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10  
11 **IN THE FIRST JUDICIAL DISTRICT COURT  
CARSON CITY, NEVADA**

12 Jesse Law, an individual; Michael  
McDonald; an individual; James  
13 DeGraffenreid III, an individual;  
Durward James Hindle III, an  
14 individual; Eileen Rice, an individual;  
Shawn Meehan, an individual, as  
15 candidates for presidential electors on  
behalf of Donald J. Trump.

16 Contestants,

17 vs.

18 Judith Whitmer, an individual; Sarah  
Mahler, an individual; Joseph  
19 Throneberry, an individual; Artemesia  
Blanco, an individual; Gabrielle D'Ayr,  
20 an individual; and Yvanna Cancela, an  
individual, as candidates for  
21 presidential electors on behalf of Joseph  
R. Biden, Jr..  
22

23 Defendants.

Case No.  
Dept.

STATEMENT OF CONTEST OF THE  
NOVEMBER 3, 2020 PRESIDENTIAL  
ELECTION PURSUANT TO NRS  
293.407 AND 293.410

24  
25 **STATEMENT OF CONTEST**

26 This election contest arises from the substantial irregularities, improprieties,  
27 and fraud that occurred in Nevada's 2020 general election for the office of President  
28 of the United States. Nevada election officials developed and implemented an election

1 system that was highly susceptible to fraud and abuse. Indeed, Registrar Joe Gloria  
2 acknowledged to the Clark County Commission his staff “discovered discrepancies  
3 that we cannot explain” and cannot be remedied with a recount.<sup>1</sup>

4 Even though election officials were warned about these dangers, they persisted  
5 in implementing an election plan devoid of protections that could have prevented or  
6 discouraged malfeasance from third parties. Consequently, the fraud and abuse came  
7 with the election. This contest is the natural result, as evidence will show that the  
8 nature and scale of that fraud and abuse renders the purported results of the Nevada  
9 election illegitimate.

10 The contestants, Michael McDonald, an individual; James DeGraffenreid, an  
11 individual; Jim Hindle, an individual; Jesse Law, an individual; Eileen Rice, an  
12 individual; Shawn Meehan, an individual (hereinafter collectively, “Contestants”)  
13 state and allege the following for their election contest against Judith Whitmer, an  
14 individual; Sarah Mahler, an individual; Joseph Throneberry, an individual;  
15 Artemesia Blanco, an individual; Gabrielle D’Ayr, an individual; and Yvanna Cancela,  
16 an individual, as candidates for presidential electors on behalf of Joseph R. Biden, Jr,  
17 (hereinafter collectively, “Defendants”) pursuant to NRS 293.407:

18 **JURISDICTION AND PARTIES**

19 1. This Court has jurisdiction over this matter pursuant to NRS 293.407(2).

20 2. Donald J. Trump is the President of the United States of America and  
21 candidate for reelection to that office in the general election of November 3, 2020 (the  
22 “Election”).

23 3. Contestant Michael McDonald is a resident and registered voter in the  
24 State of Nevada, and a candidate Presidential Elector for Donald J. Trump.

25 4. Contestant James DeGraffenreid is a resident and registered voter in the  
26 State of Nevada, and a candidate presidential elector for Donald J. Trump.

27  
28 <sup>1</sup> Clark County Commission Meeting, November 16, 2020.



1 of the State of Nevada, required that unsolicited ballots be mailed to all registered  
2 voters in the state and established a procedure for voters to cast their ballots by mail.  
3 An overwhelming number of voters received multiple ballots for themselves and  
4 others. During the Election, state election boards received a combination of ballots  
5 from voters who chose to vote by mail, chose to vote in-person during various "early  
6 voting" periods, or chose to vote in person on election day – November 3, 2020.

7 15. The State of Nevada received 8.5 times more mail-in ballots in the  
8 Election (671,899) as it did in the 2016 election (78,572). Clark County, Nevada  
9 received more than 10 times more ballots in the 2020 election (453,248) than it did in  
10 the 2016 election (44,387).

11 16. Clark County election officials and election personnel were not prepared  
12 to accurately and efficiently verify the signatures on the mail-in ballots with election  
13 personnel as required by Nevada law. Accordingly, Clark County unilaterally  
14 decided to use a signature verification machine to verify mail-in ballot signatures in  
15 lieu of election personnel.

16 17. Mail-in ballots cast in Clark County, Nevada were processed through a  
17 machine manufactured by Runbeck Election Services referred to as the Agilis Ballot  
18 Sorting System ("Agilis"), which processed and scanned the ballots for the purposes  
19 of (a) recording the fact that the voter cast a vote; (b) sorting the ballots by precinct;  
20 and (c) matching voters' ballot envelope signatures to exemplars maintained by the  
21 Clark County Registrar of Voters.

22 18. The reliability of signature verification machines to analyze mail-in  
23 ballots has not been established through scientific study and testing to a degree that  
24 warrants their use in elections. There is very little scientific literature to consult to  
25 verify the accuracy of signature verification voting machines or to suggest that it is  
26 prudent to use them in elections. Election experts and computer scientists find that  
27 signature verification machines are potentially problematic for use in elections even  
28 if they are operated flawlessly and in strict conformance with the manufacturer's

1 specifications. Further, there appears to be little or no regulation and certification  
2 of signature verification machines in elections as compared to the longstanding,  
3 robust, and unparalleled regulation and certification of gambling machines in  
4 Nevada.

5 19. It appears that there have been insufficient or non-existent post-election  
6 audits of signature verification voting machines that have been used in elections.  
7 Election officials were warned not to use signature verification machines in the  
8 Election to evaluate mail-in ballot signatures and to instead increase staff to handle  
9 the expected surge.

10 20. In light of the stated intention of Nevada election officials to ignore the  
11 concerns with signature verification machines and to proceed with the use of the  
12 Agilis machine, lawsuits were filed prior to the Nevada election in an attempt to  
13 enjoin the use of the Agilis signature verification machines for evaluating mail-in  
14 ballot signatures. Nevada election officials opposed the lawsuits. In response to the  
15 concerns, Nevada election officials did nothing to safeguard and ensure that mail-in  
16 ballots were properly distributed, verified or counted.

17 21. Clark County was the only county in the State of Nevada to utilize the  
18 Agilis machine during the Election. Nevada utilized the Agilis machine to verify over  
19 130,000 mail-in ballot signatures in Clark County. The Agilis machine was not  
20 operated in conformance with the manufacturer's recommendations in at least two  
21 respects. First, the signature images on file with the State, which were used by the  
22 Agilis machine to compare to the signatures on the outside of the mail-in ballots, were  
23 of a lower image quality than suggested by the manufacturer in order to allow the  
24 machine to operate properly. Second, the setting of the Agilis machine was altered  
25 or adjusted by Nevada election officials in a manner that was lower than the  
26 manufacturer's recommendations and therefore unreliable.

27 22. The Agilis machine was not used by Clark County to simply flag  
28 questionable signatures for further review by election personnel. It was used to

1 entirely replace signature verification by election personnel with respect to over  
2 130,000 mail-in ballot envelope signatures. Other states that utilize the Agilis  
3 machine for signature verification machine do not allow the machine to make the  
4 ultimate decision on which mail-in ballots should be forwarded for counting. Rather,  
5 these other states use the Agilis machine to flag the most obvious signature  
6 verification discrepancies so that trained election personnel can review those mail-in  
7 ballots more carefully.

8 23. Not surprisingly, the Agilis machine performed erratically and the false  
9 negatives on signature matches (instances when the Agilis machine incorrectly  
10 rejected a signature) were at such a high rate that it was not reasonable for the State  
11 of Nevada or Clark County to rely on it for signature verification conclusions in any  
12 meaningful way, especially since there was no method or means to test or correct for  
13 false positives (instances when the Agilis machine incorrectly matched a signature).  
14 In short, the machine's malfunction made it inherently unreliable from a scientific  
15 perspective for unilaterally approving or rejecting signatures using its artificial  
16 intelligence protocols. Nevada election officials, however, evidently relied exclusively  
17 on the machine to verify over 130,000 mail-in ballot signatures without any further  
18 review of those mail-in ballots by trained election personnel.

19 24. Election Department procedures were poorly explained and  
20 inconsistently applied leaving the process unreliable, susceptible to failure, and  
21 potential malfeasance. Workers who questioned deviations were ignored or brushed  
22 off by other staff. For example, initially, same-day registrants were required to  
23 provide a Nevada photographic identification at early voter polling locations. Later,  
24 poll workers at some early voter polling locations unilaterally decided to allow same-  
25 day registrants to provide proof of a DMV appointment in place of a Nevada  
26 photographic identification. Consequently, voters were treated differently based on  
27 when and where they voted. Additionally, voters who insisted they did not mail in  
28 their ballot and wanted to vote in-person were treated differently depending on which

1 poll location they visited and when. Some voters were allowed to vote provisionally  
2 while others were turned away.

3 25. During in-person voting – whether during early voting periods or on  
4 election day, the computer system used by kiosk workers to check voters in  
5 consistently malfunctioned.

6 26. During in-person voting – whether during various early voting periods  
7 or on election day – all in-person voters in Nevada cast their ballots on computerized  
8 voting machines, which were also utilized in other jurisdictions throughout the  
9 United States. The voting machines and printers consistently malfunctioned.

10 27. During the Election, many ballots in the State of Nevada were cast (or  
11 categorized by election personnel) as “provisional ballots.” Voters were allowed to  
12 cast provisional ballots in-person if they could not satisfy address or signature  
13 verification requirements upon arrival at the polling place. They were required to  
14 cast provisional ballots if they made in-person changes to their name, address, date  
15 of birth or party affiliation. Provisional ballots were supposed to be segregated from  
16 the other ballots pending resolution of whatever particular issue affected the  
17 particular ballot. Provisional ballots that could not be cured were supposed to be  
18 “spoiled” or not counted; provisional ballots that were cured were subsequently cast  
19 and those votes officially counted towards candidates’ vote totals.

20 28. During the Election, various groups in the State of Nevada conducted  
21 “voting drives” to encourage the members of Native American communities to vote.  
22 These voting drives were promoted via various social media outlets, and voters were  
23 provided with various “incentives” to cast their vote.

24 29. As of November 16, 2020, the published vote margin in the State of  
25 Nevada between Vice-President Biden and President Trump was 33,596. The  
26 discrepancies and irregularities in this election will eclipse the difference in votes  
27 between the candidates.

28

1           30. The evidence presented by Contestants in this matter will show that  
2 significant problems plagued the Election in the State of Nevada, showing that the  
3 purported election results lacked integrity and demonstrate that the reported  
4 election results are inherently unreliable.

5           31. Upon the grounds for contest pleaded below, Contestants are entitled to  
6 the relief afforded in NRS 293.417.

7                                 **GROUND FOR CONTEST**

8                                 **CLARK COUNTY'S USE OF THE AGILIS MACHINE**

9           32. Contestants repeat and reallege all foregoing allegations and incorporate  
10 the same by reference as if fully set forth herein.

11           33. As alleged above, election personnel used the Agilis machine during the  
12 Election in Clark County, Nevada for the purposes of processing and scanning mail-  
13 in ballots.

14           34. In addition to other functions, the Agilis machine was utilized to  
15 compare, through artificial intelligence ("AI"), voter signatures on the mail-in ballot  
16 envelopes to the corresponding voter signature exemplar maintained by the Clark  
17 County Registrar of Voters.

18           35. As of November 16, 2020, Clark County reported receipt of 453,248 mail-  
19 in ballots for the Election. Each and every mail-in ballot received by the Clark  
20 County Election Department was processed and scanned by the Agilis machine. The  
21 Agilis machine rejected approximately 70% of the voter signatures and verified  
22 approximately 30% of the voter signatures accompanying those ballots. These highly  
23 unusual results should have caused the State of Nevada and Clark County to declare  
24 that the machine had malfunctioned and to abandon any reliance on the Agilis  
25 machine for signature verification. It did not.

26           36. The Agilis machine is designed to signature match with a tolerance  
27 setting between 50 and 100. Prior to use during the Election, Election personnel  
28



1 adjusted the tolerance level of the Agilis machines downward, ultimately settling on  
2 40. When they lowered the tolerance level to 40, they failed to do sufficient testing  
3 and calibration to validate the accuracy of the machine at that tolerance level so as  
4 to avoid any false positives on matched signatures.

5 37. The Agilis machine factory specifications requires that signatures be  
6 scanned at a minimum of 200 dots per inch (“dpi”) to meet the minimum standards  
7 for the machine’s signature matching artificial intelligence technology. Most of the  
8 voter signature exemplars in Clark County against which the Agilis machine  
9 compared the mail-in ballot signatures originated from signatures maintained by the  
10 Nevada Department of Motor Vehicles (“DMV”). The Nevada DMV does not have the  
11 technological capacity to scan signatures at a minimum of 200 dpi and instead scans  
12 signatures at a lower resolution. Therefore, the signature exemplars obtained from  
13 the Nevada DMV are below the minimum resolution required by the Agilis machine  
14 to properly function.

15 38. NRS 293.8874(1), as enacted in Assembly Bill 4, Sec. 4, 32d Special  
16 Session (Nev. 2020), requires “the clerk or an employee in the office of the county  
17 clerk shall check the signature used for the mail ballot in accordance with” detailed  
18 procedures.<sup>2</sup> Those procedures do not include relying on artificial intelligence  
19 software to verify matching signatures. Moreover, neither the Election Ordinance of  
20 Clark County, nor the Nevada State Constitution, make any provision for the  
21 electronic verification of signatures. Rather, human verification is required in every  
22 instance.

23 39. In violation of Nevada law, the Clark County Election Department  
24 allowed the Agilis machine to solely verify 30% of the signatures accompanying the  
25 mail-in ballots without ever having human eyes inspect those signatures.

26 \_\_\_\_\_  
27 <sup>2</sup> The use of the word “shall” in a statute imposes a mandatory duty. (*Kingdomware Technologies,*  
28 *Inc.*, 136 S.Ct. 1969, 195 L.Ed 2d 334 (2016). *See United States ex rel. Siegel v. Thoman*, 156 U.S.  
353, 359–360, 15 S.Ct. 378, 39 L.Ed. 450 (1895) “When a statute distinguishes between ‘may’ and  
‘shall,’ it is generally clear that ‘shall’ imposes a mandatory duty.”)

1           40.     Even after the error tolerance setting of the Agilis machine was adjusted  
2 downward, as alleged above, the Agilis machine still rejected 70% of the mail-in ballot  
3 signatures. A 70% rejection rate demonstrates that the Agilis machine is completely  
4 unreliable and that no confidence should be maintained with respect to the 30% of  
5 signatures that the Agilis machine allegedly verified.

6           41.     With respect to the estimated 30% of mail-in ballot signatures verified  
7 by the Agilis machine, those estimated 130,000 votes should be invalidated as illegal  
8 votes, since they were verified in violation of NRS 293.8874(1), as enacted in AB 4.

9           42.     The signatures rejected by the Agilis machine were then passed to  
10 human election personnel to inspect and verify the signatures.

11          43.     Upon information and belief, among the mail-in ballots subject to human  
12 signature inspection, approximately 1% of those were ultimately rejected.

13          44.     The evidence in this matter will show that Clark County election  
14 personnel were under immense pressure to "push the votes through" and were  
15 instructed to verify a signature match so long as at least one letter between the ballot  
16 envelope signature and the maintained exemplar appeared to match. Indeed, often  
17 the signature approved by the election officials bore little to no resemblance to the  
18 signature on file Clark County. This method of signature verification is objectively  
19 unreasonable.

20          45.     The evidence in this matter will show that the expected rejection rate  
21 during the course of signature comparisons is well in excess of 1%. Therefore, among  
22 the human inspected signatures, far more than 3,188 should have been rejected and  
23 not counted in the vote totals.

24          46.     Therefore, incorporating the expected number of signature rejections  
25 through human inspection, as well as invalidation of the ballots whose signatures  
26 were unlawfully verified through the Agilis machine alone, the illegally counted votes  
27 far exceed the difference in the vote counts between Vice-President Biden and  
28 President Trump.

1           47. Clark County's use of the Agilis machine also violated the equal  
2 protection rights of the citizens of Nevada:

3           a. Clark County mail-in voters were treated differently than mail-in  
4 voters in the rest of the state, as Clark County was the only county to utilize the  
5 Agilis machine.

6           b. In-person voters in Clark County were not treated in the same  
7 manner as mail-in voters in that they were not subject to the same system of  
8 signature verification.

9           c. Even among mail-in voters in Clark County, two classes were  
10 created as between those whose signatures were verified by the Agilis machine versus  
11 those who were rejected when, in fact, under AB 4 each and every voter signature in  
12 the State of Nevada was required to be checked and verified by human eyes, with no  
13 provision for electronic or AI verification.

14           48. The issues with the use of the Agilis machine in Clark County, as alleged  
15 above, demonstrate that the election board or members thereof were guilty of  
16 malfeasance under NRS 293.410(2)(a) by:

17           a. Violating Nevada law in using the Agilis machine, rather than  
18 human beings, to verify signature matches for mail-in ballots.

19           b. Utilizing the Agilis machine in a manner inconsistent with its  
20 factory specifications – i.e. altering the error tolerance level and utilizing signature  
21 exemplars at lower than the minimum resolution required for the Agilis machine's  
22 AI function.

23           c. Violating the equal protection rights afforded to the citizens of  
24 Nevada by the Nevada and United States Constitutions.

25           49. The issues with the use of the Agilis machine in Clark County, as alleged  
26 above, demonstrate that illegal or improper votes were cast and counted (NRS  
27 293.410(2)(c)) in an amount that is equal to or greater than the margin between  
28

1 President Trump and Vice-President Biden, or in an amount sufficient to raise  
2 reasonable doubt as to the outcome of the election.

3 50. The issues with the use of the Agilis machine in Clark County, as alleged  
4 above, constitute a malfunction of the machine sufficient to raise reasonable doubt as  
5 to the outcome of the election (NRS 293.410(2)(f)), in that even after lowering the  
6 calibration for error tolerance, the Agilis machine still rejected 70% of mail-in ballot  
7 envelopes for failure of the signature match.

### 8 ELECTRONIC VOTING MACHINES

9 51. Contestants repeat and reallege all foregoing allegations and incorporate  
10 the same by reference as if fully set forth herein.

11 52. During the Election, in-person votes in Nevada were cast on electronic  
12 voting machines.

13 53. The machines used in Nevada were inherently unreliable and  
14 susceptible to being electronically compromised by malicious parties, due to a  
15 shocking lack of physical security and cybersecurity.

16 54. The evidence in this matter will show that during in-person voting in  
17 Nevada, the voting machines regularly "froze," forcing voters to interrupt their voting  
18 process to have the machines rebooted or tended to by election personnel and to have  
19 their individual voter cards reactivated. Some machines had to be removed and  
20 replaced entirely.

21 55. The evidence in this matter will show that during in-person voting, the  
22 printers of the voting machines failed in several different ways: the thermal print  
23 head would fail causing blank sheets where there should have been a record of the  
24 vote cast; the scanner would fail to read the QR codes in order to verify the machine  
25 had cast the votes correctly; and the gears within the printer would fail. Printers often  
26 ran out of paper, which required replacing the whole machine because the paper was  
27 locked inside the machine during the Election. If a printer broke down while printing  
28 a receipt, that receipt would not be printed and that vote count information would not

1 be captured for recording and audit purposes. Ripped and torn paper receipts were  
2 delivered to the election departments.

3 56. The evidence in this matter will show the voting machines used in the  
4 State of Nevada also suffer from a lack of adequate password protection and no data  
5 encryption. The voting data from each voting machine is stored on a removable USB  
6 drive which, without adequate password protection or data encryption, can be altered  
7 with minimal computer and/or hacking skills.

8 57. The evidence in this matter will show that during in-person early voting,  
9 team leaders were required to remove USB drives from machines each night and log  
10 the machine's vote totals (hand write) on a sheet of paper that was turned into the  
11 election department. There were multiple days where the total vote counts provided  
12 on the pre-printed log sheet in the morning did not match the vote counts provided to  
13 the election department the night before. On some days, the vote totaled more than  
14 the machine had logged; and on some days, the vote total was less. In other words,  
15 votes appear to have been added to or deleted from these drives overnight during the  
16 early voting period.

17 58. The issues with the use of the voting machine, as alleged above,  
18 demonstrate that the election board or members thereof were guilty of malfeasance  
19 under NRS 293.410(2)(a) by:

20 a. Failing to adequately update and/or maintain the voting machines  
21 prior to the election.

22 b. Failing to ensure continuous and proper operation of the voting  
23 machines.

24 c. Failure to protect the integrity of voting information through  
25 adequate password and data encryption measures.

26 d. Failure to ensure the integrity of voting information such that vote  
27 hand-tallies matched voting machine logs throughout the voting process.

28 e. Failure to count legal and proper votes.

1 59. The issues with the use of the voting machine, as alleged above,  
2 demonstrate that illegal or improper votes were cast and counted (NRS 293.410(2)(c))  
3 in an amount sufficient to raise reasonable doubt as to the outcome of the election.  
4 The evidence will show that there were no less than 1,000 illegal or improper votes  
5 cast and counted through the use of the voting machine.

6 60. The issues with the voting machine and printers, as alleged above,  
7 demonstrate that all legal and proper votes were not cast and counted (NRS  
8 293.410(2)(c) in an amount sufficient to raise reasonable doubt as to the outcome of  
9 the election. The evidence will show that there were no less than 1,000 legal and  
10 proper votes that were not cast and counted through the use of the voting machine.

11 61. The issues with the use of the voting machine, as alleged above,  
12 constitute a malfunction of the machine sufficient to raise reasonable doubt as to the  
13 outcome of the Election (NRS 293.410(2)(f)).

14 **OTHER ILLEGAL OR IMPROPER VOTES**

15 62. Contestants repeat and reallege all foregoing allegations and incorporate  
16 the same by reference as if fully set forth herein.

17 63. The evidence in this matter will show that throughout the ballot counting  
18 process commencing on November 3, 2020, Clark County election personnel were  
19 under constant pressure from the Clark County Registrar of Voters to authenticate,  
20 process, and count ballots that presented problems and irregularities.

21 64. Upon information and belief, there are significant numbers of mail-in  
22 ballots received in Nevada from voters who are also known to have voted in other  
23 states. The evidence will show that there were no less than 15,000 of these illegal and  
24 improper votes.

25 65. The evidence in this matter will show that Nevada failed to cure its voter  
26 lists to reflect returned ballots during the 2020 primary election. This failure resulted  
27 in ballots being delivered to addresses where no known voter lives.

1           66. The evidence in this matter will also show that United States Postal  
2 Service letter carriers were directed to violate the USPS policy by delivering mail-in  
3 ballots to addresses where the addressee of the ballot was known to be deceased,  
4 known to have moved from that address, or had no affiliation with that address at all.

5           67. Upon information and belief, there were significant numbers of votes cast  
6 by voters who did not meet the residency requirement to vote in Nevada. The evidence  
7 will show that there were no less than 1,000 of these illegal and improper votes.

8           68. Upon information and belief, there have been mail-in ballots received  
9 from deceased persons. The evidence will show that there were no less than 500 of  
10 these illegal and improper votes.

11           69. On information and belief, statewide election departments continued to  
12 receive and process mail-in ballots that were submitted after deadlines.

13           70. Upon information and belief, mail-in ballots were completed and  
14 submitted at polling places by those other than voters. The evidence will show that  
15 there were no less than 500 of these illegal and improper votes.

16           71. These illegal or improper votes cast and counted are in an amount  
17 sufficient to raise reasonable doubt as to the outcome of the Election (293.410(2)(c)(1)).

### 18                           PROVISIONAL BALLOTS

19           72. Contestants repeat and reallege all foregoing allegations and incorporate  
20 the same by reference as if fully set forth herein.

21           73. The procedure for accepting provisional ballots in the Election was rife  
22 with significant problems and irregularities.

23           74. Workers arbitrarily imposed, and systematically failed to clarify the  
24 consequences of provisional voting. These failures both increased the likelihood of  
25 ineligible votes being cast and wrongfully disenfranchised properly registered voters.

26           75. Properly registered voters were often not even notified that their ballots  
27 were cast provisionally or that they were required to take further action to cure a  
28 defect with their identification or registration.

1           76.    The evidence in this matter will show that numerous voters arrived to  
2 vote at their respective polling place only to be informed that a mail-in ballot had  
3 already been received on their behalf when, in fact, the voter had not submitted a  
4 mail-in ballot.

5           77.    The evidence in this matter will show that no less than 500 provisional  
6 ballots were counted in the official vote totals without the issues which rendered them  
7 provisional in the first place ever being resolved, thereby rendering them illegal and  
8 improper votes.

9           78.    The evidence in this matter will show that many Nevada voters were  
10 made to cast a provisional ballot on election day and then not given the opportunity  
11 to cure their lack of identification, as the Department of Motor Vehicles ("DMV") did  
12 not have appointments available for those people to obtain their identifications before  
13 the statutory cure date of November 6, 2020. Voters that were made to cast provisional  
14 ballots in the early voting period, however, were given the opportunity to have  
15 specially set appointments at the DMV to cure their ballots. The result is that  
16 provisional voters who cast votes during the early voting period were preferred over  
17 provisional voters who cast their votes on election day.

18           79.    These illegal or improper votes cast and counted are in an amount  
19 sufficient to raise reasonable doubt as to the outcome of the Election (293.410(2)(c)(1))  
20 and were also a violation of equal protection under the Fourteenth Amendment of the  
21 United States Constitution.

#### 22           NEVADA'S FAILURE TO ALLOW MEANINGFUL OBSERVATION

23           80.    Contestants repeat and reallege all foregoing allegations and incorporate  
24 the same by reference as if fully set forth herein.

25           81.    NRS 293B.353(1) affords members of the general public the right to  
26 observe the counting of the ballots.

27           82.    Section 25 of AB 4 clarified that the public's right to observe ballot  
28 counting is equally applicable to the processing and counting of mail-in ballots, which



1 may begin 15 days before the date of the Election. "The counting procedure must be  
2 public," AB 4, § 25.

3 83. In violation of Nevada law, the County Registrars failed and refused to  
4 grant meaningful observation opportunities to the general public with respect to the  
5 mail-in ballots.

6 84. Clark County's observation procedures failed to ensure transparency and  
7 integrity as it did not allow the public to see election officials during key points of mail  
8 ballot processing. For instance, a mail ballot arrives at the Clark County Division of  
9 Elections in an envelope sealed and signed by the voter. It was then scanned several  
10 times by an Agilis machine, as described above. Upon alleged authentication of the  
11 signature, the ballot was transported to another Clark County facility, known as  
12 Greystone, where it was removed from its envelope by election officials.

13 85. Once the envelope was opened, the ballot would then be separated from  
14 the envelope and inspected to determine if any deficiencies would obstruct it from  
15 being fed through a tabulation machine. If any deficiencies existed, the ballot was  
16 hand duplicated by being placed in a green envelope for a "runner" to take into a small  
17 room known as the "MB Vault" and matched with a blank ballot from the voter's  
18 precinct.

19 86. The evidence in this matter will show that runners often went into the  
20 MB Vault alone, sometimes even with a writing instrument, and closed the door. The  
21 runner would then leave the MB Vault with the voter's ballot and a blank ballot and  
22 take them to duplicators who allegedly duplicated the voter's choices on the clean  
23 ballot, so it could be fed through a tabulation machine.

24 87. The procedure described above provides an opportunity for a careless or  
25 unscrupulous official or worker to mark choices for any unfilled elections or questions  
26 on the ballot, potentially substantially affecting down ballot races where there are  
27 often significant undervotes, or causing the ballots to be thrown out due to overvotes.

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1 88. The evidence in this matter will show that members of the public who  
2 attempted to observe the processing and tabulation of mail-in ballots, as is their right  
3 under Nevada law, were routinely confined to small spaces or corners too far away  
4 from the locations where the mail-in ballots were being processed to afford meaningful  
5 observation.

6 89. The evidence in this matter will show that those locations where  
7 observers were permitted often allowed only obstructed and distant views of the  
8 locations where the mail-in ballots were being processed.

9 90. The evidence in this matter will show that at times during mail-in ballot  
10 processing, public observers were simply ordered out of the processing areas with no  
11 explanation.

12 91. The evidence in this matter will show that observers were provided with  
13 no opportunity at all to observe the processes by which Election personnel addressed  
14 issues with rejected mail-in ballots and determined whether those ballots would be  
15 spoiled, or their issues cured.

16 92. Clark County's failure to provide the general public with meaningful  
17 opportunities to observe the processing and tabulation of mail-in ballots was a  
18 violation of Nevada law and, therefore, a malfeasance of which the election board or  
19 members thereof are guilty under NRS 293.410(2)(a).

20 93. Poll watchers were constantly denied the ability to meaningfully observe  
21 operations at the in-person voting locations.

22 **VOTING DRIVES**

23 94. Contestants repeat and reallege all foregoing allegations and incorporate  
24 the same by reference as if fully set forth herein.

25 95. In conjunction with the Election, the Nevada Native Vote Project  
26 ("NNVP") coordinated a voting drive campaign among the Native American  
27 community in Nevada.

28

1           96. To incentivize voters within the Native American Community, the NNVP  
2 offered gift cards, gas cards, raffle entries, and t-shirts in exchange for voters coming  
3 to the polling place and casting their votes.

4           97. The provision of incentives in exchange for votes occurred during the  
5 early voting period and on election day in communities including, but not limited to,  
6 the Lovelock Paiute Tribe community; the Elko Indian Colony; the Moapa Paiute  
7 community; the Reno-Sparks Indian Colony; the Duck Valley Indian Reservation; and  
8 the Battle Mountain Band Indian Colony.

9           98. The NNVP voting drives among these communities, and the incentives  
10 offered in exchange for voting, were heavily advertised on online social media,  
11 depicting voting drive information; photos and video of voters receiving gift cards, gas  
12 cards, t-shirts, and raffle tickets; and video of NNVP personnel promoting these  
13 efforts.

14           99. At least one of the social media videos in which NNVP promoted the  
15 voting drives and the incentives depicted NNVP personnel wearing a "Biden-Harris"  
16 face covering and standing in front of a van bearing a "Biden-Harris" logo and openly  
17 encouraged people to vote for Joseph Biden.

18           100. Offering something of value to a voter in exchange for his/her vote is a  
19 violation of Federal and Nevada law. All such votes cast in exchange for the above  
20 described incentives are, therefore, illegal and improper votes. The evidence will show  
21 that there were no less than 500 of these illegal and improper votes.

22           101. These illegal or improper votes cast and counted are in an amount  
23 sufficient to raise reasonable doubt as to the outcome of the Election (293.410(2)(c)(1)).

24           102. The fact that the voting drives were officially promoted by NNVP  
25 organizing personnel displaying "Biden-Harris" promotional material and logos  
26 reflects that value was being offered to voters under these circumstances in an effort  
27 to manipulate or alter the outcome of the Election (NRS 293.407(2)(e)).

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1 TOTALITY OF CIRCUMSTANCES

2 103. Contestants repeat and reallege all foregoing allegations and incorporate  
3 the same by reference as if fully set forth herein.

4 104. The statutory violations and voting irregularities alleged above, when  
5 considered in total, invalidate significant numbers of ballots and thereby reduce the  
6 vote totals of both candidates in large numbers. The evidence will show that the  
7 reduction in votes for Defendant, however, is 40,000 or more than the reduction in  
8 votes for the Contestant or, at the very least, in an amount sufficient to raise  
9 reasonable doubt as to the outcome of the Election.

10 105. The Boards of County Commissioners completed the canvass of returns  
11 on November 16, 2020. The Election results are due to be certified by the Nevada  
12 Secretary of State on November 24, 2020.

13 WHEREFORE, Contestants, reserving the right to amend this Statement of  
14 Contest, pray that, by virtue of Defendant's failure to comply with the law:

15 1. President Trump be declared the victor of the Election in Nevada and  
16 that Contestants McDonald, DeGraffenreid, Hindle, Law, Rice, and Meehan be  
17 certified as the duly elected electors for the State of Nevada; or, in the alternative,

18 2. That Defendants' election to the office of elector be declared null and  
19 void, that the Election in Nevada of November 3, 2020, be annulled and that no  
20 candidate for elector for the office of President of the United States of America be  
21 certified from the State of Nevada.

22 3. For any such additional relief as the Court deems proper in the  
23 circumstances.

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**AFFIRMATION**

The undersigned attorney does hereby affirm, pursuant to NRS 239B.030, that this document and any attachments do not contain personal information as defined in NRS 603.040 about any persons.

Dated: this 17<sup>TH</sup> day of November, 2020      WEIR LAW GROUP, LLC

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