

January 22, 2025

Washoe County Board of Commissioners,
Registrar of Voters Cari-Ann Burgess, and
Acting Registrar of Voters Andrew McDonald
1001 E. Ninth Street
Reno, Nevada 89512

RE: Complaint of errors and omissions in the 2024 general election

To the Board of Commissioners, Mrs. Burgess, and Mr. McDonald,

We, citizens of Washoe County, hereby submit this complaint of errors and omissions against the former Registrar of Voters Cari-Ann Burgess and current Registrar Andrew McDonald based on the following facts and events leading up to and including the 2024 general election.

This is a complaint against county employees, who happen to be the former and current Registrar of Voters, regarding their individual performances.

This complaint involves matters of local concern pursuant to NRS 244.164, which states “the board of county commissioners may create the office of registrar of voters;” and Washoe County Code 5.451, which states “...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;” and Article 4 Section 20 of the Nevada Constitution, which states an enumerated right for “Regulating county and township business.”

This complaint is not an election violation, nor a contest of an election, nor a demand for recount or audit of results.

Outline of Complaint Points:

- 1) Power outage on Veteran’s Day, no backup
- 2) Arbitrary change to COOP
- 3) Lapses in physical and electronic security, ADA accommodations
- 4) Irregular sample ballot printing, standard ballot error
- 5) Inferior signature verification process
- 6) Abnormally high rate of signature acceptance
- 7) Vote tampering, suppression of error
- 8) Restored true vote cast, suppression of EIVR alleging error
- 9) Unclean voter rolls, ballots mailed to inactive voters
- 10) Voters forced to vote a provisional ballot, delay, culprits, glitch
- 11) Ballots not cured/tallied, failure to deliver the true vote cast
- 12) Damaging the public’s trust, Burgess in hindsight
- 13) Modern Day ballot stuffing, late counting
- 14) Testimony inconsistent with the truth
- 15) Abdicating authority, violation of county rights
- 16) Closing; Demand and Privacy Request

The facts and statements contained herein are true and accurate to the best of our ability.

Complaint Points

ONE

Power Outage on Veteran's Day and No Backup

The backup generator did not activate when the power went out for 2 ½ hours on November 11, 2024, Veteran's Day, according to Andrew McDonald in his canvass presentation to the Board of Commissioners (the "Board") on Friday, November 15, 2024, causing a hiatus in ballot processing. View at time 02:02:35 in this Washoe County Channel video: <https://www.youtube.com/watch?v=4oawjkxZMkw&t=12261s>

Mr. McDonald failed to mention that the backup generator did not deploy nor why. He didn't state if any data was lost or not.

Attached to this complaint is an email from Oscar Williams to the Board from July 25, 2024, regarding the need to update the county's Continuity of Operations Plan to specify use of the backup generator in case of power loss at the county facility. Courtesy copies were sent to Janis Galassini, Eric Brown, Francisco Aguilar, and Cari-Ann Burgess.

County Spokesperson Bethany Drysdale memorialized the benefit of the backup generator as quoted in the *Reno Gazette-Journal*, November 1, 2024:¹

“...what we do if the power goes down,” Drysdale said. “We do have a massive generator on site in case something like that happens.”

The fact that the power went out and the backup generator did not deploy is simply inexcusable under the circumstances. But it gets worse. The redundant backup generator did not activate either.

According to a video gathered by Pamela Sorenson, November 11, 2024, the generator company was seen re-attaching the mobile generator to the county facility that they were told to detach earlier in the day: (Video evidence available upon request.)

Sorenson: Can I ask you, like, what's going on?

Worker #1: The power's out. And we're the generator company. We disconnected the generator today 'cause they thought we were all good. Like, we just closed everything up. And they said, power went out. So, we got the troops. So, we're hooking it back up.

The Election Management System and all components were rebooted after the power went out. The action of rebooting resets settings, temporary caches are flushed, and patches and updates

¹ <https://www.rgj.com/story/news/politics/elections/2024/11/01/washoe-county-deploys-panic-buttons-at-election-sites-for-first-time/75954111007/>

are installed. Each of these issues represents a vulnerability to the security of the election system and should be thoroughly investigated in light of the evidence presented in this Complaint.

The responsibility to avoid disruptions is Mr. McDonald's. He was less than transparent, however, when he omitted mention of the backup power systems that didn't work in their time of need.

McDonald's actions appear duplicitous and untruthful and should be scrutinized.

The efficacy of paying for backup generators that don't work should be evaluated, too.

TWO

Arbitrary change to Continuity of Operations Plan

A scanner or ballot workstation was moved out of the central processing facility to 250 S. Rock during early voting. According to George Guthrie from the Registrar's office, in response to a recent information request:

“Scanner 11 (named ICC Workstation 11 - ImageFORMULA DR-G2140) was transported to the ROV's warehouse for emergency use in the scenario the Central Counting Place at the County Complex becomes inoperable.”

There is no plan or provision in the Continuity of Operations Plan (COOP) that directs the ROV to remove a needed ballot scanner or workstation from the central counting facility.

If there was a known or anticipated dilemma that warranted moving one scanner or workstation to the warehouse such concern was never articulated by the Registrar of Voters. But in fact, no dilemma or emergency occurred.

Whatever fear motivated Mr. McDonald to act in an arbitrary manner in the movement of equipment, affecting the processing of ballots and counting of votes, goes to his poor performance and judgement.

THREE

Lapses in Physical and Electronic Security

“I'm concerned that having access to their personal county account and login on the signature verification workstation while verifying the signatures in the Total Vote system and removing laptops used to process mail ballots and signatures off the processing floor has compromised the security of the election,” said Briana Foroszowski to the Board, November 15, 2024.

“The ROV does not meet the standard government requirements for a secure processing facility,” said Brian McMahon to the Board, November 15, 2024. Mr. McMahon worked for the Dept of Defense for 34-years. His last role was as chief engineer for a secure computing facility.

Short list of security issues identified by the members of the public to the Board:

- a. County laptops taken home;
- b. Thumb drives: i) transfers between computers, ii) a poll mgr. non-compliant, iii) unsecured thumb drives on processing room floor;
- c. Sole signature verifiers;
- d. No processing room auditor on site;
- e. 3rd parties handling ballots;
- f. Logic & Accuracy testing teams comprised of temporary agency hires;
- g. Failure to properly secure the central processing facility and also 250 S. Rock;
- h. No signal protection in and around secure areas, internet-connected laptops and cell phones in close proximity to tabulators and servers;
- i. Known Exploited Vulnerabilities Catalog by CISA.gov: <https://www.cisa.gov/known-exploited-vulnerabilities-catalog>.

No ADA Line at the County Facility

An observer at the vote center at county offices, named Janet Butcher, noted there was no dedicated line or adequate staff as required for Americans with Disabilities and the Aged pursuant to NRS 293.2955 and NRS 293C.281, which state:

1. (b) Either:

(1) The polling place must have a separate line for voters with disabilities or who are not physically able to wait in line to vote. Voters in this separate line must be allowed to vote before any voter who is not disabled and is physically able to wait in line to vote; or

(2) An election board officer at the polling place must allow voters with disabilities or who are not physically able to wait in line to move to the front of the line of voters waiting to vote.

The no ADA line issue may seem minor in the scheme of things, but it adds to the overall poor performance of Andrew McDonald and members of his staff.

Each of the issues above are significant by themselves, representing a dereliction in the security of the election and accommodations for the elderly and disabled. Further investigation is necessary to determine if any of these issues had a material effect on results.

FOUR

Irregular Sample Ballot Printing

The 2024 general election saw a dramatic change in how sample ballots are prepared and as to the information they contain. Historically, the sample ballot mimicked the real ballot so voters could be well informed as they headed to the polls. This also enabled voters to cast their ballot in a timely manner and not waste time making up their minds at the last minute. The sample ballot was detachable from the booklet and looked and felt like a real ballot but for the watermark as shown here:

OFFICIAL / OFICIAL
GENERAL ELECTION SAMPLE BALLOT / PAPELETA ELECTORAL DE MUESTRA ELECCIÓN GENERAL
WASHOE COUNTY, NEVADA / WASHOE COUNTY, NEVADA
NOVEMBER 8, 2022 / 8 DE NOVIEMBRE DEL 2022

INSTRUCTIONS TO VOTERS:

- Use black or blue ink pen. DO NOT use a felt-tip pen. Mark your choices in each contest or question by completely filling in the oval to the right of each of your ballot choices.
- If you make a mistake or change your mind while voting this ballot, DO NOT use correction fluid or tape. Simply cross out the name of the candidate or question you do not wish to vote for and completely fill in the oval to the right of the candidate or question you do want to vote for.
- Do not sign your ballot, if signed your ballot will not be counted.

**INSTRUCCIONES PARA LOS VOTANTES:**

- Utilice una pluma de tinta negra o azul. NO use un marcador. Marque sus elecciones en cada contienda o pregunta llenando completamente el ovalo a la derecha de cada una de sus opciones en la boleta.
- Si se equivoca o cambia de opinion mientras vota en esta boleta, NO utilice corrector liquido ni en cinta. Solo debe tachar el nombre del candidato o la pregunta por los que no desea votar y rellenar completamente el ovalo a la derecha del candidato o la pregunta por los que desea votar.
- No firme su boleta, si firma su boleta no se contara.

FEDERAL OFFICES OFICINAS FEDERALES	STATEWIDE PARTISAN OFFICES OFICINAS ESTATALES PARTIDISTAS	COUNTY PARTISAN OFFICES OFICINAS PARTIDISTAS DEL CONDADO
UNITED STATES SENATE Six (6) Year Term / VOTE FOR ONE SENADOR DE LOS ESTADOS UNIDOS Período de Seis Años / VOTE POR UNO	STATE TREASURER Four (4) Year Term / VOTE FOR ONE TESORERO DEL ESTADO Período de Cuatro Años / VOTE POR UNO	COUNTY RECORDER Four (4) Year Term / VOTE FOR ONE REGISTRADOR DEL CONDADO Período de Cuatro Años / VOTE POR UNO
CORTEZ MASTO, CATHERINE DEM ☐	CONINE, ZACH DEM ☐	WORK, KALIE DEM ☐
LAXALT, ADAM PAUL REP ☐	ELLIOTT, BRYAN LPN ☐	COUNTY TREASURER Four (4) Year Term / VOTE FOR ONE TESORERO DEL CONDADO Período de Cuatro Años / VOTE POR UNO
LINDEMANN, BARRY NPP ☐	FIORE, MICHELE REP ☐	
RUBINSON, BARRY IAP ☐	HENDRICKSON, MARGARET IAP ☐	
SCOTT, NEIL LPN ☐	NONE OF THESE CANDIDATES ☐	TAYLOR, JUSTIN REP ☐
NONE OF THESE CANDIDATES ☐	STATE CONTROLLER Four (4) Year Term / VOTE FOR ONE CONTROLADOR DEL ESTADO Período de Cuatro Años / VOTE POR UNO	STATEWIDE NONPARTISAN OFFICES OFICINAS ESTATALES NO PARTIDISTAS
UNITED STATES REPRESENTATIVE IN CONGRESS, DISTRICT 2 Two (2) Year Term / VOTE FOR ONE REPRESENTANTE EN EL DISTRITO 2 DEL CONGRESO Período de Dos Años / VOTE POR UNO	MATTHEWS, ANDY REP ☐	JUSTICE OF THE SUPREME COURT, SEAT A Six (6) Year Term / VOTE FOR ONE CORTE SUPREMA DE JUSTICIA ESCAÑO A Período de Seis Años / VOTE POR UNO
	PROFETA, JED W. LPN ☐	
	SPIEGEL, ELLEN DEM ☐	
AMODEI, MARK E. REP ☐	NONE OF THESE CANDIDATES ☐	BELL, LINDA NP ☐
BABER, DARRYL LPN ☐	ATTORNEY GENERAL Four (4) Year Term / VOTE FOR ONE	NONE OF THESE CANDIDATES ☐

The redesigned sample ballot of the 2024 general election is generic in form and not detachable.

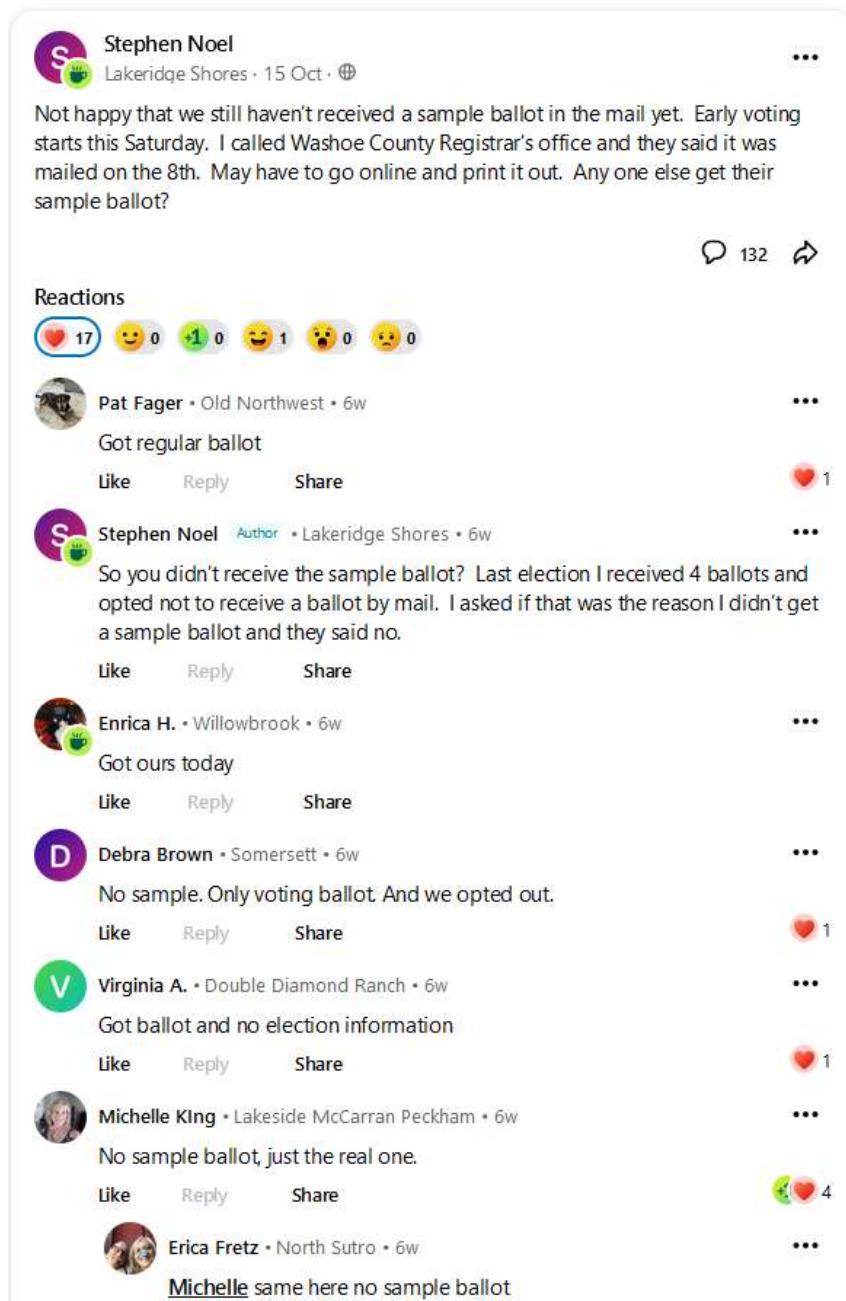
The races shown on the 2024 sample ballot are not related to a voter's individual choices.

This disenfranchises candidates and their constituents.

This is also a source of great confusion among voters who seek accurate knowledge to aid them in their choice of candidate or question.

Voters are entitled, pursuant to NRS 293.2546 (7), "To a sample ballot which is accurate, informative and delivered in a timely manner as provided by law."

Not only was the 2024 general election sample ballot not accurate, it was not delivered in a timely manner. Here is a screenshot from Nextdoor.com of people lamenting the late sample ballot delivery:



Standard Ballot Printing Error

“Friends of mine I know, who live in the City of Sparks, didn’t have my race on their ballot and couldn’t vote for me,” said Jesse Kalter, a candidate for Sparks Municipal Court judge, to the Board, November 15, 2024.

Candidates and voters are entitled to an accurate ballot pursuant to NRS 293.2546:

1. To receive and cast a ballot that:

- (a) Is written in a format that allows the clear identification of candidates; and
- (b) Accurately records the voter's preference in the selection of candidates.

Mr. McDonald did not mention any such ballot errors in his November 15, 2024 canvass testimony before the Board.

FIVE

Inferior Signature Verification

The rubber-tipped stylus used to check-in at the polls creates a fat line that is compared to a thin line from a fine tip stylus or ballpoint pen used on a voter's original registration application form by an election worker. This mismatch impedes the accuracy and speed of signature verification.

A failed signature at the polls caused voters to a) update their signature, and b) vote a provisional ballot, or c) be denied a ballot.

“I could not, for the life of me, get to that point of matching my signature to that. After about a half-a-dozen tries I came close and the gal there, very nice, said, oh, that's your new signature,” complained Bruce Foster to the Board, November 15, 2024.

Addie Vetter testified to the Board that “every single signature that we verified was verified by one person.”

Sole signature verifiers allow for bias, corruption or coercion, mistake, or incompetence by the verifier.

We believe the errors in signature verification were forced by Mr. McDonald, based on Ms. Vetter's additional testimony from November 15, 2024, that “we have a great data sample size to use from this entire election so that we can implement “ASV” for future elections for Washoe County.” “ASV” refers to automatic signature verification.

Hence, it appears we've just experienced a simulation for data creation for future automation.

Ballots not counted and potentially illegal ones counted as a result of an inferior signature verification process, as illustrated herein, is malpractice on behalf of Mr. McDonald and members of his staff.

SIX

Abnormally High Rate of Signature Acceptance

“Jeff is up to 48 signatures a minute... Names clearly did not match: Ann on top, Polly on bottom. Could not read last names because he was going so fast. The only ones he did not accept was when the signature was not even there,” according to observer Pamela Sorenson in an EIVR filed with the county and state from November 11, 2024.

The rate of acceptance of ballots by the worker named Jeff that was observed by Ms. Sorenson is unacceptably high.

Workers who verify signatures are held to a standard of training, competency, and accuracy. Regarding accuracy pursuant to NAC 293.336 (2) and NAC 293C.515 (2):

“If the county clerk finds that an employee has an irregular acceptance or rejection rate, the county clerk must retrain the employee or prohibit the employee from checking signatures on mail ballots.”

Did Mr. McDonald not notice the behavior of the ‘anything goes’ election worker who verified signatures at a surprising rate?

Removal of stringent signature verification techniques is an avenue for forgery and ballot box stuffing. Such practice by Mr. McDonald and staff is inexcusable.

In addition, Pamela Sorenson, an observer at Central Processing, witnessed a worker verifying signatures and needing assistance to use the equipment. Allegedly, the equipment vendor’s representative showed the worker how to close the signature image box in the software.

Mr. McDonald is required to hire and maintain a competent staff pursuant to NRS 293B.225 and NRS 293B.360. Apparently, he failed to do so.

SEVEN

Vote Tampering

In *United States v. Saylor*, 322 U.S. 385, 386 (1944), the U.S. Supreme Court ruled that the Constitution grants voters “the right and privilege... to have their expressions of choice given full value and effect by not having their votes impaired, lessened, diminished, diluted and destroyed by fictitious ballots fraudulently cast and counted, recorded, returned, and certified.”

“What we can report today is that Republican Senate Candidate Sam Brown was ahead of Democrat Jacky Rosen until his votes ‘mysteriously’ started disappearing,” wrote Joe Hoft at JoeHoft.com.²

In the race for U.S. Senate between Sam Brown and Jackie Rosen, evidence published on JoeHoft.com shows that Washoe County saw 549 total votes and Clark County saw 28,320 total votes deleted from Brown between November 7 and 8, helping to put Rosen in the lead.

Votes being deleted goes to a nefarious act someone has committed, or a cyber-attack, or malicious code.

The Secretary of State, however, has suggested the errors found in Clark County and Washoe County were the result of mistaken manual copy-and-paste of data.³

² <https://joeoft.com/breaking-exclusive-we-caught-them-evidence-nevada-gop-senate-candidate-sam-brown-stolen/>

³ <https://thenevadaglobe.com/articles/exclusive-nv-sos-updates-nv-gop-on-data-discrepancy-found-in-election-reports/>

“Mistaken” is arguable for the vote deletion seems deliberate. The errors were discovered by the public and would have otherwise gone undetected. The issue needs to be investigated further.

Mr. McDonald did not note the deletion and restitution of 549 votes in the U.S. Senate race in his November 15, 2024 canvass testimony to the Board, and possibly he should have pursuant to NRS 293.387, which states:

2. In making its canvass, the board shall:
 - (a) Note separately any clerical errors discovered; and
 - (b) Take account of the changes resulting from the discovery, so that the result declared represents the true vote cast.

Mr. McDonald did not a) note the error(s) discovered, nor did he b) take account of the changes and present the true vote cast.

Instead, McDonald suppressed the information.

On Nov. 15, 2024, McDonald testified: “We ran a fair, accurate, secure, and transparent election.”

Mr. McDonald prides himself on transparency while failing to disclose pertinent facts and as required by law.

EIGHT

Restored True Vote Cast

Mr. Robert Beadles presented to the Board, the Secretary of State, and numerous others with an Election Integrity Violation Report (EIVR) on the morning of November 15, 2024, that implicated the election management system and modes of implementation of the system that control our elections. Included in that report, and as posted online at Mr. Beadles’ OperationSunlight.com, is Ed Solomon’s mathematical analysis of the 2024 general election. On page 14 of the abridged version of Solomon’s report, he offers the following restored results:⁴

Trump’s Total increased by 21,354 and Kamala’s Total decreased by 21,354. Brown’s Total increased by 21,649 and Rosen’s Total decreased by 21,649.

Mr. Solomon’s work is specific, logical, and accurate until proven otherwise. In *People ex Rel. Chamberlin v. Trustees of Schools*, 97 Ill. 627, 632 (1881), “a failure to deny material facts well pleaded is an admission of their truth.”

Mr. McDonald has not responded to Mr. Beadles at the time of the filing of this Complaint.

Suppression of EIVR Alleging Result Error

Mr. Robert Beadles filed his EIVR hours before the Board’s canvass meeting of November 15, 2024, but that complaint was not referenced by Mr. McDonald though it should have been

⁴ https://operationsunlight.com/wp-content/uploads/2024/11/Nevada__2020_2024__Updated_Reduced_Version.pdf

pursuant to NRS 293.387. But again, McDonald did not a) note the error(s) discovered, nor did he b) take account of the changes and present the true vote cast.

The Nevada Supreme Court has described gross negligence as an “indifference to present legal duty . . . [an] utter forgetfulness of legal obligations so far as other persons may be affected.” *Hart v. Kline*, 61 Nev. 96 (1941).

Mr. McDonald’s failure to apprise the Board of the ‘discovered’ changes to the vote as required pursuant to NRS 293.387 is gross negligence, requiring disciplinary action by the Board of Commissioners.

NINE

Unclean Voter Rolls, Ballots Mailed to Inactive Voters

Here is a sampling of public comments from the November 15, 2024 meeting of the Board, regarding unclean voter rolls:

“We have people on our voter rolls who haven’t lived in Nevada for ten years and they’re still on our voter rolls,” Bruce Parks said.

“My friend’s dad got three official ballots in his name to his house,” Jesse Kalter said.

“When I owned it, they were my tenants. They moved out-of-state three years ago. I still got ballots for them,” Victoria Meyer said.

“We now have two voter ID numbers. People who got two ballots, were they able to vote on both voter ID numbers? This needs to be investigated,” Yolanda Knaak said.

48 addresses in Washoe County are alleged to be bogus as stated in a lawsuit filed by Public Interest Legal Foundation against the ROV, as printed in *The Nevada Globe*, August 26, 2024.⁵

11,000 noncitizens were allegedly on the state’s active voter list as of September 2024, as printed in the *New York Post*, September 13, 2024.⁶

Former Registrar of Voters Cari-Ann Burgess has admitted to not removing inactive voters as required per federal law. According to *The Nevada Globe*, November 15, 2024, this resulted in tens of thousands of ballots mailed out to inactive voters:⁷

“...nearly 29,000 registered voters were not designated as inactive as per the deadline established by federal statute (90 days prior to

⁵ <https://thenevadaglobe.com/articles/election-integrity-group-announces-clark-county-has-removed-commercial-addresses-from-voter-rolls/>

⁶ <https://nypost.com/2024/09/13/us-news/11k-noncitizen-registered-voters-could-tip-the-presidential-race-in-nevada-gop-lawsuit/>

⁷ <https://thenevadaglobe.com/articles/washoe-county-commissioner-mike-clark-cites-conflict-of-interest-abstains-from-certifying-2024-election/>

an election). Therefore, nearly 29,000 ballots were mailed to inactive voters.”

Allowing inactive voters to receive a mail ballot contributes to ballot stuffing and appears to be a coordinated effort in this instance.

Cari-Ann Burgess was the ROV and Andrew McDonald was the Deputy ROV when ballots and envelopes were being prepared and NVease.gov opened for expanded UOCAVA voting, which includes disabled and Tribal voters.

Burgess and McDonald are responsible for keeping voters rolls clean and up-to-date but failed, causing mail ballots to be sent out to inactive voters as a result.

TEN

Voters Forced to Vote a Provisional Ballot Due to Errors

The numbers of provisional ballots cast and counted in Washoe County has fluctuated wildly since 2020 as follows: (2020 and 2022 EAV Surveys and McDonald’s 2024 election summary)

	<u>2020</u>	<u>2022</u>		<u>2024</u>	
Ttl Provisional	5173	1913	-63%	8695	+355%
Provisional Counted	4179	1550	-63%	5874	+279%
as of 11/12/24					

Slow Ballot Processing Culprit

Mr. McDonald admitted to the *Reno Gazette-Journal*, as printed November 6, 2024:⁸

“...the county still has 45,000 ballots to be processed over the next few days, including 1,458 ballots that still need to be cured and 6,895 provisional ballots to be approved.”

A high number of mail ballots were adjudicated: 6,352.⁹

Allegedly, thousands of ballots were uncured and not canvassed due to the heavy post-election workload when the Nov. 12th cutoff date came and went.

And likely, the 2 ½ hour hiatus in ballot processing on Nov. 11, caused by the backup generator not deploying, contributed to the numbers of ballots not being cured, or canvassed, and not counted.

VREMS Culprit

Mrs. Burgess explained the issue to *ProPublica*:¹⁰

⁸ <https://www.rgj.com/story/news/politics/elections/2024/11/06/washoe-county-registrar-reports-roughly-45000-ballots-to-be-processed/76099686007/>
⁹ <https://thenevadaglobe.com/articles/washoe-county-commissioner-mike-clark-cites-conflict-of-interest-abstains-from-certifying-2024-election/>
¹⁰ <https://www.propublica.org/article/nevada-voter-registration-election-management-system-concerns>

Burgess said testing of the new system revealed errors affecting tens of thousands of voters in Washoe County, including voters assigned to the wrong precincts and active voters labeled as inactive or vice versa... She also said the new system lacks safeguards meant to keep noncitizens off the voter rolls.

The errors that drove people to cast a provisional ballot may be partly attributed to the recent migration to the VREMS registration system.

However, rather than ensuring the system was accurate and secure, Mr. McDonald negligently forged ahead.

The Updated Signature Glitch

The signature cards that were forced on voters by the Secretary of State caused voters to become disenfranchised when their vote histories were deleted and they had to cast a provisional ballot, or be denied a ballot.

“That postcard was scanned and actually deleted their signature. They had no signature on file. This was more than one person. That caused their ballot to have to be cured,” according to Debbie Hudgens in public comment to the Board, November 15, 2024.

“By updating my husband’s and my email address, it turned us into same day registration. ... the employee admitted that there was a flaw in the system that flagged our ballots to same day registration,” according to Robin Lovelace in comment to the Board, same day.

The 2024 general election was plagued by voters being denied casting their standard ballot because of missing voter histories, signatures that didn’t match, unwanted change to party affiliation caused by Automatic Voter Registration, and possibly others, and then being offered a provisional ballot to be canvassed and tallied post-election.

The error or two in the system that forced voters to cast a provisional ballot was not noted by Mr. McDonald in his November 15, 2024 canvass testimony.

These issues amount to a suppression of voters and a lack of candor to the Board on the part of Andrew McDonald.

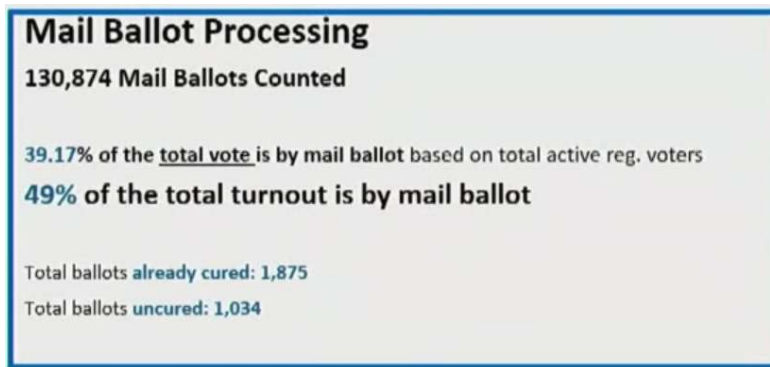
ELEVEN

Ballots Not Cured/Tallied, Failure to Deliver the True Vote Cast

A mail ballot can be waiting to-be-cured, cured and counted, or rejected.

A provisional ballot can be waiting to-be-canvassed, accepted and counted, or rejected.

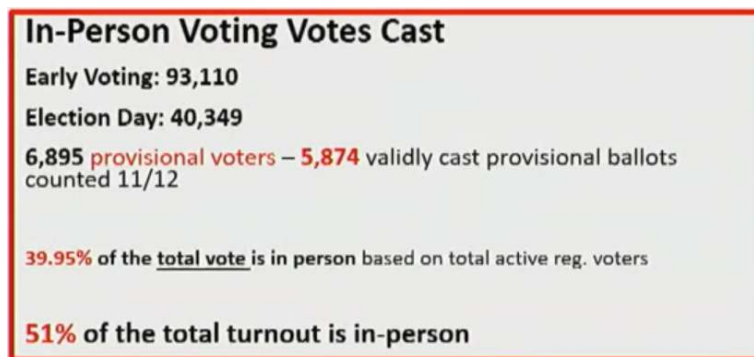
1,034 mail ballots were not cured or counted, according to Mr. McDonald in this slide from his canvass presentation to the Board on November 15, 2024:



Mr. McDonald, during his canvass testimony, stated that the November 12th deadline to count all votes resulted in uncured ballots, as shown above, not that the ballots were rejected.

McDonald's explanation as to why 1,034 to-be-cured mail ballots were not counted was that signatures were not verified. Why the signatures were not verified is unclear and open to interpretation. For example, if no attempt was made to contact the voter, or an attempt was made but not reciprocated by the voter and then time ran out to further pursue the voter. Those scenarios are very different from a voter whose ballot is rejected because of a fraudulent or missing signature.

Additionally, 1,021 provisional ballots were not counted ($6,895 - 5,874 = 1,021$) by the November 12 deadline.



The canvassing of provisional ballots is required pursuant to NRS 293.5877.

Similar but different to the uncured mail ballots, Mr. McDonald does not state that the provisional ballots were rejected. He does not state non-residency or non-citizenship as reasons for rejection. He merely offers that some provisional ballots were not validly cast, leaving open to interpretation as to why that is or was?

The canvassing of ballots and their voters can involve various methods, including door-to-door visits. Hence, canvassing can be labor intensive. The 2024 general had a high number of mail ballots and provisional ballots being processed post-election. (*Id.*, RGJ from 11/6/24) The situation begs the question: Is the reason that the office of Registrar of Voters could not complete the task because of inadequate hiring, training, and/or the inexperience of workers? McDonald, however, does not cite staffing as a reason for not curing, canvassing, and counting all ballots.

Ballots not cured or canvassed in a timely manner is a failure to deliver the true vote cast pursuant to NRS 293.387.

With an incomplete and inaccurate tally presented to them by McDonald, the Board's ability to certify in good conscience was hampered.

Un-cured mail ballots and provisional ballots that are not canvassed thwarts the will of those electors:

NRS 293.127 Liberal construction of title and determination of real will of electors.

1. This title must be liberally construed to the end that:

(c) The real will of the electors is not defeated by any informality or by failure substantially to comply with the provisions of this title with respect to the giving of any notice or the conducting of an election or certifying the results thereof.

The Registrar of Voters is required to count all votes:

NRS 293.370 Procedure for completion of tally lists. When all the votes have been counted, the counting board officers shall produce a tally list organized by precinct and ballot type indicating the number of votes that each candidate received. The votes for and against any question submitted to the electors must be entered in the same manner.

Ballots not being tallied under these circumstances amounts to a failure to adhere to NRS 293.5877 and NRS 293.370, an obstruction of the duty of the Board pursuant to NRS 293.387, and obstruction of the voter's will pursuant to NRS 293.127.

TWELVE

Damaging the Public's Trust

Many people have reported their ballot as received but not counted several days post-election. For the sake of brevity, here is a poignant quote from the November 15, 2024 meeting of the Board:

"Golly, the election is over and I don't even know if my ballot is counted," Edwin Nelson said.

That issue and the others mentioned throughout this Complaint have created mistrust. Here are additional relevant comments from the November 15, 2024 meeting of the Board:

"I can tell you by the comments today and my observations and reading, there's no way an independent CPA would certify this election. These issues need to be resolved," Cheryl Parino, an auditor/CPA, said.

“I too am a trained CPA with a very large CPA firm. Indeed, these internal controls, the failure of the internal controls are a serious concern,” Cynthia Perine said.

The issues presented in this Complaint are a source of anxiety going forward:

“I am very concerned that these problems are going to disenfranchise future candidates that can do great stuff for this county,” candidate Jesse Kalter said.

“These concerns warrant a complete review of signature verification on all mail-in ballots envelopes and a hand recount of all ballots to ensure the results of this election were secure and accurate,” observer Briana Foroszowski said.

Many voters suffered because their ballot was not received, or their ballot was shown as received but not counted and they didn’t know the status of their ballot until November 15.

A voter has no recourse if their ballot is not counted by November 12, which is the cutoff to count all ballots, because final disposition of their ballot is not known until November 15, giving them no time to correct or cure.

Andrew McDonald must be held responsible for his incompetence and performance in general which have damaged the public’s trust.

Burgess in Hindsight

Cari-Ann Burgess is largely responsible for rebuilding the office of Registrar of Voters that about a year ago County Manager Eric Brown suggested, “Take it down to the studs and start over.”¹¹ Mrs. Burgess did just that.

However, Eric Brown recently wrote a letter to Burgess, regarding her performance: “You have been insubordinate, and your ability to competently carry out your duties is in question.” As quoted in *ProPublica*; link in footnote 2.

In the *ProPublica* article, Burgess noted errors in the system and expressed a desire to do things right: “she sought the job of registrar to help restore voter confidence in elections.” That is commendable but the opposite has occurred, voter confidence has waned.

And, Burgess’ leave put the office of the Registrar of Voters into the hands of Mr. McDonald, who was appointed by Eric Brown. The timeliness of Burgess’ leave forced the Board to rely on McDonald to act as Registrar of Voters without going through a stringent vetting process.

We have yet to learn the truth in the Burgess-Brown situation. Though clearly, there is blame to go around and the image of the offices of the Registrar of Voters and County Manager are tarnished by it.

¹¹ <https://www.rgj.com/story/news/politics/elections/2024/07/11/washoe-county-primary-recount-supreme-court/74368418007/>

THIRTEEN

Modern Day Ballot Stuffing

We believe that mailed ballots improperly sent to inactive voters and to bogus addresses were counted in a sophisticated act, or the enabling of an act, of ballot stuffing. Ballot stuffing is the act of excess ballots being inserted into an election.

Cliff Nellis offered written and public comment to the Board, November 15, 2024, stating that “a witness that saw a large number of boxes brought into the vote center from the parking garage late Wednesday afternoon.” Mr. Nellis later clarified that the boxes were delivered earlier in the day as opposed to late in the day but did not know of an exact time.

Drew Ribar spoke with an election worker named Will on Nov. 11th who stated he worked at the warehouse and that “the only ones that got brought over there and they were supposed to be dropped off here, and I actually grabbed ‘em and took [my bag] over. They were sealed.”¹²

Mr. Ribar met again with Will on Nov. 12th when Will stated, “they literally went from her hand to my hand and straight here. And they were sealed and [rolled] up.”¹³

Additionally, roughly 29,000 ballots were mailed to inactive voters. It is unknown how many of those ballots were cast and counted.

At face value, it appears there was a coordinated effort to stuff illegitimate ballots into the system.

Mr. McDonald has denied the allegations of ballot stuffing, claiming that no ballots were surreptitiously entered into the tally, the scanner at 250 S. Rock remained dormant, and that only accepted and/or valid ballots were processed. (See Guthrie’s reply to information request.)

Late Counting of Ballots

Penny Brock commented to the Board, November 15, 2024, that “...they were still counting ballots yesterday,” after the November 12 cutoff date, allegedly.

Counting past the November 12 cutoff date is prohibited pursuant to NRS 293.269927.

On multiple issues, Mr. McDonald’s testimony is inconsistent with the facts or the facts are in question.

To assuage public concerns of ballot stuffing, further investigation is warranted.

FOURTEEN

Testimony Inconsistent with the Truth

Mr. McDonald from the November 15, 2024 Board meeting @01:55:57 in the YouTube video:

¹² Ribar video approximately @ 5:30: <https://www.youtube.com/watch?v=jqmcE2frpdM&t=1s>

¹³ Ribar video approximately @ 6:25: <https://www.youtube.com/watch?v=jqmcE2frpdM&t=1s>

“All validly cast ballots were counted. There were no errors or omissions in this election. No voters were disenfranchised. We ran a fair, accurate, secure, and transparent election.”

That statement by Mr. McDonald is inconsistent with information contained in this complaint as follows:

- Tally error in Brown-Rosen race corrected;
- Reformed results of Trump-Harris and Brown-Rosen ignored;
- Ballots mailed to inactive voters were cast and counted;
- Sample ballot errors and a change of form;
- Standard ballot printing errors;
- Acceptance of wrong signatures, errant verifier not removed;
- Provisional ballots forced on voters due to systemic errors;
- Incomplete counting of mail and provisional ballots due to staffing and time limits.

McDonald’s lack of candor regarding the discovery of errors and their correction or not is a form of suppression of information, possibly in violation of NRS 293.387 and NRS 281A.400.

Coupled with his other omissions, such as the lack of backup power, glitches that forced voters to cast a provisional ballot, and running out of time to cure mail ballots or canvass provisional ballots, an appearance of impropriety arises.

McDonald’s suppression of information and omissions impacts the Board of Commissioners’ ability to ask questions and know that the vote tally is accurate and true.

McDonald’s suppression of information and omissions affects voters, too, by creating mistrust in the system and/or the people controlling the system. Such voters are more likely to not vote because they believe their vote does not count. This is the essence of voter disenfranchisement, the result of which represents a breakdown of democracy.

To restore public confidence in the office of Registrar of Voters there needs to be real transparency for which an investigation must occur.

FIFTEEN

Abdicating Authority, Violation of County Rights

Mr. McDonald from the November 15, 2024, Board meeting @01:53:18:

“The Secretary of State himself, Mr. Aguilar and close advisors, we thank you for all your effort and support. Many of his staff assisted with the day-to-day operations, getting us through tight deadlines. We truly couldn’t have accomplished this without him and his staff.”

Mr. McDonald abdicated his authority when he allowed the Secretary of State and his staff to be immersed in Washoe County’s general election.

The involvement in Washoe County’s general election by the Secretary, an executive of state government, violates county rights to conduct and self-regulate county and township races pursuant to Nev. Const. art. 4 § 20.

It is particularly concerning that the Secretary and members of his staff are Democrats, pursuing their top-down election mission. And that some of Francisco Aguilar’s campaign contributors include Jonathon and Robert Soros, wealthy left-wing activists, but Aguilar and company were still allowed to assist in the day-to-day operations.

Contributor	Date	Amount	Type	Recipient	Report
Jonathan Soros	6/22/2022	\$5,000.00	Monetary Contribution	Francisco Aguilar	2022 CE Report 2
Jonathan Soros	3/22/2022	\$5,000.00	Monetary Contribution	Francisco Aguilar	2022 CE Report 1 (Amended)
Robert Soros	10/27/2022	\$5,000.00	Monetary Contribution	Francisco Aguilar	2022 CE Report 4 (Amended)

“Nevada has a compelling state interest in promoting ethical government and guarding the public from biased decision makers,”
Nevada Commission on Ethics v. Carrigan, 564 U.S. 117 (2011).

In addition to the support provided by the Secretary and his staff, many other hires, some from other county departments who volunteered, played important roles during the election. However, a full list of workers, their pay, and their duties is not public knowledge. We don’t know who tests the equipment, if they are a staff member or temporary hire. It is not known if all paid or volunteer workers received the required training to fulfill their role properly. Party affiliation of all workers is not known.

These issues add to an appearance of impropriety on behalf of Andrew McDonald.

CLOSING

The importance of one’s vote cannot be overstated.

As the United States Supreme Court has profoundly ruled in *Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886), elections are “preservative of all rights.”

Every qualified voter has a right to have an accurate and fair election and to have their votes included in the results.

However, as explained herein, the 2024 general election in Washoe County may not have been accurate or fair. Intentional or not, gross errors exist in the modes of implementation of multiple parts of the 2024 general. And, proof exists that the certified results of Trump-Harris and Brown-Rosen are false, which has been ignored, along with many other issues buried under the rug by Andrew McDonald.

Mrs. Burgess and Mr. McDonald, in their official capacity, are required to perform the duties of their office “with the utmost integrity, transparency, and accountability” per their mission statement.¹⁴

¹⁴ <https://www.washoecounty.gov/voters/index.php>

Mrs. Burgess admitted to her clerical oversight regarding ballots mailed to inactive voters and has stepped aside, but is not officially terminated.

Mr. McDonald, having engaged in the numerous acts outlined in the Complaint Points, has not shown integrity nor full competence in the performance of his duties. He even abdicated his authority to the Secretary in violation of county rights. He is currently a candidate for full status as the official Registrar of Voters.

In so doing, Mrs. Burgess and Mr. McDonald have betrayed the trust of the people of Nevada and reduced public confidence in the office of the Registrar of Voters, thereby bringing disrepute on Washoe County and the administration of elections by the county commission.

Wherefore, we, the undersigned, have no confidence in the Washoe County Registrar of Voters nor the results of the 2024 general election they conducted. We believe we are not alone in our concerns among the voting population. The situation portends to have a chilling effect on participation and representation going forward because if people don't trust the system, they're less likely to engage in it and will become disenfranchised, including potential candidates.

When individuals who are in the public's trust engage in acts that damage the public's trust, for whatever reason, they must be held accountable.

DEMAND and PRIVACY REQUEST

Consistent with the powers of the Board, based on the facts and statements herein, we demand commissioners protect voter rights and the true vote cast through permanent dismissal of Mrs. Burgess and suspension of Mr. McDonald and other staff members to be named.

We further demand commissioners summon and impanel a jury to investigate these individuals for their actions that may be in contravention of the laws of Nevada and their obligations in elections to the people of Washoe County, pursuant to the Board's enumerated rights in Article 4 Section 20 of the Nevada Constitution.

Finally, this Complaint is sent by postal mail with certified receipt and by email with receipt. Please, direct replies and inquiries to:

Please, for the sake of our privacy, redact names and contact information when sharing this complaint with third parties that are not your legal counsel.

We, the undersigned, hereby submit this complaint on this day, January 22, 2025.

SIGNATURE

NAME AND ADDRESS

SIGNATURE

NAME AND ADDRESS

SIGNATURE

NAME AND ADDRESS

SIGNATURE

NAME AND ADDRESS

SIGNATURE

NAME AND ADDRESS

Cc: Janis Galassini, Eric Brown, Mark Robison, Jeadon Young, Victor Joecks, Megan Barth, Chuck Muth, John Tsarpalas

Attached: Williams email to Washoe County re: Deficiencies in COOP, Jul. 25, 2024

George Guthrie's response to Williams' information request, Jan. 9, 2025