## Nevada 2020: Election Administration in the Coronavirus Pandemic

#### March 10, 2021

#### Abstract:

As early as March 2020, Nevada officials decided to conduct their June primary election mostly by mail. The state sent mail-in ballots to all registered voters, while also maintaining in-person voting options. By August, the Nevada Legislature passed Assembly Bill 4, which provided for special election procedures as long as a state of emergency was in effect. Although always seen as competitive, Nevada was not expected to be the state that could determine the presidential election. As results around the country trickled in with unexpected or uncertain results in Arizona and Georgia, the outcome of the election in Nevada became very important to the final result. After the election, multiple lawsuits challenged the availability of universal vote-by-mail, alleged a lack of "meaningful observation," and cast doubt on the reliability of the Agilis signature verification system. The Nevada Supreme Court unanimously certified the state's presidential election results for Democrat Joe Biden, but misinformation as to the voting process spread long after the certification.

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**Other Contributors:** This memo draws on prior memos published by Stanford-MIT Healthy Elections:

- "<u>Mail Voting Litigation During the Coronavirus Pandemic</u>," Connor Clerkin, Lane Corrigan, Zahavah Levine, Aviel Menter, Christopher Meyer, Alexander Perry, Theodora Raymond-Sidel (October 29, 2020).
- "<u>Behind the Scenes of Mail Voting: The Rules and Procedures for Signature Verification</u> <u>in the 2020 General Election</u>," Ali Bloomgarden, Arushi Gupta, Garrett Jensen, Zahavah Levine, Chris Middleton, Kyra Sikora (October 28, 2020).
- "<u>The 2020 Nevada Primary</u>," Ken Kuwayti, Thomas Hopkins, Sean Kang, Max Levy (July 10, 2020).
- "<u>Post-Election Litigation in Battleground States</u>," Zahavah Levine and Jacob Kovacs-Goodman (updated December 14, 2020)
- <u>Recounts and Challenges in Battleground States</u>," Haley Schwab, Bree Baccaglini, Matthew Simkovits, Mikaela Pyatt, Amanda Zerbe, Axel Hufford, Evie Freeman, Christopher Middleton, Christopher Wan, Ali Bloomgarden, and Garrett Jensen (November 13, 2020)

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# I. Lay of the Land

### A. General Election Results

In the presidential contest, Joseph R. Biden won Nevada by <u>33,596</u> votes or 2.39%. Voters cast <u>1,425,026</u> total votes in the 2020 general election (78.22% of the state's total active voters). This turnout was an increase from the 2016 total of <u>1,125,429</u> votes (76.83% of total active voters). In June, <u>491,654</u> votes were cast in the 2020 Nevada primary election (30.34% of total active voters), compared to <u>240,213</u> total votes cast (18.54% of total active voters) in the 2016 primary election.

During the 2020 general election, mail voting was the most popular method of voting, accounting for <u>48.46%</u> of overall turnout. Early in-person voting accounted for <u>40.59%</u> of ballots, while <u>10.95%</u> of Nevadans voted on election day in person.

### B. Pre-COVID-19 Election Rules

Nevada's existing election laws proved to be very useful to ensuring voter access during the health crisis. For example, Nevada election laws already allowed no-excuse vote-by-mail and same-day voter registration. But, under Nevada law before the coronavirus pandemic, voters were required to <u>register</u> for an absentee ballot in order to vote by mail.

Statute	Law
NRS 293.560 NRS 293.5847	<i>Voter Registration Deadline</i> : 28 days prior to Election Day (Mail-in Registration). Same-day registration is permitted during early voting and on Election Day.
NRS 293.309	<i>Qualifying for Mail-In / Absentee Ballot</i> : No excuse needed.
NRS 293.313(1)	Absentee Application Deadline: 14 days prior to Election Day.
NRS 293.317(1) NRS 293.333(2)	<i>Absentee Ballot Submission By Mail Deadline</i> : Postmarked by Election Day and received not more than seven days after Election Day.
NRS 293.353	<i>Method for Returning Ballots</i> : By mail using a postage-prepaid envelope or by dropping it off in person at a designated county location (per Nevada law, early voting sites and Election Day Vote Centers cannot accept a voted mail/absentee ballot). Only the voter, or, at the request of the voter, a family member, can

		deliver an absentee ballot.
NRS [Superseded by	293.325 <b>AB4]</b>	<i>Mail-in Verification</i> : The county clerk checks the voter's signature on the return envelope against all signatures of the voter available in the records of the county clerk. If there is a reasonable question of fact as to whether the signature on the absentee ballot matches the signature of the voter, the county clerk shall contact the voter and ask him or her to confirm the signature. <b>[Superseded by AB4]</b>

### C. Learning From the Primary

In response to the public health implications of the pandemic, on March 24, Nevada Secretary of State Barbara Cegavske <u>announced</u> that all active registered voters would be automatically sent a mail-in ballot for the June primary, with the goal being to conduct an "all-mail election" for the primary. In <u>Clark County</u>, all inactive<sup>1</sup> and active voters were automatically sent mail-in ballots for the primary. Early adoption of vote-by-mail was particularly beneficial because it acted as a trial run for the November general election, allowing officials sufficient time before November to resolve any hiccups that occurred during the June primary.

The vast majority of Nevada voters did vote by mail during the June primary. <u>483,788</u> (98.4%) of the total <u>491,654</u> voters in the primary cast their ballots by mail. Issues from the June primary election included: (1) over 10,000 of the 483,788 mail ballots were rejected due to defects; and (2) decreased access to in-person voting caused long waits at in-person polling places.

Only <u>1.6%</u> of votes in the 2020 primary were cast in person, but those 7,866 in-person voters experienced long waiting times at the polls because so few polling places were available. In the primary election, <u>15 of Nevada's 17 counties</u> had only one location for in-person polling and mail-ballot drop off; Nye County had two locations. Clark County, Nevada's most populous county, had <u>three</u> in-person polling locations, <u>seven</u> early drop-off locations, and <u>thirty</u> drop-off locations open on primary election day. For comparison, during the 2016 primary, Clark County had <u>265</u> polling locations. Additionally, election workers had to deal with voters that refused to comply with coronavirus safety precautions, requiring some polling locations to be <u>cleared out</u> multiple times to accommodate them.

<sup>&</sup>lt;sup>1</sup> In response to confusion about Nevada's vote-by-mail process, a Nevada Deputy secretary of state <u>released a</u> <u>statement</u> on May 29, 2020: "An active registered voter in Nevada is a registered voter who has an address on file with the county election official that is current....An inactive registered voter in Nevada is a registered voter who has an address on file with the county election official that is not current....No registered voter in Nevada is ever changed from active status to inactive status solely on the basis of not voting in recent elections...a piece of election mail sent to the voter must have been returned as undeliverable and the voter must have failed to respond to a mailer asking the voter to confirm their voter registration information."

Nevada successfully increased the availability of in-person voting in the 2020 general election compared to the primary election. During the general election, Clark County had <u>35 polling sites</u> instead of three open per day during the early voting period and over <u>100 Vote Centers</u> on Election Day. The Nevada Legislature had, in 2019, <u>authorized</u> same-day registration to vote in person during both early voting and on Election Day (with certain <u>identification</u>). Same-day voter registration requires voters to cast a <u>provisional ballot</u>; the provisional ballots are <u>verified</u>, then counted after the election. During the 2020 general election, <u>30,007</u> voters registered to vote in person during early voting and on Election Day using this process.

## II. Pre-election pandemic adaptations

Nevada's existing laws, plus legislative action taken in August, allowed the state to avoid problems that made voting by mail more difficult in other states. Before the coronavirus pandemic, Nevada already had no-excuse vote-by-mail,<sup>2</sup> no witness or signature identification requirement to vote by mail, and same-day voter registration. In 2019, Nevada passed legislation that allowed to be counted 1) mail ballots that were postmarked by Election Day but arrived no later than seven days after the election, and 2) mail ballots with indeterminable postmarks that arrived no later than the three days after the election.<sup>3</sup> By May 2020, Nevada authorized automatically sending registered voters mail ballots for the June primary election. After the primary, in August, the Nevada State Legislature passed <u>Assembly Bill 4</u> ("<u>AB 4</u>"), which created election procedures during an "affected election." An <u>affected election</u> occurs when the governor or legislature declares an emergency endangering public health or safety. If such a declaration is in effect on March 1, it designates the primary as an affected election; if it is in effect on July 1, the general election is an affected election. Unsurprisingly, because of the coronavirus pandemic, there was a <u>declared</u> state of emergency in effect in Nevada on July 1, thus marking the general election an affected election. AB 4 authorized state officials to send mail ballots to every registered voter and permitted collection and delivery of such ballots by third-parties.<sup>4</sup> In response to the primary election, AB 4 mandated that there be enough in-person polling places to accommodate voters who wanted to vote in person. AB 4 also

<sup>&</sup>lt;sup>2</sup> Nevada mailed all registered voters a ballot because of the ongoing pandemic but, under normal circumstances, no excuse is <u>required</u> to obtain a mail ballot pursuant to NRS §293.313.

<sup>&</sup>lt;sup>3</sup> This provision was also expressly adopted in AB 4.

<sup>&</sup>lt;sup>4</sup> Third-party ballot collection is a <u>permanent</u> change and will remain in effect for future elections. Third-party ballot collection was opposed by Secretary of State Barbara Cegavske, who <u>proposed</u> that any individual who wants to collect and deliver 10 or more completed ballots to report their intentions beforehand to the Secretary of State. That proposal was <u>denied</u>.

clarified the signature-verification process to help officials determine whether to invalidate mail ballots. Prior to the enactment of AB 4, officials were able to process<sup>5</sup> ballots upon receipt but could only begin *counting* mail ballots four days before the election. AB4 allowed election officials to start counting returned mail ballots <u>15 days</u> before the election. These rules made it simpler for voters to cast ballots and more efficient for officials to count ballots.

After the Nevada state legislature passed AB 4, authorizing state officials to send mail ballots to all registered voters and permitting third-party ballot collection, there were legal challenges from parties who argued that increased use of mail-voting could lead to fraud and voter dilution. In federal court, Plaintiff Donald J. Trump for President unsuccessfully <u>challenged</u> the enforcement of AB 4 on the grounds that the new rules would lead to voter fraud. The court dismissed the lawsuit for lack of standing. A Republican former state assembly member, Sharron Angle, and a vote monitoring group called Election Integrity Project filed a <u>case</u> in state court containing <u>similar claims</u> to those made in the Trump campaign's federal suit. State district court Judge Rob Bare issued an <u>order</u>, denying their motion for a preliminary injunction to enjoin the implementation of AB 4 and determined that the plaintiffs' allegations of voter fraud were speculative and lacked any "concrete evidence." The Nevada Supreme Court <u>upheld</u> Judge Bare's decision.

During the primary, polling stations provided in-person voters with <u>paper ballots</u> in all counties, except Washoe County, in order to provide a pandemic-safe voting environment. However, before the general election, election officials had enough time to prepare for the safe usage of electronic voting machines. All counties instituted <u>touch screen voting machines</u> that were regularly sanitized. Voters also had a number of technologies available to them during the election: a free ballot-tracking service, <u>BallotTrax</u>, was launched to help voters monitor the location of their mail-in ballots, and a crowd awareness app, <u>NowCrowd</u>, was available to give voters an estimate of the wait time at their preferred polling location.

In September, Clark County commissioners <u>approved an amendment</u> that upgraded ballot scanners and related software for the 2020 election and beyond. The amendment was instrumental in modernizing the county's voting system. Failure to address issues with aging voting infrastructure <u>led to problems</u> and delays in other parts of the country.

Nevada significantly increased its general election turnout in 2020 as compared to 2016. In 2020, <u>1,425,026</u> total votes were cast in the general election, representing 78.22% of total active voters. In 2016, <u>1,125,429</u> total votes were cast, representing 76.83% of total active voters.

<sup>&</sup>lt;sup>5</sup> NRS § 293.325

Though the turnout rate was comparable between 2016 and 2020, there were 299,597 more ballots cast in the 2020 general election. Thus, almost 300,000 more Nevadans voted in 2020 than in the presidential contest four years prior, despite concerns surrounding the coronavirus pandemic.

## III. Voting by Mail

In the general election, <u>690,548</u> votes were cast by mail (48.46% of total votes). This figure marked a monumental increase from the 2016 mail-vote total of <u>78,572</u> votes (6.98% of total votes cast), but a dramatic decrease from the vote-by-mail proportion in the 2020 primary election (98.4% of total votes).

AB 4 played a major role in implementing adaptations that helped Nevada conduct a smooth general election during the coronavirus pandemic. First, AB 4 <u>created</u> a provision permitting third-party ballot collection, allowing voters' family members or friends to drop off ballots on their behalf. This granted greater access to voting, especially for those living in remote communities. This provision was particularly empowering in areas of the state where it could take an hour or more to drive to the nearest polling location, enabling one person to make the trip for many others.

AB 4 also had important implications for signature verification of mail-in ballots. Before AB 4, a ballot could be rejected if at least two employees in the office of the county clerk "believe there is a reasonable question of fact as to whether the signature" on the ballot matched the signature "available in the records of the county clerk." AB 4 altered the rejection standard so that a signature could be challenged only if it "differs in multiple, significant and obvious respects from the signatures of the voter available in the records of the county clerk." In accordance with existing signature verification policies before AB 4, election officials notified the voter if their ballot was rejected for signature deficiencies and provided voters with opportunities to "cure" signature deficiencies both before Election Day and after Election Day until 5 p.m. on November 12.

During the Nevada primary election, the main reason for rejection of mail ballots was <u>missing</u> <u>signatures and signature mismatches</u>. Historically, members of minority communities were more likely to have <u>their ballots rejected</u> for signature issues than white voters.

Just 0.58% of all mail ballots returned in Nevada were rejected<sup>6</sup> in the 2020 general election, a significantly smaller portion than in 2016 (1.60%) and 2018 (2.05%). Initially, 12,584 (1.82% of the 690,584 returned mail ballots) needed a signature cure. Of those, 9,697 (77.06% of mail ballots in need of cure) were successfully cured before November 10. This left only 2,887 (0.42% of mail ballots) of ballots rejected in the 2020 general election due to a signature defect. By contrast 12,366 (2.56% of the 483,788 returned mail-ballots) needed a signature cure in the primary election. Just <u>under half</u> of those ballots ended up being cured and counted. In total, 97.31% of the ballots voters returned in the general election were returned correctly and did not need subsequent signature cures.

Furthermore, Nevada's extended ballot receipt deadline lessened the risk that ballots would be rejected because of U.S. Postal Service (USPS) delays. The USPS was already backed up because of the pandemic and widespread mail voting. Existing law allowed ballots that arrived up to seven days after Election Day to be counted, as long as they were postmarked by Election Day. To further alleviate some <u>concerns</u> surrounding vote-by-mail, state officials in September implemented <u>BallotTrax</u>, a third-party tool used in Nevada and other states to track when ballots were mailed, when they were received by the county, and when they were counted.

### IV. In-Person Voting

Despite the significant increase in vote-by-mail during the 2020 general election, over half of all votes in Nevada were cast in person. During the 2020 general election, <u>578,482</u> voters were cast in person in early voting (40.59% of total turnout), and 155,996 were cast on Election Day (10.95% of total turnout). However, these figures mark a sizable decline in overall in-person turnout compared to the 2016 general election, during which <u>702,387</u> (62.41% of total turnout) votes were cast during in-person early voting and 344,470 (30.61% of total turnout) votes were cast on Election Day.

After the primary elections in June, Nevada election officials indicated that the general election would not be conducted primarily as a <u>"large-scale mail-in"</u> election. While in-person voting was expected to (and did) decrease in the 2020 general election compared to the 2016, election officials operated a significantly higher number of polling locations compared to the June primary.

<sup>&</sup>lt;sup>6</sup> Mail ballots can be rejected for things such as wrong envelope, ballot missing, incorrect identifying marks, and missing or mismatched signatures.

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Concerns over national poll worker shortages prompted Nevada election officials to take steps to recruit and retain workers to staff polling places for the general election. In order to attract poll workers, certain counties increased the hourly pay. Clark County had an existing program that worked with <u>businesses and nonprofits</u> to recruit poll workers while raising money for the partner organizations. It also had a <u>high school student volunteer</u> poll worker program. National and state-based organizations, such as <u>Power the Polls</u> and <u>America Votes Nevada</u>, worked with election officials to recruit and place poll workers. Clark County, home to around 74% of Nevada's population in 2020, received thousands of applications after publicizing its poll worker shortage, enabling the county to <u>operate all 125 Election Day polling locations and 35 early voting locations</u>.

There were also concerns surrounding the locations of polling stations and ballot drop boxes, and the lack thereof. Native American leaders in Humboldt County <u>sent a letter</u> to the county clerk, asking for more ballot drop boxes and polling stations. The letter noted that the nearest drop box for the average Native American voter was 45 minutes away, compared to 18 minutes away for the average white voter. Likewise, representatives in the Pyramid Lake Paiute Tribe and Walker River Paiute Tribe had to <u>sue the state of Nevada</u>, <u>Washoe County and Mineral County</u> to get polling places instated on their reservations. Thus, while Native voters <u>faced obstacles to voting</u> on Election Day, voter advocacy and determination enabled more of them to cast ballots.

Aside from isolated incidents, generally, the wait times for in-person voting in the general election were significantly less than during the June primary. An app developed in Las Vegas called <u>NowCrowd</u> provided voters with hourly updates on wait times and line sizes at 31 polling locations in Clark County. Voters experienced <u>long lines during the first day of in-person early</u> voting in Clark County due to technical glitches but, by the third day, all glitches had been fixed and <u>lines were much shorter</u>. Nevada did not expand in-person voting options to include new innovations like universal curbside voting, but it did implement pandemic safety protocols. <u>Polling locations</u> were set up to encourage social distancing, all high-touch surfaces were regularly sanitized, and plastic shields were erected between poll workers and voters. Voters were encouraged, but not required, to wear a mask, and some localities had alternate locations for voters refusing to wear masks.

There were a few isolated incidents of protests being staged at polling and counting locations. In Nevada County, a pro-Trump rally held in a parking lot <u>near a ballot drop box</u> made it difficult for voters to access the drop box. Post-Election Day <u>protestors descended on the Clark County</u> <u>Election Center</u>, where election workers were counting ballots, demanding the count be

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stopped. In response, the county <u>increased security and started tracking cars</u> entering and leaving the election center.

### A. Obstacles in Conducting the Election

Despite changing laws and the state having less funding than anticipated for voter education, Nevada's election officials were able to take concrete steps to alleviate voter confusion. The Nevada secretary of state's office reported receiving more than <u>3,000 calls per week</u> from voters, a sharp increase from its typical call load. Much of the confusion centered around the handling of mail-in ballots. The <u>USPS had sent out cards to every residence</u>, regardless of state law or policy, urging voters to request a ballot at least 15 days before the election. But this advice was largely inapplicable to Nevadans because the state automatically mailed a ballot to every registered voter. Additionally, <u>national media coverage</u> of USPS delays fueled voter fear that their ballots would not reach officials in time. But because of Nevada's extended deadline (November 10) for ballots to be received by election officials, the Nevada Deputy Secretary for Elections expressed confidence that USPS delays would not be an issue within the state. To increase voter awareness and respond to fears <u>over mail ballot counting</u>, election officials focused on <u>local media</u> and social media engagement to disseminate accurate information. The state also released a <u>"fact vs. myth" voting information sheet</u>, and advertised <u>BallotTrax</u>, a tool to help voters track the status of their ballot.

There were other minor incidents that sparked voter confusion, but none that appeared to significantly alter the election. For example, in Washoe County, election officials <u>pushed back</u> the date when it would mail ballots to registered voters, because of issues with the county's printing vendor. Initially, mail-ballots were supposed to be sent to voters in Washoe County on September 23 or 24. However, Washoe County corrected that statement within 24 hours, and a spokesperson told reporters that ballots would not be shipped until October 3.

In addition, AB 4 permitted third-party ballot collection, but a handful of local organizations in Clark County <u>wrongly advertised</u> themselves as *official* ballot drop-off locations. <u>Official</u> ballot drop-off locations are staffed by election officials who scan the ballots as the voter turns them in to mark them as received. Third-party ballot collection, on the other hand, simply authorizes others to collect voters' ballots to deliver to an official entity. Turning in a ballot to a third-party collector does not guarantee that the ballot will be delivered to the state. To prevent confusion, Clark County Registrar Joe Gloria contacted the organizations to ensure they did not use the word "official" when collecting ballots. There was <u>no shortage</u> of mail-ballot drop-off locations in

Clark County, and ballots mailed to voters included a prepaid postage return envelope, further reducing any need to rely on third-party drop boxes.

#### B. Funding

For the June primary, state election officials received about <u>\$5 million</u> through federal Coronavirus Aid, Relief, and Economic Security (CARES) Act funding. They primarily used the funds to print the millions of ballots sent to voters. Initially, the Nevada secretary of state indicated that the November election would return to normal operations, including predominant in-person voting. An all-mail general election would have required <u>\$4 million to \$5 million more</u> than the state had in available funds at the time, she said. However, in August, state legislators approved a bill to <u>mail ballots</u> to all registered voters. Nevada's two largest counties, Clark County and Washoe County, also received grants from the <u>Center for Tech and</u> <u>Civic Life</u>, a group which supports modernizing election operations. The grants were intended to help states and counties operate polling stations safely, recruit poll workers, and distribute voter education material, among other things. The initial list of potential grant uses can be found <u>here</u>. Additionally, in September, Nevada lawmakers approved <u>\$52,000</u> for the Secretary of State office, which went partially towards hiring two temporary workers in the election office to handle the sharp increase in calls from voters.

# V. Post-Election Day

### A. The Vote Count

Nevada's general election vote count garnered national attention, as it was among the last of the battleground states to be called. Despite inspiring <u>memes ridiculing</u> the slow pace of Nevada's count procedure, the count was actually progressing <u>in accordance with state law</u> and at the expected pace. To ease the tension, Secretary of State Cegavske <u>issued a statement</u> on November 4 to clarify why the results had not yet been posted. Nevada law requires all ballots to be counted within nine days of Election Day. Officials had warned that it could take up to <u>ten</u> <u>days</u> to complete the count, emphasizing they prioritized accuracy over speed.

Nevada's count appeared to be delayed for multiple reasons. As explained above, mail ballots that were postmarked by November 3 but arrived through <u>November 10</u> were counted per state law. In addition, ballots with signature defects could be cured and counted through

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<u>November 12</u>. With a slim margin between Trump and Biden, all outstanding ballots were crucial in determining the ultimate winner of the state. Lastly, voters who registered in person during early voting or on Election Day had to cast provisional ballots, and their voter registration had to be verified before their votes could be counted.

By November 7, several national media outlets, such as the Associated Press and the New York Times, had independently <u>called</u> Nevada for Democrat Biden. On November 24, Nevada <u>certified</u> the results of the general election: President-Elect Biden won the state by a margin of <u>33,596</u> votes. Several Nevada Supreme Court justices <u>congratulated</u> Secretary of State Cegavske for running a smooth election with a 77.3% turnout rate.

#### B. Obstacles: Legal Challenges and Conspiracy Theories

Nevada Republicans and the Trump campaign began legally challenging Nevadas's general election processing and counting procedures as early as <u>October 23</u>. The last case was filed on November 17 to request a Nevada state district court certify the Nevada election results for President Trump. The most substantive challenges concerned the use of the Agilis brand automated signature-matching software and purported lack of ability to observe counting procedures. None of the cases resulted in the ordering of election officials to cease using the Agilis software. One case <u>ended</u> because of a stipulation in which Clark County <u>agreed</u> to expand access for poll observers. Despite that agreement, a subsequent lawsuit was filed <u>asking</u> for closer observation (among other things) which was ultimately <u>dismissed</u>. For a more detailed summary of each of the Arizona cases filed post-Election Day, and the disposition of each, read our Post-Election Litigation Analysis and Summaries <u>here</u>.

*Law v. Whitmer* terminated Trump supporters' chances at overturning the Nevada election. In the case, voters supporting Trump <u>sued</u> in Nevada's Carson City District Court (a state court district) to overturn the Nevada election entirely. As with prior cases, the *Law v. Whitmer* suit also claimed that use of the Agilis software used in Clark County allowed fraudulent ballots to be counted and should not have been relied upon to verify signatures. The plaintiffs asked the court to invalidate 130,000 votes because they had been verified by the Agilis system and not by a human. Other <u>claims</u> in the case included allegations that provisional ballots were not properly separated from other ballots and that the procedure for accepting provisional ballots "was rife with significant problems and irregularities;" that the State of Nevada conducted "voting drives" that gave various prizes, such as raffle tickets, to Native American communities to encourage them to vote; that the electronic voting machines used at in-person polling places were "inherently unreliable and susceptible to being electronically compromised" due to a

"shocking" lack of security; that at least 15,000 mail-in ballots were sent to voters who also voted in other states; and that there was a lack of meaningful and transparent observation of the counting process. The case was <u>dismissed</u> for failing to provide "credible and relevant evidence" to substantiate the claims. The Nevada Supreme Court <u>unanimously affirmed</u> the dismissal.

Many conspiracy theories that have been floated, questioning the legitimacy of the 2020 presidential election results have implicated Nevada, some of which made appearances in post-election litigation. For example, one <u>complaint</u> included allegations that 3,000 ineligible voters, some who were deceased, had cast ballots. Two law firms representing the Trump campaign <u>sent</u> a letter to U.S. Attorney General Bill Barr with the alleged list of the ineligible voters. Attorney General Barr later <u>declared</u> that the U.S. Department of Justice had not found evidence of widespread voter fraud that could change the outcome of the 2020 election.

Small discrepancies with a local race for a Clark County commission seat added fuel to the conspiracy fire. The local election appeared on the same ballot as the presidential race. President Trump later <u>tweeted</u> on November 16: "Big victory moments ago in the State of Nevada. The all Democrat County Commissioner race, on the same ballot as president, just thrown out because of large scale voter discrepancy. Clark County officials do not have confidence in their own election security. Major impact!" The <u>discrepancies</u> involved only 139 of the 153,000 ballots cast in the commissioner race, which ended with a 10-vote margin of victory, prompting a recount.<sup>7</sup> Clark County Registrar Joe Gloria did <u>identify</u> six people who were recorded as voting twice, but it was unclear if that was due to a mistake or fraud. When Clark County finished its <u>five-day recount</u> of the over 150,000 ballots, the 10-vote margin of victory for Democrat Ross Miller <u>increased to 30</u> over Republican Stavros Anthony.

As recently as December 17, President Trump <u>tweeted</u>: "Just released data shows many thousands of noncitizens voted in Nevada. They are totally ineligible to vote!" The tweet did not cite or link to the alleged data. There were numerous other conspiracies questioning the validity of the 2020 election in Nevada.<sup>8</sup>

<sup>&</sup>lt;sup>7</sup> The <u>last redo</u> leading to a special election happened in a 2018 Republican primary for the county commission where there was a four-vote margin.

<sup>&</sup>lt;sup>8</sup> See "The Clark County Commission just threw out an election that represents almost ½ of the total votes cast in Clark County because there were too many 'discrepancies' to be sure that the results in that election can be certain. 153K votes in this election." @AdamLaxalt, (November 16, 2020). "Votes were changed overnight using USBs in Nevada, of course the fake news media doesn't want to report on it because it proves voter fraud. We've got to audit this election now. Or none of our elections will ever count again." @iheartmindy, (December 19, 2020). "Previous Nevada voter fraud testimony matches Antrim County's forensic report perfectly; Now that

# VI. Conclusion

Nevada ultimately ran a safe and accessible election in November. By taking swift action to send registered voters mail-ballots in March to prepare for their June primary, and subsequently increasing the availability of in-person voting for the general election, Nevada was able to manage a record-high turnout despite the coronavirus pandemic. Not only did Nevada increase its turnout, but it also managed to lower the rate of mail-ballot rejections from June to November. And despite external complaints of counting delays, election officials completed the count within the anticipated and legally mandated time frame. As Nevada Supreme Court Justice James Hardesty <u>said</u> to Secretary of State Cegavske and her office during the certification of the Election, "They're to be congratulated for carrying out this extraordinary successful election."

we see what happened in Antrim County, Michigan, a previous witness statement in Nevada seems much more compelling," JD Rucker, NOQ Report (December 19, 2020)

<sup>&</sup>lt;u>https://noqreport.com/2020/12/19/previous-nevada-voter-fraud-testimony-matches-antrim-countys-forensic-report-perfectly/</u> (An immediate, rapid, comprehensive forensic audit must be performed on all Nevada voting machines. We need to see what was changed and by whom. This is one of the bombshells that's being missed by most, even Trump supporters.)."

NEVADA 2020: ELECTION ADMINISTRATION IN THE CORONAVIRUS PANDEMIC