

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

WILLIAM MANTLE,
Appellant/Cross-Respondent,
vs.
JENNIFER BREKHUS, A/K/A JENNY
BREKHUS,
Respondent/Cross-Appellant,

THE CITY OF RENO,
Cross-Respondent

No. 84821 Electronically Filed
Jun 30 2022 12:39 p.m.
DOCKETING STATEMENT
CIVIL APPEALS
Elizabeth A. Brown
Clerk of Supreme Court

GENERAL INFORMATION

Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument and settlement conferences, classifying cases for expedited treatment and assignment to the Court of Appeals, and compiling statistical information.

WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 27 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. *See KDI Sylvan Pools v. Workman*, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

1. Judicial District 2nd Department 4
County Washoe Judge Connie Steinheimer
District Ct. Case No. CV22-00560

2. Attorney filing this docketing statement:

Attorney Luke Busby, Esq. Telephone 774-453-0112
Firm None
Address 316 California Ave.
Reno, Nevada 89509

Client(s) Jennifer Brekhus

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

3. Attorney(s) representing respondents(s):

Attorney William Mantle - Pro Se Telephone 775-842-9394
Firm _____
Address 2040 Angel Ridge Dr.
Reno, NV 89521

Client(s) Pro Se

Attorney Karl Hall Telephone 775-334-2050
Firm Reno City Attorney's Office
Address One E First Street, 3rd Floor
Reno, NV 89501

Client(s) The City of Reno

(List additional counsel on separate sheet if necessary)

4. Nature of disposition below (check all that apply):

- | | |
|--|---|
| <input checked="" type="checkbox"/> Judgment after bench trial | <input type="checkbox"/> Dismissal: |
| <input type="checkbox"/> Judgment after jury verdict | <input type="checkbox"/> Lack of jurisdiction |
| <input type="checkbox"/> Summary judgment | <input type="checkbox"/> Failure to state a claim |
| <input type="checkbox"/> Default judgment | <input type="checkbox"/> Failure to prosecute |
| <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief | <input type="checkbox"/> Other (specify): _____ |
| <input type="checkbox"/> Grant/Denial of injunction | <input type="checkbox"/> Divorce Decree: |
| <input type="checkbox"/> Grant/Denial of declaratory relief | <input type="checkbox"/> Original <input type="checkbox"/> Modification |
| <input type="checkbox"/> Review of agency determination | <input type="checkbox"/> Other disposition (specify): _____ |

5. Does this appeal raise issues concerning any of the following?

- ☐ Child Custody
- ☐ Venue
- ☐ Termination of parental rights

6. Pending and prior proceedings in this court. List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

None

7. Pending and prior proceedings in other courts. List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

None

8. Nature of the action. Briefly describe the nature of the action and the result below:

On April 6, 2022, the Reno City Attorney filed a Petition for an Order to Show Cause ("Petition") regarding the challenge to the qualification of Jenny Brekhus for the Office of Mayor of the City of Reno brought by William Mantle. The Petition does not address the issue of whether the challenge by Mantle was timely filed. On April 8, 2022, the District Court issued an Order to Appear and Order to Show Cause regarding the challenge filed by Mantle.

The District Court held a hearing on April 20, 2022 and issued its Order on May 2, 2022 finding that the Petition was timely filed, that Ms. Brekhus' candidacy is Constitutional, and denying Brekhus' request for a finding that the challenge was frivolous and for attorney's fees and costs.

9. Issues on appeal. State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

The issues in this appeal are: (1) Whether Mantle's challenge to Brekhus' candidacy is moot, as Brekhus lost the primary election for the office of Reno mayor; (2) Whether the District Court erred in finding that Brekhus' candidacy Reno mayor was not prohibited by term limits imposed by the Nevada Constitution; (3) Whether the District Court erred in finding that Mantle's challenge to Brekhus' candidacy was timely; and (4) Whether the District Court erred in finding that Mantle's challenge was not frivolous and that Brekhus was not entitled to recover attorney's fees.

10. Pending proceedings in this court raising the same or similar issues. If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

None

11. Constitutional issues. If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

☐ N/A

☐ Yes

☒ No

If not, explain:

12. Other issues. Does this appeal involve any of the following issues?

☐ Reversal of well-settled Nevada precedent (identify the case(s))

☒ An issue arising under the United States and/or Nevada Constitutions

☐ A substantial issue of first impression

☐ An issue of public policy

☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

☐ A ballot question

If so, explain: Nevada Constitution, Article 15, § 3 states that no person may be elected to any state office or local governing body who has served in that office, or at the expiration of his current term if he is so serving will have served, 12 years or more, unless the permissible number of terms or duration of service is otherwise specified in this constitution. The issue in this case is: what does "at the expiration of his current term," in Article 15, § 3 mean?

13. Assignment to the Court of Appeals or retention in the Supreme Court. Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

This case should be retained by the Supreme Court under NRAP 17(a)(11) because it involves a matter raising as a principal issue a question of first impression involving the Nevada Constitution.

14. Trial. If this action proceeded to trial, how many days did the trial last? 1

Was it a bench or jury trial? Bench hearing

15. Judicial Disqualification. Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?
No

TIMELINESS OF NOTICE OF APPEAL

16. Date of entry of written judgment or order appealed from May 2, 2022

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

17. Date written notice of entry of judgment or order was served May 2, 2022

Was service by:

☐ Delivery

☒ Mail/electronic/fax

18. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59)

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

☐ NRCP 50(b) Date of filing _____

☐ NRCP 52(b) Date of filing _____

☐ NRCP 59 Date of filing _____

NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. See AA Primo Builders v. Washington, 126 Nev. ____, 245 P.3d 1190 (2010).

(b) Date of entry of written order resolving tolling motion _____

(c) Date written notice of entry of order resolving tolling motion was served _____

Was service by:

☐ Delivery

☐ Mail

19. Date notice of appeal filed June 10, 2022

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal: Mantle filed a Notice of Appeal on June 1, 2022. Brekhus filed her Notice of Cross-Appeal on June 10, 2022.

20. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a) or other

NRAP(4)(a)(2)

SUBSTANTIVE APPEALABILITY

21. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:

(a)

- | | |
|---|---------------------------------------|
| <input checked="" type="checkbox"/> NRAP 3A(b)(1) | <input type="checkbox"/> NRS 38.205 |
| <input type="checkbox"/> NRAP 3A(b)(2) | <input type="checkbox"/> NRS 233B.150 |
| <input type="checkbox"/> NRAP 3A(b)(3) | <input type="checkbox"/> NRS 703.376 |
| <input type="checkbox"/> Other (specify) _____ | |

(b) Explain how each authority provides a basis for appeal from the judgment or order:

The District Court's May 2, 2022 Order Denying Motion to Dismiss and Finding Brekhus' Candidacy For The 2022 Mayoral Election Constitutional is a final judgment entered in an action or proceeding commenced in the court in which the judgment is rendered.

22. List all parties involved in the action or consolidated actions in the district court:

(a) Parties:

William Mantle, Jennifer Brekhus, and The City of Reno

(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, *e.g.*, formally dismissed, not served, or other:

N/A

23. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.

This case involves a challenge to the qualifications of Jenny Brekhus for the Office of Mayor of the City of Reno brought by William Mantle.

24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?

☒ Yes

☐ No

25. If you answered "No" to question 24, complete the following:

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below:

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)?

☐ Yes

☐ No

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment?

☐ Yes

☐ No

26. If you answered "No" to any part of question 25, explain the basis for seeking appellate review (*e.g.*, order is independently appealable under NRAP 3A(b)):

27. Attach file-stamped copies of the following documents:

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- Any tolling motion(s) and order(s) resolving tolling motion(s)
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
- Any other order challenged on appeal
- Notices of entry for each attached order

VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Jenny Brekhus
Name of appellant

Luke Busby, Esq.
Name of counsel of record

06/30/2022
Date

/s/ Luke Busby
Signature of counsel of record

Washoe County, State of Nevada
State and county where signed

CERTIFICATE OF SERVICE

I certify that on the 30th day of June, 2022, I served a copy of this completed docketing statement upon all counsel of record:

- ☐ By personally serving it upon him/her; or
- ☒ By mailing it by first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

William Mantle
2040 Angel Ridge Dr.
Reno, NV 89521

City Attorney's Office
Karl Hall
P.O. Box 1900
Reno, NV 89505

Dated this 30th day of June, 2022

/s/ Luke Busby
Signature

Exhibit 1

Exhibit 1

Code: 1245
KARL S. HALL
Reno City Attorney
Post Office Box 1900
Reno, Nevada 89505
(775) 334-2050
Attorney for City of Reno

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

* * ◇ * *

IN THE MATTER OF CHALLENGE TO
THE QUALIFICATIONS OF JENNY
BREKHUS,

CASE NO.:

DEPT. NO.:

Jenny Brekhus, Respondent; William Mantle,
Challenger, and Real Parties in Interest.

**PETITION FOR ORDER TO SHOW CAUSE REGARDING THE CANDIDACY OF
JENNY BREKHUS FOR MAYOR OF THE CITY OF RENO**

Reno City Attorney Karl S. Hall, pursuant to NRS 293C.186(4), hereby submits this
Petition for an Order to Show Cause ("Petition") regarding the challenge to the qualification of
Jenny Brekhus ("Brekhus") for the Office of Mayor of the City of Reno brought by William
Mantle ("Mantle").

I. PARTIES

1. Petitioner Reno City Attorney is authorized to commence this proceeding
pursuant to NRS 293C.186(4).

2. Respondent, and Real Party in Interest Brekhus, is an individual who has filed a
Declaration of Candidacy for Mayor of the City of Reno.

3. Respondent, and Real Party in Interest Mantle is an individual who has filed a
Declaration of Candidacy for Mayor of the City of Reno, and has also filed a challenge to the
qualification of Brekhus with the Reno City Clerk.

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13. The Nevada Supreme Court has held that for purposes of Article 15, Section 3(2), the Reno City Mayor is subject to the same term limits as other members of the Reno City Council. *Lorton v. Jones*, 130 Nev. 51, 322 P.2d 1051 (2014).

RELIEF REQUESTED

WHEREFORE, Petitioner requests that the Court order the following relief:

1. Promptly issue an Order to Show Cause directing Brekhus, or her legal representative, to appear and show cause why the challenge filed by Mantle should not be upheld;

2. In the event the challenge filed by Mantle is upheld, to issue an order pursuant to NRS 293.2045 that Brekhuis shall not appear on the ballot; and

2. All other just and proper relief.

AFFIRMATION

The undersigned does hereby affirm that the preceding document filed in this court does not contain the social security number of any person.

DATED this 6th day of April, 2022.

KARL S. HALL
Reno City Attorney

By: /s/ Karl S. Hall
KARL S. HALL
Reno City Attorney
Nevada State Bar No. 23
Post Office Box 1900
Reno, Nevada 89505
Attorney for City of Reno

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of the RENO CITY ATTORNEY'S
3 OFFICE, and that on this date, I am serving the foregoing document(s) on the party(s) set forth
4 below by:
5

6 X Placing an original or true copy thereof in a sealed envelope placed for collection
7 and mailing in the United States Mail, at Reno, Nevada, certified mail/return receipt
8 requested, postage prepaid, following ordinary business practices and

9 X Email delivery

10 addressed as follows:

11 William Mantle
12 2040 Angel Ridge Dr.
13 Reno, Nevada 89521
14 mantleformayor@gmail.com

Jenny Brekhus
Box 20, 316 California Ave.
Reno, Nevada 89501
JennyBrekhus@gmail.com

15
16 In addition, a copy of the foregoing document was served by hand delivery to:

17 Reno City Clerk
18 1 E. First Street, 2nd Floor
19 Reno, Nevada 89501

20 DATED this 6th day of April, 2022.

21 /s/ Jeanette Sparks
22 Jeanette Sparks
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EXHIBIT LIST

Exhibit No.	Description	Pages
1	Brekhus Declaration of Candidacy Packet	5
2	Mantle Declaration of Candidacy Packet	11
3	Registration and Election Report/Complaint	11

EXHIBIT 1

EXHIBIT 1

STATE OF NEVADA)
) SS.
COUNTY OF WASHOE)

I, Mikki Huntsman, City Clerk of the City of Reno, Nevada, do hereby certify that the attached is a true and correct copy of the Declaration of Candidacy Packet for Jennifer Brekhus. Which is on file and of record in the City of Reno City Clerk's Office at Reno, Washoe County, Nevada.

IN TESTIMONY WHEREOF, I have here unto set my hand and affixed the seal of the said City of Reno, this 5th day of April, 2022.

By 
Mikki Huntsman
City Clerk



2022 Election

State of Nevada Declaration of Candidacy of Jenny Brekhuis For the Office of

Reno Mayor

FILED THIS DATE
MAR 17 2022
BY: MA

Nonpartisan Office

Secretary of State Barbara K. Cegavske

STATE OF NEVADA

COUNTY OF

For the purpose of having my name placed on the official ballot as a candidate for the office of Reno Mayor, I, the undersigned Jenny Brekhuis do swear or affirm under penalty of perjury that I, actually, as opposed to constructively, reside at 725 Gordon Avenue, in the City or Town of Reno, County of Washoe, State of Nevada; that my actual, as opposed to constructive, residence in the state, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office, that my telephone number is 775.544.1694, and the address at which I receive mail, if different than my residence, is Box 20, 316 California Ave; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of office; and that I understand my name will appear on all ballots as designated in this declaration.

Jenny Brekhuis
Signature of candidate for office

Jenny Brekhuis
Designation of name to appear on ballot

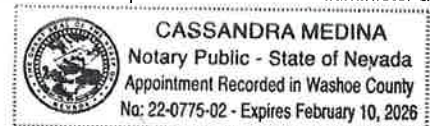
Jenny Brekhuis
Designation of name to appear on certificate of election



jennybrekhuis@gmail.com
E-mail address (optional)

Subscribed and sworn or affirmed to before me this 17th
day of the month of March of the year 20 22

Jennifer Brekhuis
Name of Candidate



Cassandra Medina
Notary Public or other person authorized to administer an oath





NEVADA


DRIVER LICENSE



1 BREKHUS
2 JENNIFER ANNE
3 725 GORDON AVE
4 RENO, NV 89509-1406

15 Sex F 16 Hgt 5'07" 17 Wgt 160 18 Eyes BRO
9 Class C 9a Eng NONE 19 Hair GRY 4a Iss 12/24/2019
12 Restr NONE

4d DL NO [REDACTED]
3 DOB 02/08/1967
4b Exp 02/08/2026



FILED THIS DATE
MAR 17 2022
BY: UNRA

Election Campaign Practices



Secretary of State Barbara K. Cegavske

Code of Fair Campaign Practices

There are basic principles of decency, honesty and fair play which every candidate for public office in the State of Nevada has a moral obligation to observe and uphold, in order that, after vigorously contested by fairly conducted campaigns, the voters may exercise their constitutional right to vote for the candidate of their choice and that the will of the people may be fully and clearly expressed on the issues.

THEREFORE:

- 1. I will conduct my campaign openly and publicly and limit attacks against my opponent to legitimate challenges to his voting record or qualifications for office.*
- 2. I will not use character defamation or other false attacks on a candidate's personal or family life.*
- 3. I will not use campaign material which misrepresents, distorts or otherwise falsifies the facts, nor will I use malicious or unfounded accusations which are intended to create or exploit doubts, without justification, about the personal integrity of my opposition.*
- 4. I will not condone any dishonest or unethical practice which undermines the American systems of free elections or impedes or prevents the full and free expression of the will of the voters.*

I, the undersigned, as a candidate for election to public office in the State of Nevada, hereby voluntarily pledge myself to conduct my campaign in accordance with the principles and practices set forth in this Code.

3/17/22

Date

J. Brehm

Signature of Candidate

NOTE: Subscription to this code is voluntary. A candidate who subscribes to this code and submits this form to the appropriate filing officer may indicate on his or her campaign materials that he or she subscribes to this code.



REGISTRAR
OF VOTERS

2022 CANDIDATE MEDIA SHEET

FILED THIS DATE
MAR 17 2022
BY: UMA

Voluntary Information Sheet

The information you provide on this sheet will be shown on our website and distributed to all media outlets. Before signing, please be sure all the information you have provided is correct and that you have not included any contact information you do not wish to appear on our website or be provided to members of the media.

NAME: Jenny Brekhus
OFFICE FILING FOR: Reno Mayor
PARTY AFFILIATION: Democratic

Mailing Address (home, P.O. box, campaign hq, etc):

Box 20
316 California Ave
Reno, NV 89509

Phone Number: (____) 775.544.1694

FAX Number: (____) _____

E-Mail Address: jennybrekhus@gmail.com

Website Address: jennybrekhus.com

I have reviewed the above information and agree to allow the Washoe County Registrar of Voters Office to disseminate this Candidate Media Sheet to members of the media.

[Signature]
Signature of Candidate

3-17-22
Date

Candidate Code Label



QUALITY
PUBLIC SERVICE



INTEGRITY



EFFECTIVE
COMMUNICATION



OFFICE OF THE
SECRETARY OF STATE

PUBLIC/MEDIA SHEET

MARK WLASCHIN
Deputy Secretary for Elections

FILED THIS DATE

MAR 17 2022

BY:

*****If you choose not to fill out this form, the information provided on your Declaration of Candidacy will be used for public information*****

This sheet will be used to respond to media and public inquiries regarding your campaign and candidacy. Because it is a public record and part of your Candidate Filing Packet, it will also be available to the public and posted on the Secretary of State's website under "Filed Candidates." Before signing, please be sure all the information you have provided is correct and that you have not included any contact information you do not wish to be made available to the public.

Name to Appear on Ballot: Jenny Brekhov

Office Filing for: Mayor

Party Affiliation: Democratic

Campaign Contact Information: self

Mailing Address: Box 20, 316 California Ave Reno, NV 89509

Phone Number: () 775.544-1694

Facebook Account: _____

E-Mail Address: all social

Website Address: jennybrekhus.com - media links & platforms and

Twitter Handle: _____ *Ther*

I have reviewed the above information and agree to allow the Nevada Secretary of State's office, or my local filing officer, to make this information available to members of the public and media.

Signature of Candidate

3/17/22 Date

NEVADA STATE CAPITOL
101 N. Carson Street, Suite 3
Carson City, Nevada 89701-3714
Telephone: (775) 684-5705
FAX: (775) 684-5725

MEYERS ANNEX
COMMERCIAL RECORDINGS
202 N. Carson Street
Carson City, Nevada 89701-4201
Telephone: (775) 684-5705 Fax: (775) 684-5725

LAS VEGAS OFFICE
2250 Las Vegas Blvd. North
Las Vegas, NV 89030
SECURITIES
Telephone: (702) 486-2440
Corporations Telephone: (702) 486-2880


**BARBARA K. CEGAVSKE
SECRETARY OF STATE
STATE OF NEVADA
2022 CAMPAIGN CONTRIBUTIONS & EXPENSES REPORT**

FILED THIS DATE
MAR 17 2022
BY: 

CANDIDATE ACKNOWLEDGEMENT

I, Jenny Brackhus, hereby acknowledge receipt of this document, pursuant to NRS 294A.390(4), stating the requirements to report campaign contributions and expenses and the filing date schedule for the reporting of campaign contributions and expenses, pursuant to NRS Chapter 294A, and as set forth in this acknowledgement. I further hereby acknowledge and understand the following:

- I am required to file my Contributions & Expenses Report **electronically** with the **Secretary of State** unless I have been granted a waiver to file on paper.
- I am required to file my Contributions & Expenses Reports pursuant to the following schedule:
 - Report No. 1: Due April 15, 2022
 - Report No. 2: Due July 15, 2022
 - Report No. 3: Due Oct. 15, 2022
 - Report No. 4: Due Jan. 15, 2023
- I am **required to file all four (4)** Contributions & Expenses Reports as required by NRS Chapter 294A.350 **even if**:
 - I withdraw my candidacy; or end my campaign without formally withdrawing
 - I run for my office unopposed;
 - I am defeated in either the primary or general election;
 - My name is removed from the ballot by court order;
 - I am elected to office;
 - I do not receive any contributions and/or expend any funds; or
 - If elected, and I am the subject of a petition to recall and the special election is not held.
- A violation of the reporting of contributions and expenses as required by NRS Chapter 294A is subject to a civil penalty of up to \$10,000 for each violation and payment of the State's court costs and attorney's fees incurred to enforce the filing requirements.
- **I MAY BE ASSESSED A MONETARY CIVIL PENALTY FOR FAILURE TO TIMELY FILE THE REPORTS REQUIRED BY NRS CHAPTER 294A. See, NRS 294A.420**
- **I MUST PERSONALLY SIGN EACH CONTRIBUTIONS & EXPENSES REPORT UNDER PENALTY OF PERJURY OR AN OATH UNDER GOD. See, NRS 294A.120, 294A.200, 294A.350, 294A.373**


Signature

Received and Filed:

This 17th day of March, 2022

Filing Officer

FILING OFFICER: The original is to be retained by the filing officer, and a **copy is to be given to the candidate.**
EL203

CITY OF RENO
FINANCIAL DISCLOSURE STATEMENT CANDIDATES
DUE AT THE TIME OF FILING

FILED THIS DATE
MAR 17 2022
BY: UMA

NOTE: *This Financial Disclosure Statement is required to be filed with the Reno City Clerk's Office by candidates for Reno elective offices as in accordance with Chapter 2.20 of the Reno Municipal Code.*

1. Full Name: Jenny Brekhus
2. Residence Address: 725 Gordon Avenue
3. Telephone No.: 775.544.1694
4. Email: jennybrekhus@gmail.com
5. Length of Residence in the City of Reno: 24 years (as of 5/22)
6. Have you been convicted of a felony within the last 15 years?
Yes ☐ No ☒
If yes, provide a full explanation of dates and circumstances:

7. Have you been subject to a judgment for child support arrearages within the last 3 years?
Yes ☐ No ☒
8. Have you filed bankruptcy within the last 7 years?
Yes ☐ No ☒

9. Have you been subject to a debt collection judgment in federal, state, or local court within the last 3 years?

Yes ☐ No ☒

10. Please list the names and addresses of all boards and commissions on which you currently serve. (Exception: *Do not list boards and commissions to which you were appointed to by City Council.*)

The undersigned, Jenny Brekhus, (*Print Full Name*) does hereby swear that he/she has not willfully or knowingly falsified any statement contained herein, and that he/she signs this statement under penalty of perjury as provided for by Nevada Revised Statutes.

J. Brekhus
Signature

PAYMENT DATE
03/17/2022
COLLECTION STATION
7933 - Front Desk 2
RECEIVED FROM
FILING - Jenny Brekhus
DESCRIPTION
Non-Judicial Filing - Mayor

City of Reno
1 East First Street
Reno, NV 89501

BATCH NO.
2022-00003139
RECEIPT NO.
2022-00204560
CASHIER
Rosen, Molly

PAYMENT CODE	RECEIPT DESCRIPTION	TRANSACTION AMOUNT
6901	Copies/Miscellaneous 00100-0000-5780-1099 Other income \$30.00 <div style="text-align: right;">Total Cash \$30.00 Total Check \$0.00 Total Charge \$0.00 Total Wire \$0.00 Total Other \$0.00 Total Remitted \$30.00 Change \$0.00 Total Received \$30.00</div> <div style="text-align: center;">PAID MAR 17 2022 CITY OF RENO</div>	\$30.00
Total Amount:		\$30.00

Customer Copy


EXHIBIT 2

EXHIBIT 2

STATE OF NEVADA)
) SS.
COUNTY OF WASHOE)

I, Mikki Huntsman, City Clerk of the City of Reno, Nevada, do hereby certify that the attached is a true and correct copy of the Declaration of Candidacy Packet for William Mantle. Which is on file and of record in the City of Reno City Clerk's Office at Reno, Washoe County, Nevada.

IN TESTIMONY WHEREOF, I have here unto set my hand and affixed the seal of the said City of Reno, this 5th day of April, 2022.

By 
Mikki Huntsman
City Clerk



2022 Election

State of Nevada Declaration of Candidacy of
William Mantle
For the Office of
Reno City Mayor

FILED THIS DATE
MAR 08 2022
BY: WMA

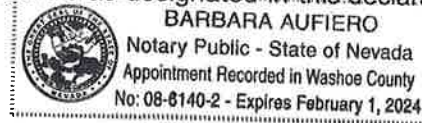
Nonpartisan Office

Secretary of State Barbara K. Cegavske

STATE OF NEVADA

COUNTY OF

For the purpose of having my name placed on the official ballot as a candidate for the office of Reno City Mayor, I, the undersigned William Mantle do swear or affirm under penalty of perjury that I, actually, as opposed to constructively, reside at 2040 Angel Ridge Dr, Reno, NV 89521, in the City or Town of Reno, County of Washoe, State of Nevada; that my actual, as opposed to constructive, residence in the state, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office, that my telephone number is 775-842-9394, and the address at which I receive mail, if different than my residence, is Same; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of office; and that I understand my name will appear on all ballots as designated in this declaration.



William Mantle

Signature of candidate for office

William Mantle

Designation of name to appear on ballot

William Mantle

Designation of name to appear on certificate of election

mantleformayor@gmail.com

E-mail address (optional)

Subscribed and sworn or affirmed to before me this 8

day of the month of March of the year 20 22

William PAUL MANTLE

Name of Candidate

Barbara Aufiero

Notary Public or other person authorized to administer an oath



NEVADA



DRIVER LICENSE



William Mantle

1 MANTLE
2 WILLIAM PAUL
8 2040 ANGEL RIDGE DR
RENO, NV 89521-4304
3 Sex M 16 Hgt 6'03" 123Wgt 215 18 Eyes BLU
9 Class C 9a End NONE 19 Hair BLN 4a Iss 02/01/2021
12 Restr B
0438025

4d DL NO. [REDACTED]
3 DOB 03/08/1987
4b Exp 03/08/2029



Code of Fair Campaign Practices

FILED THIS DATE
MAR 08 2022
BY: *[Signature]*

There are basic principles of decency, honesty and fair play which every candidate for public office in the State of Nevada has a moral obligation to observe and uphold, in order that, after vigorously contested by fairly conducted campaigns, the voters may exercise their constitutional right to vote for the candidate of their choice and that the will of the people may be fully and clearly expressed on the issues.

THEREFORE:

- 1. I will conduct my campaign openly and publicly and limit attacks against my opponent to legitimate challenges to his voting record or qualifications for office.*
- 2. I will not use character defamation or other false attacks on a candidate's personal or family life.*
- 3. I will not use campaign material which misrepresents, distorts or otherwise falsifies the facts, nor will I use malicious or unfounded accusations which are intended to create or exploit doubts, without justification, about the personal integrity of my opposition.*
- 4. I will not condone any dishonest or unethical practice which undermines the American systems of free elections or impedes or prevents the full and free expression of the will of the voters.*

I, the undersigned, as a candidate for election to public office in the State of Nevada, hereby voluntarily pledge myself to conduct my campaign in accordance with the principles and practices set forth in this Code.

03/08/2022
WPM
Date

William M. [Signature]
Signature of Candidate

NOTE: Subscription to this code is voluntary. A candidate who subscribes to this code and submits this form to the appropriate filing officer may indicate on his or her campaign materials that he or she subscribes to this code.



REGISTRAR
OF VOTERS

2022 CANDIDATE MEDIA SHEET

Voluntary Information Sheet

The information you provide on this sheet will be shown on our website and distributed to all media outlets. Before signing, please be sure all the information you have provided is correct and that you have not included any contact information you do not wish to appear on our website or be provided to members of the media.

NAME: William Mantle

OFFICE FILING FOR: Reno City Mayor

PARTY AFFILIATION: Nonpartisan

Mailing Address (home, P.O. box, campaign hq, etc):

2040 Angel Ridge Dr.
Reno, NV 89521

Phone Number: (775) 842-9394

FAX Number: () -

E-Mail Address: mantleformayor@gmail.com

Website Address: www.mantleformayor.com

I have reviewed the above information and agree to allow the Washoe County Registrar of Voters Office to disseminate this Candidate Media Sheet to members of the media.

William Mantle

Signature of Candidate

03/08/2022

Date

Candidate Code Label

FILED THIS DATE

MAR 08 2022

BY: CMA



QUALITY
PUBLIC SERVICE



INTEGRITY



EFFECTIVE
COMMUNICATION



OFFICE OF THE
SECRETARY OF STATE

PUBLIC/MEDIA SHEET

MARK WLASCHIN
Deputy Secretary for Elections

FILED THIS DATE
MAR 08 2022

BY: [Signature]

****If you choose not to fill out this form, the information provided on your Declaration of Candidacy will be used for public information****

This sheet will be used to respond to media and public inquiries regarding your campaign and candidacy. Because it is a public record and part of your Candidate Filing Packet, it will also be available to the public and posted on the Secretary of State's website under "Filed Candidates." Before signing, please be sure all the information you have provided is correct and that you have not included any contact information you do not wish to be made available to the public.

Name to Appear on Ballot: William Mantle

Office Filing for: Reno City Mayor

Party Affiliation: Non-partisan

Campaign Contact Information: _____

Mailing Address: 2040 Angel Ridge Dr. Reno, NV 89521

Phone Number: (775) 842-9394

Facebook Account: @mantleformayor

E-Mail Address: mantleformayor@gmail.com

Website Address: www.mantleformayor.com

Twitter Handle: —

I have reviewed the above information and agree to allow the Nevada Secretary of State's office, or my local filing officer, to make this information available to members of the public and media.

William Mantle
Signature of Candidate

03/08/2022
Date

NEVADA STATE CAPITOL

101 N. Carson Street, Suite 3
Carson City, Nevada 89701-3714

Telephone: (775) 684-5705
FAX: (775) 684-5725

MEYERS ANNEX

COMMERCIAL RECORDINGS
202 N. Carson Street

Carson City, Nevada 89701-4201
Telephone: (775) 684-5705 Fax: (775) 684-5725

LAS VEGAS OFFICE

2250 Las Vegas Blvd. North
Las Vegas, NV 89030
SECURITIES

Telephone: (702) 486-2440
Corporations Telephone: (702) 486-2880

**BARBARA K. CEGAVSKE
SECRETARY OF STATE
STATE OF NEVADA
2022 CAMPAIGN CONTRIBUTIONS & EXPENSES REPORT**

FILED THIS DATE
MAR 08 2022
BY: *WMA*

CANDIDATE ACKNOWLEDGEMENT

I, William Mantle, hereby acknowledge receipt of this document, pursuant to NRS 294A.390(4), stating the requirements to report campaign contributions and expenses and the filing date schedule for the reporting of campaign contributions and expenses, pursuant to NRS Chapter 294A, and as set forth in this acknowledgement. I further hereby acknowledge and understand the following:

- I am required to file my Contributions & Expenses Report **electronically** with the **Secretary of State** unless I have been granted a waiver to file on paper.
- I am required to file my Contributions & Expenses Reports pursuant to the following schedule:
 - Report No. 1: Due April 15, 2022
 - Report No. 2: Due July 15, 2022
 - Report No. 3: Due Oct. 15, 2022
 - Report No. 4: Due Jan. 15, 2023
- I am **required to file all four (4)** Contributions & Expenses Reports as required by NRS Chapter 294A.350 **even if**:
 - I withdraw my candidacy; or end my campaign without formally withdrawing
 - I run for my office unopposed;
 - I am defeated in either the primary or general election;
 - My name is removed from the ballot by court order;
 - I am elected to office;
 - I do not receive any contributions and/or expend any funds; or
 - If elected, and I am the subject of a petition to recall and the special election is not held.
- A violation of the reporting of contributions and expenses as required by NRS Chapter 294A is subject to a civil penalty of up to \$10,000 for each violation and payment of the State's court costs and attorney's fees incurred to enforce the filing requirements.
- **I MAY BE ASSESSED A MONETARY CIVIL PENALTY FOR FAILURE TO TIMELY FILE THE REPORTS REQUIRED BY NRS CHAPTER 294A. See, NRS 294A.420**
- **I MUST PERSONALLY SIGN EACH CONTRIBUTIONS & EXPENSES REPORT UNDER PENALTY OF PERJURY OR AN OATH UNDER GOD. See, NRS 294A.120, 294A.200, 294A.350, 294A.373**

*** *William Mantle*

Signature

Received and Filed:

This 8th day of March, 2022
Christa Hoffman
Filing Officer

CITY OF RENO
FINANCIAL DISCLOSURE STATEMENT CANDIDATES
DUE AT THE TIME OF FILING

FILED THIS DATE
MAR 08 2022
BY: CMA

NOTE: This Financial Disclosure Statement is required to be filed with the Reno City Clerk's Office by candidates for Reno elective offices as in accordance with Chapter 2.20 of the Reno Municipal Code.

1. Full Name: William Mantle
2. Residence Address: 2040 Angel Ridge Dr. Reno, NV 89521
3. Telephone No.: 775-872-9394
4. Email: mantleformayor@gmail.com
5. Length of Residence in the City of Reno: 13 yrs
6. Have you been convicted of a felony within the last 15 years?
Yes ☐ No ☒
If yes, provide a full explanation of dates and circumstances:

7. Have you been subject to a judgment for child support arrearages within the last 3 years?
Yes ☐ No ☒
8. Have you filed bankruptcy within the last 7 years?
Yes ☐ No ☒

9. Have you been subject to a debt collection judgment in federal, state, or local court within the last 3 years?

Yes ☐ No ☒

10. Please list the names and addresses of all boards and commissions on which you currently serve. (Exception: *Do not list boards and commissions to which you were appointed to by City Council.*)

Washoe County Employees Association Board of Directors
80 continental Dr, #103, Reno, NV 89509

The undersigned, William Mantle, (*Print Full Name*) does hereby swear that he/she has not willfully or knowingly falsified any statement contained herein, and that he/she signs this statement under penalty of perjury as provided for by Nevada Revised Statutes.

William Mantle
Signature

PAYMENT DATE
03/08/2022
COLLECTION STATION
7933 - Front Desk 2
RECEIVED FROM
Filing: William Mantle
DESCRIPTION
Non-Judicial Filing Mayor

City of Reno
1 East First Street
Reno, NV 89501

BATCH NO.
2022-00003013
RECEIPT NO.
2022-00198135
CASHIER
Rosen, Molly

PAYMENT CODE	RECEIPT DESCRIPTION	TRANSACTION AMOUNT
6901	Copies/Miscellaneous 00100-0000-5780-1099 Other income \$30.00 <div style="text-align: right;">Total Cash \$30.00 Total Check \$0.00 Total Charge \$0.00 Total Wire \$0.00 Total Other \$0.00 Total Remitted \$30.00 Change \$0.00 Total Received \$30.00</div> <div style="text-align: center;">PAID MAR 08 2022 CITY OF RENO</div>	\$30.00
Total Amount:		\$30.00

Customer Copy

EXHIBIT 3

EXHIBIT 3



REGISTRAR OF VOTERS

Washoe County Registrar of Voters

1001 E 9th St

Reno, NV 89512

Phone: (775) 328-3670

Fax: (775) 328-3747

electionsdepartment@washoecounty.us

www.washoecounty.us/voters

RECEIVED
APR 04 2022

CITY CLERK
[Signature]

Registration and Election Report/Complaint

The information you report on this form may be used to help us investigate the situation reported and, upon receipt, will be assigned to the appropriate staff member. This report/complaint may be forwarded to another agency depending on the nature of the issue reported. In order for our office to facilitate a resolution, please include as much detail as possible, such as names, dates, times, locations, and other specifics of the event being reported. The length of this process can vary depending on the circumstances and information you provide. The Office of the Registrar of Voters staff may contact you for more details.

Section 1 – Complainant Information

YOUR NAME William Mantle
(First) (Last)

YOUR ADDRESS 2040 Angel Ridge Dr. Reno NV 89521
(Address) (City) (State) (Zip)

TELEPHONE: _____ 7758429394
(Home) (Work) (Cell)

Email Address mantleformayor@gmail.com

How would you prefer to be contacted: ☒ Email ☒ Cell ☐ Home ☐ Work

Section 2 – Type of Report/Complaint

☐ Voter Registration ☒ Election ☐ Polling Place

☐ Other (please describe in box below):

Qualified Elector Violation - Jenny Brekhus Reno City Mayor

Rev. 4/14/20



Section 3 – Details of Report/Complaint

Please provide a description of the report/complaint and full details including the name, date and time, location, and any other details of the complaint. Submitting the full details and any supporting documentation of the complaint will expedite the process and resolution (attach additional pages if needed).

Jenny Brekhus is an Unqualified Elector per Nevada Constitution, Article 15, S3(2). This is Brekhus' 10th year in office for the Reno City Council. She was most recently elected to a term of 4 years in 2020. Brekhus' current term takes her to 2024, the 12 years statutory limit as stated in the NV constitution A15, S3(2), "No person may be elected to any state office or local governing body who has served in that office, or at the expiration of his current term if he is so serving will have served, 12 years or more, unless the permissible number of terms or duration of service is otherwise specified in this constitution." I am unaware of any exception in NRS, the NV constitution, or the Reno City Charter.

Per Lorton V. Jones <<https://law.justia.com/cases/nevada/supreme-court/2014/64194.html>>, the position of Reno City Mayor is as a member of the city's "local governing body". Brekhus' attempted election to that body would be indifferent to an attempt to be elected to any other position on the body and thus runs afoul of term limits.

Conclusion: Jenny Brekhus is limited by her current term's expiration of 12 years and thus is ineligible for election as an unqualified elector per Nevada Constitution, Article 15, S3(2) and cannot run for election of Reno City Mayor.

Jenny Brekhus
<https://jennybrekhus.com/>
jennybrekhus@gmail.com
(775) 544-1694
Or
brekhusj@reno.gov
775-334-2011

Please sign and date below. In order to resolve your report/complaint, we may send a copy of this form to the person(s) or group(s) about whom you are reporting.

Declaration by Complainant

I am filing this report/complaint to notify the Washoe County Registrar of Voters office of concerns in regards to either registration and/or election related issue. I understand that the information I provide in this report/complaint, along with supporting documentation, may be provided to other agencies to further the investigation, along with the individual(s) or group(s) that is named in the report/complaint.

Upon signing my name I certify under penalty of perjury that the information provided in this report/complaint is true and correct to the best of my knowledge.

Signature William Mantle

Print Name William Mantle
(First) (Last)

Date 04/04/2022
(mm/dd/yyyy)

FOR OFFICE USE ONLY:

Received By _____
(Staff Name)

Date Received _____
(mm/dd/yyyy)

Assigned to:



Registration



Polling Place



Warehouse



Technology Services



Administration



Absent Ballot

Mail, email, or fax this form to the address below.

Washoe County Registrar of Voters Office 1001 E 9th Street Reno NV 89512

Fax: 775-328-3747

Email: electionsdepartment@washoecounty.us

Washoe County Registrar of Voters Complaint Report Staff Form (For Internal Research Use)



4/4/22
WMA

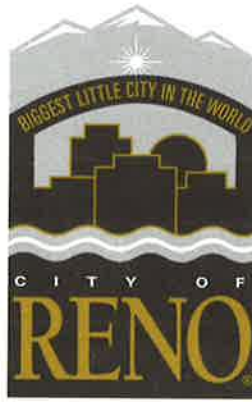
Lorton V. Jones

Petitioner, a citizen of Reno who intended to run for mayor, filed a ~~habeas~~^{verm writ} petition seeking extraordinary relief preventing the city clerk and chief elections officer from taking the steps necessary include either Jessica Sferrazza or Dwight Dortch on the 2014 ballot for the [Reno] mayoral race, asserting that Sferrazza and Dortch were ineligible to run for mayor under Nev. Const. art. XV, 3(2) by virtue of their twelve years of service as Reno City Council members. At issue before the Supreme Court was whether Article 15, Section 3(2) prevents an individual who has served for twelve years in one position on a local governing body from then serving additional terms in a different position on the same body. The Supreme Court granted the petition, holding that because the Reno City Charter makes the mayor a member of the city's "local governing body" for all purposes, Article 15, Section 3(2) bars a term-limited council member from thereafter being elected mayor of Reno.

Jenny Brekhus is similarly term-limited and thus cannot be elected mayor of Reno per Article 15, Section 3(2).

CMJ 4A/22

Mikki Huntsman
City Clerk
(775) 334-2030
HuntsmanM@reno.gov



Office of the City Clerk
Central Cashiering (775) 334-2030
Public Records (775) 348-3932

I, the undersigned, William Mantle, that by filing this challenge, have been notified by the filing officer and understand that in accordance with NRS 293C.186.6;

"If, at the hearing, the court determines that the challenge is frivolous, the court may order the elector who filed the challenge to pay the reasonable attorney's fees and court costs of the person who was challenged."

William Mantle

Printed Name of Challenger

William Mantle

Signature of Challenger

4/4/2022

Date

Mikki Huntsman

Printed Name of Filing Clerk

Mikki Huntsman

Signature of Filing Clerk

4/4/2022

Received Date

RECEIVED
APR 04 2022
CITY CLERK

Exhibit 2

Exhibit 2

IN THE SECOND JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

WILLIAM MANTLE,

Challenger,

vs.

JENNIFER BREKHUS,

Respondent.

Case No. CV22-00560

Department No.: 4

**ORDER DENYING MOTION TO DISMISS AND FINDING BREKHUS'S CANDIDACY
FOR THE 2022 MAYORAL ELECTION CONSTITUTIONAL**

This judicial review involves a challenge filed by the Reno City Attorney based on a complaint filed by William Mantle ("Mantle"). Under Article 15 § 3(2) of the Nevada Constitution, Mantle is challenging Jennifer "Jenny" Brekhus's ("Brekhus") eligibility to be a candidate for Mayor for the City of Reno during the 2022 election.

I. BACKGROUND

"The City of Reno is a municipal corporation, organized and existing under the laws of the State of Nevada through a charter approved by the Legislature." *Lorton v. Jones*, 130 Nev. 51, 53 (2014). Under the Reno City Charter, "[t]he legislative power of the City is vested in a City Council consisting of six Council Members and a Mayor. RENO CITY CHARTER, art. II, § 2.010(1). "The Mayor and one Council Member represent the City at large and one Council Member represents each ward. The Mayor and Council Members serve for terms of 4 years." *Id.* at art. II § 2.010(3); *Id.* at art. V, § 5.0101(2)—(4). Every two years the City of Reno holds an election. *Id.* at art. V, § 5.0101(2)—(4). Reno's City Council's membership is staggered by this two-year election cycle. *Id.* The Mayor and City Council Members from the Second and

1 Fourth Wards are elected in one cycle. *Id.* A City Council Member at large and City Council
2 Members from the First, Third, and Fifth Wards are elected in the other. *Id.*

3 In 1996, an amendment to Article 15 of the Nevada Constitution was “proposed by
4 initiative petition and approved and ratified by the people at the 1994 and 1996 General
5 Elections.”¹ The Amendment states, “[n]o person may be elected to any state office or local
6 governing body who has served in that office, or at the expiration of his current term if he is so
7 serving will have served, 12 years or more, unless the permissible number of terms or duration of
8 service is otherwise specified in this Constitution.” NEV. CONST. art. XV, § 3(2).

9 The Nevada Supreme Court held that, for the purposes of Article 15 § (3)(2) of the
10 Nevada Constitution, the position of Mayor for the City of Reno is equal to that of other
11 members of the City Council. *Lorton*, 130 Nev. 51 at 63. “The mayor of Reno is not the chief
12 executive and administrative officer, as that role is filled by the city manager, . . . , and the mayor
13 has no administrative duties. The mayor is the head of the city government for ceremonial
14 purposes only. While the Reno City Charter may assign additional duties to the Reno mayor,
15 none of those added duties change the equality of all of the members of the city council or
16 provide a basis for the unequal application of the limitations provision to all members of the
17 local governing body. *Id.* (internal citations and quotation marks omitted).

18 II. SUMMARY OF RELEVANT FACTS

19 In 2012, Brekhus was elected to her first term as Reno City Council Member for Ward
20 1.² Brekhus was subsequently elected to the same position in 2016 and again in 2020.³ Brekhus’s
21 current position as City Council Member for Ward 1 is scheduled to end in 2024. On March 17,
22 2022, Brekhus filed her Declaration of Candidacy for Mayor for the City of Reno.⁴ The term in
23 question, for Mayor for the City of Reno, is scheduled to end in 2026.

24
25

¹ See <https://www.leg.state.nv.us/const/nvconst.html#Art15>

26 ²See <https://www.reno.gov/government/city-council/city-council-members/ward-1-jenny-brekhus#ad-image-0>

27 ³ *Id.*

28 ⁴ April 6, 2022, *Petition for Order to Show Cause Regarding the Candidacy of Jenny Brekhus for Mayor of the City of Reno* at Exhibit 1.

1 NRS 293 governs general elections in Nevada.⁵ NRS 293C governs local elections in
2 Nevada.⁶ NRS 293C.186(1) states:

- 3 1. After a person files a declaration of candidacy to be a candidate for an office,
4 and not later than 5 days after the last day the person may withdraw his or her
5 candidacy pursuant to NRS 293C.195, an elector may file with the city clerk a
6 written challenge of the person on the grounds that the person fails to meet
7 any qualification required for the office pursuant to the Constitution or laws of
8 this State. Before accepting the challenge from the elector, the filing officer
9 shall notify the elector that if the challenge is found by a court to be frivolous,
10 the elector may be required to pay the reasonable attorney's fees and court
11 costs of the person who is being challenged.
- 12 2. A challenge filed pursuant to subsection 1 must:
13 (a) Indicate each qualification the person fails to meet;
14 (b) Have attached all documentation and evidence supporting the challenge;
15 and
16 (c) Be in the form of an affidavit, signed by the elector under penalty of
17 perjury.
- 18 3. Upon receipt of a challenge pursuant to subsection 1, the city clerk shall
19 immediately transmit the challenge to the city attorney.
- 20 4. If the city attorney determines that probable cause exists to support the
21 challenge, the city attorney shall, not later than 5 working days after receiving
22 the challenge, petition a court of competent jurisdiction to order the person to
23 appear before the court. Upon receipt of such a petition, the court shall enter
24 an order directing the person to appear before the court at a hearing, at a time
25 and place to be fixed by the court in the order, to show cause why the
26 challenge is not valid. A certified copy of the order must be served upon the
27 person. The court shall give priority to such proceedings over all other matters
28 pending with the court, except for criminal proceedings.
5. If, at the hearing, the court determines by a preponderance of the evidence that
the challenge is valid or that the person otherwise fails to meet any
qualification required for the office pursuant to the Constitution or laws of this
State, or if the person fails to appear at the hearing, the person is subject to the
provisions of NRS 293.2045.
6. If, at the hearing, the court determines that the challenge is frivolous, the court
may order the elector who filed the challenge to pay the reasonable attorney's
fees and court costs of the person who was challenged.

21 ///

22 ///

23 ///

24 ///

25 ⁵ “The provisions of NRS 293.5772 to 293.5887, inclusive, apply to city elections. The other provisions of [NRS
26 293], not inconsistent with the provisions of chapter 293C of NRS or a city charter, also apply to city elections.”
NRS 293.126(1)—(2).

27 ⁶ “The provisions of [NRS 293C] apply only to city elections.” NRS 293C.100

III. SUMMARY OF RELEVANT PROCEDURAL HISTORY

On April 4, 2022, Mantle filed a *Registration and Election Report/Complaint* (“April 4, 2022, Complaint”) with the Reno City Clerk.⁷

On April 6, 2022, the Reno City Attorney filed *Petition for Order to Show Cause Regarding the Candidacy of Jenny Brekhus for Mayor of the City of Reno* (“April 6, 2022, Petition”).

On April 8, 2022, the Court issued *Order to Appear and Order to Show Cause*.

On April 13, 2022, Brekhus filed *Motion to Dismiss Untimely Challenge to Candidacy on Order Shortening Time* (“April 13, 2022, Motion”). On April 15, 2022, Brekhus filed *Supplement to Petition for Order to Show Cause Regarding the Candidacy of Jenny Brekhus for Mayor of the City of Reno*. On April 15, 2022, Mantle filed *Response to Motion to Dismiss Untimely Challenge to Candidacy on Order Shortening Time* (“April 15, 2022, Response”). On April 18, 2022, Brekhus filed *Reply to Opposition to Motion to Dismiss Untimely Challenge to Candidacy on Order Shortening Time* (“April 18, 2022, Reply”).

On April 15, 2022, and April 17, 2022, Brekhus filed *Exhibit List* and *First Supplemental Exhibit List*, respectively.

On April 20, 2022, Mantle, appeared in pro per, Luke Busby, Esq. and John Marshall, Esq., appeared with Brekhus, and the Reno City Attorney Karl Hall appeared on behalf of the City of Reno at the scheduled Order to Show Cause Hearing. On April 21, 2022, Brekhus filed *Supplement to Motion to Dismiss Untimely Challenge to Candidacy on Order Shortening Time*.

IV. SUMMARY OF ARGUMENTS

Mantle asserts that “Brekhus is an [u]nqualified [e]lector per [Article 15 § 3(2) of the Nevada Constitution]. This is Brekhus’[s] [tenth] year in office for the Reno City Council. She was most recently elected to a term of 4 years in 2020. Brekhus’[s] current term takes her to

⁷ On March 17, 2022, Mantle filed an Election Integrity Violation Report with the Nevada Secretary of State. *April 15, 2022, Response* at Exhibit 4. On April 4, 2022, a representative from the Nevada Secretary of State contacted Mantle and informed Mantle that the challenge must be filed with the Washoe County Registrar. *Id.* at Exhibit 5. Mantle explained during the April 20, 2022, hearing that the Washoe County Registrar of Voters informed Mantle that the challenge must be filed with the Reno City Clerk.

2024. . . . [Article 15 § 3(2) of the Nevada Constitution states], “[n]o person may be elected to any state office or local governing body who has served in that office, or at the expiration of his current term if he is so serving will have served, 12 years or more, unless the permissible number of terms or duration of service is otherwise specified in this constitution.” “I am unaware of any exception in NRS, the NV [C]onstitution, or the Reno City Charter. . . . Br[e]khus is limited by her current term’s expiration of 12 years and thus is ineligible for election as an unqualified elector per [Article 15 § 3(2) of the Nevada Constitution] and cannot run for election of [Mayor for the City of Reno].” *April 15, 2022, Response at Exhibit 6.*

Brekhus argues that NRS 293C bars Mantel’s challenge because Mantle’s challenge is “untimely,” and, for this reason, Mantel’s challenge “must be dismissed by this Court.” *April 13, 2022, Motion.* Brekhus asserts that “[s]tatutory timelines are mandatory and jurisdictional.” *Id.*

V. DISCUSSION

a. The Court has Jurisdiction

“When interpreting a statute, [the Court] look[s] to [the statute’s] plain language. If a statute’s language is plain and unambiguous, [the Court] enforce[s] the statute as written, without resorting to the rules of construction. Whenever possible, [the Court] interprets a rule or statute in harmony with other rules or statutes.” *Cervantes-Guevara v. Eighth Jud. Dist. Ct. in & for Cty. of Clark*, 138 Nev. Adv. Op. 10 (2022) (internal citations and quotation marks omitted). “When interpreting a statute, [the Court] will give the statute its plain meaning and will examine the statute as a whole without rendering words or phrases superfluous or rendering a provision nugatory. [The Court] will award meaning to all words, phrases, and provisions of a statute.” *Haney v. State*, 124 Nev. 408, 411–12 (2008).

NRS 293C.186(1) states, “[a]fter a person files a declaration of candidacy to be a candidate for an office, and not later than 5 days after the last day the person may withdraw his or her candidacy pursuant to NRS 293C.195, an elector *may* file with the city clerk a written challenge” regarding the eligibility of a candidate. (emphasis added). NRS 293C.186(1) does not require that an elector must file a challenge with the city clerk “no later than 5 days after the last day the person may withdraw his or her candidacy,” NRS 293C.186(1) only requires that,

1 “[b]efore accepting the challenge from the elector, the filing officer *shall* notify the elector that if
2 the challenge is found by a court to be frivolous, the elector may be required to pay the
3 reasonable attorney’s fees and court costs of the person who is being challenged” (emphasis
4 added). NRS 293C.186(1) provides one avenue for an elector to file a challenge regarding a
5 candidate’s eligibility, and the only requirement stated in NRS 293C.186(1) is that the city clerk
6 must apprise the challenger of the possibility that a court could find the challenge “frivolous”
7 and the challenger may be “required to pay the reasonable attorney’s fees and court costs of the
8 person who is being challenged.” Additionally, NRS 293C.186(1) does not prohibit an elector
9 from filing a challenge outside of the timeframe stated in NRS 293C.186(1).

10 Furthermore, NRS 293C.186(2) only mandates what a “challenge filed pursuant to
11 subsection 1 *must*” contain in order for the city clerk to be required to immediately transmit the
12 challenge to the city attorney. (emphasis added). Similarly, NRS 293C.186(3) instructs that,
13 “[u]pon receipt of a challenge pursuant to subsection 1, the city clerk *shall* immediately transmit
14 the challenge to the city attorney.” (emphasis added). NRS 293C.186(3) mandates that the city
15 clerk must “immediately transmit” a challenge that is filed in compliance with NRS 293C.186(1)
16 and NRS 293C.186(2). However, 293.186(3) does not prohibit the city clerk from transmitting a
17 challenge to the city attorney in the event that the requirements of 293C.186(1) and 293C.186(2)
18 are not met.

19 Having determined that the City Clerk properly transmitted Mantle’s *April 4, 2022,*
20 *Complaint* to the City Attorney, the Court now looks to NRS 293C.186(4). NRS 293C.186(4)
21 states that “[i]f the city attorney determines that probable cause exists to support the challenge,
22 the city attorney *shall*, not later than 5 working days after receiving the challenge, petition a
23 court of competent jurisdiction to order the person to appear before the court.” (emphasis added)
24 NRS 293C.186(4) gives discretion to the city attorney to determine if probable cause exists, and
25 then requires the city attorney to petition a court of competent jurisdiction “not later than 5
26 working days after receiving the challenge” if the city attorney “determines that probable cause
27 exists.” Here, Mantle filed his challenge on April 4, 2022. The City Attorney determined that
28 probable cause existed and petitioned the Court on April 6, 2022. The City Attorney’s actions

1 followed the requirements of NRS 293C.186(4), and therefore the Court has jurisdiction to hear
2 the instant matter.

3 Moreover, this is in accord with NRS 293.2045(1). 293C.186(5) states that if “the court
4 determines by a preponderance of the evidence that the challenge is valid or that the person
5 otherwise fails to meet any qualification required for the office pursuant to the Constitution or
6 laws of this State, or if the person fails to appear at the hearing, the person is subject to the
7 provisions of NRS 293.2045.” NRS 293.2045(1) states the remedies available “[i]n addition to
8 any other remedy or penalty provided by law, but except as otherwise provided in NRS
9 293.1265, if a court of competent jurisdiction finds in *any preelection action* that a person who is
10 a candidate for any office fails to meet any qualification required for the office pursuant to the
11 Constitution or laws of this State. . . .” (emphasis added). NRS 293.2045(1) does not limit itself
12 to the preelection actions specified in NRS 293 and NRS 293C. NRS 293.2045(1) allows
13 remedies for “any preelection action.” NRS 293.2045(1) does not prohibit preelection actions
14 other than those found in NRS 293 and NRS 293C. Therefore, pursuant to NRS 293.126(2),
15 because NRS 293.2045(1) is not inconsistent with any provision of NRS 293C, NRS
16 293.2045(1) applies to city elections.

17 For the above stated reasons, the Court has jurisdiction to hear Mantle’s challenge, and
18 the Court finds the issue of whether Mantel filed his *April 4, 2022, Complaint* within the
19 timeframe dictated in NRS 293C.186 moot.

20 **b. Article 15 § (3)(2) of the Nevada Constitution Does Not Prohibit**
21 **Brekhus’s Eligibility to be a Candidate for Mayor for the City of Reno**
during the 2022 election

22 Mantle argues that Brekhus is ineligible to run for Mayor for the City of Reno during the
23 2022 election because the scheduled end date for Brekhus’s current position within the local
24 governing body brings Brekhus’s time within said local governing body to twelve years. Mantle
25 argues that Article 15 § 3(2) of the Nevada Constitution requires Brekhus to resign her position
26 as Ward 1 City Council Member for the City of Reno before becoming eligible to run for Mayor
27 for the City of Reno.
28

1 However, the question before the Court is not whether a person who, at the scheduled end
2 of their current term within a local governing body would have served twelve years within the
3 same local governing body, resigned their currently held position in order to become an eligible
4 candidate for a separate position within said local governing body, the term for which would
5 bring said person's position within said local governing body to fourteen years, the question
6 before the Court is whether a person who is currently serving within a local governing body, for
7 which the scheduled end of said person's current term within the local governing body brings
8 said person to twelve years within the same local governing body, is eligible to be a candidate for
9 a separate position within said local governing body, for which the new elected term would bring
10 said person's time within said local governing body to fourteen years.

11 For this reason, the Court will not address what affect a person's resignation from their
12 current position within a local governing body, before actually serving for twelve years, would
13 have on their eligibility to be a candidate for a separate position within said local governing
14 body, the term for which would extend said candidate's time within said local governing body to
15 12 years or more. The Court will narrowly address whether a person, who at the end of their
16 currently held term within a local governing body would have served twelve years within the
17 same local governing body, is constitutionally prohibited from being a candidate for a separate
18 position within said local governing body for which the new position's term's start date is prior
19 to the scheduled end date of said person's currently held term, and for which, if the person is
20 successful in their campaign, would extend said person's time within said local governing body
21 to fourteen years.

22 “Consonant with the axiomatic principle that it is emphatically the province and duty of the
23 judicial department to say what the law is, Nevada courts are the ultimate interpreter of the
24 Nevada Constitution. When interpreting a constitutional provision, [the Court's] ultimate goal is
25 to determine the public understanding of a legal text leading up to and in the period after its
26 enactment or ratification. In doing so, we look to the provision's language; if it is plain, the text
27 controls and we will apply it as written. Thus, when a constitutional provision's language is clear
28 on its face, we will not go beyond that language in determining the voters' intent or to create an

1 ambiguity when none exists.” *Legislature of State v. Settelmeyer*, 137 Nev. Adv. Op. 21 (2021)
2 (internal citations and quotations marks omitted).

3 “We will apply the plain meaning of a statute unless it is ambiguous, meaning that it is
4 susceptible to two or more reasonable but inconsistent interpretations. If the constitutional
5 provision is ambiguous, we look to the history, public policy, and reason for the provision.
6 Additionally, the interpretation of a . . . constitutional provision will be harmonized with other
7 statutes.” *Landreth v. Malik*, 127 Nev. 175, 180 (2011) (internal citations and quotation marks
8 omitted). “[A] contemporaneous construction by the [L]egislature of a constitutional provision is
9 a safe guide to its proper interpretation and creates a strong presumption that the interpretation
10 was proper, because it is likely that legislation drafted near in time to the constitutional provision
11 reflects the constitutional drafters' mindset.” *Ramsey v. City of N. Las Vegas*, 133 Nev. 96, 98
12 (2017) (alteration in original) (internal quotation marks omitted).

13 It is undisputed that if Brekhus were to complete her current term as Reno City Council
14 Member for Ward 1, that Article 15 § 3(2) of the Nevada Constitution would prohibit Brekhus
15 from serving within that local governing body again. However, Brekhus’s candidacy for Mayor
16 for the City of Reno is disputed because the scheduled end date for Brekhus’s current term, as
17 Ward 1 City Council Member, puts Brekhus’s time for having served within the same local
18 governing body at twelve years. The Court looks to the language of the Nevada Constitution
19 when determining whether Brekhus is prohibited from being a candidate for Mayor for the City
20 of Reno during the 2022 election. Article 15 § (3)(2) of the Nevada Constitution states, in
21 relevant part, “[n]o person may be elected to any . . . local governing body who has served in that
22 office, or at the expiration of his current term if he is so serving will have served, 12 years or
23 more. . . .” The Court parses this language into three parts.

24 First, the Court focuses on the language: “12 years or more. . . .” The Court finds this
25 language expressly acknowledges that a person could serve within a local governing body for a
26 period of more than twelve years.

27 Second, the Court focuses on the language: “who has served in that office. . . .” The
28 Court finds this language prohibits a person from serving within a local governing body if said

1 person has already served within a local governing body for a period of twelve years or more.
2 This is in accord with the remainder of the Amendment, which prohibits a person from serving
3 for twelve years or more within the same local governing body.

4 Finally, the Court focuses on the language: “at the expiration of his current term if he is
5 so serving will have served. . . .” This is the language within Article 15 § (3)(2) of the Nevada
6 Constitution that is being challenged. However, the Court finds only one reading of this language
7 that is in accord with the remainder of the Amendment.

8 This language prohibits a person from becoming a candidate for a local governing body
9 if, at the beginning of the term for which said person is a candidate, said person “will have
10 served” twelve years or more within said local governing body. This language does not prohibit a
11 person from becoming a candidate for a local governing body if, at the beginning of the term for
12 which said person is a candidate, said person will not have served twelve years or more within
13 said local governing body.

14 Here, if Brekhus is successful in the 2022 Mayoral election, it would be an impossibility
15 for Brekhus to have served for twelve years or more within the same local governing body prior
16 to assuming her new term as Mayor for the City of Reno. The term for the Mayoral position for
17 which Brekhus is a candidate begins two years before Brekhus’s current term is scheduled to
18 end. If Brekhus is successful in her Mayoral election, Brekhus will have served for ten years
19 within the same local governing body prior to assuming her newly elected position. For this
20 reason, if Brekhus is successful in her campaign for Mayor for the City of Reno, Brekhus would
21 be unable to have served for twelve years or more within a local governing body prior to the start
22 of her Mayoral term.

23 In regard to a person’s eligibility to be a candidate for a position within a local governing
24 body, separate from said person’s currently held position within said local governing body and
25 without said person having resigned said currently held position, Article 15 § (3)(2) of the
26 Nevada Constitution does not prohibit said person’s eligibility based on the amount of time said
27 person could have served within said local governing body under their current term; Article 15 §
28 (3)(2) prohibits said person from becoming a candidate for a position within said local governing

body based on whether the term for the said new position begins at or after said person will have served for twelve years or more within said local governing body under said currently held position. If Brekhus is successful in her 2022 campaign for Mayor for the City of Reno, the staggered election cycles make it an impossibility for Brekhus to have served for twelve years or more within the same local governing body prior to assuming the position of Mayor for the City of Reno.

c. The Court Does Not Find the Challenge was Frivolous and Will Not Order Mantle to Pay Reasonable Attorney's Fees and Costs

A “frivolous action has been defined as one that is baseless, and baseless means that the pleading is [not] well grounded in fact [or is not] warranted by existing law or a good faith argument for the extension, modification or reversal of existing law.” *Simonian v. Univ. & Cmty. Coll. Sys. of Nevada*, 122 Nev. 187, 196 (2006) (internal citations and quotation marks omitted) (alteration in original). A “complaint appears completely frivolous on its face [when] . . . it appears to lack an arguable basis either in law or in fact. . . .” *Jordan v. State ex rel. Dep't of Motor Vehicles & Pub. Safety*, 121 Nev. 44, 57–58 (2005) (abrogated on other grounds).

“The decision whether to award attorney's fees is within the sound discretion of the trial court.” *Bergmann v. Boyce*, 109 Nev. 670, 674 (1993) (abrogated on other grounds).

The Court finds Mantle had reasonable grounds to file the *April 4, 2022, Complaint*, and that Mantle did not file the *April 4, 2022, Complaint* to harass Brekhus. Mantle's *April 4, 2022, Complaint* was grounded in fact and a good faith argument regarding whether a candidate is eligible for election under Article 15 § (3)(2) of the Nevada Constitution. For the above stated reasons, the Court finds that there was a basis in both law and fact for Mantle's *April 4, 2022, Complaint*, and the Court does not find Mantle's *April 4, 2022, Complaint* frivolous. The Court will not order Mantle to pay for Brekhus's reasonable attorney fees or costs.

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CERTIFICATE OF SERVICE

CASE NO. CV22-00560

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the STATE OF NEVADA, COUNTY OF WASHOE; that on the 2 day of May, 2022, I electronically filed the **ORDER DENYING MOTION TO DISMISS AND FINDING BREKHUS'S CANDIDACY FOR THE 2022 MAYORAL ELECTION CONSTITUTIONAL** with the Clerk of the Court by using the ECF system.

I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

Personal delivery to the following: [NONE]

Electronically filed with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

KARL HALL, ESQ. for CITY OF RENO
WILLIAM MANTLE
WILLIAM MCKEAN, ESQ. for CITY OF RENO
LUKE BUSBY, ESQ. for JENNY BREKHUS

Deposited in the Washoe County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada:

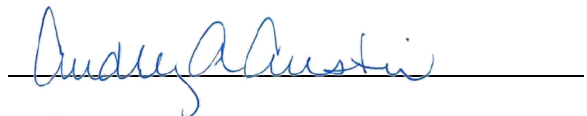


Exhibit 3

Exhibit 3

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Attorneys for the Respondent

**IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF WASHOE**

* * *

IN THE MATTER OF CHALLENGE TO
THE QUALIFICATIONS OF JENNY
BREKHUS,

Jenny Brekhus, Respondent; William
Mantle, Challenger, and Real Parties in
Interest.

CASE NO: CV22-00560

DEPT NO: 4

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE: On May 2, 2022 the Court entered the ORDER
DENYING MOTION TO DISMISS AND FINDING BREKHUS'S CANDIDACY FOR THE
2022 MAYORAL ELECTION CONSTITUTIONAL, a true and correct copy of which is
attached hereto as Exhibit 1.

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NRS 239B.030(4) AFFIRMATION

Pursuant to NRS 239B.030 the undersigned hereby affirms that this document
does not contain the social security number of any person.

DATED this May 2, 2022

By: /s/ Luke Busby, Esq.

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EXHIBIT LIST

1. ORDER DENYING MOTION TO DISMISS AND FINDING BREKHUS'S
CANDIDACY FOR THE 2022 MAYORAL ELECTION CONSTITUTIONAL

1
2
3 **CERTIFICATE OF SERVICE**

4 I certify that on the date shown below, I caused service to be completed of a true
5 and correct copy of the foregoing Document by:

6 _____ personally delivering;

7 _____ delivery via Reno/Carson Messenger Service;

8 _____ sending via Federal Express (or other overnight delivery service);

9 _____ depositing for mailing in the U.S. mail, with sufficient postage affixed thereto; or,

10 X delivery via electronic means (fax, eflex, NEF, etc.) to:

11
12 KARL HALL, ESQ. for CITY OF RENO

13 WILLIAM MANTLE

14 WILLIAM MCKEAN, ESQ. for CITY OF RENO

15 **DATED** this May 2, 2022

16
17 By: /s/ Luke Busby, Esq.

FILED
Electronically
CV22-00560
2022-05-02 02:39:43 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 9027507

Exhibit 1

Exhibit 1

IN THE SECOND JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

WILLIAM MANTLE,

Challenger,

vs.

JENNIFER BREKHUS,

Respondent.

Case No. CV22-00560

Department No.: 4

**ORDER DENYING MOTION TO DISMISS AND FINDING BREKHUS'S CANDIDACY
FOR THE 2022 MAYORAL ELECTION CONSTITUTIONAL**

This judicial review involves a challenge filed by the Reno City Attorney based on a complaint filed by William Mantle ("Mantle"). Under Article 15 § 3(2) of the Nevada Constitution, Mantle is challenging Jennifer "Jenny" Brekhus's ("Brekhus") eligibility to be a candidate for Mayor for the City of Reno during the 2022 election.

I. BACKGROUND

"The City of Reno is a municipal corporation, organized and existing under the laws of the State of Nevada through a charter approved by the Legislature." *Lorton v. Jones*, 130 Nev. 51, 53 (2014). Under the Reno City Charter, "[t]he legislative power of the City is vested in a City Council consisting of six Council Members and a Mayor. RENO CITY CHARTER, art. II, § 2.010(1). "The Mayor and one Council Member represent the City at large and one Council Member represents each ward. The Mayor and Council Members serve for terms of 4 years." *Id.* at art. II § 2.010(3); *Id.* at art. V, § 5.0101(2)—(4). Every two years the City of Reno holds an election. *Id.* at art. V, § 5.0101(2)—(4). Reno's City Council's membership is staggered by this two-year election cycle. *Id.* The Mayor and City Council Members from the Second and

1 Fourth Wards are elected in one cycle. *Id.* A City Council Member at large and City Council
2 Members from the First, Third, and Fifth Wards are elected in the other. *Id.*

3 In 1996, an amendment to Article 15 of the Nevada Constitution was “proposed by
4 initiative petition and approved and ratified by the people at the 1994 and 1996 General
5 Elections.”¹ The Amendment states, “[n]o person may be elected to any state office or local
6 governing body who has served in that office, or at the expiration of his current term if he is so
7 serving will have served, 12 years or more, unless the permissible number of terms or duration of
8 service is otherwise specified in this Constitution.” NEV. CONST. art. XV, § 3(2).

9 The Nevada Supreme Court held that, for the purposes of Article 15 § (3)(2) of the
10 Nevada Constitution, the position of Mayor for the City of Reno is equal to that of other
11 members of the City Council. *Lorton*, 130 Nev. 51 at 63. “The mayor of Reno is not the chief
12 executive and administrative officer, as that role is filled by the city manager, . . . , and the mayor
13 has no administrative duties. The mayor is the head of the city government for ceremonial
14 purposes only. While the Reno City Charter may assign additional duties to the Reno mayor,
15 none of those added duties change the equality of all of the members of the city council or
16 provide a basis for the unequal application of the limitations provision to all members of the
17 local governing body. *Id.* (internal citations and quotation marks omitted).

18 II. SUMMARY OF RELEVANT FACTS

19 In 2012, Brekhus was elected to her first term as Reno City Council Member for Ward
20 1.² Brekhus was subsequently elected to the same position in 2016 and again in 2020.³ Brekhus’s
21 current position as City Council Member for Ward 1 is scheduled to end in 2024. On March 17,
22 2022, Brekhus filed her Declaration of Candidacy for Mayor for the City of Reno.⁴ The term in
23 question, for Mayor for the City of Reno, is scheduled to end in 2026.

24
25 ¹ See <https://www.leg.state.nv.us/const/nvconst.html#Art15>

26 ²See <https://www.reno.gov/government/city-council/city-council-members/ward-1-jenny-brekhus#ad-image-0>

27 ³ *Id.*

28 ⁴ April 6, 2022, *Petition for Order to Show Cause Regarding the Candidacy of Jenny Brekhus for Mayor of the City of Reno* at Exhibit 1.

1 NRS 293 governs general elections in Nevada.⁵ NRS 293C governs local elections in
2 Nevada.⁶ NRS 293C.186(1) states:

- 3 1. After a person files a declaration of candidacy to be a candidate for an office,
4 and not later than 5 days after the last day the person may withdraw his or her
5 candidacy pursuant to NRS 293C.195, an elector may file with the city clerk a
6 written challenge of the person on the grounds that the person fails to meet
7 any qualification required for the office pursuant to the Constitution or laws of
8 this State. Before accepting the challenge from the elector, the filing officer
9 shall notify the elector that if the challenge is found by a court to be frivolous,
10 the elector may be required to pay the reasonable attorney's fees and court
11 costs of the person who is being challenged.
- 12 2. A challenge filed pursuant to subsection 1 must:
13 (a) Indicate each qualification the person fails to meet;
14 (b) Have attached all documentation and evidence supporting the challenge;
15 and
16 (c) Be in the form of an affidavit, signed by the elector under penalty of
17 perjury.
- 18 3. Upon receipt of a challenge pursuant to subsection 1, the city clerk shall
19 immediately transmit the challenge to the city attorney.
- 20 4. If the city attorney determines that probable cause exists to support the
21 challenge, the city attorney shall, not later than 5 working days after receiving
22 the challenge, petition a court of competent jurisdiction to order the person to
23 appear before the court. Upon receipt of such a petition, the court shall enter
24 an order directing the person to appear before the court at a hearing, at a time
25 and place to be fixed by the court in the order, to show cause why the
26 challenge is not valid. A certified copy of the order must be served upon the
27 person. The court shall give priority to such proceedings over all other matters
28 pending with the court, except for criminal proceedings.
5. If, at the hearing, the court determines by a preponderance of the evidence that
the challenge is valid or that the person otherwise fails to meet any
qualification required for the office pursuant to the Constitution or laws of this
State, or if the person fails to appear at the hearing, the person is subject to the
provisions of NRS 293.2045.
6. If, at the hearing, the court determines that the challenge is frivolous, the court
may order the elector who filed the challenge to pay the reasonable attorney's
fees and court costs of the person who was challenged.

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25 ⁵ “The provisions of NRS 293.5772 to 293.5887, inclusive, apply to city elections. The other provisions of [NRS
26 293], not inconsistent with the provisions of chapter 293C of NRS or a city charter, also apply to city elections.”
NRS 293.126(1)—(2).

27 ⁶ “The provisions of [NRS 293C] apply only to city elections.” NRS 293C.100
28

III. SUMMARY OF RELEVANT PROCEDURAL HISTORY

On April 4, 2022, Mantle filed a *Registration and Election Report/Complaint* (“April 4, 2022, Complaint”) with the Reno City Clerk.⁷

On April 6, 2022, the Reno City Attorney filed *Petition for Order to Show Cause Regarding the Candidacy of Jenny Brekhus for Mayor of the City of Reno* (“April 6, 2022, Petition”).

On April 8, 2022, the Court issued *Order to Appear and Order to Show Cause*.

On April 13, 2022, Brekhus filed *Motion to Dismiss Untimely Challenge to Candidacy on Order Shortening Time* (“April 13, 2022, Motion”). On April 15, 2022, Brekhus filed *Supplement to Petition for Order to Show Cause Regarding the Candidacy of Jenny Brekhus for Mayor of the City of Reno*. On April 15, 2022, Mantle filed *Response to Motion to Dismiss Untimely Challenge to Candidacy on Order Shortening Time* (“April 15, 2022, Response”). On April 18, 2022, Brekhus filed *Reply to Opposition to Motion to Dismiss Untimely Challenge to Candidacy on Order Shortening Time* (“April 18, 2022, Reply”).

On April 15, 2022, and April 17, 2022, Brekhus filed *Exhibit List* and *First Supplemental Exhibit List*, respectively.

On April 20, 2022, Mantle, appeared in pro per, Luke Busby, Esq. and John Marshall, Esq., appeared with Brekhus, and the Reno City Attorney Karl Hall appeared on behalf of the City of Reno at the scheduled Order to Show Cause Hearing. On April 21, 2022, Brekhus filed *Supplement to Motion to Dismiss Untimely Challenge to Candidacy on Order Shortening Time*.

IV. SUMMARY OF ARGUMENTS

Mantle asserts that “Brekhus is an [u]nqualified [e]lector per [Article 15 § 3(2) of the Nevada Constitution]. This is Brekhus’[s] [tenth] year in office for the Reno City Council. She was most recently elected to a term of 4 years in 2020. Brekhus’[s] current term takes her to

⁷ On March 17, 2022, Mantle filed an Election Integrity Violation Report with the Nevada Secretary of State. *April 15, 2022, Response* at Exhibit 4. On April 4, 2022, a representative from the Nevada Secretary of State contacted Mantle and informed Mantle that the challenge must be filed with the Washoe County Registrar. *Id.* at Exhibit 5. Mantle explained during the April 20, 2022, hearing that the Washoe County Registrar of Voters informed Mantle that the challenge must be filed with the Reno City Clerk.

2024. . . . [Article 15 § 3(2) of the Nevada Constitution states], “[n]o person may be elected to any state office or local governing body who has served in that office, or at the expiration of his current term if he is so serving will have served, 12 years or more, unless the permissible number of terms or duration of service is otherwise specified in this constitution.” “I am unaware of any exception in NRS, the NV [C]onstitution, or the Reno City Charter. . . . Br[e]khus is limited by her current term’s expiration of 12 years and thus is ineligible for election as an unqualified elector per [Article 15 § 3(2) of the Nevada Constitution] and cannot run for election of [Mayor for the City of Reno].” *April 15, 2022, Response at Exhibit 6.*

Brekhus argues that NRS 293C bars Mantel’s challenge because Mantle’s challenge is “untimely,” and, for this reason, Mantel’s challenge “must be dismissed by this Court.” *April 13, 2022, Motion.* Brekhus asserts that “[s]tatutory timelines are mandatory and jurisdictional.” *Id.*

V. DISCUSSION

a. The Court has Jurisdiction

“When interpreting a statute, [the Court] look[s] to [the statute’s] plain language. If a statute’s language is plain and unambiguous, [the Court] enforce[s] the statute as written, without resorting to the rules of construction. Whenever possible, [the Court] interprets a rule or statute in harmony with other rules or statutes.” *Cervantes-Guevara v. Eighth Jud. Dist. Ct. in & for Cty. of Clark*, 138 Nev. Adv. Op. 10 (2022) (internal citations and quotation marks omitted). “When interpreting a statute, [the Court] will give the statute its plain meaning and will examine the statute as a whole without rendering words or phrases superfluous or rendering a provision nugatory. [The Court] will award meaning to all words, phrases, and provisions of a statute.” *Haney v. State*, 124 Nev. 408, 411–12 (2008).

NRS 293C.186(1) states, “[a]fter a person files a declaration of candidacy to be a candidate for an office, and not later than 5 days after the last day the person may withdraw his or her candidacy pursuant to NRS 293C.195, an elector *may* file with the city clerk a written challenge” regarding the eligibility of a candidate. (emphasis added). NRS 293C.186(1) does not require that an elector must file a challenge with the city clerk “no later than 5 days after the last day the person may withdraw his or her candidacy,” NRS 293C.186(1) only requires that,

1 “[b]efore accepting the challenge from the elector, the filing officer *shall* notify the elector that if
2 the challenge is found by a court to be frivolous, the elector may be required to pay the
3 reasonable attorney’s fees and court costs of the person who is being challenged” (emphasis
4 added). NRS 293C.186(1) provides one avenue for an elector to file a challenge regarding a
5 candidate’s eligibility, and the only requirement stated in NRS 293C.186(1) is that the city clerk
6 must apprise the challenger of the possibility that a court could find the challenge “frivolous”
7 and the challenger may be “required to pay the reasonable attorney’s fees and court costs of the
8 person who is being challenged.” Additionally, NRS 293C.186(1) does not prohibit an elector
9 from filing a challenge outside of the timeframe stated in NRS 293C.186(1).

10 Furthermore, NRS 293C.186(2) only mandates what a “challenge filed pursuant to
11 subsection 1 *must*” contain in order for the city clerk to be required to immediately transmit the
12 challenge to the city attorney. (emphasis added). Similarly, NRS 293C.186(3) instructs that,
13 “[u]pon receipt of a challenge pursuant to subsection 1, the city clerk *shall* immediately transmit
14 the challenge to the city attorney.” (emphasis added). NRS 293C.186(3) mandates that the city
15 clerk must “immediately transmit” a challenge that is filed in compliance with NRS 293C.186(1)
16 and NRS 293C.186(2). However, 293.186(3) does not prohibit the city clerk from transmitting a
17 challenge to the city attorney in the event that the requirements of 293C.186(1) and 293C.186(2)
18 are not met.

19 Having determined that the City Clerk properly transmitted Mantle’s *April 4, 2022,*
20 *Complaint* to the City Attorney, the Court now looks to NRS 293C.186(4). NRS 293C.186(4)
21 states that “[i]f the city attorney determines that probable cause exists to support the challenge,
22 the city attorney *shall*, not later than 5 working days after receiving the challenge, petition a
23 court of competent jurisdiction to order the person to appear before the court.” (emphasis added)
24 NRS 293C.186(4) gives discretion to the city attorney to determine if probable cause exists, and
25 then requires the city attorney to petition a court of competent jurisdiction “not later than 5
26 working days after receiving the challenge” if the city attorney “determines that probable cause
27 exists.” Here, Mantle filed his challenge on April 4, 2022. The City Attorney determined that
28 probable cause existed and petitioned the Court on April 6, 2022. The City Attorney’s actions

1 followed the requirements of NRS 293C.186(4), and therefore the Court has jurisdiction to hear
2 the instant matter.

3 Moreover, this is in accord with NRS 293.2045(1). 293C.186(5) states that if “the court
4 determines by a preponderance of the evidence that the challenge is valid or that the person
5 otherwise fails to meet any qualification required for the office pursuant to the Constitution or
6 laws of this State, or if the person fails to appear at the hearing, the person is subject to the
7 provisions of NRS 293.2045.” NRS 293.2045(1) states the remedies available “[i]n addition to
8 any other remedy or penalty provided by law, but except as otherwise provided in NRS
9 293.1265, if a court of competent jurisdiction finds in *any preelection action* that a person who is
10 a candidate for any office fails to meet any qualification required for the office pursuant to the
11 Constitution or laws of this State. . . .” (emphasis added). NRS 293.2045(1) does not limit itself
12 to the preelection actions specified in NRS 293 and NRS 293C. NRS 293.2045(1) allows
13 remedies for “any preelection action.” NRS 293.2045(1) does not prohibit preelection actions
14 other than those found in NRS 293 and NRS 293C. Therefore, pursuant to NRS 293.126(2),
15 because NRS 293.2045(1) is not inconsistent with any provision of NRS 293C, NRS
16 293.2045(1) applies to city elections.

17 For the above stated reasons, the Court has jurisdiction to hear Mantle’s challenge, and
18 the Court finds the issue of whether Mantel filed his *April 4, 2022, Complaint* within the
19 timeframe dictated in NRS 293C.186 moot.

20 **b. Article 15 § (3)(2) of the Nevada Constitution Does Not Prohibit**
21 **Brekhus’s Eligibility to be a Candidate for Mayor for the City of Reno**
during the 2022 election

22 Mantle argues that Brekhus is ineligible to run for Mayor for the City of Reno during the
23 2022 election because the scheduled end date for Brekhus’s current position within the local
24 governing body brings Brekhus’s time within said local governing body to twelve years. Mantle
25 argues that Article 15 § 3(2) of the Nevada Constitution requires Brekhus to resign her position
26 as Ward 1 City Council Member for the City of Reno before becoming eligible to run for Mayor
27 for the City of Reno.

1 However, the question before the Court is not whether a person who, at the scheduled end
2 of their current term within a local governing body would have served twelve years within the
3 same local governing body, resigned their currently held position in order to become an eligible
4 candidate for a separate position within said local governing body, the term for which would
5 bring said person's position within said local governing body to fourteen years, the question
6 before the Court is whether a person who is currently serving within a local governing body, for
7 which the scheduled end of said person's current term within the local governing body brings
8 said person to twelve years within the same local governing body, is eligible to be a candidate for
9 a separate position within said local governing body, for which the new elected term would bring
10 said person's time within said local governing body to fourteen years.

11 For this reason, the Court will not address what affect a person's resignation from their
12 current position within a local governing body, before actually serving for twelve years, would
13 have on their eligibility to be a candidate for a separate position within said local governing
14 body, the term for which would extend said candidate's time within said local governing body to
15 12 years or more. The Court will narrowly address whether a person, who at the end of their
16 currently held term within a local governing body would have served twelve years within the
17 same local governing body, is constitutionally prohibited from being a candidate for a separate
18 position within said local governing body for which the new position's term's start date is prior
19 to the scheduled end date of said person's currently held term, and for which, if the person is
20 successful in their campaign, would extend said person's time within said local governing body
21 to fourteen years.

22 “Consonant with the axiomatic principle that it is emphatically the province and duty of the
23 judicial department to say what the law is, Nevada courts are the ultimate interpreter of the
24 Nevada Constitution. When interpreting a constitutional provision, [the Court's] ultimate goal is
25 to determine the public understanding of a legal text leading up to and in the period after its
26 enactment or ratification. In doing so, we look to the provision's language; if it is plain, the text
27 controls and we will apply it as written. Thus, when a constitutional provision's language is clear
28 on its face, we will not go beyond that language in determining the voters' intent or to create an

1 ambiguity when none exists.” *Legislature of State v. Settelmeyer*, 137 Nev. Adv. Op. 21 (2021)
2 (internal citations and quotations marks omitted).

3 “We will apply the plain meaning of a statute unless it is ambiguous, meaning that it is
4 susceptible to two or more reasonable but inconsistent interpretations. If the constitutional
5 provision is ambiguous, we look to the history, public policy, and reason for the provision.
6 Additionally, the interpretation of a . . . constitutional provision will be harmonized with other
7 statutes.” *Landreth v. Malik*, 127 Nev. 175, 180 (2011) (internal citations and quotation marks
8 omitted). “[A] contemporaneous construction by the [L]egislature of a constitutional provision is
9 a safe guide to its proper interpretation and creates a strong presumption that the interpretation
10 was proper, because it is likely that legislation drafted near in time to the constitutional provision
11 reflects the constitutional drafters' mindset.” *Ramsey v. City of N. Las Vegas*, 133 Nev. 96, 98
12 (2017) (alteration in original) (internal quotation marks omitted).

13 It is undisputed that if Brekhus were to complete her current term as Reno City Council
14 Member for Ward 1, that Article 15 § 3(2) of the Nevada Constitution would prohibit Brekhus
15 from serving within that local governing body again. However, Brekhus’s candidacy for Mayor
16 for the City of Reno is disputed because the scheduled end date for Brekhus’s current term, as
17 Ward 1 City Council Member, puts Brekhus’s time for having served within the same local
18 governing body at twelve years. The Court looks to the language of the Nevada Constitution
19 when determining whether Brekhus is prohibited from being a candidate for Mayor for the City
20 of Reno during the 2022 election. Article 15 § (3)(2) of the Nevada Constitution states, in
21 relevant part, “[n]o person may be elected to any . . . local governing body who has served in that
22 office, or at the expiration of his current term if he is so serving will have served, 12 years or
23 more. . . .” The Court parses this language into three parts.

24 First, the Court focuses on the language: “12 years or more. . . .” The Court finds this
25 language expressly acknowledges that a person could serve within a local governing body for a
26 period of more than twelve years.

27 Second, the Court focuses on the language: “who has served in that office. . . .” The
28 Court finds this language prohibits a person from serving within a local governing body if said

1 person has already served within a local governing body for a period of twelve years or more.
2 This is in accord with the remainder of the Amendment, which prohibits a person from serving
3 for twelve years or more within the same local governing body.

4 Finally, the Court focuses on the language: “at the expiration of his current term if he is
5 so serving will have served. . . .” This is the language within Article 15 § (3)(2) of the Nevada
6 Constitution that is being challenged. However, the Court finds only one reading of this language
7 that is in accord with the remainder of the Amendment.

8 This language prohibits a person from becoming a candidate for a local governing body
9 if, at the beginning of the term for which said person is a candidate, said person “will have
10 served” twelve years or more within said local governing body. This language does not prohibit a
11 person from becoming a candidate for a local governing body if, at the beginning of the term for
12 which said person is a candidate, said person will not have served twelve years or more within
13 said local governing body.

14 Here, if Brekhus is successful in the 2022 Mayoral election, it would be an impossibility
15 for Brekhus to have served for twelve years or more within the same local governing body prior
16 to assuming her new term as Mayor for the City of Reno. The term for the Mayoral position for
17 which Brekhus is a candidate begins two years before Brekhus’s current term is scheduled to
18 end. If Brekhus is successful in her Mayoral election, Brekhus will have served for ten years
19 within the same local governing body prior to assuming her newly elected position. For this
20 reason, if Brekhus is successful in her campaign for Mayor for the City of Reno, Brekhus would
21 be unable to have served for twelve years or more within a local governing body prior to the start
22 of her Mayoral term.

23 In regard to a person’s eligibility to be a candidate for a position within a local governing
24 body, separate from said person’s currently held position within said local governing body and
25 without said person having resigned said currently held position, Article 15 § (3)(2) of the
26 Nevada Constitution does not prohibit said person’s eligibility based on the amount of time said
27 person could have served within said local governing body under their current term; Article 15 §
28 (3)(2) prohibits said person from becoming a candidate for a position within said local governing

body based on whether the term for the said new position begins at or after said person will have served for twelve years or more within said local governing body under said currently held position. If Brekhus is successful in her 2022 campaign for Mayor for the City of Reno, the staggered election cycles make it an impossibility for Brekhus to have served for twelve years or more within the same local governing body prior to assuming the position of Mayor for the City of Reno.

c. The Court Does Not Find the Challenge was Frivolous and Will Not Order Mantle to Pay Reasonable Attorney's Fees and Costs

A “frivolous action has been defined as one that is baseless, and baseless means that the pleading is [not] well grounded in fact [or is not] warranted by existing law or a good faith argument for the extension, modification or reversal of existing law.” *Simonian v. Univ. & Cmty. Coll. Sys. of Nevada*, 122 Nev. 187, 196 (2006) (internal citations and quotation marks omitted) (alteration in original). A “complaint appears completely frivolous on its face [when] . . . it appears to lack an arguable basis either in law or in fact. . . .” *Jordan v. State ex rel. Dep't of Motor Vehicles & Pub. Safety*, 121 Nev. 44, 57–58 (2005) (abrogated on other grounds).

“The decision whether to award attorney's fees is within the sound discretion of the trial court.” *Bergmann v. Boyce*, 109 Nev. 670, 674 (1993) (abrogated on other grounds).

The Court finds Mantle had reasonable grounds to file the *April 4, 2022, Complaint*, and that Mantle did not file the *April 4, 2022, Complaint* to harass Brekhus. Mantle's *April 4, 2022, Complaint* was grounded in fact and a good faith argument regarding whether a candidate is eligible for election under Article 15 § (3)(2) of the Nevada Constitution. For the above stated reasons, the Court finds that there was a basis in both law and fact for Mantle's *April 4, 2022, Complaint*, and the Court does not find Mantle's *April 4, 2022, Complaint* frivolous. The Court will not order Mantle to pay for Brekhus's reasonable attorney fees or costs.

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CERTIFICATE OF SERVICE

CASE NO. CV22-00560

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the STATE OF NEVADA, COUNTY OF WASHOE; that on the 2 day of May, 2022, I electronically filed the **ORDER DENYING MOTION TO DISMISS AND FINDING BREKHUS'S CANDIDACY FOR THE 2022 MAYORAL ELECTION CONSTITUTIONAL** with the Clerk of the Court by using the ECF system.

I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

Personal delivery to the following: [NONE]

Electronically filed with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

KARL HALL, ESQ. for CITY OF RENO
WILLIAM MANTLE
WILLIAM MCKEAN, ESQ. for CITY OF RENO
LUKE BUSBY, ESQ. for JENNY BREKHUS

Deposited in the Washoe County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada:

