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Electronically Filed  
Jul 25 2022 12:29 p.m.  
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**IN THE SUPREME COURT OF THE STATE OF NEVADA**

WILLIAM MANTLE,  
Appellant/Cross-Respondent,

vs.

JENNIFER BREKHUS, A/K/A JENNY  
BREKHUS,  
Respondent/Cross-Appellant,

Case No. 84821

THE CITY OF RENO,  
Cross-Respondent

\_\_\_\_\_ /

**MOTION TO DISMISS APPEAL AS MOOT**

COMES NOW, Respondent/Cross-Appellant JENNIFER BREKHUS, A/K/A JENNYBREKHUS (“Brekhus”), by and through the undersigned counsel, and hereby moves that this Court dismiss the appeal of WILLIAM MANTLE (“Mantle”) of the May 2, 2022 Order Denying Motion to Dismiss and Finding Brekhus’ Candidacy for the 2022 Mayoral Election Constitutional (“Order”), attached hereto as Exhibit 1, as moot under the provisions of NRS 293C.190.

### **Background**

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 Brekhus for the Office of Mayor of the City of Reno brought by Mantle. Mantle argued that Brekus’ candidacy for mayor of Reno was unconstitutional under Article 15, Section 3 of the Nevada Constitution and she should therefore be removed from the ballot. 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 and that Brekhus’ candidacy was Constitutional, and denying Brekhus’ request for attorney’s fees and costs.

On June 6, 2022, Mantle filed an appeal of the Order. On June 13, 2022, Brekhus filed a cross-appeal challenging the District Court’s determination that Mantle’s challenge was timely and for rejecting Brekhus’ request for attorney’s fees and costs.

On June 14, 2022, the primary election in the Reno Mayoral Race was held. According to the Official Results from the election, attached hereto as Exhibit 2, a total of 46,609 votes were cast in the primary race for Reno mayor. Current Mayor Hillary Schieve received 18,455 votes, George “Eddie” Lorton received 11,116 votes. Brekus received 9,563 votes and Mantle received 1,535 votes. *Id.*

On June 16, 2022, the undersigned counsel emailed Mantle to request that the parties stipulate that the matter be dismissed in light of the mayoral election result. See Exhibit 3. Mantle never responded to this email.<sup>1</sup>

Also, on or about June 16, 2022, Brekus issued a statement concerning the election and ending her campaign. See Declaration of Brekus in Exhibit 4.

In Mantle’s June 27, 2022 Docketing Statement, Mantle indicates that the issue on appeal is whether the District Court erred in ruling that Brekus’ candidacy for mayor is constitutional under Article 15 Section 3 of the Nevada Constitution. On this basis, Mantle seeks reversal of the District Court’s Order.

### **Issue**

The issue presented in this Motion is whether Mantle’s appeal should be dismissed as moot where it is impossible for Brekus to appear on the ballot in the

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<sup>1</sup> Brekus’s cross-appeal raises two issues: whether the underlying petition was timely and whether Brekus is entitled to attorney’s fees. Brekus’ first issue will also be moot if the Supreme Court grants this motion. Brekus will seek dismissal of the attorneys’ fees issue under NRAP 42(b) with each party to bear its own fees and costs should the Court grant this Motion if Mantle will so stipulate.

2022 general election.

### **Applicable Law**

According to NRS 293C.100, the provisions of NRS Chapter 293C apply to city elections. Pursuant to NRS 293C.175(5) if, in a primary city election, “no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general city election.”

NRS 293C.190, reproduced in its entirety below, provides the procedure for filling a vacancy in nomination in city elections:

1. A vacancy occurring in a nomination for a city office before 5 p.m. of the fourth Friday in July of the year in which the general city election is held must be filled by the person who received the next highest vote for the nomination in the primary city election if a primary city election was held for that city office. If no primary city election was held for that city office or if there was not more than one person who was seeking the nomination in the primary city election, a person may become a candidate for the city office at the general city election if the person files a declaration of candidacy with the appropriate filing officer and pays the filing fee established by the governing body of the city before 5 p.m. on the fourth Friday in July.
2. No change may be made on the ballot for the general city election after 5 p.m. on the fourth Friday in July of the year in which the general city election is held. If, after that time and date:
  - (a) A nominee dies or is adjudicated insane or mentally incompetent; or
  - (b) A vacancy in the nomination is otherwise created,

the nominee's name must remain on the ballot for the general city election and, if elected, a vacancy exists.

“Moot” is defined as, “Having no practical significance; hypothetical or academic.” Blacks Law Dictionary, 7th Ed. A case should not be justiciable where there is no actual controversy remaining. The Nevada Supreme Court decides only actual controversies and does not give opinions on moot questions or abstract propositions which cannot affect the matter at issue. *Univ. & Cmty. Coll. Sys. of Nev. v. Nevadans for Sound Gov't*, 120 Nev. 712, 720, 100 P.3d 179, 186 (2004) quoting *NCAA v. University of Nevada*, 97 Nev. 56, 57, 624 P.2d 10, 10 (1981). An appellate court's duty is “not to render advisory opinions but, rather, to resolve actual controversies by an enforceable judgment.” *Personhood v. Bristol*, 126 Nev. 599, 602, 245 P.3d 572, 574 (2010). “[E]ven though a case may present a live controversy at its beginning, subsequent events may render the case moot.” *Id.*, citing *University Sys. v. Nevadans for Sound Gov't*, 120 Nev. 712, 720, 100 P.3d 179, 186 (2004); *Wedekind v. Bell*, 26 Nev. 395, 413-15, 69 P. 612, 613-14 (1902).

### **Argument**

Mantle's appeal is moot as Brekhus cannot appear on the ballot for mayor. Under the provisions of NRS 293C.175(5), the 18,455 votes received in the election by Reno Mayor Hillary Scheive do not constitute a majority of the 46,609 votes cast. And as such, Mayor Schieve and primary runner up George “Eddie”

Lorton's names will appear on the ballot for the office of mayor of Reno the 2022 general election, not Brekhus' name.

Moreover, because no vacancy occurred in the nomination for the office of Reno mayor before 5 p.m. of the fourth Friday in July (i.e., July 22, 2022), under the provisions of NRS 293C.190(2), "No change may be made on the ballot for the general city election..."

Mantle's challenge to Brekhus' candidacy is moot, i.e. it has no practical significance, because as of 5:00 p.m. on July 22, 2022, Brekhus, as a matter of law, cannot appear on the ballot and that is the relief Mantle seeks.

WHEREFORE, Brekhus moves that this Court dismiss Mantle's appeal.

Dated: July 24, 2022:

By: /s/ Luke Busby, Esq.  
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## **EXHIBIT LIST**

1. May 2, 2022 Order Denying Motion to Dismiss and Finding Brekhus' Candidacy for the 2022 Mayoral Election Constitutional
2. Official Results of 2022 Primary Election from Washoe County and Declaration of Canvass of Vote and Order
3. June 16, 2022 email to Mantle
4. Declaration of Jenny Brekhus

## CERTIFICATE OF SERVICE

Pursuant to NRCp 25(c), I certify that on the date indicated below, I caused service to be completed by:

\_\_\_\_\_ personally delivering;

\_\_\_\_\_ delivery via Reno/Carson Messenger Service;

\_\_\_\_\_ sending via Federal Express (or other overnight delivery service);

\_\_\_x\_\_\_ depositing for mailing in the U.S. mail, with sufficient postage affixed thereto; or,

\_\_\_x\_\_\_ delivery via electronic means (fax, eflex, NEF, etc.)

a true and correct copy of the foregoing pleading addressed to:

William Mantle  
2040 Angel Ridge Dr.  
Reno, NV 89521  
Email: mantleformayor@gmail.com

Karl Hall, Esq.  
PO Box 1900  
Reno, NV 89501

By:   /s/  Luke Busby, Esq.  

Dated: Jul 24, 2022



# 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.”<sup>1</sup> 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.<sup>2</sup> Brekhus was subsequently elected to the same position in 2016 and again in 2020.<sup>3</sup> 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.<sup>4</sup> The term in  
23 question, for Mayor for the City of Reno, is scheduled to end in 2026.

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

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

27 <sup>3</sup> *Id.*

28 <sup>4</sup> 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.<sup>5</sup> NRS 293C governs local elections in  
2 Nevada.<sup>6</sup> 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 ///

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25 <sup>5</sup> “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 <sup>6</sup> “The provisions of [NRS 293C] apply only to city elections.” NRS 293C.100  
28

1                   **III.     SUMMARY OF RELEVANT PROCEDURAL HISTORY**

2                   On April 4, 2022, Mantle filed a *Registration and Election Report/Complaint* (“April 4,  
3                   2022, *Complaint*”) with the Reno City Clerk.<sup>7</sup>

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

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

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

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

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

21                   **IV.     SUMMARY OF ARGUMENTS**

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

25                  

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26                  <sup>7</sup> On March 17, 2022, Mantle filed an Election Integrity Violation Report with the Nevada  
27                  Secretary of State. *April 15, 2022, Response* at Exhibit 4. On April 4, 2022, a representative from  
28                  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. Settlemeyer*, 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.

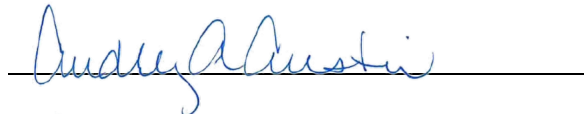
I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

**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 2

# Exhibit 2

**Washoe County Board of County Commissioners**  
**Declaration of Canvass of Vote and Order**

**WHEREAS**, an election was held in Washoe County on June 14, 2022;

**WHEREAS**, the Washoe County Board of County Commissioners has convened a duly noticed public meeting on June 24, 2022 to canvass the vote of that election;

**NOW THEREFORE**, pursuant to NRS293 of the Nevada Revised Statutes and NRS 293.032 and NRS 293.387 in particular, the Washoe County Board of County Commissioners determines, declares and orders as follows:

1. A review of the election results has been made by which any errors within the election results, if there were any, could be officially noted.
2. No clerical errors were discovered from the canvass and no resulting changes in the vote are necessary.
3. The official election results are hereby declared and the result declared represents the true votes cast.
4. The Washoe County Registrar of Voters is directed to enter upon the record of the Board an abstract of the results containing the number of votes cast for each candidate and shall certify the abstract.
5. Pursuant to this order hereby entered in the minutes of the Board, the Registrar shall copy the certified abstract and make a mechanized report of the abstract in compliance with regulations adopted by the Secretary of State and transmit them to the Secretary of State within seven working days after the election the election.

ADOPTED this 24<sup>th</sup> day of June, 2022, by the following vote:

AYES: 4

NAYS: 1

ABSENT: Ø

ABSTAIN: Ø

ATTEST:

  
Jan Galassini, County Clerk

  
Vaughn Hartung, Chair  
Washoe County Commission



# Election Summary Report

Closed Primary

WASHOE COUNTY

June 14, 2022

Summary for: All Contests, All Districts, All Tabulators, Election Day, Early Voting, Mail,  
Provisional  
Official Results

Elector Group	Counting Group	Voters Cast	Registered Voters	Turnout
NONPARTISAN	Election Day	1,850	108,705	1.70%
	Early Voting	1,319		1.21%
	Mail	9,477		8.72%
	Total	12,646		11.63%
DEMOCRATIC	Election Day	4,880	100,356	4.86%
	Early Voting	5,406		5.39%
	Mail	25,416		25.33%
	Total	35,702		35.58%
REPUBLICAN	Election Day	14,570	103,085	14.13%
	Early Voting	11,370		11.03%
	Mail	21,056		20.43%
	Total	46,996		45.59%
Total	Election Day	21,300	312,146	6.82%
	Early Voting	18,095		5.80%
	Mail	55,949		17.92%
	Total	95,344		30.54%

Voters Cast: 95,344 of 312,146 (30.54%)

## UNITED STATES SENATE (DEM) (Vote for 1) DEM

	Total	
Times Cast	35,702 / 100,356	35.58%
Undervotes	155	

Candidate	Party	Total	
CORTEZ MASTO, CATHERINE	DEM	33,296	
KASHETA, STEPHANIE	DEM	435	
REID, COREY	DEM	528	
RHEINHART, ALLEN	DEM	629	
NONE OF THESE CANDIDATES		659	
Total Votes		35,547	

## UNITED STATES SENATE (REP) (Vote for 1) REP

	Total	
Times Cast	46,996 / 103,085	45.59%
Undervotes	331	

Candidate	Party	Total	
BROWN, SAM	REP	18,333	
CONRAD, WILLIAM "BILL"	REP	535	
HOCKSTEDLER, WILLIAM "BILL"	REP	450	
LAXALT, ADAM PAUL	REP	24,848	
MENDENHALL, SHARELLE	REP	586	
PERKINS, TYLER T.	REP	109	
POLIAK, CARLO	REP	57	
RODRIGUEZ, PAUL	REP	288	
NONE OF THESE CANDIDATES		1,459	
Total Votes		46,665	

## UNITED STATES REPRESENTATIVE IN CONGRESS, DISTRICT 2 (DEM) (Vote for 1) DEM

	Total	
Times Cast	35,702 / 100,356	35.58%
Undervotes	3,695	

Candidate	Party	Total	
AFZAL, JOSEPH EDWARD	DEM	2,227	
DOUCETTE, MICHAEL	DEM	3,959	
GORMAN, GEROLD LEE	DEM	708	
HANIFAN, TIM	DEM	4,158	
HANSEN, BRIAN J.	DEM	2,162	
JOSHI, RAHUL A.	DEM	2,950	
KRAUSE, ELIZABETH MERCEDES	DEM	15,842	
Total Votes		32,006	

## UNITED STATES REPRESENTATIVE IN CONGRESS, DISTRICT 2 (REP) (Vote for 1) REP

	Total	
Times Cast	46,996 / 103,085	45.59%
Undervotes	1,411	

Candidate	Party	Total	
AMODEI, MARK E.	REP	25,276	
BECK, JOEL	REP	3,330	
NADELL, BRIAN	REP	766	
SAMPSON, CATHERINE MARIE	REP	1,365	
TARKANIAN, DANNY	REP	14,847	
Total Votes		45,584	

## GOVERNOR (DEM) (Vote for 1) DEM

	Total	
Times Cast	35,702 / 100,356	35.58%
Undervotes	266	

Candidate	Party	Total	
COLLINS, TOM	DEM	1,969	
SISOLAK, STEVE	DEM	32,370	
NONE OF THESE CANDIDATES		1,097	
Total Votes		35,436	

## GOVERNOR (REP) (Vote for 1)

### REP

	Total	
Times Cast	46,996 / 103,085	45.59%
Undervotes	369	

Candidate	Party	Total	
EVANS, SEVEN ACHILLES	REP	77	
EVERTSEN, GARY "RADAR"	REP	65	
GILBERT, JOEY	REP	14,743	
HAMILTON, EDDIE "MR. FIX IT NOW"	REP	170	
HECK, TOM	REP	699	
HELLER, DEAN	REP	9,372	
LEE, JOHN J.	REP	1,247	
LOMBARDO, JOE	REP	15,051	
LUSAK, STANLEIGH HAROLD	REP	34	
NOHRA, GUY	REP	1,392	
O'BRIEN, EDWARD E.	REP	86	
SIMON, FRED	REP	2,050	
WALLS, WILLIAM "DOCK"	REP	121	
WHITLEY, AMBER	REP	268	
ZILBERBERG, BARAK	REP	69	
NONE OF THESE CANDIDATES		1,183	
Total Votes		46,627	

## LIEUTENANT GOVERNOR (DEM) (Vote for 1)

### DEM

	Total	
Times Cast	35,702 / 100,356	35.58%
Undervotes	1,565	

Candidate	Party	Total	
CANO BURKHEAD, ELIZABETH "LISA"	DEM	20,775	
CHASE, EVA	DEM	1,144	
COLE, KIMI	DEM	3,038	
MARCH, DEBRA	DEM	7,162	
NONE OF THESE CANDIDATES		2,018	
Total Votes		34,137	

## LIEUTENANT GOVERNOR (REP) (Vote for 1) REP

	Total	
Times Cast	46,996 / 103,085	45.59%
Undervotes	1,868	

Candidate	Party	Total	
ANTHONY, STAVROS	REP	9,741	
GRADY, JR., WALTER A. "TONY"	REP	13,957	
HAWKINS, M. KAMERON	REP	1,077	
MILLER, JOHN	REP	8,618	
MILLER, II, MACK	REP	1,282	
PAVONE, PETER	REP	580	
SCHWARTZ, DAN	REP	5,294	
NONE OF THESE CANDIDATES		4,579	
Total Votes		45,128	

## SECRETARY OF STATE (REP) (Vote for 1) REP

	Total	
Times Cast	46,996 / 103,085	45.59%
Undervotes	1,775	

Candidate	Party	Total	
DAHIR, KRISTOPHER	REP	4,888	
GERHARDT, JOHN CARDIFF	REP	1,748	
HAW, JESSE	REP	12,453	
KEENAN, SOCORRO	REP	521	
MARCHANT, JIM	REP	16,537	
RAMALHO, GERARD	REP	500	
SCOTTI, RICHARD	REP	4,816	
NONE OF THESE CANDIDATES		3,755	
Total Votes		45,218	

## STATE TREASURER (REP) (Vote for 1) REP

	Total	
Times Cast	46,996 / 103,085	45.59%
Undervotes	2,388	

Candidate	Party	Total	
IORE, MICHELE	REP	26,308	
KESS, EMANUEL "MANNY"	REP	13,439	
NONE OF THESE CANDIDATES		4,860	
Total Votes		44,607	

## STATE CONTROLLER (DEM) (Vote for 1) DEM

	Total	
Times Cast	35,702 / 100,356	35.58%
Undervotes	2,471	

Candidate	Party	Total	
COSTA, ALEX	DEM	5,779	
SPIEGEL, ELLEN	DEM	25,037	
NONE OF THESE CANDIDATES		2,415	
Total Votes		33,231	

## ATTORNEY GENERAL (REP) (Vote for 1) REP

	Total	
Times Cast	46,996 / 103,085	45.59%
Undervotes	2,041	

Candidate	Party	Total	
BLACK, TISHA	REP	15,946	
CHATTAH, SIGAL	REP	24,469	
NONE OF THESE CANDIDATES		4,538	
Total Votes		44,953	

## STATE SENATE, DISTRICT 13 (DEM) (Vote for 1) DEM

	Total	
Times Cast	8,240 / 28,712	28.70%
Undervotes	445	

Candidate	Party	Total	
DALY, RICHARD "SKIP"	DEM	5,010	
MIRANDA, MARK	DEM	815	
STEPHENS, CLARET "NNEDI"	DEM	1,970	
Total Votes		7,795	

## STATE SENATE, DISTRICT 16 (REP) (Vote for 1) REP

	Total	
Times Cast	13,882 / 26,448	52.49%
Undervotes	691	

Candidate	Party	Total	
DUVALL, TIMOTHY	REP	2,459	
KRASNER, LISA	REP	4,845	
STABBERT, MONICA "JAYE"	REP	2,689	
TATRO, DON	REP	3,197	
Total Votes		13,190	

## STATE ASSEMBLY, DISTRICT 24 (DEM) (Vote for 1) DEM

	Total	
Times Cast	4,313 / 14,862	29.02%
Undervotes	374	

Candidate	Party	Total	
PETERS, SARAH	DEM	3,238	
VASQUEZ-MALDONADO, JOSE I.	DEM	701	
Total Votes		3,939	

## STATE ASSEMBLY, DISTRICT 25 (DEM) (Vote for 1) DEM

	Total	
Times Cast	7,482 / 17,305	43.24%
Undervotes	557	

Candidate	Party	Total	
GOFF, ALEX	DEM	2,432	
LA RUE HATCH, SELENA	DEM	4,493	
Total Votes		6,925	

## STATE ASSEMBLY, DISTRICT 25 (REP) (Vote for 1) REP

	Total	
Times Cast	7,939 / 15,923	49.86%
Undervotes	722	

Candidate	Party	Total	
BATCHELDER, GREG	REP	966	
KUMAR, SAM	REP	4,052	
WILLIAMS, JACOB	REP	2,199	
Total Votes		7,217	

## STATE ASSEMBLY, DISTRICT 26 (REP) (Vote for 1) REP

	Total	
Times Cast	11,510 / 22,359	51.48%
Undervotes	839	

Candidate	Party	Total	
DALY, TOM	REP	956	
DELAIRE, BRET	REP	1,162	
DELONG, RICH	REP	3,623	
DIXON, JAY	REP	2,755	
JUHL, GREG	REP	2,175	
Total Votes		10,671	

## STATE ASSEMBLY, DISTRICT 27 (DEM) (Vote for 1) DEM

	Total	
Times Cast	4,625 / 15,215	30.40%
Undervotes	152	

Candidate	Party	Total	
LEE, BRIAN	DEM	1,483	
TAYLOR, ANGELA	DEM	2,990	
Total Votes		4,473	

## STATE ASSEMBLY, DISTRICT 40 (REP) (Vote for 1) REP

	Total	
Times Cast	2,372 / 4,089	58.01%
Undervotes	191	

Candidate	Party	Total	
O'NEILL, PHILIP "PK"	REP	1,128	
SCHMIDT, GARY	REP	1,053	
Total Votes		2,181	

## COUNTY COMMISSION, DISTRICT 2 (REP) (Vote for 1) REP

	Total	
Times Cast	12,762 / 25,323	50.40%
Undervotes	1,097	

Candidate	Party	Total	
CLARK, MICHAEL E.	REP	6,661	
LUCEY, BOB	REP	5,004	
Total Votes		11,665	

## COUNTY COMMISSION, DISTRICT 3 (DEM) (Vote for 1) DEM

	Total	
Times Cast	4,710 / 18,856	24.98%
Undervotes	291	

Candidate	Party	Total	
AHMAD, HAWAH	DEM	1,124	
GARCIA, MARILUZ	DEM	1,899	
ISACKSEN, KYLE	DEM	1,396	
Total Votes		4,419	



## COUNTY COMMISSION, DISTRICT 5 (REP) (Vote for 1) REP

	Total	
Times Cast	8,797 / 20,785	42.32%
Undervotes	832	

Candidate	Party	Total	
HERMAN, JEANNE	REP	3,583	
LEONARD, WENDY	REP	3,185	
MOLEZZO, RICHARD "MO"	REP	1,197	
Total Votes		7,965	

## COUNTY ASSESSOR (REP) (Vote for 1) REP

	Total	
Times Cast	46,996 / 103,085	45.59%
Undervotes	6,351	

Candidate	Party	Total	
QUISENBERRY, LORNA	REP	15,527	
SARMAN, CHRIS	REP	25,118	
Total Votes		40,645	

## COUNTY CLERK (REP) (Vote for 1) REP

	Total	
Times Cast	46,996 / 103,085	45.59%
Undervotes	6,614	

Candidate	Party	Total	
AMESTOY, RANDY J	REP	10,490	
GALASSINI, JAN	REP	18,110	
OTTO, KENJI	REP	11,782	
Total Votes		40,382	

## REGENT, UNIVERSITY OF NEVADA, DISTRICT 11 (Vote for 1)

	Total	
Times Cast	35,656 / 132,582	26.89%
Undervotes	5,624	

Candidate	Party	Total	
DOWNS, JEFFREY	NP	12,193	
GWALTNEY, JOHN	NP	7,446	
LADEN, STEVE	NP	10,392	
Total Votes		30,031	

**SCHOOL BOARD TRUSTEE, DISTRICT B (Vote for 1)**

	Total	
Times Cast	14,368 / 57,060	25.18%
Undervotes	1,652	

Candidate	Party	Total	
MINETTO, ELLEN	NP	4,475	
REYES, CATHY	NP	3,875	
WESTLAKE, COLLEEN	NP	4,366	
Total Votes		12,716	

**SCHOOL BOARD TRUSTEE, DISTRICT C (Vote for 1)**

	Total	
Times Cast	19,314 / 67,086	28.79%
Undervotes	2,278	

Candidate	Party	Total	
BAKER, KURT A.	NP	3,451	
RODRIGUEZ, JOSEPH "JOE"	NP	7,296	
SUTTON, MELANIE	NP	6,289	
Total Votes		17,036	

**SCHOOL BOARD TRUSTEE, DISTRICT D (Vote for 1)**

	Total	
Times Cast	19,625 / 61,949	31.68%
Undervotes	2,000	

Candidate	Party	Total	
BACLET, JEFF	NP	1,830	
HITTI, EDGARD "ED"	NP	4,127	
SMITH, BETH	NP	11,668	
Total Votes		17,625	

**SCHOOL BOARD TRUSTEE, DISTRICT F AT-LARGE (Vote for 1)**

	Total	
Times Cast	42,423 / 149,735	28.33%
Undervotes	5,010	

Candidate	Party	Total	
BERTOLUCCI, MON	NP	2,699	
MAYBERRY, ADAM	NP	18,024	
MUELLER, SETH	NP	3,055	
REID, GRAEME	NP	6,870	
WESTLAKE, BROOKE M.	NP	6,761	
Total Votes		37,409	

## INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT (Vote for 2)

	Total	
Times Cast	3,147 / 8,429	37.34%
Undervotes	971	

Candidate	Party	Total	
BUCKNER, ALBERT "AL"	NP	299	
KNAAK, YOLANDA	NP	681	
KROLICK, GAIL L.	NP	881	
MINDLIN, BRADLEY	NP	549	
NOBLE, DAVID	NP	1,538	
TULLOCH, RAY	NP	1,375	
Total Votes		5,323	

## RENO MAYOR (Vote for 1)

	Total	
Times Cast	47,990 / 164,041	29.25%
Undervotes	1,380	

Candidate	Party	Total	
BREKHUS, JENNY	NP	9,563	
DEHNE, CHAD "DNA"	NP	1,194	
GRAHAM, MICHAEL	NP	594	
JOHNSON, MATT	NP	1,035	
LORTON, GEORGE "EDDIE"	NP	11,116	
MANTLE, WILLIAM	NP	1,535	
RAZO, JESSE O.	NP	542	
ROCES, JOAQUIN R.	NP	627	
ROUGHT, JUDI	NP	901	
SCHIEVE, HILLARY	NP	18,455	
SCHNEIDER, TABITHA	NP	1,047	
Total Votes		46,609	

## RENO CITY COUNCIL, WARD 2 (Vote for 1)

	Total	
Times Cast	13,227 / 37,497	35.27%
Undervotes	966	

Candidate	Party	Total	
DUERR, NAOMI	NP	6,656	
HINMAN, TYLER R.	NP	1,157	
KENNY, JAY	NP	4,448	
Total Votes		12,261	

**RENO CITY COUNCIL, WARD 4 (Vote for 1)**

	Total	
Times Cast	5,714 / 28,740	19.88%
Undervotes	350	

Candidate	Party	Total	
EBERT, MEGHAN	NP	1,727	
OWEN, DENNIS	NP	1,358	
WEBER, BONNIE	NP	2,279	
Total Votes		5,364	

**SPARKS MUNICIPAL COURT JUDGE, DEPARTMENT 1 (Vote for 1)**

	Total	
Times Cast	18,179 / 65,957	27.56%
Undervotes	1,598	

Candidate	Party	Total	
DELONG, ROBERT	NP	5,010	
EITING, SHIRLE	NP	5,666	
FUSS, TOBIN	NP	2,388	
ORMAAS, ALISON	NP	3,517	
Total Votes		16,581	

**JUSTICE OF THE PEACE, RENO-VERDI, DEPARTMENT 2 (Vote for 1)**

	Total	
Times Cast	65,772 / 208,869	31.49%
Undervotes	8,463	

Candidate	Party	Total	
BERTSCHY, KENDRA	NP	25,223	
CONWAY, COTTER C	NP	10,388	
HAHN, BRUCE	NP	21,697	
Total Votes		57,308	

# Exhibit 3

# Exhibit 3



Luke Busby <luke@lukeandrewbusbyltd.com>

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## Mantle v. Brekhus - Sup. Ct. Case 84821

1 message

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**Luke Busby** <luke@lukeandrewbusbyltd.com>

Thu, Jun 16, 2022 at 1:14 PM

To: William Mantle <mantleformayor@gmail.com>, John Marshall <johnladuemarshall@gmail.com>

Mr. Mantle,

In light of the mayoral election result we believe your appeal is moot. As such, we request that you stipulate to dismiss the appeal and we will do the same for our cross-appeal with each party to bear its own attorneys fees and costs for the entire action. Please let me know if this works for you I'll draft up the stipulation to be filed with the Court.

Cheers!

--

Cheers!

Luke Busby, Esq.  
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Disclaimer Required by IRS Rules of Practice: Any discussion of tax matters contained herein is not intended or written to be used, and cannot be used, for the purpose of avoiding any penalties that may be imposed under Federal tax laws.

Exhibit 4

Exhibit 4

## DECLARATION OF JENNY BREKHUS

I, Jenny Brekhus, declare that the assertions in this Declaration are true and correct to the best of my knowledge and belief, based upon my personal knowledge, and that I am competent to testify to the facts stated below:

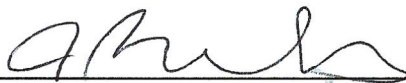
1. I am the Respondent/Cross-Appellant in Case No. 84821 pending before the Nevada Supreme Court;

2. On or about June 16, 2022, I issued the following statement via email and on Facebook conceding the 2022 mayoral primary election:

Reno primary voters made it clear that they want Hillary Schieve and Eddie Lorton to contest the Mayor's race (again) this November. Congratulations to both! I accept this result and in coming off the campaign trail am grateful for this brief journey once again, into local electoral politics. My family, friends, the campaign team, and supporters know how much I appreciate their support but to all of you, thanks once more. While it only lasted a few months, I enjoyed my time speaking with Reno residents as I asked for their votes. Those conversations are invaluable to me to understand the wide range of personal circumstances and perspectives people hold about our community. I don't know a better way to understand a city than circulating within residential neighborhoods on foot and directly speaking with voters. I wish all a joyous summer season!

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 7/25/22 in Washoe County, Nevada.

By:   
Jenny Brekhus