, 2020**, is the last day to register to vote or update your existing voter registration by mail for the June 9, 2020, Primary Election.
- **May 21, 2020**, is the last day to register to vote or update your existing registration on the Secretary of State's website at www.registertovotenv.gov.

RETURNING YOUR VOTED MAIL BALLOT

The Clark County Election Department will process and count voted mail ballots that are returned in the envelope provided, but only if the outside of the envelope is signed by the voter. This is required for verification purposes.

The ballots must be submitted and received in one of the following ways:

- Mailed Through the U.S. Post Office: We ***STRONGLY ENCOURAGE VOTERS TO RETURN THEIR VOTED MAIL BALLOT THROUGH THE U.S. POST OFFICE*** rather than drop it off in-person. To send it by postal mail, voters must:
 - Seal their voted mail ballot in the pre-addressed, postage-paid, return envelope included in the packet they will receive.
 - Sign the outside of the envelope in the space provided for their signature.
 - Make sure their signed envelope is postmarked by June 9, 2020. Note that we must receive properly postmarked ballots by 5:00 p.m. on June 16, 2020, (7 days after the Election Day) for them to be counted.
- Dropped-Off In-Person: Voters may also drop off their own voted mail ballot, but only at one of the locations in the schedules on pages 3-5 during the listed dates and hours. To do this, voters must:
 - Seal their voted mail ballot in the return envelope included in the packet they will receive.
 - Sign the outside of the envelope in the space provided for their signature.
 - Drop off their voted mail ballot no later than 7:00 p.m. on Election Day.

DROP-OFF LOCATIONS THROUGH JUNE 5, 2020, (FRIDAY)

These locations, dates, and hours for dropping off mail ballots will be available as soon as voters begin receiving their mail ballots and will continue through June 5.

DROP-OFF LOCATIONS	DATES AND HOURS
CLARK COUNTY ELECTION DEPARTMENT 965 Trade Dr., North Las Vegas <i>Only the Clark County Election Dept. will be available on May 25, 2020, Memorial Day.</i>	UP TO MAY 22: • MON.-FRI.: 8am-5pm • SAT. AND SUN: CLOSED MAY 23-JUNE 3, EVERY DAY (including Sat., Sun., and Memorial Day): 8am-6pm JUNE 4-5, THURS.-FRI.: 8am-8pm
CLARK COUNTY GOVERNMENT CENTER 1 st Floor, Rotunda 500 S. Grand Central Pkwy., Las Vegas	MONDAY-FRIDAY: 8am-5pm CLOSED: All Saturdays, Sundays, and May 25, Memorial Day Holiday
BOULDER CITY, CITY CLERK City Hall, Upstairs, 401 California Ave. Boulder City	MONDAY-THURSDAY: 7am-6pm CLOSED: All Fridays, Saturdays, Sundays, and May 25, Memorial Day
HENDERSON CITY CLERK City Hall, Front of Bldg., 240 S. Water St. Henderson	MONDAY-THURSDAY: 7:30am-5:30pm CLOSED: All Fridays, Saturdays, Sundays, and May 25, Memorial Day
LAS VEGAS CITY CLERK City Hall, 2 nd Floor, 495 S. Main St. Las Vegas	MONDAY-THURSDAY: 7am-5:30pm CLOSED: All Fridays, Saturdays, Sundays, and May 25, Memorial Day
MESQUITE CITY CLERK City Hall, 10 E. Mesquite Blvd. Mesquite	MONDAY-THURSDAY: 8am-5pm FRIDAY: 8am-3:30pm CLOSED: All Saturdays, Sundays, and May 25, Memorial Day
NORTH LAS VEGAS CITY CLERK City Hall, 8 th Floor 2250 Las Vegas Blvd. North, North Las Vegas	MONDAY-THURSDAY: 8am-5:45pm CLOSED: All Fridays, Saturdays, Sundays, and May 25, Memorial Day

DROP-OFF LOCATION ON JUNE 8, 2020, (MONDAY)

On this date, voters may drop-off their own voted mail ballot in-person, from 8:00 a.m. to 5:00 p.m. at the Clark County Election Department, 965 Trade Dr., North Las Vegas.

DROP-OFF LOCATIONS ON JUNE 9, 2020, PRIMARY ELECTION DAY (TUESDAY)

On Primary Election Day, voters may drop-off their own voted mail ballot in-person at the locations and during the times listed below.

DROP-OFF LOCATIONS ON JUNE 9 PRIMARY ELECTION DAY, OPEN 7:00 A.M. TO 7:00 P.M.
CLARK COUNTY ELECTION DEPARTMENT, 965 Trade Dr., North Las Vegas
BOB PRICE RECREATION CENTER, 2050 Bonnie Ln., Las Vegas
BUNKERVILLE COMMUNITY CENTER, 200 W. Virgin St., Bunkerville
CLARK COUNTY FAIRGROUNDS - LOGANDALE, 1301 Whipple Ave., Logandale
DESERT BREEZE COMMUNITY CENTER, 8275 Spring Mountain Rd., Las Vegas
DR. WILLIAM U. PEARSON COMMUNITY CENTER, 1625 W. Carey Ave., North Las Vegas
ENTERPRISE LIBRARY, 25 E. Shelbourne Ave., Las Vegas
HOLLYWOOD RECREATION CENTER, 1650 S. Hollywood Blvd., Las Vegas
INDIAN SPRINGS COMMUNITY CENTER, 715 W. Gretta Lane, Indian Springs
LAUGHLIN LIBRARY, 2840 S. Needles Highway, Laughlin
MOAPA COMMUNITY CENTER, 1340 E. Highway 168, Moapa
MOAPA TRIBAL ADMINISTRATION BUILDING, 1 Lincoln St., Moapa
MOAPA VALLEY COMMUNITY CENTER - OVERTON, 300 N. Moapa Blvd., Overton
MOUNTAIN CREST COMMUNITY CENTER, 4701 N. Durango Dr., Las Vegas
PARADISE RECREATION CENTER, 4775 S. McLeod Dr., Las Vegas
PASEO VERDE LIBRARY, 280 S. Green Valley Pkwy., Henderson
SAHARA WEST LIBRARY, 9600 W. Sahara Ave., Las Vegas
SANDY VALLEY COMMUNITY CENTER, 650 W. Quartz Ave., Sandy Valley
SEARCHLIGHT COMMUNITY CENTER, 200 Michael Wendell Way, Searchlight
SILVER MESA RECREATION CENTER, 4025 Allen Ln., North Las Vegas
VETERANS MEMORIAL LEISURE CENTER, 101 N. Pavilion Center Dr., Las Vegas
WALNUT COMMUNITY CENTER, 3075 N. Walnut Rd., Las Vegas
WHITNEY RECREATION CENTER, 5712 E. Missouri Ave., Las Vegas
WINDMILL LIBRARY, 7060 W. Windmill Ln., Las Vegas

**ADDITIONAL DROP-OFF LOCATIONS ON JUNE 9
PRIMARY ELECTION DAY, VARYING HOURS**

BOULDER CITY, CITY CLERK, City Hall, Upstairs, 401 California Ave., Boulder City
7:00 a.m. to 6:00 p.m.

CLARK COUNTY GOVERNMENT CENTER, 1st Floor, Rotunda
500 S. Grand Central Pkwy., Las Vegas
8:00 a.m. to 5:00 p.m.

HENDERSON CITY CLERK, City Hall, Front of Building, 240 S. Water St., Henderson
7:30 a.m. to 5:30 p.m.

LAS VEGAS CITY CLERK, City Hall, 2nd Floor, 495 S. Main St., Las Vegas
7:00 a.m. to 5:30 p.m.

MESQUITE CITY CLERK, City Hall, 10 E. Mesquite Blvd., Mesquite
8:00 a.m. to 5:00 p.m.

NORTH LAS VEGAS CITY CLERK, City Hall, 8th Floor, 2250 Las Vegas BL North, N. Las Vegas
8:00 a.m. to 5:45 p.m.

**SAME-DAY REGISTRATION AND
SAME-DAY UPDATES OF EXISTING REGISTRATION**

Online Registration and Updates: If you could not register to vote or update your existing voter registration by mail by May 12, 2020, you still may do so through the Secretary of State's website at www.registertovotenv.gov through June 4, 2020 (Thursday).

- **May 13 to May 21:** If you register to vote or update your existing registration online between May 13 (Wednesday) and May 21, 2020, (Thursday), within about a week you will receive a regular mail ballot with your updated name, precinct, party, etc., as applicable.
- **May 22 to June 4 (Online Same-Day Registration and Same-Day Updates):** If you register to vote or update your existing registration online between May 22 (Friday) and June 4, 2020 (Thursday), you may only vote a paper PROVISIONAL MAIL BALLOT IN-PERSON AT THE CLARK COUNTY ELECTION DEPARTMENT, WHICH YOU MUST IMMEDIATELY TURN IN. You may not take your ballot out of the building. You must also show acceptable identification and, if needed, proof of residency. See page 6 for details on identification and provisional ballot voting. The address is 965 Trade Dr., Suite F, North Las Vegas, NV. The dates for in-person voting are May 23 (Saturday) to June 5 (Friday) and also on June 9 (Tuesday). See page 7 for the "In-Person Voting Location and Schedule," including hours and a map.

Identification and Proof of Residency: If you register to vote or update your existing voter registration online from May 22 to June 4, or in-person from May 23 to June 5 or on June 9, you must provide identification and, if needed, proof of residency, to vote a paper provisional mail ballot in-person on the spot at the Clark County Election Department. The identification requirements are:

- Your unexpired Nevada (NV) Department of Motor Vehicles (DMV) Driver's License with your current residential address which must match the address in your registration; or
- Your unexpired NV State Identification Card with your current residential address, which must match the address in your registration; or
- Your NV DMV temporary "Interim Document" with your current residential address, which must match the address in your voter registration.
- IF the address on your identification is not your current residential address, meaning it does not match your voter registration residential address and/or if it is not where you currently live, then you must also provide proof of current residency, such as:
 - A military identification card; or
 - A utility bill (electric, gas, oil, water, sewer, septic, phone, cable); or
 - A bank or credit union statement; or
 - A paycheck; or
 - An income tax return; or
 - A mortgage statement, or residential rental or lease agreement; or
 - A motor vehicle registration; or
 - A property tax statement; or
 - Any other document issued by a governmental agency.

Paper Provisional Mail Ballot Overview and Verification Process: If you register to vote or update your voter registration either online from May 22 to June 4, or in-person from May 23 to June 5 or on June 9, you may only vote a paper provisional mail ballot by appearing in-person at the Clark County Election Department and voting on the spot. You must also provide the identification indicated above. Your paper provisional mail ballot will have all of the contests and candidates that are on a regular ballot. It will differ from a regular ballot in that it will be counted only after verification that:

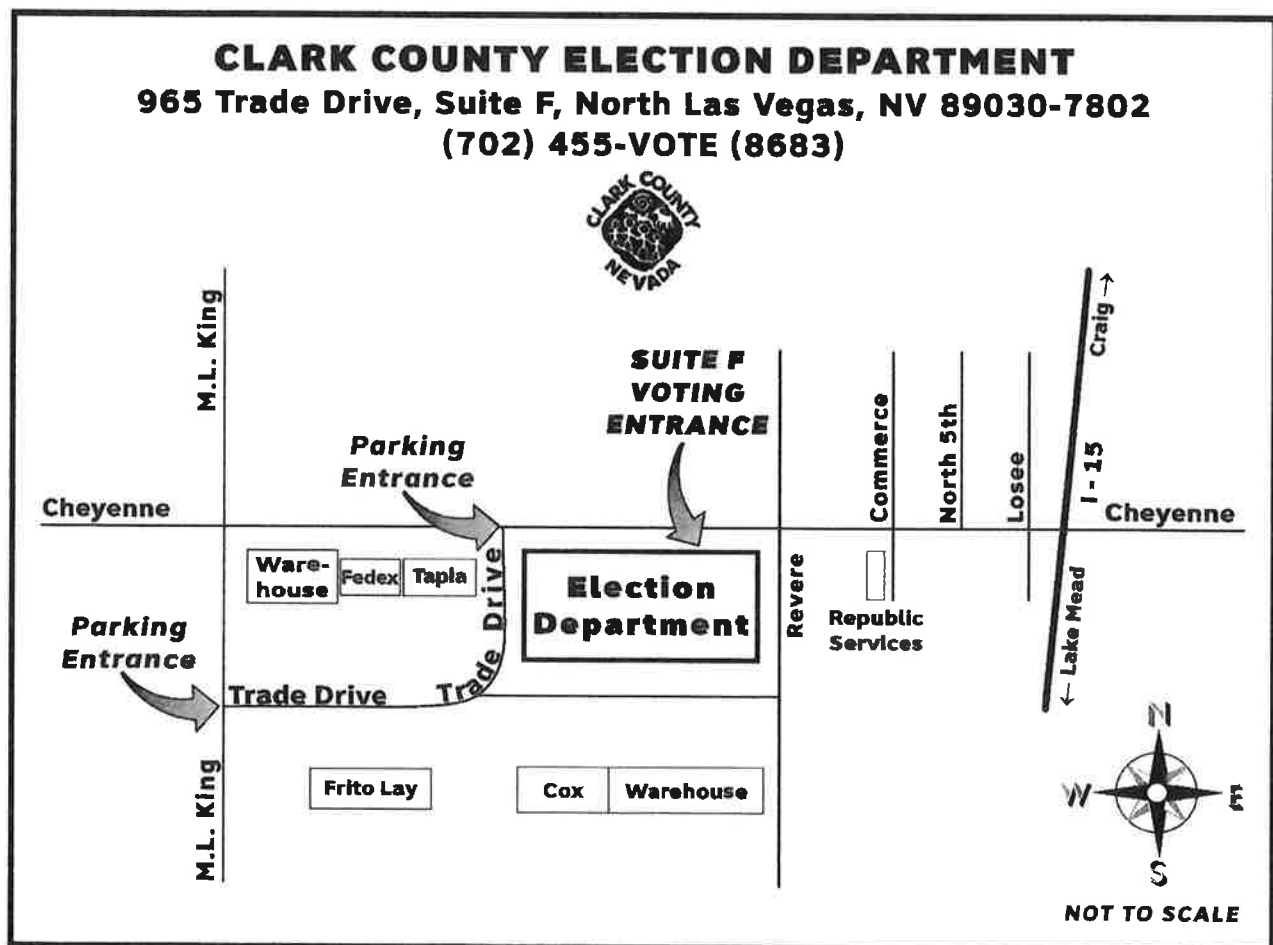
- You were qualified to cast a ballot in the current election;
- You did not cast multiple ballots in the same election;
- You showed acceptable identification when you voted (see above); and
- IF needed, you provided acceptable proof of residency (see above).

In-Person Same-Day Registration and Updates, May 23-June 5 and on June 9: If you could not register to vote or update your existing voter registration by mail by May 12, 2020, or online by May 21, you may do so in-person and vote a paper provisional mail ballot on the spot at the Clark County Election Department from May 23 (Saturday) to June 5, 2020 (Friday), or on June 9, 2020 (Tuesday, Primary Election Day). You may not take your ballot out of the building and you must turn it in immediately. You must show acceptable identification and, if needed, proof of residency. See page 6 for details on identification and provisional ballot voting. The address is 965 Trade Dr., Suite F, North Las Vegas, NV. See below for the "In-Person Voting Location and Schedule," including hours and a map.

IN-PERSON VOTING LOCATION AND SCHEDULE

May 23 (Sat.)-June 5 (Fri.) and June 9, 2020 (Tues., Primary Election Day)

- May 23-June 3, every day (*including Saturday, Sunday, and Memorial Day on May 25*): 8:00 a.m.-6:00 p.m.
- June 4-5, Thursday-Friday: 8:00 a.m.-8:00 p.m.
- June 9, Tuesday, Primary Election Day: 7:00 a.m.-7:00 p.m.



VOTERS WITH DISABILITIES

Several options are available for voters with disabilities:

- Electronic registration and electronic voting will be offered through Nevada's Effective Absentee System for Elections (EASE). This option may be accessed on the Nevada Secretary of State's website at www.NVEASE.gov.
- Voters who register to vote by mail by May 12, 2020, or online by May 21, 2020, may call the County Election Department at (702) 455-VOTE (8683) to request an electronic ballot.
- Unassisted and private in-person voting will be available at the Election Department. The location, dates, and times will be the same as for "In-Person Voting" (see page 7).

VOTING IN THE NOVEMBER 3 GENERAL ELECTION

At this time, we expect to return to in-person voting for the November 3, 2020, General Election. If that occurs, voters who had not previously requested to receive mail ballots for every election, which is most voters, will be expected to vote at regular polling places. For more information about the General Election see the Election Department's webpage at www.ClarkCountyNV.gov/vote.

QUESTIONS

More information about the all mail-in Primary Election and other resources for voters are available on the Election Department's website at www.ClarkCountyNV.gov/vote. You may also e-mail questions to the Department at Elinfo@ClarkCountyNV.gov, or call (702) 455-VOTE (8683) or 711 for TTY/TDD devices.

**VOTING OR ATTEMPTING TO VOTE MORE
THAN ONCE IN THE SAME ELECTION
IS A FELONY. (NRS 293.780)**

Exhibit 2



REGISTRAR OF VOTERS

JUNE 9, 2020 PRIMARY ELECTION

NOTICE OF VOTE-BY-MAIL ELECTION AND OFFICIAL SAMPLE BALLOT

Please read this entire notice for important details on how to vote by mail!

NOTICE: The location of your polling place has changed for this election **ONLY**.

For the Primary Election, all registered voters will receive a ballot in the mail to vote.

You are **strongly** encouraged to vote the ballot that is mailed to you and return it by postal mail to help ensure the health and safety of our community.





JUNE 9, 2020 PRIMARY ELECTION

NOTICE OF VOTE-BY-MAIL ELECTION AND **OFFICIAL SAMPLE BALLOT**

Please read this entire notice for important details on how to vote by mail.

In response to the COVID-19 (Novel Coronavirus) pandemic, **every** registered voter in Washoe County will receive an absentee ballot (mail-in ballot) for voting by mail in the **June 9, 2020 Primary Election ONLY**.

If you are registered to vote at your current address, it is not necessary for you to take any further action in order to receive your absentee ballot. If you are not registered or need to update your registration information (address, name, party), please do so immediately at the Secretary of State's website:

www.RegisterToVoteNV.gov *

The Secretary of State and Washoe County Registrar of Voters strongly encourage all voters to take advantage of online registration and absentee ballots in order to comply with social distancing and safety guidelines during this pandemic.

This notice contains:

- (a) Important dates and deadlines;
- (b) Instructions for registering or updating your information online;
- (c) Provisions for same-day registration and in-person voting services;
- (d) How to vote by mail (absentee ballot);
- (e) Early Voting and Election Day location and hours; and
- (f) Sample Ballot including all offices and candidates for partisan and nonpartisan ballots.

* You must have a driver's license or identification card issued by the Nevada Department of Motor Vehicles in order to register to vote online. If you do not have either, you must register by mail or in-person. Please see Page 3 for additional instructions.

Important Dates for the 2020 Primary

May 12, 2020-Mail or DMV Deadline:

The last day to register to vote or update your voter registration information through the DMV, by mail, or with any other outside organization or agency.

May 21, 2020 – Online Deadline:

Last day to register or update your registration online is May 21, 2020 and still receive an absentee ballot for the Primary Election.

May 22 – June 4, 2020—Extended Online Registration:

Voters may still register or update their registration online but will have to appear in person and provide a current and valid Nevada driver's license or identification card and proof of residency to vote.

Early Voting (Primary)*

May 23 – June 5, 2020

See calendar for polling hours.

Election Day (Primary)*

Tuesday, June 9, 2020

Polls Open: 7 a.m. to 7 p.m.

Same-Day Registration Is ONLY Available In-Person.

***The Office of the Washoe County Registrar of Voters will be the only polling location for in-person voting, updates to registration, and same-day registration during Early Voting (May 23-June 5, 2020) and on Election Day (June 9, 2020).**

Early Voting Hours for the Primary Election:

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						23 10 a.m. to 4 p.m.
24 10 a.m. to 2 p.m.	25 10 a.m. to 4 p.m.	26 8 a.m. to 6 p.m.	27 8 a.m. to 6 p.m.	28 8 a.m. to 6 p.m.	29 8 a.m. to 6 p.m.	30 10 a.m. to 4 p.m.
31 10 a.m. to 2 p.m.	1 8 a.m. to 6 p.m.	2 8 a.m. to 6 p.m.	3 8 a.m. to 6 p.m.	4 8 a.m. to 6 p.m.	5 8 a.m. to 6 p.m.	

Same-Day Registration and Updates (In-Person): You may register or update your registration in-person at the Office of the Washoe County Registrar of Voters from May 22, 2020 to Friday, June 5, 2020 and again on Tuesday, June 9, 2020 (Election Day).

<u>Identification Required for New Registrants and Updates</u> Voting In-person: all new registrants and those making updates after May 21, 2020 must provide: • A current and valid Nevada Driver's License, or • Nevada Identification Card, or • A Nevada DMV "Interim Document." If voting in person, bring these documents with you to the Office of the Registrar of Voters at 1001 E. 9th St., Reno, NV 89512.	<u>Proof of Residency:</u> If the address on your identification does not match the address at which you are registered to vote, then proof of current residency must be provided, such as: • a military identification card; • a current utility bill; • a bank or credit union statement; • a mortgage statement, or residential rental or lease agreement; • a motor vehicle registration;
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Provisional Ballots for All Voters Who Register or Update their Name, Address, and/or Party after May 21, 2020: All voters who register to vote or update their voter registration after May 21, 2020 will vote a full provisional ballot that will include all contests and candidates that are on a regular ballot. Your provisional ballot will be counted only after verification that,

- (a) you were qualified and eligible to register and cast a ballot in the current election;
- (b) you did not cast multiple ballots in the same election; and
- (c) if required, confirmation that you provided a current and valid identification and proof of residency.

VOTING BY MAIL (ABSENTEE BALLOT)

Your absentee ballot packet will contain:

- (a) your absentee ballot;
- (b) a postage-paid return envelope that you **must** use to return your ballot; and
- (c) instructions for voting by mail (absentee ballot).



WATCH:

"How to Mark Your Absentee Ballot"

www.washoecounty.us/markaballot

"How to Return Your Absentee Ballot"

www.washoecounty.us/returnaballot

Marking Your Ballot:

- Use a black or blue ink pen. **Do not** use felt tip pens or permanent markers.
- Mark your choices in each contest or question by completely filling in the oval to the right of each of your choices.
- If you choose to vote on some candidates or questions and not others, your ballot will be counted for those you have voted on. This will not invalidate your ballot.
- If you mark more choices than permitted in a single contest, no vote will be counted for that contest, but the rest of your correctly marked ballot will be counted.
- If you do make a mistake or change your mind while voting your ballot **do not** use correction fluid or tape. Simply put a single line through the name of the candidate or question you do not wish to vote for and completely fill in the oval to the right of the candidate or question you do want to vote for. Please do not try to completely black out the name or question.

The Washoe County Registrar of Voters will process and count all absentee ballots that are submitted and received as follows:

- (1) **SIGN the return envelope** in the space designated for your signature. This is required for verification purposes.
- (2) **SEAL your ballot** in the postage-paid return envelope provided. *You may only return one ballot per envelope. Be sure to use only the envelope provided to you for your ballot return. Your return envelope is associated with your ballot.*
- (3a) **Return via U.S. Postal Service:** If you return your ballot through the U.S. Postal Service your envelope must be postmarked by June 9, 2020 and received by June 16, 2020 in order to be counted.
- (3b) **Drop Off at the Office of the Registrar of Voters:** You may also choose to **personally** drop off your **own** ballot at the Office of the Registrar of Voters. You must deliver your ballot no later than 7:00 p.m. on Election Day (June 9, 2020.)

If your ballot is lost or defaced, contact the Washoe County Registrar of Voters at (775) 328-3670. Replacement ballots will only be issued up to June 2, 2020. If your ballot is lost or defaced after June 2, 2020, you must vote in-person at the Office of the Registrar of Voters.

Please note that except for voting days, our office is presently closed to the public. We are happy to assist you via phone, email, fax, and/or post. Please make every effort to take advantage of online voter registration services and to vote by mail.

If you wish to vote by mail in the 2020 General Election or request permanent absentee ballot status, you may submit an Absentee Ballot Request Form. Printable forms can be found on our website

www.washoecounty.us/requestaballot

You may also call the Washoe County Registrar of Voters at (775) 328-3670 to have a form mailed to you.

VOTER ASSISTANCE

The Washoe County Registrar of Voters is committed to providing every individual with the opportunity to vote independently and with dignity. Polling locations are physically accessible and equipped with appropriate devices to ensure each elector's ability to vote independently. At the polling location, voters with disabilities may request to be taken directly to the intake table and to have priority in voting on designated machines.

If a voter cannot sign their name in the precinct register because of a physical disability, they can still vote. Election officials will ask for identifying information.

Accessible ICX Prime Voting Machines:

If a voter cannot see a ballot well, they can engage the zoom feature. They also have the option to change the contrast of the screen color.

A voter can engage an audio ballot for voting. A voter can use the ATI controller in conjunction with the audio ballot.

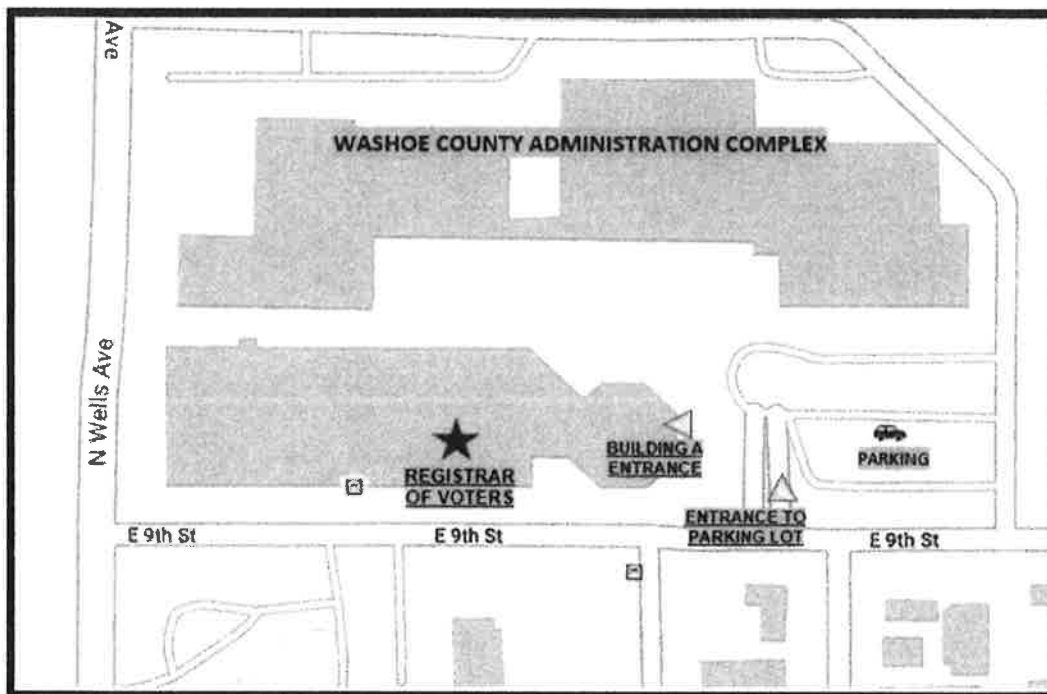
The ATI controller is available with headphones; however, a voter can bring their own if they wish.

Other accessibility devices, like paddles, sip-and-puff devices, are also compatible with our voting machines; however, the voter will need to provide these devices.

The Washoe County Registrar of Voters is working in collaboration with the Secretary of State to increase the accessibility of voting by mail to voters with disabilities. Please call our office for options and information: (775) 328-3670

**COMPILED AND DISTRIBUTED BY THE WASHOE COUNTY
REGISTRAR OF VOTERS DEPARTMENT**

Have questions? Call Washoe311 or (775) 328-3670



Washoe County Registrar of Voters

1001 E 9th St
Building A, Room 135
Reno, NV 89512

<https://www.washoecounty.us/voters>

Phone: (775) 328-3670 (TTY/TDD: 711)

Fax: (775) 328-3747

Email: electionsdepartment@washoecounty.us

**VOTING OR ATTEMPTING TO VOTE MORE THAN
ONCE IN THE SAME ELECTION IS A FELONY.**
(NRS 293.780)

This Sample Ballot contains ALL partisan and nonpartisan offices and candidates that are on the Primary Ballot. You will receive a ballot that contains the offices and candidates for which you are eligible to vote based on your residential address and political party affiliation as listed in our voter registration database. You may view YOUR specific ballot electronically at <https://www.washoecounty.us/voters/sampleballot/>

FEDERAL OFFICES		
Representative In Congress, District 2 - DEMOCRATIC TWO Year Term, Vote for 1 Ackerman, Patricia Cohen, Ed Hernandez, Reynaldo Koble, Clint Luetkehans, Ian Schiffman, Steve "Pragmatic" Shepherd, Rick	Justice of the Supreme Court, Seat D SIX Year Term, Vote for 1 Furno, Ozzie Herndon, Douglas Nelson, Erv NONE OF THESE CANDIDATES	Palomino Valley General Improvement District THREE - 4 Year Terms, Vote for 3 Baker, Tom Chesney, Larry Curmivan, James Gugich, Daniel Helton, Christopher Otto, Donald Patterson, John
DISTRICT NONPARTISAN OFFICES		
Representative In Congress, District 2 - REPUBLICAN TWO Year Term, Vote for 1 Amodei, Mark E Beck, Joel Hurley, Jesse Douglas	District Court Judge, Department 11 Family Court SIX Year Term, Vote for 1 Dollinger, Paige Shannon, Greg White, Lance Clark	CITY OF RENO OFFICES
DISTRICT PARTISAN OFFICES		
State Assembly District 26 - REPUBLICAN TWO Year Term, Vote for 1 Conner, Dale M Krasner, Lisa	State Board of Education, District 2 FOUR Year Term, Vote for 1 Coombs, Katie	Reno City Council, Ward 1 FOUR Year Term, Vote for 1 Brekhus, Jenny Drakulich, John "JD" Griffith, Britton Anne
State Assembly District 30 - DEMOCRATIC TWO Year Term, Vote for 1 Anderson, Natha C Moser, Lea "Archuleta"	Regent, University of Nevada, District 10 SIX Year Term, Vote for 1 Arrascada, Joseph Diss, Andrew Lombardi, Vince McKendricks, John Melcher, Kevin	Reno City Council, Ward 5 FOUR Year Term, Vote for 1 Fink, Darla Gottschalk, Kurt Jardon, Neoma Wilhelm, Lee "Chef"
State Assembly District 31 - REPUBLICAN TWO Year Term, Vote for 1 Dickman, Jill Espinosa, David Linares, Sandra	School Board Trustee, District A FOUR Year Term, Vote for 1 Church, Jeff Genasci, Lisa Heinemann, Jack Huerstel, Terese Kelley, Scott	Reno City Council, At-Large FOUR Year Term, Vote for 1 Lorton, George "Eddie" Moskowitz, Joe Reese, Devon Thomas Walker, Michael
State Assembly District 40 - DEMOCRATIC TWO Year Term, Vote for 1 Loyd, Sena Morgan, Derek Ray Scaffidi, Sherrie Paulie	School Board Trustee, District D FOUR Year Term, Vote for 1 Berk, Stan Marquez, Michael "Brock" Thigpen, Kurt	CITY OF SPARKS OFFICES
State Assembly District 40 - REPUBLICAN TWO Year Term, Vote for 1 O'Neill, Philip "PK" Williams, Day Robert	School Board Trustee, District G At-Large FOUR Year Term, Vote for 1 Baclet, Jeff Eppolito, John Nicolet, Diane Wesner, Craig White, Paul D	Sparks City Council, Ward 1 FOUR Year Term, Vote for 1 Abbott, Donald Grimes, Kristine Kirtley, Dick Stolyarov, Wendy
STATEWIDE NONPARTISAN OFFICES		
Justice of the Supreme Court, Seat B SIX Year Term, Vote for 1 Christensen, TS Pickering, Kristina Rodriguez, Esther C NONE OF THESE CANDIDATES		Sparks City Council, Ward 3 FOUR Year Term, Vote for 1 Anderson, Paul S Diaz, Elvira Ness, Dan Smith, Quentin Tavener, Andrea

Exhibit 3

NOTICE OF PRIMARY ELECTION

NOTICE IS HEREBY GIVEN that the Primary Election will be held on Tuesday, June 9, 2020. **Due to unforeseen circumstances related to COVID-19, the Primary Election will be conducted entirely by mail.**

All active registered voters will receive their ballots in the mail. Ballots will be mailed during the first part of May 2020.

Voters are encouraged to confirm that their voter registration information is up-to-date, including mailing address and political party affiliation and not rely on the same-day registration process. Visit www.RegisterToVoteNV.gov to register to vote online or make updates to your existing voter record.

The Elko County Clerk's Office will serve as the polling place and will be open from 7:00 a.m. to 7:00 p.m. for same day registrants only. Same day registrants **must** appear in person at the Clerk's Office, 550 Court Street, 3rd Floor, with a valid Nevada driver's license or identification card in order to vote a provisional ballot.

Voters are reminded that ballots must be dropped off in person by the close of polls on Election Day or postmarked by Election Day. Ballots that are postmarked by Election Day and received no later than seven days after the election will be processed.

May 12, 2020 is the last day to register to vote, update registration or change party affiliation by mail or by appearing in person at the Clerk's Office.

May 13, 2020 – June 4, 2020 voters may register, update registration or change party affiliation at www.RegisterToVoteNV.gov.

Please be assured that our office will conduct this election with as much transparency, efficiency and integrity as any other Election. We understand this is a challenging time and appreciate your cooperation and understanding as we work together. Feel free to contact the Clerk's Office at (775) 753-4600 if you have questions or concerns.

Kristine Jakeman
Elko County Clerk

Exhibit 4

ELKO COUNTY NEVADA



VOTER AND SAMPLE BALLOT INFORMATION

**Primary Election
Tuesday, June 9, 2020**

PRIMARY ELECTION INFORMATION

Due to unforeseen circumstances related to the COVID-19 pandemic and social distancing guidelines, all precincts in Elko County, Nevada have been designated as mail precincts for the June 9, 2020, Primary Election.

You will receive your official ballot in the mail the first part of May. **DO NOT THROW YOUR BALLOT AWAY!** Voting your ballot is easy:

1. Mark your ballot;
 2. Sign the return envelope (for verification purposes); and
 3. Return your ballot in the postage paid envelope by mail or deliver it in-person to the Clerk's Office.
- Your voted ballot must be postmarked by June 9, 2020, and received by the Clerk's Office by 5:00 p.m. on the seventh day after the election.
 - If you are delivering your voted ballot in-person, the ballot must be received by the Clerk's Office no later than 7:00 p.m., Tuesday, June 9, 2020.

If you do not receive a ballot by May 15, or you need a replacement ballot, please contact the Clerk's Office at (775) 753-4600. All requests for replacement ballots will be processed and mailed by 5:00 p.m., June 2, 2020. After June 2, 2020, all replacement ballots must be picked up in-person at the Clerk's Office.

The Elko County Clerk's Office, located at 550 Court Street, 3rd Floor, Elko, will serve as the polling location on Election Day, June 9, 2020, and will be open from 7:00 a.m. to 7:00 p.m. The polling location is open ONLY for in-person mail-in ballot deliveries, replacement ballot requests or same-day voter registration.

Early voting will be available at the Elko County Library, 720 Court Street, Elko, for in-person mail-in ballot deliveries, replacement ballot requests or same-day voter registration ONLY. The dates and times are as follows:

Saturday, May 23	10:00 a.m. to 2:00 p.m.
Monday, May 25	Closed for Memorial Day
Tuesday, May 26 - Friday, May 29	8:00 a.m. to 6:00 p.m.
Saturday, May 30	10:00 a.m. to 2:00 p.m.
Monday, June 1 - Friday, June 5	8:00 a.m. to 6:00 p.m.

Nevada conducts closed Primary Elections. Voters may only vote in a major party race if affiliated with that party. Voters are encouraged to confirm that their voter registration information is up to date, including mailing address and political party affiliation. Visit www.RegisterToVoteNV.gov to register to vote online or make updates to your existing voter record. You may also contact the Clerk's Office at (775) 753-4600 or election@elkocountynv.net.

IMPORTANT DEADLINES:

May 12, 2020 is the last day to register to vote, update registration or change party affiliation by mail or by appearing in person at the Clerk's Office.

May 13 - May 21, 2020 – Online only voter registration, voter registration changes or party affiliation changes.

May 22, 2020 – June 4, 2020 voters may register, update registration or change party affiliation online but will have to appear in person during Early Voting or on Election Day. Voters must provide a valid Nevada Driver's License or a Nevada Identification Card and proof of residency.

Although your ballot will be party specific, to expedite notification, all of the candidates and offices to which the candidates seek nomination are listed below:

CANDIDATES FOR PARTISAN OFFICES**U.S. REPRESENTATIVE IN CONGRESS, DISTRICT 2 – Two (2) Year Term****DEMOCRATIC PRIMARY**

ACKERMAN, PATRICIA
COHEN, ED
HERNANDEZ, REYNALDO
KOBLE, CLINT
LUETKEHANS, IAN
SCHIFFMAN, STEVE "PRAGMATIC"
SHEPHERD, RICK

REPUBLICAN PRIMARY

AMODEI, MARK E.
BECK, JOEL
HURLEY, JESSE DOUGLAS

COUNTY COMMISSIONER, DISTRICT 5 – Four (4) Year Term**REPUBLICAN PRIMARY**

EVERTSEN, GARY "RADAR"
STENINGER, REX

CANDIDATES FOR NONPARTISAN OFFICES**JUSTICE OF THE SUPREME COURT – Six (6) Year Term****SEAT B**

CHRISTENSEN, TS
PICKERING, KRISTINA
RODRIGUEZ, ESTHER C.
NONE OF THESE CANDIDATES

SEAT D

FUMO, OZZIE
HERNDON, DOUGLAS
NELSON, ERV
NONE OF THESE CANDIDATES

STATE BOARD OF EDUCATION, DISTRICT 2 – Four (4) Year Term

COOMBS, KATIE

SCHOOL BOARD TRUSTEES – Four (4) Year Term**DISTRICT 3**

FISH, KIETH

DISTRICT 5

COONEY, JIM

KRISTINE JAKEMAN
Elko County Clerk
550 Court Street, 3rd Floor
Elko, NV 89801-3518



Return Service Requested

Voter Name
Voter Address
City, State Zip



**VOTING OR ATTEMPTING TO VOTE MORE THAN
ONCE IN THE SAME ELECTION IS A FELONY
(NRS 293.780)**