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STATE OF NEVADA



**OFFICE OF THE
SECRETARY OF STATE**

DEBBIE I. BOWMAN
Deputy Secretary for Operations

Manager Brown,

Senior staff in the Secretary of State's office, as well as our counsel with the Office of the Attorney General, have reviewed the draft resolution at your request.

First and foremost, it's important that we highlight that the legal review provided by the Washoe County District Attorney's office is accurate¹: much of the text of the resolution is unviable, as it seeks to adjust policy at a county level that is clearly incompatible with applicable statutes and regulations. As such, even if the item were to be brought forward and passed, it would not be actionable. Contrary to the opinion of the staff report's author, the Nevada Administrative Code is not a collection of "suggested guidelines" that can be disregarded without penalty; they carry the full weight of law.

The Secretary is committed to keeping Nevada's elections transparent, secure, and accessible. It's important that Nevadans, regardless of the county they reside in, can trust that the electoral process is executed pursuant to state and federal law. For this reason, the Secretary will not hesitate to fulfill his statutory duty to enforce all elections laws to ensure that each county is complying with state and federal elections requirements.

The memo from the District Attorney's office clearly states that it does not weigh the wisdom, quality, or soundness of any provision in the draft resolution. As the resolution implicates state-level policy decisions, and you have requested our input, it is appropriate for the Secretary of State's office to weigh in on those matters.

Our opinion is the resolution, and the attached draft staff report, are full of legal, technical, and procedural inaccuracies. Our office has addressed these inaccuracies, and others like them, at length under both Democratic and Republican Secretaries.

¹ We note that in addition to the covered individuals identified in the memo that would need an exception to using paper ballots only, an exception would also need to be made for registered voters who are tribal members and who reside on an Indian reservation or colony. See Senate Bill 216 (2023) § 3.5(b)(2).


We are highly concerned that such inaccuracies reduce faith in the democratic process.

As such, going through each of the inaccuracies in the resolution and staff report would not be a sensible exercise. We are engaged in assisting each of Nevada's 17 counties in lawfully conducting the Presidential Preference Primary, and cooperating with them on ensuring that both statute and regulation are carried out. Secretary of State staff is working hand in hand with clerks and registrars, including the hard-working team in Washoe County who are doing a remarkable job of administrating an election through extreme adversity. We would hope that anyone seeking to change the administration of elections would make those changes through the legislative process, and not through attempting to undermine their clerk or registrar.

We hope this letter has been helpful, and that we can continue to assist Washoe County, your Registrar, and all of your voters to the best of our abilities.

Respectfully,

Francisco V. Aguilar
Secretary of State

By: 

Gabriel Di Chiara, Chief Deputy