

CASE NO: A-20-820510-C
Department 32

1 **JOEL F. HANSEN, ESQ.**
Nevada Bar No. 1876
2 **HANSEN & HANSEN, LLC**
9030 W. Cheyenne Ave. #210
3 Las Vegas, NV 89129
4 (702) 906-1300: office
(702) 620-5732: facsimile
5 jfhansen@hansenlawyers.com
Attorney for Plaintiffs

6 **DISTRICT COURT**
7 **CLARK COUNTY, NEVADA**

9 THE ELECTION INTEGRITY PROJECT
OF NEVADA, A Nevada LLC; SHARRON
10 ANGLE, an individual

CASE NO.
DEPT. NO.

11 Plaintiff,

12 v.

13 THE STATE OF NEVADA, on relation of
14 BARBARA CEGAVSKE, in her official
15 capacity as Nevada Secretary of State,

16 Defendants

17 **COMPLAINT FOR PRELIMINARY INJUNCTION, PERMANENT INJUNCTION, AND**
18 **DECLARATORY RELIEF**

19 COME NOW, THE ELECTION INTEGRITY PROJECT OF NEVADA, a Nevada LLC, and
20 SHARRON ANGLE, an individual, by and through their Attorney, Joel F. Hansen, Esq., of Hansen
21 & Hansen Attorneys, and file their Complaint for a Preliminary Injunction, a Permanent Injunction,
22 and Declaratory Relief.

23 **I.**

24 **JURISDICTION, STANDING, AND PARTIES**

25 1. This Court has jurisdiction under Article 6 §6 of the Nevada Constitution. A significant
26 part of this case arises in the County of Clark as it deals with the election process throughout the
27 State of Nevada.
28

1 2. These Plaintiffs have standing to bring this suit under the public-importance exception
2 announced by the Nevada Supreme Court in the case of *Schwartz v. Lopez*, 132 Nev. 732, 737, 382
3 P.3d 886, 891, 2016 Nev. LEXIS 668, wherein the high court held that a court may grant standing to
4 a Nevada citizen to raise constitutional challenges to legislative expenditures or appropriations
5 without a showing of a special or personal injury. The public-importance exception is narrow and
6 available only if the following criteria are met: First, the case must involve an issue of
7 significant public importance. The present case involves an issue of significant public importance,
8 because it challenges AB4 which was recently passed in special session of the Nevada Legislature, a
9 bill which worked profound changes in the voting system of Nevada and opened the coming general
10 election to significant and rampant fraud, as explained further in the allegations of the Complaint set
11 forth below.
12

13 3. Second, the case must involve a challenge to a legislative expenditure or appropriation on the
14 basis that it violates a specific provision of the Nevada Constitution. As explained in detail below,
15 this case challenges the manner in which the legislature allocated, or did not allocate, funds, in that
16 the funding of the election violates the Nevada Constitution's Equal Protection clause, Section 21
17 Article 4, which is coextensive with the guarantees of the Equal Protection Clause of the Fourteenth
18 Amendment. It also violates NRS 354.599, prohibiting unfunded mandates from the State of Nevada
19 to local governments.
20

21 4. Third, the plaintiff must be an "appropriate" party, meaning that there is no one else in a
22 better position who will likely bring an action and that the plaintiff is capable of fully advocating his
23 or her position in court.
24

25 5. Plaintiff THE ELECTION INTEGRITY PROJECT OF NEVADA, is a tax exempt, public
26 benefit, non-profit 501(c)(3), non-partisan Nevada LLC dedicated to assuring that every legally cast
27 vote is properly counted and reported. EIPNV is available to assist citizen groups as well as political
28

1 and business organizations on a non-partisan basis in their efforts to assure integrity in the voting
2 process. EIPNV is an all-volunteer organization.

3 6. Plaintiff SHARRON ANGLE is a resident of Nevada, a long-time active participant in the
4 political process and elections in Nevada, has run for office several times, served in the Nevada State
5 Legislature, and in general has taken a close interest in the integrity of Nevada elections for many
6 years. She is highly qualified to bring this suit because of her years of experience in the political and
7 governmental processes in Nevada, and because she has taken a special interest in protecting the
8 integrity of the Nevada elections system and also in the right of suffrage of all Nevadans. Her vote,
9 as well as the vote of all other Nevada voters, will be diluted and compromised if AB4, the all mail-
10 in voting law passed at the special session of the Nevada Legislature recently concluded, is allowed
11 to be carried out for the general election in November.
12

13 7. The Defendant is the Secretary of State of Nevada, Barbara Cegavske. She serves as the
14 Chief Officer of Elections for Nevada and is responsible for the execution and enforcement of the
15 provisions of title 24 of NRS and all other provisions of state and federal law relating to elections in
16 Nevada under NRS 293.124. She is sued in her official capacity.
17

18 II.

19 GENERAL ALLEGATIONS AND FACTS

20 8. Every Nevadan who is eligible to vote should be able to freely do so. Robust participation in
21 our biennial elections strengthen Nevada's political and governmental processes, allowing
22 Nevadan's to choose their elected representatives in the traditional, constitutionally and legally
23 guaranteed fashion as established by the Founding Fathers of America and followed and established
24 in the Constitution and laws of the State of Nevada.
25
26
27
28

1 9. The Plaintiffs support legitimate efforts to make it convenient for voters to cast their ballots.¹
2 At the same time, however, the electoral process cannot function properly if it lacks integrity and
3 results in chaos. Put simply, the people of Nevada must be able to trust that the election results are
4 the product of free and fair elections which are not determined by corruption and/or fraud
5 accomplished by nefarious practices of unscrupulous persons to gain victory by any means
6 necessary.
7

8 10. Nevada’s recently enacted election laws—collectively, AB4—fall far short of ensuring that
9 this standard is met.

10 11. On a straight-party-line vote taken on a Sunday afternoon, the Nevada Legislature passed a
11 60-page, single-spaced bill first introduced shortly after noon the previous Friday. AB4 adds more
12 than 25 new election-related sections to the Nevada Revised Statutes and amends more than 60
13 others.
14

15 12. Many of those provisions will undermine the November election’s integrity and some go
16 beyond that, crossing the line that separates bad policy judgments from enactments that violate
17 Nevada’s Constitution and its election laws.

18 13. This lawsuit is brought for the purpose of ensuring that our elections occur under valid laws.
19 Under the U.S. Constitution, States have broad discretion to decide how to conduct their elections.
20 But the State of Nevada, through its Constitution and laws enacted under that Constitution, has
21 established laws which must be followed in order to ensure free and fair elections where the electors
22 may be assured that the results are not the product of fraud or other illegal practices.
23

24 14. AB4 enacts many unconstitutional and illegal provisions. Some of these are as follows:

25 ///
26

27 ¹ It should be made clear that EIPNV does not oppose absentee balloting. Absentee ballots are not
28 mail-in ballots, because absentee ballots must be requested, while mail in ballots are sent to all voters.

1 15. AB4 is illegal because it CONTAINS UNFUNDED MANDATES: AB4 violates Nevada
2 Law, NRS 354.599, prohibiting unfunded mandates from the State of Nevada to local governments.

3 16. This law is UNCONSTITUTIONAL – AB4 violates the Nevada Constitution Article 4
4 Section 21 which is coextensive with the guarantees of the Equal Protection Clause of the Fourteenth
5 Amendment. This law violates Article 4, Section 21, Nevada’s guarantee of equal protection,² in
6 numerous ways outlined below.
7

8 **III.**

9 **FACTUAL FINDINGS OF THE PLAINTIFF ELECTIONS INTEGRITY PROJECT**

10 **A. Declaration of Plaintiff Sharron Angle (Exh. 1) establishes the following findings of the**
11 **Election Integrity Project**

12 17. Plaintiffs repeat and reallege all of the above paragraphs 1-16 and incorporate them herein by
13 reference.

14 18. ELECTION INTEGRITY PROJECT NEVADA FINDINGS:

15 19. **Multiple Or Duplicate Voting At Vote Centers:** Sections 11-14 of AB4 establish various
16 requirements relating to polling places and voter registration for affected elections subject to sections
17 2-27, including requirements relating to: (1) polling places established for early voting by personal
18 appearance; (2) polling places established as vote centers;

19 20. Vote centers remove the voter from his precinct where he is known and allows for
20 impersonation, especially when no ID is required, and also allows for multiple voting by using
21 sample ballots or “found ballots” where nefarious voters travel from one vote center to another
22 rather than appearing at the precinct where the voter is registered. This multiple voting is part of the
23

24 ///
25

26
27 _____
28 ² And it violates the provisions set forth in the newly proposed and soon to be ratified Nevada
Constitution Article 2. - Right of Suffrage, Section 1, Voter’s Rights.

1 “findings” sent to the Secretary of State, Barbara Cegavske by Election Integrity Project Nevada
2 (EIPNv.com) on July 24, 2020.

3 **21. Finding # 8: Duplicated Voter Registrations:**

4 22. Notwithstanding the legal obligations to eliminate duplicate names from the list, EIPNv has
5 identified **1,289** persons who appear to be registered twice in the state. Each occurrence has the
6 same/similar name and same/similar birthdate at the same address or differing addresses in the state.
7 This includes persons who appear to be registered under both maiden and married last names.
8 Matching phone numbers provide additional evidence for suspected duplicates at differing addresses.
9 Duplicated registrants can easily vote by mail more than once undetected.

10 **23. Finding #9: Suspected Double Voting**

11 There are **9** suspected duplicated registrants whose voting histories, if they are confirmed as
12 duplicates, show they voted twice in an election. Five appear to have voted twice in the June 2020
13 primary because they each had two Active registrations and were mailed two ballots.³

14 **24. Finding # 10: Registrants to be Mailed Two Ballots for November 2020**

15 Should Nevada not correct the registrations it confirms as duplicated, as many as **1,226**
16 **registrants will be mailed two ballots for the November 2020 election.** This includes 849 who
17 each appear to have two Active registrations and 377 additional registrants in Clark County who
18 have one or both registrations as Inactive status, should Clark County include Inactives in its mailed
19 ballot plans. Persons sent more than one ballot can easily vote more than once undetected.

20 25. Voter impersonation is also more likely when one voter can travel from vote center to vote
21 center impersonating someone with an active-but not voting in several years- status.

22 ///

23
24
25
26
27 _____
28 ³ EIPNv’s analysis of potential double voting excluded 12 counties which currently have incorrect voting histories for the June 2020 election.

1 **26. Finding #1: Delayed Inactivations**

2 EIPNV has identified **41,040** Nevada registrant whose records show no indications of registration
3 updates or federal voting activity since November 2, 2010 or prior. Since these registrants have
4 likely relocated or died, they may be eligible for inactivation or cancellation, yet they remain in
5 “Active” status. Voting histories indicate **3,331** have not voted in 16 or more years and **22,151** have
6 records indicating, they have NEVER voted since registering to vote a decade or more ago. Clark
7 County has 38,103 of the potential delayed inactivations, more than 3% of its Active registrations.
8

9 **27. Finding #2: “Delayed Inactivations” to be Mailed Ballots for November 2020**

10 Should Nevada mail ballots to all Active-status registrants for the November 2020 election, as many
11 as **41,050--** who may instead be eligible for inactivation or cancellation—will be mailed ballots,
12 including 38,103 in Clark County. These ballots, if they fall into the wrong hands, could be voted by
13 persons other than the voter named on the ballot.
14

15 **28. Finding #3: Delayed Cancellations:**

16 There are 18,290 registrants who were previously inactivated by a county or the state yet remain on
17 the voter list despite no indications of registration updates or voting activity since November 2, 2010
18 or prior. These registrations may be eligible for cancellation under federal law and Nevada state law
19 [NRS 293.530]. 9,049 have records indicating they have NEVER voted since registering to vote a
20 decade or more ago. Clark County has 14,327 of the suspected delayed cancellations and Washoe
21 County has 1,673. For this finding EIPNV assumes that—quoting from the Defendant’s May 29,
22 2020 press release-- “...in order for a registered voter to be designated as inactive, a piece of election
23 mail sent to the voter must have been returned as undeliverable and the voter must have failed to
24 respond to a mailer asking the voter to confirm their voter registration information...”, and that “...If
25 an inactive registered voter fails to vote in two federal election cycles (i.e., four years) and the
26

27 ///
28

1 inactive registered voter has no other voter activity during this time, their voter registration in
2 Nevada is cancelled.” Again, these ballots could be voted improperly.

3 **29. Finding #4: “Delayed Cancellations” to be Mailed Ballots for November 2020** Should
4 Clark County mail ballots to all Inactive-status registrants for the November 2020 election, as it did
5 for the June 2020 primary, as many as **14,327** registrants-- who may instead be eligible for
6 cancellation—will be mailed ballots, opening the way for voting by the wrong individuals.

8 **30. Same Day Voter Registration: AB4 Sections 11-14 (3) voter registration at polling**
9 **places on election day**

10 Same day registration is problematic because there is no time to authenticate the voter against
11 residence, citizenship, or deceased rolls. If people who reside somewhere else, are not citizens, or are
12 dead are voting, Plaintiff Angle’s and every other voter’s vote is diluted, which violates the law and
13 injures Plaintiff’s and all other voters’ Constitutional rights. The only remedy is for this Court to
14 issue its order invalidating AB4.

16 **31. Finding #5: Registrants Aged 105 or Older and Likely Deceased**

17 Notwithstanding the legal requirement to maintain voter registration lists that are free of dead
18 registrants, there are **74** registrants whose birthdates indicate they are 105+ years old and likely
19 deceased. Once again, these ballots might be sent in by persons other than the registered voter.

21 **32. Finding #6: Registrants Aged 105+ to be Mailed Ballots for November 2020** Should
22 Nevada mail ballots to all Active registrants for the November 2020 election, **63** registrants aged
23 105+ and likely deceased will be mailed ballots. This includes 40 of Active status and 23 additional
24 Inactive status registrants aged 105+ should Clark County mail ballots to Inactive registrants as it did
25 for the June 2020 primary.

26 ///

27 ///

1 **33. Signature Verification Not Required.**

2 AB4 Sections 23, 39 and 69 revise these existing procedures and set forth standards for
3 determining when there is a reasonable question of fact as to whether the signature used for an
4 absent ballot, mailing ballot or mail ballot matches the signature of the voter.
5

6 34. This is a new requirement that will add extra work to the registrar and may get them to accept
7 signatures they would otherwise reject because of this added workload.

8 35. AB4 makes it much too easy for a substitute signature to be affixed to the mail in ballot and
9 still pass muster and be counted. The operative language states:

10 *2. For purposes of 1:(a)There is a reasonable question of fact as to whether the signature*
11 *used for the mail ballot matches the signature of the voter if the signature used for the mail*
12 *ballot differs in multiple, significant and obvious respects from the signatures of the voter*
13 *available in the records of the clerk. (b)There is not a reasonable question of fact as to*
14 *whether the signature used for the mail ballot matches the signature of the voter if: (1)The*
15 *signature used for the mail ballot is a variation of the signature of the voter caused by the*
16 *substitution of initials for the first or middle name or the use of a common nickname and it*
17 *does not otherwise differ in multiple, significant and obvious respects from the signatures of*
18 *the voter available in the records of the clerk;*

16 Thus, if variations of the legal name or signature are acceptable, then this creates an
17 opportunity for multiple ballots to be cast under the legal name, another under the initials,
18 another under the nickname, etc.

18 **36. Finding #7: Missing Information:**

19 There are **1,657** registrants who are missing a birthdate, appear to be missing a legal name, or
20 have a non-alpha character in their names. The Nevada voter registration affidavit requires
21 registrants to list their names as they appear on their Nevada driver license, state ID card or Social
22 Security card, but a majority of the 1,657 have what appear to be “nickname” initials in place of their
23 legal first names. Such missing information hinders the state’s ability to confirm these registrants’
24 eligibility and to match with death, NCOA and other records required for list maintenance.
25

26 37. If a person’s signature does not have to be official or legal then there is more possibility of
27 voter impersonation and multiple voting under different signatures. This opens the door for
28

1 fraudulent voting which dilutes an honest voter's vote and which violates the law and injures
2 Plaintiff's and all voters Constitutional rights.

3 **38. Opening Mail-In Ballots And Counting Them 15 Days Before The Election:**

4 Sections 22-27, 39, 48, 49, 69, 79 and 80 of this bill revise these existing procedures and provide
5 that such counting boards can begin their process of counting the returned absent ballots, mailing
6 ballots and mail ballots 15 days before the election.

7
8 39. The separation of the ballot from the signature envelope keeps the ballot from being removed
9 from the count if the signature or the person who cast the ballot is challenged. These challenges must
10 take place at the time the ballot is received, requiring overseers of the counting process to be in
11 attendance for 11 more days than the existing law. It is unreasonable to expect that volunteers will be
12 in attendance for 11 additional days. If a court finds that ineligible votes have been cast, if the ballot
13 is not intact there is no way to remove those ineligible votes from the system. The court's
14 determination may be, "Yes there was fraud and the election is corrupted but we don't know
15 who the corrupted ballots voted for." The lengthening of time for counting impairs oversight,
16 inviting possible corruption. This would allow the vote to be counted and the information released
17 prior to election day, causing people to react the results by not casting a vote if their candidate
18 appeared to be losing.
19

20
21 40. When illegal votes are counted Plaintiff's vote is diluted. Dilution of Plaintiff's vote is a
22 violation of the law and the Constitution.

23 **41. Ballot Harvesting:**

24 AB4 sections 15-27 establish certain election procedures for the mail ballots distributed to
25 active registered voters for affected elections subject to sections 2-27. Because these particular
26 election procedures relating to absent ballots, mailing ballots and mail ballots serve similar purposes,
27 sections 15-83 make conforming changes in order to align all the provisions and make them uniform
28

1 in their operation for Nevada's elections. Under existing law, at the request of a voter who has a
2 physical disability or is at least 65 years of age or under certain other circumstances, a person may
3 mark and sign an absent ballot on behalf of the voter or assist voter to mark and sign the absent
4 ballot if the person complies with certain requirements. (NRS 293.316, 293.3165, 293C.317,
5 293C.318) Sections 19, 28, 29, 35, 56, 57 and 65 of this bill provide that at the request of a voter
6 who has a physical disability, is at least 65 years of age or is unable to read or write. Sections 21, 40,
7 44, 70 and 75 of this bill: (1) allow a voter to authorize *any person* to return an absent ballot, mailing
8 ballot or mail ballot to the county or city clerk on behalf of the voter;

9
10 42. Allowing “any person” to assist in this process encourages fraud. Instead, a request for
11 assistance should be made in writing to the registrar who should send a deputy to assist since this is a
12 form of ballot harvesting which if done by campaign workers would often mean that improper
13 pressure or even coercion is placed upon the elderly or disabled vulnerable voter. Since age is noted
14 on the registration rolls, those older voters may be targeted by ballot harvesters who at least be
15 casting the vote for that person or impersonating their vote. Assistance must be done by a trusted and
16 impartial deputy of the election board. Since this is a form of ballot harvesting, a practice proven to
17 be fraught with fraudulent opportunity for hired “boletera” for example. This would create an
18 atmosphere for a trunk full of ballots to come in after the election. “About 6,700 ballots were not
19 counted in this year’s Nevada the primary election after officials could not match signatures on the
20 ballots, according to the Nevada Secretary of State’s Office.”⁴ Since Plaintiff is over 65 this means
21 that she may be targeted by ballot harvesters which is a form of harassment and discrimination. My
22 right to privacy and equal protection are violated. To remedy this injury, the Secretary of State
23 should be enjoined from implementing and enforcing AB4.
24
25

26
27 ⁴ <https://apnews.com/a9c95d374f922747b1e6d03b5cc39f41>
28

1 **43. Unable To Determine If Ballot Is Cast On Time:** AB4 Sections 20, 37 and 67 of this bill
2 provide that to be timely returned by mail, an absent ballot, mailing ballot or mail ballot must be
3 postmarked on or before the day of the election and received by the county or city clerk not later
4 than 5 p.m. on the seventh day following the election. Sections 20, 37 and 67 also provide that if the
5 county or city clerk is unable to determine the date of the postmark on such a ballot, but the ballot is
6 received by the clerk not later than 5 p.m. on the third day following the election, the ballot is
7 deemed to have been postmarked on or before the day of the election.
8

9 44. This extends the length of the election and allows nefarious opportunities to “find” more
10 ballots. Once again this makes the Election Day arbitrary and underlines the failings of the postal
11 service, making the mail-in ballot less secure. It will be impossible to know with the extension to
12 seven days past the election for allowing ballots to be accepted, if those ballots were marked before
13 the election or after the results were announced. It gives opportunity to “find” more ballots if
14 someone wants to change the election results.
15

16 45. According to a FOIA request made by the Public Interest Legal Foundation, “Of the
17 1,325,934 ballots mailed out in Clark, 223,469 were returned as undeliverable. About 305,000 were
18 returned by voters, verified and counted by the county. About 58 percent of the undeliverable ballots
19 belonged to inactive voters — those who have failed to confirm their address with the county but
20 remain registered. Inactive voters are removed from the rolls entirely if they miss two consecutive
21 federal elections. However, 93,585 undeliverable ballots belonged to voters classified as active in
22 Clark County’s voter rolls. Public Interest also audited the Clark County and Nevada state voter rolls
23 and found that 2,358 people on the state’s active rolls were deceased. More than 2,200 of these came
24 from Clark County.”⁵ “The foundation reported that based on its study, Clark County mailed
25

26 ///
27

28 ⁵ <https://www.reviewjournal.com/news/politics-and-government/clark-county/more-than-223k-mailed-ballots-returned-undelivered-in-primary-2095001/>

1 1,325,934 ballots to voters. Of that number, 223,469 were returned as undeliverable. In Washoe
2 County, 291,434 ballots were mailed, and 27,640 were returned.”⁶

3 46. “Thousands of ballots have been sent out by the Clark County Election Department to
4 inactive voters – those who have not voted in recent elections, a roster that can include people who
5 either have moved or are deceased – and the envelopes are piling up in post office trays, outside
6 apartment complexes and on community bulletin boards in and around Las Vegas.”⁷ (As pictured
7 below—discarded ballots available for anyone to pick up, fill out, and send in.)
8



9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26 ⁶ <https://justthenews.com/politics-policy/elections/nevada-mailed-more-quarter-million-ballots-returned-undeliverable>

27 ⁷ <https://www.890kdxu.com/nevadas-vote-by-mail-primary-stirs-fraud-concerns-as-unclaimed-ballots-pile-up-something-stinks-here/>
28

1 **47. Finding # 10: Registrants to be Mailed Two Ballots for November 2020**

2 Should Nevada not correct the registrations it confirms as duplicated, as many as **1,226 registrants**
3 **will be mailed two ballots for the November 2020 election.** This includes 849 who each appear to
4 have two Active registrations and 377 additional registrants in Clark County who have one or both
5 registrations as Inactive status, should Clark County include Inactives in its mailed ballot plans.
6 Persons sent more than one ballot can easily vote more than once undetected.
7

8 48. Just by doing the math, 1,325,934 ballots mailed out in Clark, 223,469 were returned as
9 undeliverable, 305,000 were returned by voters, verified and counted by the county , there are still
10 over 500,000 ballots that are unaccounted for in the primary election. It is reported that those ballots
11 were “piling up in post office trays, outside apartment complexes and on community bulletin boards
12 in and around Las Vegas” ripe for using to sway an election if the same processes are followed and
13 the safeguards of the “old” law are abandoned for implementation of AB4. This shows the chaos
14 inherent in all mail voting.
15

16 49. Additionally, the EIPNV findings show that 5 voters who have voted twice in the past also
17 voted twice in the 2020 primary making them part of the 305,000 “verified and counted” ballots. If 5
18 slipped through and voted, thus diluting the vote of legal voters, in the preliminary findings of
19 EIPNV for registrations from 2010 or before, how many more duplicate voters actually voted if we
20 looked at the registrations from 2010 to 2018? The presence of the documented fraudulent vote of 5
21 voters is evidence that the vote in Nevada is not secure, fair or honest. It also proves that the
22 provisions of AB4 will only exacerbate the problem. Since Plaintiff’s vote was diluted in the June
23 2020 primary election by this fraud, the only remedy for this injury is that Defendant Secretary of
24 State should be enjoined from implementing and enforcing AB4.
25

26
27 ///

28 ///

1 III.

2 UNFUNDED MANDATES

3 50. Plaintiffs repeat and reallege all of the above paragraphs 1-49 and incorporate them herein by
4 reference.

5
6 51. AB4 CONTAINS UNFUNDED MANDATES: AB4 violates Nevada Law prohibiting
7 unfunded mandates from State of Nevada to local governments.

8 **NRS 354.599 states that a “Specified source of additional revenue [is] required under
9 certain circumstances when Legislature directs local governmental action requiring
additional funding.** If the Legislature directs one or more local governments to:

- 10 1. Establish a program or provide a service; or
11
12 2. Increase a program or service already established which requires additional funding, -
13 - and the expense required to be paid by each local government to establish, provide
14 or increase the program or service is \$5,000 or more, a specified source for the
15 additional revenue to pay the expense must be authorized by a specific statute. The
16 additional revenue may only be used to pay expenses directly related to the program
or service. If a local government has money from any other source available to pay
such expenses, that money must be applied to the expenses before any money from
the revenue source specified by statute

17 52. AB4 does not fully nor adequately fund the mandate to local governments:

18 Sec. 84. 1. States:

19 “The Chief of the Budget Division shall transfer the sum of \$2,000,000 from Budget
20 Account 101-1327 to the Secretary of State for the costs related to the preparation and
21 distribution of mail ballots pursuant to the provisions of sections 2 25 to 27, inclusive, of
this act for the 2020 General Election.

22 But Defendant Cegavske has admitted that the equipment, education, printing and postage would
23 cost the Secretary of State’s office an additional \$3 million, not including costs to counties,
which distribute and tabulate ballots.

24 ///

25 ///

26 ///

27 ///

28

1 53. Nevada spent more than \$4 million in federal relief dollars *in the June primary*, most of
2 which it funneled to counties. More than \$1 million went toward leasing, counting and sorting
3 machines to accommodate a greater number of absentee ballots.⁸

4 54. According to the fiscal note from the county of Plaintiff Angle's residence, Washoe County,
5 AB4 will cost an additional \$1.9 million. This cost alone will take all of the \$2 million funded in
6 AB4. There are also state costs as well as the unfunded cost of 16 other counties including Clark
7 County with the largest number of registered voters of 1.5 million. Washoe County has 281,000
8 active registered voters or one-sixth the number of voters in Clark County. If the Washoe County
9 election based on AB4 requirements will cost \$1.9 million it could reasonably be expected that Clark
10 County's costs alone would be six times that amount, or 11.4 million dollars, far beyond the \$2
11 million allocated by the State Legislature. See **Exh. 2**.

12 55. According to these sources, AB4 is unfunded or grossly underfunded and therefore is an
13 illegal law under Nevada's law against unfunded mandates, NRS 354.599, from the state to the
14 local governments. Because this mandate will become a local burden, the taxpayers, including
15 Plaintiff Angle, will become responsible for the payment of this shortfall either through increased
16 tax burden or loss of services because of funds being reallocated to cover the cost of the election.
17

18 56. The remedy for this injury to Plaintiff Angle and to all taxpayers of Nevada is strike this law
19 as illegal and prohibit it from being implemented.
20

21 **IV.**

22 **AB 4 IS UNCONSTITUTIONAL AS IT VIOLATES EQUAL PROTECTION**

23 57. Plaintiffs repeat and reallege all of the above paragraphs 1-56 and incorporate them herein by
24 reference.
25

26
27 _____
28 ⁸ <https://www.rgj.com/story/news/2020/08/04/trump-campaign-sues-state-nevada-over-mail-ballot-initiative/3297017001/>

1 58. AB4 violates the Nevada Constitution Article 4 Section 2, which mandates that “all laws
2 shall be general and of uniform operation throughout the State.” The Courts have held that this
3 section of the Nevada Constitution is coextensive with the guarantees of the Equal Protection Clause
4 of the Fourteenth Amendment of the United States Constitution. “The U.S. Const. amendment
5 XIV forbids an enactment that denies any person equal protection of the laws. The Nevada
6 Constitution. Art. 4, § 21 requires that all laws be general and of uniform operation throughout the
7 state. The standard for testing the validity of legislation under the equal protection clause of the
8 state constitution is the same as the federal standard. *Barrett v. Baird*, 111 Nev. 1496, 1499, 908
9 P.2d 689, 692, 1995 Nev. LEXIS 182, *Rico v. Rodriguez*, 121 Nev. 695, 702-03, 120 P.3d 812, 817
10 (2005). Thus, Equal Protection requires equal access for all voters to elections.
11

12 59. An amendment entitled “Rights of Voters” has been proposed and passed twice by the
13 Legislature. It will undoubtedly become law after the general election of 2020. It guarantees equal
14 access to voting opportunities, thus defining with more certainty voting rights of voters in Nevada.
15 See **Exh. 3**.
16

17 60. Nevertheless, all of these protections are already built into Article 4 Section 2 because of the
18 “coextensive” rulings by the Nevada Supreme Court. Thus, the pronouncements of the U.S.
19 Supreme Court interpreting the Equal Protection Clause of the 14th Amendment are all incorporated
20 into Nevada law.
21

22 **A. The Unequal Allocation of In-Person Polling Places Does Not Provide Equal Treatment of
23 Voters and is thus Unconstitutional**

24 61. Sections 11 and 12 of AB4 are unconstitutional. Those sections set forth the number of in-
25 person polling places for early voting (Section 11) and vote centers for day-of-election voting
26 (Section 12). Under those sections, the number of in-person voting places a county must establish is
27 tied to the county’s population, resulting in more in-person voting places per capita for voters in
28 urban counties than in rural counties due to the fact that the number of voters allocated for the in-

1
2 person voting centers in the large counties per capita is greater than the number of in person voting
3 centers allotted to the voters, per capita, in the smaller counties.

4 62. This arrangement violates rural voters' rights under the Equal Protection Clause, since there
5 are not as many voting centers per capita for them as there are in the large counties, making it more
6 difficult for the rural county voters to cast their votes. This is an unlawful AND unconstitutional
7 expenditure of funds to establish these unequally distributed and established voting centers.

8
9 63. By limiting their ability to cast ballots via in-person voting through reduced numbers of
10 polling places and vote centers, Sections 11 and 12 of AB4 engage in disparate treatment with
11 respect to rural voters. The United States Supreme Court has given guidance regarding this unequal
12 treatment: "A citizen, a qualified voter, is no more nor no less so because he lives in the city or on
13 the farm." *Reynolds v. Sims*, 377 U.S. 533, 568 (1964). AB4 infringes "the basic principle of
14 equality among voters within a State . . . that voters cannot be classified, constitutionally, on the
15 basis of where they live." *Id.* at 560.

16 **B. Standardless Counting Procedures**

17
18 64. EQUAL PROTECTION for voters also means that a uniform standard for counting and
19 recounting all votes must be established statewide. If ballots are counted under different rules and
20 standards, then the accuracy and reliability of the tabulations will necessarily vary among the
21 counties.

22 65. Section 22 of AB4 requires each "county or city clerk" (as applicable) to "establish
23 procedures for the processing and counting of mail ballots." Section 22 of AB4 provides no
24 guidance or guardrails of any kind for the establishment of "procedures for the processing and
25 counting of mail ballots." It envisions the creation of procedures and rules by each county
26 clerk/registrar without any central control over those procedures, which will inevitably result in a
27 different set of rules in each or the 17 counties.
28

1 66. Section 22 of AB4 requires each “county or city clerk” (as applicable) to “establish
2 procedures for the processing and counting of mail ballots.” Section 22 of AB4 provides no
3 guidance or guardrails of any kind for the establishment of “procedures for the processing and
4 counting of mail ballots.” Section 22 provides no uniform statewide standard for processing and
5 counting mail-in ballots by authorizing “standardless” procedures for the processing and counting of
6 mail ballots, without specific state-wide rules designed to ensure uniform treatment.
7

8 67. Therefore, Sections 11 and 12 of AB4 violate Nevada’s Constitutional equal protection
9 clause which requires uniform standards and procedures for processing and counting ballots
10 throughout the State.

11 68. There is no adequate remedy at law for voters in the rural counties. They will suffer serious
12 and irreparable harm to their constitutional rights unless the state is enjoined from implementing and
13 enforcing Sections 11 and 12 of AB4.
14

15 **C. Section 22 provides no “minimal procedural safeguards” to protect against the “unequal
16 evaluation” of mail ballots.**

17 69. The Supreme Court has instructed that the “formulation of uniform rules” is “necessary”
18 because the “want of” such rules may lead to “unequal evaluation of ballots.” *Bush v. Gore*, 531 U.S.
19 98, 106 (2000). This rule applies in Nevada under Nevada’s Equal Protection Constitutional
20 guarantee, Art. 4, § 21.

21 70. Nevertheless, Section 22 provides no “minimal procedural safeguards” to protect against the
22 “unequal evaluation” of mail ballots. *Id.* at 109, 130. Section 22 of AB4 instructs each county or city
23 clerk that they “*may* authorize mail ballots to be processed and counted by electronic means.”
24 Nevada’s counties thus have the option of processing and counting mail ballots by either electronic
25 means (of any kind, apparently) or manually.
26

27 71. Section 22 thus expressly authorizes Nevada’s counties to “use[] varying standards to
28 determine what [i]s a legal vote,” contrary to the U.S. Supreme Court’s uniform rules requirement.

1 *Id.* at 107, 133. Section 22 of AB4 thus violates the Equal Protection Clause, referencing again the
2 Supreme Court of Nevada’s interpretation of the requirement of Section 21 of Article 4 of the
3 Nevada Constitution that “all laws shall be general and of uniform operation throughout the State”
4 to be coextensive with the guarantees of the Equal Protection Clause of the Fourteenth
5 Amendment to the United States Constitution:
6

7 The right to vote is protected in more than the initial allocation of the franchise. Equal
8 protection applies as well to the manner of its exercise. Having once granted the right to vote
9 on equal terms, the *State may not, by later arbitrary and disparate treatment, value one*
10 *person's vote over that of another. It must be remembered that the right of suffrage can be*
11 *denied by a debasement or dilution of the weight of a citizen's vote just as effectively as by*
12 *wholly prohibiting the free exercise of the franchise.*

13 *Bush v. Gore*, 531 U.S. 98, 104-05 (2000), (Emphasis added.)

14 73. In particular, the Equal Protection Clause imposes a “minimum requirement for nonarbitrary
15 treatment of voters” and forbids voting systems and practices that distribute election resources in a
16 “*standardless*” fashion, without “specific rules designed to ensure uniform treatment.” *Bush v. Gore*,
17 531 U.S. 98, 105-06 (2000); *League of Women Voters of Ohio v. Brunner*, 548 F.3d 463, 477-78 (6th
18 Cir. 2008). The United States Supreme Court has instructed that the “formulation of uniform rules”
19 is “necessary” because the “want of” such rules may lead to “unequal evaluation of ballots.” *Id.*

20 74. Section 25 of AB4 provides that “[i]f two or more mail ballots are found folded together to
21 present the appearance of a single envelope,” and “a majority of the inspectors are of the opinion that
22 the mail ballots folded together were voted by one person, the mail ballots must be
23 rejected.” §25.2.

24 ***75. Section 25 provides no guidance or guardrails of any kind for the establishment of***
25 ***standards “a majority of inspectors” should apply to determine whether “the mail ballots folded***
26 ***together were voted by one person.”*** Section 25 thus violates the “minimum requirement for
27 nonarbitrary treatment of voters” by authorizing “standardless” procedures for determining the

28 ///

1 validity of multiple ballots within a single envelope, without “specific rules designed to ensure
2 uniform treatment.” *Bush v. Gore*, 531 U.S. 98, 105-06 (2000).

3 76. Further, Section 25 provides no “minimal procedural safeguards” to protect against the
4 “unequal evaluation” of multiple ballots within a single envelope. *Id.* at 109.

5 77. Section 25 of AB4 thus violates the Equal Protection Clause, Section 21 Article 4 of the
6 Nevada Constitution.

7 78. Sharron Angle will suffer serious and irreparable harm to her constitutional rights unless the
8 state is enjoined from implementing and enforcing Section 25 of AB4.

9
10 **D. AB4 will allow ballots cast after election day to be counted unlawfully**

11 79. AB4, which upends Nevada’s election laws and requires massive changes in election
12 procedures and processes, makes voter fraud and other ineligible voting inevitable. AB4 requires
13 counties to accept and count ballots received after Election Day— including ballots that may have
14 been mailed after Election Day. §§20.1(b)(2), 20.2.

15 80. But the Nevada Constitution ORDINANCE § 5 requires the ballots cast to be counted
16 immediately after the election. That section provides:

17
18 5. Election returns.

19 The Judges and Inspectors of said **elections** shall carefully count each ballot *immediately*
20 after said **elections**, and *forthwith* make duplicate returns thereof to the clerks of the said
21 County Commissioners of their respective Counties. . . .

22 (Emphasis added.)

23 81. AB4 contravenes Section 5 by requiring elections officials to accept and count ballots
24 received after Election Day *even when* those ballots lack objective evidence that voters cast them on
25 or before Election Day. In short, AB4 effectively postpones and prolongs Nevada’s 2020 general
26 election past the Election Day.

27 ///
28

1 82. The Nevada Constitution Art. 4, § 4 entitled “Senators: Election and term of office; eligibility
2 for office, provides:

- 3 1. Senators shall be chosen at the same time and places as members of the Assembly by
4 the qualified electors of their respective districts, and their term of Office shall be
5 four Years from the **day** next after their **election**.

6 83. The Nevada Constitution, Art. 17, § 10 also provides:

7 At the general **election** in A.D. Eighteen hundred and Sixty Six; and thereafter, the term of
8 Senators shall be for Four Years from the **day** succeeding such general **election**, and
9 members of Assembly for Two Years from the **day** succeeding such general **election**. . . .
See also Nev. Const. Art. 17, § 11 and Nev. Const. Art. 4, § 3.

10 84. AB4 calls into question the term of the elected Assemblymen and Senators because it extends
11 the voting date beyond the one established by law.

12 85. Section 20.2 of AB4 conflicts with the above quoted sections of the Nevada Constitution by
13 permitting absent ballots that have not been postmarked to be counted if they are received by 5:00
14 pm three days after Election Day (based on a presumption that those ballots were mailed on or
15 before Election Day).

16 86. Absent ballots are mailed to the county clerk for the county in which the voter resides. Then
17 the absent ballots are delivered by the U.S. Postal Service via First Class mail. But the estimated
18 delivery time for First Class mail from one place in any Nevada county to another place within the
19 same county is typically less than three days.

20 87. Section 20.2 of AB4 thus allows absent ballots to be cast after Election Day to still be
21 counted as lawfully cast votes in the 2020 general election.

22 88. Thus, Section 20.2 of AB4 is a particularly egregious violation of Nevada’s voting laws
23 because it allows for absentee ballots to be *cast* after Election Day.
24

25 89. What this means is that if a candidate or a party believes that the voting in that candidate’s
26 election is close, they can corruptly gather up unvoted ballots (via ballot harvesting) in that district,
27

28 ///

1 get them completed fraudulently, and then mail them in on the day after the election in order to
2 weight the vote in their favor.

3 **CONCLUSION OF GENERAL ALLEGATIONS**

4 90. Plaintiffs have no adequate remedy at law and will suffer serious and irreparable
5 harm to their constitutional rights unless Defendant is enjoined from implementing and enforcing
6 AB4 § 20.2. It establishes a disparate number of in-person places for early voting and Election Day
7 voting throughout Nevada based on a county's population, resulting in fewer in-person voting places
8 for rural voters. §§11, 12. It fails to establish uniform statewide standards for processing and
9 counting ballots, §22, or for determining whether multiple ballots received in one envelope must be
10 rejected, §25. It also authorizes ballot harvesting. §21. The combined effect of those problematic
11 provisions is to dilute honest votes. Dilution of honest votes, to any degree, by the casting of
12 fraudulent or illegitimate votes violates the right to vote. *Reynolds v. Sims*, 377 U.S. 533, 555
13 (1964); *Anderson V. United States*, 417 U.S. . 211, 226-2794 (1974); *Baker v. Carr*, 369 U.S. 186,
14 208 (1962), *Schlesinger v. Reservists Comm. to Stop the War*, 418 U.S. 208, 223 (1974).
15
16

17 91. The aspects of AB4 identified above facilitate fraud and other illegitimate voting practices
18 for the reasons described above. Those provisions thus dilute the value of honest, lawful votes and
19 therefore, violate the Fourteenth Amendment to the U.S. Constitution, Article 4 Section 21 of the
20 Nevada Constitution and the equal access clause of the voter's rights in Article 2 1A section 9 of the
21 Nevada Constitution.
22

23 92. Because of the aforementioned arguments, AB4 is unconstitutional and Plaintiff Angle will
24 suffer serious and irreparable harm to her constitutional rights unless the state is enjoined from
25 implementing and enforcing AB4.

26 ///

27 ///

1 **CAUSES OF ACTION**

2 **COUNT I**

3 **Violation of NRS 354.599**

4 1. AB4 CONTAINS UNFUNDED MANDATES: AB4 violates Nevada Law
5 prohibiting unfunded mandates from State of Nevada to local governments.
6

7 **NRS states that a “Specified source of additional revenue [is] required under certain**
8 **circumstances when Legislature directs local governmental action requiring additional**
9 **funding.** If the Legislature directs one or more local governments to:

- 10 1. Establish a program or provide a service; or
11 2. Increase a program or service already established which requires additional
12 funding, -- and the expense required to be paid by each local government to establish,
13 provide or increase the program or service is \$5,000 or more, a specified source for
14 the additional revenue to pay the expense must be authorized by a specific statute.
15 The additional revenue may only be used to pay expenses directly related to the
16 program or service. If a local government has money from any other source available
17 to pay such expenses, that money must be applied to the expenses before any money
18 from the revenue source specified by statute

19 2. AB4 does not fully or adequately fund the mandate to local governments to carry out
20 an all-mail-in ballots election, as set forth in paragraphs 54 through 60 of the above complaint.

21 3. Plaintiffs have no adequate remedy at law and will suffer serious and irreparable
22 harm by transferring almost the entire burden of funding the all mail-in ballot election costs, which
23 will result in either an increased tax burden or a decrease in county services to the Plaintiff Sharron
24 Angle unless Defendant is enjoined from implementing and enforcing AB4.

25 **COUNT II**

26 **Violation of the Equal Protection Clause**

27 “The right to vote is protected in more than the initial allocation of the franchise.
28 Equal protection applies as well to the manner of its exercise. Having once granted the right to vote
on equal terms, the State may not, by later arbitrary and disparate treatment, value one person’s vote

1 over that of another. It must be remembered that the right of suffrage can be denied by a debasement
2 or dilution of the weight of a citizen's vote just as effectively as by wholly prohibiting the free
3 exercise of the franchise.” *Bush v. Gore*, 531 U.S. 98, 104-05 (2000). See paragraphs 61-93, set forth
4 above.

5
6 1. AB 4 violates the Nevada Constitution Article 4, § 21 which requires that all laws be
7 general and of uniform operation throughout the state in the following particulars, outlined more
8 fully in the complaint:

9 a. The Unequal Allocation of In-Person Polling Places Does Not Provide Equal
10 Treatment of Voters and thus Unconstitutional

11 b. Standardless Counting Procedures:

12 EQUAL PROTECTION for voters means that a uniform standard for counting and
13 recounting all votes must be established statewide. If ballots are counted under
14 different rules and standards, then the accuracy and reliability of the tabulations will
necessarily vary among the counties.

15 c. Section 22 provides no minimal procedural safeguards to protect against the unequal
16 evaluation of mail ballots: The formulation of uniform rules is necessary because the
17 want of such rules may lead to “unequal evaluation of ballots.” *Bush v. Gore*, 531
U.S. 98, 106 (2000):

18 AB4 Section 22 provides no “minimal procedural safeguards” to protect
19 against the “unequal evaluation” of mail ballots.

20 d. AB4 will allow ballots cast after election day to be counted unlawfully:
21 AB4 makes voter fraud and other ineligible voting inevitable. AB4 requires counties
22 to accept and count ballots received after Election Day— including ballots that may
have been mailed after Election Day. §§20.1(b)(2), 20.2, thus diluting Plaintiffs’
votes.

23 e. AB4 allows for and permits the following fraudulent abuses of election procedures,
24 resulting in dishonest and incorrect voting totals:

25 1. Multiple or Duplicate Voting at Vote Centers;

26 2. Delayed Inactivations and Delayed Cancellations will result in ballots being
27 mailed to persons dead or no longer living at that address;

- 1 3. Same Day Voter Registration: AB4 Sections 11-14 (3) provides insufficient
2 time to authenticate a voters' identity, thus resulting in fraudulent or
3 unauthorized votes being cast;
- 4 4. Registrants Aged 105 or Older and Likely Deceased will be mailed ballots,
5 resulting in living people voting those ballots unlawfully;
- 6 5. Proper Voter Signature Verification Not Required by AB4 Sections 23, 39 and
7 69, resulting in fraudulent voting;
- 8 6. Missing Information on a voter's registration_hinders the state's ability to
9 confirm these registrants' eligibility and to match with death, NCOA and
10 other records required for list maintenance. If a person's signature does not
11 have to be official or legal then there is more possibility of voter
12 impersonation and multiple voting under different signatures, thus diluting the
13 votes of properly identified registered voters.
- 14 7. Opening mail-in ballots and counting them 15 days before the election:
15 Sections 22-27, 39, 48, 49, 69, 79 and 80 resulting in being able to identify
16 who actually cast the ballot.
- 17 8. Ballot Harvesting from the elderly: Sections 19, 28, 29, 35, 56, 57 and 65 of
18 this bill provide that at the request of a voter who has a physical disability, is
19 at least 65 years of age or is unable to read or write . Sections 21, 40, 44, 70
20 and 75 of this bill: (1) allow a voter to authorize any person to return an absent
21 ballot, mailing ballot or mail ballot to the county or city clerk on behalf of the
22 voter; Since age is noted on the registration rolls, those older voters may be
23 targeted by ballot harvesters who may be casting the vote for that person or
24 impersonating their vote. This is a form of ballot harvesting a practice proven
25 to be fraught with fraudulent opportunity to take advantage of older or
26 disadvantaged people.
- 27 9. Other violations of equal protection as set forth in the main body of the
28 complaint.

3. Plaintiffs have no adequate remedy at law and will suffer serious and irreparable harm to their constitutional rights unless Defendant is enjoined from implementing and enforcing AB4.

WHEREFORE, Plaintiffs ask this Court to enter judgment in their favor and provide the following relief:

- a. A declaratory judgment that AB4 violates NRS 354.599 (unfunded mandates) and Nevada Constitution Article 4, § 21, the Equal Protection clause, coextensive with the U.S.

1
2 Constitution's 14th Amendment;

3 b. A preliminary injunction granting the relief prohibiting Defendant from implementing
4 and enforcing AB4 during the pendency of this action;

5 c. A permanent injunction prohibiting Defendant from implementing and enforcing AB4;

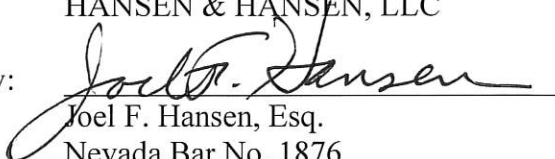
6 d. Plaintiffs' reasonable costs and expenses, including attorneys' fees; and

7 e. All other preliminary and permanent relief that Plaintiffs are entitled to, and that the
8 Court deems just and proper.
9

10 DATED this 1st day of September, 2020.

11 Respectfully submitted,
12 HANSEN & HANSEN, LLC

13 By:


14 Joel F. Hansen, Esq.
15 Nevada Bar No. 1876
16 9030 W. Cheyenne Ave. #210
17 Las Vegas, NV 89129
18 *Attorney for Plaintiffs*
19
20
21
22
23
24
25
26
27
28