

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Mandamus

COURT MINUTES

November 02, 2020

A-20-823821-W	Nevada Republican Central Committee dba Nevada Republican Party, Plaintiff(s) vs. Clark County, Defendant(s)
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November 02, 2020	3:20 PM	Minute Order: Application for Order Compelling Disclosure of Public Records Pursuant to NRS 239.011/Petition for Writ of Mandamus
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HEARD BY: Gonzalez, Elizabeth	COURTROOM: Chambers
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COURT CLERK: Dulce Romea

PARTIES None. Minute order only - no hearing held.
PRESENT:

JOURNAL ENTRIES

- The Court, having taken evidence and heard argument related to the Petition for Writ of Mandamus related to the three public records requests made by the Petitioner pursuant to NRS 239.010, GRANTS the Petition IN PART:

Petitioners' request for public records seeking records that did not exist at the time of the submission of the request claiming it is being made on a "rolling basis" is not appropriate. To the extent that request is for information not in existence at the time of the request, the public records request as made, is premature. As such the Court addresses only those records in existence at the time the three requests for public records were made.

In accordance with NRS 239.0113, Respondent has demonstrated by a preponderance of the evidence that valid security concerns relate to information about employees/contractors. Accordingly the names, work schedules and other personal identifiers are deemed confidential at this time.

In accordance with NRS 239.0113, Respondent has demonstrated by a preponderance of the evidence that valid security concerns relate to information about transportation of ballots. Accordingly this information will remain confidential.

Respondent has demonstrated by a preponderance of the evidence that due to the public health

emergency, there has been a large increase in mail-in ballots and an increased difficulty in recruiting staff to assist with the responsibilities of the Election Department during a general election, which restrict the ability of Respondent to comply with these public records requests prior to the canvass deadline. These factors establish good cause for an extension of the statutory period for compliance with these public records requests.

With respect to the October 16, 2020 request (Exhibit 1), due to the security concerns, the documents related to the composition and scheduling of the bipartisan counting board and ambassadors in existence as of October 16, 2020 will be produced by November 20, 2020. Respondent's security concerns related to the identities of these individuals will be significantly reduced after the canvass. In addition to the information previously provided in response to subpart 4, Respondent is to provide responsive public records through October 16, 2020 for the remaining subparts in that request by November 20, 2020.

With respect to the October 19, 2020 public records request (Exhibit 2), as to subpart 1, policy and procedures in existence at the time of the request (except for k); any call script or instruction given to employees referenced in subpart 2; identification of individuals and shifts worked through October 19, 2020 related to subpart 3; all reports identified in subpart 7 through October 19, 2020; all reports identified in 10 through October 19, 2020 not publicly available on the respondent's website; and, all records related to 11, 12 and 13 through October 19, 2020 will be produced. As a result of the time constraints, this information will be produced by November 20, 2020. Respondent's security concerns related to the identities of individuals who contact voters will be significantly reduced after the canvass. The items related to security of the transportation of ballots and interaction with law enforcement are security concerns will exist for future elections and are found to be confidential. The items related to communications with individual voters is also confidential although that information may be produced in a redacted form following the canvass deadline.

With respect to the October 23, 2020 public records request (Exhibit 3), for those mail-in ballots or absentee ballots returned to the Election Department by October 23, 2020, Respondent to identify the number that did not contain a signature, the number that the signature did not match those records available for examination under AB4, and the number of the preceding ballots that were ultimately approved for tabulation. To the extent that any of the public records existed on October 23, 2020, the number of provisional ballots and conditional provisional ballots cast will be produced.

Any subpart of any of the public records requests not specifically identified is denied.

Currently Respondent makes much of the information requested available on its website. Respondent is not required to duplicate information already available on its website. The Court notes the Respondent's willingness to provide information as soon as it is possible given the canvass deadline and demands on the limited staff in the Election Department. Petitioners' counsel and Respondent's counsel are encouraged to communicate related to any dispute related to this ruling

prior to resetting this matter before the court. A status check regarding compliance is set on the Court's chambers calendar on November 20, 2020. Counsel may submit a status report requesting any further involvement of the Court on this issue at that time. Mr. Lee to prepare the order and submit for approval to Ms. Miller.