

IN THE SUPREME COURT OF THE STATE OF NEVADA

STATE OF NEVADA,

Appellant,

vs.

JAMES WALTER
DEGRAFFENREID III,
DUWARD JAMES HINDLE
III, JESSE REED LAW,
MICAHEL JAMES
MCDONALD, SHAWN
MICHAEL MEEHAN, EILEEN
A. RICE,

Respondents.

CASE NO. 89064

Dist. Court No.

C-23-379122-1

C-23-379122-2

C-23-379122-3

C-23-379122-4

C-23-379122-5

C-23-379122-6

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Clerk of Supreme Court

**APPELLANT APPENDIX
Volume 5 of 5**

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EXHIBIT 22

EXHIBIT 22

IN THE SUPREME COURT OF THE STATE OF NEVADA

JESSE LAW, AN INDIVIDUAL;
MICHAEL MCDONALD, AN
INDIVIDUAL; JAMES
DEGRAFFENREID, III, AN
INDIVIDUAL; DURWARD JAMES
HINDLE, III, AN INDIVIDUAL;
EILEEN RICE, AN INDIVIDUAL; AND
SHAWN MEEHAN, AN INDIVIDUAL,
AS CANDIDATES FOR PRESIDENTIAL
ELECTORS ON BEHALF OF DONALD
J. TRUMP,

Appellants,

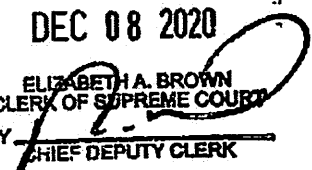
vs.

JUDITH WHITMER, AN INDIVIDUAL;
SARAH MAHLER, AN INDIVIDUAL;
JOSEPH THRONEBERRY, AN
INDIVIDUAL; ARTEMESIA BLANCO,
AN INDIVIDUAL; GABRIELLE D'AYR,
AN INDIVIDUAL; AND YVANNA
CANCELA, AN INDIVIDUAL, AS
CANDIDATES FOR PRESIDENTIAL
ELECTORS ON BEHALF OF JOSEPH
R. BIDEN, JR.,
Respondents.

No. 82178

FILED

DEC 08 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying an election contest. First Judicial District Court, Carson City; James Todd Russell, Judge.

On November 3, 2020, Nevada voters elected candidates for the office of presidential elector. Following the canvass required by NRS 293.395(2), the Governor of Nevada transmitted a Certificate of Ascertainment to the National Archives on December 2, 2020, which

certifies that the Democratic Party Electors received the highest number of votes cast for presidential electors in the 2020 General Election.¹ On the last day allowed by Nevada law, *see* NRS 293.413(1), appellant Republican Party Electors filed an action contesting the election of the respondent Democratic Party Electors. *See generally* NRS 293.407 (allowing for contest of election to the office of presidential elector); NRS 293.410(2) (identifying the grounds on which an election may be contested). The district court expedited the proceedings, with the parties submitting deposition testimony and other evidence on December 2, 2020, and the court considering that evidence and hearing argument on December 3, 2020. The district court entered a detailed written order the following day.

This appeal was docketed in this court on December 7, 2020, and the parties promptly filed competing motions. Respondents moved for a summary affirmance without briefing, while appellants moved for an expedited briefing schedule (although they asked this court to decide this matter by December 14, they did not propose a specific briefing schedule). We directed the parties to respond to each other's motions by 2 p.m. today, December 8. We also directed the district court clerk to transmit the available portions of the district court record to this court's clerk immediately, which the district court clerk did. Then, having considered the pending motions and responses, we directed the parties to file supplemental briefs by 7 p.m. today. In particular, we ordered appellants to identify by page and paragraph number the specific portions of the district court order they contest. The parties have filed those briefs.

¹The Governor's Certificate of Ascertainment can be viewed at <https://www.archives.gov/files/electoral-college/2020/ascertainment-nevada.pdf>.

The district court entered a 34-page order, setting forth its findings of fact, conclusions of law, and evidentiary rulings. The district court's order is attached. To prevail on this appeal, appellants must demonstrate error of law, findings of fact not supported by substantial evidence, or an abuse of discretion in the admission or rejection of evidence by the district court. *See Sowers v. Forest Hills Subdivision*, 129 Nev. 99, 105-06, 294 P.3d 427, 432 (2013) (reviewing a district court's factual findings for an abuse of discretion and providing that those findings will not be set aside unless they are clearly erroneous or not supported by substantial evidence); *Weddell v. H2O, Inc.*, 128 Nev. 94, 101, 271 P.3d 743, 748 (2012) (stating that questions of law are reviewed de novo, while factual findings are reviewed for substantial evidence). We are not convinced they have done so.² In particular, appellants have not demonstrated any legal error in the district court's application of NRS 293.410(2)(c). We also are not convinced that the district court erred in applying a burden of proof by clear and convincing evidence, as supported by the cases cited in the district court's order. And, in any event, the district court further determined that appellants had not met their burden even if it applied a lesser standard. Finally, the district court's order thoroughly addressed the grounds asserted in the statement of contest filed by appellants and considered the evidence offered by appellants even when that evidence did not meet the requirements under Nevada law for expert testimony, *see* NRS 50.275; *Hallmark v. Eldridge*, 124 Nev. 492, 189 P.3d 646 (2008) (explaining requirements for witness to testify as an expert), or for admissibility, *see*,

²We have not considered any issues or grounds for contesting the election that were not raised below. *See Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981).

e.g., NRS 51.065 (providing that hearsay is inadmissible except as otherwise provided in Nevada law). Despite our earlier order asking appellants to identify specific findings with which they take issue, appellants have not pointed to any unsupported factual findings, and we have identified none. The clerk of this court shall issue the remittitur forthwith. See NRAP 2 (allowing the court to suspend any rules in a particular case except for the time to file a notice of appeal). For these reasons, we

ORDER the judgment of the district court AFFIRMED.³

Pickering, C.J.
Pickering

Gibbons, J.
Gibbons

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

Silver, J.
Silver

³Given our disposition, we will take no action on the pending motions.

Justice Elissa F. Cadish voluntarily recused herself from participation in the decision of this matter.

cc: Hon. James Todd Russell, District Judge
Harvey & Binnall, PLLC
Weir Law Group LLC
Perkins Coie, LLP/Seattle
Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP/Las Vegas
Perkins Coie, LLP/Washington DC
Carson City Clerk

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AUDREY COSTE STT

BY

DEPUTY

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR CARSON CITY

JESSE LAW, an individual; MICHAEL
MCDONALD, an individual; JAMES
DEGRAFFENREID III, an individual;
DURWARD JAMES HINDLE III, an
individual; EILEEN RICE, an individual;
SHAWN MEEHAN, an individual, as
candidates for presidential electors on behalf of
Donald J. Trump,

Contestants,

vs.

JUDITH WHITMER, an individual; SARAH
MAHLER, an individual; JOSEPH
THRONEBERRY, an individual; ARTEMISA
BLANCO, an individual; GABRIELLE
D'AYR, an individual; and YVANNA
CANCELA, an individual, as candidates for
presidential electors on behalf of Joseph R.
Biden, Jr.,

Defendants.

Case No.: 20 OC 00163 1B

Dept.: 1

**ORDER GRANTING MOTION TO
DISMISS STATEMENT OF CONTEST**

PROCEDURAL HISTORY

On November 17, 2020, Contestants—Republican Party presidential elector candidates—
filed a statement of contest challenging the results of the 2020 presidential election in Nevada,
seeking an order from this Court either declaring President Donald Trump the winner in Nevada
and certifying Contestants as the State's duly elected presidential electors, or holding that
President-elect Joe Biden's victory "be declared null and void" and that the November 3 election
"be annulled and that no candidate for elector for the office of President of the United States of

1 America be certified from the State of Nevada.” Statement of Contest of the Nov. 3, 2020
2 Presidential Election 20. In orders dated November 19 and 24, 2020, this Court expanded the
3 depositions available to each party from 10 to 15 and shortened the time for notice from seven
4 days to 48 hours. The parties submitted their evidence to the Court on Wednesday, December 2,
5 2020. Defendants submitted the testimony by deposition of four witnesses and Contestants
6 submitted the testimony by deposition of eight witnesses along with numerous declarations,
7 affidavits, and other documents. The Court held a hearing on December 3, 2020.

8 FINDINGS OF FACT

9 Having reviewed the full evidentiary record submitted by Contestants and Defendants, and
10 having considered, without limitation, all evidence submitted to the Court as well as the parties’
11 written and oral arguments, the Court makes the following findings of fact:

12 I. The Election Results

13 1. In the November 3, 2020 General Election for President of the United States,
14 President-elect Joe Biden prevailed over President Donald Trump in the State of Nevada by 33,596
15 votes.

16 II. The Agilis Machine

17 2. The COVID-19 pandemic spurred a sharp increase in mail voting for Nevada’s June
18 2020 Primary Election. The transition to expanded mail voting placed particular stress on larger
19 counties like Clark County because processing and counting mail ballots is time- and labor-
20 intensive. Deposition of Wayne Thorley dated Dec. 1, 2020 (“Thorley Dep.”) 12:9–14:11;
21 Deposition of Joseph Gloria dated Dec. 1, 2020 (“Gloria Dep.”) 13:11–12.

22 3. Accordingly, Clark County looked for solutions to enable it to meet this increased
23 interest in mail voting. It ultimately acquired an Agilis Ballot Sorting System (the “Agilis
24 machine”) from Runbeck Election Services (“Runbeck”). Thorley Dep. 14:10–15:18; Gloria Dep.
25 12:20–13:22.

26 4. Runbeck is a well-respected election services company headquartered in Phoenix,
27 Arizona. It provides a suite of hardware and software products that assist with mail ballot sorting
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1 and processing, initiative petitions, voter registration, and ballot-on-demand printing. It is also one
2 of the largest printing vendors for ballots in the United States. In 2020 alone, it printed 76 million
3 ballots and mailed 30 million. Runbeck's clients are state and county election officials in the
4 United States. Runbeck does not do work for political parties or candidates. Deposition of Jeff
5 Ellington dated Nov. 3, 2020 ("Ellington Dep.") 8:2-19; 10:4-11; Thorley Dep. 16:1-12; Gloria
6 Dep. 12:20-14:3.

7 5. The Agilis machine is a ballot-sorting machine similar to those used by the U.S.
8 Postal Service ("USPS"). As a ballot envelope is run through the machine, the Agilis takes a picture
9 of the envelope. It also does preliminary processing to ensure the ballot is appropriate to be
10 counted. For example, the machine scans the envelope to see if it was signed by the voter, weighs
11 the envelope to determine if it properly contains only one ballot, and reads a barcode on the
12 envelope to help ensure that the ballot is for the election that is being processed. The Agilis
13 machine then sorts the mail pieces into those appropriate for counting and those with likely
14 deficiencies, as well as by precinct or district. Ellington Dep. 11:18-13:11.

15 6. Runbeck sells the Agilis machine with automatic signature verification software
16 licensed from Parascript. Parascript is a preeminent provider of handwriting and signature
17 verification software that is widely used by USPS and financial institutions across the United
18 States. Upwards of 80 percent of bank checks in the United States are verified by Parascript's
19 automatic signature verification technology. Ellington Dep. 13:20-14:24.

20 7. As offered with the Agilis machine, the automatic signature verification software
21 takes a picture of the signature on the ballot envelope. It then compares the signature from the
22 envelope to a comparator signature from the voter registration files and, using a logarithmic
23 algorithm, scores the signature. If that score is above the threshold setting chosen by the
24 jurisdiction, the ballot is sorted for counting. A ballot below the threshold setting is flagged for
25 further review. Ellington Dep. 13:3-11, 15:25-16:6; Gloria Dep. 12:1-13.

26 8. Clark County acquired and used the Agilis machine for the June primary. Before
27 acquiring the Agilis, Clark County approached the Office of the Nevada Secretary of State (the
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1 "Secretary") to request funding for the acquisition. The Secretary and Clark County engaged in
2 extensive conversations about how the County planned to use the Agilis machine and what exactly
3 it would do for them. Ultimately, the Secretary approved the funding. Thorley Dep. 14:15–15:21,
4 18:1–19:6; Gloria Dep. 14:4–13.

5 9. Clark County used the Agilis machine during the June primary and November
6 election. Before each election, Clark County conducted testing on the machine to determine what
7 threshold setting to use. After completing this testing process, the County ultimately set the
8 machine at a setting of 40. More testing was performed after the June primary to confirm the setting
9 was appropriate for the November election. As a result, Clark County continued to use the Agilis
10 machine at a setting of 40 for the November election. Gloria Dep. 16:10–17:4; 22: 1–10.

11 10. The threshold setting determines what score a signature must be given by the Agilis
12 machine to be accepted. While it operates on a 1 to 100 scale, it does not correlate to a percentage;
13 in other words, a setting of 40 does not represent a 40 percent likelihood that the signature is
14 accurate, nor will a setting of 40 instruct the Agilis machine to accept 40 percent of ballots. Instead,
15 the threshold setting is merely a cutoff for which signature scores will be accepted. Ellington Dep.
16 16:1–17:9.

17 11. While the Agilis machine comes preset at 50, that setting does not constitute a
18 recommended setting. Runbeck does not recommend that its customers run the machine at any
19 particular setting. Ellington Dep. 17:10–21, 18:7–12; Gloria Dep. 15:5–22; 16:23–17:4.

20 12. Instead, Runbeck recommends that its customers do their own testing to determine
21 a setting with which they are comfortable. Clark County complied with this best practice in
22 choosing the setting of 40. Ellington Dep. 19:2–6.

23 13. Many jurisdictions run their Agilis machines below a threshold setting of 50.
24 Ellington Dep. 17:17–18, 18:17–19:1; Deposition of Scott Gessler dated Dec. 1, 2020 ("Gessler
25 Dep.") 22:16–20.

26 14. Because the automatic signature verification is a logarithmic algorithm, there is no
27 significant difference in the number of signatures that are verified at a setting of 40 versus a setting
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1 of 50. Instead, the rate of verification sees a sudden high rate of change at the two extremes but
2 not in the middle. Any setting between a 15 and 85 would produce substantially similar results.
3 Ellington Dep. 17:12–18:6.

4 15. Accordingly, during both the June primary and November election in Clark County,
5 a ballot envelope bearing a signature that was scored 40 or better by the Agilis machine was
6 accepted without further review. Gloria Dep. 11:6–12:13.

7 16. If a signature was scored below 40, it was flagged for human verification. Clark
8 County's permanent election personnel were initially trained by a forensic signature expert and
9 former FBI agent, and they developed a training program for temporary staff based on this
10 instruction. During the human verification process, an election worker reviewed the signature
11 against a reference signature on a computer screen. If the reviewer was uncertain about a signature,
12 the signature was passed along for additional review and compared against the voter's entire
13 history of signatures. If uncertainty persisted, the signature was reviewed by Joseph P. Gloria,
14 Clark County's Registrar of Voters, as a final check. If the signature was then rejected, the voter
15 could undertake Nevada's statutory cure process. Gloria Dep. 17:10–20:6.

16 17. Accordingly, no ballot was rejected for signature mismatch by Clark County
17 without first being reviewed by Clark County employees. A ballot would only ever be rejected if
18 "at least two employees" agreed that the signature on the envelope differed in "multiple, significant
19 and obvious respects from the signatures of the voter available in" the County's records. Nevada
20 Revised Statutes ("NRS") 293.8874; *see also* Thorley Dep. 17:13–19.

21 18. During the November election, roughly 30 percent of signatures were verified by
22 the Agilis machine, while roughly 70 percent were flagged for human verification. Gloria Dep.
23 12:1–13.

24 19. The Agilis machine's verification rate was relatively low because many of the
25 comparator signatures in Clark County's database are low-quality images from the Department of
26 Motor Vehicles ("DMV"). A low-quality image is one with a DPI (dots per inch) below 200.
27 Ellington Dep. 21:12–22:1.

1 20. When an image is below 200 DPI, the Agilis machine cannot make a match because
2 it will not read the image file as containing a signature. Instead, it will read the image file as a
3 series of squares and pass the signature along for human verification. In other words, low-quality
4 comparator signatures will cause the Agilis machine to not verify signatures; it will not cause the
5 Agilis machine to erroneously accept signatures that are not genuine. Ellington Dep. 19:19–22:1.

6 21. During the November election, 6,864 ballots were initially rejected by Clark
7 County for signature mismatch, representing 1.51 percent of all mail ballots received. Of those,
8 5,506 voters (or 80.22 percent of voters whose ballots were rejected) cured their ballots, resulting
9 in 1,358 (or 0.30 percent of) ballots being rejected for signature mismatch. See Deposition of Dr.
10 Michael Herron dated Dec. 2, 2020 (“Herron Dep.”) 30:25–32:24, Expert Declaration of Dr.
11 Michael Herron dated Dec. 30, 2020 (“Herron Decl.”), 23-24 (Defs.’ Ex. 6).

12 22. Clark County’s pre-cure signature mismatch rate of 1.51 percent is nearly
13 equivalent to that of Washoe County, which was 1.53 percent in the 2020 General Election.
14 Washoe County did not use the Agilis machine in processing mail ballots in the 2020 General
15 Election. The signature mismatch rate in the 2016 general election was 0.13 in both Clark County
16 and statewide. See Herron Dep. 36:15–39:7; Herron Decl. 25–26.

17 **III. Electronic Voting Machines**

18 23. Clark County, along with 15 other counties in Nevada, uses Dominion Voting
19 Systems to conduct in-person voting. Thorley Dep. 23:3–11.

20 **A. In-Person Voting Technology**

21 24. When a voter shows up at a polling place, she must first check in with an election
22 worker. Clark County, like other counties in Nevada, uses an electronic poll book to check the
23 voter in and confirm the voter’s identity. Thorley Dep. 26:9–13.

24 25. First, the election worker will look up the voter on an electronic roster and, upon
25 locating the voter’s record, confirm her identity. This process can involve checking more than the
26 voter’s name if there are multiple records with the same name. Thorley Dep. 26:13–19.

27 ///

1 26. Next, the election worker will ensure that the voter does not need to make any
2 changes to her voter registration information. Thorley Dep. 26:20–21.

3 27. Finally, the election worker will provide a pen with a metal screen tip to the voter,
4 which will allow her to sign an electronic tablet to provide a signature. Thorley Dep. 22–24; Gloria
5 Dep. 99:24–100:3.

6 28. In Clark County, after successfully checking in the voter, the election worker will
7 initialize a voting machine activation card—“voter card”—and provide it to the voter. The voter
8 must insert the voter card into the electronic voting machine for her ballot to appear and to begin
9 the voting process. Clark County uses “vote centers,” meaning any voter in the County can vote at
10 any polling location. The voter card ensures that the voter is presented the ballot for her specific
11 precinct. Thorley Dep. 26:5–27:10.

12 29. When the voter inserts the voter card into the voting machine (also called the
13 “ICX”), the voting machine pulls up the correct ballot, allowing the voter to go through and make
14 selections on a touchscreen. The voter has various opportunities to make changes and review the
15 ballot on the screen itself. Thorley Dep. 27:11–16.

16 30. Once the voter has reviewed her selections, a printer connected to the voting
17 machine (the voter verified paper audit trail printer, or “VVPAT”) flashes a green light before
18 creating a printout of the voter’s selections. The printout is printed on a roll of paper—like a receipt
19 from a grocery store cash register—behind a plastic covering, which allows the voter to privately
20 review her selections. The printout is statutorily required for electronic voting machines as an
21 alternative method for voters to confirm the selections made on electronic voting machines. If
22 there is anything wrong with the printer, such as a paper jam or a need for more paper, the printer
23 will flash a red light so that the voter can be assisted. Thorley Dep. 27:17–25, 28:10–22; Gloria
24 Dep. 28:13–21, 42:13–25.

25 31. A voter can make changes on the touchscreen, if necessary, after reading the
26 printout. Otherwise, the voter touches the “cast-ballot” button on the machine, completing the
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1 voting process. The voter will then retrieve the voter card from the machine, hand it to a poll
2 worker, and receive an "I Voted" sticker. Thorley Dep. 27:25–28:9; Gloria Dep. 29:7–12.

3 32. Voters who check in but do not complete the voting process are known as "fled
4 voters." Fled voters can be explained for various innocuous reasons, including voter confusion or
5 an ultimate decision not to vote. Thorley Dep. 30:11–25; Gloria Dep. 52:14–18.

6 **B. Certification and Auditing**

7 33. These voting systems are subject to extensive testing and certification before each
8 election and are audited after each election. Thorley Dep. 35:12–39:23; Gloria Dep. 31:3–32:7,
9 33:9–21.

10 34. For example, the electronic voting systems used by Clark County were certified by
11 the federal government when they were first brought on the market, as well as any time a hardware
12 or software component is upgraded. This certification is done by a voting system test laboratory.
13 Thorley Dep. 36:19–37:12.

14 35. The electronic voting machines are also tested and certified by the Secretary, who
15 contracts with the Nevada Gaming Control Board for this certification. Thorley Dep. 37:17–38:21.

16 36. Clark County's electronic voting machines were last inspected by the Gaming
17 Control Board in December 2019 and certified by the Secretary shortly thereafter. Thorley Dep.
18 39:6–15; Gloria Dep. 31:3–32:7.

19 37. The voting machines are also audited against a paper trail that is generated, as
20 discussed above, when voters make their selections. A Clark County voting machine will not
21 operate unless it is connected to a printer (the VVPAT), which creates a paper record that voters
22 can review. Thorley Dep. 28:11–29:6; Gloria Dep. 28:13–29:5.

23 38. After each election, Clark County, like Nevada's other counties, conducts a random
24 audit of its voting machines. Specifically, it compares the paper trail created by the printer against
25 the results recorded by the voting machine to ensure they match. Thorley Dep. 35:12–36:12; Gloria
26 Dep. 33:9–21.

27 ///

1 39. If there are any issues with or discrepancies in the data recorded by Clark's voting
2 machines, or issues with the accuracy of the paper trail created by the printers, then they would
3 appear in this audit; indeed, that is what the audit is designed to catch. Thorley Dep. 36:8–12.

4 40. Clark County conducted this audit following the November election and there were
5 no discrepancies between the paper audit trail created by the printer and the data from the voting
6 machine. Gloria Dep. 33:9–21.

7 **IV. Previous Lawsuits**

8 41. Several of the issues raised in Contestants' statement have been litigated and
9 resolved in previous state and federal cases.

10 A. *Kraus v. Cegavske*

11 42. District Judge James E. Wilson, Jr. concluded that Clark County's use of the Agilis
12 machine is permissible under Nevada law in *Kraus v. Cegavske*, No. 20 OC 00142 1B, slip op. at
13 12 (Nev. 1st Jud. Dist. Ct. Oct. 29, 2020).

14 43. During a ten-hour evidentiary hearing, the parties' counsel—including Contestants'
15 counsel, Jesse Binnall—addressed Clark County's use of the Agilis machine. *See, e.g.*, Transcript
16 of Video-Recorded Hearing 19–20, 36–37, 47–56, 70–74, 76–78, 240–43, *Kraus v. Cegavske*, No.
17 20 OC 00142 1B (Nev. 1st Jud. Dist. Ct. Oct. 28, 2020).

18 44. Judge Wilson found that “major metropolitan areas including Cook County,
19 Illinois, Salt Lake City, Utah, and Houston, Texas use Agilis,” and that the same system was “used
20 for the June primary election,” during which “[n]o evidence was presented that the setting used by
21 Clark County causes or has resulted in any fraudulent ballot being validated or any valid ballot
22 invalidated.” *Kraus*, slip op. at 4.

23 45. Judge Wilson concluded that “[t]here is no evidence that any vote that should
24 lawfully not be counted has been or will be counted,” and that “[t]here is no evidence that any
25 election worker did anything outside of the law, policy, or procedures.” *Id.* at 9.

26 46. On the merits of the challenge to the Agilis machine, Judge Wilson explained that
27 Assembly Bill 4 (“AB 4”)—omnibus election legislation enacted by the Nevada Legislature during
28

1 a special session in the summer of 2020—“specifically authorized county officials to process and
2 count ballots by electronic means. Petitioners’ argument that AB 4, Sec. 23(a) requires a clerk or
3 employee check the signature on a returned ballot means the check can only be done manually is
4 meritless. The ballot must certainly be checked but the statute does not prohibit the use of
5 electronic means to check the signature.” *Id.* at 12 (citation omitted).

6 47. Judge Wilson rejected the argument that Clark County’s use of the Agilis machine
7 violates equal protection, concluding that “[n]othing the State or Clark County has done values
8 one voter’s vote over another’s.” *Id.* at 13.

9 48. Judge Wilson further determined that the “[p]etitioners [] failed to prove” that Mr.
10 Gloria “has interfered with any right they or anyone else has as an observer” and that “Gloria has
11 not failed to meet his statutory duties . . . to allow members of the general public to observe the
12 counting of ballots.” *Id.* at 11.

13 49. The *Kraus* petitioners filed an emergency motion for immediate relief with the
14 Nevada Supreme Court, which denied the request after concluding that they “ha[d] not
15 demonstrated a sufficient likelihood of success to merit a stay or injunction.” *Kraus v. Cegavske*,
16 No. 82018, slip op. at 2–3 (Nev. Nov. 3, 2020).

17 50. The *Kraus* petitioners subsequently dismissed the appeal. *See Kraus v. Cegavske*,
18 No. 82018, slip op. at 1–2 (Nev. Nov. 10, 2020).

19 **B. Other Cases**

20 51. In *Donald J. Trump for President, Inc. v. Cegavske*, Donald J. Trump for President,
21 Inc. (the “Trump Campaign”), the Republican National Committee, and the Nevada Republican
22 Party challenged AB 4 soon after the law was enacted, and the U.S. District Court for the District
23 of Nevada dismissed the lawsuit after concluding that these plaintiffs lacked standing. *See* No.
24 2:20-CV-1445 JCM (VCF), 2020 WL 5626974, at *7 (D. Nev. Sept. 18, 2020).

25 52. Both the Eighth Judicial District Court and the Nevada Supreme Court denied relief
26 requested by the Election Integrity Project of Nevada and Sharron Angle in a lawsuit alleging,
27 among other claims, that AB 4 violates equal protection. *See Election Integrity Project of Nev. v.*
28

1 *State ex rel. Cegavske*, No. A-20-820510-C, slip op. at 12 (Nev. 8th Jud. Dist. Ct. Sept. 28, 2020);
2 *Election Integrity Project of Nev. v. Eighth Jud. Dist. Ct.*, No. 81847, slip op. at 6 (Nev. Oct. 7,
3 2020).

4 53. On November 5, 2020, another group of plaintiffs, again backed by the Trump
5 Campaign, filed suit in federal court and alleged that Clark County's use of the Agilis machine
6 violates Nevada law; after conducting a hearing and concluding that use of the Agilis machine
7 does not "conflict with the other provisions of the Nevada election laws" and that there was "little
8 to no evidence that the machine is not doing what it's supposed to do, or incorrectly verifying other
9 signatures," the court denied the plaintiffs' motion for temporary restraining order and preliminary
10 injunction. Reporter's Tr. of Proceedings at 79:5-7, 79:24-80:1, *Stokke v. Cegavske*, No. 2:20-cv-
11 02046-APG-DJA (D. Nev. Nov. 6, 2020). The *Stokke* plaintiffs voluntarily dismissed their case.
12 See Notice of Voluntary Dismissal Under FRCP 41(a)(1)(A)(i), *Stokke v. Cegavske*, No. 2:20-cv-
13 02046-APG-DJA (D. Nev. Nov. 24, 2020), ECF No. 31.

14 54. Other lawsuits challenging Clark County's administration of the November
15 election have been dismissed on various grounds. See, e.g., *Becker v. Gloria*, No. A-20-824878-
16 W, slip op. at 4 (Nev. 8th Jud. Dist. Ct. Dec. 2, 2020) ("The Court finds that Plaintiff has offered
17 no evidence sufficient to find any error on the part of either Clark County or Registrar Gloria that
18 would warrant granting the relief sought here."); *Rodimer v. Gloria*, No. A-20-825130-W, slip op.
19 at 4 (Nev. 8th Jud. Dist. Ct. Nov. 25, 2020); *Marchant v. Gloria*, No. A-20-824878-W, slip op. at
20 4 (Nev. 8th Jud. Dist. Ct. Nov. 23, 2020).

21 **V. Evidence Presented**

22 **A. Contestants' Evidence**

23 55. The Court's orders required Contestants to disclose all witnesses and provide
24 Defendants with all evidence they intended to use at the hearing in this matter by 5:00 p.m. on
25 November 25, 2020.

26 56. Contestants did not issue their first deposition notices until Friday, November 27,
27 2020.

1 57. Much of Contestants' evidence consists of non-deposition evidence in the form of
2 witness declarations. These declarations fall outside the scope of the contest statute, which
3 provides that election contests "shall be tried and submitted so far as may be possible upon
4 depositions and written or oral argument as the court may order." NRS 293.415. The reason for
5 this is to allow for the cross-examination of the deponent under oath.

6 58. These declarations also constitute hearsay, as they are out-of-court statements
7 offered in evidence to prove the truth of the matters asserted. *See* NRS 51.035, 51.065; *Cramer v.*
8 *State*, 126 Nev. 388, 392, 240 P.3d 8, 11 (2010) ("An affidavit is generally inadmissible hearsay.").
9 Most of these declarations were self-serving statements of little or no evidentiary value.

10 59. The Court nonetheless considers the totality of the evidence provided by
11 Contestants in reaching and ruling upon the merits of their claims.

12 **B. Contestants' Expert Evidence**

13 **i. Michael Baselice**

14 60. Contestants offered Mr. Baselice to opine on the incidence of illegal voting in the
15 2020 General Election based on a phone survey of voters.

16 61. The Court questions Mr. Baselice's methodology because he was unable to identify
17 the source of the data for his survey and conducted no quality control of the data he received.
18 Baselice Dep. 29:13–30:8, 34:24–35:21, 57:13–58:14.

19 **ii. Jesse Kamzol**

20 62. Contestants offered Mr. Kamzol to opine that significant illegal voting occurred in
21 Nevada during the 2020 General Election, based on his analysis of various commercially available
22 databases of voters.

23 63. The Court questions Mr. Kamzol's methodology because he had little to no
24 information about or supervision over the origins of his data, the manner in which it had been
25 matched, and what the rate of false positives would be. Additionally, there was little or no
26 verification of his numbers. Kamzol Dep. 58:6–11, 58:15–17, 59:22–24.

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1 iii. **Scott Gessler**

2 64. Contestants offered Mr. Gessler to opine on the transition to and administration of
3 mail voting.

4 65. Mr. Gessler's report lacked citations to facts and evidence that he used to come to
5 his conclusions and did not include a single exhibit to support of any of his conclusions.

6 66. The Court finds that Mr. Gessler's methodology is unsound because he based nearly
7 all his opinions on a handful of affidavits that he took no steps to corroborate through independent
8 investigation. Gessler Dep. 44:12-14, 48:11-25, 50:8-22, 66: 1-7.

9 **C. Defendants' Evidence**

10 67. Defendants put forth the testimony by deposition of Wayne Thorley, Nevada's
11 former Deputy Secretary of State for Elections. This testimony is credible because of Mr.
12 Thorley's experience, lack of bias, and first-hand knowledge of the subjects he testified to.

13 68. Defendants put forth the testimony by deposition of Jeff Ellington, President and
14 Chief Operating Office of Runbeck, which manufactures the Agilis machine. This testimony is
15 credible because of Mr. Ellington's experience, lack of bias, and first-hand knowledge of the
16 subjects he testified to.

17 69. Defendants put forth the testimony by deposition of Joseph P. Gloria, the Registrar
18 of Voters for Clark County. This testimony is credible because of Mr. Gloria's experience, lack of
19 bias, and first-hand knowledge of the subjects he testified to.

20 70. Defendants put forth the testimony by deposition of Dr. Michael Herron. Dr. Herron
21 is qualified as an expert in the areas of election administration, voter fraud, survey design, and
22 statistical analysis. Dr. Herron holds advanced degrees in statistics and political science; has
23 published academic papers in peer-reviewed journals about election administration and voter
24 fraud; and has an extensive record of serving as an expert on related topics in litigation before
25 numerous courts, none of which has found that his testimony lacks credibility.

26 71. The Court finds the testimony of Dr. Herron credible and his methodology and
27 conclusions reliable. His testimony is relevant and limited in scope because it considered each
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1 ground for contest, both individually and within the context of Nevada's registration and voting
2 system, and the prevalence of voter fraud nationwide and in Nevada. His methodology is reliable
3 because it is similar to that which he uses in his published work and because he produced all of
4 the data on which he relied, such that his conclusions are testable by others in his field.

5 **VI. Illegal or Improper Votes**

6 **A. Voter Fraud Rates**

7 72. Contestants allege that fraud occurred at multiple points in the voting process in
8 Nevada in rates that exceed the margin of victory in the presidential race. Based on Dr. Herron's
9 analysis, the Court finds there is no evidence that voter fraud rates associated with mail voting are
10 systematically higher than voter fraud rates associated with other forms of voting. *See Herron Dep.*
11 *17:7-13; Herron Decl. 17.*

12 73. Based on Dr. Herron's analysis, the Court finds there is no evidence that voter fraud
13 rates associated with mail voting are systematically higher than voter fraud rates associated with
14 other forms of voting. *See Herron Dep. 17:7-13; Herron Decl. 17.*

15 74. After examining voter turnout in Nevada and constructing a database of voter fraud
16 instances in the State from 2012 to 2020, Dr. Herron concluded that out of 5,143,652 ballots cast
17 in general and primary elections during that timeframe (not including the 2020 General Election),
18 the illegal vote rate totaled at most only 0.00054 percent. *Herron Dep. 22:19-24:7; Herron Decl.*
19 *18-21.*

20 75. Dr. Herron considered the academic literature on voter fraud in the United States
21 (including published papers that he has authored) and analyzed publicly available election data in
22 Clark County to evaluate Contestants' allegations of fraud. Based on his study, Dr. Herron
23 concluded that Contestants' allegations "strain credulity." *Herron Dep. 41:4-18; Herron Decl. 28*
24 *(explaining that Contest implied that double-voting rate experienced by mail-in voters in Nevada*
25 *was at least 89 times greater than conservative academic estimate); Herron Dep. 45:2-46:24;*
26 *Herron Decl. 33 (explaining that only 537 ballots arrived after deadline in Clark County and that*
27 *there is no evidence that single one was counted).*

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1 76. Dr. Herron's comparative analysis across counties of signature mismatch rates was
2 similar to an analysis he conducted in North Carolina's Ninth Congressional District in 2018,
3 during which publicly available absentee ballot data was consistent with allegations of fraud. His
4 analysis there was credited by the North Carolina State Board of Elections. Herron Dep. 9:19–
5 10:9. In contrast to his study in North Carolina, Dr. Herron's comparative analysis in the 2020
6 Nevada election revealed no irregularities across counties. *See* Herron Dep. 33:9–34:25 (finding
7 nearly identical signature mismatch rates in Clark County and Washoe County despite that one
8 uses the Agilis machine and one does not).

9 77. Based on his evaluation of Contestants' allegations, Dr. Herron concluded that
10 "none of the grounds [in the Contest] contains persuasive evidence [(1)] that there were fraudulent
11 activities associated with the 2020 General Election in particular [or] the presidential election in
12 Nevada; [(2)] that these fraudulent activities led to fraudulent votes, [or (3)] that these allegedly
13 fraudulent votes affected the vote margin of 33,596 . . . that separates Joe Biden and Donald Trump
14 in Nevada." Herron Dep. 25:1–17; Herron Decl. 1, 21. The Court credits these findings and accepts
15 them as its own.

16 78. Dr. Herron's testimony is buttressed by Contestants' own expert witness, Mr.
17 Gessler, who also testified that he has no personal knowledge that any voting fraud occurred in
18 Nevada's 2020 General Election. Gessler Dep. 7:3–9, 40:13–12.

19 79. Based on this testimony, the Court finds that there is no credible or reliable evidence
20 that the 2020 General Election in Nevada was affected by fraud. Herron Dep. 56:19–57:21.

21 **B. Provisional Ballots**

22 80. Contestants allege problems and irregularities with the provisional balloting
23 process, including that certain voters were allowed to vote without proper Nevada identification
24 and that the consequences of voting provisionally were not explained to voters.

25 81. The record does not support a finding that election officials counted ballots cast by
26 same-day registrants who only provided proof of a DMV appointment in place of a Nevada
27 photographic identification. *Cf.* Doe 3 Dep. 38:7–13, 41:6–8 (testifying that voters who provided
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1 only proof of DMV appointments after election day were given provisional ballots, but admitting
2 that she did not participate in counting of provisional ballots and did not know whether any such
3 ballots were counted); Doe 5 Decl. (LAW 000462) (hearsay declaration stating that voters without
4 identification could make DMV appointment and vote, but not alleging that this process was
5 improper or illegal).

6 82. The record does not support a finding that any provisional voters were wrongfully
7 disenfranchised because of directions provided by election officials or because they were not given
8 an opportunity to cure their ballots. *Cf.* Gloria Dep. 55:5–56:11 (testifying that all provisional
9 voters received a set of paperwork explaining why they voted provisionally).

10 83. The record does not support a finding that voters were made to cast provisional
11 ballots on election day and then not given the opportunity to cure their lack of identification. *Cf.*
12 Doe 3 Dep. 38:7–13, 41:6–8 (testifying that voters with DMV appointments after election day
13 were given provisional ballots, but admitting that she did not participate in counting of provisional
14 ballots and not testifying that such voters were not given opportunity to cure); Huff Decl. (LAW
15 001689–92) (hearsay declaration alleging various issues with cure process, but never identifying
16 any voters who were denied the opportunity to cure).

17 84. The record does not support a finding that same day registrants with out-of-state
18 identification were permitted to vote a regular, rather than provisional, ballot. *Cf.* Doe 1 Dep.
19 (describing that such voters were made to vote provisional ballots to be later verified).

20 **C. Mismatched Signatures**

21 85. Contestants assert that the Agilis machine consistently malfunctioned and accepted
22 invalid signatures because the machine setting was set impermissibly low and approved signatures
23 based on low quality reference images.

24 86. The record does not support a finding that the Agilis machine functioned
25 improperly and accepted signatures that should have been rejected during the signature verification
26 process.

1 87. The record does not support a finding that election workers counted ballots with
2 improper signatures that should have been rejected. *Cf.* Blanco Decl. (LAW 000238) (hearsay
3 declaration asserting that single signature from Clark County did not appear to match, but
4 providing no evidence that it was not the voter's signature); Cordell Criddle Decl. (LAW 000364)
5 (hearsay declaration alleging that illegible signature was nevertheless accepted, but not that vote
6 was illegal); Debra Criddle Decl. (LAW 000364) (same); Doe 6 Decl. (LAW 000454) (hearsay
7 declaration alleging several instances where signatures appeared to have been signed by others
8 assisting voters, but not providing evidence that this assistance was unlawful).

9 88. The record does not support a finding that election workers authenticated,
10 processed, or counted ballots that presented problems and irregularities under pressure from
11 election officials. *Cf.* Doe 2 Dep. 53:19–54:18 (testifying that ballots with purportedly strange
12 signatures were counted, but admitting that she did not see comparator signatures and could not
13 confirm that these were not voters' actual signatures); Doe 3 Dep. 43:15–20 (testifying that on
14 election day she was instructed not to score or surrender ballots, but not that any unlawful ballots
15 were counted as result).

16 89. The record does not support a finding that illegal ballots were cast because the
17 signature on the ballot envelope did not match the voter's signature. *Cf.* Blanco Decl. (LAW
18 000238) (hearsay declaration asserting that single signature from Clark County did not match, but
19 providing no evidence that signature was not voter's); Cordell Criddle Decl. (LAW 000364)
20 (hearsay declaration alleging that illegible signature was nevertheless accepted, but not that vote
21 was illegal); Debra Criddle Decl. (LAW 000364) (same); Doe 6 Decl. (LAW 000454) (hearsay
22 declaration alleging several instances where signatures appeared to have been signed by others
23 assisting voters, but not providing evidence that this assistance was unlawful).

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1 **D. Illegal Votes from In-Person Voting Technology**

2 90. Contestants allege that 1,000 illegal or improper votes were cast and counted as a
3 result of maintenance and security issues with voting machines and that 1,000 legal votes were not
4 counted due to issues with voting machines.

5 91. The record does not support a finding that maintenance and security issues resulted
6 in illegal votes being cast and counted or legal votes not being counted. *See Gloria Dep. 33:9–21,*
7 *36:8–12 (testifying that the voting machines were audited against a paper trail and that audit turned*
8 *up no discrepancies).*

9 **E. Ineligible Voters and Double Voting**

10 92. Contestants allege that voters were sent and cast multiple ballots and otherwise
11 double voted, that non-Nevada residents cast ballots and those ballots were counted, and that
12 numerous persons arrived to vote in-person on election day only to find out that a mail ballots was
13 cast in their name already.

14 93. The record does not support a finding that any Nevada voter voted twice. *See Doe*
15 *4 Dep. 10:6–13 (testifying that two voters he checked in were not allowed to vote because of record*
16 *that they already voted).*

17 94. The record does not support a finding that any individuals were sent and cast
18 multiple mail ballots. *Cf. Negrete Decl. (LAW 001626) (hearsay declaration alleging that she*
19 *received two ballots, one each for her married and maiden names, but not that she or anyone else*
20 *cast multiple votes); Finley Decl. (LAW 004944) (hearsay declaration alleging that voter received*
21 *two ballots, but providing no evidence that ballot was cast or counted).*

22 95. The record does not support a finding that numerous voters arrived to vote at their
23 respective polling places only to be informed that a mail ballot had already been received on their
24 behalf when, in fact, the voter had not submitted a mail ballot. *Cf. Doe 3 Dep. 36:18–25, 37:1–18*
25 *(testifying that single unidentified man arrived at her polling place and claimed that he did not cast*
26 *mail ballot allegedly received by election officials, but not providing any corroborating evidence);*

1 Doe 4 Dep. 10:6–13 (testifying that two voters he checked in were not allowed to vote because of
2 record that they already voted, but not demonstrating whether these voters had in fact cast ballots).

3 96. The record does not support a finding that election officials counted mail ballots
4 from voters who also voted in other states. *Cf.* Doe 2 Dep. 56:15–25 (testifying that she saw ballots
5 arrive from out of state but admitting that she did not know whether they were lawfully cast); Doe
6 3 Dep. 12:8–16 (testifying that she was asked to accept a voter’s California identification with
7 Nevada address and was instructed to give them a provisional ballot, but not that voter had also
8 voted in California).

9 97. The record does not support a finding that election officials counted ballots from
10 voters who did not meet Nevada residency requirements. *Cf.* Doe 2 Dep. 56:15–25 (testifying that
11 voters were allowed to cast ballots without presenting identification, but not that voters did not
12 meet residency requirements); Doe 4 Dep. 10:14–11:12, 40:7–23 (testifying to belief that
13 individuals with out-of-state identification were allowed to vote, but admitting that he did not know
14 if these individuals voted after they were directed to team leaders); Linda Smith Decl. (LAW
15 004650) (hearsay declaration describing voters arriving with out-of-state license plates, but not
16 claiming that these voters were ineligible to vote in Nevada); *see* Thorley Dep. 47:1–48:12
17 (testifying that Nevada directs the USPS not to forward ballots and that ballots are mailed as
18 marketing mail, which does not include mail forwarding, a feature that requires additional
19 payment).

20 **F. Ballot Issues**

21 98. Contestants allege that Clark County election workers were pressured to push
22 ballots through despite deficiencies.

23 99. The record does not support a finding that Clark County election workers were
24 pressured to process and count ballots that presented problems and irregularities. *Cf.* Doe 2 Dep.
25 53:19–54:18 (testifying that ballots with purportedly strange signatures were counted, but
26 admitting that she did not see comparator signatures and could not confirm that these were not
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1 voters' actual signatures); Doe 3 Dep. 43:15–20 (testifying that on election day she was instructed
2 not to score or surrender ballots, but not that any unlawful ballots were counted as result).

3 **G. Deceased Voters**

4 100. Contestants allege that votes from deceased voters were improperly cast and
5 counted.

6 101. The record does not support a finding that, as Contestants allege, 500 votes were
7 illegal or improper because they were cast by deceased voters. *See* Thorley Dep. 44:2–45:24
8 (testifying to the process in place to maintain voter rolls, including removing confirmed deceased
9 voters); Gloria Dep. 63:24–64:8, 90:7–23 (same); Hartle Decl. (LAW 000260–61) (hearsay
10 declaration asserting only that single vote from deceased wife was counted during November
11 election); 2020 General Election Rejection Log (LAW 004366, 004527) (showing only two “voter
12 is deceased” entries).

13 **H. Voter Impersonation**

14 102. Contestants allege that persons cast mail ballots in other persons' names.

15 103. The record does not support a finding that ballots that were completed and
16 submitted by anyone other than the proper voters. *Cf.* Doe 3 Dep. 14:8–14, 35:1–5 (testifying that
17 unidentified persons near purported Biden-Harris bus next to polling location prefilled mail ballots
18 and put them in pink ballot envelopes, but admitting that she did not see these ballots cast and
19 cannot confirm that these ballots were counted); Walters Decl. (LAW 000266) (hearsay
20 declaration claiming that occupants of van seen following USPS truck took mail ballots from
21 mailboxes, but providing no evidence that these ballots were cast and counted); Garrett Smith
22 Decl. (LAW 000453) (hearsay declaration claiming that he did not vote and that “[a] search of the
23 Clark County web site [] disclosed that a ballot in my name was accepted by the county on
24 November 7, 2020,” but providing no evidence that this was his ballot and not ballot of someone
25 with same name).

I. Untimely Ballots

104. Contestants allege that election officials counted ballots that arrived after the deadline for submitting them.

105. The record does not support a finding that election officials counted untimely mail ballots that were submitted after deadlines.

J. Other Allegedly Illegal or Improper Votes

106. Contestants allege that Nevada failed to properly maintain its voter lists resulting in illegal votes cast and counted, and that the postal service was directed to violate USPS policy and improperly deliver ballots.

107. The record does not support a finding that Nevada failed to cure its voter lists to reflect returned ballots during the 2020 primary election and that, as a result, ballots were delivered to addresses where no known voter lives and were cast and counted at all or in an amount equal to or greater than 33,596. *Cf.* Walter Decl. (LAW 000266) (hearsay declaration alleging that he received ballot for individual who never lived at his address, but not demonstrating that the ballot was voted or counted); Gessler Dep. 41:23–42:10 (testifying that he has no knowledge of how Nevada maintains its voter rolls and that he knows of no one who is improperly included in those rolls).

108. The record does not support a finding that USPS letter carriers were directed to violate USPS policy by delivering mail ballots to addresses where the addressee of the ballot was known to be deceased, known to have moved from that address, or had no affiliation with that address at all. Thorley Dep. 46:18–48:14; *cf.* Doe 7 Decl. (LAW 000265) (hearsay declaration alleging that deceased mother's ballot was forwarded to son in California, but not demonstrating that person was actually deceased and not simply living with son temporarily); *id.* (alleging that USPS supervisor instructed her to forward ballot to deceased person in California, but providing no evidence that such ballot was returned as voted).

109. Despite two of Contestants' experts testifying to "questionable ballots" and "illegal ballots," Baselice Dep. 52:20–25 ("questionable ballots"); Kamzol Dep. 53:10–14 ("illegal

1 ballots”), neither provided evidence to support Contestants’ allegations regarding the presence of
2 illegal votes in the 2020 presidential election. *See* Herron Dep. 59:22–60:12, 68:13–69:12
3 (testifying that neither Mr. Baselice nor Mr. Kamzol disclosed the data underlying their analysis);
4 Baselice Dep. 24:7–15 (explaining that he did not participate in compiling the data he used and
5 “shouldn’t even surmise” “what the original source of the data was”); Kamzol Dep. 58:6–59:15
6 (explaining that he did not know how the matching work to enhance the data he used was
7 performed); Baselice Dep. 60:8–61:17 (acknowledging that he could not determine how many
8 “questionable” ballots were actually counted, contained votes in the presidential election, or were
9 cast for a particular candidate); Kamzol Dep. 92:4–16 (same). Little or no verification of numbers
10 was done by Mr. Kamzol.

11 **VII. Observation of the Ballot Processing and Counting Process**

12 110. The record does not support a finding that Clark County’s policy for observation of
13 ballot counting and ballot duplication was designed to shield voter fraud or actually led to voter
14 fraud. Gessler Dep. 64:16–66:21 (testifying he has no knowledge of Nevada law relating to voting
15 observation and no personal knowledge of how Clark County allowed observation of ballot
16 counting and ballot duplication).

17 111. The record does not support a finding that election workers marked choices for any
18 unfilled elections or questions on duplicated ballots. *Cf.* Fezza Decl. (LAW 000257) (hearsay
19 declaration describing ballot duplication process, but providing no evidence that anything
20 unscrupulous occurred and noting that duplication teams were comprised of members of opposite
21 parties, that each team “worked well together,” and that “getting things done right was encouraged
22 over speed”); Taylor Decl. (LAW 001749) (hearsay declaration describing ballot duplication
23 process, but providing no evidence that anything unscrupulous occurred); Kraus Decl. (LAW
24 000440) (similar); Stewart Decl. (LAW 000456) (similar).

25 112. The record does not support a finding that members of the public were denied the
26 right to observe the processing and tabulation of mail ballots. *Cf.* Fezza Decl. (LAW 000257)
27 (hearsay declaration asserting that observers were confined to “tiny, taped off area” in corner of
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1 room, but admitting that observers were always present and given access); Kraus Decl. (LAW
2 000441) (hearsay declaration alleging insufficient access to Clark County's facilities for
3 "meaningful observation," but confirming he was consistently given access to facilities); Taylor
4 Decl. (LAW 001749) (similar); Percin Decl. (LAW 001642-88) (similar); Stewart Decl. (LAW
5 000456) (similar); Gloria Dep. 61:1-7 (explaining that observers were stationed in pre-designated
6 locations that ensured social distancing).

7 113. In *Kraus*, Judge Wilson found that Clark County had not interfered with any
8 individual's statutory right to observe ballot processing. *Kraus*, slip op. at 10-11 ("Petitioners have
9 failed to prove Registrar Gloria has interfered with any right they or anyone else has as an
10 observer."). The Court adopts this finding of fact as its own.

11 **VIII. Candidate Misconduct**

12 **A. The Nevada Native Vote Project**

13 114. The record does not support a finding that groups or individuals linked to the Biden-
14 Harris campaign offered or gave, directly or indirectly, anything of value to manipulate votes in
15 this election or otherwise alter the outcome of the election. *Cf.* LAW 004662-751 (depicting only
16 two posts including Biden-Harris paraphernalia, neither of which were affiliated with Nevada
17 Native Vote Project or Biden-Harris campaign). The record also does not support a finding that
18 any group or individual offered anything of value to voters to manipulate the voters' choice for
19 president. *Cf.* LAW 000274-358 (showing purported Facebook screenshots from groups and
20 individuals, but not demonstrating that they offered anything of value to alter outcome of election).

21 115. Although the Nevada Native Vote Project ("NNVP") organized voter drives, that
22 organization expressly disclaimed any relationship with President-elect Biden's or any other
23 political campaign. *See* Official Statement from the Nevada Native Vote Project ("The NNVP is a
24 non-partisan, non-profit organization that is dedicated to engaging the Native community in their
25 Constitutional right to vote. Regardless of party affiliation, the ability to make your voice heard
26 and ensure the Native perspective is present in every determination made on the ballot is of the
27 utmost importance.").

1 116. The record does not support a finding that NNVP or any other group or individual
2 engaged in voting drives acted on behalf of Defendants or President-elect Biden. *Cf.* LAW
3 000274–358 (showing purported Facebook screenshots from groups and individuals, but not
4 demonstrating any partisan activity linked to Biden-Harris campaign).

5 **B. The Biden-Harris Bus**

6 117. The record does not support a finding that multiple ballots were filled out against a
7 bus bearing the Biden-Harris emblem outside a polling place in Clark County. *Cf.* Doe 3 Dep.
8 14:13–19:7. While Doe 3 testified to alleged ballot-stuffing occurring in broad daylight outside a
9 busy polling location in Nevada’s most populous county, no other witness corroborated Doe 3’s
10 account. The Court finds Doe 3’s account not credible.

11 118. The record does not support a finding that the Biden-Harris campaign paid anything
12 of value for anyone to alter votes. *Cf.* Doe 3 Dep. 23:21–24:10 (admitting that she had no hard
13 evidence tying activities she saw to Democratic candidates); *id.* 35:1–8 (admitting to not knowing
14 whether these allegedly unlawful ballots were accepted and counted).

15 **CONCLUSIONS OF LAW**

16 **I. Expert Evidence by Contestants**

17 119. “To testify as an expert witness . . . , the witness must satisfy the following three
18 requirements: (1) he or she must be qualified in an area of ‘scientific, technical or other specialized
19 knowledge’ (the qualification requirement); (2) his or her specialized knowledge must ‘assist the
20 trier of fact to understand the evidence or to determine a fact in issue’ (the assistance requirement);
21 and (3) his or her testimony must be limited ‘to matters within the scope of [his or her specialized]
22 knowledge’ (the limited scope requirement).” *Hallmark v. Eldridge*, 124 Nev. 492, 498, 189 P.3d
23 646, 650 (2008) (alteration in original) (quoting NRS 50.275); *see also Higgs v. State*, 126 Nev.
24 1043 1, 16, 222 P.3d 648, 658 (2010).

25 120. As reflected herein, the Court finds that the expert testimony provided by
26 Contestants was of little to no value. The Court did not exclude consideration of this evidence,
27 which it could have, but gave it very little weight.

1 121. To determine whether these three requirements are satisfied, Nevada courts
2 consider several non-exhaustive factors. *See Higgs*, 126 Nev. at 16–17, 222 P.3d at 657–58.

3 122. For the qualification requirement, the Court must consider the witness’s “(1) formal
4 schooling and academic degrees, (2) licensure, (3) employment experience, and (4) practical
5 experience and specialized training.” *Hallmark*, 124 Nev. at 499, 189 P.3d at 650–51 (footnotes
6 omitted).

7 123. For the assistance requirement, the expert’s testimony must be (1) relevant and
8 (2) reliable. *Id.* at 500, 189 P.3d at 651; *see also Perez v. State*, 129 Nev. 850, 858, 313 P.3d 862,
9 867–68 (2013) (“Evidence is relevant when it tends ‘to make the existence of any fact that is of
10 consequence to the determination of the action more or less probable.’” (quoting NRS 48.015));
11 *Hallmark*, 124 Nev. at 500–01, 189 P.3d at 651–52 (“In determining whether an expert’s opinion
12 is based upon reliable methodology, a district court should consider whether the opinion is
13 (1) within a recognized field of expertise; (2) testable and has been tested; (3) published and
14 subjected to peer review; (4) generally accepted in the scientific community . . . ; and (5) based
15 more on particularized facts rather than assumption, conjecture, or generalization.” (footnotes
16 omitted)).

17 124. For the limited scope requirement, the expert testimony must be related to the
18 “highly particularized facts” of the case, *Higgs*, 126 Nev. at 20, 222 P.3d at 660, and fall within
19 the scope of the witness’s specialized knowledge. *See Perez*, 129 Nev. at 861, 313 P.3d at 869.

20 125. As reflected above, this Court gave very little weight to Contestants’ experts and
21 could possibly have excluded their testimony under the above stated standards. The Court is
22 concerned about the failure of these experts to verify the data they were relying on.

23 126. The Court nonetheless considers Contestants’ proffered expert testimony in
24 reaching and ruling upon the merits of Contestants’ claims.

25 II. Issue Preclusion

26 127. Under Nevada law, issue preclusion applies when (1) the issue decided in the prior
27 litigation is identical to the issue in the current action; (2) the initial ruling was on the merits and
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1 has become final; (3) the party against whom the judgment is asserted was a party or in privity
2 with a party to the prior litigation; and (4) the issue was necessarily and actually litigated. *Five*
3 *Star Cap. Corp. v. Ruby*, 124 Nev. 1048, 1055, 194 P.3d 709, 713 (2008).

4 128. Contestants' challenges to Clark County's use of the Agilis machine and its
5 observation policies are identical to issues raised by the *Kraus* petitioners because two challenges
6 are the same and the same facts underlie these challenges and the *Kraus* claims. *See LaForge v.*
7 *State, Univ. & Cmty. Coll. Sys.*, 116 Nev. 415, 420, 997 P.2d 130, 134 (2000); *see also Kraus*, slip
8 op. at 12–13.

9 129. Contestants' challenge to an alleged lack of meaningful observation was also raised
10 and addressed in *Kraus*. *See* slip op. at 10–11, 13.

11 130. This Court issued a thorough, well-reasoned opinion in *Kraus* denying the
12 petitioners mandamus relief, which constituted a final decision on the merits because it was neither
13 tentative nor subject to further determination. *See Kirsch v. Traber*, 134 Nev. 163, 166–67, 414
14 P.3d 818, 821–22 (2018); *Hoffman v. Second Jud. Dist. Ct.*, No. 60119, 2013 WL 7158424, at *4
15 (Nev. Dec. 16, 2013).

16 131. As Trump electors, Contestants are in privity with the *Kraus* petitioners—
17 specifically, the Trump Campaign and Nevada Republican Party—because they were
18 “nomin[ated]” and “select[ed]” to serve as electors by the Nevada Republican Party, NRS
19 298.035(1), and are functionaries of the Trump Campaign. *See* NRS 298.065; NRS 298.075; *see*
20 *also Chiafalo v. Washington*, 140 S. Ct. 2316, 2322 (2020). Contestants are thus “sufficiently
21 close” to, such that their interests were “adequate[ly] represent[ed]” by, the *Kraus* petitioners.
22 *Mendenhall v. Tassinari*, 133 Nev. 614, 618, 403 P.3d 364, 369 (2017) (first quoting *Vets N., Inc.*
23 *v. Libutti*, No. CV-01-7773-DRHETB, 2003 WL 21542554, at *11 (E.D.N.Y. Jan. 24, 2003); and
24 then quoting *Alcantara ex rel. Alcantara v. Wal-Mart Stores, Inc.*, 130 Nev. 252, 261, 321 P.3d
25 912, 917 (2014)); *cf. In re Coday*, 130 P.3d 809, 816–17 (Wash. 2006).

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1 132. The issues relating to the Agilis machine and meaningful observation of tabulation
2 were necessarily and actually litigated in *Kraus* because they were properly raised and submitted
3 for determination. *See Alcantara*, 130 Nev. at 262, 321 P.3d at 918.

4 133. Each of the four requirements for issue preclusion is therefore satisfied as to
5 Contestants' grounds for contest related to the lawfulness of the Agilis machines and meaningful
6 observation of ballot tabulation

7 134. While issue preclusion provides alternative grounds to dispose of these issues, the
8 Court reaches and rules on the merits of all of Contestants' claims.

9 **III. Grounds for Contests**

10 135. Although Nevada has not addressed this issue, the Court believes that Contestants
11 are required to prove the grounds for their contest by clear and convincing evidence. *See, e.g.*,
12 *Gooch v. Hendrix*, 851 P.2d 1321, 1328 (Cal. 1993); *Bazydlo v. Volant*, 647 N.E.2d 273, 276 (Ill.
13 1995); *Adair Cnty. Bd. of Elections v. Arnold*, No. 2015-CA-000661-MR, 2015 WL 5308132, at
14 *6 (Ky. Ct. App. Sept. 11, 2015); *Snyder v. Glusing*, 520 A.2d 349, 357 (Md. 1987); *Drummond*
15 *v. Town of Virginia City*, 833 P.2d 1067, 1070 (Mont. 1992); *Harmon v. Baldwin*, 837 N.E.2d
16 1196, 1201 (Ohio 2005) (per curiam); *Quinn v. City of Tulsa*, 777 P.2d 1331, 1341 (Okla. 1989);
17 *Thomas v. Penfold*, 541 P.2d 1065, 1067 (Or. 1975); *Gonzalez v. Villarreal*, 251 S.W.3d 763, 773
18 (Tex. Ct. App. 2008).

19 136. This higher standard of proof is appropriate in election contests because it
20 "adequately balances the conflicting interests in preserving the integrity of the election and
21 avoiding unnecessary disenfranchisement of qualified absentee voters." *Bazydlo*, 647 N.E.2d at
22 276 (quoting *Bazydlo v. Volant*, 636 N.E.2d 1107, 1110 (Ill. App. Ct. 1994)); *accord Sadler v.*
23 *Connolly*, 575 P.2d 51, 55 (Mont. 1978) ("The underlying basis for [the clear and convincing
24 evidence] standard is that an election contest . . . , if successful, has the serious effect of
25 disenfranchisement of the voters." (citing *Thornton v. Johnson*, 453 P.2d 178, 182 (Or. 1969) (per
26 curiam))).

27 ///

1 137. “In Nevada, a plaintiff must prove a general civil fraud claim, which requires intent
2 to defraud, with clear and convincing evidence.” *Nellis Motors v. State*, 124 Nev. 1263, 1267, 197
3 P.3d 1061, 1064 (2008).

4 138. “[C]lear and convincing evidence must be ‘satisfactory’ proof that is ‘so strong and
5 cogent as to satisfy the mind and conscience of a common man, and so to convince him that he
6 would venture to act upon that conviction in matters of the highest concern and importance to his
7 own interest. It need not possess such a degree of force as to be irresistible, but there must be
8 evidence of tangible facts from which a legitimate inference . . . may be drawn.’” *In re Discipline*
9 *of Drakulich*, 111 Nev. 1556, 1566, 908 P.2d 709, 715 (1995) (alteration in original) (quoting
10 *Gruber v. Baker*, 20 Nev. 453, 477, 23 P. 858, 865 (1890)).

11 139. However, even if a preponderance of the evidence standard was used, the Court
12 concludes that Contestants’ claims fail on the merits there under or under any other standard.

13 A. **Contestants did not prove that there was a “malfunction of any voting device**
14 **or electronic tabulator, counting device or computer in a manner sufficient to**
 raise reasonable doubt as to the outcome of the election.”

15 140. Contestants’ evidence does not establish by clear and convincing proof, or under
16 any standard of evidence, that “there was a malfunction of any voting device or electronic
17 tabulator, counting device or computer in a manner sufficient to raise reasonable doubt as to the
18 outcome of the election.” NRS 293.410(2)(f).

19 141. A “malfunction” is “[a] fault in the way something works,” *Malfunction, Black’s*
20 *Law Dictionary* (11th ed. 2019), and “a failure to operate or function in the normal or correct
21 manner,” *Malfunction, Merriam-Webster’s Collegiate Dictionary* (11th ed. 2003); *see also Otis*
22 *Elevator Co. v. Reid*, 101 Nev. 515, 520, 706 P.2d 1378, 1381 (1985) (describing incidents where
23 elevator operated differently than “normal” as “malfunctions”).

24 142. Contests did not prove under any standard of proof that the Agilis machine
25 malfunctioned.

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1 143. Contestants did not prove under any standard of proof that the Agilis machine
2 malfunctioned in a manner sufficient to raise reasonable doubt as to the outcome of the election.

3 144. Contests did not prove under any standard of proof that the electronic voting
4 machines malfunctioned in a manner sufficient to raise reasonable doubt as to the outcome of the
5 election.

6 **B. Contestants did not prove that “[i]llegal or improper votes were cast and**
7 **counted,” and/or “[l]egal and proper votes were not counted . . . in an**
8 **amount that is equal to or greater than the margin between the contestant**
and the defendant, or otherwise in an amount sufficient to raise reasonable
doubt as to the outcome of the election.”

9 145. Contestants evidence does not establish by clear and convincing proof, or under
10 any standard of evidence, that “[i]llegal or improper votes were cast and counted,” and/or “[l]egal
11 and proper votes were not counted . . . in an amount that is equal to or greater than the margin
12 between the contestant and the defendant, or otherwise in an amount sufficient to raise reasonable
13 doubt as to the outcome of the election.” NRS 293.410(2)(c).

14 146. “Illegal or improper votes” are those that could not have been lawfully cast and
15 therefore should not be counted. *See, e.g., Mahaffey v. Barnhill*, 855 P.2d 847, 850 (Colo. 1993)
16 (defining votes cast by those ineligible to vote as “illegal votes”); *Turner v. Cooper*, 347 So. 2d
17 1339, 1341 (Ala. 1977) (describing “illegal votes” as those cast by unqualified voters); *Grounds*
18 *v. Lawe*, 193 P.2d 447, 449 (Ariz. 1948) (explaining that trial court found “fifteen illegal votes”
19 because “fifteen [votes] had been cast by persons not qualified to vote”); *Harris v. Stewart*, 193
20 So. 339, 341 (Miss. 1940) (describing “illegal votes” as those cast by someone “not a qualified
21 voter”); *Jaycox v. Varnum*, 226 P. 285, 288 (Idaho 1924) (similar); *Montoya v. Ortiz*, 175 P. 335,
22 337 (N.M. 1918) (“There was no question raised as to illegal votes. All voters who voted at the
23 election were concededly qualified voters.”); *Horton v. Sullivan*, 86 A. 314, 314 (R.I. 1913) (using
24 “illegal votes” to describe those cast by “illegal voters”).

25 147. Contestants did not prove under any standard of proof that illegal votes were cast
26 and counted, or legal votes were not counted at all, due to voter fraud, nor in an amount equal to
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1 or greater than 33,596, or otherwise in an amount sufficient to raise reasonable doubt as to the
2 outcome of the election.

3 148. Contestants did not prove under any standard of proof that voters who were given
4 provisional ballots cast illegal votes which were then counted, or voters who were given provision
5 ballots cast legal votes which were not counted at all, nor in an amount equal to or greater than
6 33,596, or otherwise in an amount sufficient to raise reasonable doubt as to the outcome of the
7 election.

8 149. Contestants did not prove under any standard of proof that illegal votes were cast
9 and counted that should have been rejected during the signature verification process, or legal votes
10 were not counted that should have been accepted during the signature verification process at all,
11 nor in an amount equal to or greater than 33,596, or otherwise in an amount sufficient to raise
12 reasonable doubt as to the outcome of the election.

13 150. Contestants did not prove under any standard of proof that illegal votes were cast
14 and counted, or legal votes were not counted at all, due to issues with in-person voting technology,
15 nor in an amount equal to or greater than 33,596, or otherwise in an amount sufficient to raise
16 reasonable doubt as to the outcome of the election.

17 151. Contestants did not prove under any standard of proof that illegal votes by ineligible
18 voters were cast and counted, nor in an amount equal to or greater than 33,596, or otherwise in an
19 amount sufficient to raise reasonable doubt as to the outcome of the election.

20 152. Contestants did not prove under any standard of proof that illegal votes were cast
21 and counted wherein the ballots had problems or irregularities, nor in an amount equal to or greater
22 than 33,596, or otherwise in an amount sufficient to raise reasonable doubt as to the outcome of
23 the election.

24 153. Contestants did not prove under any standard of proof that illegal votes by deceased
25 voters were cast and counted, nor in an amount equal to or greater than 33,596, or otherwise in an
26 amount sufficient to raise reasonable doubt as to the outcome of the election.

27 ///

1 154. Contestants did not prove under any standard of proof that illegal votes were cast
2 by individuals other than the intended voters and counted, nor in an amount equal to or greater
3 than 33,596, or otherwise in an amount sufficient to raise reasonable doubt as to the outcome of
4 the election.

5 155. Contestants did not prove under any standard of proof that illegal votes submitted
6 after deadlines were cast and counted, nor in an amount equal to or greater than 33,596, or
7 otherwise in an amount sufficient to raise reasonable doubt as to the outcome of the election.

8 156. Contestants did not prove under any standard of proof that any illegal votes were
9 cast and counted, or legal votes were not counted at all, for any other improper or illegal reason,
10 nor in an amount equal to or greater than 33,596, or otherwise in an amount sufficient to raise
11 reasonable doubt as to the outcome of the election. Reasonable doubt is one based on reason, not
12 mere possibility.

13 **C. Contestants did not prove that that "the election board or any member**
14 **thereof was guilty of malfeasance."**

15 157. Contestants evidence does not establish by clear and convincing proof, or under
16 any standard of evidence, that "the election board or any member thereof was guilty of
17 malfeasance." NRS 293.410(2)(a).

18 158. Under Nevada law, "malfeasance ... constitute[s] an act of commission as
19 distinguished from an act of omission." *Jones v. Eighth Jud. Dist. Ct.*, 67 Nev. 404, 408, 219 P.2d
20 1055, 1057 (1950).

21 159. "Omissions to act are not acts of malfeasance in office, but constitute nonfeasance.
22 A distinct difference is recognized between the two. Conduct invoking one charge will not be
23 sufficient to justify the other." *Buckingham v. Fifth Jud. Dist. Ct.*, 60 Nev. 129, 136, 102 P.2d 632,
24 635 (1940).

25 160. Malfeasance requires, at the very least, an allegation of knowledge that the act was
26 wrongful, if not a greater level of nefarious intent. *See Jones*, 67 Nev. at 415-18, 219 P.2d at 1060-
27 62 (finding that complaint sufficiently alleged malfeasance by alleging knowledge and agreeing
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1 that officer "must have done [the illegal act] knowing that he was doing wrong or at least under
2 such circumstances that any reasonable person who had done the same thing would have known
3 that he was doing something wrong" (quoting *Atwood v. Cox*, 55 P.2d 377, 393 (Utah 1936))).

4 161. Contestants did not prove under any standard of proof that any of Nevada's election
5 officials committed malfeasance.

6 162. Contestants did not prove under any standard of proof that Clark County or any
7 other county or state election officials violated any right to observation provided for in Nevada
8 Law. *Cf. Kraus*, slip op. at 11 (concluding that "[p]etitioners [] failed to prove Registrar Gloria has
9 interfered with any right they or anyone else has as an observer" and that Registrar "Gloria has not
10 failed to meet his statutory duties . . . to allow members of the general public to observe the
11 counting of ballots").

12 163. Contestants did not prove under any standard of proof that Clark County election
13 officials or any other election officials acted with knowledge or intent that they were violating the
14 law as it relates to public observation of ballot processing or counting.

15 164. Contestants did not prove under any standard of proof that Clark County's use of
16 the Agilis machines constitutes malfeasance.

17 165. Clark County's use of the Agilis machines was lawful under Nevada law. *See* NRS
18 293.8871(2)(a) (permitting processing and counting of mail ballots "by electronic means").

19 166. Clark County did not violate the Equal Protection Clauses of the Nevada or U.S.
20 Constitutions by using the Agilis machine, let alone intentionally so, because county by county
21 differences in the way votes are processed does not violate equal protection unless it impedes or
22 obstructs the ability of individual citizens to cast their votes or have those votes counted. *See*
23 *Kraus*, slip op. at 12-13 (concluding that Clark County's use of Agilis machine is permitted under
24 Nevada's election law and Equal Protection Clause).

25 167. Contestants did not prove under any standard of proof that Clark County election
26 officials had knowledge that their use of the Agilis, including the settings it was used with and its
27
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1 use to verify certain ballots without additional human review violated any law, nor that election
2 officials acted with nefarious intent.

3 168. Contestants did not prove under any standard of proof that any state or county
4 election officials misused electronic voting machines or other voting equipment.

5 169. Contestants did not prove under any standard of proof that any election officials
6 knowingly committed any misconduct relating to the operation of electronic voting machines, nor
7 that election officials acted with nefarious intent in doing so.

8 **D. Contestants did not prove that “the defendant or any person acting, either**
9 **directly or indirectly, on behalf of the defendant has given, or offered to give,**
10 **to any person anything of value for the purpose of manipulating or altering**
11 **the outcome of the election.”**

12 170. Contestants evidence does not establish by clear and convincing proof, or under
13 any standard of evidence, that “the defendant or any person acting, either directly or indirectly, on
14 behalf of the defendant has given, or offered to give, to any person anything of value for the
15 purpose of manipulating or altering the outcome of the election.” NRS 293.410(2)(e).

16 171. By its plain terms, this ground requires intentional wrongdoing by a person who
17 (1) has an agency relationship with the candidate—“the defendant or any person acting, either
18 directly or indirectly, on behalf of the defendant”—and (2) offers a thing of value “for the purpose
19 of manipulating or altering the outcome of the election.” NRS 293.410(2)(e).

20 172. Contestants did not prove under any standard of proof that Defendants, the Biden-
21 Harris Campaign, or anyone acting on their behalf gave or offered to give to any person anything
22 of value for the purpose of manipulating or altering the outcome of the election.

23 173. Contestants did not prove under any standard of proof that NNVP had an agency
24 relationship with Defendants or the Biden-Harris Campaign, or otherwise acted on the behalf of,
25 either directly or indirectly, Defendants or the Biden-Harris campaign.

26 174. Contestants did not prove under any standard of proof that NNVP gave or offered
27 to give to any person anything of value for the purpose of manipulating or altering the outcome of
28 the election.

175. Contestants did not prove under any standard of proof that the persons witnessed by Doc 3 had an agency relationship with Defendants or the Biden-Harris Campaign, or otherwise acted on the behalf of, either directly or indirectly, Defendants or the Biden-Harris campaign.

176. Contestants did not prove under any standard of proof that the persons witnessed by Doe 3 gave or offered to give to any person anything of value for the purpose of manipulating or altering the outcome of the election.

CONCLUSION

177. The Contestants failed to meet their burden to provide credible and relevant evidence to substantiate any of the grounds set forth in NRS 293.410 to contest the November 3, 2020 General Election.


JUDGMENT

Therefore, based upon the above Findings of Fact and Conclusions of Law made by this Court, after trial, and good cause appearing, the following Judgment is entered by the Court:

IT IS HEREBY ORDERED that Contestants' contest is **DENIED** and this case is **DISMISSED** with prejudice.

IT IS HEREBY FURTHER ORDERED that Contestants are shall pay Defendants' costs pursuant to NRS 293.420.

DATED this 4 th day of December, 2020.


JAMES T. RUSSELL
DISTRICT JUDGE

CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I certify that I am an employee of the First Judicial District Court, and that on this 4th day of December, 2020, I caused to be transmitted via email, a true and correct copy of the foregoing Order addressed as follows:

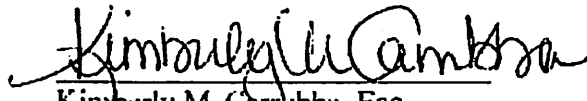
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Law Clerk, Dept. 1



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This document is a full, true and correct copy of
the original on file and of record in my office.

DATE: NOVEMBER 3, 2023

Supreme Court Clerk, State of Nevada

By [Signature] Deputy

APP 0977

EXHIBIT 23

EXHIBIT 23



Google LLC
1600 Amphitheatre Parkway
Mountain View, California 94043

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11/20/23

Criminal Investigator Daniell Rhoda
Nevada Attorney General's Office
555 East Washington Avenue, Suite 3900
Las Vegas, NV 89101

**Re: Search Warrant dated September 22, 2023 (Google Ref. No. 43306723)
11801-3369**

Dear Criminal Investigator Rhoda:

Pursuant to the Search Warrant issued in the above-referenced matter, we have conducted a diligent search for documents and information accessible on Google's systems that are responsive to your request. Our response is made in accordance with state and federal law, including the Electronic Communications Privacy Act. See 18 U.S.C. § 2701 et seq.

Accompanying this letter is responsive information to the extent reasonably accessible from our system associated with the Google account(s), *DJHTHREE@GMAIL.COM*, *MCDONALDNLV@GMAIL.COM*, *AIRLIFTER2@GMAIL.COM*, *JESSE.LAW@GMAIL.COM*, as specified in the Search Warrant. We have also included a signed Certificate of Authenticity which includes a list of hash values that correspond to each file contained in the production. Google may not retain a copy of this production but does endeavor to keep a list of the files and their respective hash values. To the extent any document provided herein contains information exceeding the scope of your request, protected from disclosure or otherwise not subject to production, if at all, we have redacted such information or removed such data fields.

For a Google Custodian of Records, we will require a subpoena and confirmation from you of the time and date of the appearance, the scope of testimony, any Google Reference Number(s) associated with the case, and the travel for the appearance at least one week in advance in order to identify, make the appropriate plans for, and prepare a custodian for trial.

Finally, in accordance with Section 2706 of the Electronic Communications Privacy Act, Google may request reimbursement for reasonable costs incurred in processing your request.

Regards,

Sean Cromer
Google Legal Investigations Support

APP 0979



Google LLC
1600 Amphitheatre Parkway
Mountain View, California 94043

USLawEnforcement@google.com

www.google.com

CERTIFICATE OF AUTHENTICITY

I hereby certify:

1. I am authorized to submit this affidavit on behalf of Google LLC ("Google"), located in Mountain View, California. I have personal knowledge of the following facts, except as noted, and could testify competently thereto if called as a witness.
2. I am qualified to authenticate the records because I am familiar with how the records were created, managed, stored and retrieved.
3. Google provides Internet-based services.
4. Attached is a true and correct copy of records pertaining to the Google account-holder(s) identified with account(s) *DJHTHREE@GMAIL.COM*, *MCDONALDNV@GMAIL.COM*, *AIRLIFTER2@GMAIL.COM*, *JESSE.LAW@GMAIL.COM*, with Google Ref. No. 43306723 ("Document"). Accompanying this Certificate of Authenticity as Attachment A is a list of hash values corresponding to each file produced in response to the Search Warrant.
5. The Document is a record made and retained by Google. Google servers record this data automatically at the time, or reasonably soon after, it is entered or transmitted by the user, and this data is kept in the course of this regularly conducted activity and was made by regularly conducted activity as a regular practice of Google.
6. The Document is a true duplicate of original records that were generated by Google's electronic process or system that produces an accurate result. The accuracy of Google's electronic process and system is regularly verified by Google.
7. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

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

_____/s/ Sean Cromer_____
(Signature of Records Custodian)

Date: 11/20/23

Sean Cromer
(Name of Records Custodian)



Google LLC
1600 Amphitheatre Parkway
Mountain View, California 94043

USLawEnforcement@google.com

www.google.com

Attachment A: Hash Values for Production Files (Google Ref. No. 43306723)

airlifter2@gmail.com.350062875669.GooglePay.BillingInformation_001.001.zip:

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airlifter2@gmail.com.436213190781.Preserved_002.GooglePay.CustomerInformation_001.Preserved.zip:

SHA512-

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airlifter2@gmail.com.436213190781.Preserved_003.GooglePay.BillingInformation_001.Preserved.zip:

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airlifter2@gmail.com.804620519898.AccessLogActivity.Activity_001.zip:

SHA512-



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airlifter2@gmail.com.804620519898.AccessLogActivity.AggregatedActivities_001.zip:

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airlifter2@gmail.com.804620519898.Calendar.Calendars_001.zip:

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airlifter2@gmail.com.804620519898.Calendar.UserSettings_001.zip:

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airlifter2@gmail.com.804620519898.GoogleChat.GroupTasks_001.Preserved.zip:

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airlifter2@gmail.com.804620519898.GoogleChat.Messages_001.zip:

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airlifter2@gmail.com.804620519898.GoogleChat.UserInfo_001.zip:

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airlifter2@gmail.com.804620519898.LocationHistory.Records_001.zip:

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airlifter2@gmail.com.804620519898.LocationHistory.SemanticLocationHistory_001.zip:

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SHA512-

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airlifter2@gmail.com.804620519898.Preserved_001.AccessLogActivity.AggregatedActivities_0
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SHA512-

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airlifter2@gmail.com.804620519898.Preserved_002.GoogleChat.GroupInfo_001.zip:

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airlifter2@gmail.com.804620519898.Preserved_003.GoogleChat.GroupInfo_001.zip:

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airlifter2@gmail.com.804620519898.Preserved_003.Mail.MessageInformation_001.zip:

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airlifter2@gmail.com.804620519898.Preserved_004.AccessLogActivity.Activity_001.zip:

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airlifter2@gmail.com.804620519898.Preserved_004.AccessLogActivity.AggregatedActivities_001.zip:

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airlifter2@gmail.com.804620519898.Preserved_004.GoogleAccount.SubscriberInfo_001.zip:

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airlifter2@gmail.com.804620519898.Preserved_004.GoogleChat.GroupInfo_001.zip:

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airlifter2@gmail.com.804620519898.Preserved_004.Mail.MessageContent_001.zip:

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djhthree@gmail.com.33655494314.Preserved_002.Calendar.UserSettings_001.zip:

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djhthree@gmail.com.33655494314.Preserved_002.GoogleAccount.SubscriberInfo_001.zip:

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e06f930f2af09368f88e0095730388bf039a3e7f2b23e

djhthree@gmail.com.33655494314.Preserved_002.GoogleChat.UserInfo_001.zip:

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djhthree@gmail.com.33655494314.Preserved_003.AccessLogActivity.Devices_001.zip:

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djhthree@gmail.com.33655494314.Preserved_004.AccessLogActivity.Activity_001.zip:

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jesse.law@gmail.com.392061217162.Calendar.Calendars_001.zip:



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SHA512-

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21e562494d2679767329eec746b6ed4b95b59e88489f8

jesse.law@gmail.com.392061217162.Preserved_001.LocationHistory.Tombstones_001.zip:

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EXHIBIT 24

EXHIBIT 24



**OFFICE OF THE
SECRETARY OF STATE**

December 15, 2020

Dear Mr. McDonald,

Enclosed please find documents received on December 15, 2020 purporting to be votes of the Nevada Electors in the December 14, 2020 vote of the Electoral College. Please be advised that on December 14, 2020 the lawful Nevada Electors who were identified on the official Certificate of Ascertainment cast their ballots for President of the United States and Vice-President of the United States pursuant to federal and state law in a meeting conducted by the Nevada Secretary of State.

Nevada law requires that all electors cast their ballots for the winner of the popular vote in Nevada. As such the lawful electors cast their ballots for Joseph R. Biden for President of the United States and for Kamala D. Harris for Vice-President of the United States, in accordance with Nevada Law and the results of the 2020 General Election as certified by the Nevada Supreme Court on November 24, 2020.

We are returning these documents as they do not meet the statutory requirement for filing with our office.

Respectfully,

Mark Wlaschin
Deputy Secretary for Elections

EXHIBIT 25

EXHIBIT 25

Privileged and Confidential

M E M O R A N D U M

TO: Judge James R. Troupis
FROM: Kenneth Chesebro
DATE: November 18, 2020
RE: **The Real Deadline for Settling a State's Electoral Votes**

You asked for a written summary of the legal analysis underlying my suggestion during our conference call that, in any judicial review of the canvassing/recounting in Wisconsin, we should emphasize that the presidential election timetable affords ample time for judicial proceedings, even if initial errors in the recount require a remand for further recounting.

Summary

There is a very strong argument, supported by historical precedent (in particular, the 1960 Kennedy-Nixon contest), that the real deadline for a finding by the Wisconsin courts (or, possibly, by its Legislature) in favor of the President and Vice President is not **December 8** (the “safe harbor” deadline under the Electoral Count Act), nor even **December 14** (the date on which electors must vote in their respective States), but **January 6** (the date the Senate and House meet for the counting of electoral votes).

Assuming the electors pledged to Trump and Pence end up meeting at the Wisconsin Capitol on December 14 to cast their votes, and then send their votes to the President of the Senate in time to be opened on January 6, a court decision (or, perhaps, a state legislative determination) rendered after December 14 in favor of the Trump-Pence slate of electors should be considered timely. On this view, the only real deadline during the next month is the December 14 deadline to cast electoral votes – so that any state judicial proceedings which extend past that date, working toward resolution of who has won Wisconsin's electoral votes, are entirely compatible with federal law provided that they are completed by January 6.

1. The January 6 Hard Deadline

The date which has “ultimate significance” under federal law, as Justice Ginsburg aptly noted, is “the sixth day of January,” the date set by 3 U.S.C. § 15 on which the Senate and House determine “the validity of electoral votes.” Bush v. Gore, 531 U.S. 98, 144 (2000) (Ginsburg, J., dissenting). That is the first date on which any electoral votes are actually counted. On that date, the Twelfth Amendment directs, “[t]he President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted.”

2. What Must Happen on December 14

The other date of particular federal significance is the date that the ten Wisconsin electors pledged, respectively, to Trump-Pence and Biden-Harris, must meet in Madison to actually cast their electoral votes, if those votes are later to be eligible to be counted in Congress on January 6. Art. II, § 1, cl. 4, gives Congress the power to specify the date “on which [the electors] shall give their Votes, which Day shall be the same throughout the United States.” Exercising that power, Congress has mandated that the electors “shall meet and give their votes on the first Monday after the second Wednesday in December” – this year, December 14 – “at such place in each State as the legislature of such State shall direct.” 3 U.S.C. § 7.

In accord with § 7, the Wisconsin Legislature has directed that “[t]he electors for president and vice president shall meet at the state capitol” at noon on December 14. Wis. Stat. § 7.75(1).

Prudence dictates that the ten electors pledged to Trump and Pence meet and cast their votes on December 14 (unless by then the race has been conceded). It is highly uncertain, given the language in Art. II requiring that all electors throughout the United States vote on the same day, whether Congress could validly count electoral votes cast on a later date.¹

It may seem odd that the electors pledged to Trump and Pence might meet and cast their votes on December 14 even if, at that juncture, the Trump-Pence ticket is behind in the vote count, and no certificate of election has been issued in favor of Trump and Pence. However, a fair reading of the federal statutes suggests that this is a reasonable course of action.

The basic responsibility of the electors is to “make and sign six certificates of the votes given by them” for President and Vice President, 3 U.S.C. § 9; “seal up the certificates so made by them,” *id.*, § 10; and forward them by registered mail to the President of the Senate and to other officials. *Id.*, § 11. These actions are carried out without any involvement by state officials.

¹ In 1857, Congress spent two days debating whether it would count electoral votes from Wisconsin which were cast one day late due to a blizzard in Madison. The result of the presidential election did not turn on the question, and it was left unresolved. Cong. Globe, 34th Cong., 3rd Sess., 644-60, 662-68 (1857).

It also seems clear that if, before the electors cast their votes, the candidates for whom they are voting have been issued certificates of election, it is the duty of the governor to deliver the certificates to the electors “on or before the day” they are required to meet, id. at § 6, and the electors are then to attach the certificates to the electoral votes they transmit to the President of the Senate. Id., § 9.

But nothing in federal law requires States to resolve controversies over electoral votes prior to the meeting of the electors. Indeed, there is no set deadline for a State to transmit to Congress a certification of which slate of electors has been determined to be the valid one. The duty of a state governor is merely to transmit the certification “as soon as practicable after the conclusion of the appointment of the electors in such State by the final ascertainment, under and in pursuance of the laws of such State providing for such ascertainment” Id., § 6.

3. Hawaii's Electoral Votes in the 1960 Kennedy-Nixon Contest

The reasonableness of the above statutory analysis, and the prudence of the Trump-Pence electors meeting in Madison on December 14 to cast their votes and transmit them to Congress, regardless of the status of the electoral contest in Wisconsin at that juncture, is illustrated by how the Democratic Party handled the uncertainty over Hawaii's electoral votes in the 1960 presidential election between John F. Kennedy and Richard M. Nixon.²

Remarkably, Hawaii's electoral votes were counted in favor of Kennedy and Johnson when the votes were opened in Congress on January 6 even though:

(1) they did not arrive in Congress until that very morning;

(2) on the date the Electoral College met, December 19, 1960, Nixon's electors had in hand a certificate from the Hawaii governor certifying that Nixon had won the state (by 141 votes);

(3) the Kennedy electors nonetheless also met and voted on that day, to preserve the possibility that their votes would eventually be certified as the valid ones;

(4) on the same day, a Hawaii court ordered a recount of the entire state;

² The following summary is adapted from Michael L. Rosin & Jason Harrow, “How to Decide a Very Close Election for Presidential Electors: Part 2,” Take Care Blog, Oct. 23, 2020 (<https://takecareblog.com/blog/how-to-decide-a-very-close-election-for-presidential-electors-part-2>) (visited Nov. 17, 2020).

(5) only on December 28 did the Hawaii courts issue a final decision finding that Kennedy had, in fact, won the state (by 105 votes); and

(6) because the Kennedy electors had taken care to vote on the proper day, and the governor signed an amended certificate of election which was then rushed to Washington, in time to be counted in Congress, the electoral votes were awarded to Kennedy (although, it should be noted, the votes were counted only after Vice President Nixon, in his capacity as President of the Senate, suggested without objection that the votes be counted in favor of Kennedy “[i]n order not to delay the further count of the electoral vote,” and “without the intent of establishing a precedent”).

The last-minute counting of the Hawaii electoral votes in favor of Kennedy in 1960 buttresses the conclusion of constitutional law scholar Laurence Tribe that, absent some indication by a State to the contrary, the only real deadline for a state to complete its recount of a presidential election is “before Congress starts to count the votes on January 6.”³

4. Nothing in Wisconsin Law Is Inconsistent With the Trump-Pence Electors Casting Their Votes on December 14, as the Kennedy-Johnson Electors Did in 1960

The Biden camp might well seek to create a sense of urgency, and try to artificially truncate the post-election process of recounting and adjudication, by claiming that Wisconsin has an important interest in having all controversies regarding the election resolved by December 8, in order to gain the benefit of the “safe harbor” provision of the Electoral Count Act, which purportedly mandates that a final result reached in a State by the safe-harbor date “shall be conclusive” when votes are counted in Congress. 3 U.S.C. § 5.⁴ The U.S. Supreme Court’s view that

³ Laurence H. Tribe, “Comment: eroG .v hsuB and Its Disguises: Freeing Bush v. Gore From Its Hall of Mirrors,” 115 Harv. L. Rev. 170, 265-66 (2001).

⁴ One must use the caveat “purportedly,” because there are substantial reasons to doubt that the Electoral Count Act, enacted by the 50th Congress in 1877, can have any binding effect on the 117th Congress which will convene on January 3, regarding its authority and obligation to count electoral votes as it sees fit. In particular, there is a very strong argument that the Senate which convenes in January has the inherent power to set whatever rules it wishes for deciding challenges to the electoral votes cast in this election. To view the Electoral Count Act as tying the Senate’s hands, unless amended, would mean that the Senate would need the permission of both the House and the President (absent a veto-proof

Florida had a strong interest in qualifying under this safe-harbor provision was a key factor in its decision to halt the ongoing Florida recount in the 2000 presidential election. Bush v. Gore, 531 U.S. 98, 110-11 (2000) (per curiam).

However, nowhere has the Wisconsin Legislature placed any priority on ensuring that post-election procedures in presidential contests are completed by the safe-harbor date. Far from mandating that certificates of election must be issued by this date, the Legislature has, with regard to all elections, affirmatively banned certificates of election from being issued unless and until all timely brought recounts, and subsequent judicial proceedings, have been exhausted:

When a valid petition for recount is filed . . . the governor or commission may not issue a certificate of election until the recount has been completed and the time allowed for filing an appeal has passed, or if appeal until the appeal is decided.

Wis. Stat. § 7.70(5)(a).⁵

voting margin) to change the rules governing its deliberations, a result which cannot be squared with Art. I, § 5, providing that “[e]ach House may determine the Rules of its Proceedings” As Professor Tribe has noted, “[t]here is no constitutionally prescribed method by which one Congress may require a future Congress to interpret or discharge a constitutional responsibility in any particular way.” Tribe, supra note 3, at 267 n.388 (citing Laurence H. Tribe, 1 American Constitutional Law, § 2-3, at 125-26 n.1 (3d ed. 2000)). See also Chris Land & David Schultz, On the Unenforceability of the Electoral Count Act, 13 Rutgers J. of Law & Pub. Pol’y 340, 368-77, 385-87 (2016); Vasan Kesavan, Is the Electoral Count Act Unconstitutional?, 80 N. Car. L. Rev. 1654, 1729-59, 1779-93 (2002).

⁵ To be sure, in accord with ordinary practice, under which the winner of the electoral votes in Wisconsin will typically be known well in advance of the date when electors cast their votes, the Legislature has provided that in presidential elections, the governor “shall prepare a certificate showing the determination of the results of the canvass and the names of the persons elected,” and send six duplicate originals to one of the electors on or before the date electoral votes are cast. Wis. Stat. § 7.70(b). Obviously this ministerial duty exists only when a certificate of election has already issued under § 7.70(a), after all post-election recounts and related legal proceedings have reached finality. There is nothing in § 7.70(b) that purports to affect the timetable for resolving post-election proceedings.

Conclusion

The position taken by the Trump-Pence campaign regarding the outside deadline for resolving post-election challenges could conceivably end up proving critical to the result of this election. If so, it would not be the first time: the failure of the Gore team in 2000 to focus on the real deadline early enough was a clear mistake. Thus, the issue of the real deadline should be examined carefully in the near future, so that the campaign presents a clear and united front concerning it.

Reflecting on the failure of the Gore challenge to Bush's victory in Florida, Ron Klain observed in a 2002 essay that "time was our enemy" – to an extent that "cannot be underestimated."⁶ Klain's early mistake was to overlook the possibility that January 6 might be the real deadline for resolving the matter of who had won Florida's electoral votes. As Klain recounted, when he went on CNN shortly after the election (on November 10), he "rather offhandedly noted that there was plenty of time for a full and fair counting of the people's votes, given that the electoral votes were not scheduled to be counted until December 18"⁷

The timetable for Gore to win the recount was further truncated by Gore attorney David Boies who, "during the first argument to the Florida Supreme Court," on November 20, "had said that the election would be over on December 12, because of an obscure provision of federal law."⁸ Journalist and lawyer David Kaplan vividly describes Boies's fateful decision in answering the justices' question regarding the outside deadline for resolving the controversy over the recount:⁹

The deadline [Boies] repeatedly cited was December 12, six days before the Electoral College met and twenty-two days hence – a veritable eternity in the day-to-day, minute-to-minute struggle. This was the date mandated by the Electoral Count Act by which states had to get their acts together, in order to prevent Congress from possibly rejecting a slate of presidential electors. December 12 was a so-called

⁶ Ronald A. Klain & Jeremy B. Bash, "The Labor of Sisyphus: The Gore Recount Perspective," in Overtime!: The Election 2000 Thriller (2002) (Larry B. Sabato, ed.), at 161.

⁷ Id.

⁸ Jeffrey Toobin, Too Close to Call: The Third-Six-Day Battle to Decide the 2000 Election 195 (2001).

⁹ David A. Kaplan, The Accidental President: How 413 Lawyers, 9 Supreme Court Justices, and 5,963,110 (Give or Take a Few) Floridians Landed George W. Bush in the White House 142-43 (2001).

safe harbor, but it was not a requirement ordained by either the U.S. Constitution, the Florida constitution, or even Congress itself. It was only in the nature of a benefit offered, with no penalty other than the absence of the benefit – sort of a no-risk offer. Any electoral slate determined thereafter simply would not be immune from congressional examination in a close election. That might seem like a big deal in theory, but did anyone really believe that in practice the electoral votes of one of the most populous states in the Union might go uncounted altogether? The distinction between a safe harbor as a freebie or absolute requirement was vital, but Boies didn't make it. Boies figured: Why should he? If his client got the time to count, Gore would overtake Bush and hand him the witch's hourglass

Wells pressed Boies on whether he agreed that December 12 represented the outer bounds.

"I do, Your Honor." He said this despite there being no state law or executive pronouncement to that effect.

Boies's concession of the date as a constitutional line over which no recount could cross would come back to haunt him in two weeks at the U.S. Supreme Court. It walled him in from ever offering such dates as December 18 (when the Electoral College convened), January 6 (when Congress met in joint session to count the electoral votes), or even January 20 (Inauguration Day). Indeed, January 20 was the only date mandated by the federal Constitution (in the Twentieth Amendment) – the other dates were mere statutory creations, which could be changed.

But to the extent the justices were going to come up with a new timetable, thinking about December 12 was critical. Any certification of the election – whether it included all, some, or none of the results from manual recounts – had to happen in time for the contest phase of Florida law to play out. A contest lawsuit needed time for trial and appeals. That had to be completed by December 12, according to Boies's answer.

If Boies had instead taken the position that January 6 was the real deadline for resolving the contest over Florida's electoral vote, citing the Hawaii 1960 example, Gore might ultimately have prevailed. So the issue of what is the real deadline is an issue that warrants close examination.

K.C.

EXHIBIT 26

EXHIBIT 26

MEMORANDUM

TO: James R. Troupis
FROM: Kenneth Chesebro
DATE: December 9, 2020
RE: **Statutory Requirements for December 14 Electoral Votes**

Here is a summary of the requirements under federal law, and under the law of the six States in controversy, concerning what is required for presidential electors to validly cast and transmit their votes. Obviously, there are party leaders and/or officials in each State who are familiar with the relevant details who would deal with the logistics, most of whom have handled such details in past elections. This memo merely supplies a general overview.

It appears that even though none of the Trump-Pence electors are currently certified as having been elected by the voters of their State, most of the electors (with the possible exception of the Nevada electors) will be able to take the essential steps needed to validly cast and transmit their votes, so that the votes might be eligible to be counted if later recognized (by a court, the state legislature, or Congress) as the valid ones that actually count in the presidential election. (On why this could work, see [here](#) and [here](#).) And, they can do so without any involvement by the governor or any other state official (except, in some States, where access to the Capitol Building is or might be needed, or where the Governor must approve a substitute elector or, in Nevada, where the Secretary of State is involved).

It is important that the Trump-Pence Campaign focus carefully on these details, as soon as possible, if the aim is to ensure that all 79 electoral votes are properly cast and transmitted – each electoral vote being potentially important if the election ultimately extends to, and perhaps past, January 6 in Congress. The National Archives has a very helpful checklist, [here](#).

I. FEDERAL LAW

The federal-law requirements for the December 14 electors' meeting are set out in 3 U.S.C. §§ 6-11 (copy [here](#)).

- Under federal law, the Trump-Pence electors must all meet, together, on December 14, “at such place in each State as the legislature of such State shall direct.” 3 U.S.C. § 7.

- In most States there is no requirement that they meet in public. It might be preferable for them to meet in private, if possible, to thwart the ability of protesters to disrupt the event. Witness, via [this video](#), what happened when the Trump-Pence electors met in public in Wisconsin in 2016, even though the Trump-Pence victory had not been contested. Even if held in private, perhaps print and even TV journalists would be invited to attend to cover the event.

- Preferably all electors who were on the ballot in the particular State would be in attendance. But if some are unwilling (due to intimidation) or unable to make it, at least four of the States permit the electors who do attend to fill the empty slots with alternates. However, it is vital that any party stalwarts who are on hand to fill in if necessary be constitutionally eligible to serve – i.e., per Art. II, § 1, cl. 2, not a federal official or federal employee (not even having reserve status in the military).

- The electors would then all vote for Trump for President, and Pence for Vice President, separately. 3 U.S.C. § 8.

- The electors would then prepare and sign six identical sets of papers – “certificates” – listing under separate headings their votes, indicating that each of them has voted for Trump for President, and Pence for Vice President. 3 U.S.C. § 9. (For examples, see [here](#) the 2016 certificate signed in Wisconsin by its ten electors; images of the certificates submitted in 2016 are archived [here](#)).

- The only thing ordinarily contemplated by § 9 that the Trump-Pence electors would not be able to do is include with their certificates the certificate of ascertainment that the governor is directed to give the winning electors pursuant to 3 U.S.C. § 6. But, as the Hawaii 1960 example shows (see [here](#) and [here](#)), this is hardly fatal; proof that the Trump-Pence electors are the validly appointed ones can be furnished to Congress before it meets on January 6.

- Next, the electors would place each certificate in a separate envelope, seal up the envelopes, and indicate on the outside of the envelopes that they contain the votes of the State for President and Vice President. 3 U.S.C. § 10.

- Finally, the electors would transmit the six envelopes containing identical originals of their votes as follows:

- 1 to the President of the Senate, by registered mail, on the same day (“forthwith”).

- 2 to the Secretary of State of the State, one to be held in reserve for the President of the Senate, and the other to be preserved as a public record.

- 2 to the National Archives, one to be held in reserve for the President of the Senate, and the other to be preserved as a public record, also by registered mail (“[o]n the day thereafter”).

- 1 to the federal district court where the electors meet.

II. STATE LAW

A. Arizona: 11 electors

The most straightforward State is Arizona, whose statutory provision regarding presidential elections lists no additional requirements beyond the federal-law requirements set out above. **Ariz. Rev. Stats. § 16-212** ([here](#)).

Assuming it is confirmed that there are no additional requirements (check carefully; perhaps there are regulations, for example, issued by the Secretary of State), the Trump-Pence electors presumably could meet and cast their votes anywhere in Arizona, anytime on December 14.

One concern: if one or more electors are absent from the meeting, **is there a procedure under Arizona law for filling vacancies?** The other five States make provision for that contingency. In the absence of any guidance, the electors present should simply vote to fill any vacancy.

B. Georgia: 16 electors

Georgia has two statutory provisions:

Ga. Code Ann. § 21-2-11 ([here](#)) requires that the electors “assemble at the seat of government of this state at 12:00 Noon” on December 14. But what does “seat of government” mean? See [here](#). At minimum, they must meet somewhere in Atlanta – must they meet in the Capitol Building?

Ga. Code Ann. § 21-2-12 ([here](#)) supplies a mechanism for replacing one or more of the 16 electors if someone dies or fails to attend. In that event, the electors in attendance “shall proceed to choose by voice vote a person of the same political party . . . to fill the vacancy”

However, there’s a wrinkle. Unlike in other States, where that choice is automatically effective, in Georgia a choice must be ratified: “immediately after such choice the name of the person so chosen shall be transmitted by the presiding officer of the college to the Governor, who shall immediately cause notice of his or her election in writing to be given to such person.”

Could the Governor, in the current situation, refuse to ratify the choice, on the ground that this slate of electors is not the one the voters elected on Nov. 3 (according to the official canvass)? Given this statutory provision, **it seems imperative that every effort be made to secure the participation of all 16 electors, and to avoid making a substitution if at all possible.**

C. Michigan: 16 electors

The relevant provisions of Michigan law are **Mich. Comp. Laws §§ 168.41 & 168.47** ([here](#)).

Michigan is much more specific about the location in which electors must meet, which could be a bit awkward.

Under § 168.47, the electors “shall convene in the senate chamber at the capitol of the state at 2 p.m., eastern standard time” However, there is no requirement that they convene on the senate floor where, presumably, the Biden-Harris electors will convene. Presumably they could convene in the senate gallery.

Replacement of any absent elector is much easier than in Georgia: the electors who show up “shall proceed to fill such vacancy by ballot, by a plurality of votes.”

However, the qualifications for such replacement are more stringent than the federal requirements: under § 168.41, a Michigan elector must have been a U.S. citizen for at least 10 years, and a resident of Michigan for at least a year prior to Nov. 3.

D. Nevada: 6 electors

Nevada is an extremely problematic State, because it requires the meeting of the electors to be overseen by the Secretary of State, who is only supposed to permit electoral votes for the winner of the popular vote in Nevada. **Nev. Rev. Stats. §§ 298.065, 298.075** (see [here](#)).

These provisions are designed to thwart the “faithless elector.” They make no sense when applied to this situation, in which we are trying to have an alternate slate vote, in hopes that its legitimacy will be validated before January 6. Therefore, perhaps arguably the Nevada electors could simply meet and cast their votes, without the involvement of the Secretary of State. After all if, as in the Hawaii example in 1960, an alternate slate can meet and vote without the Governor’s certificate in hand, and the votes can later be deemed valid, then why should it matter that the alternate slate in Arizona, when voting on December 14, did not have the Secretary of State overseeing their voting?

It bears notice that in any scenario in which Trump and Pence might have a possibility of winning Nevada’s electoral votes, the failure to have the Secretary of State oversee the vote would hardly seem like a significant hurdle. If there were a vote in Congress to take Nevada away from Biden and Harris, presumably along with it would come a vote to overlook this procedural detail.

E. Pennsylvania: 20 electors

The statutory provisions in Pennsylvania parallel those in Georgia.

25 Pa. Stats. § 3192 ([here](#)) states that the electors “shall assemble at the seat of government of this Commonwealth, at 12 o'clock noon of” December 14. Again, does “seat of government” mean somewhere in Harrisburg, or does it instead mean the Capitol Building, specifically?

25 Pa. Stats. § 3194 ([here](#)) supplies a mechanism for replacing one or more of the 20 electors if someone dies or fails to attend. In that event, the electors in attendance “shall proceed to choose viva voce a person of the same political party . . . to fill the vacancy”

However, just as in Georgia, there is a wrinkle: the choice must be ratified: “immediately after such choice the name of the person so chosen shall be transmitted by the presiding officer of the college to the Governor, who shall forthwith cause notice in writing to be given to such person of his election” Given this statutory provision, **it seems imperative that every effort be made to secure the participation of all 20 electors, and to avoid making a substitution if at all possible.**

F. Wisconsin: 10 electors

Under Wisconsin law, the electors “shall meet at the state capitol,” which presumably means the Capitol Building (“state capitol” being a term more specific than “seat of government”), “at 12:00 noon.” Wis. Stat. § 7.75(1) ([here](#)).

Any absent elector may readily be replaced. *Id.* (“if there is a vacancy in the office of an elector due to death, refusal to act, failure to attend or other cause, the electors present shall immediately proceed to fill by ballot, by a plurality of votes, the electoral college vacancy.”).

* * *

In conclusion, it appears that voting by an alternate slate of electors is unproblematic in Arizona and Wisconsin; slightly problematic in Michigan (requiring access to the senate chamber); somewhat dicey in Georgia and Pennsylvania in the event that one or more electors don’t attend (require gubernatorial ratification of alternates); and very problematic in Nevada (given the role accorded to the Secretary of State).

K.C.

EXHIBIT 27

EXHIBIT 27



Jim DeGraffenreid <jim@nevadagop.org>

URGENT -- Trump-Pence campaign asked me to contact you to coordinate Dec. 14 voting by Nevada electors

Jim DeGraffenreid <jim@nevadagop.org>

Fri, Dec 11, 2020 at 6:00 AM

To: Kenneth Chesebro [REDACTED]

Cc: Jesse Binnall [REDACTED]

Hi, Ken,

Forwarding your question on the lawsuit to our lead attorney, Jesse Binnall, copied on this email, as he is most up to date on the situation with our state level case in Nevada.

On Fri, Dec 11, 2020, 01:20 Kenneth Chesebro <[REDACTED]> wrote:

Thanks for passing this along.

No, the COA need not be attached to the electoral votes -- the purpose of having the electoral votes sent in to Congress is to provide the opportunity to debate the election irregularities in Congress, and to keep alive the possibility that the votes could be flipped to Trump and Biden.

In that connection, can you tell me whether all court challenges Nevada are final? I'm wondering if there will an effort to seek Supreme Court review of this decision:

<https://thehill.com/homenews/administration/529382-nevada-supreme-court-rejects-trump-campaign-appeal-affirms-biden-win>

Thanks again!

From: Jim DeGraffenreid <jim@nevadagop.org>

Sent: Friday, December 11, 2020 1:13 AM

To: Kenneth Chesebro <[REDACTED]>

Subject: Re: URGENT -- Trump-Pence campaign asked me to contact you to coordinate Dec. 14 voting by Nevada electors

Thank you for this information.

We were provided with a Certificate of Ascertainment - we had to have it corrected, as the SOS and Governor initially listed our alternates instead of our electors. Attached a copy - of course, it shows us with less votes than the Biden electors.

Should we use this COA for anything?

On Thu, Dec 10, 2020, 23:18 Kenneth Chesebro <[REDACTED]> wrote:

Wonderful to hear!

Thank you for getting back to me so quickly, despite your hectic schedule.

I spoke this evening with Mayor Giuliani, who is focused on doing everything possible to ensure that that all the Trump-Pence electors vote on Dec. 14. He was glad to hear of your agreement with this strategy.

As background, I attach **my Nov. 18 memo** explaining the upside of this strategy, and, **my Dec. 9 memo** on the logistics, including the issues raised by state-law provisions regarding the Electoral College.

You'll note that page 4 of the Dec. 9 memo mentions a concern regarding Nevada law, about the role of the Secretary of State. It may well be that the electoral vote needs to proceed without the participation of the Secretary of State, on

the view that these technical aspects of state law are unlikely to matter much in the end.

Of more practical use, attached are drafts of the Certificate that might be used on Dec. 14, along with a form to use in filling vacancies, if any might arise.

Also attached is a draft memo that could be mailed with the Certificates.

In terms of logistics, what's key is for the electors to assemble at the appointed time, and each personally sign the six (6) duplicate originals, make a copy of one of them (to convert to a PDF to circulate), and enclose each of them in an internal envelope, which will be tightly sealed, and labeled outside something like:

**"ELECTORAL VOTES OF THE STATE OF NEVADA
FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES."**

This is the envelope that will then be opened only by the President of the Senate on January 6.

Then, the four mailing envelopes would be addressed with the addresses I've listed in the memo.

Pretty simple!

Note: the items I've listed on the memo as sent by Registered Mail need to be sent by **REGISTERED** (not certified) mail, which is required by the statute. Certified mail didn't exist in the 1940s when the relevant statute was enacted. The Bush team almost messed up on this in 2000!

Thank you so much for your rapid response. Please don't hesitate to contact me, 24/7, at 617-895-6196.

On Thu, Dec 10, 2020, 16:27 Kenneth Chesebro <kenchesebro@msn.com> wrote:

Mr. DeGraffenried,

Mayor Giuliani and others with the Trump-Pence campaign (including Justin Clark and Nick Trainer) asked me to reach out to you and the other Nevada electors to run point on the plan to have all Trump-Pence electors in all six contested States meet and transmit their votes to Congress on Monday, Dec. 14.

I'm one of the lawyers handling the state-court litigation in Wisconsin, the first State which made definite plans to have our electors vote on Monday.

Confidentially, so you can understand how we're messaging it, below is a draft press release by our lead lawyer in WI, which would be released only after we file papers in the WI Supreme Court (following an expected loss in the lower court), which we expect to do Saturday.

I'd appreciate if you or someone else on your team could get in touch with me as soon as possible. I have two memos explaining the rationale for the electors voting on Monday (though you may already have those), and I am preparing drafts of the documents that the electors in Nevada could sign to effect their votes, in case having drafts in hand would be of help.

Call or write anytime, night or day.

Sincerely,

Ken Chesebro

[REDACTED]

Kenneth Chesebro

[REDACTED]
Boston, MA 02210
[REDACTED]
[REDACTED]

(Admitted in CA, FL, IL, MA, NJ, NY, and TX)

<https://www.linkedin.com/in/ken-chesebro>

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Proposed Jim Troupis Statement on Electors' Meeting

As the legal proceedings arising from the November 3 presidential election continue to work their way through the Wisconsin court system, I have advised the Republican Party of Wisconsin to convene a separate Republican electors' meeting and have the Trump-Pence electors cast their votes at the Wisconsin State Capitol on December 14.

Of course, there is precedent for such a meeting. Democrat electors pledged to John F. Kennedy convened in Hawaii in 1960, at the same time as Republicans, even though the Governor had certified Richard Nixon as the winner. In the end, the State's electoral votes were awarded to President Kennedy, even though he did not win the state until 11 days after his electors cast their votes.

The legitimacy and good sense of two sets of electors meeting on December 14 to cast competing votes for President and Vice President, with the conflict to be later sorted out by the courts and Congress, was pointed out by prominent Democrat activists Larry Lessig and Van Jones in an essay published last month [on CNN.com](#).

Given that the results in Wisconsin are still in doubt, with legal arguments that have yet to be decided, just as the Democrat electors met in Hawaii in 1960 while awaiting a final resolution of that State's vote, so too the Republican electors should meet this year on December 14 as we await a final resolution in Wisconsin.

EXHIBIT 28

EXHIBIT 28

Subject: Re: Corrected elector forms for tomorrow

From: Jim DeGraffenreid <jim@nevadagop.org>

Date: 12/13/2020, 9:44 PM

To: D James Hindle <djhthree@gmail.com>

CC: Shawn Meehan <airlifter2@gmail.com>, Michael McDonald <mcdonaldnv@gmail.com>, Jessica Hanson <jessica.hanson@nevadagop.org>, Wesley Rice <tahoerice@charter.net>, Jesse Law <jesse.law@gmail.com>, Jeremy Hughes - Political <JHughes@gop.com>

Jesse Law has offered to print all the documents. Final versions are attached. Nobody but Jesse needs to print....thank you!

Jim DeGraffenreid

National Committeeman

Nevada Republican Party

jim@nevadagop.org

On Mon, Dec 14, 2020 at 12:39 AM D James Hindle <djhthree@gmail.com> wrote:

Jim are you printing out hard copies? I was going to. Jessie L was also going to print based on your previous doc versions. Sounds like you are doing some edits. So hope you're planning on printing.

D. James Hindle III

Virginia City, NV

T: 775-847-0796

M: 206-399-5588

E: djhthree@gmail.com

On Dec 13, 2020, at 21:18, Jim DeGraffenreid <jim@nevadagop.org> wrote:

Agreed...the language is very clear. I will make that change.

On Sun, Dec 13, 2020, 20:45 Shawn Meehan <airlifter2@gmail.com> wrote:

Question,

12th Amendment says to prepare distinct ballots and distinct lists. The ballots you sent are separate (distinct), individual sheets of paper / ballots. The lists (two) are on one sheet of paper. Should they also, being required to be "distinct" also be two separate sheets of paper?

As we're paying attention to details here, such could be important.

Shawn

APP 1059

"The electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in **distinct ballots** the person voted for as Vice-President, and they shall make **distinct lists** of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate...."

— 12th Amendment

On December 13, 2020, at 4:22 AM, Jim DeGraffenreid <jim@nevadagop.org> wrote:

Attached are the corrected elector ballots and forms for tomorrow - primarily I changed "Arizona" to "Nevada" everywhere it appeared, and corrected Chairman of the College to Michael J.

Please advise of any other needed changes.

Jim DeGraffenreid

National Committeeman

Nevada Republican Party

jim@nevadagop.org

<Cover Memo for Electoral Votes.docx><Individual Vice Presidential Ballots for Electors.docx><NV Certificate of the Votes of Trump-Pence electors.docx><Individual Presidential Ballots Electors.docx><COA Nevada 2020.pdf><Vacancy Certification Dec 14 2020.docx>

— Attachments: —

Cover Memo for Electoral Votes.docx	21.4 kB
NV Certificate of the Vote for President Dec 14 2020.docx	24.5 kB
Individual Presidential Ballots Electors.docx	64.0 kB
NV Certificate of the Vote for Vice President Dec 14 2020.docx	24.5 kB
Individual Vice Presidential Ballots for Electors.docx	64.3 kB
Vacancy Certification Dec 14 2020.docx	21.9 kB

MEMORANDUM

TO: President of the Senate (By Registered Mail)
United States Senate
Washington, D.C. 20510

Archivist of the United States (By Registered Mail)
700 Pennsylvania Avenue, NW
Washington, DC 20408

Secretary of State (By Certified Mail)
State of Nevada
101 North Carson Street, Suite 3
Carson City, NV 89701

Chief Judge, U.S. District Court (By Certified Mail)
District of Nevada
Lloyd D. George Courthouse
333 Las Vegas Blvd. South
Las Vegas, NV 89101

FROM: Michael J. McDonald, Chairperson, Electoral College of Nevada

DATE: December 14, 2020

RE: Nevada's Electoral Votes for President and Vice President

Pursuant to 3 U.S.C. § 11, enclosed please find duplicate originals of Nevada's electoral votes for President and Vice President, as follows: two (2) duplicate originals for the President of the Senate and the Archivist, and one (1) duplicate original for the Secretary of State and Chief Judge.

[sign; no need for separate signature line]

STATE OF NEVADA

NEVADA PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR PRESIDENT OF THE UNITED STATES

I hereby cast my vote for _____
for President of the United States.

Signed _____
James DeGraffenreid

STATE OF NEVADA

NEVADA PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR PRESIDENT OF THE UNITED STATES

I hereby cast my vote for _____
for President of the United States.

Signed _____
Michael J. McDonald

STATE OF NEVADA

NEVADA PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR PRESIDENT OF THE UNITED STATES

I hereby cast my vote for _____
for President of the United States.

Signed _____
Jesse Law

STATE OF NEVADA

NEVADA PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR PRESIDENT OF THE UNITED STATES

I hereby cast my vote for _____
for President of the United States.

Signed _____
Shawn Meehan

STATE OF NEVADA

NEVADA PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR PRESIDENT OF THE UNITED STATES

I hereby cast my vote for _____
for President of the United States.

Signed _____
Durward James Hindle III

STATE OF NEVADA

NEVADA PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR PRESIDENT OF THE UNITED STATES

I hereby cast my vote for _____
for President of the United States.

Signed _____
Eileen Rice

STATE OF NEVADA

NEVADA PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR PRESIDENT OF THE UNITED STATES

I hereby cast my vote for _____
for President of the United States.

Signed _____
James Marchant

STATE OF NEVADA

NEVADA PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR PRESIDENT OF THE UNITED STATES

I hereby cast my vote for _____
for President of the United States.

Signed _____
Joseph Burdzinski

STATE OF NEVADA

NEVADA PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR PRESIDENT OF THE UNITED STATES

I hereby cast my vote for _____
for President of the United States.

Signed _____

Print Name: _____

STATE OF NEVADA

NEVADA VICE PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR VICE PRESIDENT OF THE UNITED STATES

I hereby cast my vote for _____
for Vice President of the United States.

Signed _____
James DeGraffenreid

STATE OF NEVADA

NEVADA VICE PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR VICE PRESIDENT OF THE UNITED STATES

I hereby cast my vote for _____
for Vice President of the United States.

Signed _____
Michael J. McDonald

STATE OF NEVADA

NEVADA VICE PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR VICE PRESIDENT OF THE UNITED STATES

I hereby cast my vote for _____
for Vice President of the United States.

Signed _____
Jesse Law

STATE OF NEVADA

NEVADA VICE PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR VICE PRESIDENT OF THE UNITED STATES

I hereby cast my vote for _____
for Vice President of the United States.

Signed _____
Shawn Meehan

STATE OF NEVADA

NEVADA VICE PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR VICE PRESIDENT OF THE UNITED STATES

I hereby cast my vote for _____
for Vice President of the United States.

Signed _____
Durward James Hindle III

STATE OF NEVADA

NEVADA VICE PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR VICE PRESIDENT OF THE UNITED STATES

I hereby cast my vote for _____
for Vice President of the United States.

Signed _____
Eileen Rice

STATE OF NEVADA

NEVADA VICE PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR VICE PRESIDENT OF THE UNITED STATES

I hereby cast my vote for _____
for Vice President of the United States.

Signed _____
James Marchant

STATE OF NEVADA

NEVADA VICE PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR VICE PRESIDENT OF THE UNITED STATES

I hereby cast my vote for _____
for Vice President of the United States.

Signed _____
Joseph Burdzinski

STATE OF NEVADA

NEVADA VICE PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR VICE PRESIDENT OF THE UNITED STATES

I hereby cast my vote for _____
for Vice President of the United States.

Signed _____

Print Name: _____

**CERTIFICATE OF THE VOTES OF THE
2020 ELECTORS FROM NEVADA**

WE, THE UNDERSIGNED, being the duly elected and qualified Electors for President and Vice President of the United States of America from the State of Nevada, do hereby certify the following:

- (A) That we convened and organized at the State Capitol, in Carson City, Nevada, at 12:00 noon on the 14th day of December, 2020, to perform the duties enjoined upon us;
- (B) That being so assembled and duly organized, we proceeded to vote by ballot, and balloted first for President and then for Vice President, by distinct ballots; and
- (C) That the following are two distinct lists, one, of all the votes for President; and the other, of all the votes for Vice President, so cast as aforesaid:

FOR PRESIDENT

Names of the Persons Voted For	Number of Votes
DONALD J. TRUMP of the State of Florida	6

IN WITNESS WHEREOF, we, the undersigned, have hereunto, at the Capitol, in Carson City, in the State of Nevada, on this 14th day of December, 2020, subscribed our respective names.

Michael J. McDonald, Chairperson

James DeGraffenreid, Secretary

Durward James Hindle III

Jesse Law

Shawn Meehan

Eileen Rice

CERTIFICATE OF FILLING VACANCY OF THE 2020 ELECTORS FROM NEVADA

Upon the call of the roll, a vacancy became known due to the absence of
Elector

Thereupon, by nomination duly made and seconded,

Was elected by the Electors present, as an Elector of President and Vice President of the
United States of America for the State of Nevada to fill the vacancy in the manner provided
by law. This Elector participated in the proceedings as set forth in the record of the
Electoral College.

IN WITNESS WHEREOF, the undersigned
Chairperson and Secretary of the
Electoral College of Nevada hereunto
Subscribe their names this 14th day
of December, 2020.

Michael J. McDonald, Chairperson

James DeGraffenreid, Secretary

CERTIFICATE OF THE VOTES OF THE 2020 ELECTORS FROM NEVADA

WE, THE UNDERSIGNED, being the duly elected and qualified Electors for President and Vice President of the United States of America from the State of Nevada, do hereby certify the following:

- (A) That we convened and organized at the State Capitol, in Carson City, Nevada, at 12:00 noon on the 14th day of December, 2020, to perform the duties enjoined upon us;
- (B) That being so assembled and duly organized, we proceeded to vote by ballot, and balloted first for President and then for Vice President, by distinct ballots; and
- (C) That the following are two distinct lists, one, of all the votes for President; and the other, of all the votes for Vice President, so cast as aforesaid:

FOR VICE PRESIDENT

Names of the Persons Voted For	Number of Votes
MICHAEL R. PENCE of the State of Indiana	6

IN WITNESS WHEREOF, we, the undersigned, have hereunto, at the Capitol, in Carson City, in the State of Nevada, on this 14th day of December, 2020, subscribed our respective names.

Michael J. McDonald, Chairperson

James DeGraffenreid, Secretary

Durward James Hindle III

Jesse Law

Shawn Meehan

Eileen Rice

CERTIFICATE OF FILLING VACANCY OF THE 2020 ELECTORS FROM NEVADA

Upon the call of the roll, a vacancy became known due to the absence of
Elector

Thereupon, by nomination duly made and seconded,

Was elected by the Electors present, as an Elector of President and Vice President of the
United States of America for the State of Nevada to fill the vacancy in the manner provided
by law. This Elector participated in the proceedings as set forth in the record of the
Electoral College.

IN WITNESS WHEREOF, the undersigned
Chairperson and Secretary of the
Electoral College of Nevada hereunto
Subscribe their names this 14th day
of December, 2020.

Michael J. McDonald, Chairperson

James DeGraffenreid, Secretary

CERTIFICATE OF FILLING VACANCY OF THE 2020 ELECTORS FROM NEVADA

Upon the call of the roll, a vacancy became known due to the absence of
Elector

[NAME 1]

Thereupon, by nomination duly made and seconded,

[NAME 2]

Was elected by the Electors present, as an Elector of President and Vice President of the United States of America for the State of Nevada to fill the vacancy in the manner provided by law. This Elector participated in the proceedings as set forth in the record of the Electoral College.

IN WITNESS WHEREOF, the undersigned
Chairperson and Secretary of the
Electoral College of Nevada hereunto
Subscribe their names this 14th day
of December, 2020.

Michael J. McDonald, Chairperson

James DeGraffenreid, Secretary

EXHIBIT 29

EXHIBIT 29

Subject: Fwd: Elector meeting documentation
From: Jim DeGraffenreid <jim@nevadagop.org>
Date: 12/14/2020, 8:16 PM
To: private@bernardkerik.com
CC: Michael McDonald <mcdonaldnv@gmail.com>

Chairman McDonald asked me to forward a copy of this email to you....thank you!

Jim DeGraffenreid

National Committeeman
Nevada Republican Party
jim@nevadagop.org

----- Forwarded message -----

From: **Jim DeGraffenreid** <jim@nevadagop.org>
Date: Mon, Dec 14, 2020 at 8:12 PM
Subject: Elector meeting documentation
To: Kenneth Chesebro <kenchesebro@msn.com>, Michael McDonald <mcdonaldnv@gmail.com>
Cc: Jeremy Hughes - Political <JHughes@gop.com>, Jessica Hanson <jessica.hanson@nevadagop.org>, Jolette Gowens NVGOP <jo@nevadagop.org>, Shawn Meehan <airlifter2@gmail.com>, Wesley Rice <tahoerice@charter.net>, DJames & Carlyn Hindle <djhthree@gmail.com>, Jesse Law <jesse.law@gmail.com>

Attached is a copy of the elector meeting documentation for Nevada, along with the tracking info for the mailings sent. Also attached is the instructions we were given for the mailing which we followed exactly.

Please advise if you have any questions - thank you!

Jim DeGraffenreid

National Committeeman
Nevada Republican Party
jim@nevadagop.org

— Addressed outer envelopes Dec 14 2020.jpg —

APP 1088

MICHAEL J. McDONALD
NEVADA REPUBLICAN PARTY
840 S. RANCHO DR. 4-800
LAS VEGAS, NV. 89106

SECRETARY OF STATE
STATE OF NEVADA
101 N. CARSON ST., SUITE 3
CARSON CITY, NV. 89701

MICHAEL J. McDONALD
NEVADA REPUBLICAN PARTY
840 S. RANCHO DR. 4-800
LAS VEGAS, NV 89106

HONORABLE MIRANDA M
CHIEF JUDGE, U.S. D
DISTRICT OF NEV
LLOYD D. GEORGE
333 LAS VEGAS T
LAS VEGAS, N

MICHAEL J. McDONALD
NEVADA REPUBLICAN PARTY
840 S. RANCHO DR. 4-800
LAS VEGAS, NV 89106

PRESIDENT OF THE SENATE
UNITED STATES SENATE
WASHINGTON, DC 20510

MICHAEL J. McDONALD
NEVADA REPUBLICAN PARTY
840 S. RANCHO DR. 4-800
LAS VEGAS, NV 89106

ARCHIVIST OF T
700 PENNSYLVAN
WASHINGTON, D.

— Attachments:

Elector process instructions Dec 2020.pdf	98.9 kB
USPS Receipt Nevada Dec 14 2020.pdf	923 kB
Cover Memo for Electoral Votes Dec 14 2020.pdf	553 kB
Tracking Forms Elector Mailings Dec 14 2020.pdf	1.4 MB
Vice Presidential Elector Certificate and Ballots Dec 14 2020.pdf	2.3 MB
Presidential Elector Certificate and Ballots Dec 14 2020.pdf	2.2 MB
Addressed outer envelopes Dec 14 2020.jpg	2.5 MB

MEMORANDUM

TO: President of the Senate (By Registered Mail)
United States Senate
Washington, D.C. 20510

Archivist of the United States (By Registered Mail)
700 Pennsylvania Avenue, NW
Washington, DC 20408

Secretary of State (By Certified Mail)
State of Nevada
101 North Carson Street, Suite 3
Carson City, NV 89701

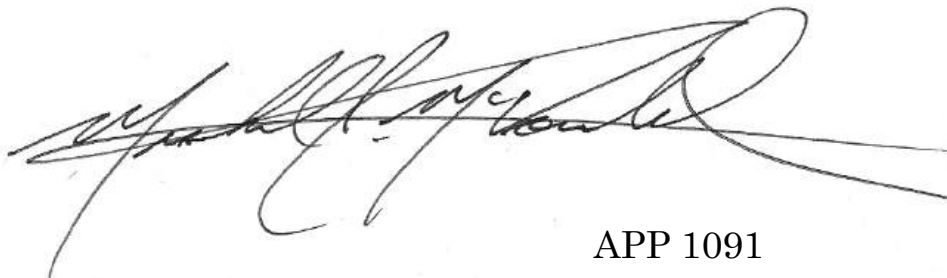
Chief Judge, U.S. District Court (By Certified Mail)
District of Nevada
Lloyd D. George Courthouse
333 Las Vegas Blvd. South
Las Vegas, NV 89101

FROM: Michael J. McDonald, Chairperson, Electoral College of Nevada

DATE: December 14, 2020

RE: Nevada's Electoral Votes for President and Vice President

Pursuant to 3 U.S.C. § 11, enclosed please find duplicate originals of Nevada's electoral votes for President and Vice President, as follows: two (2) duplicate originals for the President of the Senate and the Archivist, and one (1) duplicate original for the Secretary of State and Chief Judge.



APP 1091

MEMORANDUM

TO: James R. Troupis
FROM: Kenneth Chesebro
DATE: December 9, 2020
RE: **Statutory Requirements for December 14 Electoral Votes**

Here is a summary of the requirements under federal law, and under the law of the six States in controversy, concerning what is required for presidential electors to validly cast and transmit their votes. Obviously, there are party leaders and/or officials in each State who are familiar with the relevant details who would deal with the logistics, most of whom have handled such details in past elections. This memo merely supplies a general overview.

It appears that even though none of the Trump-Pence electors are currently certified as having been elected by the voters of their State, most of the electors (with the possible exception of the Nevada electors) will be able to take the essential steps needed to validly cast and transmit their votes, so that the votes might be eligible to be counted if later recognized (by a court, the state legislature, or Congress) as the valid ones that actually count in the presidential election. (On why this could work, see here and here.) And, they can do so without any involvement by the governor or any other state official (except, in some States, where access to the Capitol Building is or might be needed, or where the Governor must approve a substitute elector or, in Nevada, where the Secretary of State is involved).

It is important that the Trump-Pence Campaign focus carefully on these details, as soon as possible, if the aim is to ensure that all 79 electoral votes are properly cast and transmitted – each electoral vote being potentially important if the election ultimately extends to, and perhaps past, January 6 in Congress. The National Archives has a very helpful checklist, here.

I. FEDERAL LAW

The federal-law requirements for the December 14 electors' meeting are set out in 3 U.S.C. §§ 6-11 (copy here).

- Under federal law, the Trump-Pence electors must all meet, together, on December 14, “at such place in each State as the legislature of such State shall direct.” 3 U.S.C. § 7.

- In most States there is no requirement that they meet in public. It might be preferable for them to meet in private, if possible, to thwart the ability of protesters to disrupt the event. Witness, via this video, what happened when the Trump-Pence electors met in public in Wisconsin in 2016, even though the Trump-Pence victory had not been contested. Even if held in private, perhaps print and even TV journalists would be invited to attend to cover the event.

- Preferably all electors who were on the ballot in the particular State would be in attendance. But if some are unwilling (due to intimidation) or unable to make it, at least four of the States permit the electors who do attend to fill the empty slots with alternates. However, it is vital that any party stalwarts who are on hand to fill in if necessary be constitutionally eligible to serve – i.e., per Art. II, § 1, cl. 2, not a federal official or federal employee (not even having reserve status in the military).

- The electors would then all vote for Trump for President, and Pence for Vice President, separately. 3 U.S.C. § 8.

- The electors would then prepare and sign six identical sets of papers – “certificates” – listing under separate headings their votes, indicating that each of them has voted for Trump for President, and Pence for Vice President. 3 U.S.C. § 9. (For examples, see [here](#) the 2016 certificate signed in Wisconsin by its ten electors; images of the certificates submitted in 2016 are archived [here](#)).

- The only thing ordinarily contemplated by § 9 that the Trump-Pence electors would not be able to do is include with their certificates the certificate of ascertainment that the governor is directed to give the winning electors pursuant to 3 U.S.C. § 6. But, as the Hawaii 1960 example shows (see [here](#) and [here](#)), this is hardly fatal; proof that the Trump-Pence electors are the validly appointed ones can be furnished to Congress before it meets on January 6.

- Next, the electors would place each certificate in a separate envelope, seal up the envelopes, and indicate on the outside of the envelopes that they contain the votes of the State for President and Vice President. 3 U.S.C. § 10.

- Finally, the electors would transmit the six envelopes containing identical originals of their votes as follows:

- 1 to the President of the Senate, by registered mail, on the same day (“forthwith”).

- 2 to the Secretary of State of the State, one to be held in reserve for the President of the Senate, and the other to be preserved as a public record.

- 2 to the National Archives, one to be held in reserve for the President of the Senate, and the other to be preserved as a public record, also by registered mail (“[o]n the day thereafter”).

- 1 to the federal district court where the electors meet.

II. STATE LAW

A. Arizona: 11 electors

The most straightforward State is Arizona, whose statutory provision regarding presidential elections lists no additional requirements beyond the federal-law requirements set out above. **Ariz. Rev. Stats. § 16-212** ([here](#)).

Assuming it is confirmed that there are no additional requirements (check carefully; perhaps there are regulations, for example, issued by the Secretary of State), the Trump-Pence electors presumably could meet and cast their votes anywhere in Arizona, anytime on December 14.

One concern: if one or more electors are absent from the meeting, **is there a procedure under Arizona law for filling vacancies?** The other five States make provision for that contingency. In the absence of any guidance, the electors present should simply vote to fill any vacancy.

B. Georgia: 16 electors

Georgia has two statutory provisions:

Ga. Code Ann. § 21-2-11 ([here](#)) requires that the electors “assemble at the seat of government of this state at 12:00 Noon” on December 14. But what does “seat of government” mean? See [here](#). At minimum, they must meet somewhere in Atlanta – must they meet in the Capitol Building?

Ga. Code Ann. § 21-2-12 ([here](#)) supplies a mechanism for replacing one or more of the 16 electors if someone dies or fails to attend. In that event, the electors in attendance “shall proceed to choose by voice vote a person of the same political party . . . to fill the vacancy”

However, there’s a wrinkle. Unlike in other States, where that choice is automatically effective, in Georgia a choice must be ratified: “immediately after such choice the name of the person so chosen shall be transmitted by the presiding officer of the college to the Governor, who shall immediately cause notice of his or her election in writing to be given to such person.”

Could the Governor, in the current situation, refuse to ratify the choice, on the ground that this slate of electors is not the one the voters elected on Nov. 3 (according to the official canvass)? Given this statutory provision, **it seems imperative that every effort be made to secure the participation of all 16 electors, and to avoid making a substitution if at all possible.**

C. Michigan: 16 electors

The relevant provisions of Michigan law are **Mich. Comp. Laws §§ 168.41 & 168.47** ([here](#)).

Michigan is much more specific about the location in which electors must meet, which could be a bit awkward.

Under § 168.47, the electors “shall convene in the senate chamber at the capitol of the state at 2 p.m., eastern standard time” However, there is no requirement that they convene on the senate floor where, presumably, the Biden-Harris electors will convene. Presumably they could convene in the senate gallery.

Replacement of any absent elector is much easier than in Georgia: the electors who show up “shall proceed to fill such vacancy by ballot, by a plurality of votes.”

However, the qualifications for such replacement are more stringent than the federal requirements: under § 168.41, a Michigan elector must have been a U.S. citizen for at least 10 years, and a resident of Michigan for at least a year prior to Nov. 3.

D. Nevada: 6 electors

Nevada is an extremely problematic State, because it requires the meeting of the electors to be overseen by the Secretary of State, who is only supposed to permit electoral votes for the winner of the popular vote in Nevada. **Nev. Rev. Stats. §§ 298.065, 298.075** (see [here](#)).

These provisions are designed to thwart the “faithless elector.” They make no sense when applied to this situation, in which we are trying to have an alternate slate vote, in hopes that its legitimacy will be validated before January 6. Therefore, perhaps arguably the Nevada electors could simply meet and cast their votes, without the involvement of the Secretary of State. After all if, as in the Hawaii example in 1960, an alternate slate can meet and vote without the Governor’s certificate in hand, and the votes can later be deemed valid, then why should it matter that the alternate slate in Arizona, when voting on December 14, did not have the Secretary of State overseeing their voting?

It bears notice that in any scenario in which Trump and Pence might have a possibility of winning Nevada’s electoral votes, the failure to have the Secretary of State oversee the vote would hardly seem like a significant hurdle. If there were a vote in Congress to take Nevada away from Biden and Harris, presumably along with it would come a vote to overlook this procedural detail.

E. Pennsylvania: 20 electors

The statutory provisions in Pennsylvania parallel those in Georgia.

25 Pa. Stats. § 3192 ([here](#)) states that the electors “shall assemble at the seat of government of this Commonwealth, at 12 o'clock noon of” December 14. Again, does “seat of government” mean somewhere in Harrisburg, or does it instead mean the Capitol Building, specifically?

25 Pa. Stats. § 3194 ([here](#)) supplies a mechanism for replacing one or more of the 20 electors if someone dies or fails to attend. In that event, the electors in attendance “shall proceed to choose viva voce a person of the same political party . . . to fill the vacancy”

However, just as in Georgia, there is a wrinkle: the choice must be ratified: “immediately after such choice the name of the person so chosen shall be transmitted by the presiding officer of the college to the Governor, who shall forthwith cause notice in writing to be given to such person of his election” Given this statutory provision, **it seems imperative that every effort be made to secure the participation of all 20 electors, and to avoid making a substitution if at all possible.**

F. Wisconsin: 10 electors

Under Wisconsin law, the electors “shall meet at the state capitol,” which presumably means the Capitol Building (“state capitol” being a term more specific than “seat of government”), “at 12:00 noon.” Wis. Stat. § 7.75(1) ([here](#)).

Any absent elector may readily be replaced. *Id.* (“if there is a vacancy in the office of an elector due to death, refusal to act, failure to attend or other cause, the electors present shall immediately proceed to fill by ballot, by a plurality of votes, the electoral college vacancy.”).

* * *

In conclusion, it appears that voting by an alternate slate of electors is unproblematic in Arizona and Wisconsin; slightly problematic in Michigan (requiring access to the senate chamber); somewhat dicey in Georgia and Pennsylvania in the event that one or more electors don’t attend (require gubernatorial ratification of alternates); and very problematic in Nevada (given the role accorded to the Secretary of State).

K.C.

**CERTIFICATE OF THE VOTES OF THE
2020 ELECTORS FROM NEVADA**

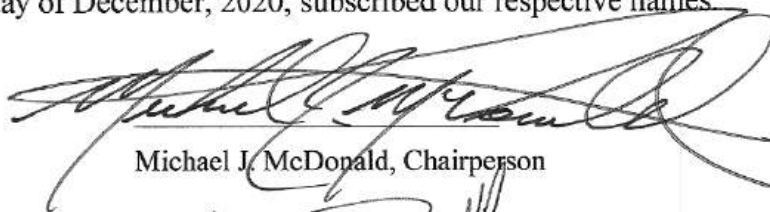
WE, THE UNDERSIGNED, being the duly elected and qualified Electors for President and Vice President of the United States of America from the State of Nevada, do hereby certify the following:

- (A) That we convened and organized at the State Capitol, in Carson City, Nevada, at 12:00 noon on the 14th day of December, 2020, to perform the duties enjoined upon us;
- (B) That being so assembled and duly organized, we proceeded to vote by ballot, and balloted first for President and then for Vice President, by distinct ballots; and
- (C) That the following is a list of all the votes for President, so cast as aforesaid:

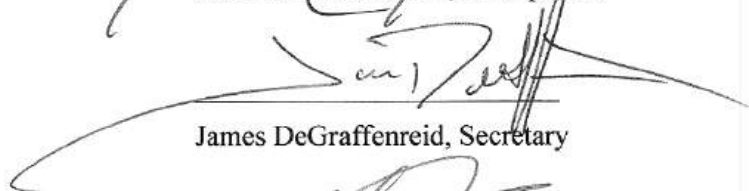
FOR PRESIDENT

<u>Names of the Persons Voted For</u>	<u>Number of Votes</u>
DONALD J. TRUMP of the State of Florida	6

IN WITNESS WHEREOF, we, the undersigned, have hereunto, at the Capitol, in Carson City, in the State of Nevada, on this 14th day of December, 2020, subscribed our respective names



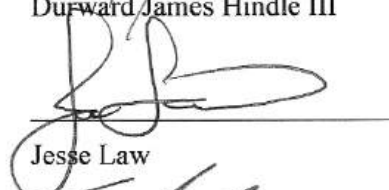
Michael J. McDonald, Chairperson



James DeGraffenreid, Secretary



Durward James Hindle III



Jesse Law



Shawn Meehan



Eileen Rice

STATE OF NEVADA

NEVADA PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR PRESIDENT OF THE UNITED STATES

I hereby cast my vote for Donald F. Trump
for President of the United States.

Signed


Michael J. McDonald

STATE OF NEVADA

NEVADA PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR PRESIDENT OF THE UNITED STATES

I hereby cast my vote for DONALD J. TRUMP
for President of the United States.

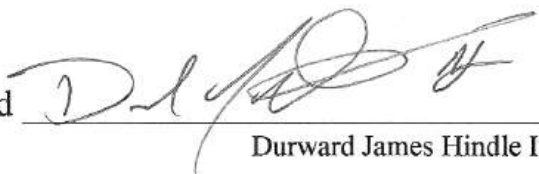
Signed _____


James DeGraffenreid

STATE OF NEVADA

NEVADA PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR PRESIDENT OF THE UNITED STATES

I hereby cast my vote for Donald J. Trump
for President of the United States.

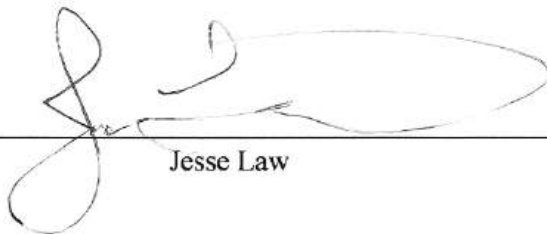
Signed 
Durward James Hindle III

STATE OF NEVADA

NEVADA PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR PRESIDENT OF THE UNITED STATES

I hereby cast my vote for Ronald J. Trump
for President of the United States.

Signed _____

A handwritten signature in black ink, appearing to read "Jesse Law", is written over a horizontal line.

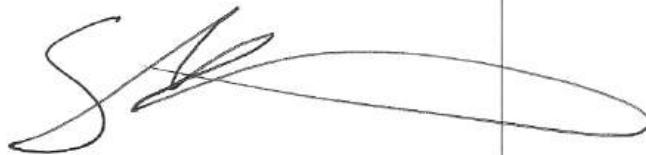
Jesse Law

STATE OF NEVADA

NEVADA PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR PRESIDENT OF THE UNITED STATES

I hereby cast my vote for DONALD J. TRUMP
for President of the United States.

Signed



Shawn Meehan

STATE OF NEVADA

NEVADA PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR PRESIDENT OF THE UNITED STATES

I hereby cast my vote for DONALD J. TRUMP
for President of the United States.

Signed Eileen A. Rice
Eileen Rice

Registered No. RB362762703US

Date Stamp

To Be Completed
By Post Office

Reg. Fee	\$4.20	
Handling Charge	\$12.60	Return Receipt
Postage	16.80	Restricted Delivery
Received by	dfo	\$16.80
Customer Must Declare Full Value \$0.00		



OFFICIAL USE

To Be Completed By Customer
(Please Print)
All Entries Must Be in Ballpoint or Typed

FROM
MICHAEL J. McDONALD
NEVADA REPUBLICAN PARTY
840 S. RANCHO DR. 4-800
LAS VEGAS, NV 89106
PRESIDENT OF THE SENATE
UNITED STATES SENATE
WASHINGTON, DC 20510

PS Form 3806, Receipt for Registered Mail Copy 1 - Customer
May 2007 (7530-02-000-9051) (See Information on Reverse)
For domestic delivery information, visit our website at www.usps.com

Registered No. RB362762694US

Date Stamp

To Be Completed
By Post Office

Reg. Fee	\$5.00	
Handling Charge	\$12.60	Return Receipt
Postage	17.10	Restricted Delivery
Received by	dfo	\$17.40
Customer Must Declare Full Value \$0.00		



OFFICIAL USE

To Be Completed By Customer
(Please Print)
All Entries Must Be in Ballpoint or Typed

FROM
MICHAEL J. McDONALD
NEVADA REPUBLICAN PARTY
840 S. RANCHO DR. 4-800
LAS VEGAS, NV 89106
ARCHIVIST OF THE UNITED STATES
700 PENNSYLVANIA AVE NW
WASHINGTON, D.C. 20408

PS Form 3806, Receipt for Registered Mail Copy 1 - Customer
May 2007 (7530-02-000-9051) (See Information on Reverse)
For domestic delivery information, visit our website at www.usps.com

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

For delivery information, visit our website at www.usps.com

Las Vegas, NV 89101

Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$1.60

Total Postage and Fees \$2.00

Sent To
MIRANDA DU, CHIEF JUDGE, US DIST. CT.
Street and Apt. No., or PO Box No.
333 LAS VEGAS BL. SOUTH
City, State, ZIP+4®
LAS VEGAS, NV. 89109

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

For delivery information, visit our website at www.usps.com

Carson City, NV 89701

Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$2.20

Total Postage and Fees \$8.60

Sent To
SECRETARY OF STATE, STATE OF NV
Street and Apt. No., or PO Box No.
101 S. CARSON ST., SUITE 3
City, State, ZIP+4®
CARSON CITY, NV. 89701

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

Due to limited transportation availability as a result of nationwide COVID-19 impacts package delivery times may be extended. Priority Mail Express® service will not change.

Due to the security of Registered Mail, an additional 3-10 delivery days should be added to the expected delivery date provided.

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit www.usps.com USPS Tracking or call 1-800-222-1811.

Save this receipt as evidence of insurance. For information on filing an insurance claim go to <https://www.usps.com/help/claims.htm>

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UFN: 315840-0423
Receipt #: 840-58900082-2-3342874-2
Clerk: 16



MINDEN
1640 US HIGHWAY 395 N
MINDEN, NV 89423-4307
(800)275-8777

12/14/2020 04:16 PM

Product	Qty	Unit Price	Price
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First-Class Mail® Large Envelope	1		\$2.20
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Carson City, NV 89701
Weight: 0 lb 6.90 oz
Estimated Delivery Date
Thu 12/17/2020

Certified Mail® Tracking #:			\$3.55
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70192970000065258638

Return Receipt Tracking #:			\$2.85
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9590 9402 6166 0220 0158 72

Total			\$8.60
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First-Class Mail® Large Envelope	1		\$1.60
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Las Vegas, NV 89101
Weight: 0 lb 3.80 oz
Estimated Delivery Date
Fri 12/18/2020

Certified Mail® Tracking #:			\$3.55
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70192970000065258645

Return Receipt Tracking #:			\$2.85
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9590 9402 6166 0220 0157 97

Total			\$8.00
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First-Class Mail® Package	1		\$4.20
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Washington, DC 20510
Weight: 0 lb 4.00 oz
Estimated Delivery Date
Fri 12/18/2020

Registered Mail® Amount: \$0.00			\$12.60
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Tracking #:

RB362762703US

Total			\$16.80
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First-Class Mail® Package	1		\$5.00
------------------------------	---	--	--------

Washington, DC 20408
Weight: 0 lb 7.10 oz
Estimated Delivery Date
Fri 12/18/2020

Registered Mail® Amount: \$0.00			\$12.60
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Tracking #:

RB362762694US

Total			\$17.60
-------	--	--	---------

Grand Total:			\$51.00
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Credit Card Remitted			\$51.00
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Card Name: MasterCard
Account #: XXXXXXXXXXXX8255
Approval #: 065342
Transaction #: 696
AID: A0000000041010 Chip
AL: MASTERCARD
PIN: Not Required CAPITAL ONE

**CERTIFICATE OF THE VOTES OF THE
2020 ELECTORS FROM NEVADA**

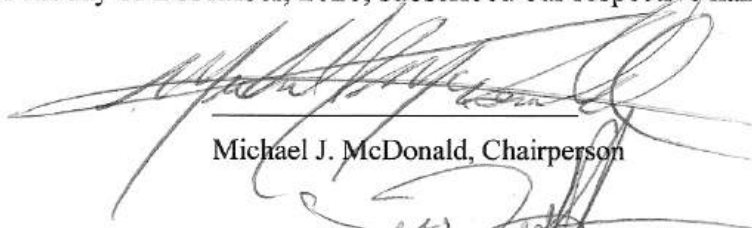
WE, THE UNDERSIGNED, being the duly elected and qualified Electors for President and Vice President of the United States of America from the State of Nevada, do hereby certify the following:

- (A) That we convened and organized at the State Capitol, in Carson City, Nevada, at 12:00 noon on the 14th day of December, 2020, to perform the duties enjoined upon us;
- (B) That being so assembled and duly organized, we proceeded to vote by ballot, and balloted first for President and then for Vice President, by distinct ballots; and
- (C) That the following is a distinct list of all the votes for Vice President, so cast as aforesaid.

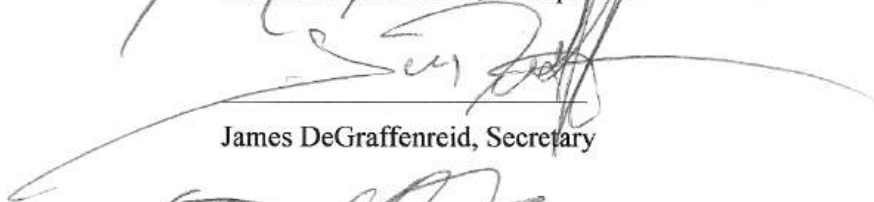
FOR VICE PRESIDENT

<u>Names of the Persons Voted For</u>	<u>Number of Votes</u>
MICHAEL R. PENCE of the State of Indiana	6

IN WITNESS WHEREOF, we, the undersigned, have hereunto, at the Capitol, in Carson City, in the State of Nevada, on this 14th day of December, 2020, subscribed our respective names.



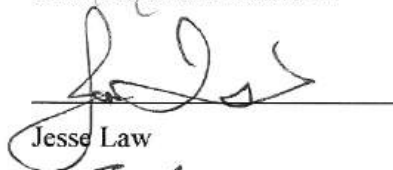
Michael J. McDonald, Chairperson



James DeGraffenreid, Secretary



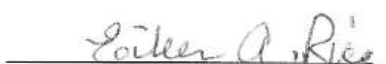
Durward James Hindle III



Jesse Law



Shawn Meehan



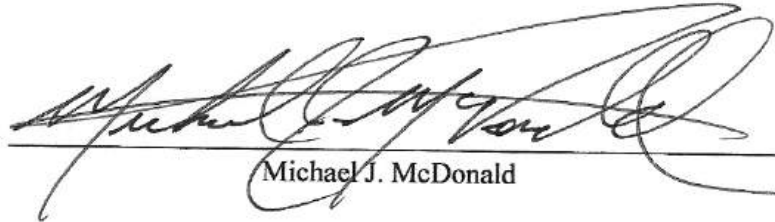
Eileen Rice

STATE OF NEVADA

NEVADA VICE PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR VICE PRESIDENT OF THE UNITED STATES

I hereby cast my vote for MICHAEL R. PENCE
for Vice President of the United States.

Signed



Michael J. McDonald

STATE OF NEVADA

NEVADA VICE PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR VICE PRESIDENT OF THE UNITED STATES

I hereby cast my vote for Michael R. Pence
for Vice President of the United States.

Signed _____

James DeGraffenreid

STATE OF NEVADA

NEVADA VICE PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR VICE PRESIDENT OF THE UNITED STATES

I hereby cast my vote for Michael R. Pence
for Vice President of the United States.

Signed 

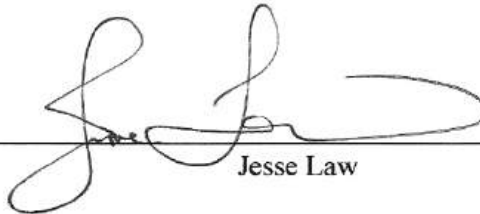
Durward James Hindle III

STATE OF NEVADA

NEVADA VICE PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR VICE PRESIDENT OF THE UNITED STATES

I hereby cast my vote for Michael R Pence
for Vice President of the United States.

Signed

A handwritten signature in black ink, appearing to read "Jesse Law", is written over a horizontal line.

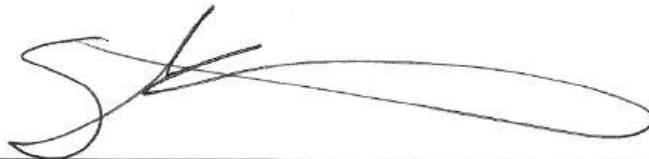
Jesse Law

STATE OF NEVADA

NEVADA VICE PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR VICE PRESIDENT OF THE UNITED STATES

I hereby cast my vote for MICHAEL R. PENCE
for Vice President of the United States.

Signed _____

A handwritten signature in black ink, appearing to be 'Shawn Meehan', written over a horizontal line.

Shawn Meehan

STATE OF NEVADA

NEVADA VICE PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR VICE PRESIDENT OF THE UNITED STATES

I hereby cast my vote for MICHAEL R. PENCE
for Vice President of the United States.

Signed

Eileen R. Rice

Eileen Rice

Subject: Re: Elector meeting documentation

From: Kenneth Chesebro <kenchesebro@msn.com>

Date: 12/14/2020, 8:21 PM

To: Jim DeGraffenreid <jim@nevadagop.org>, Michael McDonald <mcdonaldnv@gmail.com>

CC: Jeremy Hughes - Political <JHughes@gop.com>, Jessica Hanson <jessica.hanson@nevadagop.org>, Jolette Gowens NVGOP <jo@nevadagop.org>, Shawn Meehan <airlifter2@gmail.com>, Wesley Rice <tahoerice@charter.net>, DJames & Carlyn Hindle <djhthree@gmail.com>, Jesse Law <jesse.law@gmail.com>

Oh, this is excellent. Thank you!

And your quote in the Washington Post was perfect!

Really appreciate the update. Glad this went so well!

Ken

Get [Outlook for iOS](#)

From: Jim DeGraffenreid <jim@nevadagop.org>

Sent: Monday, December 14, 2020 10:12:55 PM

To: Kenneth Chesebro <kenchesebro@msn.com>; Michael McDonald <mcdonaldnv@gmail.com>

Cc: Jeremy Hughes - Political <JHughes@gop.com>; Jessica Hanson <jessica.hanson@nevadagop.org>; Jolette Gowens NVGOP <jo@nevadagop.org>; Shawn Meehan <airlifter2@gmail.com>; Wesley Rice <tahoerice@charter.net>; DJames & Carlyn Hindle <djhthree@gmail.com>; Jesse Law <jesse.law@gmail.com>

Subject: Elector meeting documentation

Attached is a copy of the elector meeting documentation for Nevada, along with the tracking info for the mailings sent. Also attached is the instructions we were given for the mailing which we followed exactly.

Please advise if you have any questions - thank you!

Jim DeGraffenreid

National Committeeman

Nevada Republican Party

jim@nevadagop.org

Subject: Re: Elector meeting documentation

From: Jim DeGraffenreid <jim@nevadagop.org>

Date: 12/14/2020, 8:55 PM

To: Kenneth Chesebro <kenchesebro@msn.com>

CC: Michael McDonald <mcdonaldnv@gmail.com>, Jeremy Hughes - Political <JHughes@gop.com>, Jessica Hanson <jessica.hanson@nevadagop.org>, Jolette Gowens NVGOP <jo@nevadagop.org>, Shawn Meehan <airlifter2@gmail.com>, Wesley Rice <tahoerice@charter.net>, "DJAMES & Carlyn Hindle" <djhthree@gmail.com>, Jesse Law <jesse.law@gmail.com>

Didn't realize I was quoted in the WP....not usually a good thing....

On Mon, Dec 14, 2020, 20:21 Kenneth Chesebro <kenchesebro@msn.com> wrote:

Oh, this is excellent. Thank you!

And your quote in the Washington Post was perfect!

Really appreciate the update. Glad this went so well!

Ken

Get [Outlook for iOS](#)

From: Jim DeGraffenreid <jim@nevadagop.org>

Sent: Monday, December 14, 2020 10:12:55 PM

To: Kenneth Chesebro <kenchesebro@msn.com>; Michael McDonald <mcdonaldnv@gmail.com>

Cc: Jeremy Hughes - Political <JHughes@gop.com>; Jessica Hanson <jessica.hanson@nevadagop.org>; Jolette Gowens NVGOP <jo@nevadagop.org>; Shawn Meehan <airlifter2@gmail.com>; Wesley Rice <tahoerice@charter.net>; DJAMES & Carlyn Hindle <djhthree@gmail.com>; Jesse Law <jesse.law@gmail.com>

Subject: Elector meeting documentation

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Jim DeGraffenreid

National Committeeman

Nevada Republican Party

jim@nevadagop.org

Subject: Re: Elector meeting documentation

From: Kenneth Chesebro <kenchesebro@msn.com>

Date: 12/14/2020, 8:58 PM

To: Jim DeGraffenreid <jim@nevadagop.org>

CC: Michael McDonald <mcdonaldnv@gmail.com>, Jeremy Hughes - Political <JHughes@gop.com>, Jessica Hanson <jessica.hanson@nevadagop.org>, Jolette Gowens NVGOP <jo@nevadagop.org>, Shawn Meehan <airlifter2@gmail.com>, Wesley Rice <tahoerice@charter.net>, DJames & Carlyn Hindle <djhthree@gmail.com>, Jesse Law <jesse.law@gmail.com>

Yeah, usually not the best thing!

In Nevada, six Republicans met in the capital, Carson City, to cast their faux vote before an audience of 15.

“There’s still legal action pending in all these states, so what we’re doing here is complying with the requirement to vote on this day, in the state capital in the event court cases are resolved favorably,” said Jim DeGraffenreid, who was set to be one of Trump’s electors before Biden won the state.

“You could say this is our howdy-doodo to the system,” said Shawn Meehan, another Republican who

APP 1118

Meehan, another Republican who
took part.

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From: Jim DeGraffenreid <jim@nevadagop.org>
Sent: Monday, December 14, 2020 10:55:08 PM
To: Kenneth Chesebro <kenchesebro@msn.com>
Cc: Michael McDonald <mcdonaldnv@gmail.com>; Jeremy Hughes - Political <JHughes@gop.com>; Jessica Hanson <jessica.hanson@nevadagop.org>; Jolette Gowens NVGOP <jo@nevadagop.org>; Shawn Meehan <airlifter2@gmail.com>; Wesley Rice <tahoerice@charter.net>; DJames & Carlyn Hindle <djhthree@gmail.com>; Jesse Law <jesse.law@gmail.com>
Subject: Re: Elector meeting documentation

Didn't realize I was quoted in the WP....not usually a good thing....

On Mon, Dec 14, 2020, 20:21 Kenneth Chesebro <kenchesebro@msn.com> wrote:
Oh, this is excellent. Thank you!

And your quote in the Washington Post was perfect!

Really appreciate the update. Glad this went so well!

Ken

Get [Outlook for iOS](#)

From: Jim DeGraffenreid <jim@nevadagop.org>
Sent: Monday, December 14, 2020 10:12:55 PM
To: Kenneth Chesebro <kenchesebro@msn.com>; Michael McDonald <mcdonaldnv@gmail.com>
Cc: Jeremy Hughes - Political <JHughes@gop.com>; Jessica Hanson <jessica.hanson@nevadagop.org>; Jolette Gowens NVGOP <jo@nevadagop.org>; Shawn Meehan <airlifter2@gmail.com>; Wesley Rice <tahoerice@charter.net>; DJames & Carlyn Hindle <djhthree@gmail.com>; Jesse Law <jesse.law@gmail.com>
Subject: Elector meeting documentation

Attached is a copy of the elector meeting documentation for Nevada, along with the tracking info for the mailings sent. Also attached is the instructions we were given for the mailing which we followed exactly.

Please advise if you have any questions - thank you!

Jim DeGraffenreid
National Committeeman

APP 1119

Nevada Republican Party

jim@nevadagop.org

Subject: Re: Elector meeting documentation

From: Shawn Meehan <airlifter2@gmail.com>

Date: 12/14/2020, 9:12 PM

To: Kenneth Chesebro <kenchesebro@msn.com>

CC: Jim DeGraffenreid <jim@nevadagop.org>, Michael McDonald <mcdonaldnv@gmail.com>, Jeremy Hughes - Political <JHughes@gop.com>, Jessica Hanson <jessica.hanson@nevadagop.org>, "Jolette \"Jo\" McDonald" <jo@nevadagop.org>, Wesley Rice <tahoerice@charter.net>, Jim Hindle <djhthree@gmail.com>, Jesse Law <jesse.law@gmail.com>

Shocking. She completely took me out of context. Surprise.

SMM

On December 14, 2020, at 8:58 PM, Kenneth Chesebro <kenchesebro@msn.com> wrote:

Yeah, usually not the best thing!

<Image.jpeg>

Get [Outlook for iOS](#)

From: Jim DeGraffenreid <jim@nevadagop.org>

Sent: Monday, December 14, 2020 10:55:08 PM

To: Kenneth Chesebro <kenchesebro@msn.com>

Cc: Michael McDonald <mcdonaldnv@gmail.com>; Jeremy Hughes - Political <JHughes@gop.com>; Jessica Hanson <jessica.hanson@nevadagop.org>; Jolette Gowens NVGOP <jo@nevadagop.org>; Shawn Meehan <airlifter2@gmail.com>; Wesley Rice <tahoerice@charter.net>; DJames & Carlyn Hindle <djhthree@gmail.com>; Jesse Law <jesse.law@gmail.com>

Subject: Re: Elector meeting documentation

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Ken

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From: Jim DeGraffenreid <jim@nevadagop.org>

Sent: Monday, December 14, 2020 10:12:55 PM

To: Kenneth Chesebro <kenchesebro@msn.com>; Michael McDonald <mcdonaldnv@gmail.com>

Cc: Jeremy Hughes - Political <JHughes@gop.com>; Jessica Hanson <jessica.hanson@nevadagop.org>; Jolette

APP 1121

Gowens NVGOP <jo@nevadagop.org>; Shawn Meehan <airlifter2@gmail.com>; Wesley Rice <tahoerice@charter.net>; DJames & Carlyn Hindle <djhthree@gmail.com>; Jesse Law <jesse.law@gmail.com>

Subject: Elector meeting documentation

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Please advise if you have any questions - thank you!

Jim DeGraffenreid

National Committeeman
Nevada Republican Party
jim@nevadagop.org

Subject: Re: Elector meeting documentation

From: Jesse Law <jesse.law@gmail.com>

Date: 12/14/2020, 9:13 PM

To: Shawn Meehan <airlifter2@gmail.com>

CC: Kenneth Chesebro <kenchesebro@msn.com>, Jim DeGraffenreid <jim@nevadagop.org>, Michael McDonald <mcdonaldnv@gmail.com>, Jeremy Hughes - Political <JHughes@gop.com>, Jessica Hanson <jessica.hanson@nevadagop.org>, Jolette Jo McDonald <jo@nevadagop.org>, Wesley Rice <tahoerice@charter.net>, Jim Hindle <djhthree@gmail.com>

Oh Shawn. That might be the most impassioned turn of a phrase i have ever heard out of you.

Best Regards,

Jesse Law

JL Offerings

202-643-2244

jlaw@jlofferings.com

On Dec 14, 2020, at 9:12 PM, Shawn Meehan <airlifter2@gmail.com> wrote:

Shocking. She completely took me out of context. Surprise.

SMM

On December 14, 2020, at 8:58 PM, Kenneth Chesebro <kenchesebro@msn.com> wrote:

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<Image.jpeg>

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From: Jim DeGraffenreid <jim@nevadagop.org>

Sent: Monday, December 14, 2020 10:55:08 PM

To: Kenneth Chesebro <kenchesebro@msn.com>

Cc: Michael McDonald <mcdonaldnv@gmail.com>; Jeremy Hughes - Political <JHughes@gop.com>; Jessica Hanson <jessica.hanson@nevadagop.org>; Jolette Gowens NVGOP <jo@nevadagop.org>; Shawn Meehan <airlifter2@gmail.com>; Wesley Rice <tahoerice@charter.net>; DJames & Carlyn Hindle <djhthree@gmail.com>; Jesse Law <jesse.law@gmail.com>

Subject: Re: Elector meeting documentation

Didn't realize I was quoted in the WP....not usually a good thing....

On Mon, Dec 14, 2020, 20:21 Kenneth Chesebro <kenchesebro@msn.com> wrote:

Oh, this is excellent. Thank you!

APP 1123

And your quote in the Washington Post was perfect!

Really appreciate the update. Glad this went so well!

Ken

Get [Outlook for iOS](#)

From: Jim DeGraffenreid <jim@nevadagop.org>

Sent: Monday, December 14, 2020 10:12:55 PM

To: Kenneth Chesebro <kenchesebro@msn.com>; Michael McDonald <mcdonaldnv@gmail.com>

Cc: Jeremy Hughes - Political <JHughes@gop.com>; Jessica Hanson <jessica.hanson@nevadagop.org>; Jolette Gowens NVGOP <jo@nevadagop.org>; Shawn Meehan <airlifter2@gmail.com>; Wesley Rice <tahoerice@charter.net>; DJames & Carlyn Hindle <djhthree@gmail.com>; Jesse Law <jesse.law@gmail.com>

Subject: Elector meeting documentation

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Please advise if you have any questions - thank you!

Jim DeGraffenreid

National Committeeman

Nevada Republican Party

jim@nevadagop.org

EXHIBIT 30

EXHIBIT 30

From: [Jesse Binnall](#)
To: [Jim DeGraffenreid](#)
Cc: [DJames & Carlyn Hindle](#); [Jesse Law](#); [Michael McDonald](#)
Subject: Re: URGENT -- Trump-Pence campaign asked me to contact you to coordinate Dec. 14 voting by Nevada electors
Date: Thursday, December 10, 2020 4:41:17 PM

I'll handle.

On Thu, Dec 10, 2020 at 4:00 PM Jim DeGraffenreid <jim@nevadagop.org> wrote:
What do we know about Ken? Is this a legit outreach?

----- Forwarded message -----

From: **Kenneth Chesebro** <kenchesebro@msn.com>
Date: Thu, Dec 10, 2020, 16:27
Subject: URGENT -- Trump-Pence campaign asked me to contact you to coordinate Dec. 14 voting by Nevada electors
To: jim@nevadagop.org <jim@nevadagop.org>
Cc: mcdonaldnv@gmail.com <mcdonaldnv@gmail.com>, jlaw@donaldtrump.com <jlaw@donaldtrump.com>

Mr. DeGraffenried,

Mayor Giuliani and others with the Trump-Pence campaign (including Justin Clark and Nick Trainer) asked me to reach out to you and the other Nevada electors to run point on the plan to have all Trump-Pence electors in all six contested States meet and transmit their votes to Congress on Monday, Dec. 14.

I'm one of the lawyers handling the state-court litigation in Wisconsin, the first State which made definite plans to have our electors vote on Monday.

Confidentially, so you can understand how we're messaging it, below is a draft press release by our lead lawyer in WI, which would be released only after we file papers in the WI Supreme Court (following an expected loss in the lower court), which we expect to do Saturday.

I'd appreciate if you or someone else on your team could get in touch with me as soon as possible. I have two memos explaining the rationale for the electors voting on Monday (though you may already have those), and I am preparing drafts of the documents that the electors in Nevada could sign to effect their votes, in case having drafts in hand would be of help.

Call or write anytime, night or day.

Sincerely,

Ken Chesebro
617-895-7196

Kenneth Chesebro
25 Northern Avenue, # 1509
Boston, MA 02210
(617) 895-6196
kenchesebro@msn.com
(Admitted in CA, FL, IL, MA, NJ, NY, and TX)

<https://www.linkedin.com/in/ken-chesebro>

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Proposed Jim Troupis Statement on Electors' Meeting

As the legal proceedings arising from the November 3 presidential election continue to work their way through the Wisconsin court system, I have advised the Republican Party of Wisconsin to convene a separate Republican electors' meeting and have the Trump-Pence electors cast their votes at the Wisconsin State Capitol on December 14.

Of course, there is precedent for such a meeting. Democrat electors pledged to John F. Kennedy convened in Hawaii in 1960, at the same time as Republicans, even though the Governor had certified Richard Nixon as the winner. In the end, the State's electoral votes were awarded to President Kennedy, even though he did not win the state until 11 days after his electors cast their votes.

The legitimacy and good sense of two sets of electors meeting on December 14 to cast competing votes for President and Vice President, with the conflict to be later sorted out by the courts and Congress, was pointed out by prominent Democrat activists Larry Lessig and Van Jones in an essay published last month [on CNN.com](#).

Given that the results in Wisconsin are still in doubt, with legal arguments that have yet to be decided, just as the Democrat electors met in Hawaii in 1960 while awaiting a final resolution of that State's vote, so too the Republican electors should meet this year on December 14 as we await a final resolution in Wisconsin.

--
Jesse R. Binnall

Harvey & Binnall, PLLC
717 King Street
Suite 300
Alexandria, VA 22314
(703) 888-1943
(703) 888-1930 (fax)
jbinnall@harveybinnall.com

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EXHIBIT 31

EXHIBIT 31

Subject: Note to electors for press and TP's / outline

From: Jessica Hanson <jessica.hanson@nevadagop.org>

Date: 12/9/2020, 10:07 AM

To: Shawn Meehan <airlifter2@gmail.com>, Michael J McDonald <mcdonaldnv@gmail.com>, Jesse Law <jlaw@donaldrump.com>, Jim DeGraffenreid <jim@nevadagop.org>, D James Hindle III <djhthree@gmail.com>, "Wes Rice Republican(North)" <tahoerice@charter.net>

CC: Amanda Milius <amanda.milius@gmail.com>, Jolette Gowens NVGOP <jo@nevadagop.org>

Hi all,

As most of you may have heard the NV Supreme Court denied our appeal request late last night. Legal is regrouping and we should have an update on the next steps today. In the meantime, please see the note below from Amanda regarding press:

Hello Electors,

Just a quick note about the press as we continue on this journey towards justice!

Some of you will be approached by the media this week and in the future, and we want you to feel both empowered to use your voice but also protected from often unsavory press tactics to take advantage of people who don't commonly work with the media.

The best way to do this, I would suggest, is to loop in myself and Jessica when you receive any requests. The way we have gone about interviews thus far is I will chat with the journalist first to get a sense for what direction they are taking and if there is a chance to actually get our message out in a fair way. If so, we set up a call and off the bat we tell the reporter that the call is OFF THE RECORD, or on BACKGROUND only. Then, when the reporter has very specific questions or quotes they want to use, we will draft and approve them together and send to them afterwards.

The general rule of thumb if you answer a phone call and it happens to be a reporter, you have two options -

1: Say no comment, or nothing, and hang up the phone.

2: - Say "I'd be happy to set up a call with you but can you please run this through our press office" - or "I'd be happy to talk to you but I'd need to call you back in a few minutes, when is your deadline?" and then alert myself and / or Jessica.

I generally say the second options are best.

As for this week and until we are out on the other side of this, I would ask that if you do choose to speak to the press, or want to get more engagement with the media, that you run it through Jessica and I so we can also ensure that legal is approving and aware. Normally legal would advise their clients to not speak to the press at all, but in this situation we think there are certain times when strategically hearing from the electors can be very valuable and essential. But we have to be strategic and avoid any ambushes.

If you do speak or write about the case publicly either via formal press inquiries or even when you are speaking as yourself in any public or semi public setting, please refer to the talking points and outline attached here. This was drafted alongside the initial filing to the court and it's a pretty solid outline of our case. You can refer to the specific data and numbers provided there without worrying that you will be saying something different than the other surrogates and voices on this issue. It is important we are all reading from the same sheet of music, so feel free to use this document on all the issues outlined in it.

When there are updates in the case, I will shoot a note out as fast as possible and so will legal... it's pretty fast moving sometimes so feel free to also ring us if something is changing and you need answers quickly.

Please save my number and know I am always available any time of day so text me anytime if anything comes up, or if you have thoughts and ideas and something you want to say that you think needs to be amplified, I am very happy to help set up friendly interviews as well.

Thanks for being patriots!

Best,
Amanda

--

Jessica Hanson
Executive Director
Nevada Republican Party

— Attachments: —

NV Election Contest Info for Press.docx

29.0 kB

NEVADA ELECTION CONTEST HEARING

Hearing will take place Thursday December 3rd at 1:30pm PST

First Judicial District Court

885 E. Musser St, Carson City, NV

Dial in for Press: 1-872-240-3412

Code: 500-928-509

Members of the press must join by 1:25 pm and be on mute

- This hearing will be the first time the country will get to hear the many types of evidence of fraud that occurred in the state of Nevada in the 2020 election, presented to a court.
- The case is not just about this election but the integrity of elections in Nevada and the US now and in the future. If we as a country cannot trust our system of government, we have lost the most fundamental key to America.
- It could not be more critical to hear this evidence and judge it based on facts, science and math. This is not about politics.

RECENT DEVELOPMENTS SINCE FILING:

Decision to Certify Fraudulent Election in Clark County:

On Tuesday Dec 1st, The Clark County Commission voted to certify the results of the general election for the District C race. The race had previously been considered **so riddled with fraud and irregularities** that the county **previously voted unanimously to not certify it and have a revote**. Tuesday's decision comes after a Clark County District Court judge denied a motion to prevent the reconsideration, saying that the discrepancies did not qualify as "cause" for a new election, even though **the county itself did not have faith in this election due to overwhelming discrepancies**.

USPS Obstruction:

USPS is preventing witnesses and whistleblowers from testifying. The witness and whistleblowers would be testifying on what the legal team has been told was a decision to have ballots delivered to undeliverable addresses. These ballots were also collected, turned in and presumably counted. This is a big issue in Clark County, NV, as there were approx. 8k voters who were deemed to have undeliverable addresses during the primaries who magically voted in the general. There are multiple key witnesses who are whistleblowers with matching, independent stories supporting these issues, who USPS is trying to obstruct from testifying.

Voting Machines & Agilis Signature ID System Inspections:

The judge in the election contest case to be heard Thursday Dec 03 ordered the county to allow inspection of the voting machines and systems in Clark County. The NV Trump Legal and EDO team issued this statement after the attempted inspection by forensic computer experts:

“The judge’s order allowed for an inspection. What we got was a guided tour. Machines were not usable, and we were not able to make a determination about the accuracy and integrity of the election process based on this inspection. We are entitled to a computer forensic inspection in accordance with the judge’s order. We were prevented from doing one. This was a digital election and we were not allowed a digital inspection. The “inspection” today was like trying to determine if a car had failed brakes without getting underneath the car”.

Things the forensic team requested, but were not allowed to do:

- Inspect the Tabulation Server
- Inspect the memory on the Agilis signature verification machine
- See a “test run” of the Agilis signature verification machine
- Inspect the memory on the “adjudicator” machines
- Inspect the USB drive for the dominion machines
- Inspect the poll books
- Inspect the memory of the Election Management Server
- Inspect the “mail ballot readers” or “ICC’s”
- Inspect the election results drives in the box from the Accuracy Certification Board
- Inspect the simulation drives in the box from the Accuracy Certification Board
- Inspect any “ballot marking devices”

Things that were requested that the team was allowed to do:

- Take down serial numbers of election day machines
- Witness a voting receipt tabulation for one machine - A total of 42 votes
- Inspect the results/reports from the Accuracy Certification Board
- Watch a machine be turned on

NEW MAIL-IN VOTER SURVEY OUT OF NEVADA:

A new survey was done by BASELICE & ASSOCIATES of mail-in only voters in Nevada. The results showed two stunning data points:

- 1) **1% didn't think they voted** - between 3-7,000 votes - just people whose votes were stolen, doesn't include dead, doesn't include OOS, etc.
- 2). **2% didn't receive a ballot in the mail at all.**

**** attached separately**

Native American Votes for Dollars Scandal:

A shocking number of states have discovered that groups claiming to support the Native American community’s voice at the polls have engaged in blatantly illegal bribery and vote incentivizing with cash cards, gas cards, electronics and other items. This scandal appears to have been rampant in Nevada. Posts on the **Nevada Native Vote Project** Facebook page show that similar raffles were conducted in **15 Nevada native communities, with 116 voters receiving \$6,650 in cash prizes.**

Incentivizing voting is illegal, whether partisan or not. The evidence of this activity has been turned over to the US attny and is also part of the case to be presented on Thursday. This is yet another form of corruption and fraud that delegitimized the election in Nevada.

For more: https://www.theepochtimes.com/illegal-money-for-votes-raffles-conducted-in-several-states-in-2020-election_3598915.html

NEW FRAUD CATAGORIES AND DATA:

- A Data Scientist who provides testimony in the case reviewed **over 2 million records** from various databases including:

Nevada city/county/jurisdiction files, the Nevada state voter files, the Nevada Election Day voter files, vote by mail/absentee vote files from the state and jurisdictions, early voting files, consumer data files, and USPS change of address files.

These are all publicly or commercially available data files.

- Able to identify **over 100k unique cases** across the universes listed below which showed multiple levels of illegal ballots cast.
 - o **Out of State Voters:** almost 20k Nevada voters with a non-Nevada mailing address
 - o **Non-existent Addresses:** appx 8k voters whose registered addresses are physically non-existent
 - o **USPS Flags on Non-Residential Addresses:** appx 15k voters who are registered to vote at either a commercial address or a vacant property.
 - o **USPS Flags on Vacant Addresses:** appx 6k
 - o **National Change of Address Out of State:** 2,468 voters legally changed their address to another jurisdiction or state or country.
 - o **Deceased Voters:** appx 1,500 Nevada voters listed as deceased by the Social Security Administration (SSA) Master Death File, Consumer Data Vendors, Public Obituary Data Matches, and Credit Bureau Deceased Data.
 - o **Duplicate Voter Registrations:** 42k voters who voted twice. All these voters had multiple voter registration numbers associated with substantially the same name, birthdate, and address.

NEVADA ELECTION CONTEST FILING – OUTLINE OF FILING:

Filed on: Nov 17th, 2020 at 3:00pm PST in Carson City, Nevada

BACKGROUND

- Nevada fundamentally altered their election system within 90 days of November 3rd's general election;
 - On August 3rd, the state legislature passed Assembly Bill ("AB") 4, which, for the first time in state history, required that unsolicited ballots be mailed to all registered voters in the state.
- The state of Nevada received **8.5 times more mail-in ballots in the 2020 election** (671,899) as it did in the 2016 election (78,572).
 - **Clark County, NV, specifically, received 10 times more ballots** in the 2020 election (452,248) than it did in the 2016 election (44,387).
- Clark County election officials were **not prepared** for this new influx of mail-in ballots and the signature verification process that accompanies it.
 - Thus, Clark County adopted the use of a signature verification machine, Agilis, to verify mail-in ballot signatures in lieu of election personnel.
- Due to the clear fraud and admitted discrepancies, Biden's purported win in Nevada is illegitimate and President Trump is the clear victor.

SYSTEM ISSUES

- Signature verification machines to analyze mail-in ballots have not been found reliable through scientific study and testing, as there is little evidence of their accuracy or ability to be regulated.
 - Nevada regulates gambling machines far more stringently than these signature verification machines
- Election officials ignored warnings about the use of signature verification machines and proceeded with the use of the Agilis machine, prompting GOP officials to file lawsuits to attempt to enjoin the use of the Agilis machine for evaluating mail-in ballot signatures.
 - Nevada election officials opposed the lawsuits, and in fact did nothing to safeguard the process of verifying and counting mail-in ballots.
- Even as concerns about the legitimacy of the Agilis machine were raised, Nevada utilized the Agilis machine to verify over 130,000 signatures in Clark County.
- **Nevada did not operate the Agilis machine in conformance with the manufacturer's recommendations in at least two respects.**
 - First, the signature images on file with the State which were used by the Agilis machine to compare to the signatures on the outside of the ballot were of a **lower image quality than recommended by the manufacturer** in order to allow the machines to operate properly.
 - Second, the signature matching **error tolerance was set to a level of 40, 10 points lower than the manufacturer's recommended level of 50**, thus reducing the accuracy of the machine immensely.

- AB4 requires that “the clerk or an employee in the office of the county clerk shall check the signature used for the mail ballot in accordance with” detailed procedures - procedures which do not include relying on software to verify matching signatures.
 - The Agilis machine was allowed to independently verify **30% of the signatures without ever having human eyes inspect those signatures** - in violation of this law.
- Clark County, a primarily Democrat stronghold, was the only county in Nevada to use this machine for signature verification, therefore creating two classes of voters and violating the equal protection rights of Nevada citizens.
 - **Clark County signatures faced less scrutiny than other Nevada counties due to the use of Agilis.**
 - Even among mail-in voters in Clark County, two classes of voters were created: (1) voters in Clark County whose signatures were verified by the Agilis machine and (2) voters whose signatures were rejected by the Agilis machine.
- Separate from Agilis, the electronic **voting machines used in Nevada were inherently unreliable and susceptible to being electronically compromised due to a lack of physical and cyber security.**
 - Voting machines regularly “froze,” forcing voters to interrupt their voting process to have machines rebooted or tended to by personnel.
 - The printers of voting machines failed in several different ways
 - The thermal print head would fail causing blank sheets where there should have been a record of the vote cast.
 - The scanner would fail to read the QR codes in order to verify the machine had cast the votes correctly.
 - The gears within the printer would fail.
 - Printers often ran out of paper which required replacing the whole machine as the paper was locked inside the machine during the election. If the printer broke down while printing a receipt, the receipt would not be printed, and the **vote count information would not be captured for recording and audit purposes.**

CLARK COUNTY’S FAILURE TO ALLOW MEANINGFUL OBSERVATION

- In violation of Nevada law, the Clark County Election Board failed and refused to grant meaningful observation opportunities to the general public with respect to the mail-in ballots.
- Clark County failed to ensure transparency and integrity as it did not allow the public to see election officials during key points of mail ballot processing.

OTHER ILLEGAL OR IMPROPER VOTES

- There are 3 broad categories of fraud in today’s newly filed lawsuit

- **Dead voters**
 - There have been mail-in ballots received from deceased persons
 - **Double voters**
 - There are significant numbers of mail-in ballots received in Nevada from voters who are also known to have voted in other states.
 - **Out of state voters**
 - There were significant numbers of votes cast by voters who did not meet the residency requirement to vote in Nevada
 - **United States Postal Service letter carriers were ordered** to violate the USPS employee relations manual and local union collective bargaining agreements by delivering mail-in ballots to addresses where the recipient of the ballot was known to:
 - Have been deceased
 - Have moved from that address
 - Or had no affiliation with that address at all
-

For press inquiries regarding the Election Contest:
email: Amanda.milius@gmail.com
Text: 917-968-9891

For Campaign general inquiries and GOP related:
Email: jessica.hanson@nevadagop.org

Follow @NVGOP on Twitter for updates: twitter.com/nvgop?s=11

EXHIBIT 32

EXHIBIT 32

* Google Confidential and Proprietary *

GOOGLE SUBSCRIBER INFORMATION

Google Account ID: 392061217162

Name: Jesse Law

Given Name: Jesse

Family Name: Law

e-Mail: jesse.law@gmail.com

Alternate e-Mails:

Created on: 2004-12-03 04:09:13 Z

Terms of Service IP: 72.193.150.6

Terms of Service Language:

Birthday (Month Day, Year): November 26, 1981

Services: Gmail, Google Hangouts, Google Calendar, Google Services, Google Notebook, Google Payments, Google Docs, Google Drive, iGoogle, Blogger, Google Subscribed Links, Google Voice, YouTube, Google Analytics, Android, Google Code, Location History, Google Photos, Google Chrome Sync, Google Cloud Print, Google Play Music, Portal, Google Play, Web & App Activity, Has Madison Account, Google Groups, Google Maps Engine, Google Sites, Google My Maps, Google Developers Console, Google Keep, Google Maps, Geo Madden, Tasks In Tingle

Unregistered Services: Activity Streams, Has Google Profile, [Unknown service] 362, Has Plusone, Google+, Es Mobile

Deletion Date:

Deletion IP:

End of Service Date:

Status: Enabled

Last Updated Date: 2023-09-26 14:58:49 Z

Last Logins:

ACCOUNT RECOVERY

Contact e-Mail: jesse.law@gmail.com

Recovery e-Mail: thejesselaw@icloud.com

Recovery SMS: +17027151401 [US]

PHONE NUMBERS

User Phone Numbers: +17027151401 [US], +12026432244

2-Step Verification Phone Numbers:

DEVICE INFORMATION

No Devices

IP ACTIVITY

APP 1139

No User IP Logs

MADISON INFORMATION

MADISON ADMIN INFORMATION

OUTSTANDING MADISON INVITATION INFORMATION

No Madison Invitees.

MADISON ACL CHANGES

No Madison ACL Change History.

* Google Confidential and Proprietary *

* Google Confidential and Proprietary *

GOOGLE SUBSCRIBER INFORMATION

Google Account ID: 501563023426

Name: Michael McDonald

Given Name: Michael

Family Name: McDonald

e-Mail: mcdonaldnv@gmail.com

Alternate e-Mails:

Created on: 2013-03-12 21:39:24 Z

Terms of Service IP: 24.234.185.39

Terms of Service Language: en

Birthday (Month Day, Year): March 6, 1965

Services: Web & App Activity, Gmail, Google Photos, Google Hangouts, Google Chrome Sync, Google URL Shortener, Google Docs, Google Drive, Google Calendar, YouTube, Location History, Geo Madden
Unregistered Services: Has Google Profile, Has Plusone, Google+, Es Mobile

Deletion Date:

Deletion IP:

End of Service Date:

Status: Enabled

Last Updated Date: 2023-09-17 07:40:08 Z

Last Logins:

ACCOUNT RECOVERY

Contact e-Mail: mcdonaldnv@gmail.com

Recovery e-Mail: mcdonaldnevada@gmail.com

Recovery SMS: +17025953555 [US]

PHONE NUMBERS

User Phone Numbers: +17025953555 [US]

2-Step Verification Phone Numbers:

DEVICE INFORMATION

No Devices

IP ACTIVITY

No User IP Logs

MADISON INFORMATION

MADISON ADMIN INFORMATION

OUTSTANDING MADISON INVITATION INFORMATION

No Madison Invitees.

MADISON ACL CHANGES

No Madison ACL Change History.

* Google Confidential and Proprietary *

* Google Confidential and Proprietary *

GOOGLE SUBSCRIBER INFORMATION

Google Account ID: 804620519898

Name: Shawn Meehan

Given Name: Shawn

Family Name: Meehan

e-Mail: airlifter2@gmail.com

Alternate e-Mails:

Created on: 2005-06-11 15:09:57 Z

Terms of Service IP: 71.33.110.54

Terms of Service Language:

Birthday (Month Day, Year): June 24, 1966

Services: Google Ads, Google Groups, iGoogle, Google Calendar, Google Analytics, Google Finance, Google AdSense, Google Search Console, Blogger, Google Drive, Google Reader, Google Services, Business Profiles, Google Subscribed Links, Gmail, Google Hangouts, Google Maps, Google Notebook, Google Docs, Google Mobile, Google Alerts, Google Custom Search, YouTube, FeedBurner, Google Help, Google Trends, Google News, Google Ad Planner, Google Ad Manager, Android, Google Voice, Tasks, Google Payments, Google Bookmarks, Contacts, Fusion Tables (experimental), Google Hotpot, Google Moderator, Google Sites, Android Market, Google Code, Location History, Google Photos, Developer Consoles, Google Chrome Sync, Has Madison Account, Google Takeout, Google Cloud Print, Web & App Activity, Google Play, Google Pay, Wallet Transfer, Android Device Console, Google Maps Engine, Google URL Shortener, Google Developers Console, Tasks In Tingle, Google Books, Google My Maps, Project Fi, Google Keep, Google Play Music, Is In Family, Pikeplace User

Unregistered Services: Has Google Profile, Has Plusone, [Unknown service] 362, Google+, Es Mobile

Deletion Date:

Deletion IP:

End of Service Date:

Status: Enabled

Last Updated Date: 2023-09-25 23:26:36 Z

Last Logins:

ACCOUNT RECOVERY

Contact e-Mail: airlifter2@gmail.com

Recovery e-Mail: shawn@guardtheconstitution.com

Recovery SMS: +17753091050 [US]

PHONE NUMBERS

User Phone Numbers: +17753091050 [US]

2-Step Verification Phone Numbers:

DEVICE INFORMATION

No Devices

IP ACTIVITY

No User IP Logs

MADISON INFORMATION

MADISON ADMIN INFORMATION

OUTSTANDING MADISON INVITATION INFORMATION

No Madison Invitees.

MADISON ACL CHANGES

No Madison ACL Change History.

* Google Confidential and Proprietary *

* Google Confidential and Proprietary *

GOOGLE SUBSCRIBER INFORMATION

Google Account ID: 33655494314

Name: Durward Hindle

Given Name: Durward

Family Name: Hindle

e-Mail: djhthree@gmail.com

Alternate e-Mails: djhindle@att.net

Created on: 2006-06-17 19:56:53 Z

Terms of Service IP: 24.17.214.234

Terms of Service Language: en

Birthday (Month Day, Year): September 18, 1978

Services: iGoogle, Gmail, Google Hangouts, Google Calendar, Google Drive, Google Docs, Profiles, Google Services, Google Finance, YouTube, Google News, Google Maps Engine, Google My Maps, Google Play Music, Google Play, Google Sites

Unregistered Services: Web & App Activity, [Unknown service] 362

Deletion Date:

Deletion IP:

End of Service Date:

Status: Enabled

Last Updated Date: 2023-06-16 00:55:49 Z

Last Logins:

ACCOUNT RECOVERY

Contact e-Mail: djhthree@gmail.com

Recovery e-Mail: djhindle@att.net

Recovery SMS:

PHONE NUMBERS

User Phone Numbers:

2-Step Verification Phone Numbers:

DEVICE INFORMATION

No Devices

IP ACTIVITY

No User IP Logs

MADISON INFORMATION

APP 1145

MADISON ADMIN INFORMATION

OUTSTANDING MADISON INVITATION INFORMATION

No Madison Invitees.

MADISON ACL CHANGES

No Madison ACL Change History.

* Google Confidential and Proprietary *

EXHIBIT 33

EXHIBIT 33

County Chair Contact

Subject: County Chair Contact

From: Jessica Hanson <jessica.hanson@nevadagop.org>

Date: 11/25/2020, 2:24 PM

To: Michael J McDonald <mcdonaldnv@gmail.com>

https://docs.google.com/spreadsheets/d/1CqZZd966By3_bBZl8g3zLG7IPBUYB74qcH0gUTwY-Lc/edit?usp=sharing

County	Contact	Email	Phone
Carson City			
Chairman	Paul Strasser	Pchk9282@yahoo.com	775-315-7761
Vice Chair	Richard Nagel	riconagel@gmail.com	
Secretary	Karen Fletcher	wnf.kgf@gmail.com	
Churchill County			
Chairman	Gary Smith	nvcraftsman@cccomm.net	775-750-3739
Vice Chair	Lane Mills	lanermills@aol.com	
Secretary	Neil McElrath	ccrepublicancc@gmail.com	775-217-4640
Clark County			
Chairman	Dave Sajdak	dfs3@aol.com	702-249-6241
Vice Chair			
Secretary	Lynn Armanino	lynn@armaninofamily.com	
Douglas County			
Chairman	Jim DeGrffenreid	jim@nevadagop.org	775-722-0304
Vice Chair	Jim McKalip	jamesmckalip@gmail.com	
Secretary	Walter Nowosad	nowosadwalter78@gmail.com	
Elko County			
Chairman	Lee Hoffman	LeeHoffman51@gmail.com	775-397-8907
Vice Chair	Jim Cooney	jcooney4@gmail.com	
Secretary	Monique Heieie	nvheehee6@yahoo.com	
Esmeralda County			
Chairman	Theresa Moller	esmeraldacountyrepublicans@yahoo.com	775-482-1332
Vice Chair	Dan Peterson	djpco@earthlink.net	
Secretary	Mary Jane Zakas	mjwz99@hughes.net	
Eureka County			
Chairman			
Vice Chair			
Secretary	Bev Conley	bconley@eurekacountynv.gov	
Humboldt County			
Chairman	Stephen Tibbals	srtibbals@gmail.com	775-253-4466
Vice Chair	Roberta Rothwell	roe4ro@aol.com	
Secretary	Dave Barnard	dave92821@gmail.com	
Lander County			
Chairman	Doug Mills	zdmz71@hotmail.com	775-374-1951
Vice Chair	Ray Williams Jr.	toiyabe1@gmail.com	
Secretary	Trudy McCullough	tjmcmac@att.net	
Lincoln County			
Chairman	Jim Shane	jim@jjshane.com	702-768-2779
Vice Chair	Dave Hurd	Dave@starvalleyranch.us	775-962-3158
Secretary	Marcia Hurd	marcia@starvalleynv.com	
Lyon County			
Chairman	Scott Keller	keller@hsne50.com	775-691-0171
Vice Chair	Mary Ann Sichak	maryannss@outlook.com	
Secretary	Mary Ann Sichak	maryannss@outlook.com	
Mineral County			
Chairman	Jim "Gunny" Utterback	utterbackj@sbcglobal.net	775-312-0110
Vice Chair	Janet Henry	janethenry191@gmail.com	

APP 1148

County Chair Contact

<i>Secretary</i>	Shelley Hartmann	shelley.hartmann@icloud.com	
Nye County			
<i>Chairman</i>	Chris Zimmerman	czimmer@wczimmerman.dyndns.org	206-510-3446
<i>Vice Chair</i>	Kay Lapointe	kooledjukater@aol.com	
<i>Secretary</i>	David Hiebert	Secretary@nyegop.org	
Pershing County			
<i>Chairman</i>	John Shank	Johnwshank43@gmail.com	775.835-3775
<i>Vice Chair</i>	Ted Bendure	benduret@yahoo.com	775-220-9909
<i>Secretary</i>	Carol Shank	carolshank47@gmail.com	775.427.8309
Storey County			
<i>Chairman</i>	Jay Carmona	gop@jaycarmona.com	775-691-0251
<i>Vice Chair</i>	Clay Mitchell	mitche01@sbcglobal.net	
<i>Secretary</i>			
Washoe County			
<i>Chairman</i>	Michael Kadenacy	makwashogop@gmail.com	
<i>Vice Chair</i>	Michael Jack		
<i>Secretary</i>	Phylis Westrup	Secretary@WashoeGOP.org	
White Pine			
<i>Chairman</i>	Mike Kneese	pastormike11@sbcglobal.net	775-289-6111
<i>Vice Chair</i>	George "Chris" Christiansen	gchristensen35@comcast.net	
<i>Secretary</i>	Jean Kneese	m-jkneese@sbcglobal.net	

--
 Jessica Hanson
 Executive Director
 Nevada Republican Party

EXHIBIT 34

EXHIBIT 34

Subject: RE: What will the NV GOP do next?

From: "michael@bertrandcpa.com" <michael@bertrandcpa.com>

Date: 12/17/2020, 5:28 PM

To: DJHindle <djhthree@gmail.com>, Jolette Gowens NVGOP <jo@nevadagop.org>

CC: Jim DeGraffenreid <jimde45@earthlink.net>, Barb Hawn <bhawn@nevadagop.org>, "jessica.hanson@nevadagop.org" <jessica.hanson@nevadagop.org>, Shawn Meehan <airlifter2@gmail.com>

I second that. We need to make this simple for people to act on and not ask for a donation so it looks like another marketing letter. I think between Christmas and New Year's is good.

Michael

BERTRAND & ASSOCIATES, LLC

777 E. William St Suite 206

Carson City, Nevada 89701

775-882-8892

From: DJHindle <djhthree@gmail.com>

Sent: Thursday, December 17, 2020 2:22 PM

To: Jolette Gowens NVGOP <jo@nevadagop.org>

Cc: michael@bertrandcpa.com; Jim DeGraffenreid <jimde45@earthlink.net>; Barb Hawn <bhawn@nevadagop.org>; jessica.hanson@nevadagop.org; Shawn Meehan <airlifter2@gmail.com>

Subject: Re: What will the NV GOP do next?

I think that could be a good idea and would think it best to go out between Christmas and new Year's - unless you think too many people are not paying attention during that week?

On 12/17/2020 2:19 PM, Jolette Gowens NVGOP wrote:

Should we create a call to action and provide phone numbers for people to call and ask them not to certify on January 6. (Without asking for money)

Sent from my iPhone

On Dec 17, 2020, at 2:15 PM, DJHindle <djhthree@gmail.com> wrote:

I'm hoping Ted Cruz and Rand Paul will maintain their outrage to the fraud in the election and will lead a Senatorial pack to challenge the elector slates from all the "Battleground" states. It appears Jim Jordan has a group from Congress that is preparing to raise objections. We'll see.

On 12/17/2020 12:46 PM, michael@bertrandcpa.com wrote:

Jim,

Thanks for that detailed explanation. It appears there is not much we can do till Jan 6. I have not heard, but hopefully we will have that one senator and congressman who will ask that our votes be counted.

Michael

Bertrand & Associates, LLC
777 E. William St Suite 206
Carson City, Nevada 89701
775-882-8892

From: Jim DeGraffenreid <jimde45@earthlink.net>
Sent: Thursday, December 17, 2020 12:39 PM
To: michael@bertrandcpa.com
Cc: Barb Hawn <bhawn@nevadagop.org>; djhthree@gmail.com; jessica.hanson@nevadagop.org; Michael McDonald <aoslv@cox.net>; Shawn Meehan <airlifter2@gmail.com>
Subject: Re: What will the NV GOP do next?

Looping in Shawn Meehan, just in case I mangled any fine Constitutional points....

We sent our GOP Electoral votes directly to the Senate, as well as the other places where they are required to go.

The next step is that they will be opened on Jan 6th in the Senate, along with the ones sent by the SOS for the Dems.

By default, the ones sent by the SOS and certified by the Governors Certificate of Ascertainment will be counted, and the votes we made will be rejected, because they don't match the Certificate of Ascertainment.

However, if at least one Senator and one Member of the House objects and asks that our votes be counted instead, then the House and Senate will separately consider whether that should be the case. If both the House and Senate agree that our votes should be counted instead of the votes of the Democrat electors, then our votes will be counted. Obviously, the only chance we have of prevailing in that situation is if there is successful legal action between now and Jan 6th stating that Trump did, in fact, win the popular vote in Nevada. We voted specifically so that our votes would be there to be considered in the event we are successful in a court case either at the NV Supreme Court or the US Supreme Court sometime in the next three weeks.

The other possibility is that the House and Senate could decide that it's unclear who should have earned our Electoral College votes, and they could vote to not give Nevada's votes to either candidate. If that happens in enough states that voted for Biden to reduce his electoral vote count below 270, then no candidate will have been elected by the Electoral College.

In that case, the House will immediately meet and vote for President, as

RE: What will the NV GOP do next?

directed by the 12th Amendment to the US Constitution, choosing from among the three candidates who received the most votes in the Electoral College. In reality, they would be choosing from two candidates, because we're not aware of any candidates receiving votes in the Electoral College other than Trump and Biden.

Each state gets one vote in that case, and there are 26 states with more GOP Representatives than Democrats, compared to 23 states with a Democrat majority. I'm aware that only adds to 49 - Pennsylvania's delegation is evenly split, so nobody knows what they might do. Regardless, it is likely that Trump would win the vote in the House of Representatives and be elected President.

As you can see, while there is still a path to Trump being elected on January 6th, it is a very narrow path, relying on enough of the six disputed states either being outright awarded to Trump in court, or at the least, having the electoral votes of a sufficient number of those states denied to either candidate. Overall, we're in completely uncharted waters - I can't think of another election where this many states were in dispute at this late date.

Jim De
jim@carsonvalleyinsurance.com

On Wed, Dec 16, 2020 at 5:46 PM michael@bertrandcpa.com
<michael@bertrandcpa.com> wrote:

After the casting of the electoral votes yesterday, as the Governor and Legislature will not certify the results and send them on to Congress, will this have any legal impact? If not, what is our next step to stop the steal?

Michael

Bertrand & Associates, LLC
777 E. William St Suite 206
Carson City, Nevada 89701
775-882-8892

This email has been checked for viruses by AVG
antivirus software.

www.avg.com

--
D. James Hindle III
Virginia City, NV
T: 775-847-0796
M: 206-399-5588
E: djhthree@gmail.com

RE: What will the NV GOP do next?

--

D. James Hindle III
Virginia City, NV
T: 775-847-0796
M: 206-399-5588
E: djhthree@gmail.com

Subject: Re: What will the NV GOP do next?

From: Jessica Hanson <jessica.hanson@nevadagop.org>

Date: 12/17/2020, 2:23 PM

To: DJHindle <djhthree@gmail.com>

CC: Barb Hawn <bhawn@nevadagop.org>, Jim DeGraffenreid <jimde45@earthlink.net>, Jolette Gowens NVGOP <jo@nevadagop.org>, Shawn Meehan <airlifter2@gmail.com>, michael@bertrandcpa.com

Yeah I think closer to the 6th. I was chatting with Courtney too about potentially doing a rally

On Thu, Dec 17, 2020 at 5:22 PM DJHindle <djhthree@gmail.com> wrote:

I think that could be a good idea and would think it best to go out between Christmas and new Year's - unless you think too many people are not paying attention during that week?

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Michael

Bertrand & Associates, LLC

777 E. William St Suite 206

Carson City, Nevada 89701

775-882-8892

From: Jim DeGraffenreid <jimde45@earthlink.net>

Sent: Thursday, December 17, 2020 12:39 PM

To: michael@bertrandcpa.com

Cc: Barb Hawn <bhawn@nevadagop.org>; djhthree@gmail.com;
jessica.hanson@nevadagop.org; Michael McDonald <aoslv@cox.net>; Shawn Meehan
<airlifter2@gmail.com>

Subject: Re: What will the NV GOP do next?

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the only chance we have of prevailing in that situation is if there is successful legal action between now and Jan 6th stating that Trump did, in fact, win the popular vote in Nevada. We voted specifically so that our votes would be there to be considered in the event we are successful in a court case either at the NV Supreme Court or the US Supreme Court sometime in the next three weeks.

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Jim De

jim@carsonvalleyinsurance.com

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Michael

Bertrand & Associates, LLC

777 E. William St Suite 206

Carson City, Nevada 89701

775-882-8892



This email has been checked for viruses by AVG antivirus software.

www.avg.com

--

D. James Hindle III
Virginia City, NV
T: 775-847-0796
M: 206-399-5588
E: djhthree@gmail.com

--

D. James Hindle III
Virginia City, NV
T: 775-847-0796
M: 206-399-5588
E: djhthree@gmail.com

--
Jessica Hanson
Executive Director

Re: What will the NV GOP do next?

Nevada Republican Party

Subject: Re: What will the NV GOP do next?

From: Shawn Meehan <airlifter2@gmail.com>

Date: 12/17/2020, 2:10 PM

To: Michael Bertrand <michael@bertrandcpa.com>

CC: Jim DeGraffenreid <jimde45@earthlink.net>, Barb Hawn <bhawn@nevadagop.org>, Jim Hindle <djhthree@gmail.com>, Jessica Hanson <jessica.hanson@nevadagop.org>, Michael McDonald <aoslv@cox.net>

Jim did a good job outlining what we might expect. There are many moving parts to this situation.

I believe that Congress can summarily dismiss our Nevada Republican Elector's votes in favor of the Dem slate Jan. 6th as we were not issued official Certificates of Ascertainment by Gov. Sisolak. The Electoral Count Act sets out quite a bit of detail for anyone curious. It has been asserted to be unconstitutional by some, but never adjudicated in court: https://en.wikipedia.org/wiki/Electoral_Count_Act

Of course, as the Senate presides over the joint session of Congress as the superior house, interesting parliamentary process could come up. Challenging Elector's votes is spelled out in process, but could a member of Congress move to enter certain evidence of election fraud on the record during the session? How much discussion could take place? How would that influence members to act?

The Dems and their accomplices in the media have been steadily, and effectively, building a narrative in popular culture that Biden won, Orange man still bad, Republicans are crybabies, and every court has smacked us down. You're all aware of the lack of truth in such so no need to elaborate. However, and our Nevada Trump attorney stated as much on Zoom calls, courts are discharging their morals and oaths to ignore the evidence. Rather than honor the Constitution, they are ignoring and denying. They are scared to death to be the one that throws out votes and cures a corrupt election.

One real possibility, while less likely than more likely, is some federal court could recognize the evidence and direct a corrective action of swinging the votes to the real winner in that state. If such were Nevada for example, part of that order could, and should, include an order for Gov. Sisolak to immediately issue our slate of electors a revised Certificate of Ascertainment per 3USC and expedite it to Congress. On Jan. 6th, such would mandate Congress count our ballots and not the Dem ballots.

All of this seems truly overwhelming, but if one court clearly upholds any of the frauds we had in Nevada, or validates any Dominion machine evidence, etc. such recognition could spread quickly, causing other courts or legislatures to join in.

We're in uncharted territory. For example, I believe as President Trump's legal team has stated, Article II, Section 1, Clause 2 is clear that state legislatures and only state legislatures select electors. Should a dam break and a state want to reclaim their electors, they could under the Constitution, the Supreme Law of the Land. However, 3USC requires the Certificates of Ascertainment to be signed by the governor. Should a governor follow 3USC and refuse to sign, such interferes with the superior constitutional right of the state legislature's sole authority in this manner. A court in such case could and should order the governor to sign or rule that part of 3USC unconstitutional and void, clearing the way for the legislature's electors to be recognized.

Quite a bit more plays into this and different variations of it. Too difficult to game out right now.

I wish we had more insight as to the actual occurrences behind the scenes with litigation. Seems attorneys Lin Wood and Sidney Powell just destroyed any chances they might have for SCOTUS to entertain their lawsuits. They are all over social media making personal attacks on Chief Justice Roberts. I get it, the dude is a corrupt sellout, but where you might have a chance to present a case and get a favorable ruling, Roberts will now certainly use every trick in the book to frustrate their current and future lawsuits.

Good thing liquor stores are considered essential businesses. LOL I picked the wrong year to stop drinking.

I'm putting together a plea for folks to reach out to Congress and ring their bell pressuring the hell out of them. We'll see if social media can do its thing.

Shawn

On December 17, 2020, at 12:46 PM, michael@bertrandcpa.com wrote:

Jim,

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Michael

BERTRAND & ASSOCIATES, LLC

777 E. William St Suite 206

Carson City, Nevada 89701

775-882-8892

From: Jim DeGraffenreid <jimde45@earthlink.net>

Sent: Thursday, December 17, 2020 12:39 PM

To: michael@bertrandcpa.com

Cc: Barb Hawn <bhawn@nevadagop.org>; djhthree@gmail.com; jessica.hanson@nevadagop.org; Michael McDonald <aoslv@cox.net>; Shawn Meehan <airlifter2@gmail.com>

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In that case, the House will immediately meet and vote for President, as directed by the 12th Amendment to the US Constitution, choosing from among the three candidates who received the most votes in the Electoral College. In reality, they would be choosing from two candidates, because we're not aware of any candidates receiving votes in the Electoral College other than Trump and Biden.

Each state gets one vote in that case, and there are 26 states with more GOP Representatives than Democrats, compared to 23 states with a Democrat majority. I'm aware that only adds to 49 - Pennsylvania's delegation is evenly split, so nobody knows what they might do. Regardless, it is likely that Trump would win the vote in the House of Representatives and be elected President.

As you can see, while there is still a path to Trump being elected on January 6th, it is a very narrow path, relying on enough of the six disputed states either being outright awarded to Trump in court, or at the least, having the electoral votes of a sufficient number of those states denied to either candidate. Overall, we're in completely uncharted waters - I can't think of another election where this many states were in dispute at this late date.

Jim De

jim@carsonvalleyinsurance.com

On Wed, Dec 16, 2020 at 5:46 PM michael@bertrandcpa.com <michael@bertrandcpa.com> wrote:

After the casting of the electoral votes yesterday, as the Governor and Legislature will not certify the results and send them on to Congress, will this have any legal impact? If not, what is our next step to stop the steal?

Michael

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C-23-379122-1

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 13, 2024

C-23-379122-1 State of Nevada
 vs
 James Degraffenreid, III

February 13, 2024 9:45 AM Minute Order

HEARD BY: Holthus, Mary Kay **COURTROOM:** Chambers

COURT CLERK: Dara Yorke

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- This Court, having reviewed the pleadings and papers on file herein, and for good cause appearing, IT IS HEREBY ORDERED that upon request of this Court, and there being no opposition filed with the Court, that the STATE'S MOTION FOR LEAVE TO FILE EXHIBIT 1 AND 2 UNDER SEAL (Docket No. 23) is hereby GRANTED. The hearing regarding the State's Motion set on February 21, 2024, at 9:30 A.M. will be VACATED as MOOT. EXHIBITS 1 AND 2 in the States OPPOSITION TO DEFENDANTS MOTION TO DISMISS (Docket No. 21), may be filed under seal in case C-23-379122-1, State of Nevada v. James Degraffenreid, III, pursuant to Nevada Rules Governing Sealing and Redacting Court Records, Rule 3.

CLERK'S NOTE: A copy of this minute order sent to the Sealing/ Striking / Redacting team. //2-13-24/ dy

PRINT DATE: 02/13/2024

Page 1 of 1

Minutes Date: February 13, 2024

APP 1163