

IN THE SUPREME COURT OF THE STATE OF NEVADA

Fred Kraus, an individual registered to vote in Clark County, Nevada, DONALD J. TRUMP FOR PRESIDENT, INC.; the NEVADA REPUBLICAN PARTY,

Appellants,

vs.

BARBARA CEGAVSKE, in her official capacity as Nevada Secretary of State, JOSEPH P. GLORIA, in his official capacity as Registrar of Voters for Clark County, Nevada, DEMOCRATIC NATIONAL COMMITTEE and NEVADA STATE DEMOCRATIC PARTY

Respondents.

Electronically Filed
Nov 03 2020 12:49 p.m.
Elizabeth A. Brown
Clerk of Supreme Court
Case No.: 82018

Appeal from the First Judicial District Court, The Honorable Judge James E. Wilson Presiding

EMERGENCY MOTION UNDER NRAP 27(e)
FOR STAY AND TO EXPEDITE APPEAL
(Immediate Relief Required – 11/3/2020)

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Attorneys for Appellants

As the Kofi Annan Foundation has stated, "for elections to have integrity, they must be conducted competently in a professional, non-partisan, and transparent manner, and just as importantly, voters must have confidence in their conduct."¹ Petitioners seek narrow but important relief to ensure integrity: the ability to *meaningfully* observe the processing of mail ballots to ensure that those ballots are authenticated in the manner required by Nevada law—by humans, rather than artificial intelligence. Currently, Respondent Joseph Gloria, the Clark County Registrar, is prohibiting observers from witnessing the duplication of mail ballots, a phase of processing particularly susceptible to fraud through ballot manipulation, and unlawfully using a machine to verify signatures, even though Nevada law requires that verification be accomplished by a human. The vote-by-mail system currently being used in Clark County creates a process ripe for error or abuse thereby diluting the votes of Nevadans outside Clark County.

Because of the time critical nature of this appeal, Petitioners² move this Court on an expedited basis, pursuant to Nevada Rules of Appellate Procedure 2 and 8(a),

¹ Global Commission on Elections, Democracy and Security, *Deepening Democracy: A Strategy for Improving the Integrity of Elections Worldwide*, 2012 at 6.

² Appellants, Fred Kraus, Donald J. Trump for President, Inc., and the Nevada Republican Party, are the Petitioners below and are referred to herein as “Petitioners” or “Appellants.”

to promptly prohibit the Registrar, while this appeal is pending, from (1) duplicating any further mail ballots unless observers can meaningfully observe the process and (2) authenticating ballots using artificial intelligence, and (3) to expedite this appeal.

I. FACTUAL BACKGROUND

Nevada law requires the Registrar to submit a plan *for approval* by April 15, 2020, to accommodate “members of the general public who observe the delivery, counting, handling and processing of ballots at a polling place, receiving center or central counting place.”³ The Registrar failed to do so until October 20, 2020, after complaints had been submitted to the Secretary of State.⁴ Although the Secretary of State reviewed the plan and made suggestions,⁵ she never approved it. Accordingly, the Registrar is currently operating under an unlawful observation plan.

In addition to being unlawful, the observation plan fails to ensure transparency and integrity as it does not allow the public to see election officials during key points of mail ballot processing. For instance, a mail ballot arrives at the Clark County Division of Elections in an envelope sealed and signed by the voter. It is then

³ NRS 293B.354(1).

⁴ See **Exhibit 1**, which is Exhibit 9 from the Evidentiary Hearing containing all of the plans submitted to the Secretary of State and evidencing the fact that Clark County did not submit its plan until October 20, 2020.

⁵ See **Exhibit 2**, which is Exhibit 8 from the Evidentiary Hearing indicating the Secretary of State’s suggested plan revisions.

scanned several times by an Agilis machine that attempts to use artificial intelligence to match the signature on the envelope with that of the voter from other sources, such as the Department of Motor Vehicles (DMV). Although the Agilis machine requires signatures scanned at a minimum resolution of 200 D.P.I., the Registrar is ignoring that minimum as DMV signatures are scanned at less than 200 D.P.I. Upon alleged authentication of the signature, the ballot is transported to another Clark County facility, known as Greystone, where it is removed from its envelope by election officials.

Once the envelope is opened, the ballot is separated from the envelope and inspected to determine if any deficiencies would obstruct it from being fed through a tabulation machine. If any deficiencies exist, the ballot is hand duplicated by being placed in a green envelope for a “runner” to take into a small room known as the “MB Vault” and match with a blank ballot from the voter’s precinct. The runner often goes into the room alone, sometimes even with a writing instrument, and closes the door. The runner then leaves the MB Vault with the voter’s ballot and a blank ballot and takes them to duplicators who allegedly duplicate the voter’s choices on the clean ballot, so it can be fed through a tabulation machine. This provides an opportunity for a careless or unscrupulous official to mark choices for any unfilled elections or questions on the ballot, potentially substantially affecting down ballot

elections in close races where there are often significant undervotes. Indeed, one observer has already witnessed a runner writing on or near a ballot.

II. PROCEDURAL BACKGROUND

Petitioners filed an Emergency Petition and Application for Temporary Restraining Order on October 23, 2020. The First Judicial District Court denied the Application for Temporary Retaining Order and set a hearing on the Emergency Petition for October 28, 2020. After a one-day hearing, the district court denied the Emergency Petition on October 29, 2020.⁶

III. LEGAL ARGUMENT

This Court determines whether to issue a stay pending disposition of an appeal, by considering the following factors: “(1) whether the object of the appeal will be defeated if the stay is denied, (2) whether appellant will suffer irreparable or serious injury if the stay is denied, (3) whether respondent will suffer irreparable or serious injury if the stay is granted, and (4) whether appellant is likely to prevail on the merits in the appeal.”⁷ In exigent circumstances, the appellant need not first seek a stay from the district court.⁸

⁶ While the file stamp date on the Order is October 29, 2020 – it was not filed by the court until 5:44 pm that day. Consequently, it was not provided to the parties until the next judicial day – November 2, 2020 due to the Nevada Day holiday weekend.

⁷ *Mikohn Gaming Corp. v. McCrea*, 120 Nev. 248, 251, 89 P.3d 36, 38 (2004).

⁸ *See Nev. R. App. P. 8(a)*.

The Nevada Supreme Court, through Appellate Rule 2, may, “[o]n its own or a party’s motion, . . . expedite its decision or for other good cause – suspend any provision of these Rules in a particular case and order proceedings as it directs, except as otherwise provided in Rule 26(b).” The Supreme Court has granted such relief and expedited the matter in many cases for good cause.⁹ Good cause exists here because the injury to Clark County voters is completely irreparable as there is no way to remedy deprivation of the right to observe after the election and no way to match mail-in ballots if they are not preserved.

A. APPELLANTS ARE LIKELY TO SUCCEED ON THE MERITS

1. Election observers must be allowed to meaningfully observe

NRS 293B mandates that the public be given an opportunity to meaningfully observe "the *delivery, counting, handling and processing* of ballots at a *polling place, receiving center or central counting place,*" so long as they "do not interfere" with the delivery, counting, and handling of ballots.¹⁰ The statute establishes a presumption of public access with a narrow exception to avoid public interference.

Furthermore, this observation must be meaningful. Both the plain and legal meaning of the term "observe" confirm this. Merriam Webster’s Dictionary defines

⁹ See e.g. *Bd. Of County Comm’rs v. Las Vegas Disc. Golf & Tennis, Inc.*, 110 Nev. 567, 568-69 (1994).

¹⁰ See NRS 293B.330, .335, .353, and 354.

“observe” in relevant part as “*to watch carefully* especially with attention to details or behavior for the purpose of arriving at a judgment.”¹¹ This common definition is consistent with the legal definition in Black's Law Dictionary: “To watch carefully.”¹² “Observation” thus necessarily requires public on-lookers to be afforded *meaningful* review; to “watch carefully” and “with attention to details.”

The registrar, however, fails to meet this standard. Instead, he restricts public observers to areas where they cannot fully observe and restricts them from areas where ballots are handled or reviewed and issues are resolved.¹³ Indeed, observers explained at the district court hearing that they cannot see many of the election officials as they duplicate ballots. All these processes are necessary to the “counting, handling and processing of ballots” and thus must be open to meaningful observation. To the extent that the Registrar claims that public health concerns arising from the COVID-19 pandemic must be considered, they must be harmonized with the observation requirements rather than displace them.

¹¹*Merriam Webster's Online Dictionary*, <https://www.merriam-webster.com/dictionary/observe> (emphasis added). This definition is also consistent with the Election Observation Handbook (6th Ed.), published by the OSCE Office for Democratic Institutions and Human Rights.

¹² *See, e.g.*, OBSERVE, Black's Law Dictionary (11th ed. 2019).

¹³ *See Exhibit 3* - Diagram of Greystone, which is Exhibit 5 from the Evidentiary Hearing.

2. The use of the Agilis machine to authenticate signatures violates AB 4

The Registrar is using a defective signature matching computer system which violates the express requirements of AB 4.¹⁴ Section 23 of AB 4 states that, with respect to each mail ballot received, “the clerk or an employee in the office of the clerk shall check the signature used for the mail ballot.” Although Section 22 generally permits “mail ballots to be processed and counted by electronic means,” any such electronic processing may not “conflict with the provisions of sections 2 to 27, inclusive, of this act.” Nothing in AB 4 permits the use of a machine to check mail ballot signatures in lieu of the statutory requirement that this critically important task be conducted by “the clerk or an employee in the office of the clerk.” Indeed, the Legislature’s specific use of the words “or an employee in the office of the clerk” reinforces its statutory mandate that all signature verification must be conducted by a human being.¹⁵

¹⁴ This machine is only being used in Clark County and a similar device is not being used in any other county in this state which appears inconsistent with the Nevada Voters Bill of Rights which assure uniformity in the counting of votes. *See* NRS 293.2546(10).

¹⁵ Election officials lack authority to undertake any action contrary to governing statute or regulation. *Kelly v. Murphy*, 79 Nev. 1 (1963). Any such unauthorized conduct is a “futile act,” a term of art that means it is thus void as a matter of law. *Id.* at 4. Thus, as AB 4 expressly requires that mail ballot signatures be checked by “the clerk or an employee of the clerk,” Registrar’s use of the Agilis Ballot Packing Sorting System (“Agilis System”) to check mail ballot signatures has been futile.

Nevertheless, the Registrar has been using the Agilis machine to match signatures even though he acknowledges that the machine is only accurate with signatures over 200 D.P.I. and he is instead matching with DMV signatures, *none* of which are submitted above 200 dpi. Vote-by-mail voters in Clark County thus have an advantage over voters anywhere else in the state because many thousands of vote-by-mail ballots are never reviewed by a human being. The Clark County vote-by-mail process is subject to intolerable error and misconduct that will inevitably dilute lawful votes and disenfranchise Nevadans.

B. APPELLANTS BUT NOT RESPONDENTS WILL SUFFER IRREPARABLE HARM WITHOUT IMMEDIATE RELIEF

This appeal concerns the processing of an ongoing election. Most ballots will be processed in the coming days. Once a ballot is separated from its envelope, it can no longer be independently identified. Consequently, any ballots that have been incorrectly authenticated or modified in the duplication process will be unidentifiable and incurable, even during a recount. If immediate action is not taken, Appellants will never have the opportunity to vindicate their rights. More troubling, Nevadans – and the rest of the Country – will be left wondering whether the results of the election are legitimate.

Respondents, however, will suffer no harm from a brief stay as it is their existing duty under law to allow for observation and properly count ballots.

C. THE APPEAL'S OBJECT WILL BE DEFEATED IF STAY IS DENIED

For the same reason that Appellants will suffer irreparable harm without a stay, the object of the appeal will be mooted without immediate relief.

IV. CONCLUSION

For the forgoing reasons, Appellants respectfully request that this Court issue a stay and expedite its review of this appeal.

Dated this 3rd day of November, 2020.

MARQUIS AURBACH COFFING

By /s/ Brian R. Hardy

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NRAP 27(e) CERTIFICATE

I hereby certify that this Emergency Motion for Relief Under NRAP 27(e) relies upon issues raised by Appellants in the District Court, and otherwise complies with the provisions of NRAP 27(e).

As set forth in the body of this motion, emergency relief is needed immediately given the current election or on or before **November 3, 2020**. The telephone numbers and office addresses of the attorneys for the parties are as follows:

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According to the attached certificate of service, all parties through their counsel of record have been served electronically through this Court's electronic filing system, and by email as indicated. Furthermore, the undersigned notified the parties by email on November 2, 2020 of the pending appeal and on November 3, 2020 of the emergency motion and the basis for the same. The undersigned's office also informed the Clerk of the emergency motion on the same day.

Dated this 3rd day of November, 2020.

MARQUIS AURBACH COFFING

By /s/ Brian R. Hardy

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **EMERGENCY MOTION FOR RELIEF UNDER NRAP 27(e) FOR STAY AND TO EXPEDITE APPEAL** was filed electronically with the Nevada Supreme Court on the 3rd day of November, 2020. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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Attorneys for Intervenor-Respondents, DNC Services Corporation/Democratic National Committee and Nevada State Democratic Party

I further certify that I served a copy of this document by emailing a true and correct copy thereof due to the exigency of the requested relief:

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/s/ Leah Dell

Leah Dell, an employee of
Marquis Aurbach Coffing

EXHIBITS TO EMERGENCY MOTION UNDER NRAP 27(e)
FOR STAY AND TO EXPEDITE APPEAL

Exhibit No.	Description
1.	Exhibit 9 from the Evidentiary Hearing: Other Nevada County Plans (Exhibit B to Secretary of State's Answer)
2.	Exhibit 8 from the Evidentiary Hearing: Letter from Secretary of State to Joe Gloria Re: Revision of Observation Plan dated October 22, 2020 (Exhibit A to Secretary of State's Answer)
3.	Exhibit 5 from the Evidentiary Hearing: Drawing of Greystone

Exhibit 1



Aubrey Rowlett
Carson City Clerk-Recorder

Office of the County Clerk
885 East Musser St., Ste. 1025
Carson City, NV 89701
Tele: 775.887.2087
Fax: 775.887.2146

April 14, 2020

The Honorable Barbara Cegavske
Nevada Secretary of State
101 North Carson Street, Ste. 3
Carson City, NV 89701

Re: 2020 Primary Election Plan for Observation of Ballots pursuant to NRS 293B.354

Madam Secretary:

Pursuant to NRS 293B.354, please see the attached Plan for the Observation of Ballots. If you have any questions, please do not hesitate to contact our office.

Sincerely,

Miguel Camacho
Chief Deputy Clerk

**PLAN FOR OBSERVATION OF BALLOTS
NRS 293B.354
Carson City, Nevada
2020 Primary Election**

Carson City's polling place on Election Day is listed below:

County Courthouse, 885 E. Musser Street, 1st Floor

The central counting place/receiving center is located at the County Courthouse.

At the polling place, the public may observe the voting process in the area designated by the County Clerk that is in clear viewing of the voting process and the processing of ballots. All observers must comply with NAC 293.245.

The polls close at 7:00 p.m. Once all the voters in the polling place have voted, all secured election materials will be delivered to the central counting place/receiving center.

At the central counting place/receiving center, the public may observe through glass doors, the receiving of the secured election materials and must comply with NAC 293.245.



Office of Churchill County Clerk/Treasurer
Linda Rothery, Clerk/Treasurer
155 N. Taylor Street, Suite 110, Fallon, NV 89406

March 20, 2018

Barbara Cegavske
Secretary of State
Capitol Complex
Carson City, NV 89710

In accordance with N.R.S. 293B.354, the following is Churchill County's plan for accommodation of members of the general public who observe delivery, counting, handling and processing of ballots.

Churchill County consists of 19 precincts. There will be one polling place for the 2020 Primary Election located at: Churchill County Clerk/Treasurer's Office, 155 N. Taylor Street, Ste. 110, Fallon, NV. The polling location will be open for ballot replacement, ballot return and drop off and same day registration during specified hours.

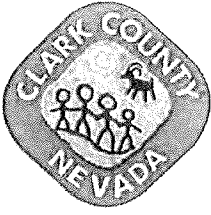
The receiving center and central counting place will be located at the Churchill County Clerk/Treasurer's Office, 155 N. Taylor Street, Ste. 110, Fallon, NV.

The counting process will take place in the Clerk/Treasurer's Office. The office has three windows that face to a hallway in the County Administrative Complex. The counting process will be visible to those on the opposite side of the windows. The public is asked to contact the Clerk/Treasurer's Office regarding observing the counting process. There will be a limited number of observers allowed at a time.

If you have any questions, please feel free to contact me.

Sincerely,

Erin A. Montalvo
Churchill County Deputy Clerk/Treasurer



Election Department

965 Trade Dr • Ste A • North Las Vegas NV 89030
Voter Registration (702) 455-8683 • Fax (702) 455-2793

Joseph Paul Gloria, Registrar of Voters
Lorena Portillo, Assistant Registrar of Voters

October 20, 2020

The Honorable Barbara K. Cegavske
Secretary of State
State of Nevada
101 N. Carson St., Suite 3
Carson City, Nevada 89701-4786

Attention: Wayne Thorley
Deputy Secretary of State for Elections

RE: Accommodation of Members of the General Public at Polling Places, Mail Ballot Processing, and at the Central Counting Place

Dear Secretary Cegavske:

In accordance with NRS 293B.354, I am forwarding to you the following guidelines which are provided to our polling place team leaders and our election staff to ensure we accommodate members of the general public who wish to observe activities within a polling place and/or at the central counting facilities.

Polling Places (Early Voting and Election Day)

Designated public viewing areas are established in each polling place, both early voting and Election Day vote centers, where individuals may quietly sit or stand and observe the activities within the polling place.

Observation guidelines:

- Observers may not wear or display political campaign items
- Observers may not photograph, or record by any other means, any activity at any early voting or Election Day polling place
- Use of cell phones is prohibited in the polling place
- Observers may not disrupt the voting process
- If observers have questions, they must direct them to the polling place team leader

Mail Ballot Processing (Warehouse & Flamingo-Greystone Facility)

The general public is allowed, according to the NRS, to observe the counting of mail ballots. In addition, as a courtesy, members of the general public are also being allowed to observe our mail ballot processing procedures, which occur prior to tabulation.

Due to space limitations we are processing our mail ballots in two different facilities:

- 965 Trade Dr., North Las Vegas, NV 89030
 - AGILIS mail ballot processing
 - Signature audit team
 - Tabulation
 - Ballot duplication
- 2030 E. Flamingo Road, Las Vegas, NV 89119
 - Counting Board
 - Ballot duplication

Observation guidelines:

- Observers may not wear or display political campaign items
- Observers may not photograph, or record by any other means, any activity at any early voting or Election Day polling place
- Use of cell phones is prohibited in the polling place
- Observers may not disrupt the voting process
- If observers have questions, they must direct them to the polling place team leader

Election Night (Warehouse Tabulating)

In front of our tabulation area an area is provided for any observer who wishes to observe our counting activity. Reports are provided after each update to the general public and are also available on our website for review. The general public may access the website through our free county wi-fi access on their personal devices should they choose to do so.

The public viewing area allows the general public to view the tabulation room, where the processing of election night results may be observed through windows that provide full view of all counting activity. Observers are not allowed inside the room because of congestion and COVID restrictions.

The Registrar is available to answer questions, although it should be noted that very few

Page 3
Secretary of State Barbara K. Cegavske
March 14, 2018

individuals from the public have been at the Election Center Warehouse on election night since 2000. This will probably be different this year due to increased interest in observing our activities.

In accordance with NRS 293B.354, at link provided here is a link to the vote center polling places that will be used in the General Election on November 3, 2020 in Clark County. <https://cms8.revize.com/revize/clarknv/Election%20Department/VC-Web-20G.pdf?t=1602940110601&t=1602940110601>. An electronic copy is also attached to the e-mail.

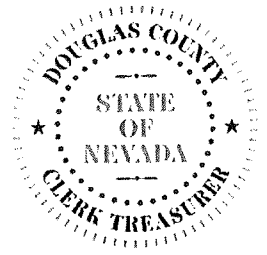
Sincerely,

A handwritten signature in black ink that reads "Joseph P. Gloria". The signature is written in a cursive style with a prominent initial "J" and a long, sweeping underline.

Joseph P. Gloria
Registrar of Voters

Enclosures

Douglas County Plan to Accommodate Observers-2020 Primary Election



February 28, 2020

Mission

Our mission is to administer transparent, fair, efficient, accurate and secure elections and to educate voters and observers while ensuring equitable access to the election process.

We are very confident that our elections are administered efficiently and transparently. We look forward to sharing our processes with observers and voters.

Locations

Type	Name	Address
Central Counting Location	Douglas County Historic Courthouse	1616 8 th St, Minden, 89423
Vote Center	Douglas County Community Center	1329 Waterloo Ln, Gardnerville, 86410
Vote Center	Gardnerville Ranchos Fire Station	940 Mitch Dr, Gardnerville, 89460
Vote Center	Johnson Lane Fire Station	1450 Stephanie Way, Minden, 89423
Vote Center	Sunridge Fire Station	3620 N Sunridge, Carson City, 99705
Vote Center	Topaz Ranch Estates community Center	3911 Carter Dr., Wellington, 89444
Vote Center	Kahle Community Center	236 Kingsbury Grade, Stateline, 89449
Vote Center	Washoe Tribe Elder Center	801 Wa She Shu, Gardnerville, 89460
Vote Center	Genoa Town Hall	2287 Main St, Genoa, 89411

Polling Place (Vote Center) Observation

Members of the general public may observe a vote center as long as they are not:

- gathering information for communication to the public;
- employed, engaged by or have been contracted with a newspaper, periodical, press association, radio or television station; and
- acting solely within their professional capacity.

Official Polling Place (Vote Center) Observers

Before observing the conduct of a polling place (vote center), observers must sign the acknowledgment form prescribed by the Secretary of State. Forms will be retained for at least 180 days following the election observed. Official polling place observers will be required to wear a name tag displaying their full name.

Everyone Observing a polling Place (Vote Center):

- Must remain in an area designated by the chair of the election board.
 - The designated area will allow any observer to observe and to be able to conveniently hear the activities conducted at the polling place without interfering with the voting.
 - The designated area will allow for meaningful observation, but will not be located in an area that allows an observer to infringe on privacy and confidentiality of the ballot of the voter.
- May remain in the designated area in the polling place after the polls close pursuant to NRS 293.273 so as to observe the closing of the polling place. These representatives however, CANNOT interfere with the closing of the polling place.
- MAY NOT engage in receiving, preparing, delivering, depositing or removing ballots.
- MAY NOT apply for or receive a ballot at any election precinct or district other than the one at which he/she is entitled to vote, nor show his/her ballot to any person, after voting, so as to reveal any of the names voted for.
- MAY NOT interfere, either inside or outside of the polling place, with the conduct of the election.
- MAY NOT interfere or step into the area where election board officers are conducting their work.
- MAY NOT, inside a polling place, ask another person for whom he/she intends to vote.
- MAY NOT, inside a polling place, ask another person his/her name, address or political affiliation.
- MAY NOT photograph, record, or audiotape the conduct of voting.
- MAY NOT remove or destroy any election supplies, equipment or deface cards of instruction posted.

Transportation of Ballots

Voted ballots (ICX thumb drives and paper VVPAT records) will be returned to the central counting location, along with other pertinent election supplies by the polling place Chairperson and a member of the Clerk-Treasurer's staff. Observers may observe the securing and loading of election supplies and may follow the vehicle(s) and observe the check-in process.

A designated area will allow observers to observe and hear the check-in process. Observers will be prohibited from interfering.

Central Count Observation

Members of the general public may observe the delivery, handling and processing of ballots, and the processing of mail-in ballots, via a 50" closed circuit television monitor located in a viewing room just a few feet away from the where the activities are taking place.

Election staff will be available to answer questions about the process and provide updated election results as they become available.

Observers may not interfere with the conduct of the election or the counting of absentee ballots.

Elko County Plan to Accommodate Observers 2020 Primary Election NRS 293B.354



March 6, 2020

Polling Place Observation

Each of the seven Election Day polling places, along with the Early Voting polling place, will have a separate designated area for observing the conduct of the election. Observers may observe the handling, processing and counting of ballots through a large window in the counting room in the Clerk's office.

Official Polling Place Observers (NAC 293.245)

- Before observing the conduct of a polling place, observers must sign an acknowledgment form prescribed by the Secretary of State. Forms will be retained for at least 180 days following the election observed.
- A designated area will be established:
 - That will allow observation of the activities conducted at the polling place without interfering with the voting.
 - That will allow for meaningful observation without infringing on the privacy and confidentiality of the ballot of the voter.
- Observers may observe the opening of the polls and the closing of the polls pursuant to NRS 293.273 from the designated area without causing any interference.
- Observers must comply with the same requirements that apply to members of the general public pursuant to NRS 293.274, 293.305 and 293.730.
- Observers will be required to wear a nametag displaying their full name.

Transportation of Ballots

Voted ballots (ICX USB DataSticks and VVPAT printer paper rolls) will be transported to the Elko County Clerk's Office by the Elko County Sheriff's Department, the Elko City Police Department and the Carlin Police Department. Observers may observe the securing and loading of voted ballots and may follow the vehicle(s) and observe the check-in process in the Clerk's office reception area.

Central Count Observation

Members of the general public may observe the handling, processing and counting of ballots through a large window in the counting room.

An Election staff member will be available to answer questions about the process and provide updated election results as they become available.

Observers may not interfere with the conduct of the election or counting of absentee ballots.

Locations

Type	Name	Address
Central Counting Location	Elko County Clerk's Office	550 Court St, 3 rd Floor, Elko
Polling Place	Adobe Middle School	3375 Jennings Way, Elko
Polling Place	Carlin Justice Building	101 S 8 th St, Carlin
Polling Place	Wells Justice Court	1510 Lake Ave, Wells
Polling Place	West Wendover City Hall	1111 N. Gene L. Jones Way, W Wendover
Polling Place	Spring Creek Middle School Multipurpose Bldg	711 Boyd Dr, Spring Creek
Polling Place	Lamoille Old School House	Lamoille
Polling Place	Jiggs Community Hall	Jiggs
Early Voting Polling Place	Elko County Library	720 Court Street, Elko



Eureka County Clerk Recorder

Plan to Accommodate Observers – 2020 Primary Election

March 30, 2020

MISSION

Our mission is to administer transparent, fair, efficient, accurate and secure elections and to educate voters and observers while ensuring equitable access to the election process.

We are confident that our elections are administered efficiently and transparently. We look forward to sharing our processes with observers and voters.

LOCATION

Eureka County Courthouse, 10 S. Main St., Eureka, NV 89316

POLLING PLACE OBSERVATION

Members of the general public may observe a vote center as long as they are not:

- gathering information for communication to the public;
- employed, engaged by or have been contracted with a newspaper, periodical, press association, radio or television station; and
- acting solely within their professional capacity.

Official Polling Place Observers

Before observing the conduct of a polling place, observers must sign the acknowledgment form prescribed by the Secretary of State. Forms will be retained for at least 180 days following the election observed. Official polling place observers will be required to wear a name tag displaying their full name.

Everyone Observing the Polling Place

- Must remain in an area designated by the County Clerk
 - The designated area will allow any observer to observe and to be able to conveniently hear the activities conducted at the polling place without interfering with the voting.
 - The designated area will allow for meaningful observation, but will not be located in an area that allows an observer to infringe on privacy and confidentiality of the ballot of the voter.
- May remain in the designated area in the polling place after the polls close pursuant to NRS 293.273 so as to observe the closing of the polling place. These representatives however, CANNOT interfere with the closing of the polling place.
- MAY NOT engage in receiving, preparing, delivering, depositing or removing ballots.
- MAY NOT apply for or receive a ballot at any election precinct other than the one at which he/she is entitled to vote, nor show his/her ballot to any person, after voting, so as to reveal any of the names voted for.
- MAY NOT interfere, either inside or outside of the polling place, with the conduct of the election.
- MAY NOT interfere or step into the area where election board officers are conducting their work.
- MAY NOT, inside a polling place, ask another person for whom he/she intends to vote.

OFFICE OF CLERK AND TREASURER

Secretary of State
101 N. Carson Street
Suite 3
Carson City, NV 89509

Dear Secretary of State,

In compliance with NRS293B.354, the following is an outline of how we accommodate the general public who wish to observe the delivery, counting, handling and processing of ballots at polling place, and at the central counting place for the tally of the ballots.

1. Each polling location (both are handicap accessible) have polls workers that are trained to work the election, accommodate those with disabilities and questions/situations that might arise when a voter is at the Polling location to cast their vote.
2. Each Polling location has an assigned Deputy Election official from the clerk's office to supervise the Poll workers as they set-up and Open the Polls, Implement voting procedures, and the closing of the Polls.
3. During the election at a polling location Deputy Election Officials are in charge of the conduct of the Poll watchers and designate the area where they are allowed to observe the election.
4. Each Deputy Election will verify the worksheets and removal of the tally cartridge from the Edge machines. They will also witness/verify that the cartridges are placed in a clear pouch and sealed. The pouch is then handed to an Esmeralda County Sheriff's Deputy to be transported to the Esmeralda County Courthouse in Goldfield. (Their transporting of the cartridges is also documented on the Sheriff's Radio log)
5. When the cartridges arrive at the Courthouse they are received by the County Clerk and Counting Board, all documentation is reviewed and checked. The general public is invited to watch, all this is done in the District Courtroom where there is adequate space for spectators and a clear division of where they can sit and watch the proceedings without impeding the process of the tally.
6. Mail-in Precincts ballots are counted, verified and tabulated on the insight machines, any duplication of a ballot is verified by the counting board as true and correct.
7. Any absentee ballots are also counted, verified and tabulated on the insight machine; any duplication of a ballot is verified by the counting board as true and correct.
8. Counting Board verifies that all cartridges are accounted for and have been tabulated, as well as the insight packs for the mail-in and absentee ballots.

9. Each time a precinct is tabulated, the results are revealed to the public on a bulletin board style spreadsheet that has each race for each precinct. Reports of the Tally are kept in chronological order for future reference.
10. Each Party and Candidate is invited to watch the tally procedures, they are also informed of where they can sit in the courtroom, and that any actions from them that impede the process of tally will be swiftly care of.

If you have any further questions regarding this matter please call the above telephone number or e-mail me at celgan@citlink.net

Sincerely,

LaCinda ELgan

- MAY NOT, inside a polling place, ask another person his/her name, address or political affiliation.
- MAY NOT photograph, record, or audiotape the conduct of voting.
- MAY NOT remove or destroy any election supplies, equipment or deface cards of instruction posted.

TRANSPORTATION OF BALLOTS

Voted ballots (ICX thumb drives and paper VVPAT records) will be returned to the central counting location, along with other pertinent election supplies by the polling place Chair and a member of the Clerk Recorder's staff. Observers may observe the securing and loading of election supplies and may observe the check-in process.

A designated area will allow observers to observe and hear the check-in process. Observers will be prohibited from interfering.

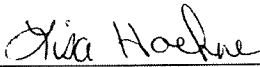
COUNT OBSERVATION

Members of the general public may observe the delivery, handling and processing of ballots, and the processing of mail-in ballots in the District Court room.

Election staff will be available to answer questions about the process and provide updated election results as they become available.

Observers may not interfere with the conduct of the election or the counting of absentee ballots.

Respectfully submitted on March 30, 2020.



Lisa Hoehne, Clerk Recorder

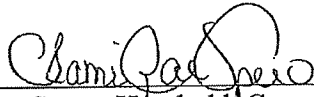
minutes. The time allotted for travel from the Orovada Polling Site to the Central Processing Board is approximately one hour and thirty minutes.

PLAN FOR OBSERVATION BY THE PUBLIC OF ELECTION PROCEDURES

1. At the "Super Polling Place" on Election Day an area in the front of the West Hall of the Convention Center which has a view of the entire voting area including the precinct tables and the voting machines will be designated for public observation. The area is clearly noted as the Poll Watchers observation area and has seating available. Poll Observers will check in with the Deputy Clerk in charge of the polling location. All observers will review and sign the "Poll Observer" form provided by the Secretary of State and will wear the designated identification tags.

2. At each of the outlying polling sites of Orovada and Paradise Valley there is an area where observers can stand or sit that does not interfere with the voting process. Observers will check in the poll workers at the site and will review and sign the "Poll Observer" form and will wear the designated identification tags.

3. The Absentee/Mailing Processing Board and the Central Counting Board are located in the Commissioners' Meeting Room at the County Court House; there is a seating area that is separated from the processing area by a chain. This area has a clear view of the processing board and the equipment used to tabulate the ballots.



Tami Rae Spero, Humboldt County Clerk
and Ex-Officio Registrar of Voters

- F. Upon the closing of polls, the machines and transport bags will be re-sealed with seals which have been designated by the County Clerk for that purpose. All results USBs will be collected from the Team Leaders assigned to the machines. The identifying numbers on the results USBs will be compared to the master list to confirm that all USBs have been collected. The results USBs and balance sheet will be sealed in a single transport bag by a group comprised of a Team Leader, a Poll Worker, and a Deputy County Clerk with a seal previously assigned by the County Clerk. The transport bag will be transported to the Central Counting location by 2 Election Board Workers who have been previously designated as the transport team with law enforcement accompaniment. Upon receipt the County Clerk or designee ("The Receiving Board") will verify that all seals are intact and that the seal numbers previously assigned are correct. The bag with the results USBs will be turned over to the Central Counting Board for processing. The voting machines and additional election equipment will be properly sealed and transported to the storage area by County Clerk employees.

PLAN FOR OBSERVATION BY THE PUBLIC OF ELECTION PROCEDURES

1. At the Polling Place on Election Day an area in the front of the Civic Center which has a view of the entire voting area, including the precinct tables and the voting machines, will be designated for public observation. The area is clearly noted as the "Poll Watchers Observation Area" and has seating available. Poll observers will check in with the Deputy Clerk in charge of the polling location. All observers will review and sign the "Poll Observer" form and will wear the designated identification tag.
2. The Absentee/Mailing Processing Board and the Central Counting Board are located in the Clerk's Office at the Lander County Courthouse. This area has a clear view of the processing board and the equipment used to tabulate the ballots.



Sadie Sullivan
Lander County Clerk



LINCOLN COUNTY CLERK

Lisa C. Lloyd
Lincoln County Clerk

P.O. Box 90 Pioche, Nevada 89043
(775) 962-8077 Fax (775) 962-5180
Email – llloyd@lincolnco.nv.gov

Amanda L. Chouquer
Deputy Clerk

April 9, 2020

Barbara Cegavske
Secretary of State
101 N Carson Street, Suite 3
Carson City, NV 89701

VIA EMAIL

Dear Secretary Cegavske:

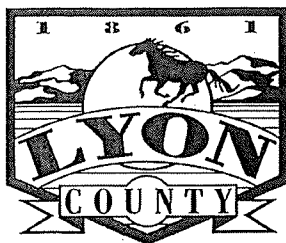
Pursuant to NRS.293B.354 I am advising you of my plan for the public to view the election procedures.

The only counting/receiving place will be in the courtroom of the Lincoln County Courthouse. The public can view the entire process from the audience seats of the courtroom. The only polling location will be the Lincoln County Clerk's Office. The public will not interfere with the election process in any manner; they can be present only to observe. Any interference or disruption from a member of the public will be cause for removal. A person, once removed, will not be allowed back into the polling or counting areas.

Please advise if this plan does not meet with your approval. I appreciate your assistance with this matter. If you have any questions or comments regarding this issue, please feel free to contact me at the above number.

Respectfully,

Lisa C. Lloyd
Lincoln County Clerk



LYON COUNTY CLERK/TREASURER

27 South Main Street
Yerington, Nevada 89447
Phone: (775)463-6501 OR (775)577-5033
Fax: (775)463-5305

Nikki Bryan
Clerk/Treasurer

March 11, 2020

Honorable Barbara Cegavske
Secretary of State
101 N. Carson St., Ste. 3
Carson City, NV 89701

Dear Ms. Cegavske:

In compliance with NRS 293B.354, I am submitting my plan for accommodation of the public who observe delivery, counting, handling and processing of ballots during the Primary Election to be held on June 9, 2020 and the General Election to be held on November 3, 2020.

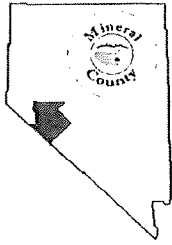
Each of our polling places is large enough for the general public to observe the election process. At the counting location, which will be the Clerk's office at 27 S. Main Street in Yerington, the general public will be able to watch the entire process from three large openings from the lobby of the building into the Clerk's office. Members of the general public will not be allowed inside the office, but the Clerk will be available to answer any questions that arise. The vote totals from each precinct will be posted in the lobby for the public to view. Copies will be available for interested parties.

Please contact me if you have any questions or if I need to change anything about this plan.

Sincerely,

A handwritten signature in cursive script that reads 'Nikki Bryan'.

Nikki Bryan
Lyon County Clerk-Treasurer



Christopher Nepper
Mineral County Clerk-Treasurer

Brenda Jones, Chief Deputy
Bonnie DeMars, Sr. Deputy
Teresa McNally, Deputy Clerk II

Mineral County is an Equal Opportunity Provider & Employer

PLANS FOR THE ACCOMMODATION OF MEMBERS OF THE PUBLIC WHO OBSERVE THE DELIVERY, COUNTING, HANDLING AND PROCESSING OF BALLOTS. PER N.R.S. 293B.354, June 9, 2020.

LOCATION OF COUNTY POLLING PLACES AND CENTRAL COUNTING PLACE:

- Precinct 1 thru 7..... Hawthorne, Mineral County Public Library, 110 First Street, Hawthorne, Nevada
- Precinct 8..... Luning, Nevada.....Mailing Precinct
- Precinct 9..... Mina, Nevada..... Mailing Precinct
- Precinct 10..... Montgomery Pass, Nevada.....Mailing Precinct
- Precinct 11..... Schurz, Tribal Community Center 1031 Hospital Rd., Schurz, Nevada
- Precinct 12..... Walker Lake, Nevada..... Mailing Precinct

The central counting place is located in the Mineral County Clerk-Treasurer's Office, Commissioner Meeting Room, 105 So. 'A' Street, Hawthorne, Nevada.

Polls will be open from 7:00 A.M. until 7:00 P.M. on June 9, 2020

OBSERVATION AREAS WITHIN THE POLLING PLACES

Mineral County Public Library, 110 First Street, Hawthorne, Nevada.
Tribal Community Center, 1031 B. Hospital Rd, Schurz, Nevada

The precinct voting areas are located in the Mineral County Public Library meeting room in Hawthorne and the Tribal Community Center in Schurz. All voting information including, but not limited to voting lists, the poll hourly voting list, instructions, sample ballots and rules and regulations, will be displayed in the entry lobby and is accessible to the public as they enter the premises. In this area the public can review the information listed above. General conversation is allowed. No loitering in the polling place. We will have (1) one deputy sheriff in the Mineral County Library voting place and (1) one deputy sheriff in Schurz, 1031 B. Hospital Rd, voting place. Activity within the main voting area is restricted to those who are involved in the voting process and those who wish to view the process. The members of the public who wish to view the process are restricted to a cordoned off area in the location that does not interfere with the function of the election board workers or the activities of the voters. The public is allowed to view the identification and sign in process from a row of seats that are distanced from the sign in tables.

OBSERVATION AREAS AT THE CENTRAL COUNTING PLACE

Counting of all ballots takes place in the Mineral County Clerk-Treasurers Office, Commissioner meeting room. An area is cordoned off for the members of the public who wish to view the receiving and counting process. No person is allowed in the counting area except for Clerk's staff, and election board members appointed for the specific purposes of receiving, inspecting, counting and packaging ballots. Dominion Voting Systems representatives are allowed in all areas polling and counting.

CONDUCT WITHIN OBSERVATION AREAS:

In both the polling and counting observation areas, the general public must maintain quiet and to not interfere in any manner with the voting and counting process. Any person or group interfering with any of the process will be asked to leave the viewing area. Mineral County Sheriff's Office will be available to respond to the polling places and central counting area should their assistance be required to maintain the integrity of the election process

Respectfully submitted,

Christopher Nepper
Mineral County Clerk-Treasurer

7-19-20
Date

**OFFICE OF THE NYE COUNTY CLERK
SANDRA L. MERLINO**

Tonopah Office
Nye County Courthouse
P.O. Box 1031
101 Radar Road
Tonopah, Nevada 89049
Phone (775) 482-8127
Fax (775) 482-8133



Pahrump Office
Government Complex
1520 East Basin Avenue
Pahrump, Nevada 89060
Phone (775) 751-7040
Fax (775) 751-7047

March 3, 2020

**PLAN TO ACCOMMODATE PUBLIC TO OBSERVE CERTAIN
ELECTION PROCEDURES
2020 Elections
Nye County, Nevada**

Pursuant to NRS 293B.354, the following plan is submitted for the accommodation of members of the general public who observe the delivery and handling of voting machines and the counting and processing of votes at a polling place, receiving center or central counting place:

The central counting place and all polling places shall set up a reasonable barrier around the area used for closing out the voting machines and counting votes. This barrier shall be of a distance to allow the election workers to conduct their work without being crowded but still allow the public to observe the conduct of the election. The public may observe any process while restricting their distance to outside the barrier.

The general public who observe these activities are not to disrupt or try to communicate with the election workers while at work. Any questions the public may have should be directed to the County Clerk, her designee or the Election Board Chairman.

Location of central counting places:

Nye County Courthouse, Clerk's Office 101 Radar Road, Tonopah
Ian Deutch Justice Complex, Clerk's Office 1520 East Basin Avenue, Pahrump

Location of Polling Places:

Amargosa Valley	Amargosa Complex
Beatty	Community Building
Pahrump	Bob Ruud Community Center
Round Mountain	Donald L. Simpson Community Center
Tonopah	Tonopah Convention Center

Early Voting Polling Places:

Nye County Clerk's Office	Nye County Courthouse, Tonopah
Pahrump	Bob Ruud Community Center

A member of the general public shall ask permission from the County Clerk, her designee, or the Election Board Chairman, in advance, for any use of photograph equipment, audiotape or any other means of sound or video reproduction. If permission is granted by the County Clerk, a member of the general public must also obtain permission from each person he wishes to photograph or otherwise record before doing so. This must be accomplished without disrupting the voting process.

Sincerely,


Sandra L. Merlino
Nye County Clerk

PERSHING COUNTY

PLAN FOR THE ACCOMMODATION OF MEMBERS OF THE PUBLIC WHO OBSERVE THE DELIVERY, COUNTING, HANDLING AND PROCESSING OF BALLOTS

N. R. S. 293B.354

April 15, 2020

LOCATION OF COUNTY POLLING PLACES AND CENTRAL COUNTING PLACE:

The County Polling Place and Central Counting Place for all precincts for the Primary Election will be the Pershing County Clerk-Treasurer's Office, Administration Building, 398 Main Street, Lovelock, Nevada.

OBSERVATION AREAS WITHIN THE POLLING PLACES

All precinct voting areas are located within the Clerk-Treasurer's office. All voting information, including, but not limited to alpha voting lists, the poll hourly voting list, instructions, sample ballots and rules and regulations, is displayed in the entry lobby and is accessible to the public as they enter the building. In this area the public is allowed to congregate and general conversation is allowed.

Activity within the Clerk-Treasurer's office is restricted to those involved in the voting process and those who wish to view the process. Those viewing the election process are restricted to a cordoned off area in a location that does not interfere with the function of the election board workers or the activities of the voters. The precinct guards have the responsibility of maintaining the viewing area and the people who might wish to view the process.

OBSERVATION AREAS AT THE CENTRAL COUNTING PLACE:

Counting of all ballots takes place in the Office of the Pershing County Clerk-Treasurer. The public is allowed to view the counting process from the public area of the Clerk-Treasurer's Office. No person is allowed in the counting area except for Clerk's staff, the two designated elections inspectors, and the election board members appointed for the specific purposes of receiving, inspecting, duplicating, counting, and packaging ballots. Representatives of Dominion Voting Systems are allowed in the area when their expertise of the voting system is required.

CONDUCT WITHIN OBSERVATION AREAS:

While in both the polling and counting observation areas, the general public must maintain quiet and not interfere in any manner with the voting or counting process. The guards are responsible for maintaining quiet in the observation area. Any person or group interfering with any process will be asked to leave the viewing area. If further problems develop or the same person or group disrupts the voting or counting process further, they will be asked to leave the building. Law enforcement is asked to be available to respond to the polling places and the central counting area should their assistance be required to maintain the integrity of the election process.

PLAN FOR OBSERVATION OF BALLOTS
NRS 293B.354
Storey County, Nevada
Primary Election 2020

Storey County Clerk will count, handle and process ballots at the Storey County Courthouse at 26 South B Street, Virginia City, Nevada.

Result cartridges, ballots and all required election material will be delivered to the Courthouse immediately following the completion of the Statement of Ballots at each Polling Place.

The Polling Locations in Storey County are:

Storey County Courthouse- 26 South B Street, Virginia City

At the polling places, the public may observe the handling of result cartridges and ballots from the observation area designated by the Clerk. The area is in clear viewing of the processing and counting of ballots, and comply with NAC 293.245(6).

At the Courthouse, the public may view from a designated area the tabulating room and must comply with NAC 293.245.



WASHOE COUNTY

REGISTRAR OF VOTERS

1001 E 9TH STREET
RENO, NV 89512
PHONE: (775) 328-3670
FAX: (775) 328-3747
www.washoecounty.us

2020 Plan for Public Accommodation to View Ballot Delivery, Receiving and Counting (NRS 293B.354)

Washoe County's central receiving and counting center is located at: 1001 E Ninth St, Bldg A, Rm 135, Reno, NV 89512.

Washoe County has an area established for the members of the public who wish to view the receiving of the ballot cartridges at our central receiving and counting center. We have tables and chairs set aside for anyone who wishes to observe. We use stanchions to allow observation but to keep the observers in a designated area. This same area can be used for observation of absent ballot counting. Our Image Cast Central equipment and servers are inside a locked cage. We open the "side" gate to allow for better viewing for observers.

Our main office lobby is designed to allow meaningful observation of ballot counting (results USB flash drive uploading) by opening the doors at the front of the counting room. There is a low counter outside the counting room between the room and the lobby which allows people to see and hear what is happening during tally without providing physical access to the area. Chairs are available as needed.

We always allow access not only to observers or members of the general public, but also to media, on election night.

Observers at the polls are required to sign that they acknowledge the set of standards prepared by the Secretary of State's Office. A small stanchioned area (2-4 chairs) is set up at each polling place in Washoe County. Our observers are required to stay within that area at all times but are permitted to ask procedural questions based on the flow of traffic and as long as it does not interfere with the processing of voters. They are not permitted to dispute any decisions made by the poll workers, especially those regarding specific voters.

A handwritten signature in black ink, appearing to read "Deanna Spikula".

Deanna Spikula
Washoe County Registrar of Voters
March 10, 2020



INTEGRITY

COMMUNICATION

SERVICE

Nichole Baldwin
County Clerk

Leia Wells
Chief Deputy Clerk



Susan Lujan
Deputy Clerk

Melissa Tremain
Deputy Clerk

WHITE PINE COUNTY CLERK

April 14, 2020

The Honorable Barbara Cegavske
Nevada Secretary of State
101 N. Carson Street
Carson City, Nevada 89701

Dear Madame Secretary:

Pursuant to NRS 293B.354, I am hereby submitting a plan for White Pine County regarding the observation of certain election procedures for the general public.

The White Pine County Clerk and Counting Board will count, handle, and process ballots at the White Pine County Clerk's Office at 801 Clark Street, Suite 4, Ely, Nevada; the Super Polling location for White Pine County this election.

At the Super Polling location, the public may observe the conduct of voting and the handling of ballots from the observation area designed by the Clerk. The area is in clear view of the processing and counting of ballots and complies with NAC 293.245(6).

If this plan does not meet with your approval, please advise me as soon as possible so that revisions can be made.

Sincerely,

A handwritten signature in cursive script, appearing to read "Nichole Baldwin", written in black ink.

Nichole Baldwin
White Pine County Clerk
Registrar of Voters

801 Clark Street, Suite 4, Ely, Nevada 89301 * 775-293-6509 * fax 775-289-2544 * wpclerk@whitepinecountynv.gov



Exhibit 2

BARBARA K. CEGAVSKE
Secretary of State

STATE OF NEVADA

SCOTT W. ANDERSON
Chief Deputy Secretary of State

MARK A. WLASCHIN
Deputy Secretary for Elections



**OFFICE OF THE
SECRETARY OF STATE**

October 22, 2020

Mr. Joe Gloria, Registrar of Voters
965 Trade Drive, Suite A
North Las Vegas, NV 89030-7802
jpg@ClarkCountyNV.gov
via Email

Re: Revision of Observation Plan

Mr. Gloria,

Over the last few days, a potential opportunity for improvement to your elections process observation plan have come to light that the Secretary of State believes to be worth considering. We have received Clark County's plan for accommodating election observers. In addition to the items detailed in your plan, we would request that you consider implementing the following:

Provide additional seating in the public viewing area for observing the signature verification process to the extent feasible while ensuring that no Personally Identifiable Information (PII) is observable to the public. This increase in seating should ensure meaningful observation.

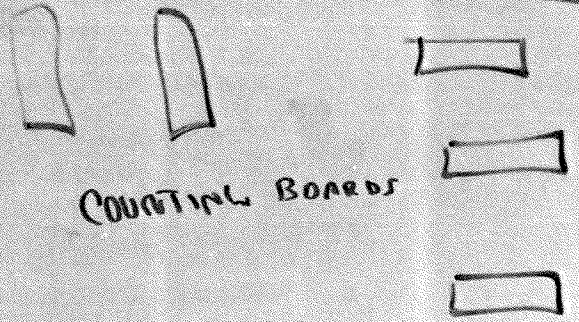
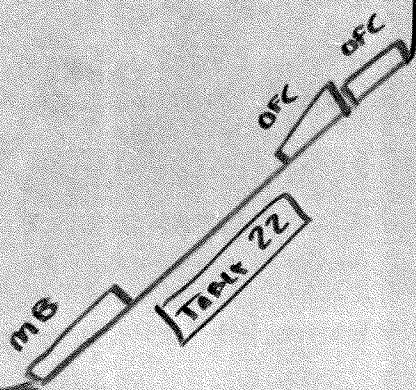
If you have any questions regarding this letter and my determination in this matter, please contact me at (775) 684-5709.

Respectfully,

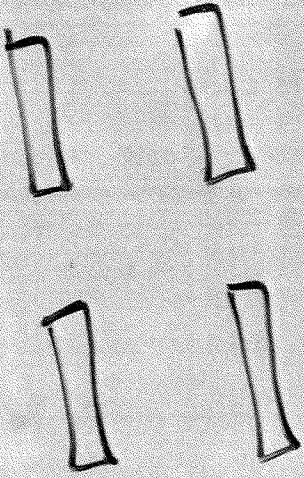
A handwritten signature in black ink that reads "Barbara K. Cegavske".

Barbara K. Cegavske
Secretary of State

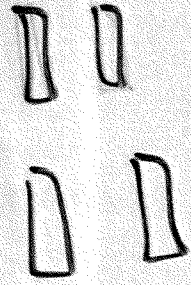
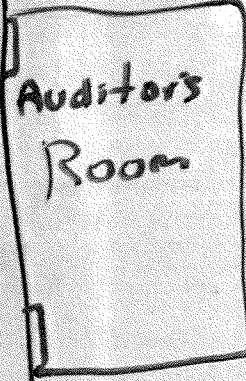
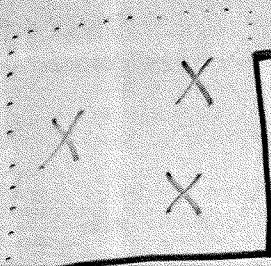
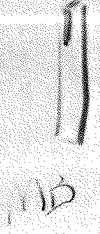
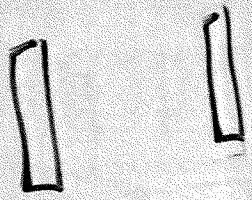
Exhibit 3



COUNTING BOARDS



DUPPLICATORS



DUPPLICATORS

Entrance