

IN THE SUPREME COURT OF THE STATE OF NEVADA

NEVADA STATE DEMOCRATIC  
PARTY; AND ROSS MILLER, IN HIS  
CAPACITY AS SECRETARY OF  
STATE FOR THE STATE OF NEVADA,  
Appellants,

vs.

NEVADA REPUBLICAN PARTY; AND  
DAVID BUELL, AN INDIVIDUAL,  
Respondents.

No. 58404

**FILED**

**MAY 31 2011**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK


ORDER DIRECTING SUPPLEMENTAL BRIEFING

On May 24, 2011, this court entered an order granting a motion filed by appellant Ross Miller, Secretary of State, requesting an expedited briefing schedule for this appeal. Our May 24 order also directed that Secretary Miller provide this court with an affidavit or declaration under oath setting forth the actual time lines for the preparation, printing, and circulation of ballots for this special election. On May 26, 2011, Secretary Miller filed his declaration, in which he explains that a ruling by this court before July 6, 2011, should provide enough time to ensure production of the ballots.

Having undertaken an initial review of the district court record, filed in this court on May 26, 2011, we are concerned that the time constraints presented by this appeal provide significant challenges to this court's ability to provide a thoughtful and considered review of the important issues and questions of public policy that may be at stake. Notably, on May 9, 2011, Governor Brian Sandoval issued a proclamation announcing the vacancy in Nevada's Second Congressional District, created that day, and that a special election would be held on September

13, 2011, to fill the remainder of the unexpired term in the United States House of Representatives. The special election is scheduled to be held 127 days from the Governor's proclamation. Under NRS 304.230, the Governor may schedule the special election up to 180 days from the issuance of his proclamation. We conclude that supplemental briefing on this issue would assist the court in resolving this appeal. Thus, we direct the parties to file and serve, by no later than 4 p.m. on Monday, June 6, 2011, a supplemental brief, not to exceed ten pages, addressing whether the date of the special election can be rescheduled to a later date, in accordance with NRS 304.230(1)(a) (noting that the election shall be held "[a]s soon as practicable"), to allow a careful review of this appeal.<sup>1</sup>

It is so ORDERED.

 \_\_\_\_\_, C.J.

cc: Jones Vargas/Las Vegas  
Perkins Coie, LLC  
Griffin Rowe & Nave  
Attorney General/Carson City  
O'Mara Law Firm, P.C.  
Parsons Behle & Latimer/Reno

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<sup>1</sup>The suspension of NRAP 25(a) noted in our May 24, 2011, expedited briefing order remains in effect. Accordingly, the supplemental briefs should be filed personally, electronically, or by facsimile transmission with the clerk in Carson City.

