

ROBERT BEADLES
10580 N. McCarran Blvd. #115, Apt. 386
Reno, NV 89503
Plaintiff, Pro Se

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

MR ROBERT BEADLES, an individual,
Plaintiff,

vs.

JAMIE RODRIGUEZ, in her official capacity as Registrar of Voters and in her personal capacity; the WASHOE COUNTY REGISTRAR OF VOTERS, a government agency; ERIC BROWN in his official capacity as WASHOE COUNTY MANAGER and in his personal capacity, ALEXIS HILL in her official capacity as CHAIRWOMAN OF WASHOE COUNTY BOARD OF COMMISSIONERS and in her personal capacity; WASHOE COUNTY, Nevada a political subdivision of the State of Nevada, and DOES I-X; and ROE CORPORATIONS I-X.

Defendants.

Case No.: CV23-01341

Dept. No.: 1

REPLY IN SUPPORT OF MOTION TO COMPEL ISSUANCE OF CITATIONS

I. INTRODUCTION

The law, at its core, is designed to ensure equity and justice. To uphold justice, it's paramount that the system's checks and balances are preserved. Beadles's arguments cite NRS 283.440, a statute focused on ensuring accountability for those holding public office. The law explicitly states that any person, regardless of their office, if found guilty of malpractice or malfeasance while serving, may be removed. Thus, the issuance of citations is imperative to uphold the integrity of the legal process.

In their opposition to the motion to compel citations, the defense's responses consistently lack truthfulness. Defendants Hill, Rodriguez, and Brown are all potentially subject to removal under NRS 283.440, as will be further delineated by the Plaintiff. Additionally, the Plaintiff highlights that these defendants have disregarded their obligations, acting in malfeasance, malpractice, or nonfeasance, in contradiction to the defense's claims.

The defense posits that removal under NRS 283.440 is reserved exclusively for cases where the individual:

“...refuses or neglects to perform any official act in the manner and form prescribed by law, or is guilty of any malpractice or malfeasance in office...” NRS 283.440(1). For such a removal, evidence must prove guilt beyond a reasonable doubt, as underlined in *Jones*, 67 Nev. at 418, 219 P.2d at 1062. Moreover, “the act of malfeasance must have a direct relation to and be connected with the performance of official duties,” as emphasized in *Jones*, 67 Nev. at 408, 219 P.2d at 1057.

Acts of omission fall under the scope: “refuse or neglect to perform any official act in the manner and form as now prescribed by law...” *Id.* To further clarify, *Schumacher v. State ex rel. Furlong*, 78 Nev. 167, 172, 370 P.2d 209, 211 (1962) defines: “Nonfeasance is the significant failure to fulfill a required legal duty. Misfeasance is the act of executing what is legally permissible in an incorrect manner.” Only nonfeasance can prove that an officer “refused or neglected” to undertake an official act. Summing up, the dual criteria for removal revolve around whether an officer (1) “refused or neglected to perform official duties... as outlined by law,” or (2) is convicted of malfeasance, per NRS 283.440(2). The officer in the spotlight must have substantially neglected their legal duties or deliberately committed an act in direct violation of their responsibilities, as cited in *Jones*, 67 Nev. at 408, 219 P.2d at 1057 and *Schumacher*, 78 Nev. at 172, 370 P.2d at 211.

The Plaintiff acknowledges and concurs with the criteria set by the defense. The pleadings, combined with the extensive exhibits and videos served to the defendants and the testimony presented at trial, unequivocally demonstrate that the evidence against all three defendants meets the criteria for removal under NRS 283.440. The plaintiff's evidence will counteract the defense's assertions regarding lack of duty, absence of stated claims, and the inapplicability of removal, among other allegations.

Additionally, the defense neglects to recognize that Nevada is a notice pleading state. This means a plaintiff need only provide a concise and clear statement of the claim, demonstrating entitlement to relief, to proceed. The Plaintiff has not only met but far exceeded this minimum threshold for advancement.

The Plaintiff respectfully demands that citations be issued, and that both causes of action from his initial pleadings be brought before a jury trial.

II. THE RELEVANCE OF LEGISLATIVE HISTORY

Reference to Past Interpretations: While past cases have primarily dealt with elected officials, the law clearly states it must apply to *“any person, in any office.”* The defendants do not hold some low-level job in the county; defendant Rodriguez is the acting ROV for all of Washoe County. The NRS states her position interchangeable with that of an elected County Clerk. Her duties in short consist of: *Under general direction of the County Manager, plans, organizes, directs, and manages the operations of the Registrar of Voters Department; and performs related work as required.*

https://www.washoecounty.gov/humanresources/files/hrfiles/60009314_1.pdf [Exhibit 117]

Defendant Brown is the furthest from a low-level county employee. He is in direct control of the duties of the ROV, defendant Rodriguez. He additionally has appointed her, the deputy ROV, and

has contracted with numerous election services companies as well. His duties as defined by the county additionally include: *Under the administrative direction of the Board of County Commissioners, serves as the Chief Administrative Officer of Washoe County; exercises administrative direction over the appointed County department heads and staff; represents the County on a variety of matters at the State and County level; and performs related work as required.* https://www.washoecounty.gov/humanresources/files/hrfiles/60009303_1.pdf [Exhibit 133].

It is clear these two defendants are the furthest from just county employees as the defense tries to downplay. These two defendants control the county election systems and more. If they cannot be held accountable under NRS 283.440, it would be a clear travesty of justice. The 3rd defendant, County Commissioner Alexis Hill, has been sworn in as a seated county commissioner, and this law without any further explanation clearly applies to her.

Furthermore, the defense's attempt to ignore and obfuscate the truth of what the law clearly says to the court is reprehensible. The application of NRS 283.440 in the removal of “*any person, in any office*”, for malfeasance or nonfeasance of high-ranking employees must be allowed per law. Failure to do so would open the door to systemic issues, undermining public trust, and clear violations of law that would then be permissible. It’s the road to tyranny when public officials have no accountability to we the people.

III. THE IMPORTANCE OF PROPER SCRUTINY

Purpose of the Statute: NRS 283.440 was enacted with the intent of ensuring accountability for those in public positions. Its purpose is to provide a clear mechanism for addressing allegations of misconduct and, if substantiated, facilitating the removal of such officials. By not following this, the Court potentially undermines the very purpose of this statute, which is to maintain the integrity of public office.

A. Interpretative Flexibility: Statutes must be interpreted as stated in law. NRS 283.440 is clear, it states it applies to “any person” and “any office” it additionally clearly states what offices the statute does NOT apply to. The defendants’ offices are not listed as offices in which the statute DOES NOT apply to. Therefore, issuing citations ensures thorough scrutiny, ensuring public trust.

B. Manager Brown and Ms. Rodriguez's Positions: Even though Manager Brown and Ms. Rodriguez are not elected officials, their appointed positions carry the highest weight and responsibility in Washoe County's duty to voters. The fact that they serve at the pleasure of the Board of County Commissioners increases the need for scrutiny, as the Board itself is an elected body. The interconnected nature of these positions can't be overlooked.

C. Broad Interpretation For Justice: If the only focus of NRS 283.440 was elected officials, it could create a loophole where appointed employees could potentially evade scrutiny. If this loophole is created by this honorable court, nefarious elected officials would simply appoint their fellow bad actors to all levels of government and there would be no public recourse. It would be total tyranny. To ensure that the aims of justice are met, a broader interpretation may be necessary, however, the law is clear that this applies to “any person, any office” it is clear it must be applied to the defendants or risk total tyranny.

D. Defense Misconstruing Assembly Bill 397

The Defense throughout this entire complaint process has tried to obfuscate the truth and paint an upside picture of what they claim to be right side up and fact. Defenses Exhibits 1-2 are a clear example of this as well. The defense tries to claim that Assembly Bill 397 and NRS 283.440 are the same. Or that AB 397 somehow replaced NRS 283.440. This argument is absurd. Simply by reading

the 2 exhibits and researching the Assembly Bill, you will see that this Bill is about workplace sexual harassment and lewd behavior. This is not to replace NRS 283.440. Page 21 in Exhibit 2 clearly states the Bill was brought forward by Women's groups to address elected officials' bad behavior.

As you can see, NRS 283.440 does not specify elected officers only, because a bad actor is a bad actor and the laws was created to remove bad actors from public service, period. Which is what the Plaintiff is using it for now. When a law is not clear, the law should favor the citizen not the government. As Oliver Wendell Holmes Jr said, "In case of doubt, tax statutes are construed most strongly against the government, and in favor of the citizen."

As such, these 3 defendants all hold public office whether elected or appointed. They are directly involved in the elections of the entire county. The law states, any person, and any office and should apply as such. This applies to the defendants absolutely.

As 283.440 stands, it is available to the Plaintiff, the exhibits defense has submitted are not changes to 283.440. At no time did the Assembly Bill 397 change or amend the preexisting law NRS 283.440. As such, NRS 283.440 clearly stands separate on its own from AB 397 and clearly applies to three defendants, and serves at the pleasure of the plaintiff.

It's worth mentioning that in the hearing on page 17, it clearly states NRS 283.440 pertains to the removal of "*certain public officers*" for malfeasance or nonfeasance. Plaintiff agrees, they are right, it is for "*certain public officers*" which would include an appointed ROV, which is the same as a county clerk as well as a County Manager who oversees the ROV as well as the Chair of The County Commissioners. As the hearing states, it applies to them equally! Notice they never say ELECTED!

When a public servant in high position is a bad actor they must be held accountable as NRS 283.440 allows for.

Additionally take notice to Exhibit 1 and 2 from the defense, Defendant Jaime Rodriguez in Exhibit 2 she is in support of legislation that gives the victims an opportunity TO NOT FILE complaints with Washoe County!

She states it can result in employees having to potentially investigate their supervisors! No matter how they spin it, this is clearly to protect management in Washoe County where complaints will go to NERC to die. She additionally knows this has nothing to do with NRS 283.440 and has everything to do with work place sexual harassment and lewd acts.

III. Defendants Are Subject To Removal Via NRS 283.440

The defense clearly tries to hide the facts from this honorable court. NRS 283.440 is very clear the only offices it **does not apply** to are:

...except that this section does not apply to:

(a) A justice or judge of the court system;

(b) A state officer removable from office only through impeachment pursuant to Article 7 of the Nevada Constitution; or

(c) A State Legislator removable from office only through expulsion by the State Legislator's own House pursuant to Section 6 of Article 4 of the Nevada Constitution.

It additionally states: Any person who is now holding or who shall hereafter hold any office in this State.

Clearly, the highest-ranking Election Official (ROV), The Highest Ranking Administrative Official (County Manager), and the Chairwoman of the Washoe County Board of County Commissioners are subject to removal via NRS 283.440 as they are not excluded as the other positions are.

A. Defining What a Public Official and Officer are

It is clear the defense is again trying to hide the truth that the defendants are indeed subject to removal under NRS 283.440.

NRS 193.019 "Officer" and "public officer" defined. "Officer" and "public officer" include all officers, members and employees of:

1. The State of Nevada;
2. Any political subdivision of this State;
3. Any other special district, public corporation or quasi-public corporation of this State; and
4. Any agency, board or commission established by this State or any of its political subdivisions, and all persons exercising or assuming to exercise any of the powers or functions of a public officer.

NRS 193.019(2) indicates "members and employees" of the County—a political subdivision—are "officers" as a matter of law.

NRS 193.019(4) indicates "officers, members and employees" of "Any agency, board or commission established by this state. . . and all persons exercising or assuming to exercise any of the powers or functions of a public officer," are "officers" as a matter of law.

All election employees assigned to a board are "officials" pursuant to NRS 293.050:

NRS 293.050 "Election board officer" defined. "Election board officer" means a person appointed to assist in the conduct of an election.

A registrar of voters is an official as a matter of law pursuant to NRS 293D.040 "Local elections official" defined, and NAC 293.205 "Local elections official" defined [NAC 293.205 to 293.212], and NRS 293.503, a county clerk in a county without a registrar (under population of 100,000) is an *ex officio* registrar; meaning, the registrar is official.

An *ex officio* registrar created pursuant to NRS 293.503 extends any and all liability of their office in the conduct of elections to the ROV.

No statute shields the Clerk from the actions of the ROV either.

Thus, the ROV is subject to the liability encumbered by the Clerk, subject to penalty pursuant to NRS 293.800, 293.840, and Sec. 193 et seq. And is also subject to removal pursuant to NRS 283.440. See "Complaint Fails to State a Claim for Removal Under NRS 283.440" above.

B. Constitutional and Statutory Mandate:

a. Nev. Const. Art. 2 Sec. 1A § 11 unequivocally declares the right of every Nevadan "to have complaints about elections and election contests resolved fairly, accurately, and efficiently as provided by law." This provision enshrines in the state's highest legal document the necessity for election-related grievances to be addressed adequately.

b. NRS 293.2546 (11) reiterates and underscores this right, specifying that every voter has the right "to have complaints about elections and election contests resolved fairly, accurately, and efficiently."

V. Defendants Are Duty Bound To Respond To Plaintiff

The Defense is attempting to mislead this court in numerous ways. A few examples: in regards to the Defendant's duty to respond to the Defense, the Defense says Defendants have no duty to respond to the Plaintiff; therefore, the case should be dismissed. This couldn't be further from the truth. The defense omits damning evidence against the defendants that clearly show they broke numerous laws, as well as committed nonfeasance, malfeasance, or malpractice. The defense purposely does not address the below claims that the evidence clearly supports the defendant's guilt. Instead, the defense tries to say there's no duty to respond, so who cares if they break nearly every election law? The plaintiff has no right to complain, let alone have his grievances, petitions addressed, and God forbid grant him remedy. This is a blatant cover-up by the defense. Plaintiff will address these acts in the claims section below. In the unlikely event this court sides with the defense on some claims Beadles is making, the other claims may proceed as alleged. The Court must accept all allegations as true at this juncture of the case. It would be a travesty of justice and breach of this honorable Judge's oath of office to allow crimes before her to go unpunished. Plaintiff will now address how all three defendants are duty-bound to respond to the Plaintiff's properly served petitions and grievances.

A. Jaimie Rodriguez, Registrar Of Voters is DUTY BOUND to respond.

Defendants Office, Mission Statement:

The Mission of the Washoe County Registrar of Voters Department is to ensure that each citizen of Washoe County who is eligible to register and voter is able to do so; that Washoe County's Elections are operated with the utmost integrity, transparency, and accountability; and that the department is known for excellence in customer service and the administration of elections.

Clearly her own mission statement says it will be operated with the utmost integrity, transparency, and ACCOUNTABILITY. If she is not accountable to Plaintiff and all voters, then there is no

integrity, or transparency.

The NRS defines her role as:

NRS 244.164 Registrar of voters: Creation of office; appointment, qualifications, powers and duties.

1. In each county having a population of 100,000 or more, the board of county commissioners may create the office of registrar of voters, prescribe the qualifications, duties and compensation of that office and make appointments to that office.
2. The registrar of voters, upon appointment as provided in subsection 1, shall assume all of the powers and duties vested in and imposed upon the county clerk of the county with respect to elections, except the duties imposed by virtue of NRS 293.393 to make out and deliver certificates of election.

(Added to NRS by 1965, 669; A 1969, 1533; 1973, 1079; 1979, 510)

Notice she has “all the powers and duties vested in the and imposed upon the county clerk of the county with respect to elections”

The NRS clearly states:

NRS 293.044 “County clerk” defined; synonymous with “registrar of voters” in certain counties. Except as the term is used in NRS 293.393, whenever the term “county clerk” is used in this title it means “registrar of voters” in those counties where such office has been created pursuant to the provisions of NRS 244.164.

(Added to NRS by 1965, 670; A 1983, 925)—(Substituted in revision for NRS 293.092)

So, the Defendant is the same as an Elected County Clerk with all the powers and duties over the

elections. The defendant is the highest-ranking election official in Washoe County, duty bound to administer all aspects of the County's election processes and ensure the laws are followed.

The Washoe County Code demonstrates this as well:

5.451 - Registrar of voters: Creation of office; registrar's appointment, qualifications, term, compensation, powers and duties.

1. There is hereby created the office of Washoe County registrar of voters, which office shall be filled by appointment made by the board of county commissioners.
2. The qualifications for the office of registrar of voters shall be as prescribed and determined by the board of county commissioners. The person appointed to such office shall serve in such office solely at the pleasure of the board of county commissioners.
3. The compensation to be paid to the registrar of voters shall be determined and fixed by the board of county commissioners.
4. The registrar of voters shall assume all of the powers and duties vested in and imposed upon the county clerk with respect to elections, except the duties prescribed by NRS 293.393, relating to the preparation and delivery of certificates of election.

On Page 3 of 477 In The Nevada Secretary of State 2022 Elections Procedures Manual it clearly states that complaints about elections and election contests resolved fairly, accurately, and efficiently.

<https://www.nvsos.gov/sos/home/showpublisheddocument/10552/638072259445070000>

NRS 293.2546, the Nevada Legislature recognizes and codifies a series of rights for voters. Among these is the right "to have complaints about elections and election contests resolved fairly, accurately and efficiently" (NRS 293.2546, Subsection 11).

NRS 281A.020 establishes that "a public office is a public trust and shall be held for the sole benefit of the people." This establishes a fiduciary duty of public officials to act in the best interests of the public they serve.

The Nevada Constitution, Section 2, mandates all officers, including members of the legislature, to swear an oath to "support, protect, and defend" both the U.S. Constitution and the Nevada State Constitution, and to "bear true faith, allegiance, and loyalty to the same." Implicit in this oath is a commitment to uphold the principles of democracy, which include addressing the concerns and grievances of the citizenry.

NRS 281A.020(2)(b), the aim of Nevada's public integrity provisions is to "enhance the people's faith in the integrity and impartiality of public officers and employees." An unaddressed grievance or petition erodes public faith, addressing such matters is in line with the spirit of the law.

The Nevada Constitution underscores the right of each voter to equal access to the elections system without discrimination (Sec. 1A, Subsection 9), further emphasizing the importance of transparency and responsiveness in the election process.

The Nevada Constitution, explicitly enumerates the rights of voters, including the right to have complaints about elections and election contests "resolved fairly, accurately and efficiently as provided by law" (Sec. 1A, Subsection 11). This constitutional provision amplifies and aligns with NRS 293.2546, which emphasizes a similar commitment to the voters.

Defendant Jamie Rodriguez, as the highest-ranking election official in Washoe County, is duty-bound to respond to the Plaintiff. There is no law that states the Defendant is free to knowingly break the laws, have zero accountability, nor is there any law that states she does NOT have to answer the Plaintiff's petitions, even if just to tell him to pound sand.

Plaintiff is Duty Bound To Respond To Plaintiff.

B. Eric Brown, County Manager is DUTY BOUND to respond.

The NRS clearly states:

NRS 281A.182 Persons serving in certain positions designated as public officers or employees; applicability.

1. Any person who serves in one of the following positions is designated as a public officer solely and exclusively for the purposes of this chapter:

(c) A county manager or a city manager.

NRS 244.125 Appointment; compensation; removal.

1. The county commissioners of any county are authorized to appoint a county manager and to fix the compensation for such county manager.
2. The county manager shall hold office at the pleasure of the board of county commissioners, and may be removed from office by the board at any time.

[Part 1:221:1951]—(NRS A 1957, 279; 1963, 518, 1296)

NRS 244.135 Duties; employees and assistants.

1. The county manager shall perform such administrative functions of the county government as may be required by the board of county commissioners.
2. The county manager may, with the approval of the board of county commissioners, appoint such assistants and other employees as are necessary to the proper functioning of his or her office. The salaries of such assistants and employees and other expenses of conducting the office of the county manager shall be fixed and determined by the county manager with the consent and approval of the board of county commissioners.

Washoe County Code States:

5.0215 - County manager: Powers and duties

1. The county manager shall perform such administrative functions of the county government as may be required by the board of county commissioners. The county manager shall oversee the

functions and activities of various programs or divisions within the office of county manager and the county, which may include legislative affairs, strategic planning, emergency management, grants administration, communications, special projects, security of county facilities, the administrative hearing office, and others as are necessary to the proper functioning of the county.

The county manager may also oversee various appointed department heads as proscribed by the board of county commissioners.

https://library.municode.com/nv/washoe_county/codes/code_of_ordinances?nodeId=CH5ADPE_OF_COMA

Clearly the NRS states he is designated as a public officer, that he is to serve at the pleasure of the board of county commissioners, that with the approval of the board of county commissioners, appoint such assistants and other employees as are necessary to the proper functioning of his or her office, that he shall oversee the functions and activities of various programs or divisions, and that he may also oversee various appointed department heads as proscribed by the board of county commissioners.

Did you notice what it didn't say? It didn't say he would direct the Registrar of Voters office. It said he could "oversee" offices like the ROV.

Overseer, Blacks Law 2nd Edition:

"A superintendent or supervisor ; a public officer whose duties involve general superintendence of routine affairs."

Simply looking to the RGJ, [Exhibit 101] you will see Defendant Brown, in his own words directing

the tear down of the Registrar Of Voters office down to the “studs and start over”.

By observing any of the Board of County Commissioners meetings where Eric Brown hired an outside firm to assess the ROV operations, one can find examples in [Exhibits 118 and 119]. Listen to his words as he describes how he conducted the vetting process to bring in this out-of-state group. Their condemning report is available in [Exhibit 97], where it unequivocally states that the ROV's office is entirely unsuitable for overseeing our county's elections. This provides further evidence that Defendant Brown and Rodriguez consistently ignored the Plaintiff's warnings over the years, leading to the deterioration of the ROV. Furthermore, this honorable court can refer to [Exhibit 144], which states, "County Manager Eric Brown also made a plea for the approval of the recommended sample-ballot vendor. He mentioned that efforts to connect with local printers— as requested by the commissioners following the 2020 and 2022 elections—were unsuccessful. 'We continually faced situations where they either lacked the necessary equipment or capability,' Brown stated. 'We don't have much time left to continue issuing RFPs, so my sincere recommendation to you is: Let's proceed with this vendor.'"

Another instance is highlighted in [Exhibits 115 and 116], where Brown allegedly libels and slanders Beadles by making inaccurate statements about the meeting on 3/11/22 [Exhibit 94]. The transcript of this meeting is in [Exhibit 110]. During this session, the Plaintiff presented evidence of election issues to Brown and several other county officers. Eric Brown presided over the meeting, receiving all information directly, not the acting ROV, Spikula, at the time. The Plaintiff had to submit evidence to Brown and await his response. Defendant Rodriguez was also present during the meeting, serving in the capacity of the Government Affairs Officer, not as the current ROV. The Plaintiff emphasizes these details to clearly illustrate, using just the handful of aforementioned examples, that Brown effectively functions as the Registrar of Voters. He appointed Rodriguez, and subsequently, the Deputy ROV. Neither of these individuals possessed or possess the requisite experience to manage our elections. When qualified individuals applied for the ROV or Assistant

ROV positions, they were overlooked, and less qualified candidates were placed in pivotal roles within the Washoe County elections.

On Page 3 of 477 In The Nevada Secretary of State 2022 Elections Procedures Manual it clearly states that complaints about elections and election contests resolved fairly, accurately, and efficiently.

<https://www.nvsos.gov/sos/home/showpublisheddocument/10552/638072259445070000>

NRS 293.2546, the Nevada Legislature recognizes and codifies a series of rights for voters. Among these is the right "to have complaints about elections and election contests resolved fairly, accurately and efficiently" (NRS 293.2546, Subsection 11).

NRS 281A.020 establishes that "a public office is a public trust and shall be held for the sole benefit of the people." This establishes a fiduciary duty of public officials to act in the best interests of the public they serve.

The Nevada Constitution, Section 2, mandates all officers, including members of the legislature, to swear an oath to "support, protect, and defend" both the U.S. Constitution and the Nevada State Constitution, and to "bear true faith, allegiance, and loyalty to the same." Implicit in this oath is a commitment to uphold the principles of democracy, which include addressing the concerns and grievances of the citizenry.

NRS 281A.020(2)(b), the aim of Nevada's public integrity provisions is to "enhance the people's faith in the integrity and impartiality of public officers and employees." An unaddressed grievance or petition erodes public faith, addressing such matters is in line with the spirit of the law.

The Nevada Constitution underscores the right of each voter to equal access to the elections system without discrimination (Sec. 1A, Subsection 9), further emphasizing the importance of transparency and responsiveness in the election process.

The Nevada Constitution, explicitly enumerates the rights of voters, including the right to have complaints about elections and election contests "resolved fairly, accurately and efficiently as provided by law" (Sec. 1A, Subsection 11). This constitutional provision amplifies and aligns with NRS 293.2546, which emphasizes a similar commitment to the voters.

Defendant Brown is acting as the De facto Registrar of Voters. In his job descriptions above, he is clearly to oversee, not direct and run departments. Brown is totally unsuitable to run our elections, as his own admission shows in [Exhibit 101].

Brown in the highest-ranking administrative officer of Washoe County and is absolutely duty bound to respond to the Plaintiff. He is duty bound in his role as County Manager and surly duty bound by his De facto role as acting ROV. There is no law that states the Defendant is free to knowingly break the laws, have zero accountability, nor is there any law that states he does NOT have to answer the Plaintiff's petitions, even if just to tell him he has no rights in Washoe County to go cry somewhere else and to get lost.

C. Alexis Hill, Chairwoman of Washoe County Commissioners is DUTY BOUND to respond.

NRS 244.035 County commissioners required to take oath of office; effect of failure to take oath.

1. On entering upon the discharge of the duties of the office of county commissioner, each county commissioner, whether elected or appointed, shall take and subscribe to the oath of office as prescribed by law.

2. If a county commissioner shall neglect or refuse, during the period of 15 days from and after the first Monday of January succeeding his or her election, to take the oath of office as herein directed, his or her office shall be deemed vacant, and such vacancy shall be filled by appointment.

NRS 244.070 Election and terms of chair and vice chair of board of county commissioners; clerk of board.

1. The county commissioners shall:

(a) Elect one of their number as chair of the board and another of their number as vice chair of the board; and

(b) Fix the terms of office of the chair and vice chair of the board.

2. The county clerk shall be clerk of the board.

Defendants state Rodriguez and Hill didn't take office until 2021. That is true, but the Plaintiffs' petitions are dated in 2022. They both had the ability and duty to respond. Commissioner Herman responded; she is supportive of the Plaintiffs' efforts to address the issues raised but is constantly stifled by Brown and Hill. Commissioner Lucey is no longer in office. Commissioner Hartung is no longer in office. Commissioner Jung is no longer in office. Commissioner Clark was not a

Commissioner at the time either, yet has been supportive of all efforts to address the issues Plaintiff has presented. Hill, Brown, and Rodriguez are the only ones who remain who have been unresponsive. Commissioner Andriola and Garcia were not in office until this year and did not receive 2022 petitions. Clark and Herman have both been supportive of finding the truth. The previous ROV is no longer in office either.

The county board as a whole has the ability to grant most, if not all, of the demanded remedies. It would need to be put for a vote by Hill and Brown. If 3 votes by the commissioners are in the affirmative, the ROV would then be able to fashion all remedies that apply to the county's power to control their elections per the NRS. It is another reason why Plaintiff sued the county as the county board of commissioners as a body it has the ability to adopt the demanded remedies. A few examples of how the commission as a whole can grant remedies sought are: N.R.S. 293.269925, 293.3075(6), 293.506, 293B.110, except N.R.S. 293.2955(1, 4), N.R.S. 293.217 to 293.243 inclusive, 293.258, 293B.360 to 293B.390 inclusive, N.R.S. 293.205, 293.2731 to 293.2738 inclusive, 293.3072, 293.3561 to 293.361 inclusive, and 293.437 just to name a few.

Additionally, Rodriguez and Hill have the ability to look into Plaintiffs' 2020 election claims even though they weren't involved in the election at that time. The excuse that because they already happened, nothing can be done is ridiculous. Try saying that to an IRS agent or likewise. Because they weren't an IRS agent when you filed your taxes last year, they can't audit you. Do you see the absurdity of their claim? They were, of course, seated for the 2022 Elections and the petitions that they were served, they failed to respond to as well.

The Plaintiff has repeatedly reached out to Chairwoman Commissioner Hill, presenting his grievances both in documented form [Exhibits 1-15] and in person. Despite these efforts, she has

consistently failed to address them. Instead of constructively engaging with the Plaintiff's concerns, Commissioner Hill has embarked on a series of campaigns, to libel and slander the Plaintiff for both her financial enrichment and to cause reputational damage to Plaintiff [Exhibits 134-135]. As the head of The County Commission, Commissioner Hill possesses the necessary authority to introduce these grievances into the County Commission Board's agenda and initiate an investigation. Yet, she has refused to. Not only has she declined to take these matters to the board for potential discussion and resolution, but she has also failed to provide any direct response to the Plaintiff. Her attempts to label him as a "right-wing extremist" seem to serve as a tactic to galvanize support and fundraising for her campaign. Given just these actions and omissions, there is a compelling argument for her potential malfeasance, nonfeasance, and breach of her oath to office. The provisions of NRS 283.440 necessitate her examination in this regard.

On Page 3 of 477 In The Nevada Secretary of State 2022 Elections Procedures Manual it clearly states that complaints about elections and election contests resolved fairly, accurately, and efficiently.

<https://www.nvsos.gov/sos/home/showpublisheddocument/10552/638072259445070000>

NRS 293.2546, the Nevada Legislature recognizes and codifies a series of rights for voters. Among these is the right "to have complaints about elections and election contests resolved fairly, accurately and efficiently" (NRS 293.2546, Subsection 11).

NRS 281A.020 establishes that "a public office is a public trust and shall be held for the sole benefit of the people." This establishes a fiduciary duty of public officials to act in the best interests of the public they serve.

The Nevada Constitution, Section 2, mandates all officers, including members of the legislature, to swear an oath to "support, protect, and defend" both the U.S. Constitution and the Nevada State Constitution, and to "bear true faith, allegiance, and loyalty to the same." Implicit in this oath is a commitment to uphold the principles of democracy, which include addressing the concerns and grievances of the citizenry.

NRS 281A.020(2)(b), the aim of Nevada's public integrity provisions is to "enhance the people's faith in the integrity and impartiality of public officers and employees." An unaddressed grievance or petition erodes public faith, addressing such matters is in line with the spirit of the law.

The Nevada Constitution underscores the right of each voter to equal access to the elections system without discrimination (Sec. 1A, Subsection 9), further emphasizing the importance of transparency and responsiveness in the election process.

The Nevada Constitution, explicitly enumerates the rights of voters, including the right to have complaints about elections and election contests "resolved fairly, accurately and efficiently as provided by law" (Sec. 1A, Subsection 11). This constitutional provision amplifies and aligns with NRS 293.2546, which emphasizes a similar commitment to the voters.

Chairwoman Alexis Hill is the highest-ranking Commissioner in Washoe County. She and Brown alone have the power to add items to the agenda for consideration as 5.5 In the Washoe County Board of County Commissioners Rules of Procedure Handbook clearly states.

<https://www.washoecounty.gov/bcc/WC%20BCC%20Rules%20of%20Procedure%202022.pdf>.

Hill has neglected her duties and has failed to provide her duty bound response to plaintiff.

There is no law that states the Defendant is free to knowingly break the laws, have zero accountability, nor is there any law that states she does NOT have to answer the Plaintiff's petitions, even if just to tell him she hates his face and voice.

D. All Defendants Are Duty Bound To Respond

For above mentioned reasons alone, defendants are duty bound to answer Plaintiffs Petitions.

Here is additional proof for this honorable court to consider.

NRS 281A.500 Notice and acknowledgment of statutory ethical standards: Distribution of information regarding standards; duty to file acknowledgment; contents; form; retention; penalty for willful refusal to file.

1. On or before the date on which a public officer swears or affirms the oath of office, the public officer must be informed of the statutory ethical standards and the duty to file an acknowledgment of the statutory ethical standards in accordance with this section by:

(a) For an appointed public officer, the appointing authority of the public officer; and

(b) For an elected public officer of:

(1) The county and other political subdivisions within the county except cities, the county clerk;

(2) The city, the city clerk;

9. Whenever the Commission, or any public officer or employee as part of the public officer's or employee's official duties, provides a public officer with a printed copy of the form for making the acknowledgment, a printed copy of the statutory ethical standards must be included with the form.

10. The Commission shall retain each acknowledgment filed pursuant to this section for 6 years after the date on which the acknowledgment was filed.

11. Willful refusal to execute and file the acknowledgment required by this section shall be deemed to be:

(a) A willful violation of this chapter for the purposes of NRS 281A.785 and 281A.790; and

(b) Nonfeasance in office for the purposes of NRS 283.440 and, if the public officer is removable from office pursuant to NRS 283.440, the Commission may file a complaint in the appropriate court for removal of the public officer pursuant to that section. This paragraph grants an exclusive right to the Commission, and no other person may file a complaint against the public officer pursuant to NRS 283.440 based on any violation of this section.

NRS 244.137 Legislative findings and declarations. The Legislature hereby finds and declares that:

6. To provide a board of county commissioners with the appropriate authority to address matters of local concern for the effective operation of county government, the provisions of NRS 244.137 to 244.146, inclusive:

(a) Expressly grant and delegate to the board of county commissioners all powers necessary or proper to address matters of local concern so that the board may adopt county ordinances and implement and carry out county programs and functions for the effective operation of county government; and

(b) Modify Dillon's Rule as applied to the board of county commissioners so that if there is any fair or reasonable doubt concerning the existence of a power of the board to address a matter of local concern, it must be presumed that the board has the power unless the presumption is rebutted by evidence of a contrary intent by the Legislature.

NRS 244.143 “Matter of local concern” defined.

1. “Matter of local concern” means any matter that:

(a) Primarily affects or impacts areas located in the county, or persons who reside, work, visit or are otherwise present in areas located in the county, and does not have a significant effect or impact on areas located in other counties;

(b) Is not within the exclusive jurisdiction of another governmental entity; and

(c) **Does not concern:**

(1) A state interest that requires statewide uniformity of regulation;

(2) The regulation of business activities that are subject to substantial regulation by a federal or state agency; or

(3) Any other federal or state interest that is committed by the Constitution, statutes or regulations of the United States or this State to federal or state regulation that preempts local regulation.

2. The term includes, without limitation, any of the following matters of local concern:

(a) Public health, safety and welfare in the county.

(b) Planning, zoning, development and redevelopment in the county.

(c) Nuisances and graffiti in the county.

(d) Outdoor assemblies in the county.

(e) Contracts and purchasing by county government.

(f) Operation, management and control of county jails and prisoners by county government.

(g) Any public property, buildings, lands, utilities and other public works owned, leased, operated, managed or controlled by county government, including, without limitation:

(1) Roads, highways and bridges.

- (2) Parks, recreational centers, cultural centers, libraries and museums.
- 3. The provisions of subsection 2:
 - (a) Are intended to be illustrative;
 - (b) **Are not intended to be exhaustive or exclusive**; and
 - (c) Must not be interpreted as either limiting or expanding the meaning of the term “matter of local concern” as provided in subsection 1.

(Added to NRS by 2015, 2418)

NRS 244.146 Powers of board of county commissioners; exercise of powers; prohibitions.

- 1 (c) All other powers necessary or proper to address matters of local concern for the effective operation of county government, whether or not the powers are expressly granted to the board. If there is any fair or reasonable doubt concerning the existence of a power of the board to address a matter of local concern pursuant to this paragraph, it must be presumed that the board has the power unless the presumption is rebutted by evidence of a contrary intent by the Legislature.

NRS 244.165 Prosecution and defense of suits. The boards of county commissioners shall have power and jurisdiction in their respective counties to control the prosecution or defense of all suits to which the county is a party.

[Part 8:80:1865; A 1871, 47; 1931, 52; 1933, 203; 1953, 681]

NRS 244.194 Voting or counting devices: Rental, lease or other acquisition. Boards of county commissioners may rent, lease or otherwise acquire voting or counting devices in whatever manner will best serve local interests.

(Added to NRS by 1965, 615; A 1975, 570; 1977, 240)

NRS 244.195 Other powers. Except as otherwise provided in NRS 244.137 to 244.146, inclusive, the boards of county commissioners shall have power and jurisdiction in their respective counties to do and perform all such other acts and things as may be lawful and necessary to the full discharge of the powers and jurisdiction conferred on the board.

[Part 8:80:1865; A 1871, 47; 1931, 52; 1933, 203; 1953, 681]—(NRS A 2015, 2419)

The above law shows a sworn oath of office and ethical standards. If they didn't uphold these, they must be removed. It further states defendants can be removed for nonfeasance via NRS 283.440. The board of county commissioners has the appropriate authority to address matters of local concern. It clarifies what local concerns are not and asserts that the board has all other powers necessary or proper to address matters of local concern. It does not state elections or addressing petitions are not local concerns. In fact it would appear they are and should be addressed by the entire board. The board has the power and jurisdiction in their respective counties to control the prosecution or defense of all suits to which the county is a party. The board can choose to use or not use voting machines. The board of county commissioners shall have power and jurisdiction in their respective counties to do and perform all such other acts and things as may be lawful and necessary to the full discharge of the powers and jurisdiction conferred on the board.

These are additional reasons why the County was named in the lawsuit and why Hill and Brown have the power to add items to the agenda so the board can wield its power to answer petitions, grant remedies, etc. as a whole versus a sole commissioner.

VI. Plaintiff Stated Claims for Cause of Action 1 and 2, Which Relief Can Be Granted

The defense conveniently omits the thousands of pages of exhibits, and video in where numerous claims are stated in supplement to the pleadings. To further show some of the claims stated, for both causes of actions, Plaintiff will provide a partial list below, and looks forward to presenting all claims at trial.

A. Claims against County Chairwoman Alexis Hill

Each of the allegations below, if proven, are gross violations of law, many of which violate numerous provisions of NRS 281, NRS 281A, NRS 197, NRS 205, and NRS 293 to name a few (forgive Plaintiff he is not a Prosecutor, they could identify the litany of additional laws defendants would be breaking) all of which would be subject to removal under NRS 283.440.

Plaintiff to the best of his knowledge alleges the following against Defendant Hill in his Complaint.

- Failed her duties to respond to Plaintiffs' petitions and grievances (Shown in Duty Bound Section Above).
- She has refused or neglected to perform the official duties pertaining to the officer's office as prescribed by law; and is guilty of malpractice, malfeasance, or nonfeasance in office. Defendant has been presented evidence of election fraud numerous times, in email, in petitions, in person. She has allowed these election issues to continue and rob every voter of their right to suffrage.
- Stole county property via the county email list to enrich herself and libel and slander Beadles.
- Did not disclose boards she sits on publicly.
- Voted on items that enrich her board positions and organizations she is connected to [Exhibit 138].

- Uses-used her position to lobby activists to protest other commissioners' agenda items.
- Used her position to lobby activists where harm could have occurred to the public.
- Helped cover up election crimes.
- Uses her position to keep other commissioners' items off the Commission agenda.

Another reason to advocate for Hill's removal under NRS 283.440 is evident in [exhibit 138], which pertains to an ethics complaint. This document highlights her misuse of position, potentially endangering the public. Additionally, it brings to light undisclosed board positions she holds outside the public's knowledge, on which she casts votes that could lead to personal enrichment.

Another alleged violation includes allegations of Hill using County property for personal enrichment. Hill solicited money for her campaign and libeled and slandered Beadles, as clearly shown in [Exhibits 134, 135, 139, and 140]. Plaintiff received her emails, as did Berkbigler. Neither Plaintiff nor Berkbigler, nor potentially hundreds of thousands of other Washoe residents, signed up for her emailers. However, we are signed up for Washoe County updates with our emails she solicited.

This alleged act, if found guilty, could constitute a litany of charges including Misuse of Public Funds, Property, or Manpower (NRS 281.230), Campaign and Election Violations, Federal Mail and Wire Fraud, and the Federal Electronic Communications Privacy Act (ECPA), just to name a few. All of which should additionally constitute removal via NRS 283.440.

These are just a few of the alleged violations and crimes that will hopefully satisfy the Defense further with claims against Defendant Hill to be weighed at trial.

B. Claims against County ROV Rodriguez

Each of the allegations below, if proven, are gross violations of law, many of which violate numerous provisions of NRS 281, NRS 281A, NRS 197, NRS 205, NRS 293 to name a few (forgive Plaintiff he is not a Prosecutor, they could identify the litany of additional laws defendants would be breaking) all of which would be subject to removal under NRS 283.440.

Plaintiff to the best of his knowledge alleges the following against Defendant Rodriguez.

- Failed her duties to respond to Plaintiffs' petitions and grievances. (Shown in Duty Bound Section Above)
- Has refused or neglected to perform the official duties pertaining to the officer's office as prescribed by law; and is guilty of malpractice, malfeasance, or nonfeasance in office.
- Broke election laws and deprived every Washoe Voter of their right to suffrage.

Rodriguez has breached nearly every election law and the court orders granted to the Plaintiff.

This is a clear violation of numerous laws, court orders and NRS which could include: Contempt of Court, Civil Penalties, Criminal Penalties including felonies, Removal from Office, Barriers to Future Office, Civil Litigation causes of action just to name a few.

One damning example of the crime and cover up is:

Counting votes in secret: People generally think that hundreds or thousands of people would have to work in unison to steal a county or state election. This is not true. All of the votes, whether digital or paper, are ALL counted by machines. The defendant and four people behind closed doors are the ones who tell us what the machines say the outcome of the elections is. These five people tell us who

wins or loses. We, the people, have no way to audit their reporting. We are not allowed to count the bubbles or the ballots at any time due to NRS 293.269935(2) and 293.3606(4). Therefore, we are forced to trust but never verify. Plaintiff clearly shows in [Exhibits 23-24] that defendant Rodriguez violated court orders [Exhibit 72], “If Washoe County is processing and/or counting ballots, observations shall be allowed” and Nevada Revised Statutes and Nevada Administrative Code: N.R.S. 293.269931 § 1, 293.3606 § 1, 293.363 § 1, and N.R.S. 293B.353, 293B.354, 293B.380 § 2(a), and N.A.C. 293.311 § 4. Further evidence is shown in [Exhibit 17].

There is the crime, here is proof the defendants covered it up.

Proof They Covered It Up

As illustrated above, the defendant has violated the law. The Plaintiff and associates utilized the Secretary of State's Election Violation Forms to submit complaints concerning these violations. Referencing [Exhibit 126], the Secretary of State defends the Defendants, stating, “Our office has reached out to Washoe County for comment. We learned that because you arrived significantly later with a request to see the room, you were informed that the day's activities within the tally room had concluded. The tally room was accessible when the USB sticks were loaded for the recount, and Washoe County staff informed everyone in the observation room about these ongoing activities.” Additionally, “Washoe County staff noted that they were unaware you represented the candidate requesting the recount.” However, by examining the incident transcript [Exhibit 23] or the related video footage [Exhibit 24], it's evident that the defendants are in violation of court orders [Exhibit 72] and have committed several breaches of the NRS, as detailed in [Exhibit 17]. This instance, one among many presented by the Plaintiff, unequivocally indicates that the Secretary of State either

received false information from the defendants, leading to inaction, or chose to overlook the defendants' legal transgressions.

Reviewing snippets from the crime transcript [Exhibit 23], it becomes evident that the Defendants misrepresented events to the Secretary of State.

Example:

ASSISTANT ROV HEATHER CARMEN: I've spoken

to Jamie, and she also concurs with my decision.

VALERIE WHITE: And can you explain why you

were --

ASSISTANT ROV HEATHER CARMEN: Because we

did not have this open during the regular election when

we were doing the tabulation. So we're doing

consistently what we did previously.

VALERIE WHITE: But this is not a consistent

situation because this is a recount being paid for --

ASSISTANT ROV HEATHER CARMEN: And we're

doing the --

VALERIE WHITE: -- by the candidate --

ASSISTANT ROV HEATHER CARMEN: And we're

actually doing the exact same thing --

VALERIE WHITE: I am a --

ASSISTANT ROV HEATHER CARMEN: -- that we

did in the election. We're not going to do --

VALERIE WHITE: I am a representative of the

candidate.

ASSISTANT ROV HEATHER CARMEN: We're not

going to deviate from what we did before.

VALERIE WHITE: I am a representative --

ASSISTANT ROV HEATHER CARMEN: Okay.

This blatant admission by the defendant clearly shows they broke nearly every election law, the Constitution, court orders, etc., by depriving not only a paid representative of the candidate of observation but also denying every voter their right to suffrage in the 2022 Primary Election. This is beyond appalling. Watch the video [Exhibit 23] and see for yourself. These people, behind closed doors, counted all the votes in violation of the law and then told us who wins. We have zero ability to audit their reportings. The defendants are all aware of and involved in this grievous rights violation of all Washoe voters and the cover-up in their reportings as to what happened to the Secretary of State. The defendants must be tried under 283.440, and the other statutes listed above.

Such actions, deprive every Washoe voter of a fair election, solidify the immediate DUTY of this honorable court for her removal under NRS 283.440 and be tried under the non all-encompassing statutes listed above.

These are just a few of the alleged violations and crimes that will hopefully satisfy the Defense further with claims against Defendant Rodriguez to be weighed at trial.

C. Claims against County Manager Brown

Each of the allegations below, if proven, are gross violations of law, many of which violate numerous provisions of NRS 281, NRS 281A, NRS 197, NRS 205, and NRS 293 to name a few (forgive Plaintiff he is not a Prosecutor, they could identify the litany of additional laws defendants would be breaking) all of which would be subject to removal under NRS 283.440.

Plaintiff to the best of his knowledge alleges the following against Defendant Brown.

- Failed his duties to respond to Plaintiffs' petitions and grievances (Shown in Duty Bound Section Above).
- Has refused or neglected to perform the official duties pertaining to the officer's office as prescribed by law; and is guilty of malpractice, malfeasance, or nonfeasance in office.
- Has appointed unqualified puppets to do his bidding in the ROV office.
- Has kept qualified people from receiving employment at the ROV office.
- Is actively covering up election crimes.
- Used his county position to enrich himself and or family.

An instance of Brown leveraging his county position to favor his wife can be seen in [Exhibit 136-137]. Melody Brown, his wife, was found to be nearly four times over the legal limit for driving under the influence at the time of a vehicular incident. However, after invoking her husband's name multiple times—as shown more than a dozen times in the video [exhibit 136]—she was unexpectedly retrieved by her husband from the holding facility without facing jail time or a DUI charge.

If allegations are true, Defendant Brown, could be facing Obstruction of Justice, Official Misconduct, Bribery or Corruption, Conspiracy, Violation of Ethics Codes, Civil Liability, removal from office and ban from holding future office just to name a few penalties for this one act alone.

These acts if proven true further underscores the necessity of Brown's removal under NRS 283.440.

These are just a few of the alleged violations and crimes that will hopefully satisfy the Defense further with claims against Defendant Brown to be weighed at trial.

D. Additional Claims against all Defendants

All three defendants were duty-bound by the Constitution and NRS 293.2546 to "resolve complaints about elections and election contests fairly, accurately, and efficiently." However, they refused to uphold their duty. Instead, they conspired to libel, slander, and oppress the Plaintiff, thereby disenfranchising every voter in Washoe, Nevada. All three defendants are unequivocally subject to removal under NRS 283.440

All three defendants are aware of counting Washoe County's 2022 Primary Election votes in secret, as well as Candidate Gilbert's recount contest, in secret. All three are aware of, or took part in, the cover-up with the secretary of state, as shown above. Additionally, all three defendants were made aware of, and have covered up, the fact that the Washoe County Elections in 2020 and 2022 have a damningly evident fraudulent function flipping every Washoe County voter's vote. Thus, depriving every Washoe voter of their right to suffrage.

Impossible Results In A Fair Election, Proof Of Crime

Washoe County is one of 17 counties in Nevada, and it is where only one other county had a mathematical impossibility occur. In a fair election, one expects to see different precincts vote differently. For example, if a precinct is heavy Democrat, you would expect the votes to favor certain Democrats; if it were a heavy Republican precinct, you would expect the votes to favor certain Republicans. Additionally, depending on the size of the precincts, you would expect the vote percentages to differ from one precinct to another. Yet, in both Washoe and Clark County, every precinct voted nearly identically the same. This is impossible. In fact, the other 15 counties didn't vote anything like Washoe or Clark County, nor did Carson City. At no time in the history of our State has this occurred, yet it did in Washoe and Clark County in the 2020 and 2022 elections. This is mathematically impossible. The court must understand this is not the Plaintiff's data or math or numbers; it is simply the Certified Election Results from Washoe and Clark County. Meaning the ROV and SOS signed off on these impossible results and then certified the election.

Plaintiff has brought this issue to the attention of the defendants numerous times, always being dismissed, never addressed. And then, they collaborate with the media to libel and slander Plaintiff instead of addressing this glaring issue. What's important to understand is the 3rd grade-level math Plaintiff will show you proves he is correct within a 3% margin of error. Which again, is mathematically impossible in a fair election across 1,286 precincts. Additionally, if the court desires an error margin of one integer (one vote up or down), simply use the formulas in exhibits [104-105] to further witness the impossibilities.

Here is a brief explanation of how anyone reading this reply can verify the Plaintiff is telling the truth:

If you pick a precinct in Washoe County for the 2020 General Election, let's use Precinct 6413 as an example. Using ONLY the county's certified election results, we do the following:

Find Trump's early vote total of 423 and his mail-in vote total of 283; find Biden's early vote total of 147 and his mail-in vote total of 357.

Add all of those vote totals together, which equals 1,210.

Now, take 1,210 and multiply it by 64%, and you will get 774.4.

Now simply take the 774.4 and subtract Biden's mail-in vote of 357, and you will get a total of 351.4.

Why does this matter? Because the Official Certified reported totals for precinct 6413 are 357! This quick and easy proof of truth was 5.6 votes off from the reported totals! Using this simple calculation that a third grader should be able to perform, anyone can, like magic, predict how all 1,286 precincts voted! This is not a trick; anyone can do this. This simple formula falls within a 3% error margin. If you use the actual formula, you can predict it down to the closest vote!

For skeptics who say it's a trick because we know the certified data, they're mistaken. A simple test would be to randomly provide anyone the data for 5 precincts in Washoe County, and they'll be able to predict how each voted with a 3% margin of error. The damning truth of the proof is that every precinct, in the 2 largest counties of Nevada, on separate sides of the state, voted nearly identically the same, and the other 15 counties and Carson City did not. Additionally, prior to 2020, this had never happened before. Dozens of PhDs have concurred with Plaintiff's findings. Furthermore, Plaintiff ran the Certified Election Results and findings through Google's Bard, which is described as a "large language model with the ability to solve complex mathematical problems, write and execute code, and manipulate strings."

Google's Bard, when given the data, responded with: *"This suggests that there was some kind of fraud or manipulation involved in the election results." "This suggests that someone was able to manipulate the vote counts after the election was over." "I would recommend that you notify the authorities about your concerns." "It is important to hold those responsible for election fraud accountable, so that our democracy can remain strong."*

<https://bard.google.com/share/64002ac15e3b>

Precinct 6413

Votes received from all parties per candidate.

Trump:

Early Voting – 423

Mail – 283

Biden:

Early Voting – 147

Mail – **357**

$$423+283+147+357=1210$$

$$1210 \times 64\% = 774.4$$

$$774.4 - 423 = \mathbf{351.4}$$

Certified totals reported=357

Solomons layman's formula=351.4

This proof of truth has an undefeated \$80,000 challenge to prove it wrong. Dozens of PhDs from everywhere have tried and all have failed to prove it wrong. You read what Google's Bard said, yet all the defendants are aware of this crime, have never responded, have never addressed the plaintiff except to use the media and their channels to libel and slander plaintiff.

These 2 glaring examples of election fraud have been covered up by the defendants; there must be accountability for their malfeasance, nonfeasance, and/or malpractice. The defendants must be tried under NRS 283.440 as well as all other applicable statutes this honorable court deems fit.

"Accountability is the glue that binds the State together." - Mario Cuomo

Therefore, the plaintiff respectfully requests this honorable court to uphold its oath of office, consider the evidence impartially, and rule in favor of the Plaintiff when the preponderance of evidence against the defendants tips the scales.

E. Duty To Conduct Lawful Elections

Plaintiff believes the laws show the Defendants have a duty to respond to his original petitions. But, for the sake of argument, let's say this honorable court believes they don't need to be accountable to the public and can ignore legitimate complaints and petitions brought before them. Well, then, Plaintiff would beg the question: are they accountable for breaking any laws? It is well-established that there are numerous penalties and potential prison time for election fraud. Clearly, the defendants have broken numerous laws and violated various statutes, as the evidence shows and testimony will prove. Examples of additional statutes being broken are as follows:

NRS 293 NRS 293.530, NRS 293.2546(11), NRS 293B.033, NRS 293.269927, NRS

293.36, NRS 293.740, NRS 293B.063, NRS 293B.104, NRS 293B.1045(1), NAC 293B.110(1)(b), NRS 293.269931(1), NRS 293.3606(1), NRS 293.363(1), NRS 293B.353, NRS 293B.354, NRS 293B.380(2)(a), NAC 293.311(4), NRS 293.423, NRS 293.269927, NRS 293.269927(4)(b), NRS 293.277(3), NRS 293.269927, NRS 293.285(1)(b)(4), NRS 293.3075(4), NRS 293.3585(1)(d), NRS 293.403(2), NRS 293.404(2), Nev. Const. Art. 2 Sec.1A § 1(b)

The penalties for these offenses, when specified in the statutes, range from civil penalties to misdemeanors and felonies. Some of the more severe offenses can carry heavy fines and imprisonment.

Does this honorable court not agree that there must be accountability? So, even if this honorable court rules against cause 2, surely cause 1 must move forward.

In *Jones v. Eighth Jud. Dist. Ct. of State*, 67 Nev. 404, 418, 219 P.2d 1055, 1062 (1950) that the defense cited: Petition in prohibition by Robert E. Jones, as District Attorney of Clark County, Nevada, against the Eighth Judicial District Court of the State of Nevada, in and for the County of Clark, and the Honorable Taylor H. Wines, Judge thereof, presiding in Department No. 1, to test the sufficiency of a complaint seeking to remove petitioner from the office of District Attorney for alleged neglect of duty and malfeasance in office. The Supreme Court, Badt, J., held that the complaint was insufficient as to the first, third, and fourth counts but was sufficient as to the second count.

Even in the case the defense cited, it clearly shows each cause of action was weighed; some were removed, but one moved forward. That one claim removed Jones from office.

Plaintiff requests this honorable court to weigh the evidence on its merits and allow this case to proceed even if the court fails to hold the defendants accountable to the public in cause 2. Clearly, cause 1 must move forward. This case is about far more than just firing three people; it's to ensure our servants are held accountable and that our elections are conducted lawfully.

VII. Original Pleadings Contained Claims for Relief

The defense would like this honorable court to believe that Plaintiff included no claims upon which relief can be granted. This is simply untrue. As shown in [Exhibits 1-144] there are numerous examples of claims upon which relief can be granted. In the first exhibit to the court [Exhibit 109] it gave a supplemental break down for the court and defense to grab the at a glance issues the Plaintiff has brought before this court. Just simply looking to the supplemental statements in [Exhibits 16-22] list dozens of claims upon which relief can be granted. In the original complaint, in addition to the supplemental exhibits it clearly stated claims upon which relief can be granted to Plaintiff. To further show the defense is misleading this honorable court, simply look to their Motion To Dismiss. It will quickly be evident that they did an 11 page analysis on their attempt to say the defendants have no duty to respond to wrong doing nor accountability to the public whatsoever. The defense then does a one sentence admission proving the Plaintiff does indeed have claims upon which relief can be granted. On page 12 lines 16-21, "*Beadles also states, "Defendants have additionally failed to address, correct, or rectify the issues raised in the underlying Petitions, including but not limited to, (1) updating and resolving the voter registration lists; (2) providing proper vote counting mechanisms; (3) counting votes in secret; (4) inadequate signature verification; (5) illegal function within the election system; (6) violations of election procedures as required under Nevada law. [Exhibit 109]."* Compl. at ¶91; see also Compl. at ¶¶46–51."

For cause of action 1, Plaintiff lists numerous remedies sought, just a quick glance to the remedies section of the original complaint shows:

- i. An adequate and proper response by Defendant(s) to Plaintiff's petition of November 18, 2022, through the discovery processes, under court supervision and seeks an injunction regarding the same;
- ii. An adequate and proper response by Defendant(s) to Plaintiff's petition of December 1, 2022, through the discovery processes, under court supervision and seeks an injunction regarding the same;
- iii. Defendants must take into account and redress all elections issues that Plaintiff puts on the table, no shying away;
- iv. Award Plaintiff their cost of suit;
- v. Award monetary damages in excess of \$15,000;
- vi. Award punitive damages;
- vii. Defendants that are found in violation of laws shall be fined, fired, and/or removed from office; [NRS 283.440, NRS 266.430]
- viii. Enjoin Defendants from their continued violations of the following NRSs and strictly comply with NRS 293.530, NRS 293.2546(11), NRS 293B.033, NRS 293.269927, NRS 293.36, NRS 293.740, NRS 293B.063, NRS 293B.104, NRS 293B.1045(1), NAC 293B.110(1)(b), NRS 293.269931(1), NRS 293.3606(1), NRS 293.363(1), NRS 293B.353, NRS 293B.354, NRS 293B.380(2)(a), NAC 293.311(4), NRS 293.423, NRS 293.269927, NRS 293.269927(4)(b), NRS 293.277(3), NRS 293.269927, NRS 293.285(1)(b)(4), NRS 293.3075(4), NRS 293.3585(1)(d), NRS 293.403(2), NRS 293.404(2), Nev. Const. Art. 2 Sec.1A § 1(b);

- ix. Enjoin Defendants from using any voting and tabulation machines for elections in Washoe County; and
- x. Enjoin Defendants to use paper ballots at all polling locations and in every election;
- xi. Enjoin Defendants to disclose ACB applicant's names and credentials publicly prior to appointment;
- xii. Enjoin the defendants and halt the expenditure of \$12.6M of taxpayer dollars for unapproved and unsafe equipment and software;
- xiii. Enjoin the Defendants and make the digitized vote tally database (Microsoft SQL) open for public inspection;
- xiv. Honorable court to strike down NRS 293.269935(2) and 293.3606(4) to allow public inspection of ballots;
- xv. Enjoin the Defendants to prohibit QR codes from use in recounts;
- xvi. Grant or impose any remedy, and further relief at law or equity, that this Court deems just and proper in these circumstances;
- xvii. Removal of Defendants from office; and
- xviii. For such further relief as the Court deems just and necessary in the premises.

Further examples are in numerous exhibits, one example of which contained within supplemental statements on the deficiency of Signature Verification [Exhibit 18] in where it clearly states:

Remedies:

1. Before, during, and after the 2024 elections:
2. Order that all recorded signatures be made with a black ballpoint pen on 24 lbs. paper and then scanned at no less than 300 dpi before being entered into the signature database,
3. Order the defendants to adhere to American Bankers Association's (ABA) Signature Verification Guide standards,

4. Order to prohibit disabled civilians from using nvease to register to vote and vote, except as provided for in UOCAVA, and
5. Require county to pursue greater outreach to disabled and needy voters, provide more field teams to register disabled and needy voters; [Note: all public agencies to register voters starting in 2024 per statute],
6. See Statement on Election system issues for remedies related to equipment/software [exhibit 16],
7. See Statement on Unprepared for 2024 [exhibit 22] for remedies to labor and training,
8. Order audit of voter signatures in 2024 primary and general elections, starting with UOCAVA and civilian early voting; invalidate a voter's record with a bad signature and related ballot, refer the violation to the district attorney.

Secondary Remedies:

9. Order the creation of a voter's assistant database to keep track of authorized assistants,
10. Order that voter's assistants be registered and authorized and assigned to the individual voter(s).
11. Plaintiff demands Defendant(s) and DOES be punished as per N.R.S. 283.440 and any other remedies this honorable court deems fit.

As this honorable court can see, the defense is clearly trying to hide the truth, the defendants' duties are alleged, claims are made, all which relief can be granted upon.

For cause of action 2, Plaintiff clearly seeks the basic relief in the 3 defendants joining the unemployment line. There must be accountability with those who hold office, and those in office who are responsible for our most precious voice, our vote. It is truly the only peaceful say we have

in our Country to voice the change we wish to see in our County and Country. We cannot allow our so-called public servants to steal it without consequence.

Nevada is a notice pleading state, Plaintiff has met the requirements and respectfully demands this honorable court to deny the defenses motion to dismiss and allow this case forward.

VIII. Another Example of Defendants Patterns of Malfeasance, Malpractice or Nonfeasance

3/3/21 [Exhibit 145]

Tracey Hilton Thomas served the ROV as a polling place manager under 3 ROVs since 2000. In an email addressed to the County Commissioners, including Chairwoman Hill, that was forwarded to Defendants Rodriguez and Brown, she stated a litany of issues she observed during the 2020 election. These issues were clear violations of policies and law. In her email, she asked for:

- Protection at polls
- Reasonable hours to work, not 10-plus hours a day and 14 days straight.
- Signatures didn't match; laws and processes weren't being followed.
- Using bipartisan management teams from different parties who weren't married, etc.
- also asked for forensic audits of the electronic equipment,
- Protection of the personal data of voters
- Cleaning up the rolls as they are ripe for fraud.
- 7,661 same-day registered voters that made no sense at all
- Unconstitutional registering of out-of-state voters; multiple ballots being cast by the same voters
- The need for forensic audits of the ballot
- Registering of election observers with the state.

However, she never received an answer and was never called back into work. This email was sent to

Chairwoman Hill, the Commissioners and later to County Manager Brown, and now-active ROV

Rodriguez.

No action has ever been taken, no response has ever been given, except that she is no longer welcome to work for the ROV.

There is an immense pattern of the defendants refusing to respond, refusing to act, and refusing to address these grievous election violations that have been sent to them.

Instead, they libel, slander, or simply never use the employees again who bring these violations of the law to their attention.

This pattern of covering up crimes and attacking the concerned voters and workers must be addressed by this court. These are clear violations of cause one and cause two. The plaintiff respectfully demands the honorable court to rule accordingly.

VIII. VIOLATION OF DUE PROCESS

A. Due Process Concerns

Constitutional Guarantee: One of the most fundamental principles enshrined in both the U.S. Constitution and the Constitution of the State of Nevada is the guarantee of due process to its citizens. By not issuing citations as stipulated by NRS 283.440, the Court is depriving plaintiff of his constitutional rights.

Right to a Fair Hearing: The issuance of citations in accordance with NRS 283.440 is not just a procedural formality; it's a step integral to ensuring that those accused have an opportunity to respond to the allegations made against them. Failing to issue these citations can be construed as denying the parties involved their right to a fair hearing.

Timely Adjudication: The principle of due process also encapsulates the right to a timely resolution of legal disputes. By not following the clear directives of NRS 283.440, the Court is delaying the proceedings, which can be seen as a violation of the parties rights to a speedy trial or hearing.

Impediment to Justice: The absence of citations can further result in the impairment of one's ability to adequately prepare for hearings or legal challenges. This impediment is a direct contravention of the principles of due process, which demand that parties have adequate notice and an opportunity to be heard.

Potential for Arbitrary Action: Due process serves as a safeguard against arbitrary or capricious actions by government entities, including the judiciary. By overlooking or ignoring the clear directives of NRS 283.440, the Court may appear to be acting arbitrarily, further compromising Plaintiff's due process rights.

Joint Review: Given the intertwined roles of the County Manager and the ROV and the statutory significance of the ROV's position, it's of paramount importance to jointly review any allegations of misconduct. This holistic approach ensures that all potential sources of misconduct are adequately investigated.

Preserving Public Trust: By ensuring that both the ROV and County Manager are held accountable, the Court will reinforce public trust in the system. Ignoring potential misconduct in these critical roles could erode public confidence, emphasizing the need for the issuance of citations.

Potential Legal Repercussions: Ignoring or failing to act in accordance with NRS 283.440 could expose the Court to legal challenges. Such challenges could involve appeals or other legal measures, all of which could prolong the resolution of the matter and strain judicial resources.

Setting a Precedent: Courts play a crucial role in setting legal precedents. By not adhering to NRS 283.440, the Court risks setting a dangerous precedent where statutory provisions can be overlooked or ignored, potentially leading to inconsistencies in the application of the law in future cases.

Rectification and Course Correction: It's essential for the Court to acknowledge any oversights and rectify them promptly. By issuing the citations as required under NRS 283.440, the Court can realign itself with its duty and reaffirm its commitment to upholding the law.

Immediate Issuance of Citations: In line with the above, to uphold due process rights, the Court should promptly issue the requisite citations, ensuring that the rights of all parties are preserved and that the proceedings continue in a manner consistent with both statutory and constitutional mandates.

Duty to Adhere: Courts have a fundamental duty to adhere to the law. By not following NRS 283.440, the Court is not just in violation of a particular statute but also compromises its role as the primary institution that interprets and applies the law. The law is clear, NRS 283.440 clearly says, **“the court shall cite the party charged to appear before it on a certain day, not more than 10 days or less than 5 days from the day when the complaint was presented.”**

Currently, the court is clear violation of law.

"We are a government of laws, not of men."-John Adams

X. CONCLUSION

It's clear the defense is trying to obfuscate the truth. The Plaintiff clearly shows the defendants are duty-bound to respond to his petitions and grievances. Through the claims and evidence already presented to the defense and defendants in the pleadings and exhibits, the Plaintiff clearly states the necessary claims and relief. The defense seems to overlook the fact that Nevada is a notice pleading state, and in this context, the Plaintiff has more than met the necessary requirements. The Complaint contains more than allegations regarding failure to respond to Beadles petition, which is the focus of Defendants' motion. Beadles complaint alleges violation of a multitude of NRS Statutes, which are ignored by the Defense. The Court must allow the violation analysis to proceed, issue the citations and set a hearing for evidence to be presented on these issues.

The Plaintiff unambiguously illustrates how NRS 283.440 applies to the defendants. The language in the statute is resoundingly clear, referencing "any person, and any office," and it further states the only offices it does not apply to. The defendants are not listed as offices that do not apply to NRS 283.440. Given their positions, Defendants Brown and Rodriguez, as the top-ranking election officers, and Defendant Hill, as the highest-ranking commissioner, have not just overlooked their duties but have taken deliberate actions to deprive the Plaintiff and the County of their rights, amongst many other breaches of duty and the law.

In light of the grave allegations of malpractice, malfeasance, and nonfeasance against County Commissioner Hill, County Manager Brown, and the ROV Rodriguez—and considering the statutory equivalence of the ROV to the county clerk—it is paramount for the Court to issue citations. A thorough examination of these claims is crucial to preserve the integrity of our public

institutions. The Court holds a sacred duty to enforce NRS 283.440 and to ensure every position, no matter its stature, is held accountable.

By law, the Plaintiff is entitled to a trial. This honorable court must issue citations under 283.440. If this honorable court neglects to hold the defendants accountable, it would create a dangerous precedent. This loophole would allow malicious elected officials to strategically appoint like-minded individuals to all levels of government, stripping the public of any form of recourse.

This would result in the road to tyranny where public officials no longer have accountability to we, the people.

"The government of the United States has been emphatically termed a government of laws, and not of men."-Chief Justice John Marshall

Dated: 8/24/23

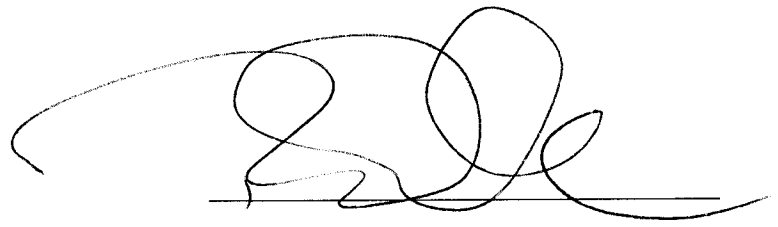
Respectfully submitted,
By: _____

ROBERT BEADLES, Plaintiff Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the Social Security Number of any person.

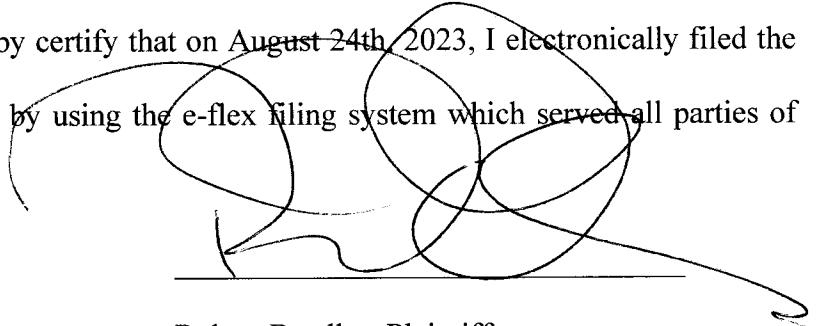
DATED: August 24th, 2023.



Robert Beadles, Plaintiff

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that on August 24th, 2023, I electronically filed the foregoing with the Clerk of the Court by using the e-flex filing system which served all parties of record electronically.



Robert Beadles, Plaintiff