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Republican Nat'l Comm. v. Dist. Ct., 138 Nev. Adv. Op. 88 (Dec. 29, 2022)

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NEVADA ELECTION LAW COMPLIANCE: THE COURT DEFERS TO THE
LEGISLATURE REGARDING ELECTION STATUTORY SCHEME

Summary

In a *per curiam* opinion, The Nevada Supreme Court denied the Republican National Committee's (RNC) emergency writ requesting mandatory statutory compliance by the Clark County Registrar. The Court found that the RNC incorrectly interpreted Nevada election statutes and failed to demonstrate a clear legal right to the requested relief.

Background

Clark County Registrar, Joe P. Gloria, hired temporary employees to verify mail ballot signatures. The employees consisted of twenty-three Democrats, eight Republicans, and thirty-three Nonpartisans. Six more Republicans were later hired. The RNC subsequently filed a petition asserting that the Clark County Registrar violated his duty under NRS 293B.360(2), requiring that special election boards members equally represent all political parties. Because the district court had yet to file a written order, the RNC sought emergency writ relief from the Nevada Supreme Court, requesting an order mandating Registrar compliance with the equal representation requirements under NRS 293B.360(2). The Court denied the petition, holding that the RNC failed to show a legal right to the requested relief.

Discussion

The Court analyzed whether the RNC satisfied their burden to demonstrate a clear legal right to mandate the County Registrar's compliance with NRS 293B.360(2). In doing so, the Court focused on the statutory language of NRS 293B.360(1), which states that the County Registrar "may create" any board deemed necessary "for the expeditious processing of ballots."² The Court determined that NRS 293B.360 did not require the County Registrar to create a board of signature verifiers. The Court also analyzed the language of NRS 293.269927, which specifically outlines the rules for mail ballot signature verification.³ The Court found that the Clark County Registrar was in compliance with NRS 293.269927, and that the statute does not require that a board verify signatures, nor does it require that individuals of differing political parties verify mail ballot signatures. In response to the RNC's argument that the Registrar did create an election board and thus must comply with statutory equal representation requirements under NRS 293B.360(2)⁴, the Court refused to read any such requirements into the statutory language.⁵ The Court deferred to the Legislature to establish mail ballot signature verification requirements.

Conclusion

The Court held that although the Registrar's board of signature verification employees satisfied the definitional statute of "election board", the definitional statute alone did not require

¹ By Savanna Bierne.

² NEV. REV. STAT. § 293B.360(1) (2022).

³ NEV. REV. STAT. § 293.269927 (2022).

⁴ NEV. REV. STAT. § 293B.302(2) (2022).

⁵ See generally *Williams v. State, Dep't Corr.*, 133 Nev. 594, 601, 402 P.3d 1260, 1265 (2017) (explaining that "the more specific statute will take precedence" over a general statute).

that that the board must comply with representation rules under NRS 293B.360(2). The Court held that the RNC failed to demonstrate a clear legal right to relief and denied the petition for mandatory compliance with NRS 293B.360(2).