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

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

11 Plaintiff,

12 v.

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

16 Defendants

CASE NO. A-20-820510-C  
DEPT. NO. 32

**EXPEDITED HEARING REQUESTED**

17 **APPLICATION FOR EMERGENCY PERMANENT INJUNCTION AND**  
18 **REQUEST FOR EXPEDITED HEARING**

19 COME NOW, the Plaintiffs Election Integrity Project of Nevada, LLC, and Sharron Angle,  
20 by and through their attorney, Joel F. Hansen, Esq., and move this honorable Court for an emergency  
21 permanent injunction, enjoining and commanding the Defendant Secretary of State from carrying  
22 forward the Secretary's and the State of Nevada's intent to certify the results of the presidential  
23 election of November 3, 2020. Furthermore, the entire general election was conducted under the  
24 provisions of an unconstitutional law, AB4, which has now resulted in the denial of equal protection  
25 to many voters in Nevada, as shown below.

26 ///

27 ///

1 **I. INTRODUCTION: FACTUAL, PROCEDURAL, & LEGAL BACKGROUND**

2 The Plaintiffs filed suit their Complaint for a Preliminary Injunction, Permanent Injunction,  
3 and Declaratory Relief on September 1, 2020. Then on September 3, 2020, the Plaintiffs filed an  
4 Application for Emergency Preliminary Injunction and Request for Expedited Hearing. Because the  
5 Court set the hearing on the Preliminary Injunction in the ordinary course, which might have made it  
6 moot by the time it was scheduled to be heard, Plaintiffs then filed, on Sept. 4, 2020, a Motion for a  
7 Temporary Restraining Order, in order to get an expedited hearing. On Sept. 16, 2020m Plaintiffs  
8 filed a Supplemental Brief in Support of the Application for Preliminary Injunction, with additional  
9 facts and arguments. In those four documents, together with their attachments, the Plaintiffs set  
10 forth the statement of jurisdiction, standing, parties, and their general allegations and facts regarding  
11 this matter, as well as their legal arguments and citations in support of their suit. All of the  
12 allegations set forth in the original complaint and in the subsequent documents mentioned are  
13 incorporated herein by reference as though fully set forth herein.  
14  
15

16 At the time of the hearing on the Preliminary Injunction, this Court found that was that the  
17 Plaintiffs had standing to bring the case. The case is now ripe for decision because the election has  
18 occurred and many unauthorized and illegal votes were submitted and counted, thus depriving the  
19 Plaintiff and all Nevada voters of their constitutional right to equal protection. The identity of the  
20 Plaintiff Election Integrity Project has been set forth in prior pleadings. Plaintiff Sharron Angle is a  
21 resident and citizen of Nevada who was properly registered to vote and who did vote in the Nevada  
22 general election held on Nov. 3, 2020. She, along with all legitimate Nevada voters, was deprived of  
23 the equal protection of her voting rights.  
24

25 Essentially, the Plaintiffs' Complaint was that the Court should strike down the recently  
26 enacted Nevada law, AB4. The Plaintiffs stated in Paragraph 9 of the Complaint that "the electoral  
27 process cannot function properly integrity and results in chaos. Simply, the people of Nevada must  
28

1 be able to trust that election results are the product of free and fair elections which are not  
2 determined by corruption and/or fraud accomplished by various practices of scrupulous persons to  
3 gain victory by any means necessary.”

4 The Complaint goes on to allege that AB4 falls far short of ensuring that this standard is met.  
5 In Paragraph 16 of the Complaint, the Plaintiffs allege that AB4 is unconstitutional because it  
6 violates Article 4, Section 21, of Nevada’s Constitution, which guarantees equal protection in  
7 numerous ways. Those ways were outlined in the Complaint, some of which will be set forth below.  
8 Essentially, the Complaint alleges that because of the very loose restrictions imposed by AB4 to  
9 prevent fraud, that fraud would become common and result in widespread illegal ballot casting and  
10 inaccurate vote counting in the upcoming general election.  
11

12 AB4 allows for multiple voting by using sample ballots or “found ballots” wherein various  
13 voters travel from one vote center to another rather than appearing at the precinct where the voter is  
14 registered. 1,289 persons had been identified by EIPN who registered twice in the state.  
15

16 Plaintiffs alleged examples of double voting, where one voter voted twice in an election.  
17 Plaintiffs allege that as many as 1,226 registrants would be mailed two ballots for November 2020.  
18 Paragraphs 26 – 49 outlined many additional methods and ways in which fraud could be and  
19 probably would be committed during the general election.  
20

21 As this Court knows, the Court denied the Plaintiffs’ request for a preliminary injunction,  
22 following which the Plaintiffs filed a Petition for Emergency Writ of Mandamus with the Nevada  
23 Supreme Court on September 25, 2020.

24 The Petition for Writ of Mandamus was denied by the Nevada Supreme Court on October 7,  
25 2020. In the Supreme Court’s Order denying the writ, the Supreme Court stated, “an action must be  
26 ripe for judicial review, meaning that it “presents an existing controversy, not merely the prospect of  
27  
28

1 the future problem.” Citing *Resnick v Nevada Gaming Commission* 104 Nev 60, 65-66, 752 P.2d  
2 229, 232 (1988).

3 The Supreme Court went on to say as follows:

4 The District Court determined that petitioners did not present a ripe controversy  
5 because the harm they alleged was largely hypothetical . . . .”

6 See pg. 4 of the Supreme Court’s Order.

7 The Supreme Court went onto observe that although petitioners argued that certain  
8 provisions of AB4 will make the voting system susceptible to illegitimate votes that would result in  
9 irreparable harm by diluting legitimate votes, they presented” no concrete evidence that such events  
10 will occur or that the Secretary of State’s maintenance of the voter rolls exacerbated any such  
11 problems.”

## 12 **II. ISSUES PRESENTED IN THE PRESENT APPLICATION**

13 1. Was the Nevada general election of 2020 fraught with fraud?

14 Answer: Yes. The evidence presented in the brief below shows that significant fraud  
15 occurred, in that numerous ballots were cast and/or counted illegally.  
16

17 2. What caused and/or allowed this widespread fraud to occur?

18 Answer: The newly enacted vote by mail law, AB 4, as explained below.

19 3. Since AB 4 caused and/or allowed such widespread fraud to occur, does that mean that it  
20 should be declared to be unconstitutional?  
21

22 Answer: Yes, because each fraudulent vote counted results in the dilution of the efficacy of  
23 all of the legal voters’ votes, which denies all legal voters, including the Plaintiffs, the equal  
24 protection of the laws.  
25

26 4. Since AB4 is unconstitutional, how does that affect the general election?

27 Answer: The general election must be declared void, because it was conducted pursuant to  
28 an unconstitutional law, which is void and of no effect ab initio (from the beginning).

1           5.     What remedy should the court give as a result?

2           The court should enter an injunction against the Defendant State of Nevada on relation of  
3 Secretary of State Cegavske preventing her from Certifying the results of the presidential election  
4 and enjoining the electors from casting their votes for president on Dec 12, 2020, and preventing any  
5 Nevada candidate from taking Office.  
6

7           6.     Should the Court order a special election to be held?

8           Answer: It should, because otherwise no one will have been elected. A new election must  
9 be held under the election laws existing before the enactment of AB4.

10       **III.    PLAINTIFF ANGLE AND ALL VOTERS IN THE STATE OF NEVADA HAVE HAD**  
11       **THEIR VOTES DILUTED BECAUSE OF FRAUD WHICH OCCURRED IN THE**  
12       **ELECTION**

13           The evidence which the Plaintiffs are now presenting to the court, and will present to the  
14 court is no longer hypothetical. The Plaintiffs have obtained clear and convincing evidence of fraud  
15 which occurred in the November 3, 2020 general election in Nevada. This evidence is set forth in  
16 the Declaration of Ellen Swenson, dated November 11, 2020, and attached hereto as **Exh. "1"** and in  
17 the "Findings Letter" when the Election Integrity Project of Nevada to Secretary of State Barbara  
18 Cegavske dated November 9, 2020 which is attached hereto as **Exh. "2"**. The Declaration and the  
19 Findings Letter show that 1,411 Californians who had been registered in Nevada who then moved to  
20 California and registered to vote in California then proceeded to vote in the November 3, 2020  
21 general election in Nevada. This is clear and convincing evidence of fraud, since a voter who was  
22 registered in California subsequent to being registered in Nevada cannot then proceed to vote in  
23 Nevada since this person is considered to be a resident of California by registering to vote in  
24 California. In order to vote in Nevada, a person must of have continuously resided in Nevada and in  
25 the county 30 days and in the precinct 10 days next preceding the day of the elections. NRS §  
26 293.495. See also NRS § 293.527.  
27  
28

1 The Declaration of Sharron Angle, the CEO of EIPNV, is attached hereto as **Exh “3”**. Her  
2 declaration shows beyond a doubt the fraud which occurred in the general election. Her declaration  
3 shows how the “Findings Report” was created, referring to all of the voters listed as active on the  
4 voter rolls in Nevada, but who had not voted since 2010 or before. From this, a list of 8027 voters  
5 names were developed who should have been moved to the inactive voter list. Mrs. Angle has now  
6 deployed over 200 Registration Roll Canvassers in Washoe and Clark County to go to the door of  
7 every person on the list. She trained them on how to conduct their canvassing. The goal was to  
8 collect an Incident Report that is also a declaration (See Exhibit F to her declaration) of eyewitness  
9 testimony for evidence purposes in court. This list was sent after the evidence was gathered from the  
10 Nevada voter registration rolls on November 6, 2020. We understand that there is more to be  
11 gathered as votes are recorded and compared to the original list of over 41,040 voters identified on  
12 the July 24,2020 Findings Report, after the evidence was gathered from the Nevada registration rolls  
13 on Nov 6, 2020. What is now being presented to the Court is the evidence which has been gathered  
14 so far, which will be analyzed and summarized and presented to the Court through the expert  
15 testimony of Ellen Swensen. Sharron Angle states this in her declaration at paragraph 12:

18 Based on the findings in the field from our Registration Roll Canvasser we have collected  
19 and submitted Incident Reports. We started canvassing on November 8, 2020 and have found  
20 that so far:

- 21 102 Persons don’t live at the address set forth in their voter registration form ( See Exhibit G)
- 22 6 “voters” are Deceased (See Exhibit H)
- 23 12 Six voters’ listed addresses that are actually abandoned property (See Exhibit I)
- 24 10 Twelve listed addresses that don’t exist (See Exhibit J)
- 25 50 Have moved away (See Exhibit K)
- 26 13 Miscellaneous problems (See Exhibit L)
- 27 59 Not enough information –person wouldn’t answer the door, gated community no  
28 admittance allowed, couldn’t find a neighbor to ask about the person. (See Exhibit M)
- 118 Name/address were verified but a report was submitted anyway (See Exhibit N)

In the past week we have completed the canvassing work in a portion of the zip codes in Washoe and Clark Counties. We are continuing to collect more Incident Reports. Our Registration Roll Canvassers continue to submit their findings.

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1 See **Exh. 3**. This shows the problems which have occurred under the “all mail in balloting”  
2 provisions of AB4. It shows the fraud that has occurred through non-existent voters, dead voters,  
3 voters who don’t live at the listed address voting, fake addresses, etc.

4  
5 In other words, what the Election Integrity Project of Nevada told the court in September was  
6 going to happen in the general election on account of the passage of AB4 has now happened because  
7 of the very loose and ineffective controls against the commission of fraud in the election, which  
8 were in place before the passage of AB4, have largely been removed by AB4, and in fact, have been  
9 encouraged by the provisions of AB4, and thus widespread fraud has occurred in the general election  
10 in Nevada. These out of state voters were mailed Nevada ballots even though they now lived in  
11 California, and they proceeded to vote those ballots fraudulently. This clearly illustrates the problem  
12 caused by the mass mailing of ballots to all voters—there is nothing to guarantee that all of the  
13 ballots mailed out will be received by voters who are legitimately and currently registered to vote.  
14

15 These volunteers are using the list of over 8,000 voters developed by Ellen Swensen  
16 investigating the casting of 8,000 votes by individuals identified in another declaration of Helen  
17 Swensen, expert analyst for EIPNv, dated September 30, 2020, which is attached as Exhibit 3 to  
18 Plaintiffs’ Application for Emergency Temporary Restraining Order, filed with the Court on  
19 September 4, 2020. In paragraph 18, Ellen Swensen stated that there were 41,040 Nevada  
20 registrants whose inactivity suggested that they have relocated or been deceased and may be eligible  
21 for inactivation or cancellation. Now, it has been determined that 8,000 of those persons actually  
22 voted in the November 3, 2020 general election. Currently, numerous volunteers are on the street  
23 investigating those votes and voters to see whether the addresses which they listed on their  
24 registration form were false or non-existent, whether they were duplicate registrants, whether they  
25 are identified as not living in the house which they claim to live in at the time they registered,  
26 whether they are deceased, and so on. In other words, EIPNv volunteers are out going to each of  
27  
28

1 these persons' alleged residences and finding out, face to face, whether they live there, or whether  
2 there even is such an address, and so on. Another declaration from Ellen Swensen will be filed with  
3 the Court forthwith, setting forth her method of identification of these 8,000 voters who should not  
4 have voted in the general election.  
5

6 The Declaration of Sharron Angle attached hereto as **Exh. "3"**, shows the current status of  
7 the investigation of fraud which is occurring as the drafting of this Application for Permanent  
8 Injunction is being prepared. More data will be gathered by the volunteers in the days to come.  
9 Those results will be presented to the court in supplements to this Application as soon as possible,  
10 probably within days of the filing of this application.  
11

12 So, it is now known that widespread fraud occurred in the general election in Nevada.  
13 1,411 persons who were registered to vote in California went ahead and voted in Nevada. Hundred  
14 and probably thousands of illegally cast ballots will soon be identified. These votes are fraudulent  
15 votes which should not have been counted and which should not be included in any canvas of the  
16 voting in Nevada. In short order, the Plaintiffs will present evidence of thousands of other votes  
17 which were cast fraudulently as set forth above.  
18

19 Plaintiffs cannot ferret out all of the instances of fraudulent voting in Nevada. But what  
20 these results show that AB4 created voting procedures in Nevada which have established system  
21 fraud due to the fact hundreds of thousands of ballot by mail ballots were mailed to all voters in  
22 Nevada, which led to ability of unscrupulous ballot harvesting or other means by which non-existent,  
23 not present and deceased voters ballots were cast in the general election. There is no way to know,  
24 under these circumstances, what the actual vote count should have been—when systemic fraud  
25 corrupts the whole election, the only remedy is for the Court to void this election and order that a  
26 new election be held.  
27

28 ///



1 **IV. AB4 CAUSED AND/OR ALLOWED WIDESPREAD FRAUD TO OCCUR**

2 The Court stated in the hearing on the application for preliminary injunction that it could not  
3 rule in favor of the Plaintiffs because there was no evidence of fraud. The Plaintiffs argued at that  
4 time that there was plenty of evidence from other states that fraud occurs when laws similar to AB4  
5 are in force mandating mass ballot by mail voting coupled with other provisions which destroy  
6 traditional safeguards against fraud. Evidence that 1,411 California residents/registered voters  
7 actually voted in Nevada in our general election. Each one of those ballots diluted the votes of the  
8 legitimate voters of Nevada because they were cast by persons which were voting illegally, under  
9 NRS § 293.495. Because of the requirement that all registered voters be mailed ballots, and these  
10 persons were still registered, they received ballots by mail, and then they voted illegally. Had the  
11 traditional in-person voting laws not been superseded by AB4, these people would have had to  
12 actually show up at the polls to vote. That would have been highly unlikely, since they were living  
13 in California. Had they not received the vote by mail ballots in the mail, undoubtedly forwarded to  
14 them, they would not have voted. Or the ballots were received at their prior address, and the ballot  
15 was voted by the new resident, or was somehow harvested and then voted. AB4 allows any of these  
16 scenarios to exist. But what we do know is that these California residents voted illegally, thus  
17 stealing votes from legitimate Nevada voters.  
18

19  
20  
21 Another of these provisions is the one which allows for ballot harvesting, which means that  
22 anyone can present numerous ballots at the polling centers gathered from any source whatsoever.  
23 See AB4 Sections 21, 40, 44, 70 and 75 of this bill which allow a voter to authorize *any person* to  
24 return an absent ballot, mailing ballot or mail ballot to the county or city clerk on behalf of the voter.  
25 See also other sections of AB4 cited in paragraph 41 of the Complaint. When this occurs, it is  
26 impossible to verify the legitimacy of the ballots. When these mail in ballots are received, nothing is  
27 known as to whether or how they were harvested, whether they were ever received or claimed by  
28

1 their intended recipient, whether the harvester obtained ballots which had never been properly  
2 delivered to a voter and voted himself, whether the harvester paid individuals to vote a certain way,  
3 whether the person allegedly submitting the ballot has passed away, and so forth *ad nauseum*.

4  
5 Currently, the Election Integrity Project is in process of finding out the answers to these  
6 questions and thus the instances of fraud which have occurred, such as persons who are passed away  
7 having voted, persons who do not live in the address listed, addresses listed on their application  
8 forms which actually do not exist, and so on. If those ballots were voted, of which 8,000 of the ones  
9 identified in Ellen Swensen’s original declaration were, then how did they get voted? We already  
10 know that 1,411 of the ballots received had been sent to California voters who proceeded to vote  
11 them in Nevada. Now, the investigators for EIPNV are gathering information which will show that  
12 many of the ballots mailed out by the registrar to dead persons, persons who did not live at that  
13 address, to addresses which do not exist, and so on. In other words, these ballots were not cast by  
14 legitimate voters—they were cast fraudulently by people living at the outdated or phony address or  
15 by ballot harvesters who somehow intercepted them, filled them out, and mailed them in.

17 **A. Experience in other states shows the evils of laws similar to AB4**

18 The following information and argument was presented to this Court in Plaintiffs’  
19 Supplemental Brief in Support of the Motion for Preliminary Injunction. Considering the fraud  
20 which has now occurred in Nevada, Plaintiffs’ believe that this information should again be  
21 presented to this Court as below:  
22

23 .....

24 **THE VOTE BY MAIL PROCESS CREATES NUMEROUS OPPORTUNITIES**  
25 **FOR FRAUD<sup>1</sup>**

26 **A. Every Lawfully Cast Vote Accurately Counted**

27  
28 <sup>1</sup> The following section is quoted, mostly verbatim, from the Amici brief attached as Exh. 6, with sections not relevant to this case omitted.

1 The Motto of the Election Integrity Projects is “Every Lawfully Cast Vote Accurately  
2 Counted.” Ballot harvesting flouts that principle by facilitating unlawful voting through undue  
3 influence duplicative votes from out-of-date registrations, and other tactics discussed below.

4 Vote-by-mail or “absentee” voting, while becoming fashionable nationally as a method of voting, is  
5 particularly vulnerable to corruption such as vote manipulation, voter intimidation and fraud. What  
6 began decades ago as an ad hoc exemption for individual voters who would be absent from their  
7 locale on election day has ballooned into common practice or even the legal standard. And states  
8 vary in how they regulate this type of voting. Ballots are mailed to voters (sometimes without their  
9 request or knowledge) and are left in unsecured mailboxes. Once completed, these ballots can sit in  
10 mailboxes for hours before collection.  
11

12 The Court need look no further than the state of California-as the model for what occurs  
13 when most protections are removed. In 2018, lax voting protections, a failure to properly implement  
14 a new voter registration system and systematic failures to ensure accurate voter rolls led to  
15 widespread voter confusion and possible disenfranchisement.  
16

17 The vote-by-mail process contains opportunities for fraud that are not present in traditional  
18 voting. Again, ballots are sometimes delivered and left unsecured in mailboxes in high population  
19 density locales. Opportunities to illicitly collect and complete these ballots abound. Further,  
20 sophisticated entities can train and deploy operatives to visit these communities and collect ballots –  
21 and in the process – exert undue influence on vulnerable voters. Opportunities for fraud abound  
22 when individuals vote by mail ballot. *U.S. Elections: Report of the Commission on Federal Election*  
23 *Reform* 46 (2005) (“Carter – Baker Report”).<sup>2</sup> Voting occurs outside the strictly regulated confines  
24 of the precinct, where election officials guard against undue influence and electioneering, ensure  
25  
26

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27 <sup>2</sup> Available at  
28 <https://www.legislationline.org/download/id/1472/file/3b50795b2d0374cbef5c29766256.pdf> (last  
visited May 20, 2020).

1 compliance with voting laws and maintain chain of custody of ballots. For these reasons, the  
2 absentee ballot process “remains the largest source of potential voter fraud.” *Id.* Fraud occurs in  
3 several ways. First, blank ballots mailed to wrong addresses or apartment buildings can be  
4 intercepted. *Id.* Second, voters are particularly susceptible to pressure or intimidation when voting at  
5 home or at a nursing home. *Id.* Finally, third-party organizations can operate illicit “vote buying  
6 schemes” that are “far more difficult to detect when citizens vote by mail.” *Id.*  
7

8 Even a study skeptical of the incidence of voter fraud generally acknowledge the dangers in  
9 vote-by mail. It notes that when fraud does occur, “absentee ballots are the method of choice.” *The*  
10 *American Voting Experience: Report and Recommendations of the Presidential Commission on*  
11 *Election Administration* 56 (2014).<sup>3</sup> Other factors contribute to voting system vulnerabilities.  
12 Millions of voters’ names appear on multiple state voter registration lists because states do not  
13 routinely share registration data. *Id.* at 28 (2014). In 2012, the Pew research foundation found that  
14 about 24 million (one in eight) voter registrations were no longer valid or contained significant  
15 inaccuracies with 1.8 million deceased individuals listed on voter rolls and 2.75 million names on  
16 registrations in more than one state. Pew Center on the States, *Inaccurate, Costly and Inefficient:*  
17 *Evidence that America’s Voter Registration System Needs an Upgrade* (February 2012).<sup>4</sup> Data  
18 analysis of Arizona’s voter rolls found, as of October 2019:  
19

- 20 - 2,289 deceased voters on the voter rolls.
- 21 - 315 double votes cast in 2018 across state lines.
- 22 - 85 double votes cast in 2018 across county lines.
- 23 - 3,277 double votes cast in 2016 by individuals with two active registrations at
- 24
- 25
- 26

27 <sup>3</sup> Available at [https://elections.delaware.gov/pdfs/PCEA\\_rpt.pdf](https://elections.delaware.gov/pdfs/PCEA_rpt.pdf) (last visited May 20, 2020).

28 <sup>4</sup> Available at [https://www.pewtrusts.org/~media/legacy/uploadedfiles/pes\\_assets/2012/pewupgradingvoterregistrationpdf.pdf](https://www.pewtrusts.org/~media/legacy/uploadedfiles/pes_assets/2012/pewupgradingvoterregistrationpdf.pdf) (last visited May 22, 2020).

1 the same address.

2 - 3,077 double votes cast in 2018 by individuals with two active registrations  
3 at the same address.

4 - 884 voters using commercial addresses as their residence.

5  
6 (Public Interest Legal Foundation, Letter to Arizona Secretary of State, Katie Hobbs, May 26, 2020.)

7 Data from the U.S. Election Assistance Commission (EAC) for the November 2018 election  
8 show Arizona had 642,210 unaccounted-for vote-by-mail ballots, or 24% of all domestic absentee  
9 ballots mailed in the November 2018 election.<sup>5</sup> These registration errors make an already vulnerable  
10 voting system even more susceptible to fraud. Should ineligible individuals receive vote-by-mail  
11 ballots, harvesting groups can easily exploit the situation and commit wholesale voter fraud. Such  
12 exploitation has occurred in the past. In 2004, for example, 1,700 voters registered in both New York  
13 and California requested vote-by-mail ballots to be mailed to their home in the other state with no  
14 investigation. Carter-Baker Report at 12. Vote-by-mail ballots mailed to addresses of those who  
15 have moved or died are vulnerable to ballot harvesting.

16  
17 Unaccounted-for ballots are currency to harvesters. The Court itself has recognized the effect  
18 ballot harvesting can have on elections. *Crawford v. Marion County Election Bd.*, 553 U.S. 181,  
19 195-196 (2008) (noting that fraudulent voting in the 2003 Democratic primary for East Chicago  
20 Mayor – “perpetuated using absentee ballots” – demonstrated “that not only is the risk of voter fraud  
21 real but that it could affect the outcome of a close election”).  
22

23 **B. California serves as a warning of the dangers of unchecked and unregulated**  
24 **vote-by-mail voting.**

25 Consider the problems as extensively documented in California. In 2016, California amended  
26 its election laws to permit any individual to return the mail ballot of another with no limitation as to  
27

28 <sup>5</sup> Data obtained from Election Assistance Commission and tabulated by EIPCa. Data available at  
<https://www.eac.gov/research-and-data/studies-and-reports> (last visited May 22, 2020).

1 the number of ballots collected or relationship to the voter. 2016 Cal. Stat. AB-1921.<sup>6</sup> Ballot  
2 collectors can be paid by any source so long as compensation is not based on the number of ballots  
3 collected. Cal. Elec. Code § 3017(e)(1). Next, California’s Voter’s Choice Act (VCA) encouraged  
4 counties to shift to vote-by-mail. 2016 Cal. Stat. SB-450. Under the VCA, the state will  
5 automatically send each registered voter a ballot 28 days before the election. Voters can, in turn,  
6 return their ballot by mail, take the ballot to a drop-off location, or cast it in-person at a designated  
7 county vote center. *Id.* California’s liberal ballot-collection laws and its failure to both maintain  
8 accurate voter registration records and properly implement the VCA combined to create the perfect  
9 storm on election day 2018.<sup>7</sup> *Amici* has documented over 1,000 incidents of voters – mainly in  
10 southern California counties – forced to arrive at the polls in-person on election day in 2018 because  
11 they had not received their vote-by-mail ballots.  
12

13  
14 San Bernardino county admitted to *Amici* that it failed to send 1,129 ballots to its voters.  
15 California has never accounted for these missing vote-by-mail ballots and has since implemented a  
16 “Where’s My Ballot?” app to allow voters to track their vote-by-mail ballots.<sup>8</sup>

17 As expected, the lack of any significant regulation on the vote-by-mail process led to  
18 widespread “ballot harvesting” in California in 2018. Political operatives, “known as ‘ballot brokers’  
19 identify specific locations, such as large apartment complexes or nursing homes” to exploit the  
20 voting process. U.S. House of Representatives Committee on House Administration Republicans,  
21 *Political Weaponization of Ballot Harvesting in California 2* (May 14, 2020) (“Committee  
22

23  
24  
25 \_\_\_\_\_  
26 <sup>6</sup> This is identical to AB4 §19(2), the only difference being that the voter must be over 65, disabled,  
or illiterate. But there is no requirement that the voter or the harvester prove these limitations, thus  
leaving this procedure wide open for wholesale fraud.

27 <sup>7</sup> Similar failures in Nevada are documented in Plaintiffs’ previous Motions and in Exh. 6.

28 <sup>8</sup> Available at <https://www.sos.ca.gov/elections/ballot-status/wheres-my-ballot/> (last visited May 20,  
2020). In Clark County, over 500,000 ballots were unaccounted for in the 2020 primary election.  
See Declaration of Sharron Angle under §8 finding #10.

1 Report”).<sup>9</sup> After establishing relationships with individuals in these locations, ballot brokers would  
2 “encourage, and even assist, these unsuspecting voters in requesting a mail-in ballot; weeks later  
3 when the ballot arrives in the mail the same ballot brokers are there to assist the voter in filling out  
4 and delivering the ballot.” *Id.* As noted in the Committee Report, “[t]his behavior can result in undue  
5 influence in the voting process and destroys the secret ballot, a long-held essential principle of  
6 American elections intended to protect voters.” It continued, “These very scenarios are what anti-  
7 electioneering laws at polling locations are meant to protect against. A voter cannot wear a campaign  
8 button to a polling location, but a political operative can collect your ballot in your living room?” *Id.*

9  
10 In addition to the above, one more section from the Supplemental Brief is particularly  
11 germane in the present circumstances. It is the letter of Linda Paine of the Election Integrity Project  
12 of California:

13  
14 **Election Integrity Project of California Letter to Landmark Legal Foundation Provides  
15 Further Evidence of Voting Fraud Allowed By Ballot Harvesting**

16 Linda Paine’s letter of EIPCa to the Landmark Legal Foundation is attached was attached as  
17 Exh. 6 to Plaintiffs’ Supplemental Brief in Support of the Application for Preliminary Injunction,  
18 filed with the Court on 9-16-2020. It sets forth very specific information about the threats to  
19 election integrity from “ballot harvesting” allowed in California. Each statement in this letter is well  
20 documented by references attached to the back of the letter, which can be supplied to the Court upon  
21 request. In short, Linda Paine’s letter shows the following threats posed by ballot harvesting and  
22 possibilities for fraud inherent therein. (Vote by Mail Ballots are abbreviated as VBM throughout the  
23 letter.) The salient points are as follows:

- 24  
25 1. VBM ballots mailed to addresses of those who have moved or died can be easily  
26 accessed by harvesters for unlawful purposes.

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28 <sup>9</sup> Available at [https://www-cdn.law.stanford.edu/wp-content/uploads/2020/04/SLS\\_Signature\\_Verification\\_Report-5-15-20-FINAL.pdf](https://www-cdn.law.stanford.edu/wp-content/uploads/2020/04/SLS_Signature_Verification_Report-5-15-20-FINAL.pdf) (last visited May 22, 2020). See also Declaration of Dawn Hansen, attached as Exh 7

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- 2. Duplicate registrations result in voters mailed more than one VBM ballot that harvesters can exploit. These “extra ballots can be exploited by harvesters since the voter is in the system as two different people and such double voting cannot easily be detected.
- 3. (#3 is omitted here because it deals with California’s Motor Voter law.)
- 4. High levels of suspected ballot harvesting were co-incident with high levels of “missing” VBMs in the November 2018 election. Thousands of ‘missing’ VBMs that were not voted may have given ‘harvested’ VBMs a higher percent of total VBMs countered and affected the final outcomes of several November 2018 races. This underscores the need to protect the chain of custody of all VBMs, not just those vulnerable to harvesting.
- 5. There is no effective deterrent in California preventing voter impersonation by harvesters signing stray or stolen VBM ballots California’s lack of clear and consistent signature verification standards invites VBM voter ballot tampering and possibly fraud.
- 6. Stray VBM ballots acquired by harvesters can be used to vote in person and avoid the signature match requirement. Because there is no voter ID, the harvester can simply surrender the blank VBM ballot and envelope and vote in person without proof the VBM is his.
- 7. There are no effective identification requirements for harvesters in California, so they cannot be monitored.

Final thoughts: secure elections are at the foundation of our republic. Elections determine those who represent “we the people” in government.

This letter from Linda Paine strikingly illustrates how legitimate ballots cast by properly registered voters, cast without the improper influence of unscrupulous political operatives, will be greatly diluted, thus resulting in the loss of equal protection for the lawful, legitimate votes cast by properly qualified and registered voters.

.....

Many of the abuses described above have now occurred in Nevada, the evidence of which has been presented to the Court herewith, and more will be presented in the coming days as it becomes available.

The dissent in the case of *Democratic Nat’l Comm. v. Hobbs* sets forth a compelling case against allowing unchecked voting by mail. It is attached hereto as **Exh. 4**. The heart of the dissenting opinion states:



1 I don't see how Arizona can be said to have violated the VRA when it followed  
2 bipartisan recommendations for **election** reform in an area the Carter-Baker  
3 Commission found to be fraught with the risk of voter **fraud**. Nothing could be more  
4 damaging to confidence in our **elections** than **fraud** at the ballot box. And there is  
5 evidence that there is voter **fraud** in the collecting of absentee ballots. As the Seventh  
6 Circuit described it: "Voting **fraud** is a serious problem in U.S. **elections** generally . .  
7 . . and it is facilitated by absentee voting. . . . [A]bsentee voting is to voting in person  
8 as a take-home exam is to a proctored one." *Griffin*, 385 F.3d at 1130-31; *see*  
9 *also Wrinn*, 440 A.2d at 270 ("[T]here is considerable room for **fraud** in absentee  
10 voting and . . . a failure to comply with the regulatory provision governing absentee  
11 voting increases the opportunity for **fraud**." (citation omitted)); *Qualkinbush v.*  
12 *Skubisz*, 357 Ill. App. 3d 594, 826 N.E.2d 1181, 1197, 292 Ill. Dec. 745 (Ill. App. Ct.  
13 2004) ("[T]he integrity of a vote is even more susceptible to influence and  
14 manipulation when done by absentee ballot."); Adam Liptak, *Error and Fraud at*  
15 *Issue as Absentee Voting Rises*, N.Y. Times (Oct. 6, 2012),  
16 <http://nyti.ms/QUberg> [\*\*192] (discussing a variety of problems in states).

Organized absentee ballot **fraud** of sufficient scope to corrupt an **election** is no  
doomsday hypothetical: it happened as recently as 2018 in North Carolina. In the  
state's Ninth Congressional District, over 282,000 voters cast ballots, either in person  
or absentee. *See* Brief of Dan McCready at 7, *In re Investigation*  
*of Election Irregularities Affecting Ctys. Within the 9th Cong. Dist.* (N.C. State Bd.  
of **Elections** Feb. 12, 2019) [hereinafter McCready Br.].

14 *Democratic Nat'l Comm. v. Hobbs*, 948 F.3d 989, 1069-1072, 2020 U.S. App. LEXIS 2470, \*188-  
15 196, 2020 WL 414448 (Dissenting opinion.)

16  
17 **V. SINCE AB 4 CAUSED AND/OR ALLOWED SUCH WIDESPREAD FRAUD TO**  
18 **OCCUR, IT MUST BE DECLARED UNCONSTITUTIONAL**

19 Section 21 of Article 4 of the Nevada Constitution provides that "all laws shall be general  
20 and of uniform operation throughout the State." This provision has been declared to be coextensive  
21 with the guarantees of the Equal Protection Clause of the Fourteenth Amendment to the United  
22 States Constitution. The standard for testing the validity of legislation under the equal protection  
23 clause of the state constitution is the same as the federal standard. *Barrett v. Baird*, 111 Nev. 1496,  
24 1499, 908 P.2d 689, 692, 1995 Nev. LEXIS 182, *Rico v. Rodriguez*, 121 Nev. 695, 702-03, 120 P.3d  
25 812, 817 (2005). Equal Protection requires equal access for all voters to elections.

26  
27 The right to vote is protected in more than the initial allocation of the franchise. Equal  
28 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 over that of another. It must be remembered that the right of suffrage can be*

1           ***denied by a debasement or dilution of the weight of a citizen's vote just as effectively as***  
2           ***by wholly prohibiting the free exercise of the franchise.***

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

4           The U. S. Supreme Court also correctly observed in *Purcell v. Gonzalez*, 549 U.S. 1, 4  
5 (2006): “Voter fraud drives honest citizens out of the democratic process and breeds distrust of our  
6 government.” The Supreme Court of the United States has made this clear in case after case. *See*,  
7 *e.g.*, *Gray v. Sanders*, 372 U.S. 368, 380 (1963) (every vote must be “protected from the diluting  
8 effect of illegal ballots.”); *Crawford v. Marion Cnty. Election Bd.*, 553 U.S. 181, 196 (2008)  
9 (plurality op. of Stevens, J.) (“There is no question about the importance of the State’s interest in  
10 counting only the votes of eligible voters.”) *accord Reynolds v. Sims*, 377 U.S. 533, 554-55 & n.29  
11 (1964). Justice Souter observed that mail-in voting is “less reliable” than in-person voting.  
12 *Crawford*, 553 U.S. at 212, n.4 (Souter, J., dissenting) (“[E]lection officials routinely reject  
13 absentee ballots on suspicion of forgery.”); *id.* at 225 (“[A]bsentee-ballot fraud . . . is a documented  
14 problem in Indiana.”). *See also Veasey v. Abbott*, 830 F.3d 216, 239, 256 (5th Cir. 2016) (en banc)  
15 (“[M]ail-in ballot fraud is a significant threat” — so much so that “the potential and reality of fraud  
16 is much greater in the mail-in ballot context than with in-person voting.”). *See also id.* at 263  
17 (“[M]ail-in voting . . . is far more vulnerable to fraud.”); *id.* (recognizing “the far more prevalent  
18 issue of fraudulent absentee ballots”).

19           By removing restrictions designed to prohibit fraud in our elections, and by replacing them  
20 with vote by mail ballots which are open invitations for fraud, which invitation is often accepted and  
21 acted upon in various ways, as discussed above. Evidence that California registered voters voted in  
22 Nevada’s general election has been presented above. This was made possible by AB4’s mass vote  
23 by mail sending of ballots to all registered voters with proper verification and without providing any  
24 effective method for verifying the legitimacy of the ballot. More evidence of this fraud will be  
25 presented in the very near future to this court by the Plaintiffs. AB 4 is unconstitutional because it  
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1 allows and encourages the dilution of “the weight of a citizen’s vote just as effectively as by wholly  
2 prohibiting the free exercise of the franchise.”

3 **VI. THE GENERAL ELECTION MUST BE DECLARED VOID, BECAUSE IT WAS**  
4 **CONDUCTED PURSUANT TO AN UNCONSTITUTIONAL LAW WHICH**  
5 **COUNTENANCED, PERMITTED, AND EVEN ENOURAGED FRAUD**

6 In *McClendon v. Hodges*, a 2008 **election** case from the Kentucky Supreme Court that  
7 discussed the standards by which courts should determine whether to eliminate ballots or declare an  
8 entire **election void**. See 272 S.W.3d 188 (Ky. 2008). In *McClendon*, the Kentucky Supreme Court  
9 wrote:

10 Though Kentucky courts are reluctant to declare an **election void**, our case law has  
11 long established that this extreme remedy is nonetheless necessary when it is  
12 impossible to fairly discern a winner. The established rule is that where, after giving  
13 the evidence of fraud (or irregularities) its fullest effect, and fraudulent or illegal  
14 votes may be eliminated, and *the result of the election be fairly ascertained from*  
15 *votes which were regular or untainted*, the court should not go to the extreme of  
16 declaring the **election void**. Even when evidence of fraud is limited to only a portion  
17 of the electorate or to specific precincts, it may nonetheless be necessary to set aside  
18 the entire **election**.

19 *Id.* at 191-92 (citations and internal quotation marks omitted) (emphasis in original). Warf v. Bd. of  
20 Elections, 619 F.3d 553, 563, 2010 U.S. App. LEXIS 18231, \*24-25, 2010 FED App. 0279P (6th  
21 Cir.). In that case, the Kentucky Court had devised a remedy for the fraud that had occurred  
22 concerning the mail in ballots in the election. In affirming this decision, the Federal Court set forth  
23 this insightful discussion:

24 As for the Warf appellants' challenge to the remedy devised in this case, in each of  
25 the cases deciding challenges to incumbent county clerks' handling of absentee  
26 balloting, the Kentucky courts have permitted the voiding of all absentee  
27 ballots. See *Parrigin*, 457 S.W.2d at 508; *Arnett*, 425 S.W.2d at 553; *Crowe*, 305  
28 S.W.2d at 276. Indeed, it appears that in several other cases involving absentee ballot  
irregularities the Kentucky courts have determined that the voiding of absentee  
ballots was the appropriate remedy. See *Hale v. Goble*, 356 S.W.2d 33, 35 (Ky.  
1962); [\*563] *Kincer v. Holbrook*, 307 S.W.2d 922, 924 (Ky. 1957); *Pickard*, 243  
S.W.2d at 49-50. In *Kincer*, for example, the Kentucky Court of Appeals considered a  
county clerk's failure to properly lock the absentee ballot box and the fact that he had  
sole possession of all duplicate sets of keys for the ballot [\*\*24] box. 307 S.W.2d at  
923. The court noted that "[t]he meticulous system [created by the absentee voter  
law] recognizes that absentee voting is a risky method. Unless the statutory  
provisions be strictly followed, there is greater opportunity for persons of evil design

1 to corrupt the ballot." *Id.* at 924 (citation and internal quotation marks omitted). It  
2 then affirmed the trial court's decision to invalidate the absentee ballots. *Id.*

3 It is therefore evident that the Green Circuit Court's decision to void all absentee  
4 ballots cast in the election reasonably applied applicable Kentucky case law. The  
5 court appropriately looked to analogous state cases and applied the careful scrutiny to  
6 incumbent county clerks described therein. We therefore cannot conclude that Green  
7 Circuit Court's decision to void the absentee ballots in this case rises to a level of  
8 fundamental unfairness in violation of Due Process.

9 Other Courts have ruled in a similar fashion. Attached as **Exh. 5** is an article from the associated  
10 Press regarding a court ruling in New Jersey in which the judge ruled that a new election would be  
11 held due to voter fraud. Alex Mendez had won a special election on May 12 to fill the seat but  
12 claims of voter fraud were soon raised. An investigation was then launched after the U.S. Postal  
13 Service's law enforcement arm told the state attorney general's office about hundreds of mail-in  
14 ballots located in a mailbox in Paterson, along with more found in nearby Haledon. Ultimately, the  
15 Passaic County Board of Elections decided not to count 800 ballots cast in the race. A new election  
16 was ordered in a disputed North Carolina race as reported by Emery Dales in an article on Feb. 19,  
17 2019. The new election was ordered as a result of illegal ballot harvesting. Twitter  
18 at <http://twitter.com/emerydalesio> and <https://apnews.com/search/emery%20dalesio>. See also  
19 *Warf v. Bd. of Elections*, 619 F.3d 553, 562-563, 2010 U.S. App. LEXIS 18231, \*23-24, 2010 FED  
20 App. 0279P (6th Cir.), 13-14. See also *Emery v. Robertson County Election Com.*, 586 S.W.2d 103,  
21 105, 1979 Tenn. LEXIS 491 (The courts are authorized to void an election for fraud); *Wood v.*  
22 *Kirby*, 566 S.W.2d 751, 751, 1978 Ky. LEXIS 364 (The court held the election void because proper  
23 tabulation of votes could not be done with a reasonable degree of certainty. The court found fraud  
24 because of election officials failure to keep voting machines maintained which resulted in no ability  
25 to verify the results of the voting.); *In re Protest of Election Returns & Absentee Ballots in the*  
26 *November 4*, 707 So. 2d 1170, 1171, 1998 Fla. App. LEXIS 2408 (It makes no difference  
27 whether election fraud is committed by candidates, election officials, or third parties. The evil to be  
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1 avoided is the same, irrespective of the source. As long as the fraud, from whatever source, is such  
2 that the true result of the election cannot be ascertained with reasonable certainty, the ballots affected  
3 should be invalidated.); *Larson v. Locken*, 262 N.W.2d 752, 756, 1978 S.D. LEXIS 150 (To permit  
4 the handling of ballots in a manner which circumvents the plain purpose of the law, would constitute  
5 an invitation to fraud. Therefore, in this election one cannot condone the above actions by declaring  
6 them minor irregularities, and the only way to remedy this situation is not only to invalidate the  
7 absentee ballots, but to affirm the trial court order requiring a new election.); *Shoaf v. Bringle*, 192  
8 Tenn. 695, 241 S.W.2d 832, 1951 Tenn. LEXIS 317 (sufficient evidence of fraud voids an election);  
9 *Fleming v. Anderson*, 187 Va. 788, 790, 48 S.E.2d 269, 270, 1948 Va. LEXIS 268 (Because of  
10 the fraud and irregularities, the election was void); *State ex rel. Whisonant v. Belue*, 138 S.C. 393,  
11 401, 136 S.E. 641, 644, 1926 S.C. LEXIS 230 (finding that the election was so permeated  
12 with fraud that it was absolutely void and mandating that a new election be held.); *Gonzalez v.*  
13 *Villarreal*, 251 S.W.3d 763, 2008 Tex. App. LEXIS 921 (counting of illegally cast votes rendered  
14 election void, new election ordered) and many, many other similar cases to numerous to mention  
15 here.

## 18 **VII. THIS COURT HAS THE AUTHORITY TO ORDER A NEW ELECTION**

19 The Nevada Supreme Court has long recognized that the Courts in Nevada have the authority  
20 to order a to order new election should the outcome of the first election be placed in doubt. *La Porta*  
21 *v. Broadbent*, 91 Nev. 27, 530 P.2d 1404, 1975 Nev. LEXIS 536. The weight of **authority** in this  
22 country is that the courts have general and original jurisdiction to inquire into the regularity and  
23 validity of elections. The court has the power to declare the election order void and order a  
24 new election. *Lynip v. Buckner*, 22 Nev. 426, 434, 41 P. 762, 763, 1895 Nev. LEXIS 23. This  
25 appears to be the only remedy available to Plaintiff Angle, because her vote and the votes of all  
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1 legitimate voters in Nevada were unconstitutionally diluted due to the enactment of AB4, which  
2 allowed, encourage, countenanced, and even promoted fraud in the general election.

### 3 CONCLUSION

4 At the time of Plaintiffs' Application for a Preliminary Injunction, this court felt that it could  
5 not grant the Motion for Preliminary Injunction because the evidence at that time was speculative.  
6 The evidence is no longer speculative because the Plaintiffs have proof positive that numerous  
7 ballots cast in this election were fraudulent. In turn, this proves that AB4 opened the door for  
8 widespread fraud that caused the dilution of all of the ballots cast by legitimate voters. It has been  
9 abundantly shown above that AB4, and similar laws in the various states of the Union, countenance,  
10 permit, and even encourage fraud. These laws do this in the various ways illustrated above.  
11 Plaintiffs have shown, and will continue to show, that fraud was committed in this election. It is not  
12 possible to prove fraud in every single precinct in the State--this would be an impossible task. What  
13 the Plaintiffs have shown is a sampling of the fraud among over 8,000 voters, 1,411 of whom voted  
14 illegally in Nevada after moving to California and many others who did not live in the home listed  
15 on their voter registration, or the address was false, or the voter has passed away, etc.. Extensive  
16 evidence has been presented to this Court of extensive fraud.

17 Thus, irreparable harm will result to the Plaintiffs and to all voters in the State of Nevada if  
18 the Secretary of State and the State of Nevada are allowed to certify the election as being valid, since  
19 the AB4 procedure according to which the election was carried out, which allowed and even  
20 encouraged widespread fraud to occur, thus diluted the votes of every Nevadan who voted legally in  
21 the election. It was thoroughly explained in the prior pleadings of the Plaintiffs why this dilution of  
22 their votes violated the equal protection clause of the State of Nevada and of the Constitution of the  
23 State of Nevada, Section 21 of Article 4, which is coextensive with the guarantees of the equal  
24 protection clause of the Fourteenth Amendment. And it has been thoroughly explained again, above.  
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1 AB4 is unconstitutional and in turn, the election carried out under the auspices of AB4 and pursuant  
2 to its provisions was unconstitutionally conducted and thus must be declared void and unlawful on  
3 account of the constitutionality of AB4 and the systemic fraud which it produced.

4  
5 The court should enter an injunction against the Defendant State of Nevada on relation of  
6 Secretary of State Cegavske preventing her from Certifying the results of the general election,  
7 including the presidential election, enjoining the electors from casting their votes for president on  
8 Dec 12, 2020, and also preventing any Nevada candidate from taking Office, because the election  
9 was carried out pursuant to the requirements of AB4, which is an unconstitutional law, as it deprives  
10 all legitimate voters in Nevada of their right of equal protection. The Court should order the  
11 Defendants to carry out a new election under the law which existed before the enactment of AB4.

12 DATED this 16th day of November 2020.

13  
14 Respectfully submitted,  
15 HANSEN & HANSEN, LLC

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1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5 (b), I hereby certify that on this 16th day of November 2020, I served a  
3 copy of the foregoing APPLICATION FOR EMERGENCY PERMANENT INJUNCTION AND  
REQUEST FOR EXPEDITED HEARING as follows:

- 4  Electronic Service - via the Court’s electronic service system; and/or
- 5  U.S. Mail – By depositing a true copy thereof in the U.S. mail, first class postage  
6 prepaid and addressed as listed below; and/or
- 7  Facsimile – By facsimile transmission pursuant to EDCR 7.26 to the facsimile  
8 number(s) shown below and in the confirmation sheet filed herewith. Consent  
9 to service under NRCP 5(b)(2)(D) shall be assumed unless an objection to  
service by facsimile transmission is made in writing and sent to the sender via  
facsimile within 24 hours of receipt of this Certificate of Service; and/or
- 10 x Email - delivery to the address listed below.

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23  
24 /s/ Lisa M. Sabin  
An Employee of Hansen & Hansen, LLC